



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, APRIL 9, 2013 AT 7:00 P.M.

FOURTH REGULAR MEETING OF 2013

ITEM #1:	CALL TO ORDER/ROLL CALL Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll. <i>Mayor Check called the meeting to order at 7:04 p.m.</i> <i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Nikki Check, Vice Mayor Lew Currier and Councilmembers Anne Bassett, Randall Hunt and Bill Phinney.</i> <i>Other staff in attendance at roll call included Fire Chief Rusty Blair, Deputy Town Clerk Rosemarie Shemaitis and Zoning Administrator Carmen Ogden. Town Attorney Bill Sims was in attendance telephonically.</i>
ITEM #2:	PLEDGE OF ALLEGIANCE Mayor/Chairperson to lead the Pledge.
ITEM #3: 7:05 pm	STAFF REPORTS Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Representative, Public Works Department, Building Inspector, Library, Police Chief and Fire Chief. <i>Councilmember Bassett commented that a good job was done obtaining funding for the Cleopatra Hill water tank project.</i> <i>Vice Mayor Currier asked Ms. Shemaitis about her research on a composting project. Ms. Shemaitis responded that a local restaurant owner had explained to her that he had been separating and collecting the scrap food from his restaurant. A resident had been coming by to pick it up, but now there is too much for just one person and he was hoping that some kind of composting process could be set up. Ms. Shemaitis said that she had then spoken with Councilmember Bassett, who had wanted to re-introduce composting back to Jerome. Ms. Bassett came up with an idea whereby one or more dumpsters could be replaced with a composting unit. They would need to have locks on them to prevent non-compostable items from being thrown in. The restaurants could have keys that the volunteers would use to open the bins to add material, and, once there is usable compost, the same key could be used by residents to obtain the compost.</i> <i>Ms. Shemaitis said that the composting units would probably be two-bin units, so one could be "cooking" while the prepared compost would be in the other bin. They would be situated in a few places around town close to the restaurants.</i> <i>Ms. Shemaitis said that she had contacted the Sustainable Jerome group to see if they could provide volunteers for the project, but she had not heard back yet.</i>

Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

	<p>Vice Mayor Currier said that, even though it is a good idea, somebody has to pay attention and take care of the bins. Ms. Shemaitis agreed and said that that is why it has to be a 100% buy-in from the participants.</p> <p>Mayor Check noted that it is important to have water nearby to keep the compost from drying out or it will harbor cockroaches.</p> <p>Councilmember Phinney advised that, when composting food, meat products should not be included. He recommended that staff check to see if there is still a state law that says that food touched by humans can only be used as garbage¹.</p> <p>Chief Blair said that his concern would be with the locations of the bins, because the odor could be a problem. Ms. Shemaitis said that, supposedly, composting would eliminate the odor; it is the dumpsters that have the odor and the flies. She said that the intention is, in each location, to replace a dumpster with a composting unit.</p> <p>Jane Moore, a Jerome resident, commented that, if it is done right, insects won't be attracted to it.</p> <p>Councilmember Phinney asked about ADOT drainage pipe issues on Main Street. Ms. Gallagher responded that some of their pipes have been leaking in the area of Nellie Bly, and ADOT will be making the needed repairs.</p> <p>Mr. Phinney asked about the retaining wall by the Methodist Church and Ms. Gallagher replied that it is in the process of being repaired.</p> <p>Vice Mayor Currier commented that he is impressed with Chief Muma for working with Camp Verde on dispatch services and saving the Town thousands of dollars.</p> <p>Councilmember Bassett noted that Public Works has plans to put in a cement sidewalk in Upper Park. Ms. Gallagher said that it will replace the path that is there now. Chief Blair said that there was a gravel path by the flagpole but it ruined the grassy area. Ms. Bassett said that she would rather that they use stone or brick instead of cement. Chief Blair said that they could use brick.</p> <p>Ms. Shemaitis brought up the issue of residents bringing their dogs to the park and not cleaning up after them. She said that that is especially nasty because children use that park and also, when the crew cuts the grass, it spreads the feces around.</p> <p>Councilmember Phinney commented on an item in the police department report which said that several inhabitants who had been generating a large amount of complaints have decided to relocate. He said that he doesn't know who that refers to, but at least the work is being done.</p> <p>Vice Mayor Currier said that Mr. Stiever's report was very good.</p> <p style="text-align: center;">Motion: Vice Mayor Currier made a motion to accept the staff reports. It was seconded by Councilmember Phinney and approved by all.</p>
<p>ITEM #4: 7:16 pm</p>	<p>FINANCIAL REPORTS</p> <p>Issued checks and Budget to Actual report for the month of March 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>Councilmember Bassett asked if we have received water hookup connection fees for the vineyard. Ms. Gallagher responded that we are expecting them next week.</p> <p>Ms. Bassett pointed out that, in the sanitation budget, there is adequate profit to buy compost bins. Vice Mayor Currier expressed support for the idea, but said that he does not want to add this to the crew's duties unless they get adequate training. Ms.</p>

¹ Ms. Shemaitis has not been able to locate such a law. However, composting instructions suggest not using any meat, bones, animal fat or dairy products, or manure from any meat-eating animals.

