

The Common Council of the Town of Avondale held its regular meeting on Monday, June 3, 1957. Members present:

Russell H. Brinker, Mayor  
Fred Campbell, Jr.  
Wm. E. Fulks  
Archie M. Kingsbury  
Homer B. Tyler

also present: Robert W. Pickrell, Town Attorney  
Chas. Andrade, Town Clerk

MINUTES APPROVED:

Minutes of the regular meeting held on May 20, 1957, were approved, as read.

CANVASS RETURNS OF ELECTION:

Mr. C. O. Henderson, Inspector of Election Board, appeared before the Council and submitted a sworn Affidavit signed by all five members of the Election Board certifying to an error in the talley sheet turned in to the Town Clerk after the General Election held on May 27, 1957, and submitted a corrected unofficial return as to number of votes cast for councilmen, as follows:

NON PARTISAN CANDIDATES		INDEPEN DENT CANDIDATES	
Russell H. Brinker	136	Thomas Aragon	97
Fred Campbell, Jr.	178	Hovel E. Smalley	114
Wm. E. Fulks	167		
Cecil Howe	181		
Jack Pryor, Jr.	171		
Archie M. Kingsbury	153		
Homer B. Tyler	152		

WRITE-INS

Hiram O. Wendling	7
W. T. Holland	4
Ballots voided	2
Total Ballots cast	251

Asked by the Council to explain how the error occurred, Mr Henderson testified that in addition to the two regular tally sheets being tallied by two clerks of the Board, he, as Inspector kept a tally on another sheet. He stated that when sorting the ballots before counting, there were 27 ballots which showed straight votes for the seven non-partisan candidates. These 27 ballots were set aside to be tallied after all other ballots were finished. However, instead of marking up 27 votes to each of the seven non-partisan candidates,

these same 27 votes were given to all nine candidates appearing on the Tally Sheet, including the two independent candidates. Mr. Henderson submitted, in proof, his own work-sheet showing the votes tallied. He showed where he had sub-totalled the votes, twice during the count. Referring to the tally of Mr. Smalley's votes, the first subtotal was 43 and the second subtotal, just before tallying the 27 ballots referred to, was 71 or a total actual tally for Smalley of 114 votes. He pointed to the tally marks on the sheet which totalled 114 - agreeing with the two subtotals. Then he pointed to a figure of 141 written beside the two subtotals. This figure of 141 was the result of adding the 27 erroneous votes to the actual count of 114.

Each member of the Council examined the tally sheet that Mr. Henderson was referring to and indicated that they were satisfied that the error had been committed, as explained by Mr. Henderson.

Councilman Homer Tyler therefore moved to accept the returns as corrected by the Election Board and to declare the following candidates elected: Russell H. Brinker, Fred Campbell, Jr., Wm. E. Fulks, Cecil Howe, Jack Pryor, Jr., Archie M. Kingsbury and Homer B. Tyler. Motion was seconded by Mr. Campbell and carried.

A small group headed by Mr. W. H. Stroud and Mrs. Myrtle Lopez objected to the council approving the corrected return submitted by the Election Board. They stated that the council should order the votes recounted.

Town Attorney Pickrell informed the council that it was entirely within their discretion to accept the returns as was deemed proper in the circumstances, and that there was no provision in the law for a mandatory recount initiated by the council. He stated, however, that any citizen may petition the Superior Court for a recount of the ballots, within 20 days after the date said returns were canvassed by the Council and that the total cost would be about \$250.00.

Mr. Stroud and Mrs. Lopez served notice that they intended to take action to order a recount of the ballots, whereupon Mr. Brinker expressed the hope that they would do this and offered to pay a portion of the cost out of his own pocket.

#### UNFINISHED BUSINESS:

In the matter of a petition of School Board, District No. 44, for payment of lieu tax by the Avondale Circle owned by the Town of Avondale:

Attorney Pickrell informed the Council that he talked with Mr. Little of the City of Glendale Housing Authority and was

informed by him that since the Federal Government purchased the bonds floated to build the housing units in the City of Glendale, the Federal Government directed the housing authority to pay 10% of the shelter rent, to the various political subdivisions of the State of Arizona, in lieu of taxes.

Concerning Avondale Circle, Mr. Pickrell stated that the situation differed from that of the housing units in the City of Glendale, but it was his opinion that there is no doubt that the Town Council can order payment of a grant to the school district. However it must be on hardship cases occurring after the effective date of the Act, Mar. 1, 1957, and not before that date.

On the suggestion of Mr. L. F. Coor, Attorney Pickrell was directed to consult with the County Attorney and to draft a new Petition to be presented to the Town Council.

#### COMMUNICATIONS:

From Agua Fria Union High School dated May 23, 1957, requesting payment of \$3361.48 in back lieu taxes based on a school tax rate of \$2.52 per Hundred on a valuation set on Avondale Circle of \$133,392.00.

Action on this request was deferred pending disposition of the new petition to be submitted by Avondale School District No. 44.

#### PUBLIC HEARING - Liquor Applications:

Application, State No. 450, Transfer of Series No. 7 license No. 682 - Person to Person - from Henry Goy and L. M. McLeod TO Joseph Henry Harwood covering premises of Riley's Tavern.

Also Appl. No. State 452, Transfer of Location of a No. 6 liquor license No. 364, by applicant Mr. Jos. Henry Harwood, from Perryville Tavern to Riley's Tavern.

