

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, HELD MAY 6, 2010 AT 7:00 P.M. IN THE TOWN COUNCIL CHAMBERS.

Mayor Smith called the Regular Meeting to order at 7:08 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>	<u> </u>	Stephanie Irwin	<u> </u>	<u>X</u>
Vice Mayor Rich Crockett	<u>X</u>	<u> </u>	Kim Webb	<u>X</u>	<u> </u>
Woody Biscoe	<u>X</u>	<u> </u>	Leslee Wessel	<u>X</u>	<u> </u>
Norris Dodd	<u>X</u>	<u> </u>			

STAFF PRESENT:

Kelly Udall, Town Manager; Jack Barker, Attorney; Lu Anne Frost, Town Clerk; Paul Esparza, Community Development 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.

Mike Haupt thanked the Town for cleaning the streets and sidewalks.

Chris Kengla stated he thinks a farmers market might be an asset to the community, if it is truly a farmers market and has local produce. He said he does not believe they need a swap meet environment on White Mountain Blvd., but said the festivals add an ambiance and leisure to the community. He said locals, as well as tourists, enjoy these events.

Paul Allen stated he has been in the tourist industry in this area for a long time. He said it is easy for a Town, County, State or Federal Government to stick their fingers in everyday life. He said if a system is in place that is working, then do not mess with it. He said if they have a special event coordinator that is taking care of things and bringing them to the Town, let that person do their job and take the burden off the Town. He said too much intrusion by any government is burdensome for the business community; and said they need to embrace tourism and streamline the process as much as possible.

ITEM NO. 4, CONSENT AGENDA:

The consent agenda consisted of Minutes of the Work Session, Regular Meeting, and Executive Session of April 15, 2010; Resolution No. 10-1118 to Submit an Energy Efficiency and Conservation Block Competitive Grant Application to the Arizona Department of Commerce Energy Office; Resolution No. 10-1119 declaring that document known as "Town Code Chapter

17.108 Sign Regulations” to be a Public Record; and Resolution No. 10-1120 declaring that document known as “Town Code Chapter 5.12 Special Events” to be a Public Record.

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

ITEM NO. 5, RECOGNITION OF THE MAYOR’S YOUTH ADVISORY COMMITTEE:

Mayor Smith stated this item would be postponed to a later date.

ITEM NO. 6, MAYOR’S PROCLAMATION OF MAY 15, 2010 AS PEACE OFFICERS’ MEMORIAL DAY AND THE WEEK OF MAY 9-15, 2010 AS POLICE WEEK:

Mayor Smith proclaimed May 15, 2010 as Peace Officers’ Memorial Day and the Week of May 9-15, 2010 as Police Week.

ITEM NO. 7, MAYOR’S PROCLAMATION OF MAY 18, 2010 AS THE PINETOP LION’S CLUB 50TH ANNIVERSARY:

Vice Mayor Crockett proclaimed May 18, 2010 as the 50th Anniversary of the Pinetop-Lion’s Club on behalf of Mayor Luke Smith.

ITEM NO. 8, MAYOR’S PROCLAMATION OF THE WEEK OF MAY 2-8, 2010 AS MUNICIPAL CLERKS WEEK:

Councilwoman Wessel proclaimed the week of May 2-8, 2010 as Municipal Clerks Week on behalf of Mayor Luke Smith.

ITEM NO. 9, COUNCIL DECISION REQUEST TO APPOINT AN INDIVIDUAL TO FILL A TWO-YEAR TERM ON THE TOWN AUDIT COMMITTEE:

Kent Brooksby stated the Town Audit Committee was formed three years ago for the purpose of receiving and investigating the merits of any charges of fraud or other financial misappropriations by Town staff, as well as providing oversight of the Town’s annual audit. He stated three members serve two year terms on the Committee. He said one member is a member of the Town Council, preferably with a strong financial background; while the other two members are citizens of the Town, also with strong financial backgrounds. He said the current members of the Committee are Stephanie Irwin, CPA, a member of the Council; Amy Lackey, Manager of BBVA Bank; and John Bremer, CPA, of Positive Change CPA. He said Mr. Bremer has been serving on the Committee for the last two years, and said his term expired on April 30. He stated they have received letters of interest from Mr. Bremer and Robert Pender, and said copies of the letters are contained in the Council packets. Councilman Dodd asked if they could appoint both applicants to the Audit Committee. Mr. Brooksby stated he felt there would not be a problem. Councilwoman Wessel asked if there would be any problem having an even number on the Committee, in the case of a tie breaker vote. Mr. Brooksby stated there have not been allegations to date.

COUNCILMAN DODD MOVED TO APPOINT BOTH JOHN BREMER AND ROBERT PENDER TO TWO-YEAR TERMS ON THE TOWN AUDIT COMMITTEE, WITH SAID TERMS TO EXPIRE APRIL 30, 2012. COUNCILMAN BISCOE SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 10, RESOLUTION NO. 10-1121 ADOPTING AN AGREEMENT BETWEEN THE TOWN OF PINETOP-LAKESIDE AND THE CONCHO FARMERS' MARKET, INC:

Kelly Udall stated this is an agreement between the Town and Concho Farmers' Market, Inc., which is an Arizona 501(c)(6) non-profit corporation. He said the purpose is to create a regional farmers market, and said this would be a true farmers market where the items sold would be items raised by the farmer vendors. He said there would be no resale allowed. He said the Town would act as the landowner in this agreement, and would co-sponsor the event. He said the proposed location is the Mountain Meadow Recreation Complex, in the southern end of the paved parking lot. He said the agreement would begin on May 19 and end on October 27. He said the event would be held every Wednesday, during that time frame, from 2:30 p.m. to 6:30 p.m. He said they would include food items and two artisans, who would only be permitted to sell items that are unique crafts or items they make by hand. He said the goods raised and sold are proposed to be produced within a 100 mile radius of the Town. He stated he provided the Council with a map showing a 50, 75 and 100 mile radius.

