



TOWN OF JEROME

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Founded 1876
 Incorporated 1899

MINUTES

REGULAR MEETING OF THE JEROME TOWN COUNCIL

JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS

TUESDAY, FEBRUARY 12, 2013 AT 7:00 P.M.

SECOND REGULAR MEETING OF 2013

<p>ITEM #1:</p>	<p>CALL TO ORDER/ROLL CALL</p> <p>Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll.</p> <p><i>Mayor Check called the meeting to order at 7:07 p.m.</i></p> <p><i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Nikki Check, Vice Mayor Lew Currier and Councilmembers Randall Hunt, Bill Phinney and Anne Bassett.</i></p> <p><i>Other staff in attendance at roll call included Deputy Town Clerk Rosemarie Shemaitis, Fire Chief Rusty Blair and Zoning Administrator Carmen Ogden.</i></p>
<p>ITEM #2:</p>	<p>PLEDGE OF ALLEGIANCE</p> <p>Mayor/Chairperson to lead the Pledge.</p> <p><i>The pledge of allegiance was led by Mayor Nikki Check.</i></p>
<p>ITEM #3: 7:08 pm</p>	<p>STAFF REPORTS</p> <p>Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Representative, Public Works Department, Library, Police Chief and Fire Chief.</p> <p><i>Referring to the Town Manager's report:</i></p> <ul style="list-style-type: none"> • <i>Mayor Check asked if we have received an easement yet from Freeport-McMoRan regarding the planned sidewalk from the 300 Level parking area. Ms. Gallagher said that we have not, and added that Supervisor Chip Davis has been helpful with this.</i> • <i>Councilmember Hunt asked if an auction of Town equipment had been arranged yet and Ms. Gallagher responded that it has not.</i> • <i>Mayor Check asked if staff is working on obtaining bids for the work in Upper Park. Ms. Gallagher replied that Dwain Dement is working on this.</i> • <i>Councilmember Phinney asked about Sun West bank and Ms. Gallagher replied that we are in the process of setting up an account there and moving funds.</i> <p><i>Vice Mayor Currier said that he would like to see a monthly report from the Building Official as well. Council agreed, and Ms. Gallagher will request that he submit reports.</i></p> <p>Motion: <i>Vice Mayor Currier made a motion to accept the staff reports. It was seconded by Councilmember Bassett and approved by all.</i></p>
<p>ITEM #4: 7:19 pm</p>	<p>FINANCIAL REPORTS</p> <p>Issued checks and Budget to Actual report for the month of January 2013. Figures included therein are presumed accurate as of the report's preparation date, but are subject to adjustment as further information is gained.</p> <p><i>As Council had only recently received the financial reports, Ms. Gallagher recommended tabling</i></p>

