

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
December 12, 2019**

CALL TO ORDER

Mayor Morrissey called the meeting to order at approximately 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

INVOCATION

Michael Holt, Church on the Street.

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Thomas Morrissey, Vice-Mayor Janell Sterner, Council Member Jim Ferris, Council Member Chris Higgins, Council Member Steven Smith, Council Member Susan "Suzy" Tubbs-Avakian, and Council Member Barbara Underwood.

STAFF PRESENT: Sheila DeSchaaf - Acting Town Manager, Ronald Tischer - Police Chief, Silvia Smith - Town Clerk, David Staub - Fire Chief, Deborah Barber - Chief Fiscal Officer, Courtney Spawn - Parks, Recreation and Tourism Director, and Doni Wilbanks - Community Development Director.

OTHERS PRESENT: Tracie Bailey - Chief Deputy Town Clerk, Justin Pierce - Interim Town Attorney, Ray LaHaye - Chief Building Inspector, David Mansfield - Interim Public Works Director, Trever Fleetham - Economic Development and Planning Manager, and Gordon Dimbat - Water Quality and Treatment Manager.

A. PUBLIC COMMENTS (SPEAKER'S REQUEST FORM SUBMITTED)

Mayor Morrissey presented Council Member Ferris with a birthday card and wished him happy birthday.

Craig Miller, also known as D.J. Craig, commented that he was happy to see the American Gulch project coming to fruition. Mr. Miller asked the Town to consider purchasing the 0.74 acre property on Main Street by Rim Country Flowers at the beginning of the American Gulch walkway. Mr. Miller suggested the property be made into a mini park with trees and benches and remarked it could be an aesthetically pleasing entrance to the walkway. Mr. Miller noted the property was zoned commercial and would become just another store or office building. Mr. Miller thanked the Council. Mayor Morrissey asked Sheila DeSchaaf, Acting Town Manager, to look at the property.

Stan Garner referred to an article in the December 4, 2019, edition of *The Payson Reformer* regarding a title, MHA Event Timeline, on the last page of the paper. Mr. Garner noted under Special Notes, item 7 stated: "*Su Connell, TOP Council Woman for 12 years and Secretary of the MHA Foundation, occupied an office for RCEA, SLE in the Town Hall*

Complex from 2011 to 2018. After her passing on 10/16/18 all records kept there for RCEA, SLE mysteriously disappeared." Stan noted the records did not mysteriously disappear and were in the hands of the Rim Country Educational Alliance (RCEA) and the Mogollon Health Alliance (MHA). Mr. Garner noted Ms. Connell was Secretary for the MHA Foundation from March, 2016 until 2018, she was not appointed to the RCEA, SLE until 2015. She subsequently became the Secretary/Treasurer of that body and stepped down from that position in 2018 due to the devastating effects of her brain cancer. Mr. Garner explained shortly thereafter the Town Manager requested that the RCEA, SLE vacate the office because the Town needed the space. Mr. Garner stated Ms. Connell was not here to defend herself, but he was. Mr. Garner noted to suggest that Ms. Connell would have been involved with a supposedly corrupt organization, charitable or otherwise, was to impune her character and integrity. Mr. Garner demanded that Mayor Morrissey and Council Member Ferris correct the record and issue an apology for misstating the facts of the matter and defaming Ms. Connell's character.

Jennifer Smith thanked the Town of Payson for the opportunity to serve on the Rim Country Educational Alliance (RCEA) Board and noted she had filled Su Connell's vacancy. Ms. Smith noted that Su Connell and other volunteers had dedicated thousands of hours of their knowledge and skills to the RCEA to benefit generations to come. Ms. Smith commented that when she drove past University Way she saw vast potential and could envision a 4-year University. Ms. Smith noted Su Connell's term on the RCEA board came to a close at the end of the month and commented that she was honored to be a nominee, but was formally removing herself from consideration. Ms. Smith remarked that Payson's greatest assets were her citizens and the Town had been blessed with visionary leaders.