Lorraine Wiesen, representing the Concho Farmers' Market, Inc., stated she is a farmer in the Concho area, and said they would like to partner with the Town for one year. She stated they hope the farmers market would continue as its own entity after that time. Mayor Smith asked how long they have been operating. Ms. Wiesen stated they would be starting their sixth season this Saturday, but said they have only been incorporated for one year. Vice Mayor Crockett asked if the artisans would be local. Ms. Weisen stated everyone would be a local producer. Councilman Dodd stated a lot of people have put a lot of effort into this agreement in order to make it work for everyone, and not be in competition with the brick and mortar businesses. Councilwoman Wessel asked who comprises the Pinetop-Lakeside Farmers' Market Committee. Ms. Wiesen stated it is currently an informal committee, and said the Town would appoint someone to sit on that committee. She stated the people involved so far are herself and Roy Ledford, as well as a couple of citizens. Councilwoman Wessel asked if they are associated with the farmers market in Show Low. Ms. Wiesen stated she is not affiliated with that market at all. Councilman Biscoe asked why they want a 100 mile radius. Ms. Wiesen stated they wanted to include people in the growing area of the White Mountain communities, but said they did not want to include people from Tucson or the Valley. Councilman Biscoe asked how many vendors they expect on any given Wednesday. Ms. Wiesen stated it is hard to anticipate as they have not established this market or advertised for vendors yet. She stated they would have a proposal for the event area that would include room for approximately 23, and said her guess is they would start with considerably less than that. She said no decisions have been made yet. Councilman Biscoe asked what other Towns they do their market in. Ms. Wiesen stated Concho is the only other community this organization has a market in. Councilman Biscoe stated he is concerned with the number of vendors and possible competition with the locals, and asked if they would accept a 25 vendor cap. Ms. Wiesen stated it is hard for her to say, but said she expects maybe six farmers to start and a few vendors. She said they may have ten to start if they are lucky, and said they hope to increase through the season. She said if they hit twenty she would be surprised. Councilman Biscoe asked what product the artisans would be making. Ms. Wiesen stated she

does not have anyone interested right now, but said they would make things like handmade soap, Alpaca sweaters, pottery; or anything else that is handmade. Mayor Smith stated after they complete a season, they could see what the numbers are. Ms. Wiesen stated it is hard to project what they might see. She said she has done the farmers market in Flagstaff. She said two years ago they might have had 15 vendors to start, and said that is a well established market. She stated they limit who the vendors can be, and said she does not expect anywhere near 50. Mayor Smith stated he is very excited about this project, and said he thinks it would be very unique.

COUNCILWOMAN WESSEL MOVED TO APPROVE RESOLUTION NO. 10-1121 ADOPTING AN AGREEMENT BETWEEN THE TOWN AND THE CONCHO FARMERS' MARKET, INC. COUNCILMAN DODD SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 11, ORDINANCE NO. 10-338 REPEALING "TOWN CODE CHAPTER 17.108 SIGN REGULATIONS AND ADOPTING NEW TOWN CODE CHAPTER 17.108 SIGN REGULATIONS":

Cody Blake stated the Planning & Zoning Commission recommends striking the "Community Event" definition in Section 17.108.020. He stated Paul Esparza included information on that recommendation in his staff report, which he said is contained in the Council packet. He said the Commission proposed adding language for sign walkers, who are people holding signs or wearing corporate costumes like Little Caesars. He stated the State of Arizona enacted a law allowing sign walkers. He stated they can be regulated, and said they attempted to do that by including them in the portable sign definition, which would require a temporary sign permit. He said in Section 17.108.050, they increased the number of flags allowed to be displayed from three to five. He said they made a provision for businesses or homeowners to display additional flags on major holidays. Councilman Biscoe stated the businesses are comfortable with three flags. He said if each business puts out 5 flags that would be 5,000 flags; and said along with the banners and A-frames, it would be very cluttered. He said the consensus was to leave it as is, and said if people want to put out additional flags on Memorial, Labor Day and July 4 that would be allowed. He said he feels it is just a loophole around the banner law. Mayor Smith confirmed the flags would have to be official government jurisdiction flags. He said he thinks having the number at five is good for someone who wants to recognize the Country, State and Armed Services Organizations by flying different flags. Vice Mayor Crockett stated he feels they should be allowed to fly as many flags as they want, and said Section 17.108.050(2) should be stricken from the Code. He said it is about being patriotic and showing respect for the Country and those who have fought for the Country. Councilwoman Wessel stated she did not see flying three flags as a problem. Mr. Blake stated they have had complaints from business owners, around the holidays, who want to display a number of flags, and being told they must remove them. Councilwoman Wessel asked what it is they want to do. Mr. Blake stated the one he could think of was flying 40 American Flags around the 4th of July. Councilman Dodd stated he agreed with Vice Mayor Crockett, and said he does not know how much of an issue this would be, particularly if confined to the holidays. Councilman Biscoe asked if they are regulating the size of the flags. Vice Mayor Crockett stated he feels it is regulating the U.S. Flag, and said he does not see how they can do that. Councilman Biscoe stated they made McDonald's remove all the flags they had on their restaurant. Mr. Esparza stated he does not recall, but said there was a time when McDonald's was asked to remove a certain number of flags. He said the concern was the proper display of the American Flag, and said they thought it was being used for commercial

purposes to draw attention to the business. Councilman Dodd stated they should include flags must be flown in the proper manner, and said those guidelines are widely available. Vice Mayor Crockett pointed out Section 17.108.050(4) reads that flags shall be displayed according to Federal U.S. Flag regulations.