	<p>their acceptance until an upcoming meeting.</p> <p>Motion: Vice Mayor Currier made a motion to table the financials until an upcoming meeting. It was seconded by Councilmember Phinney and approved by all.</p>
<p>ITEM #5: 7:20 pm</p>	<p>PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT</p> <p>Minutes are provided for the information of Council and do not require action.</p> <p><i>Mayor Check asked about the progress of the General Plan. Ms. Ogden replied that seven people have been approved for the steering committee. Only one member of the committee will be a Planning and Zoning Commissioner.</i></p> <p><i>Councilmember Phinney asked Ms. Ogden if she needs anything from Council at this time and she replied that she does not.</i></p>
<p>ITEM #6: 7:21 pm</p>	<p>COUNCIL MEETING MINUTES</p> <p>January 7 special meeting; January 8 regular meeting; January 22 special meeting</p> <p>January 7, 2013 special meeting</p> <p>Motion: Vice Mayor Currier made a motion to approve the minutes of January 7, 2013. It was seconded by Councilmember Phinney and approved by all.</p> <p>January 8, 2013 regular meeting</p> <p>Motion: Vice Mayor Currier made a motion to approve the minutes of January 8, 2013. It was seconded by Mayor Check, who also wanted to clarify a point. Councilmember Bassett, Vice Mayor Currier and Tom Pitts also suggested certain corrections to the minutes, and it was agreed that those would be made.</p> <p>AMENDED Motion: Vice Mayor Currier amended his motion to approve the minutes of January 8, 2013, with the corrections noted. The Mayor amended her second and it was approved by all.</p> <p>January 22, 2013 special meeting</p> <p>Motion: Vice Mayor Currier made a motion to approve the minutes of January 22, 2013. It was seconded by Councilmember Bassett and the motion was approved. There were 4 aye votes and 1 abstention by Councilmember Phinney.</p>
<p>ITEM #7 7:27 pm</p>	<p>PETITIONS FROM THE PUBLIC</p> <p>Pursuant to A.R.S. § 38-431.01(H), public comment is permitted on matters not listed on the agenda but the subject matter must be within the jurisdiction of the Council. All comments are subject to reasonable time, place and manner restrictions. All petitioners must fill out a request form with their name and subject matter. When recognized by the chair, please step to the microphone, state your name and please observe the three (3) minute time limit. No petitioners will be recognized without a request. The Council's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.</p> <p><i>Tom Pitts, a Jerome resident, announced that he had attended a meeting regarding the future of Arizona. He noted that the "Arizona We Want" report included a section regarding civic health and younger Arizonans, and Jerome's Mayor, Nikki Check, was featured.</i></p>

ITEM #8	ORDINANCES
7:29 pm	<p>ITEM #8A: FIRST READING: ORDINANCE 401, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, ARIZONA, AMENDING ARTICLE 8-5, "TOUR BUSINESS CODE," OF THE JEROME TOWN CODE REGARDING LICENSING REQUIREMENTS FOR DRIVERS OF TOUR VEHICLES</p> <p>Council may conduct the first reading of Ordinance 401, which would remove the existing requirement for drivers of tour business vehicles to have a Commercial Driver's License.</p> <p><i>Following a brief explanation, Mayor Check read Ordinance 401 in title only.</i></p>
7:30 pm	<p>ITEM #8B: FIRST READING: ORDINANCE 402, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, ARIZONA, AMENDING SECTION 3-2-5, "TOWN MANAGER," OF THE JEROME TOWN CODE TO INCLUDE THE ZONING ADMINISTRATOR UNDER THE MANAGER'S SUPERVISION</p> <p>Council may conduct the first reading of Ordinance 402, which would amend the Town Code to include the Zoning Administrator under the supervision of the Town Manager. This would not alter the manner in which the Zoning Administrator is appointed, which is by the Town Council.</p> <p><i>Mayor Check read Ordinance 402 in title only.</i></p> <p><i>Ms. Gallagher explained that some staff positions are appointed by the Council but the Town Code provides that they report to her. This ordinance will bring the position of Zoning Administrator (appointed by the Council) under her supervision as well.</i></p>
ITEM #9	NEW BUSINESS
7:31 pm	<p>ITEM #9A: PROCLAMATION: PRESCRIPTION DRUG ABUSE REDUCTION INITIATIVE</p> <p>Council may approve the Mayor's signature on a proclamation joining MATFORCE and Yavapai County in support of the Prescription Drug Abuse Reduction Initiative.</p> <p><i>Vice Mayor Currier expressed concern that use of the word "initiative" in this proclamation implies that new laws could be created without input from the Towns. Ms. Gallagher noted that, in this instance, the word "initiative" is probably intended to mean a new project, rather than something with legislative intent.</i></p> <p><i>Mr. Currier added that he does not like that all citizen prescription drug use is being entered into a database. After brief discussion,</i></p> <p>Motion: Mayor Check made a motion to table this item. It was seconded by Vice Mayor Currier.</p> <p><i>Fire Chief Blair suggested that such a database could be a HIPAA violation.</i></p> <p><i>Mayor Check called the question and it was approved by all.</i></p>
7:37 pm	<p>ITEM #9B: APPEAL FROM DECISION OF PLANNING & ZONING COMMISSION</p> <p>Council will review an appeal filed by Roberto Rabago of a decision rendered by the Planning & Zoning Commission imposing certain requirements for a "Conditional Change of Use Permit for residential use in a commercial zone." Mr. Rabago asserts that there has been no change of use and therefore the requirements imposed by the Commission are not applicable.</p> <p><i>Roberto Rabago addressed the Council to appeal a decision by the Planning and Zoning Commission requiring a Conditional Use Permit, and attaching certain conditions to same, with respect to his property at 511 Main Street.¹</i></p> <p><i>Mr. Rabago explained that, regarding the building in question, Magpie, the shop, is on the ground floor and there are three levels above that. The second and third levels are one rental unit and the</i></p>