Catherine Hines of Alpine Heights stated that someone was clear cutting empty land without a hearing, public notice, or notice to the Home Owner's Association (HOA). Ms. Hines noted that she had worked as a Government bureaucrat in Washington D.C. for 34 years and knew how to find information, but that she could not get an answer out of Town employees except for the Public Library. Ms. Hines remarked employees did not acknowledge that you signed up for information on a specific area. Ms. Hines commented she regretted moving to Payson and wished she had moved to Quartzsite instead. Council Member Tubbs-Avakian asked Sheila DeSchaaf, Acting Town Manager, to look into it. Ms. DeSchaaf replied it could be agendized for a future meeting if necessary. Mayor Morrissey requested Ms. Hines leave her contact information with the Town for follow-up.

B. CONSENT AGENDA

All Items listed under the Consent Agenda will be voted on with one motion.

1. Consideration and action to approve the minutes of the Regular Council meeting held on November 21, 2019.
2. Consideration and action to approve the minutes of the Parks, Recreation and Tourism Commission meeting held on August 7, 2019.
3. Consideration and action to approve the minutes of the Planning and Zoning Commission meeting held on September 9, 2019.
4. List of checks paid from November 14, 2019 through November 30, 2019, Check

Nos. 62116 through 62275, and authorization to file the checks for audit.

5. List of purchase card charges from October 28, 2019 through November 27, 2019.
6. Discussion/possible action concerning Resolution No. 3179 captioned as follows: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING TRACIE BAILEY, TOWN CLERK OF THE TOWN OF PAYSON, TO EXECUTE CERTAIN DOCUMENTS CHANGING SIGNATORIES RELATING TO THE VARIOUS ACCOUNTS MAINTAINED AT JPMORGAN CHASE BANK, AND DECLARING AN EMERGENCY.
7. Council Decision Request filed by Sheila DeSchaaf, Acting Town Manager, to confirm the appointment of Tracie Bailey as Town Clerk effective December 28, 2019 to have and to exercise all of the duties enumerated in Section 31.21 of the Payson Town Code.
8. Council Decision Request filed by Ronald Tischer, Police Chief, to adopt that the Town of Payson enter into an Intergovernmental Agreement with the Gila County Sheriff's Department to receive grant funding for 9-1-1 Emergency Dispatch Centers retroactive to November 30, 2019. I furthermore move that Gila County will be responsible to disburse a portion of those funds to the Town of Payson to operate a 9-1-1 Dispatch Center.
9. Council Decision Request filed by Gordon Dimbat, Water Quality and Treatment Manager, to approve West Yost Associates to provide services for the Town of Payson Water Department to meet the requirements of America's Water Infrastructure Water Act of 2018.
11. Council Decision Request filed by Dennis Dueker, Airport Coordinator, to approve Task Order E to the Services Agreement between the Town of Payson and Armstrong Consultants, Inc. for \$783,038 to provide for Taxiway A Lighting and Signage, and Runway 6 PAPI and Runway 6/24 Runway End Identifier Lights (REILS) at the Payson Airport, substantially in the form provided, and authorize the Town Manager to sign the necessary documents.

Vice-Mayor Sterner asked to remove Item Number 10 from the Consent Agenda.

Motion: to approve all items listed under the Consent Agenda except Item Number 10.
Moved by Vice-Mayor Janell Sterner, seconded by Council Member Susan "Suzy" Tubbs-Avakian.

Vote: Motion carried 7 - 0

Yes: Mayor Thomas Morrissey, Vice-Mayor Janell Sterner, Council Member Jim Ferris, Council Member Chris Higgins, Council Member Steven Smith, Council Member Susan "Suzy" Tubbs-Avakian, and Council Member Barbara Underwood.

10. **Council Decision Request** filed by Courtney Spawn, Parks, Recreation and Tourism Director, and Trever Fleetham, Economic Development and Planning Supervisor, to

authorize the Town Manager to sign all necessary documents and approve to expand the scope of services with Axis Culture Group to include the proposed website development project for Economic Development.