Mr. Blake stated they propose to strike Section 17.108.060(6), which he said is another reference to community events. He said the Commission recommended adding language that colors shall be consistent with those found on the Design Guidelines poster to Section 17.108.070(A). He stated they received a letter from Mountain Mutts expressing concern as they have a green sign with white lettering that does not necessarily fall under the guidelines. Councilwoman Wessel asked if there is a nice looking, professionally made A-frame currently being used and they adopt a change to the Code, would there be any grandfathering provisions for those signs already being used. Mr. Blake stated the Commission recommended a two-year allowance to conform to the guidelines. Vice Mayor Crockett stated they had skipped over Section 17.108.060 (8), which reads political signs, must be removed within 5 days. He stated he believed that would be received well by most people. He asked if a corporation, such as McDonald's or Safeway, had specific corporate colors or designs, are they saying they cannot have that design. Mr. Blake stated they cannot regulate corporate symbols. Vice Mayor Crockett confirmed they cannot regulate corporate, but can regulate other businesses. Mr. Blake confirmed. Councilman Biscoe asked why they would regulate a small business and not a big business. Mr. Blake stated that was the recommendation from the Planning & Zoning Commission. Councilwoman Wessel stated they have been gradually trying to get the community to follow the Design Theme board, and said bright neon colors have not been allowed. She asked if corporate is allowed to use those colors. Mr. Blake stated they cannot regulate corporate logos, and said if it is their trademark corporate logo like the bright yellow in McDonald's, he said they cannot tell them to change their logo. He stated this was designed mostly for monument signs. He stated the Commission wanted to add "all" so this would also apply to the temporary signs. He stated under the current temporary sign regulations, there is no color regulation. He stated the building and height could be regulated, but said the signs cannot be regulated. Councilman Biscoe clarified his business is a corporation, and said therefore they cannot regulate his colors. Jack Barker stated he thinks they can regulate corporate colors. He said the signs do not look like a normal McDonald's in places like Sedona or Telluride. He said they have the ability to regulate corporate colors, and said they just have to enforce it. Vice Mayor Crockett asked why they would want to regulate them. He said they know them for what they are.

Mr. Blake stated in Section 17.108.070(B) they changed the building code designation from "uniform" to "international." He stated a lot of companies and sign manufacturers are going to LED lighting versus standard wattage bulbs. He said he researched lumens so they could include the wattage or lumens in order to regulate the sign illumination. He stated Section 17.108.070(D)(4) states "all signs shall permanently display the sign permit number and year of issuance." He said this specifically refers to temporary signs, and said it is a tool to help staff regulate the signs. Mayor Smith asked if it relates to monument signs also. Mr. Esparza stated this is applicable to all signs. He said when they issue a sign permit, the sign would display the permit number and the date of issue. Mayor Smith asked if that is something the Town would provide to the sign owner. Mr. Esparza stated the Town would need to issue the decal. Councilwoman Wessel suggested the number could be applied by the sign maker, rather than the Town having to pay for the cost of the decals. Vice Mayor Crockett asked why they would need

to know when a permanent monument sign permit was issued and what the permit number was. Mr. Blake stated this was a recommendation from the Commission.

Mr. Blake stated they clarified the measurement for sign setbacks in Section 17.108.120(5). Vice Mayor Crockett stated that would create a lot of work for staff.

Mr. Blake stated the Sign Committee, which consisted of members of the Council, Planning & Zoning Commission, and citizens; felt the 100 day temporary sign limit was a nightmare to track. He said the Committee decided to remove the 100 day limit and go to an unlimited number of days. He stated they also added that signs must be placed on the ground. He stated a single banner cannot be in place for more than thirty consecutive days, with a minimum of sixty days between the same banner usage. He stated once a banner has been up for 90-days it can look worn, and said by implementing this change, it makes the business change the signage. He said a banner is more of an advertisement tool and not a permanent sign. He stated a business should only be allowed one temporary sign at a time, except for restaurants, because they have daily specials that change on a regular basis. Mr. Blake went over the changes to the permitted temporary sign table. He stated they added a provision for signage based on the linear footage of the building. He stated all temporary signs shall be preapproved for design and manufactured to a professional quality. He stated there are several signs in the community that are hand made. Councilman Biscoe stated they need examples people can look at, to know if their sign would pass. Mayor Smith stated they could make it the practice of staff to use those standards. Councilwoman Wessel asked if the Design Theme Board made things easier for the Community Development Department. Mr. Esparza replied that it did. Councilwoman Wessel suggested they do something similar for the temporary A-frame signs, and said they could have several examples of what is acceptable. Mr. Esparza stated they could attach information to the permit application.

Mr. Blake stated the Commission suggested allowing corporate banner signs, provided the corporate logo does not exceed 20% of the sign field. He stated restaurants, in particular, get banners for free from vendors that include a corporate logo. Councilman Biscoe stated they had seen some examples with a 20% logo, and said they looked good. Mr. Blake stated the business can tell the corporation what they want on the banners. Mr. Blake stated they have added language that no objects, such as balloons, may be attached to temporary signs. He said under “enforcement,” they have changed compliance to three days, and said once a second violation has occurred, the Town reserves the right to confiscate the sign, revoke the permit fee, and cite the violator for failure to comply with the Code. He said in order for them to receive another temporary sign permit, the applicant would be required to post another temporary sign permit fee. He said they struck the monetary penalties; and said they clarified the language in the “penalties” section.

Vice Mayor Crockett referred to Section 17.108.040(11), and asked if the sign has to be removed within 30 days, or if it is either/or. Mr. Blake stated the verbiage on the sign has to be removed. Mayor Smith stated the idea was if a sign were inverted, people would know the business was closed. He stated if they remove the plastic then the light tubes show, and said that is worse than looking at an inverted sign. Vice Mayor Crockett stated some signs have been inverted for a long time. He said if it is a case of a landlord owning a complex, they could go to that person and indicate the vinyl needs to be removed. Councilman Biscoe suggested giving them a certain period of time to replace or strip the vinyl.

Councilwoman Wessel said it makes more sense to have the business logo on the banner, rather than a corporate logo. Mr. Blake stated corporate logos have not been allowed on banners up to now. She stated she would prefer not to have the corporate logo on the banners.

Jim Snitzer stated when staff makes a recommendation different from the Commission recommendation it is a good thing to have Commission representation. He stated a community event is any event sponsored by the Town, Main Street, the Chamber, or the Blue Ridge School District, that does not have to go through the permit process. He said they would not be required to obtain a permit because they are considered a duly constituted government entity; and said any event the Town sponsored would also fall under that. He said that was the Planning & Zoning Commission's reason for removing that section. He stated they wanted to require the permit number on temporary signs to make it easier for staff. He stated legislating aesthetics is very difficult. He said the design guidelines are already in effect for permanent signs, and said they felt applying those for temporary signs would be consistent. He stated non-profit organizations use sponsor provided banners quite often for promotions.

