Minutes of a Special Session of the Common Council of the Town of Clarkdale
Held on Monday, December 19, 2011

A Special Meeting of the Common Council of the Town of Clarkdale was held on Monday, December 19, 2011, at 3:30 P.M. in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER – Meeting was called to order at 3:31 P.M. by Mayor Von Gausig.

Town Council:
Mayor Doug Von Gausig
Vice Mayor Richard Dehnert
Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Bill Regner

Town Staff:
Town Manager Gayle Mabery
Town Clerk/Finance Director Kathy Bainbridge
Community Development/Economic Director Jodie Filardo
Public Safety Director John Wintersteen
Administrative Assistant Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

There was no public comment.

NEW BUSINESS

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED " AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 7-5 (D), PROHIBITED SIGNS, SECTION 7-6(H) PERMITTED SIGNS – POLITICAL, THE PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART, AND THE POLITICAL SIGN FREE ZONING MAPS OF THE TOWN ZONING CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY" - Discussion and consideration of Resolution # 1386, a Resolution declaring the above named Ordinance which amends the political sign ordinance in the Town of Clarkdale Zoning Code, a public record to be adopted by Ordinance #339.

During the last regular session of the State Legislature, HB 2500 was approved. This bill amended ARS § 16-1019 *Political signs: printed materials: tampering; classification.* This State mandated law substantially changed the regulations regarding political signs. The largest changes were to allow placement of political signs within public rights of way except those

within the jurisdiction of the State of Arizona (ADOT) and increased their overall size. The Town being a political subdivision of the State of Arizona must comply with all statutory amendments as they relate to or impact the Town's Zoning Code.

In order to conform to the recent State Legislation changes the following Zoning Code Amendment has been reviewed and recommended for approval by the Planning Commission to the Council.

Council approval must also include the "sign free zone" map. Subsection C of ARS 16-1019 does not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.

To save the cost of publishing in the newspaper a lengthy ordinance, this change is being first made a public record by resolution (this agenda item) and then is adopted by reference by an ordinance.

Community Development Director Filardo presented information regarding the consideration of amendment to zoning code regarding the establishment of political sign free zone within town boundaries particular to municipal right of ways only. Maps were shown representing (1) commercial and industrial areas zoned areas throughout the town and (2) proposed political sign free zone for Council's consideration. At the previous council meeting there was a question as to whether this portion of the code regulated private and public property. It has been confirmed through the League of Cities and Towns the statute is aimed strictly at non-residential municipal rights of way. Plans are in place to make maps that show candidates where their signs may be posted. In addition, State/ADOT controlled right of ways, i.e., 89A are exempt from this code. Town Manager Mabery clarified that under state law, candidates cannot put signs in state right of ways. Broadway is municipal right of way and political signs may be erected there unless a sign free zone is adopted on Broadway. Signs that are not in compliance with our town code within the municipal areas described may be removed by our local police department ordinance officer. The police department can delegate authority to take signs down; however, Public Safety Director Wintersteen said that because of jurisdiction the police department cannot remove signs from State/ADOT right of ways.

Councilmember Regner moved to adopt Resolution # 1386, a Resolution of the Mayor and Council of the Town of Clarkdale, Arizona, declaring as a public record that certain document filed with the Town Clerk and entitled "AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 7-5 (D), PROHIBITED SIGNS, SECTION 7-6(H) PERMITTED SIGNS – POLITICAL, THE PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART, AND THE POLITICAL SIGN FREE ZONING MAPS OF THE TOWN ZONING CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY". Vice Mayor Dehnert seconded the motion.

Further discussion: Vice Mayor Dehnert questioned whether this action should be accompanied by a letter to the author of the legislation, Representative Frank Antenori, describing the town's dissatisfaction with state legislation intruding on local autonomy. It was decided by the council that this communication may reflect negatively on Clarkdale and would be a reason not to prepare the letter. The message has already been carried to legislature through the League of Cities and Towns.

The motion was approved unanimously.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 7-5 (D), PROHIBITED SIGNS, SECTION 7-6(H) PERMITTED SIGNS – POLITICAL, THE PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART, AND THE POLITICAL SIGN FREE ZONING MAPS OF THE TOWN ZONING CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY – Discussion and consideration of Ordinance #339, an ordinance amending the political sign section of the Clarkdale Zoning Code.

During the last regular session of the State Legislature, HB 2500 was approved. This bill amended ARS § 16-1019 *Political signs: printed materials: tampering; classification.* This State mandated law substantially changed the regulations regarding political signs. The largest changes were to allow placement of political signs within public rights of way except those within the jurisdiction of the State of Arizona (ADOT) and increased their overall size. The Town being a political subdivision of the State of Arizona must comply with all Statutory amendments as they relate to or impact the Town's Zoning Code.

Council approval must also include the "sign free zone" map. Subsection C of ARS 16-1019 does not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.

This ordinance adopts the document made a public record by Resolution #1386.

Community Development Director Filardo presented related zoning code for signs, including appearance and content of signage and timing and location of sign placement, summarizing the changes to the code due to the new statute.

Councilmember Regner moved to approve Ordinance #339, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 7-5 (D), PROHIBITED SIGNS, SECTION 7-6(H) PERMITTED SIGNS – POLITICAL, THE PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART, AND THE POLITICAL SIGN FREE ZONING MAPS OF THE TOWN ZONING CODE OF THE TOWN OF CLARKDALE; REPEALING

CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY.
Councilmember Bohall seconded the motion.

Further discussion: Vice Mayor Dehnert stated that since the ordinance prohibits placement on structures owned by municipality, and questioned about placement in the park. Filardo stated the question would need further research and a response would be forthcoming.

Motion carries unanimously.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 639-2400 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.

ADJOURNMENT - with no further business, Mayor adjourned the meeting at 3:56 P.M.

APPROVED:

Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:

Kathy Bainbridge, 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 Clarkdale, Arizona held on the 19th day of December, 2011. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 13 day of January, 2012.

SEAL

Kathy Bainbridge, Town Clerk