Courtney Spawn, Parks, Recreation and Tourism Director, noted that the Parks, Recreation and Tourism Department had a Council approved contract with Axis Culture Group and that one of the goals for the year was to update the rimcountry.com website. Ms. Spawn added that when the site was originally developed a complimentary site for economic development had been created with the same template for cohesion. Ms. Spawn explained that since the Parks, Recreation and Tourism site was being updated they wanted to explore the option of having Axis Culture Group build the economic site as well in order to continue the cohesion.

Council Member Sterner asked price wise where the extra expense went to and what each item went to. Ms. Spawn answered it included the entire build of the website and the back end which included staff training to do updates. Ms. Spawn indicated that Axis Culture would work with Trever Fleetham, Economic Development and Planning Supervisor, for all the content and noted it would be a fully responsive website tool for different devices. Council Member Sterner asked if the website was the extra \$2,500. Ms. Spawn replied everything was included in the \$6,000. Council Member Tubbs-Avakian questioned if there were other bids. Ms. Spawn replied since Parks and Recreation already had the contract with Axis Culture Group for the redevelopment of their site, they wanted to use the same company for the integration of the Economic Development site. Council Member Tubbs-Avakian questioned if they had gone out for other bids when the contract was previously brought to Council. Ms. Spawn responded the contract was initially created with Axis Culture Group for the Adventure Where We Live campaign when Parks and Recreation was in between directors. Council Member Tubbs-Avakian asked for clarification if it was just one company. Ms. Spawn answered yes.

Council Member Underwood asked if it would be out of both budgets. Ms. Spawn replied Parks and Recreation had budgeted for the initial contract, but the proposed project would come from the Economic Development budget since it was for their website. Council Member Ferris enquired if it tied in to the Explore Gila County website. Ms. Spawn noted the websites ran separately, but links could be shared on each other's sites. Council Member Tubbs-Avakian asked if it would be an annual agreement. Ms. Spawn answered it was only for the build of the website and the training. Council Member Smith cautioned that software upgrades or backend changes might be needed in the future.

Motion: to authorize the Town Manager to sign all necessary documents and approve to expand the scope of services with Axis Culture Group to include the proposed website development project for Economic Development.
Moved by Council Member Steven Smith, seconded by Council Member Barbara Underwood.

Mayor Morrissey asked for verification that it was a one time expense or if there needed to be room for adjustments. Ms. Spawn reiterated that the expanded scope was only to build the economic development website and noted that it was a

separate issue if Parks and Recreation asked to renew their tourism contract with Axis Culture at the beginning of the fiscal year.

Vote: Motion carried 7 - 0

Yes: Mayor Thomas Morrissey, Vice-Mayor Janell Sterner, Council Member Jim Ferris, Council Member Chris Higgins, Council Member Steven Smith, Council Member Susan "Suzy" Tubbs-Avakian, and Council Member Barbara Underwood.

C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR, AND/OR COUNCIL MEMBER

1. Brief presentation of current events by the Town Manager, Mayor, and/or Council Members. The Arizona Open Meeting Law specifies that the Town Council may not discuss or take action on any matter mentioned during this presentation or on the attached materials unless the specific matter is properly noticed for legal action.

Sheila DeSchaaf, Acting Town Manager, commended Courtney Spawn, Parks, Recreation and Tourism Director, for professional development by receiving her National Recreation Park Association Splashpad certification. Ms. DeSchaaf announced that National Wreaths Across America Day to remember fallen veterans was Saturday, December 14, 2019 beginning at 9:00 a.m. with a wreath placement at the Green Valley Park Veteran's Memorial, followed by wreath placement on all veterans' graves at Payson Pioneer Cemetery and Mountain Meadows Cemetery. Ms. DeSchaaf thanked the Weinland family for sponsoring and the community for taking part in the event. Ms. DeSchaaf commended Emily Linkey, Payson Library Director, for her address at the library expansion groundbreaking and expressed her appreciation for the ongoing support of the Friends of the Library.