	<p>Bassett said that, previously, the Town had a successful composting program. Mr. Currier said that he had heard that it was <u>not</u> successful. Ms. Bassett disagreed and said that an inspector had visited and declared that it was perfect.</p> <p>Mayor Check said that this will be on a future agenda.</p> <p>Councilmember Hunt asked about a payment to the Cherry Family Clinic. Ms. Gallagher said that she would need to look that up. Mayor Check noted that it was charged to the police department so it may have been for a mandatory physical exam. Mr. Hunt also asked about a payout to Head Librarian Kathleen Jarvis. Ms. Gallagher replied that sometimes Ms. Jarvis will purchase supplies with her own money, which the Town then reimburses. Ms. Gallagher offered to show Mr. Hunt the invoices.</p> <p>Motion: Vice Mayor Currier made a motion to accept the financial reports. It was seconded by Councilmember Bassett 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>Mayor Check commented that she cannot wait to see the Town website, which is being created by Ms. Ogden. The Mayor thanked Ms. Ogden for her work on that.</p> <p>Councilmember Bassett said that it is a great step forward that Richard Martin is making announcements on Gulch Radio. She would like to see an antenna on the Hotel Jerome so that all could listen in.</p>
<p>ITEM #6: 7:21 pm</p>	<p>COUNCIL MEETING MINUTES</p> <p>February 19 special meeting; February 28 special meeting; March 26 special meeting (Note: March 12 regular meeting minutes will be provided ASAP for approval at a future meeting.)</p> <p>Ms. Gallagher noted one minor correction to the February 28 minutes.</p> <p>February 19 minutes</p> <p>Motion: Councilmember Phinney made a motion to accept the minutes of February 19, 2013. It was seconded by Vice Mayor Currier and approved by all.</p> <p>February 28 minutes</p> <p>Motion: Vice Mayor Currier made a motion to accept the minutes of February 28, 2013, with the correction noted by Ms. Gallagher. It was seconded by Councilmember Bassett and motion passed with 3 ayes and 2 abstentions by Councilmembers Hunt and Phinney.</p> <p>March 26 minutes</p> <p>Motion: Vice Mayor Currier made a motion to accept the minutes of March 26, 2013. It was seconded by Councilmember Hunt and approved by all.</p>
<p>ITEM #7: 7:25 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>Carol Yacht, a Jerome resident, read a letter introducing the Jerome Preservation Group, which is dedicated to preserving Jerome's neighborhoods². In her letter, she also criticized Town Attorney Bill Sims regarding Transient Dwelling Rentals. She then suggested that Council also recognize Lee Christensen, a long-time Jerome resident whom, she said, has contributed much to the Town. Ms. Yacht also suggested a new ordinance that would allow same-sex civil unions.</i></p> <p><i>Mayor Check said that she would be addressing Ms. Yacht's suggestion for the ordinance in To and From Council. The Mayor then responded to Ms. Yacht's criticism of Attorney Sims. She said that she has been present at all of the executive sessions with Mr. Sims regarding every topic, and he has not done <u>anything</u> to oppose the Town. The Mayor said that he has only done as Council has directed and has never come up with anything that Council didn't ask for. Mr. Sims has always given Council the lead in every respect, she said.</i></p> <p><i>Mayor Check then said that she had a letter from Jerome resident Jeanne Moss to read into the record.</i></p> <p><i>Councilmember Phinney called a point of order regarding the letter and objected to reading it because it was addressed only to Council and staff. He said that it is not a petition, it is a private letter, and nowhere did the letter indicate that it was to be read into the minutes. Councilmember Phinney said that he did not want a letter addressed to him to be in the public record. He commented that anyone who wishes to have his or her opinion in the public record should follow the procedure set up for this.</i></p> <p><i>Mayor Check did not read the letter.</i></p>
PRESENTATIONS AND PROCLAMATIONS	
<p>7:30 pm</p>	<p>ITEM #8A: CERTIFICATE OF APPRECIATION: STEVE AND NANCY KNOWLTON</p> <p>Mayor Nikki Check will present a certificate of appreciation to Steve and Nancy Knowlton for their many contributions of time, energy and expertise to the Town of Jerome.</p> <p><i>Ms. Shemaitis introduced Steve Knowlton and Nancy Robinson, and explained how they had assisted with many Town Hall projects as well as helping in the community.</i></p> <p><i>Mayor Check presented a certificate of appreciation to Mr. Knowlton and Ms. Robinson for their many contributions to the Town, and said that this is the kind of community spirit that has kept Jerome moving for so many years.</i></p>
<p>7:32 pm</p>	<p>ITEM #8B: PROCLAMATION: MAYOR'S DAY OF RECOGNITION FOR NATIONAL SERVICE</p> <p>Council will review and may approve a proclamation declaring April 9, 2013, as National Service Recognition Day.</p> <p><i>Mayor Check read the proclamation in full³.</i></p> <p><i>Maggie Garvey, director of Arizona Serve, explained that their program, which helps reduce poverty and its effects, serves the nonprofits working in Yavapai County. She said that they are always looking for representatives from the different communities. Ms. Garvey said that this initiative is part of a National Day of Service. She thanked the Mayor and Council for issuing this proclamation.</i></p> <p><i>It was noted that Council approval is not needed for this proclamation.</i></p>

