

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, HELD THURSDAY, SEPTEMBER 1, 2016 AT 6:00 P.M. IN THE TOWN COUNCIL CHAMBERS.

Mayor Smith called the Regular Meeting to order at 6:00 p.m. Roll call was taken as follows:

ROLL CALL:	Present	Absent	Present	Absent
Mayor Greg Smith	<u> X </u>	<u> </u>	Dara Vanesian	<u> X </u> <u> </u>
Vice Mayor Patrick Place	<u> X </u>	<u> </u>	Dana Heck	<u> X </u> <u> </u>
Leslee Wessel	<u> X </u>	<u> </u>	Michael Wilber	<u> X </u> <u> </u>
Stephanie Irwin	<u> X </u>	<u> </u>		

STAFF PRESENT:

Keith Johnson, Town Manager; Kevin Rodolph, Finance Director; Matthew Williams, Community Services Manager; Matt Patterson, Public Works Director; Mary French-Jones, Contract and Grant Administrator; Commander Dan Barnes, Pinetop-Lakeside Police Department.

ITEM NO. 1, PLEDGE OF ALLEGIANCE AND INVOCATION:

The pledge of allegiance was said, followed by an invocation by Councilmember Wessel.

ITEM NO. 2, CALL TO THE PUBLIC:

David Willson said he is a veteran and has sensitivity to noise and light, and he said the noise from the bar near his home is loud and he can hear and feel the noise in his home and his body. He said there are variances on sound regulations, but he said what about the people that cannot sleep, cannot eat, are in pain, or under medical care. He said our rights are subjected to the rights of the bar to make a lot of noise. Mayor Smith asked Mr. Willson to clarify the establishment he is talking about. Mr. Willson said he is referring to the Lion's Den Bar, and he said the noise happens often. He said at the beginning of the meeting we stood and pledged allegiance to the flag, and he said he is a fourth generation veteran, along with other veterans in attendance, and he said we all served to protect the constitution of the United States and the laws contained. He said part of the rights we have as citizens is a right for peace and quiet. He said he is asking Council to find a way for the bar to operate, so we can sit, eat and watch TV or try to sleep without noise making it impossible to do. He said he had heard talk regarding a sound meter, and he said he does not know if a sound meter would adequately register sub woofers. He said there should be a way, although we are part-time citizens here, we all spend money in Pinetop, for the Council to remember this when they are giving out noise variances.

Jim Adcot said he appreciates the Town Council listening to his and Mr. Willson's complaint regarding the noise. He said he met with the new Town Manager, and said he was very, very impressed and he was very helpful. He said Mr. Johnson went over the noise regulations adopted by the Town. He said he lives in Holiday Mobile Home Park, less than a quarter of a mile away, and he said the sound is so loud sometimes it is very discouraging and harmful to the people living in the park. He said the temporary exemptions allow three exemptions per year, if the exemptions do not bother other people. He said the previous Town Manager authorized four exemptions, and said he would appreciate the Town maintaining the existing rules and regulations. He said Mr. Johnson told him this would be strongly considered. He said he questions the decibel level in the regulations. He said it states ninety-two decibels from 7:00 p.m. to 11:00 p.m., and he said after 11:00 p.m. it lowers to sixty-five decibels. He

said he had been told that eighty-two decibels would injure your ears on a continuous basis, and said he questions the legality of allowing an organization to levels that would damage your hearing.

Rob Jarvey said he attended the last Town Council meeting inviting the Council to attend the Fan Down. He said it was a success, and he said they assisted one hundred and five veterans in the community. He said three veterans were in severe distress. He said after the event he was closing down and a veteran, which had been in the bush for nine months, came up to him and said he had missed the event. He said he offered him water and socks, which the man said he did not need. He said the veteran said he could not deal with society and needed help. He said they enrolled him in a facility to get him help, along with two other vets. He said he thanks the community for help and support and hopes to receive support again next year.

ITEM NO. 3, CONSENT AGENDA:

Mayor Smith said there are items on the consent agenda that need to be corrected, and he said the item would be tabled until the next regular meeting.

ITEM NO. 4, DISCUSSION/INFORMATION REGARDING PROPOSED CEMETERY FEE CHANGES:

Kathrine Nunn presented the changes to the cemetery fees. She said changes and additions would be made to the following areas: Navajo County Resident Rate – Companion Plot \$1,200.00; Standard Rate – Companion Plot \$3,600.00; Residential Rate – Infant/Cremains \$400.00; Navajo County Resident Rate – Infant/Cremains \$500.00; and Standard Rate – Infant/Cremains \$500.00. She said staff recommends for the Town Council to adopt the proposed Pinetop-Lakeside Town Cemetery fee schedule. Councilmember Wessel said the proposed fees would have to be posted sixty days before it is adopted, and she said legal action would be taken at a later date. Mayor Smith directed Mr. Johnson to post the fees for sixty days and after the sixty days to bring back before the Council for legal action.

ITEM NO. 5, DISCUSSION/INFORMATION REGARDING EXECUTIVE SESSION. PURSUANT TO A.R.S. 38-431.03 (A)(3), DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY, AND PURSUANT TO A.R.S. 38-431.03 (A)(4), DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACT INTERPRETATION AND POSSIBLE COMTEMPLATED LITIGATION REGARDING FORMER EMPLOYEE:

COUNCILMEMBER WESSEL MOVED TO ENTER INTO EXECUTIVE SESSION PURSUANT TO A.R.S. 38-431.03 (A)(3) AND A.R.S. 38-431.03 (A)(4) AT 6:30 P.M. COUNCILMEMEBER IRWIN SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

MAYOR SMITH RECONVENED THE MEETING AT 7:14 P.M.

ITEM NO. 6, CURRENT EVENTS:

Councilmember Irwin congratulated the Humane Society board and volunteers for a great event on Saturday, August 27, 2016. She said in spite of the rocky start with the weather in the morning, she said there was a good turnout and it was a great success.

Mayor Smith gave an update on recent and/or Upcoming Town Events and Activities.

The meeting adjourned at 7:15 p.m.

Dated this 23rd day of September 2016.

PINETOP-LAKESIDE TOWN COUNCIL

Jill Akins, Assistant to the Town Clerk