Ms. DeSchaaf presented a plaque to Silvia Smith, Town Clerk, and thanked her for 31 years of service to the Town. Ms. DeSchaaf introduced Tracie Bailey, Chief Deputy Town Clerk, and noted she had been ratified as the new Town Clerk. Ms. Bailey had been awarded the 2019 Deputy Clerk of the Year by the Arizona Municipal Clerk's Association and held a Bachelor's of Science in public management.

Council Member Underwood noted she had attended the Car Club Christmas dinner and heard about a Thank You card from the Payson Police Department to a resident for leaving their Christmas lights on at night for them to enjoy. Council Member Underwood gave kudos to the Police Department. Council Member Underwood remarked that a friend had sent special thanks to Sheila DeSchaaf, Acting Town Manager; Doni Wilbanks, Community Development Director; and Trever Fleetham, Economic Development and Planning Supervisor, for working with her to resolve an issue.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.

Mayor Morrissey complimented Sheila DeSchaaf, Acting Town Manager, and Ron Tischer, Police Chief, for quickly getting event lights to the December 01, 2019

Swiss Village Lightning event.

2. Presentation by David Staub, Fire Chief, on the Department of Forestry and Fire Management grant for \$25,000 to thin 10 acres of vegetation near Highway 260 and University Drive.

Sheila DeSchaaf, Acting Town Manager, commented there was a lot of misinformation regarding the Department of Forestry and Fire Management grant so she had asked David Staub, Fire Chief, to make a presentation. Chief Staub explained the history and changes of the grant process. Chief Staub noted that since 2003 the Fire Department had cleared a number of Town properties funded by grants and pointed out that after the properties were treated by federal grants then it was on the Town to maintain it. Chief Staub commented that the Rim Country Educational Alliance (RECA) property was a large untreated property and explained why the area was chosen and the plan to make it a healthy forest. Chief Staub stated the grant had been approved, but they were waiting for funding and noted the RCEA had to pay ten percent. Chief Staub expressed concern about the bug filled trees.

Council Member Underwood asked how much the grant was. Chief Staub answered it was a 90-10 grant for \$25,000 and summarized how it would be implemented. Vice-Mayor Sterner asked if the wood was being shredded, burnt or taken to the dump. Chief Staub replied it was chipped and put back on the ground to keep the ground stable. Mayor Morrissey enquired if the area had to be specified on the grant. Chief Staub responded yes and explained the grant process with the RCEA property. Chief Staub noted Kevin McCully, Fire Department Fuels Manager, was creating a proposal to present to Council regarding property maintenance. Mayor Morrissey asked if other parts of Payson could receive the same firewising. Chief Staub replied people could call Mr. McCully for a property inspection and be added to a list. Council Member Underwood asked if it was for personal property. Chief Staub answered yes, it could be used on any property except Federal or State lands.

3. Presentation by David Staub, Fire Chief, regarding the 2018 International Building and Fire Code: [Link to Memo regarding the 2018 International Building and Fire Code](#)

Dave Staub, Fire Chief, noted he and Ray LaHaye, Chief Building Inspector, had been working with the Building Advisory Board to update and amend the Building and Fire Codes. There was a letter from Martin deMasi, Chair of the Building Advisory Board, to the Council acknowledging that the Building Advisory Board had voted to recommend adoption of the amendments. Chief Staub stated that most amendments were not major changes to the Town, but he had requested a philosophical change on sprinklers. Chief Staub reviewed the industry standard response and voiced concern for Payson. The Building Advisory Board had recommended modifying the code to require all buildings greater than 4,800 square foot to have an automatic fire sprinkler system. Chief Staub played two videos showing how quickly fire spread in different rooms and pointed out the room with the sprinkler system had almost no damage. Chief Staub remarked that it was hard to protect a building larger than 5,000 square feet without being certain of the

resources available and that he wanted the Council to be aware of the proposed amendment before it was brought for a vote next month.