² A full copy of Ms. Yacht's letter is included at the end of these minutes.

³ The proclamation is included at the end of these minutes.

<p>7:36 pm</p>	<p>ITEM #8C: PROCLAMATION: FAIR HOUSING MONTH</p> <p>Council will review and may approve a proclamation declaring April 2013 as Fair Housing Month.</p> <p><i>Mayor Check read the proclamation in full⁴.</i></p> <p>Motion: Vice Mayor Currier made a motion to approve the proclamation. It was seconded by Councilmember Phinney and approved by all.</p>
<p>ITEM #9</p>	<p>UNFINISHED BUSINESS</p>
<p>7:37 pm</p>	<p>ITEM #9A: POLICY FOR USE OF TOWN HALL BY OUTSIDE ENTITIES</p> <p>Council will review and may approve a policy for the use of Town Hall by outside entities.</p> <p><i>Council reviewed a draft policy prepared by Ms. Gallagher using language borrowed from policies in place in several other towns. The policy was discussed and the following changes were made:</i></p> <ul style="list-style-type: none"> • <i>A provision that would allow the security deposit to be waived for groups using Town Hall "on a regular basis," was further defined to indicate that they must meet at least quarterly to be eligible for the deposit waiver.</i> • <i>A statement that the use of alcohol and illegal drugs is prohibited in Town Hall facilities and on municipal property was changed to strike the words "on municipal property," because the use of alcohol is actually permitted in Upper Park.</i> • <i>A change was made to indicate that the applicant <u>or applicant's designee</u> must be present at all times during the use of the facilities.</i> <p><i>It was discussed and noted that private functions would not be permitted, but an event that is open to the public and in the public interest would be. Ms. Bassett clarified that if the Town decided to rent out a room, it would entail different criteria.</i></p> <p>Motion: Councilmember Bassett made a motion to approve the policy with the changes noted. It was seconded by Vice Mayor Currier, who asked if this would have to go in the Code. Ms. Gallagher said that it would not.</p> <p><i>Mayor Check called the question and it was approved by all.</i></p>
<p>ITEM #10</p>	<p>NEW BUSINESS</p>
<p>7:45 pm</p>	<p>ITEM #10A: APPROVAL OF SPECIAL EVENT LIQUOR LICENSE</p> <p>Council will review and may approve an application by the Jerome Volunteer Fire Department Auxiliary for a special event liquor license for a fundraising event to be held at the 300 Level Parking Lot on June 8, 2013.</p> <p><i>Chief Blair explained that this event is the same as last year's event. He said that there was some question as to whether he needed Council approval for the license, as the event takes place outside town limits, but the county recommended that he get that approval.</i></p> <p>Motion: Vice Mayor Currier made a motion to approve the special event liquor license for this event. It was seconded by Councilmember Phinney.</p> <p><i>Councilmember Bassett commented that she cannot approve anything that is sexist. Ms. Gallagher pointed out that Council is only approving a liquor license.</i></p> <p><i>Mayor Check called the question and motion passed with 4 ayes and 1 nay by Councilmember Bassett.</i></p>

⁴ The proclamation is included at the end of these minutes.

7:47 pm

ITEM #10B: DISPOSITION OF LEANING WALL

The Town Manager will update Council regarding options for dealing with the leaning wall above the parking lot across from the Spirit Room, and Council may direct staff regarding it.