Councilman Dodd asked Mr. Esparza why he felt it was problematic to eliminate the community event portion of the proposed Code. Mr. Esparza stated he feels they should define what a community event is. He stated he had an opportunity to call other communities, and read the Payson code: "Temporary signs on any property for events of a general Town-wide, civic, or public benefit, community events, or Town sponsored events, so long as they receive permission from the Town prior to placing the sign. The total sign area does not exceed 64 square feet, but can be larger with approval of the director. The signs do not block or impede roadways, bike paths, trails, sidewalks or any other right-of-way designated for travel by the public. The signs are removed within three days after the event." He said that language is fairly simple and defines a community event. He said he feels there should be some reference to community events. Councilman Dodd asked if it was the Planning & Zoning Commission's intent that everyone plays by the same set of rules. Mr. Esparza stated that is exactly what their intent was. He said if there is a provision under signs not requiring a permit, they would have some idea on how to process those applications. He said he likes what Payson has done, and said that gives flexibility to allow consideration of those signs. Councilwoman Wessel confirmed the banners on the school fence near the library would not be allowed, and asked if a permit would be required. Mr. Esparza stated they have given the school flexibility to advertise school sponsored events. There was discussion indicating the Town does not have the authority to tell the school what they can or cannot do. Councilman Dodd stated that fencing would be removed in the future. Mr. Esparza stated the intent of the permit number was to apply it to temporary signs.

Ted Cesarano stated the ASU Foundation is a 501(c) organization and said they sponsor a steak fry and golf tournament. He stated in the past they were allowed to put up four banners, but said this year they were not allowed to put up any. Mr. Blake stated he cannot say why the Code was not enforced in the past, but said unless the event is sponsored by the Chamber, Town or school the signs are not allowed. He said the event is occurring outside of the Town boundaries, and said because of this they are not allowed to put the signs in the Town. Mr. Cesarano stated this is a large event. He said there are 500 people who eat, stay, and shop in Pinetop-Lakeside, and said he estimates those 500 people put a Quarter Million Dollars into the Town economy during the 3-day event. He stated the event is scheduled for the weekend of June 26, and said a lot of the people would stay over the July 4 weekend. He stated the purpose of their event is scholarships,

and said they are very proud of what they have been able to accomplish. He stated they have provided hundreds of thousands of dollars in scholarships to Blue Ridge students since 2006, and said they expect to award more than \$500,000 again this year. He stated they would prefer to promote Pinetop-Lakeside than any other community. There was further discussion about community events and who can sponsor them. Mr. Udall stated this is why Mr. Esparza is suggesting the use of the Payson language to allow the director latitude for an event like this or the Sheriff's Posse.

Ken Wolf stated the White Mountain Fly Fishing Club donates thousands of man hours and thousands of dollars to the Arizona Department of Game & Fish each year. He stated he wanted to put up one banner advertising their upcoming banquet. He said they also help out the community, and said they want to continue to do so. Councilwoman Wessel stated there is a need to address the banner issue, and asked Mr. Wolf where he wanted to put his banner. Mr. Wolf stated he went to Charlie Clark's and It's Magic, who told him he was not allowed. He said he then went to Town Hall to find out what he needed to do. Councilwoman Wessel stated an organization that does not have a presence in the community would have to get permission to put their banners up. She confirmed they would have to get permission from a business owner. She stated they need to create something in the Code to address advertising off-site.

Mr. Esparza suggested they insert the Payson language in Section 17.108.070(6). He re-read the Payson Code language on temporary signs. Mayor Smith stated he knew Mr. Snitzer was not acting on behalf of the Planning & Zoning Commission, but asked him if that recommendation would be sufficient. Mr. Snitzer stated he understands there is no permit and there is no fee. Mr. Esparza stated those would be exempt. Mr. Snitzer stated the Commission only addressed business uses and signs. Councilman Biscoe suggested the non-profit organizations come before the Council so they know who they are. Mr. Snitzer suggested they require a permit, but waive the fee, and said that would bring it under control of the Code. Councilman Biscoe stated he wanted to be sure the organization is raising money for this community. Mr. Udall stated normally when the Council develops policy, they do so in such a way as to direct staff on how to administer the policy. He said regarding Councilman Biscoe's suggestion, the Council only meets at certain times, and said that might pose an inconvenience. He suggested the Council set guidelines in the policy, and said then staff can administer the policy. Councilman Dodd stated he thinks this would work, as long as the Town is involved in the approval process. He said he feels they can leave the latitude to Mr. Esparza, and said if he needs to, he can speak with Mr. Udall and others. He said there may be some in the grey area, but said he thinks most would be clear. Mr. Esparza stated he does not believe these events would be much different from those in the past. He said he would consult with Mr. Udall on any requests that come forward. Mayor Smith suggested this information be included in the Town Manager's reports to the Council.

Mark Sterling stated the businesses need all the help they can get. He stated he is concerned with the color restrictions, such as on the Mountain Mutts sign, and said they need the Council's support. He said if they want orange or black in their logo, they need the Town's support. He suggested the Council not tie the hands of the business owner; and requested their support, as they are supporting the Town with tax dollars.

Beverly Stepp stated she agreed with Councilman Biscoe. She suggested Main Street, the Chamber, the Town, or the school could include one of their logos on the banner, in support of the event; especially if that organization is giving back to the community. She stated the Town

does not have a large place for big events, so to make it so rigid that an event cannot be promoted that is a community benefit, is not realistic. She suggested banners could be placed at the Chamber in the area where the LED sign is located. She said as long as the organization is helping this community, they would be foolish to turn them down. Councilman Biscoe suggested other businesses could welcome the organization to Town with a special short-term banner. Mr. Esparza stated he believed there was some latitude.

Don McMasters asked when the Council would make a decision on this, so they would know what guidelines they must adhere to. Mayor Smith stated a decision could be made tonight, if the Council is so inclined. He stated an ordinance takes 30 days to go into effect.

Councilman Dodd stated this is a balancing act between promoting commerce in the community, and maintaining what they want and desire as an attractive community, that would bring the people to the businesses. He suggested they try this approach for one year, and said they can then adjust it. He stated they need to make it work. Mayor Smith suggested they move to adopt the ordinance, and then make individual motions for amendments. Councilwoman Wessel stated there are regulations in every community, and said this is a beautiful community because they have done a good job in regulating sign height and appearance, but said she has heard complaints in the past. She said the community is beautiful, and said she is proud of the appearance of the Town. She said during these hard economic times she wants to help businesses. She said they should not over-regulate. She said they should not go overboard, and said they need some regulations. Vice Mayor Crockett clarified the permit number and date of issuance would only be required on temporary signs.

