

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, HELD NOVEMBER 5, 2009 AT 7:00 P.M. IN THE TOWN COUNCIL CHAMBERS.

Mayor Smith called the Regular Meeting to order at 7:00 p.m. Roll call was taken as follows:

<u>ROLL CALL:</u>	<u>Present</u>	<u>Absent</u>		<u>Present</u>	<u>Absent</u>
Mayor Luke Smith	<u>X</u>	___	Stephanie Irwin	<u>X</u>	___
Vice Mayor Rich Crockett	<u>X</u>	___	Kim Webb	<u>X</u>	___
Woody Biscoe	<u>X</u>	___	Leslee Wessel	<u>X</u>	___
Norris Dodd	<u>X</u>	___			

STAFF PRESENT:

L. Kelly Udall, Town Manager; Rosemary Rosales, Town Attorney; Lu Anne Frost, Town Clerk; Susan Stein, Deputy Town Clerk; Paul Esparza, Community Development Director; Brian McCabe, Town Planner; Tom Thomas, Public Works Director; and Sherwood Eldredge, Chief of Police.

ITEM NO. 2, PLEDGE OF ALLEGIANCE AND INVOCATION:

The Pledge of Allegiance was said, followed with an invocation by Vice Mayor Crockett.

ITEM NO. 3, CALL TO THE PUBLIC:

Mayor Smith explained the rules for Call to the Public.

Jim Beck stated during the past 18 months, they have seen business people struggle, and said they are hoping to attract local holiday shoppers. He said to help stimulate sales and beautify the 260 corridor, they have come before the Council with a proposal. He added their proposal comes in the spirit of cooperation to help make the Town be all it can be. He stated several civic groups have united to heighten the flavor of the holiday; and named the Alliance for Sensible Advancement and Progress (ASAP), People’s Vision Committee (PVC), Main Street, Pinetop-Lakeside Chamber of Commerce, Pinetop-Lakeside Advertising and Promotion Committee, TRACKS, and Navopache Electric as contributors to the endeavor. He said all expenses and equipment have been provided for by ASAP, Navopache Electric and private donations. Mr. Beck said the theme will be cohesive and unified, and said five large trees will be lighted and decorated. He said the trees are located in front of Mountain Mutts, Pinetop Lodge, Kabuki’s, Charlie Clarks and the Nine Pines Motel. He said these business owners have approved the proposal. He said all businesses along the corridor would be encouraged to light their buildings so the Town could sparkle; and said lights will be provided at no charge. He stated ASAP has purchased 62 holiday wreaths to place on 31 telephone poles. He said they would like to provide the Town with two larger wreaths to be placed on the entry signs to create a festive holiday atmosphere to help bring Town together while bringing sales to the business community. He added the project has been fully funded and said Navopache Electric is providing a boom truck. He said they are seeking the Town’s blessing and said they are hoping for a few man hours to hang decorations. Councilwoman Wessel stated she would be willing to volunteer to help put

the decorations and lights up. Mayor Smith asked when they plan to do the decorating. Mr. Beck stated they first have to obtain approval from frontier Communications and said they will move forward as soon as they can after Thanksgiving. Dennis Hughes stated they are grateful for the opportunity. He stated on November 21, NEC will provide a bucket truck, fuel and employees to prepare the lights to be turned on November 28. He said Carla Bowen is doing the legwork on the wreaths. He said they are working with frontier. He said ASAP has been looking for an opportunity like this and said a festive appearance will turn into a successful holiday shopping season. Councilman Biscoe asked if the streets could be swept. Mr. Udall confirmed. Councilman Biscoe stated they would like to clean up the weeds around the trees. Ms. Bowen stated Burly Bear can get the wreaths for cost, approximately \$20 each; and said they need help putting ribbons on them. She stated the Town has to do something to get the focus on White Mountain Blvd. Councilman Dodd asked if they are accepting donations. Mr. Hughes stated they have enough to do what they plan, but said there is always room for more. He asked Councilman Dodd to call him. Mayor Smith stated Town staff would assist in any way they are needed. Mr. Udall stated they are honored to assist and to be a partner in this endeavor. Councilman Biscoe said to contact him if they need more volunteers. Vice Mayor Crockett echoed what Mr. Udall said and added the Council would be honored to be a part of this project.

ITEM NO. 4, CONSENT AGENDA:

The consent agenda consisted of the Minutes of the Joint Study Session of October 7, 2009; and the Work Session and Regular Meeting Minutes of October 15, 2009.

