

CITY OF GLOBE

REGULAR MEETING MINUTES

MUNICIPAL BUILDING 150 NORTH PINE STREET GLOBE, ARIZONA

JULY 19, 2010 6:00 P.M.

The meeting was called to order by Vice Mayor Thea Wilshire at 6:00 p.m.

The Invocation was given by Cecile Hudson followed by the Pledge of Allegiance led by Police Chief Dan Melvin.

ROLL CALL

Councilpersons present: Wheeler, Wilshire, Uhl, Casillas and Alderman

Councilpersons absent: Mayor Shipley, Councilman Baker

City Manager / Legal Counsel present: K. Kane Graves

1. SUMMARY OF CURRENT EVENTS

A. Council Members

1. Councilman Alderman announced that longtime resident Gene Craft passed away.
2. City Manager Kane Graves stated that the downtown sidewalk project is making progress; he thanked Chris Collopy and the Public Works team.
3. Vice Mayor Wilshire thanked the clerk for copying the Council's packet double sided, this saves in paper.
3. Councilwoman Casillas introduced Cecelia Gonzales who is present tonight and she thanked her for working in our community.

B. Mayor
None.

C. City Manager
None.

2. SPECIAL PRESENTATIONS

None Scheduled at This Time

3. CONSENT CALENDAR

- A. Consideration of waiver of Section 2-4-10 (A) [Prior Discussion Rule] to allow action on the balance of the Consent Agenda:
- B. Consideration of Approval of Council Minutes:
 1. Regular Meeting of June 14, 2010

Councilman Wheeler moved to approve the Consent Calendar A & B. Seconded by Councilwoman Uhl.

Motion carried.

4. NEW BUSINESS

A. Appointment of Parks and Recreation Committee Members (Thea Wilshire)

Councilwoman Wilshire stated that to comply with the new code the Parks and Recreation committee will consist of a 7 member board serving 2 year terms. A proposed list of names were presented for approval to the board:

Carmen Casillas, Mickie Nye, Thea Wilshire, Rick Barela, Debbie Beraun, Richard Brazell, Ellen Krestch, and alternate Richard Mingues. Ex Officio members will include city employees Matt Assanovich and Matt Jankowski.

It was the consensus of the council to place this item on the next meeting agenda for consideration.

B. Consideration of Acceptance of Department of Commerce Energy Grant in the amount of \$80,000. (Chris Collopy)

Building Inspector Chris Collopy addressed the Council stating that the City has been awarded an \$80,000 Energy Grant through the Arizona Department of Commerce. He explained that these grant monies could be used to automate the Mudders at the sewer Plant, saving the City 50% in energy bills in this department.

Formal acceptance of this grant will be made at the next meeting for consideration. The Council thanked Mr. Collopy for his work in getting this grant.

5. ACTION ITEMS

A. CONSIDERATION OF APPLICATION FOR A NEW CLASS 9 LIQUOR LICENSE FOR ABEL CLARE HOLLIE dba WAL-MART STORES, INC., WAL-MART SUPERCENTER #1334, 100 SOUTH RAGUS ROAD, CLAYPOOL, ARIZONA. (Gina A. Paul)

Mr. Graves explained that he is in receipt of a letter from the Walmart Attorney asking for a continuance to this matter to August 23, 2010.

Councilman Alderman moved to recommend disapproval of the liquor license on the following grounds:

1. The applicants building, Wal-Mart, is located within 300 feet of a fenced recreational area adjacent to the Miami School buildings as prohibited by A.R.S. 4-207; and
2. The proposed sale of liquor in this close proximity is incompatible with the school activities as provided by R19-1-102(8); and
3. That the applicant has failed to carry the burden of proof that the public convenience requires and that the best interest of the community will be substantially served by the issuance of the license as required by A.R.S. 4-207; and

This recommendation is based on the testimony and exhibits showing the fenced recreational area adjacent to the Miami School Buildings to be within 300 feet of the proposed licensed premises; the photographs showing basketball courts and a playground therein; the letter from the Miami School District confirming the continued recreational use thereof; and the petitions submitted by persons in close proximity.

FURTHER, for the same reasons the pending Series 10 #10043061 is of doubtful validity given the identical location of that license and noting that in neither application did the applicant bring our attention to the fact that this location is within 300 feet of the fenced recreational area and I would ask the City Clerk to bring this to the attention of the Liquor Board.