Council Member Smith asked if it was the same price to sprinkle a house and a commercial building. Chief Staub answered yes. Council Member Smith questioned why the Building Advisory Board had not required all new construction to have sprinklers and commented that a one percent cost increase would not stop construction. Council Member Smith felt the Town should implement something more aggressive to make the town safer being a high fire risk area. Chief Staub noted the City of Scottsdale had zero based commercial and residential for sprinkler requirements and their statistics for firefighter loss of life and injury was below average for cities of their size. Following extensive discussion regarding State law restrictions and options for Town restrictions, Council Member Smith asked if the Town would put itself at risk by not passing something. Justin Pierce, Interim Town Attorney, responded that he had reviewed the plans and felt all of the recommendations were well supported and would protect the Town against liability. Mr. Pierce noted Arizona Revised Statute (ARS) 9-807 was effective prior to December 31, 2009 and warned that because it was supported by the Home Builders Association it would be an uphill battle to challenge. Chief Staub felt the issue would take care of itself going forward. Council Member Ferris observed that it would cost \$3 million dollars if 1,000 homes were built requiring \$3,000 sprinkler systems additionally per home and speculated the probability of how many of those homes would be destroyed by fire. Council Member Ferris commented there would be other maintenance costs and water damages associated with the sprinkler systems. Council Member Underwood noted she had a sprinkler system and had not had maintenance in 20 years. Council Member Tubbs-Avakian recommended having it checked every year to ensure it worked. Chief Staub noted the insurance company gave discounts for sprinkler systems in the home because water damage cost less than fire damage. Chief Staub stated that cancer was rampant in the fire community and that the best way to protect fire fighters was not to put them in burning buildings. Chief Staub commented he had two goals: to protect the community and to protect those working for him. Discussion ensued regarding sprinkler systems and cost. Sheila DeSchaaf, Acting Town Manager, noted the amendments would be brought back before the Council as an ordinance and resolution in January.

E. HEARINGS AND APPEALS

1. **Public Hearing** concerning an application for a Series 12 Liquor License filed by Marie Lawrence, agent for Culture Crepe, 512 S. Beeline Highway #1, Payson, Arizona.

Mayor Morrissey opened the public hearing. There were no public comments. Mayor Morrissey closed the public hearing.

Motion: to Approve an application for a Series 12 Liquor License filed by Marie Lawrence, agent for Culture Crepe, 512 S. Beeline Highway #1, Payson, Arizona. Moved by Council Member Barbara Underwood, seconded by Council Member Susan "Suzy" Tubbs-Avakian.

Vote: Motion carried 7 - 0

Yes: Mayor Thomas Morrissey, Vice-Mayor Janell Sterner, Council Member Jim Ferris, Council Member Chris Higgins, Council Member Steven Smith, Council Member Susan "Suzy" Tubbs-Avakian, and Council Member Barbara Underwood.

F. RESOLUTIONS AND ORDINANCES

1. **Ordinance No. 911.** Second Public Hearing regarding Ordinance No. 911 captioned as follows: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 33.02 (BOARDS, COMMITTEES AND COMMISSIONS, MEMBERSHIP) OF THE CODE OF THE TOWN OF PAYSON.

Sheila DeSchaaf, Acting Town Manager, explained that boards and committee members were seated in July and this changed the election of new chairs and vice chairs from January to July to match.

Mayor Morrissey opened the public hearing. There were no public comments. Mayor Morrissey closed the public hearing.

Motion: to Approve Ordinance No. 911 captioned as follows: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 33.02 (BOARDS, COMMITTEES AND COMMISSIONS, MEMBERSHIP) OF THE CODE OF THE TOWN OF PAYSON.

Moved by Vice-Mayor Janell Sterner, seconded by Council Member Jim Ferris.

Vote: Motion carried 7 - 0

Yes: Mayor Thomas Morrissey, Vice-Mayor Janell Sterner, Council Member Jim Ferris, Council Member Chris Higgins, Council Member Steven Smith, Council Member Susan "Suzy" Tubbs-Avakian, and Council Member Barbara Underwood.