Ms. Gallagher explained that she and Chief Blair presented a plan to the Design Review Board (DRB) in which the top part of the wall would be removed, but because of the historic nature of that wall, DRB said that they would rather see it preserved somehow.

Ms. Gallagher said that Chief Blair and Jerome homeowner Steve Knowlton looked into different options for preserving the wall. She said that one option would be to remove the soil behind the wall and push it back. ADOT told her that, if we remove the soil behind the wall, they would first want to see a soil engineer's report, because moving that soil could impact 89A above it. She researched this and found that this could cost \$5,000-\$10,000.

Ms. Gallagher said that another option would be to remove the top half of the wall, which would be less expensive to do, but it is a historic wall. She said that she would like to know Council's wishes prior to going before DRB again. Ms. Gallagher said that we have to do something to stabilize that wall before we can address the crumbling stone wall below it.

Chief Blair explained that there is a cold joint, about 5-6 feet down, where the fracture is. He said that the wall is hollow and very unstable. If we remove just a portion of it, we will be able to retain the rest of it. Ms. Gallagher added that this was the engineer's original recommendation and it is relatively inexpensive.

Chief Blair said that, originally, we were going to share in the equipment expense with the Jerome Historical Society (JHS), so our portion of the cost would be approximately \$300 and the work would be done by the Town crew. He said that the JHS has not yet done their project, so we may still be able to share that cost to keep our expenses down.

Ms. Gallagher asked if they would be able to preserve a part removed from the wall for posterity. Chief Blair responded that the lower half of the wall would still be there.

Deni Phinney, a Jerome resident, asked if removing the top 5 feet would leave soil behind the wall. Chief Blair said that they would secure the remaining part of the wall and remove the soil down to the stump; there would be no soil remediation.

Mr. Knowlton said that he had been asked if the wall could be saved and he had replied that it can be done, but at a cost. He said that, to save the wall, they would have to come in from the parking lot next to Grapes with a small excavator and remove the soil from behind the wall. Then, they would have to move the wall back to a vertical position. After that, they would have to backfill it and put in drainage.

Mr. Knowlton said the wall would have to be rigged to preserve it while the work is being done. He said that when ADOT or engineers get involved, they tend to make a mountain out of a molehill. He opined that a soil test is probably irrelevant but if ADOT is requiring it, it would need to be done, which would make it cost prohibitive.

Mr. Knowlton said that the wall is approximately 18 feet from the road, which is where he would be digging to do the job. He said that if he started the project and found out that it was going to fail he would stop work. He said that if we want a sure thing then we will have to spend the money. Mr. Knowlton said that his theory is that, if you can't afford to hire someone to do what you want, then do it yourself. That's how the town was built and that's how the country was built.

Mr. Knowlton went on to say that he did calculations on the cost – including the excavator, stone, rigging and concrete – to make it look as close to the original as possible while still making it safe. He also included the cost to fix the wall below. The total cost would be approximately \$13,500 with a worse case scenario of \$17,000-

\$18,000 but, he said, the Town should budget \$20,000. Mr. Knowlton said that if we hire a company and do all the tests, it could cost \$50,000 or more. He said that Chief Blair's idea is the most cost effective and his (Knowlton's) idea is in the middle, and it would save the entire wall. There would be a risk in using volunteers, but the Town has coverage for them, whichever option is used.

Councilmember Phinney asked if braces could be installed to keep the wall from falling instead of repairing it. Chief Blair responded that it would change the dynamics of the wall. It should be dropped down to a level that can be handled then they could shore it up much easier. Mr. Knowlton added that anything used to secure the wall would change the aesthetics.

Mayor Check said that she is concerned about changing the wall – she does not want the town to become another Tombstone.

Jane Moore commented that Jerome is about the funky concrete walls and the leftover walls; people love them. She then asked if the little window would be removed. Chief Blair said that it would stay. Also, he clarified that they will only be removing the concrete above the dirt. Ms. Moore commented that ADOT does not take responsibility for their right-of-ways even when the Town has asked them to, so she doesn't understand why they are choosing to be involved now.

Ms. Moore said that she doesn't know how soon this needs to be done, but if people want to save the wall they could try doing a fundraiser.

Chief Blair said that the wall has been identified and posted as a hazard by our engineer; it is a liability. He added that we are also losing the use of part of the park that has the horseshoe pits. The wall could fall at anytime, he said, and until we secure it, we can't work on the lower wall, which is also a hazard. Chief Blair said that it is a hard decision for Council - to decide what you want to do and how much you want to spend. There are so many other projects that need to be done and some are a higher priority. He asked, "Where do you want to put your money?"