Seconded by Councilman Wheeler.

Councilwoman Casillas stated that she works with the Arizona Youth Partnership and she shares the concern of this area being a saturated area. She stated that she is open minded, sees the revenue for the City, she polled several parents over the weekend as well as kids and the kids all stated that liquor is obtained in the home or from family members, she is also concerned with the measurements of this license being so close to the schools.

Councilwoman Casillas moved to table this item. Seconded by Councilwoman Uhl.

Mr. Graves stated that if this item is to be tabled it would be addressed July 28, 2010 which this falls within the jurisdiction of the timetable.

Anitra Montolla and Rebecca Hudson presented the Council with a petition of 83 signatures from the Arizona Youth Partnership against Walmart bringing liquor into their stores.

Cecelia Gonzales a Social Worker in Globe, stated that she is a hometown girl and the majority of her work is with children and family. She stated that she advocates for children in the court system and sees that the most abused drug is alcohol and she too opposes Walmart selling alcohol.

City Manager Graves stated that Safeway and AM/PM do have a liquor license, they are outside of the 300' limit.

City Clerk Gina Paul stated that Walmart and AM/PM were annexed into the City and they already had liquor licenses approved by the County.

Big John Lybinski asked if the class 10 license is valid and will the City bring this discrepancy to the attention of the liquor board.

Ed Khunaman, reporter from Copper Country News stated that by giving professional legal staff paid by Walmart to do additional legal research to this cause, he hopes that the opinions of the Citizens here tonight are taken into consideration. Mr. Khunaman stated that this is not the in the best interest of Globe for Walmart to drive Safeway out of business.

Councilman Wheeler, Alderman and Wilshire voting Nay and Councilpersons Uhl and Casillas voting Yea.

Motion carried not to table this item for a later date.

Ms. Clair Abel, Attorney for Walmart gave a background of Walmart being annexed. She stated that they want to enhance their product for customers and element for competition. She stated that she was just handed the research conducted by the City this evening and she hasn't had time to do her own research, she finds the area interesting stating that the area closest is a basketball court with cracks and an uneven surface with burned trash in the area.

Motion to disapprove the Walmart Liquor License passed unanimously.

- B. **ORDINANCE NO. 785** - AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GLOBE, ARIZONA, AMENDING THE GLOBE CITY CODE BY THE ADDITION OF A NEW SECTION 5-1-14 ENTITLED " PERMISSIBLE CONSUMER FIREWORKS PROHIBITED IN CITY; NOTICE REQUIRED. ", REPEALING ANY AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF. (Kane Graves / Joe Bracamonte)

Councilman Wheeler stated that he would like to see a place to allow kids to use sparklers in supervised conditions.

Fire Marshal Joe Bracamonte stated that he put together a diversion program for youths starting fires, he stated that last year a 14 year old shot off a bottle rocket over his vehicle, someone could have been injured and there could have been property damage.

City Manger Graves stated that if this ordinance is passed to not allow fireworks in the City, a violator could be charged with a Civil violation fined up to \$2,500 at the discretion of the judge. This could also be a criminal offense if we charged it this way, also with a monetary fine. He stated that the Fire Department recommends that we prohibit the use of fireworks.

Mr. Graves explained the state prohibition.

Deputy Fire Chief Nick Renon addressed the Council stating that if a child or adult is burned, it would be for the rest of their life, these are controlled devices, bottle rockets burn at 1200 degree heat, this proposed ordinance is for the safety of the community.

City Employee Scott Stennerson stated that he works in the parks department and the toilets in the park have been blown up causing vandalism.

Councilwoman Uhl moved to adopt Ordinance No. 785. Seconded by Councilwoman Casillas.

Motion carried with District 1 voting nay.

6. CALL TO THE PUBLIC:

Any citizen desiring to speak on a matter that IS NOT scheduled on this agenda may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the City Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the City Council. Pursuant to the Arizona Open Meeting Law, the City Council cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual City Council members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

7. SCHEDULING OF MEETINGS:

Scheduling of meetings, which may be brought up at this time.

8. ADJOURNMENT.

7:08

SCHEDULED MEETINGS/EVENTS:

REGULAR MEETING July 26, 2010 very few items for 26 move to 28th

SPECIAL MEETING July 28, 2010 (Colonias Presentation)

REGULAR MEETING August 9, 2010

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of the City of Globe held on the 19th day of July, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Gina A. Paul, CMC, City Clerk