COUNCILWOMAN WESSEL MOVED TO APPROVE ORDINANCE NO. 10-338 REPEALING “TOWN CODE CHAPTER 17.108 SIGN REGULATIONS AND ADOPTING NEW TOWN CODE CHAPTER 17.108 SIGN REGULATIONS” WITH THE PROPOSED PAYSON CODE LANGUAGE BEING INSERTED AS 17.108.060(6); AND THAT THE INFORMATION REGARDING APPLICATION NUMBER BE INSERTED UNDER THE TEMPORARY SIGN REGULATIONS AND REMOVED FROM THE ALL SIGNS SECTION. COUNCILMAN BISCOE SECONDED THE MOTION.

Vice Mayor Crockett stated he thinks a business should be allowed to fly as many flags as they would like. Councilman Dodd stated the section could read, “a business may display flags without a permit.” He stated they need to denote government flags, and said they are just taking out the number.

VICE MAYOR CROCKETT MOVED TO AMEND THE MOTION TO DELETE THE NUMBER OF FLAGS ALLOWED IN SECTION 17.108.050(2). COUNCILMAN DODD SECONDED THE AMENDMENT AND IT CARRIED 5-1, COUNCILWOMAN WESSEL WAS OPPOSED.

Mr. Barker stated they should require an application for banners allowed under Section 17.108.060(6), so the Town would know who is using banners.

COUNCILWOMAN WESSEL MOVED TO AMEND THE MOTION TO ADD THAT SECTION 17.108.060(6) WOULD REQUIRE A PERMIT, BUT NO FEE.

Mr. Esparza asked if they were addressing the issue of colors based on the design guidelines information. Mr. Udall stated he understood they were requiring professional quality, and said that would be defined by examples through an administrative process. Mr. Esparza asked if they would delete the section on colors. Councilman Biscoe asked if that is just for temporary signs.

VICE MAYOR CROCKETT MOVED TO REPLACE THE WORD “ALL” IN SECTION 17.108.070(A) WITH “PERMANENT OR MONUMENT SIGNS.” COUNCILMAN DODD SECONDED THE MOTION. MAYOR SMITH CALLED FOR THE VOTE ON THE MOTION, AND IT CARRIED 5-1, WITH COUNCILWOMAN WESSEL OPPOSED.

COUNCILMAN DODD SECONDED COUNCILWOMAN WESSEL’S AMENDED MOTION TO INCLUDE A PERMIT, BUT NO FEE, IN SECTION 17.108.060(6). MAYOR SMITH CALLED FOR THE VOTE AND THE MOTION CARRIED UNANIMOUSLY. MAYOR SMITH CALLED FOR THE VOTE ON THE ORIGINAL MOTION MADE BY COUNCILWOMAN WESSEL. THE MOTION CARRIED UNANIMOUSLY.

ITEM NO. 12, RESOLUTION NO. 10-1122 AMENDING THE SIGN PERMIT FEE SCHEDULE:

Mr. Esparza stated the Town currently charges \$100 for temporary signs. He said that fee allows a business owner 100 days on which they can display banners or portable signs. He stated staff surveyed other communities and found the average fee is \$98. He stated the Planning & Zoning Commission recommended the temporary sign permit fee be maintained at \$100, with the idea that they would go from 100 days to unlimited days per year. Councilman Biscoe stated the deal they made with the businesses was if they increased the business license fee they would remove the A-frame fee. Mr. Esparza stated that was taken to the Planning & Zoning Commission for a recommendation. He stated the Commission recommended that fee be maintained at \$100. He stated there was discussion about increasing one fee and eliminating another. Councilman Biscoe asked how long it takes staff to review an A-frame sign. Mr. Esparza stated it depends on the complexity of the sign, but said not more than a couple of hours. Councilman Biscoe stated he would like to see a one time fee of \$25 or \$30 for an approval process, so it does not cost the Town. Mr. Esparza stated there is an amount of time spent to enforce the Code in addition to the approval process. Councilman Biscoe stated to enforce the Code; they need to be out 7-days a week. He suggested they charge a one-time fee for the approval of each sign. Councilwoman Wessel asked if a \$50 fee would be sufficient. Councilman Biscoe stated he does not want to gouge the businesses. He asked Mr. Udall if a lower fee would cover staff time. Mr. Udall stated the Council could do whatever they want. He said if they want to charge \$25 or \$30 that would be fine. He said a little offsets staff costs. Councilman Dodd stated he likes the fact it is attached to the business license. Councilwoman Wessel clarified if the business changes the A-frame sign, they would pay another fee.

COUNCILWOMAN WESSEL MOVED TO APPROVE RESOLUTION NO. 10-1122 AMENDING THE SIGN PERMIT FEE SCHEDULE FOR A BANNER OR PORTABLE SIGN TO \$30 PER BANNER OR TEMPORARY SIGN.

Councilman Biscoe asked if they could exempt banners. He asked if they would pay \$30 for every banner. Vice Mayor Crockett stated he would like it applied only to A-frames or portable signs.