¹ A copy of Mr. Rabago's letter of appeal is included at the end of these 2/12/13 minutes.

top level is an A-frame apartment.

Mr. Rabago said that he received a notice of decision stating that he was granted a "conditional change of use permit for residential use in a commercial zone." He said that he did not apply for a change of use permit; he applied for a conditional use permit. Mr. Rabago added that, when he received the notice of decision, he also received a Waiver of Proposition 207 Rights and Property Owner's Acknowledgement of Jerome's Parking Ordinance. He said that raised a red flag and that there are serious consequences to this – either existing or intended. It would be foolish for him to waive rights, he said, if there is no need to do. He noted that there is nothing in our ordinance that defines "change of use," and the only place where he found a mention of "change of use" was in the parking ordinance. He asked that Council change the notice of decision to read "conditional use permit for residential use in the commercial zone."

Mayor Check said that that she is concerned that he would lose parking if he changes from commercial to residential use. But if there is a mixed use, it would essentially still include a commercial use. Mr. Rabago agreed that the building has historically been mixed use.

Ms. Ogden said that the CUP is appropriate and that she had used the terminology incorrectly in preparing the notice of decision. Moving forward, she will make a point to correctly use the terminology.

Motion: It was moved by Councilmember Hunt to grant a conditional use permit for Mr. Rabago's property. Councilmember Phinney said that the motion should be reworded to include that "conditional change of use" is changed to "conditional use." Mr. Hunt agreed.

Mayor Check asked if she should let that motion die.

Motion: It was moved by Vice Mayor Currier to table this matter.

Councilmember Phinney seconded Mr. Hunt's motion.

It was noted that, either way, Council would have to meet within 15 days to resolve this. The Mayor noted that Council cannot grant a CUP.

Ms. Gallagher said that Council is charged with upholding the Commission's decision, granting Mr. Rabago's appeal for the decision or tabling it for future action, or scheduling a public hearing. Regarding the terminology on the Notice of Decision, Ms. Gallagher recommended that this be corrected administratively, as it was the terminology used by the Zoning Administrator and not the Commission. This would leave Council to decide only whether or not to waive the requirement for a Prop 207 waiver.

Mayor Check stated that the current motion (to grant a CUP) is not within the scope of Council.

Councilmember Hunt withdrew his motion and Councilmember Phinney withdrew his second.

Councilmember Bassett seconded Vice Mayor Currier's motion to table.

Ms. Shemaitis asked for clarification on the motion. She asked if this was to table the Prop 207 issue with direction to staff to correct the notice of decision. Vice Mayor Currier said that his motion was to table the whole matter. Period. He said that once they table it they could still give direction to staff.

Ms. Gallagher suggested that it might be better to give the direction to staff and then move to table everything else.

After further discussion, it was generally agreed that Council needs more time to think about this matter before making a decision and would like to table the issue.

Councilmember Bassett clarified that direction was given to correct the notice of decision.

Mayor Check called the question and it was **unanimously approved**.