**VICE MAYOR CROCKETT MOVED THE COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. COUNCILMAN DODD SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

ITEM NO. 5, STAFF PRESENTATION ON THE MIXED USE CONCEPT:

Mayor Smith stated there was a presentation during the work session and asked if anyone else had additional questions. Councilman Biscoe stated he does not think they should put a cap on the height and said individual plans should be reviewed as they come forward. He said he does not want to lose a business because of a height restriction. Mayor Smith asked where the 35 foot limit is in the Code. Paul Esparza stated each zoning district has a height restriction; and said some height limit should be included. He said if a proposed height exceeded the limit; it could possibly come before the Council. Mayor Smith asked if that would be different from a variance. Mr. Esparza stated he would explore that. Mayor Smith asked if some variances are for physical limitations the developer cannot overcome, and asked if building heights would be considered. Mr. Esparza stated they need to be careful in justifying variances. Councilwoman Wessel stated overlay districts have different requirements and said they would need to come up with language to allow that to happen. Mr. Esparza stated they could look at other communities to determine what the threshold might be. Councilman Dodd stated they could put that on the table to create incentives for developers. Mayor Smith asked if an overlay district is requested or if the Town can apply an overlay to parcels. Mr. Esparza stated they could decide what the boundaries of the node are and apply it to those areas. Mayor Smith asked if that would require Council action. Mr. Esparza stated the node overlays would need to be approved by the Council. Mayor Smith asked if the enactment of those overlay districts would be subject to referendum. Rosemary Rosales stated if it is administrative, it is not subject to referendum; but said zoning is

legislative, and could be subject to referendum. Councilman Dodd asked if the overlay districts would be included in the General Plan's Land Use Map. Ms. Rosales stated all of those things would be looked at by the public. Councilman Biscoe stated he is concerned if a developer wants to build something outside of the parameters, he would not want lose the opportunity. Councilwoman Wessel stated they have the option of using the underlying zoning or they could request to change their property. Mr. Esparza stated it would be driven by the developer. Mayor Smith stated they must be cautious when presenting this to the public, so it is not misconstrued. Ms. Bowen asked if municipalities' height restrictions are subject to County requirements. The response was no. She stated the County is limited on what they can grant and asked if the Town is subject to the same statutes. Ms. Rosales stated the Town has to follow the Town Code. Ms. Bowen asked if the Town could grant a variance for other reasons than a hardship. Ms. Rosales stated it would depend on the Code. Mr. Udall said if the Council desires, they can bring this back at a later date. He said the next step would be to bring it to the Planning and Zoning Commission. He said there is no timetable. Councilman Dodd asked if this will be included as they assemble the General Plan. Mayor Smith said he would like to see that happen.

**ITEM NO. 6, COUNCIL DECISION REQUEST FOR AN EXTENSION OF THE FINAL PLAT APPROVAL FOR THE PINWOOD SUBDIVISION:**

Mr. Esparza stated the project is located on Buck Springs Road. He said the Council approved the final plat on January 17, 2008 and the developer was granted a one-year extension on November 20, 2008. He said the current economic conditions are forcing the developer to request a one-year extension to preserve the final plat approval and to secure financial assurances for the subdivision project. Dave Cutshaw stated they have secured an extension on the financing for two years and said they are requesting a one-year extension. Mayor Smith asked if a one-year extension is going to be enough. Mr. Cutshaw stated two years would be great, as their bank has granted a two-year extension with an option of a one-year extension after that to ride this economy out. He stated it is a viable project based on the location and type of project. Vice Mayor Crockett asked if the Council could extend to the same deadline. Ms. Rosales stated they could. Councilman Biscoe stated the Council should follow suit with the bank. Mayor Smith suggested they extend the final plat approval for two years; and said if the developer needed more time after that, he could come back to the Council to request an additional extension.

**COUNCILMAN BISCOE MOVED TO APPROVE A TWO YEAR EXTENSION OF THE FINAL PLAT APPROVAL FOR THE PINWOOD SUBDIVISION IN ORDER FOR THE DEVELOPER TO SECURE FINANCIAL ASSURANCES FOR THE PROJECT. VICE MAYOR CROCKETT SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

**ITEM NO. 7, RESOLUTION NO. 09-1082 AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR PLANNING ASSISTANCE FOR RURAL AREA (PARA) PROGRAM FUNDS:**

Tom Thomas stated this grant would extend the existing PARA grant. He said the grant would provide funds to improve access management for businesses, pedestrian safety and focus on the school district area. He thanked the Council and staff for participating in the surveys. He said other projects and studies done to date will help with this project. He said they feel this plan will

be a very comprehensive multi-modal and non-motorized transportation master plan. Councilman Dodd asked, if funded, when they expect completion and asked if this project would be incorporated into the General Plan. Mr. Thomas stated they plan to add this as a Circulation Element to the General Plan. Councilwoman Wessel asked if there is any match by the Town. Mr. Thomas stated there would be no cost to the Town.