COUNCILMAN DODD SECONDED THE MOTION. COUNCILWOMAN WESSEL AMENDED THE MOTION TO A \$30 FEE PER TEMPORARY SIGN, NOT INCLUDING BANNERS. COUNCILMAN DODD SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 13, ORDINANCE NO. 10-339 REPEALING “TOWN CODE CHAPTER 5.12 SPECIAL EVENT PERMITS AND ADOPTING NEW TOWN CODE CHAPTER 5.12 SPECIAL EVENT PERMITS”:

Mr. Esparza stated they solicited input in preparation of this item. He stated they added the “exemptions” paragraph, which had been previously located in the business license section. He stated they added language on non-profits, and said they added specific language on IRS 501(c)(3) corporations. He stated Section 5.12.030 Permissible locations, is also a new addition to the chapter, and said it details locations suitable to hold an event. He stated Section 5.12.040 has been reduced to three events over four consecutive days. He stated Section 5.12.050 indicates any person applying for a special event permit shall attend a pre-submittal application meeting in order to answer any questions they may have and to address the rules. He stated the applicant would be required to submit their application at least 45 days in advance of the event. He stated Section 5.12.050(10) requires a copy of an Arizona transaction privilege tax license. He stated they also added language requiring the license be displayed while conducting business as a special event vendor. He said Section 5.12.050(15) requires a letter from the property owner acknowledging potential liability and insurance coverage. He stated if the event is to be held on Town property, the Town shall require combined single limit coverage of not less than \$1,000,000. Councilman Biscoe asked if they are only required to have insurance on Town property, or are they required to have insurance on all property. Mr. Esparza stated only on Town property, but said Section 5.12.050(15) indicates the property owner’s requirements. He stated they increased the amount of plot plans required under Section 5.12.060. He stated events for 100 or more people would require a security plan. He stated Section 5.12.070 Appearance guidelines, is a new section. He stated they struck the permit fee from the ordinance, and said the fee would be established from time-to-time by resolution. He stated they also removed the Section on fee waiver for non-profit organizations. He stated they struck the reference to the fee under Section 5.12.090, and said the fee would also be included in the resolution. He stated they amended the minimum time for the vendor’s permit application to 45 days. He said in Section 5.12.100 they added language to fingerprint the applicant for a special event permit. He said at the same time the fingerprint check is being done, the permit application would be sent to the appropriate fire department for review as well. He stated a permit could be denied for the reasons contained in Section 5.12.100, and if it appears the activity would be detrimental to the health, safety and welfare of the citizens. He stated they also added an appeal process. He stated it previously read a deposit was required from each vendor, and said after a certain amount of time, if the vendor had remitted their sales tax, the fee could be refunded. He stated if there was no verification of remittance of sales tax, the fee would be forfeited. He said the Department of Revenue sets up certain remittance payments, some of which are on a yearly basis, and said the way it read was problematic because there was the risk that some would lose their deposit. He

stated the proposal for the vendor permit fee is \$50, and said the proposal for the special event permit application fee is being increased to \$200.

Vice Mayor Crockett asked if they would fingerprint the vendor or the applicant. Mr. Esparza stated it would be the applicant, and said that is why they need the 45 day period. Vice Mayor Crockett asked if they would do the fingerprint and background check every year. Mr. Esparza stated that is the way it is set up. Vice Mayor Crockett suggested the word “annual” be removed from Section 5.12.100 for the background checks. He stated Show Low does a warrant check, and said they do not do an actual DPS background check. Mr. Esparza stated that shows only warrants in the local system. Chief Eldredge stated the Town entered into an agreement with the Department of Public Safety to submit fingerprint cards to them for a non-criminal purpose. He said they are not able to do background checks for non-criminal activity. He stated they could check internally, but not through the state.

Councilman Biscoe asked how they are addressing the problem of only six tent vendors in 25 years paying taxes. Mr. Esparza referred the Council to the Process for Special Event Permits and Vendor’s Permits in their packets. He said that puts insurances and safeguards in place to deal with the situations. Councilwoman Wessel stated it is important to continue with the events that have been successful and have brought people to the community. She said those are mostly sponsored by the Chamber, and said there are other events that have come to the community. She stated her concern is with the tents that spring up on White Mountain Blvd. She stated she does not want this Code to be so restrictive they cannot hold the Chamber events, and said if every vendor has to be fingerprinted they may not come to this community. She stated they need to be able to continue the events that bring people to the community, who spend their money in the motels, restaurants, and other businesses. She asked if charitable organizations not listed as a (c)(3) would be allowed. Mr. Barker suggested removing the IRS status and just stating non-profit organizations.

Councilwoman Wessel stated the four festivals put on by the Chamber are good for the community. She stated if they include the 45-day requirement and someone participating in the first festival wants to participate in another, they would not have time to comply. Therefore, she said 45 days is too long of a period. Councilman Dodd reminded her it is the applicant who must apply 45 days prior, not the vendor. Mr. Esparza stated it is the applicant and the vendor, and stated it is 45 days prior to the commencement of the event. Councilwoman Wessel asked if insurance is required for an event held on private property. She said she wants to be sure they cannot come back on the Town. Mr. Udall stated there would be no difference between a normal transaction at a local business, and said they could not come back on the Town if something happened in that local business. He said there is no need for the Town to have that type of language, other than for events held on Town property. Chief Eldredge stated they would not get the fingerprint results back from DPS if the time limit were any less than 45 days.

Mayor Smith clarified for those present that items 13, 14 and 15 are related, and said those who have requested to speak on items 14 and 15 may want to speak on this item. He said if item 13 does not pass, is tabled or postponed, items 14 and 15 are not applicable.

Mr. Udall stated they are trying to exempt certain classifications such as government, schools and some others. He said they started out by saying “local” charities, and said they cannot do that. He said they cannot exempt the locals and charge someone from out of Town. He said they

then went to 501(c)(6) and (c)(3) and decided that was a large group, and said it would also include groups such as Green Peace or other non-profit corporations that may not be local charities. He said the 501(c)(3) designation is a charity designation. Councilwoman Wessel stated if they remove that sentence everyone would pay the fee. Mr. Udall stated there are certain groups that are exempt, such as the 501(c)(3) designated non-profits. He said the Chamber and Main Street would be required to pay a fee.

Carla Bowen stated she appreciates being able to provide input on this topic. She said she has done extensive research over the past two years. She stated \$2,762 is the total amount of sales tax collected by the Town from any of the vendors. She stated Kent Brooksby indicated to her that he sent out 110 letters to collect sales tax. She stated the Town collected 3.5 Million Dollars from the brick and mortar businesses. She stated there were 13 special events, and said the Town only collected \$300 for a total of \$3,900. She asked how the Town justifies the amount of time being spent trying to collect sales tax. She said as far as being too restrictive, this is not a restrictive ordinance. She said Park City, Utah requires everything to be confined in a closed building. She said Alfreda, Georgia requires any vendor or promoter to meet ADA requirements. She stated Liberty, Missouri requires a doctor's statement that they are free of contagious, infectious, or communicable diseases. She stated some communities require a building permit for any type of tent. She suggested the permit be a non-transferable document. She said they should also get approval of the businesses within 100 feet. She stated they should be required to have port-a-potties and fire extinguishers, and asked if the tents are required to have a roof. She said, without exception, every community did a background check.