G. UNFINISHED BUSINESS

1. There were no items in this section.

H. NEW BUSINESS

1. **Council Decision Request** filed by Trever Fleetham, Economic Development and Planning Manager, to accept Staff's General Plan annual progress report for 2019 as presented.

Trever Fleetham, Economic Development and Planning Supervisor, presented the General Plan annual progress report for 2019. Mr. Fleetham highlighted staff efforts to work with artists on Main Street and to continue the American Gulch project. Mr. Fleetham noted staff was working on signage and wayfinding to beautify the area and to point out where major Town attractions were. Mr. Fleetham indicated staff was working with the Rim Country Sustainable Recreation Committee on a trails project. Mr. Fleetham noted that the Water Department had started delivering water from the new water treatment plant on July 25, 2019 and that the Parks, Recreation,

and Tourism Department were working on expanding recreational activities and had created new parks and Payson Area Trail System (PATs) maps. Mr. Fleetham listed the various grants awarded and projects in the works and thanked the Council for their time.

Council Member Underwood thanked Mr. Fleetham for the presentation. Council Member Tubbs-Avakian asked if there would be signage directing people to Swiss Village. Mr. Fleetham replied it would be addressed and noted there would be a survey of the Town to see what major attractions and shopping areas were. Council Member Tubbs-Avakian thanked Mr. Fleetham and commented a lot had been accomplished this year and hoped the next year was successful. Mayor Morrissey remarked that he appreciated Mr. Fleetham's attendance at the Main Street Guild meetings to answer questions.

Motion: to accept Staff's General Plan annual progress report for 2019 as presented. Moved by Vice-Mayor Janell Sterner, seconded by Council Member Susan "Suzy" Tubbs-Avakian.

Vote: Motion carried 7 - 0

Yes: Mayor Thomas Morrissey, Vice-Mayor Janell Sterner, Council Member Jim Ferris, Council Member Chris Higgins, Council Member Steven Smith, Council Member Susan "Suzy" Tubbs-Avakian, and Council Member Barbara Underwood.

Mayor Morrissey recessed the meeting at approximately 7:00 p.m.

Mayor Morrissey reconvened the meeting at approximately 7:05 p.m. with all Council Members present.

2. **Council Decision Request** filed by David Staub, Fire Chief, to approve staff to pursue negotiations with Hellsgate Fire District to develop a proposal and if possible a management agreement.

David Staub, Fire Chief, noted that John Wisner, Hellsgate Fire Chief, was retiring October 2020 and that the Hellsgate Board was looking at options. Chief Staub explained that Hellsgate had asked for a management proposal to review at a future work study and if they approved it then the Intergovernmental Agreement (IGA) would be brought to Council for approval. Sheila DeSchaaf, Acting Town Manager, commented that a suitable agreement would be bring back for Council consideration.

Motion: to Approve staff to pursue negotiations with Hellsgate Fire District to develop a proposal and if possible a management agreement. Moved by Council Member Chris Higgins, seconded by Council Member Steven Smith.

Vote: Motion carried 7 - 0

Yes: Mayor Thomas Morrissey, Vice-Mayor Janell Sterner, Council Member Jim Ferris, Council Member Chris Higgins, Council Member Steven Smith, Council

Member Susan "Suzy" Tubbs-Avakian, and Council Member Barbara Underwood.

3. **Council Decision Request** filed by Doni Wilbanks, Planning & Development Director, to approve the agreement with Kimley-Horn & Associates Inc. in the amount of \$200,000 substantially in the form attached and authorize the Town Manager to execute all contract documents.

Sheila DeSchaaf, Acting Town Manager, noted the Community Development Block Grant (CDBG) was a housing rehab program administered by Doni Wilbanks, Community Development Director, and was switching focus this year to a project that would serve the greater community. Ms. DeSchaaf explained there had been a request for proposals for design work for improvements based on the priorities identified by the Americans with Disabilities Act (ADA) for public roadways and parking areas. The committee had selected Kimley-Horn & Associates and this was to approve the contract. Ms. DeSchaaf noted the Central Arizona Government (CAG) was helping to manage the contract.