<p>8:22 pm</p>	<p>ITEM #9C: APPOINTMENTS TO PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT</p> <p>Council may make appointments to fill upcoming vacancies on the Planning & Zoning Commission and the Board of Adjustment. The terms of Lance Schall (P&Z) and Gary Shapiro (B of A) will expire as of February 28, 2013, and each has submitted an application for re-appointment. These are three-year terms, and the new appointments will expire on February 28, 2016. At the time of agenda preparation, no other persons had applied to fill the positions.</p> <p><i>Following a brief discussion,</i></p> <p>Motion: Councilmember Bassett made a motion to appoint Lance Schall to the Planning and Zoning Commission and Gary Shapiro to the Board of Adjustment, each for a three year term expiring on February 28, 2016. It was seconded by Councilmember Phinney and approved by all.</p>
<p>8:25 pm</p>	<p>ITEM #9D: CHAMBER OF COMMERCE ADVERTISING COSTS</p> <p>Council will consider a request by the Chamber of Commerce to fund a portion of their cost in printing updated maps.</p> <p><i>Councilmember Hunt asked why this was on the agenda. Mayor Check explained that Liz Gale, a Jerome business owner, is the new president of the Jerome Chamber of Commerce, and is here to petition the Council to provide partial funding to print the map brochure, which benefits the town by showing where restrooms, defibrillators, the Police and Fire stations, parking, historical plaques and the municipal buildings are located, as well as listing town events. This map brochure guides visitors through town and shows what the town has to offer.</i></p> <p><i>Ms. Gale addressed the Council and said that they are asking for \$1,000, which is roughly 20 to 25 percent of the cost of printing the maps. She said that they would be printing 50,000 maps, and the State Park (Douglas Mansion) is already requesting 10,000 copies. Ms. Gale said that she hopes that Council will consider this request.</i></p> <p><i>Mayor Check asked if we have money in the budget for this. Ms. Gallagher responded that, projecting into the remaining few months of the budget, it appears that there would be about \$1,000 available in the advertising line item, and Council, if they wish, could grant the request.</i></p> <p>Motion: Councilmember Hunt made a motion to move on to the next item. It was seconded by Councilmember Bassett.</p> <p><i>Ms. Gale commented that this request is for a specific project, not investment in the Chamber.</i></p> <p><i>Mr. Hunt said that Council's discussion of this matter at their budget meeting (where the Chamber's original request had been denied) was specific.</i></p> <p><i>Mayor Check commented that the map is a service to the town.</i></p> <p><i>Vice Mayor Currier said that, at the budget meeting, it was decided to use the money toward construction of a sidewalk from the 300 Level parking lot, rather than to support the Chamber directly, and he still thinks that it was the correct decision.</i></p> <p><i>Mayor Check noted that we have money available in the Town's advertising budget.</i></p> <p><i>Councilmember Hunt opined that the maps do not go to everyone and Ms. Gale responded that all have access to it.</i></p> <p><i>Councilmember Bassett stated that the Town spends money on restrooms, sidewalks and infrastructure. Tourism brings in money but does not support itself. She is not in favor of spending money on this.</i></p> <p><i>Councilmember Phinney said that he is in favor of the map but this issue was already voted on. He said that he would champion it during the next budget session and expressed his regret that the \$1,000 could not be used.</i></p>