**VICE MAYOR CROCKETT MOVED TO APPROVE RESOLUTION NO. 09-1082 AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR PLANNING ASSISTANCE FOR RURAL AREA (PARA) PROGRAM FUNDS. COUNCILMAN DODD SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

ITEM NO. 8, RESOLUTION NO. 09-1083 EXPRESSING SUPPORT OF THE CATALYST PAPER COMPANY, SNOWFLAKE MILL, AND URGING THE U. S. SENATE AND HOUSE OF REPRESENTATIVES TO REVERSE A RECENT I.R.S. DECISION AND ENSURE THAT THE EXISTING BLACK LIQUOR TAX CREDIT IS REPEALED AS SCHEDULED:

Mr. Udall stated a similar resolution was adopted by the Council recently and said it was forwarded to Representative Ann Kirkpatrick. He said since that time, the I.R.S. has come up with an even more liberal tax credit, and said it now provides double the opportunity. He said the black liquor by-product can be reused as fuel with a little diesel fuel added; and said those paper mills can qualify for a tax credit. He stated the Snowflake Mill uses recycled paper; therefore it does not have the same opportunity for the tax credit. He said all communities in the region are looking at similar resolutions.

**VICE MAYOR CROCKETT MOVED TO APPROVE RESOLUTION NO. 09-1083 EXPRESSING SUPPORT OF THE CATALYST PAPER COMPANY, SNOWFLAKE MILL, AND URGING THE U. S. SENATE AND HOUSE OF REPRESENTATIVES TO REVERSE A RECENT I.R.S. DECISION AND ENSURE THAT THE EXISTING BLACK LIQUOR TAX CREDIT IS REPEALED AS SCHEDULED. COUNCILWOMAN WESSEL SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

ITEM NO. 9, CURRENT EVENTS BY TOWN MANAGER:

Mr. Udall stated the Town has saved approximately \$5,000 since the schedule changed to 4/10's, and said this amount should increase during the winter. Vice Mayor Crockett asked if there has been any feedback. Mr. Udall stated the percentage of people who favor the new hours is very high. He stated the Library is still being closely monitored. He stated the 3<sup>rd</sup> Annual Trunk or Treat was held on October 31<sup>st</sup> and said approximately 2,000 individuals attended. He thanked the staff and community members for their participation. He said the Youth Football League finals were hosted by Blue Ridge Schools. He added the annual Christmas Tree Lighting would be held on December 5. He said the Capitol Christmas Tree would be at Woodland Road and Johnson Lane at 8:00 a.m. on November 10. He said the streets would be blocked off, and said there will be a brief program. Councilman Dodd asked if the schools will be involved. Mr. Udall and Mayor Smith stated they would. He said the Christmas Tree Restaurant would provide refreshments. He said winter hours are in effect at the Park, from official sunrise to official sunset. He stated the Lakeside Streetscape Enhancement Project has been awarded to AJP

Electrical by the ADOT Board. He said they put a winter stop on the project, but would start in the spring. He added the Town would review the lighting before it is finalized. He said staff is preparing for the snow season; and said the Parks and Recreation crew is cross-training to plow snow, which is necessitated by the budget. He said an update on the budget would be on an upcoming agenda. He stated the next GPAC meeting is scheduled for November 17 at 1:30 p.m. in the Council Chambers. He stated the Planning and Zoning Commission forwarded a recommendation for approval of the General Plan Land Use Map amendment and the zone change for the Town- owned property on Woodland Road. He stated this would be coming to the Council on December 3. He said the Library, through donations, was able to have a deep cleaning; and said everyone is very appreciative of the donors. He added the *Town Citizen* is out, and said copies are at the Chamber, Library, Town Hall and on the Town's website. He said this is an outstanding issue. He said the Mayor and he met with Representative Konopnicki, who is very concerned with the financial situation in the State. He said there was not a lot of good news and the challenges ahead are tremendous, but said they sent a clear message with him to the State Legislature to forget about partisanship and to get the job done. Mayor Smith stated Representative Konopnicki is very cognizant of the Town's needs. Mr. Udall stated the Town received an appropriation to assist with the Billy Creek Bridge design and has received a "trax" number from the State. He noted the design engineering services contract will be coming before the Council for consideration in the near future.

The regular meeting was adjourned at 7:58 p.m.

Dated this 12th day of November 2009.

PINETOP-LAKESIDE TOWN COUNCIL

/s/ Lu Anne Frost, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Pinetop-Lakeside, Arizona, held on the 5th day of November 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of November 2009.

/s/ Lu Anne Frost, Town Clerk