Councilmember Phinney asked if there is a way to protect the town crew so that they can repair the crumbling stone wall by the motorcycle parking area without repairing the leaning wall first. He asked if a barrier or some kind of protection could be constructed. Chief Blair replied that we would have to look at the soil.

Mr. Knowlton said that the wall Mr. Phinney is talking about has to be fixed from below. The concrete wall is tipping, but it could be there for another 10 years or it could be gone before the Town decides what to do. If Council wanted to fix the wall adjacent to the motorcycle parking, the safest way to do it would be to start from below, he said, but there is a risk. Mr. Knowlton said that he doesn't know if repairing the motorcycle wall first would help save the concrete wall.

Mr. Phinney said that he would like to see the motorcycle wall repaired soon because it is affecting the security of the rest of the area.

Mr. Knowlton said that if we don't fix it, it is going to get worse. He said that it is a judgment call. He said that he wouldn't be afraid to fix the stone wall, but he would do it from below; it would be more difficult but it could be done. It also depends on who is doing it; if the crew doesn't feel comfortable doing it then they shouldn't do it.

Chief Blair said that the motorcycle wall is also leaning. He said that it is built differently; it has different footings from the previous structure. The top could blow out at the concrete wall, he said, and ruin any work done at the motorcycle wall. He said that if we lower the wall, and it did fall, it wouldn't impact anything.

Councilmember Bassett suggested putting in cement flying buttresses with exposed grout, but that would impinge on the horseshoe pit area. Chief Blair said that would add extra weight.

Mr. Knowlton agreed with Chief Blair that, if the wall were to fall, it would take out any work that was done. However, he said, if you don't fix the motorcycle wall and

the concrete wall above it falls, you might lose more of the wall below. Mr. Knowlton said that there are no guarantees with any of these options, even if you hire an engineer and he puts a stamp on it, unless you spend \$100,000.

Vice Mayor Currier said that someone needs to speak for the wall and listen to DRB. It had been ready to be torn down and we are back to that again. He said that DRB is supposed to make these kinds of decisions so this should go back to them. Ms. Gallagher said that she does plan to go back to DRB, but she would like to go back to them with a recommendation from Council.

Vice Mayor Currier said that DRB should decide; we have just been given three options. Ms. Gallagher said that DRB does not want to take the wall down, but she can also them know what Council would like to do. Mayor Check commented that DRB is not responsible for the budget or liability or any of the other factors related to this. Mr. Currier said that, per the ordinance, they are the decision-making body.

Mayor Check said that she would like to know the back-story of the Verdugo house, which was abandoned for many years. At one point, so many complaints had been made that it was considered a liability and the owner was forced to put a fence around it. She thought that demolition was in store for it unless someone decided to preserve it, which is what happened.

Chief Blair said that DRB tabled this item until options were presented with some realistic numbers. He said that to preserve the wall and do it right, they would have to take it down and then rebuild it. If you try to stabilize something that is in such disrepair, it creates a liability.

Mr. Knowlton said that it comes down to money; Council is in charge of the money and that is why Council needs to decide. If money is an issue, then they need to do it in the most economical way. He said that Ms. Moore has a good point that if the town in general wants to save it, then someone needs to do a fundraiser. But, no matter what option or project you want to do, you can only work with the money on hand.

Mayor Check noted that this is why Council reserves the right to review any decision of Design Review; it may impact other things that they do not have domain over.

Chief Blair said that many walkways need to be addressed as well as repairs made to water and sewer lines, and those need to be done before we can take care of the streets. He said that we need a significant amount of money.

Vice Mayor Currier asked if this could be done in stages. Mr. Knowlton replied that he does not think that is much of an option and compared it to doing open-heart surgery – once the work is started it should be completed. He thinks that volunteers could do it in two weeks but we are talking about a lot of money. Any digging would compromise everything else.

Ms. Moore said that that area was purchased with parking waiver fees, and it was supposed to be public parking, but what it has become is free parking for the Connor Hotel. She suggested approaching them, since it is their clientele that use that area. Ms. Moore said that she would like to preserve the wall.

Vice Mayor Currier said that we need to prioritize. He would first like to stabilize the motorcycle wall; secondly, he would like to go to Mr. Knowlton's operation; and third, he would go to the Blair option.

Mayor Check asked if the Town needs to comply with any engineering requirements. Ms. Gallagher replied that we should to talk to Building Inspector David Stiever.

Chief Blair commented that, if we did anything that compromised ADOT's retaining walls, we would have a problem on our hands.

Chief Blair added that, to work under that wall [to repair the motorcycle wall] before it is secure is very dangerous. He wouldn't want to put himself in that position and

does not recommend that the crew do it either.