	<p>Mayor Check called the question to move on to the next item and the motion passed with 3 ayes and 2 nays. The nay votes were cast by Mayor Check and Councilmember Phinney.</p>
<p>8:38 pm</p>	<p>ITEM #9E: 2013 CAR SHOW</p> <p>Council will review and may approve a proposal by Rebekah Kennedy and Karen and Rick Hernandez for use of the 300 Level Parking Lot for an annual fundraising event on June 8, 2013. Proceeds will benefit the Jerome Volunteer Fire Department Auxiliary (JVFD) and the Jerome Kids Christmas Party. Tentative plans for the event include a car show, live music, a beer garden, 50/50 raffle, swimsuit contest, trophies and possible vending by the JVFD Auxiliary.</p> <p><i>Fire Chief Blair explained that this will be the second year of holding this event.</i></p> <p><i>Councilmember Phinney asked if this event would be the same as last year's, and Chief Blair responded that everything would be the same except for the set up.</i></p> <p><i>Councilmember Bassett asked if the swimsuit contest would be non-sexist (open to males), and Chief Blair said that he would run that by the Auxiliary.</i></p> <p><i>Chief Blair stated that, at last year's event, they raised \$700 for the kids and \$1,200 for the Auxiliary. He said that this year they should raise more, because last year there were several one-time expenses.</i></p> <p>Motion: Vice Mayor Currier made a motion to approve this proposal. It was seconded by Councilmember Hunt. The motion passed with 4 ayes and 1 nay by Councilmember Bassett.</p>
<p>8:42 pm</p>	<p>ITEM #9F: LIVE FIRE TRAINING AT 211 MINE ROAD</p> <p>Council will review and may approve a request by Fire Chief Rusty Blair for the Jerome Fire Department to conduct live fire training at 211 Mine Road.</p> <p><i>Fire Chief Blair explained that a structure has been made available for the fire department to practice on.</i></p> <p><i>Mayor Check commented that some "nasty stuff" could get burned and wanted to know how it will impact the neighbors. Chief Blair responded that they will evacuate and cordon off the area and will deal with the residents.</i></p> <p><i>Councilmember Phinney asked if there will be several fires or one fire. Chief Blair said that they will do several smaller fires and then burn the remainder once the structure becomes compromised.</i></p> <p><i>Chief Blair confirmed for Council that they have already obtained a demolition permit.</i></p> <p>Motion: Councilmember Bassett made a motion to approve the live fire training. It was seconded by Councilmember Phinney.</p> <p><i>Vice Mayor Currier asked, "What if the neighbors disapprove?"</i></p> <p>AMENDED Motion: Councilmember Bassett made a motion to approve the live fire training as long as it is okay with the neighborhood. Councilmember Phinney amended his second and it was approved by all.</p>
<p>8:50 pm</p>	<p>ITEM #9G: PRESCRIPTION DRUG DISCOUNT PROGRAM FOR JEROME RESIDENTS</p> <p>Town Manager Candace Gallagher will provide information regarding a new Prescription Drug Discount Program for Jerome residents. Free prescription discount cards will be made available to Town residents, and will provide an average of 23 percent savings off the retail price of prescription medications. The program is sponsored by the National League of Cities and Towns.</p> <p><i>Ms. Gallagher explained the new prescription drug discount program made available to our residents through the National League of Cities and Towns. There is no cost to the Town, and the discount cards can be used for any prescription, including pet medications, that insurance does not cover. Information and the prescription discount cards were made available at the meeting and will also be available at the Library. They can be printed online as well. The official launch date for the program is the next day, February 13, and a press release will be sent out.</i></p>