Council Member Ferris asked for clarification on the \$200,000. Ms. DeSchaaf replied that the Town got all its funding from the grant money and noted that after this \$200,000 there would still be \$100,000 to put towards the actual projects. Vice-Mayor Sterner asked what areas would be worked on. Ms. DeSchaaf responded that evaluations would be done on all the roadways and sidewalks, connections at the airport, Town parks and the Town Hall parking lot, and other municipal facilities. Vice-Mayor Sterner asked if it would be completed by October 2020. Ms. DeSchaaf answered that the design portion would be done.

Motion: to Approve the agreement with Kimley-Horn & Associates Inc. in the amount of \$200,000 substantially in the form attached and authorize the Town Manager to execute all contract documents.

Moved by Vice-Mayor Janell Sterner, seconded by Council Member Susan "Suzy" Tubbs-Avakian.

Vote: Motion carried 7 - 0

Yes: Mayor Thomas Morrissey, Vice-Mayor Janell Sterner, Council Member Jim Ferris, Council Member Chris Higgins, Council Member Steven Smith, Council Member Susan "Suzy" Tubbs-Avakian, and Council Member Barbara Underwood.

4. **Consideration and possible action on a Motion to Recess to Executive Session:**
Upon a public majority vote of the members constituting a quorum, a public body may hold an executive session pursuant to TITLE 38, CHAPTER 3, ARTICLE 3.1 KNOWN AS ARIZONA OPEN MEETING LAW but only for the purposes authorized under A.R.S. § 38-431.03:
Pursuant to A.R.S. § 38-431.03(A)(1) – for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four

hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting, and pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the attorney or attorneys of the public body. Discussion/consultation for legal advice with the attorney or attorneys of the public body, pursuant to A.R.S. § 38-431.03(A)(3).

Motion: to recess to executive session.

Moved by Vice-Mayor Janell Sterner, seconded by Council Member Jim Ferris.

Vote: Motion carried 7 - 0

Yes: Mayor Thomas Morrissey, Vice-Mayor Janell Sterner, Council Member Jim Ferris, Council Member Chris Higgins, Council Member Steven Smith, Council Member Susan "Suzy" Tubbs-Avakian, and Council Member Barbara Underwood.

Mayor Morrissey recessed the meeting to executive session at approximately 7:16 p.m.

Mayor Morrissey reconvened the meeting at approximately 9:02 p.m. with all Council Members present.

a. Discussion/Direction to Staff concerning the Town Manager ideal candidate profile/survey and workshop results/recruitment.

Mayor Morrissey directed Town staff to post the findings of the survey for the recruitment of a Town Manager and to begin the process of recruitment.

b. Legal advice concerning Appointment and/or removal of RCEA Board Members.

5. Discussion/possible action concerning RCEA Board Member Appointment and/or removal.

Justin Pierce, Interim Town Attorney, noted that Council could either take the issue up tonight or table it for a future meeting. Mayor Morrissey recommended item 5 be tabled.

Motion: to dismiss John Cline and Richard Richey from their positions as Board of Directors on the Rim Country Educational Alliance (RCEA) Separate Legal Entity (SLE) for cause.

Moved by Council Member Jim Ferris, seconded by 0.

The motion failed for lack of a second.

Mr. Pierce stated that with a failed motion Council did not have to table the item and that it could be put on again as an agenda item at a later time. Mayor Morrissey requested that be put on a future agenda.

I. MISCELLANEOUS

There were no items in this section.

ADJOURNMENT

Mayor Morrissey adjourned the meeting at approximately 9:05 p.m.

APPROVED:

_____ Date: _____

Thomas Morrissey, Mayor

ATTEST:

Silvia Smith, 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 Payson held on this day the 12 of December, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2019.

Tracie Bailey, Chief Deputy Town Clerk