



TOWN OF JEROME

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Founded 1876
Incorporated 1899

MINUTES

SPECIAL MEETING OF THE JEROME TOWN COUNCIL JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS THURSDAY, FEBRUARY 28, 2013 AT 5:00 P.M.

ITEM #1:	<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 5:04 p.m.</i></p> <p><i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Nikki Check, Vice Mayor Lew Currier and Councilmember Anne Bassett. Councilmember Randall Hunt was going to try to attend (but did not arrive) and Councilmember Bill Phinney was unaccounted for.</i></p> <p><i>Other staff in attendance at roll call included Deputy Town Clerk Rosemarie Shemaitis and Zoning Administrator Carmen Ogden. Town Attorney Bill Sims was in attendance telephonically.</i></p>
ITEM #2:	<p>CITIZEN REVIEW PROCESS FOR LAND USE ACTIONS</p> <p>The Mayor and Council will review a draft ordinance providing for a citizen review process of rezoning, specific plan applications and the modification of land use regulations or the adoption of land use regulations not previously imposed, and may refer the ordinance to the Planning and Zoning Commission for public hearing and review. During discussion, 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 this matter.</p> <p><i>The Mayor and Council reviewed and discussed the draft ordinance prepared by staff and counsel which would amend the Zoning Ordinance to establish a formal citizen review process. The Town Attorney was consulted by telephone and participated in the discussion. Discussion included the following points (not necessarily in chronological order):</i></p> <ul style="list-style-type: none"> <i>• Should the Zoning Administrator merely be present at the neighborhood meeting, or actually conduct the meeting itself? It was noted that the goal of this is to invite communication, and the meeting is a prelude to the formal hearing process. Typically, the applicant conducts these meetings, and sometimes the ZA isn't present at all. Making the applicant responsible for conducting the meeting reduces the burden on staff and expense to the town. There was some concern that the applicant, if running the meeting, could attempt to stifle the process, or misrepresent in the report what took place.</i> <i>• Ms. Gallagher suggested that language be added in item 5 to provide that the summary report of the neighborhood meeting to be submitted by the applicant be made available, upon request, to anyone attending, and to allow attendees to submit their own comments as well. In that way, those attending can read the report and challenge it with their own comments if needed. Mr. Sims opined that that was a really good suggestion – it doesn't require staff to challenge what was said. Attendees at the meetings will catch any discrepancies and their comments</i>

will be part of the application. Mayor Check agreed.

- It was questioned whether applicants can meet with the neighbors individually if they can't get everyone together at one time. Mr. Sims said that the goal is to invite comment from the neighbors, and it would be best for everyone to sit down together and discuss their concerns. It was noted also that it would be a burden on the Zoning Administrator to have to attend several different meetings.
- It was discussed and agreed to require mailed notification of the neighborhood meeting to property owners within 200 feet of the subject property, which will be sufficient to encompass neighborhoods in Jerome. The ordinance had originally been drafted to require notification of owners within 300 feet, and will be changed accordingly.
- It was discussed and agreed to change the word "audience" to "participants" in item 4 under "General Regulations." This will emphasize that those present are participating and not just listening. It was also agreed to delete the words "conduct the meeting" in that item in order to remove its redundancy with item 2.
- There was a lengthy discussion regarding the possibility (suggested by Councilmember Bassett) of including a disclaimer such as, "Any substantial errors in the application or affidavits, whenever identified, may void the application."
 - Mr. Sims said that, if the affidavit is incorrect, it is self-correcting in that the attendees can each provide an independent summary. He added that, if an applicant lies on their affidavit, which is sworn, that is perjury and considered a misdemeanor or felony.
 - Mayor Check noted that what is said at the community meeting has no legal bearing. It is still up to Planning & Zoning and Design Review to go through the same processes. The Mayor said that she likes what Ms. Bassett has proposed, but she's not sure that having things contingent on the neighborhood meeting is a good idea.
 - Councilmember Bassett said that any zoning issue that grants applicants permission to move forward should include that, if the applicant presented misinformation, that permission is null and void. She added that this seems logical to her because many times the true information doesn't come out until after things are done.
 - Vice Mayor Currier asked what would happen if the applicant's plans are fraudulent and we don't find out until sometime later. Mr. Currier and Ms. Bassett noted that a previous resident had faked the architect's stamp. Mr. Sims stated that this would be part of the planning and zoning process, and forging the stamp would constitute a felony.
- Ms. Ogden noted that, after having a neighborhood meeting, the applicant might realize that changes are needed on the application. She said that, if there were any changes to the project, the applicants would need another meeting with the neighbors. Mr. Sims said that this is addressed in item 6.

Mayor Check summarized the discussion by saying that there have been many good comments and there are only a few changes to the draft ordinance: changing the notification distance from 300 feet to 200 feet; changing the word "audience" to "participants"; including a provision that attendees at the meetings may also file reports; and changes in the verbiage to remove the redundancy.

Mr. Currier said that his understanding is that the primary reason for this ordinance is that the Arizona Revised Statutes demand this. As such, he will go along with it.

Mayor Check commended staff for their work on this.

Motion: Vice Mayor Currier made a motion to **recommend that the draft ordinance, regarding a citizen review process, as discussed by Council, be referred to Planning**

	<p>& Zoning for public hearing and action. It was seconded by Councilmember Bassett and approved by all.</p> <p>Ms. Gallagher thanked Mr. Sims for his participation and the call was ended at this time.</p> <p>Ms. Bassett asked when Council would hear from Planning & Zoning. Ms. Gallagher explained that this ordinance needs to come before the TDR ordinance, and it was noted that the public hearings will need to be advertised at least 15 days ahead of time.</p>
ITEM #3:	<p>ADJOURNMENT</p> <p>Upon motion by Councilmember Bassett, seconded by Vice Mayor Currier and unanimously approved, the meeting was adjourned at 5:36 p.m.</p>

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: _____