Mr. Knowlton said that, if ADOT's easement is 30 feet off the centerline, it would extend 18 feet from the edge of the road. Vice Mayor Currier commented that ADOT sets the rules for the easement but doesn't assist if there is an accident in that easement. He said we always get stuck trying to figure out what to do in their easement and that is where we are now.

Mr. Knowlton said that he does not always ask permission, but this project needs to be approached cautiously. He said that we would probably know right away after starting the project if we can continue. Mr. Knowlton said that we don't want to create a situation that will create a mess.

Vice Mayor Currier said that the Town crew is not capable of doing this work. Chief Blair said that the crew could rebuild the motorcycle wall, but the leaning wall needs more technical skill; that wall is compromised and is fragile and unstable. Mr. Currier added that he doesn't mean to denigrate the crew; they work hard and do good. Chief Blair said that the one project is within their scope and the other project is not.

Mr. Knowlton said that there is always a risk. You might not be able to save it, he said, but you do everything to try to keep it safe.

Councilmember Bassett said that she would prefer to stay engaged with ADOT and go along with their unrealistic expectations of what we would need to do to save it, but added that it would be reckless to authorize that kind of a financial involvement.

Mayor Check agreed with Ms. Bassett, unless alternative funds become available. She agreed with Chief Blair that we might have to cut the wall in half and continue to address our other prioritized projects.

Councilmember Bassett asked if we could leave this for a month to see if there is a groundswell of funding for the project. Mayor Check said that making a recommendation might give someone the incentive to do something.

Ms. Shemaitis suggested including something in the newsletter that she is working on.

Vice Mayor Currier said that we have only heard from three of the Councilmembers and they are not in agreement. He wanted to know where the other two stand.

Councilmember Hunt said that he would like to save the wall, if possible, but we have to consider the budget.

Councilmember Phinney said that he also would like to save it, but it is too unsafe. He doesn't think there is any safe way to put that back up with the cold joint there unless there is a lot of steel running through there that he doesn't see. Chief Blair agreed. Mr. Phinney added that, whatever Design Review wants, the top of the wall is going to have to come off – it's going to fall off anyway because there is nothing holding it. He said that we need to consider looking for financing to do it right, and we need to do some more research to see what kind of saving we can do for the wall: remove some of it, most of it or all of it, or leave it like it is and see what happens in the future.

Chief Blair said that, if we leave it like it is, we won't get the horseshoe pit back and we will still have problems with the compromised wall.

Mr. Knowlton said that we could drop strings with plumb bobs and measure how much the wall is moving. This could be done over several months to determine how much time we have to make a decision.

Chief Blair said that the movement is also relative to the moisture – right now it is dry and stable. If it becomes water-laden or if there is movement, it could go all at once.

Tony Smith, a Jerome resident, reiterated his problem with the retaining wall at Art Park and asked that it be on the next agenda.

	<p>Motion: Mayor Check made a motion that the Council recommends to the Design Review Board that we move forward with the plan to secure the area and to do what is necessary to remove part of the wall unless we acquire more funding. It was seconded by Councilmember Bassett.</p> <p>Ms. Gallagher asked if the Mayor wanted to put a time line on that. The Mayor replied that it can go to DRB at their next meeting. Chief Blair said that it's at the first of the month and we want to minimize our liability. Mayor Check asked him for a time line. Chief Blair replied that that is up to Council but it should be done soon. Mayor Check said that she would leave her motion as is and submit the recommendation to DRB as scheduled. Then Council can review this again at the next regular meeting.</p> <p>Ms. Gallagher asked the Mayor to clarify her motion. Mayor Check responded that her motion was to take Chief Blair's option as the recommendation to DRB unless alternative funding structures surface. Ms. Gallagher asked if this would be within a certain amount of time and the Mayor replied that it would be by the next meeting. She then clarified that it would be within a 60-day period.</p> <p>Councilmember Hunt asked if we could write about this for the newsletter. Also, Ms. Moore said that she would talk with Anne Conlin (from the Connor Hotel.)</p> <p>Chief Blair suggested including the need for volunteers in the article and that they must have the technical skills to do this kind of project.</p> <p>Doree Christensen, a Jerome resident, asked if they will do the measuring strings in the meantime. Chief Blair said that it would be too dangerous.</p> <p>AMENDED Motion: Mayor Check amended her motion to include a 60-day time period. Councilmember Bassett amended her second and it was approved by all.</p> <p>Vice Mayor Currier volunteered to write an article regarding this.</p>
<p>8:40 pm</p>	<p>ITEM #10C: PLANNING AND ZONING COMMISSION (P&Z) RECOMMENDATION REGARDING WINE TASTING BUSINESSES</p> <p>Council will review a recommendation from the Jerome Planning and Zoning Commission to amend the Jerome Zoning Ordinance to define Wine Tasting Facilities and add them as a Conditional Use in the C-1 zone, and may direct staff regarding it.</p> <p>Zoning Administrator Carmen Ogden stated that P&Z has been talking about amending the Zoning Ordinance to add wine tasting as a retail use. They had kicked around some ideas and she would like Council input before drafting an ordinance, having the public hearing and coming back to Council.</p> <p>Ms. Ogden stated that some of the other ideas and comments regarding this issue included that:</p> <ul style="list-style-type: none"> • P&Z would require Conditional Use Permits (CUPs) to establish and keep control of the use. • The wine tasting businesses would have to maintain a Series 7 and/or Series 13 Liquor License to maintain their status as a retail business. It would be a place to sample wine and then purchase wine. • While there may be seating, it would not be bar or restaurant seating, so parking would not be an issue. • They would be allowed to provide snacks to enhance the wine tasting experience, but would <u>not</u> be allowed to serve meals. <p>Mayor Check commented that some snacks can affect the taste of the wine.</p> <p>Ms. Ogden said that she also had talked to the Health Department regarding a license that allows for washing and appetizer preparation; it is referred to as an</p>