Ms. Stepp stated she also checked with several other communities, and said they do not require a background check. She stated the average vendor permit fee is \$30.00. She stated she thinks the 45 day application period is excessive, and said they propose a 10-day application period for the vendor, not the promoter or sponsor. She asked who would pay for the fingerprint and background check. She stated a reputable promoter would carry the insurance, no matter what location the event is held at. She stated she sent an e-survey out to her membership, and said she received 88 responses; of which 82 agreed with the Chamber stance. She stated she does not think any event should be lumped in with a peddler who can come in, set up something, and go through someone else. She stated the economic base for this Town is tourism. She stated the Chamber and Visitor Center welcomed over 12,000 people last year. She stated there were 7,900 who came to the Visitor Center alone, and said this does not include any of the special events. She went over the events, and said to welcome visitors is more than just passing out brochures. She stated they do not need to make it more difficult or create a hostile environment whereby special events would not be attended by vendors or visitors. Councilman Biscoe stated when he first came to this area there were only 4 Chamber events, and said now there are 13. He said tent events do not bring the people up; they just sweep the people that come up. He said to look at how many empty buildings there are in the Town and said they do not promote the businesses. He said the brick and mortar businesses pick up the burden, and donate money to the schools. He said the tent vendors do not do anything but leave their trash and go home.

Tim Secord stated he is a deerskin artist who lives in Pinetop; and said he tries to go to as many events in Town as he can during the summer. He said he pays a fee at every event, and said he pays his taxes. He said they have to provide a One Million Dollar liability insurance policy to go to an art show. He said this is an artist community. He suggested they require a deposit for the

sales tax. He stated Dixie Green chose the Sell's property because of the security afforded. He stated nothing stops people faster than a white tent. He stated some of the shows are juried.

Marlene Winiarska stated she is an artist, and said she lives in Pinetop in the summer. She stated she is not Native American, and cannot display her turquoise jewelry in stores. She stated she needs to find a venue to show her wares. She stated she always pays sales tax, and said she pays a fee to the promoters. She stated people come to the festivals for the diversity of the art. She stated she sends out e-mail newsletters to notify her customers of festivals. She stated the rules at other festivals around the state are not as restrictive as these.

Ric Gibbons stated he is with Medieval Mayhem, a little version of the Renaissance Fair. He stated they are a new business and have been welcomed with open arms by the Chamber. He stated the vendors are their business. He said their focus is to bring tourists to the area. He said last year they brought in about 700 people, and said this year they hope to bring in between 1,500 and 2,000 people.

Mr. McMasters stated there have been 51 events canceled at the Phoenix Civic Center due to the current boycott. He stated this is a community of people, and said they need to look at the current dollars being spent. He suggested they not do fingerprint checks in an effort to save time.

Shirley Bonifasi commended the Council for trying to regulate the tents along the highway, and said she does not have a problem with a special event background check. She stated she is the co-chair of the Northeast Arizona Fine Arts Association 35th Annual Arts & Crafts Festival to be held at Charlie Clarks. She stated they have quality artists. She stated they normally get about 20 vendors at the last minute, and said the permit period should be 10 days. She stated she is appalled that people are not paying their taxes.

Mr. Haupt stated he lives here and runs a business year round. He said businesses have to make their living during a 5-month window to make it all year. He said there are plenty of places for a vendor to display their wares. He stated the Town has a fiduciary responsibility to the people who live here and pay taxes year round.

Carl Gossett stated he owns the Stolen Recipe restaurant, and said he also has a mobile unit for special events. He said he did the cowboy poetry event last month, and said he did not make enough money to pay a \$50 fee to do that show. He said he did not think any vendor inside that show did enough business to pay a \$50 fee, and said that fee is high. He asked if he would have to go through a background check to do a show when he owns a business in Town. He said he did not have to go through a background check to open his business.

Ms. Bonifasi stated the vendors come back year after year, and asked if there is a way to find out who did not pay taxes. She said she would tell them not to come back if they did not pay taxes.

Councilman Dodd stated the brick and mortar businesses are being affected, but said on the other side, special events do draw people here. He stated they must focus on the health, safety, and welfare of the community, and said they have to be careful when restricting commerce. He said this is not an easy issue. Councilman Biscoe stated it is extremely difficult to set up a business here.

Mary Ellen Bittorf stated she and her husband owned a business for 14+ years, and said she was here when the Chamber was formed. She said the main reason for having festivals was to bring people here and help the business people. She said if they make it hard for people to come here, as vendors or visitors, for the festivals and special events, they would not have anything for the business people. She said business people need these special events. She said she thinks they are completely bogged down with taxes and fees. She said she has a hard time believing if they bring 10,000 people here for a special event that they are not going to go to some of the businesses too. She stated they go to the restaurants and motels and also the other businesses. She asked them not to forget what the special events are meant to do; and said if they do away with them the people would have no reason to come here.

Vice Mayor Crockett stated he heard from a business owner in Town who said she could lock her doors during a festival, but said as soon as the festival is over she makes up for it ten fold. He said people are still shopping and spending money in the stores. He said there is a prominent businessman in Town who sent an e-mail regarding this issue that said this is the most absurd thing they ever heard of. He said 88 members of the Chamber responded to a survey, with 82 responding that they do not like it. He said this is a big step backward and said this is archaic. He said they do not want to be that restrictive. He said they should do what they can to get people here.

Councilwoman Wessel stated they are all going through hard economic times; and said she is aware of businesses in Pinetop-Lakeside who are doing as well as they can during this economic time. She said she is not a business person, and said does not know what they do if people are not coming in. She said maybe the items they sell are not affordable. She stated it may not be the Council's responsibility or fault if they are not making a living, if the product is not what people can buy. She stated as a successful business person, they must be able to readjust to make the business work.