	<p>Mayor Check thanked Ms. Gallagher for her work on this.</p>
8:53 pm	<p>ITEM #9H: APPROVAL OF VACATION LEAVE FOR TOWN MANAGER</p> <p>Council will review and may approve a request by the Town Manager for vacation leave on February 14, March 13 and March 14.</p> <p>Motion: Councilmember Bassett made a motion to approve Ms. Gallagher's vacation request. It was seconded by Vice Mayor Currier.</p> <p>Mayor Check noted that the Town attorney had said that it should not be necessary for Ms. Gallagher to seek approval from Council each time she wishes to take vacation days. Ms. Gallagher responded that it is in the Personnel Policy, which needs to be revised.</p> <p>Mayor Check called the question and it was approved by all.</p>
ITEM #10 8:50 pm	<p>TO AND FROM THE COUNCIL</p> <p>Council may direct Staff as to items of pending importance that they would like placed on a future meeting agenda.</p> <p>Councilmember Bassett said that she would like to attend a meeting with ADOT regarding Hill Street. Also, she would like to downsize the number of Town vehicles, starting with the Hummer.</p> <p>Councilmember Phinney noted that there had been a trip and fall on the sidewalk on Main Street below Upper Park. Ms. Gallagher said that the Town Crew would be taking care of this.</p> <p>Councilmember Bassett noted that there is a metal plate in front of Angel's Inn Gallery which has lost its traction coating, and is also a hazard.</p> <p>Councilmember Phinney said that the storm drain on Center Street is clogged and should be cleaned. Suzy Mound, a Jerome resident, commented that there are also drainage issues on 4th Street.</p> <p>Councilmember Phinney asked about the Fire Department's follow up with insurance companies when they deny payment. Ms. Gallagher said that she believes they do make every effort to collect from insurance companies, and she will confirm that with Chief Blair.</p> <p>Vice Mayor Currier said that he would like a policy drafted regarding use of the Council chambers.</p> <p>Councilmember Hunt said that there is an abandoned refrigerator on Hull Avenue. Ms. Gallagher said that she would look into it.</p> <p>Mayor Check said that, some day, she would like to revisit the parking ordinance.</p> <p>Vice Mayor Currier asked when the budget process would begin. Ms. Gallagher responded that she plans to start meetings in April.</p> <p>Mayor Check asked about the designation of wine tasting rooms as retail. Ms. Ogden responded that some revisions need to be made, and she will bring that to Council after a public hearing at Planning & Zoning.</p> <p>Vice Mayor Currier asked about design standards for solar panels. Ms. Ogden said that this is progressing, and we should have standards soon. She anticipated that it will require "a couple more meetings" by the Design Review Board.</p> <p>Mayor Check noted that we hope to bring the issue of vacation rentals to the public within the next week or two.</p>
9:03 pm	<p>Motion: Vice Mayor Currier made a motion to move into executive session. It was seconded by Mayor Check and approved by all.</p>
ITEM #11	<p>"VACATION RENTALS"</p> <p>The Mayor and Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.3 and A.R.S. §38-431.03.A.4 for the purpose of consultation with the Town Attorney regarding the use of property commonly known as "vacation rentals." No action will be taken while in Executive Session.</p>

ITEM #12	<p>LITIGATION – JEROME GRAND HOTEL</p> <p>The Mayor and Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.4, for the purpose of consultation with the Town Attorney regarding litigation involving the Jerome Grand Hotel. No action will be taken while in Executive Session.</p>
ITEM #13	<p>CONTRACT NEGOTIATIONS: PROFESSIONAL ENGINEERING SERVICES</p> <p>The Mayor and Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.1 and A.R.S. §38-431.03.A.4, for the purpose of consultation with the Town Manager regarding the procurement of professional engineering services related to the upcoming area drainage study.</p>
ITEM #14	<p>REVIEW OF CLOSED SESSION MINUTES</p> <p>The Mayor and Council may go into Executive Session pursuant to A.R.S. §38-431.01.A.2 for the purpose of discussion or consideration of records exempt by law from public inspection. No action will be taken while in Executive Session.</p>
10:21 pm	<p>Council reconvened into open session.</p>
ITEM #15 10:21 pm	<p>APPROVAL OF CLOSED SESSION MINUTES</p> <p>December 11, 2012; January 7, 2013; January 8, 2013; January 22, 2013</p> <p><i>Motion: Upon motion by Councilmember Hunt, seconded by Vice Mayor Currier, the closed session minutes of December 11, 2012, January 7, 2013, January 8, 2013 and January 22, 2013 were approved by a vote of 4 ayes and 1 abstention by Councilmember Bassett, who had not yet had the opportunity to read them.</i></p>
ITEM #16 10:22 pm	<p>ADJOURNMENT</p> <p><i>Upon motion by Councilmember Bassett, seconded by Vice Mayor Currier and unanimously approved, the meeting was adjourned at 10:22 p.m.</i></p>

Edited by Town Manager/Clerk Candace Gallagher from minutes taken and transcribed by Deputy Town Clerk Rosemarie Shemaitis.

APPROVE:

ATTEST:

Nikki Check, Mayor

Candace B. Gallagher, CMC, Town Manager/Clerk

Date: _____