"other food" license and could be incorporated into the criteria.

Vice Mayor Currier commented that Ms. Ogden's presentation was very good. He then asked what the difference is between a wine tasting establishment and a wine bar. Ms. Ogden replied that a wine tasting facility is a place where you sample bottles of wine. You could have a glass of wine but it is typically just for tasting.

Mayor Check explained that a Series 13 license, a domestic farm winery license, is required when you are selling your own wine. A Series 7 license is required for selling packaged goods, beer or wine, with sampling privileges. Brigid Bartosh, an employee at the Bitter Creek Winery, agreed.

Mayor Check said that she would like to require, at minimum, that a wine tasting business have a Series 13 license, which would guarantee that domestic wines are being sold. Ms. Bartosh agreed and added that the Series 13 will protect the integrity of the product sold.

Ms. Ogden said that they would also like to include the requirement that they must keep to Arizona wines or at least to a specific percentage of them.

Mayor Check said that the Series 13 not only ensures that it is an Arizona distributor, but it ensures that someone takes ownership of the winery and they must make and sell their own wine.

Vice Mayor Currier said that his confusion is with a wine bar – what would keep a person in a wine tasting establishment from drinking until they fall over. Mayor Check said that requiring at least a Series 13 license would ensure that it would be a retail establishment, but they could also have a Series 7, which would allow them to serve beer and other people's products. She said that you want to be selling the bottles of wine.

Councilmember Bassett agreed that it was a great presentation. She said that she would like to see a limit on the number of these establishments written into our definition. Ms. Shemaitis commented that in conversations with Department of Liquor and Licensing staff, she learned that municipalities cannot limit the number of liquor-selling establishments.

Ms. Bartosh said that the Series 13 license preserves the integrity of what goes in it, and also limits it because those licenses are "not just handed out."

Councilmember Bassett said that, in the wine tasting facility definitions, she is hesitant to allow the "other food" license. She said that prepackaged foods would be okay to cleanse the palate, but if we were to allow "other foods," she would like to create a new category that would have a parking requirement that would be between a wine tasting requirement and a restaurant requirement.

Councilmember Phinney asked what the "other food" license would allow. Ms. Ogden responded that it allows for ware washing and appetizer preparation. She added that the establishments must be inspected by the Health Department and the controls are very strict, so they couldn't get away with making meals.

Mayor Check said that she is nervous about moving forward because of the parking issue, if it is the greater parking ordinance that needs addressing. She added that she only says this because there has been a lot of comment about the greater parking ordinance needing to be addressed. This ties back to issues regarding parking requirements.

Vice Mayor Currier said that, sooner or later, Council is going to have to address the parking situation. He would like to take care of it soon and create a subcommittee to look into it to get a handle on the parking and find out what residents want or don't want.

The Mayor said that she is leery of having a CUP without a change to the parking requirements.

Ms. Ogden said that food service and seating are other considerations besides parking. She said that many other municipalities regulate wine tasting facilities for the same issues that we have here, and they all issue Conditional Use Permits for the same reasons that we have here.

Councilmember Phinney said that this should pass; he said that this was defined because wine tasting establishments are turning into restaurants; they were creating more seating and food service. He thinks that the definition is good and would limit that.

Mayor Check asked why we should require CUPs in addition to the requirement for Series 13 and "other food" licenses. Ms. Ogden replied that the CUPs will make them stick to those standards and we can also establish review periods. Her research shows that this is what other municipalities are doing.