Councilman Dodd asked Mr. Esparza about what other cities and towns are doing. Mr. Esparza stated information from several other communities was included in the Council's packets. Councilman Dodd stated he was intrigued with the notion of a refundable fee, which would be based on tax receipts. Mr. Esparza stated it depends on how the business is set up with the Department of Revenue. He said some pay on an annual basis, while some pay quarterly. Councilman Dodd asked when they submit to the Department of Revenue is it on a form they could produce to the Town the next year. Mr. Esparza stated the event coordinator could keep a spread sheet and ask each vendor to report their daily sales. He said that could be submitted to the Town, or said they could be required to make a deposit to guarantee they would submit the spread sheet. Councilman Dodd stated they do not need another layer of enforcement, but said they need to rely on enforcement. Councilwoman Wessel stated she did not believe they needed to get into the rebateable discussion, and said anyone who does business in this community should pay their taxes. She stated the special event coordinator should provide a list of the vendors to the Finance Department, and said they could put it into a program and the next time the event comes around and they run the list they can see who paid and who did not, and said the ones that do not pay do not come back. Councilman Biscoe clarified those who had not paid taxes would not be back this year. Mr. Udall stated they have put some things in place as part of an administrative process. He said the application would reflect that taxes must be paid, and said they would assure they are getting valid Arizona transaction privilege tax ID numbers that would

be put into a database. He said the Finance Director would be involved in this process. He said they would be able to know the vendors who have or have not paid taxes, and said if they have not paid taxes, they would be denied. He said on the day of event, staff would be checking permits and verifying the tax ID number is posted. He said they would check to see if they are collecting sales tax. He said they have to remit the sales tax to the state and in turn the state gives the money to the Town, and said that is the Town's contract with the state. He stated some vendors have collected sales tax, but have been remitting it incorrectly. He stated some of them have corrected the problem. He said education of the vendors is a big part, and said a tighter Code is up to the Council. He stated if they have not received sales tax from a vendor, they would be denied and not be allowed to come back into the community to sell.

Councilwoman Wessel stated some of the vendors have the sales tax incorporated into the price of the product. She stated if they have not paid their sales tax, and want to rectify that at the time they make application, they should be allowed to do that. She stated if it is a make or break with non-profits paying a fee or not, she said they should follow all the steps, but said the fee could be waived. She suggested they add to the application requirements that it is a non-transferable application. She suggested the event coordinator apply 45-60 days in advance, but said the vendors could apply 25-30 days before the event. She said she sees no problem with getting permission from businesses within 100 feet of a special event. She said with regard to the plot plan requirements; they should have fire extinguishers if they are using any electricity. She said if they can get the fingerprinting information on a coordinator back in 45 days that should not be a problem. Chief Eldredge stated fingerprinting is part of a background check. Councilwoman Wessel stated they should perform warrant checks on vendors, and said for food sales they should have a health department check. Mr. Barker suggested they give direction to staff and have it brought back again. He said there are too many changes to keep track. Councilman Biscoe asked if it could be passed as an emergency. Mr. Barker confirmed they would need a super majority vote. Mayor Smith stated if they would just enforce the procedures that are in place that would solve most of the problems, and said they should have been doing this in the past. Councilman Biscoe stated his concern about a business stating they are a non-profit when they are not. Mr. Udall stated part of the Code reads if they have a business, and it is an extension of the business that is permissible; but said if something is being sold outside that has nothing to do with the business that would not be permitted. Mr. Blake stated it is contained in the existing Section 5.12.030(c). Mr. Udall stated if they remand this back to staff he does not know where to go with it. He said unless the Council can give better direction, it would be difficult for staff. Mayor Smith stated they could implement the administrative actions Mr. Udall referred to for this season, and said if it does not work, they could readdress it later.

MAYOR SMITH MOVED TO POSTPONE CONSIDERATION OF ORDINANCE NO. 10-339 INDEFINITELY, SO THE COUNCIL MAY HAVE TIME TO EVALUATE THE ADMINISTRATIVE PROCEDURES, AS LAID OUT BY THE TOWN MANAGER, OVER THE SUMMER. VICE MAYOR CROCKETT SECONDED THE MOTION, AND IT CARRIED 4-2, WITH COUNCILMAN BISCOE AND COUNCILWOMAN WESSEL OPPOSED.

ITEM NO. 14, RESOLUTION NO. 10-1123 ADOPTING THE SPECIAL EVENT PERMIT FEE SCHEDULE:

This item was related to Item 13, and therefore action was postponed indefinitely.

ITEM NO. 15, ORDINANCE NO. 10-340 AMENDING TOWN CODE CHAPTER 5.08, SECTION 5.08.070(D) PEDDLER'S AND SOLICITOR'S PERMITS:

This item was related to Item 13, and therefore action was postponed indefinitely.

ITEM NO. 16, CHANGING THE TIME FOR THE MAY 20, 2010 TOWN COUNCIL MEETING:

Vice Mayor Crockett stated the reason for the time change is the Blue Ridge High School graduation, but said the Council still has several items to consider. He suggested the meeting begin at 6:00 p.m. on May 20, without a work session.

VICE MAYOR CROCKETT MOVED TO CHANGE THE TIME OF THE MAY 20, 2010 TOWN COUNCIL MEETING TO 6:00 P.M. WITHOUT A WORK SESSION. COUNCILMAN DODD SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 17, CURRENT EVENTS BY TOWN MANAGER:

Mr. Udall stated due to the lateness of the hour he would not report.

ITEM NO. 18, TOWN COUNCIL CURRENT EVENT REPORTS ON ALL COUNCIL APPOINTED COMMITTEES, COMMUNITY ORGANIZATIONS AND AFFILIATES:

Councilwoman Wessel suggested the Council put their reports in writing and submit them to everyone.

Councilman Dodd stated the Town received a \$55,000 RAC grant towards the NEPA Study. He stated Representative Kirkpatrick entered legislation for the Blue Ridge School District to acquire Big Springs for \$400. He stated the Walk for the Park would be held on June 5.

Mayor Smith said NACOG approved the funding exchange for the Billy Creek Bridge. He said the Lakeside Streetscape project has started.

The Regular meeting adjourned at 11:32 p.m.

Dated this 13th day of May 2010.

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 6th day of May 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of May 2010.

/s/ Lu Anne Frost, Town Clerk