The Clerk certified that both applications were posted as required by law and that no protests had been received.

Upon motion of Councilman Tyler, seconded and carried, both applications were disapproved and the Clerk directed to so notify the State Dept. of Liquor Licenses and Control.

#### REQUEST FOR CLOSING OF HILL DRIVE:

A petition from H. S. (Casey) Abbott, who owns property on both sides of Hill Drive between Central Avenue and First Avenue, Del Monte Homes Subdivision, requesting the Town Council to close and vacate said street from Central Avenue

to the east line of First Avenue.

One of the reasons given was that Del Monte Construction Co. had no legal right to dedicate this portion of the land, originally owned by Abbott, as a street. However, upon examination of the subdivision plat which was submitted by Phoenix Title & Trust Co. with their petition for annexation by the Town of this subdivision, the Council found that both Mr. & Mrs. Abbott signed the plat, expressly joining in the dedication of all streets shown thereon, to the public.

Fire Commissioner Campbell objected to the closing of this street, stating that it would seriously handicap his department in case of a fire in this tract.

Councilman Campbell moved that the request be denied as not being in the public interest. Motion was seconded by Mr. Tyler and carried by unanimous vote.

#### PAYMENT OF DEMAND CLAIMS:

The following claims were approved and ordered paid:

		<u>Water Wks</u>	
1803	Mt. States Tel & Tel	Telephone	8.08
1804	Complete Auto Supply	Truck Expense	37.47
1805	Ariz. Janitor Supply	Misc. Supplies	8.21
1806	Hills Auto Supply	Misc. Supplies	3.15
1807	S. W. Lawn Sprinkler Co.	Misc. Supplies	14.28
1808	Ariz. Disinfectant Co.	Misc. Supplies	20.30
1809	State Tractor Co.	Repair & Replacmt.	30.75
1810	Ariz. Public Service	Electric Power	181.68
1811	Viking Supply Corp.	Pipe & Valves	37.94
1812	Western Supply Co.	Pipe & Valves	25.02
		Misc. Supplies	2.96
		Discount earned	.56
1813	Phx. Pipe & Supply	Pipe & Valves	4.85
1814	General Fund	Garbage Collection	1701.28
1815	Nathleen Spence	Meter Deposit refund	5.21
1816	Petty Cash	do	52.00
1817	Hocor Lumber Co.	Misc. Supplies	7.63
1817	Westside Ranch Supply	Misc. Supplies	11.16
1818	Coldwater Welding	Repairs & Replacmt.	5.50
1819	Phx. Electric Supply	Misc. Supplies	14.63
1820	Int. & Redemption Fund	Deposit	637.50
1821	T of A. Payroll Acc t.	Deposit for June	975.00
		<u>General</u>	
7523	Ariz. Refining Co.	Street Maint.	16.91
7524	Petty Cash	Firemen's Pay	646.50
7525	Bailey Clinical Lab.	Drunk Tests	120.00

7526	Schneider Drug Store	Police Misc. Expense	3.41
7527	Howe's Grocery	Prisoners Meals	127.45
7528	Scales Market	do	99.73
7529	Motorola c & E, Inc.	Police Radio Maint.	54.00
7530	1st Nat'l Bank of Ariz.	Garb. Truck payment	239.94
7531	Avondale Water Works	Utilities	3.54
7532	Mt. States Tel & Tel	do	46.38
7533	Ariz. Public Service	do	45.24
7534	Jahn-Tyler Printing Co.	Election Exp.	23.64
7535	Petty Cash	Election Exp.	8.65
		Police Equipt.	70.00
7536	Ariz. State Retirement	Emp. Retirement Payable	138.42
7537	do	Town's Share of Retirement	138.42
7538	Gage's Garage	Police Car Exp.	20.75
7539	Jack Fowler's Garage	Police Car Exp.	21.99
		Repair Street Equip.	55.85
7540	Coldwater Welding	Repair Street Equip.	21.87
7541	Avondale Sand & Rock	Paving Madden Drive	8.28
7542	Pickrell	Attorney Retainer & codification	175.00
7543	Ariz. Cedar Rapids Co.	Grader payment	244.44
7544	Payroll Account	Street Payroll	625.00
7545	Payroll Account	Deposit	571.28

CLOSING BUSINESS-OUTGOING COUNCIL:

The Mayor announced that the above brings to a close the business and activities of the present council and that under Section 9-232 A.R.S. newly elected councilmen shall assemble within twenty days after their election and choose a mayor from among their number.

SITTING OF NEW COUNCIL - 9:15 P.M. June 3, 1957:

Elected councilmen answering the roll call were:

Russell H. Brinker  
 Fred Campbell, Jr.  
 Wm. E. Fulks  
 Cecil Howe  
 Jack Pryor, Jr.  
 Archie M. Kingsbury  
 Homer B. Tyler

All members stood and took the Oath of Office, administered by the Town Clerk.

SELECTION OF MAYOR FOR ENSUING TWO YEARS:

Councilman Fred Campbell, Jr., moved that Mr. Russell H. Brinker be named Mayor. Motion was seconded by Mr. Kingsbury and carried by unanimous vote.

There being no further business, the meeting was adjourned until the next regular meeting on June 17, 1957.

*Chas. Andrade*  
 Chas. Andrade, Town Clerk

Approved by the Council, 6/17/57

*Russell H. Brinker*  
 Mayor