Vice Mayor Currier said that he would like to see a list of the conditions. He said that CUPs are appropriate for the time being and that if, after a few years, they prove to be okay, we can put the conditions into the Code. Councilmember Hunt agreed. Councilmember Bassett said she would like a condition that requires that 75% of the wines must be from Arizona grapes.

Ms. Bartosh said that there are situations where the grapes in Arizona are not ready for production and so there is supplementation, but, she said, Series 13 licenses are not easily obtained.

Mayor Check commented that Arizona wineries depend on New Mexico and California to supplement grapes until they can support their own production; however, they all want to use 100% Arizona fruit. She added that it can take up to five years to get established and it takes a huge investment.

Councilmember Bassett commented that this could help limit the number of wine tasting establishments. The Mayor said that that is not the goal of P&Z.

Ms. Ogden agreed and said that their function is to support the wine tasting retail use. She said that this is an important industry in this area that ties with the other communities and brings a lot of revenue to Jerome.

Councilmember Bassett objected, and said that Jerome's industries have been history and the arts. She said that wine tasting is just a trend, and is at odds with Jerome's historic panache.

Ms. Phinney noted that Jerome was re-established with the focus of supporting the arts, and she feels that wine creating is an art. She said that, historically, the people here have been making their own wine, which holds an artistic aspect. Ms. Phinney suggested that, if we wrap that philosophy around these wine tasting rooms, then we are embracing them as an extension of the art that already exists elsewhere in town. We can look at them differently, and craft regulations which will allow them to participate side-by-side with the art galleries and not turn into a bar.

Vice Mayor Currier agreed with Ms. Phinney. He asked is a Series 13 license would allow these establishments to bring in California wines to supplement their own stock. Mayor Check said that you are allowed to bring in fruit to make the wine, but not the finished wine, except on occasion. She said that we will need clarification on the Series 13 license. Councilmember Phinney asked staff to research the differences and meanings of the Series 7 and Series 13 licenses and present it back to Council.

Vice Mayor Currier said that he thinks Council is on the right track and is almost ready for an ordinance but he would like more detail.

Mayor Check said that Council is in favor of implementing CUPs and that P&Z can proceed with working out the conditions.

Ms. Ogden said that she will return with more information at the next Council meeting and suggested a presentation by an expert.

	<p>Mayor Check asked if Ms. Ogden needed more from Council to present to P&Z. Ms. Ogden said that this was enough input.</p> <p>Councilmember Phinney asked if there is a difference between requiring a Series 7 <u>and</u> Series 13 or requiring a Series 7 <u>or</u> a Series 13. Ms. Shemaitis stated that a Series 13 allows for the production of their own wine; a Series 7 allows the winery to sell their wine at their own tasting establishment. Mayor Check clarified that this would mean that you would have a Series 7 <u>and</u> a Series 13 together, not just one or the other.</p> <p>Chief Blair said that the Department Liquor has a website that answers many questions.</p> <p>Ms. Ogden asked, on behalf of one of the Commissioners, to be proactive, if "spirituous liquor" would be a better way to label this ordinance or retail use, in anticipation of other types of liquors being served in tasting rooms.</p> <p>Vice Mayor Currier said that we should wait until that happens. All agreed.</p>
<p>ITEM #11 9:09 pm</p>	<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 water billing is a high and urgent priority. She would also like to see agendized:</p> <ul style="list-style-type: none"> • Composting • Reducing the Town's auto fleet, especially the Hummer • That all bathrooms in Town are to be unisex <p>Councilmember Phinney said that he would like to discuss the wall at Art Park as mentioned by resident Tony Smith. Ms. Gallagher said that the wall in question is the property of the Jerome Historical Society so the Town has no jurisdiction, but she will discuss it with the Building Inspector. Council would have nothing to do with this.</p> <p>Mayor Check commented that Bisbee is recognizing gay marriages and she thinks that it would be appropriate for Jerome to follow suit. She asked that staff research this. Chief Blair said that any support or recognition of this would be a positive direction. Vice Mayor Currier said that it could affect our payroll and benefits but he is happy to do it.</p>
<p>9:14 pm</p>	<p>Motion: Vice Mayor Currier made a motion to go into executive session. It was seconded by Councilmember Bassett and approved by all.</p> <p>Mayor Check announced that they would go into break before going into executive session.</p>
<p>ITEM #12</p>	<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. Following the Executive Session, Council may take action giving the Town Attorney instructions regarding the litigation.</p>
<p>ITEM #13</p>	<p>ADVICE OF COUNSEL – TRANSIENT DWELLING RENTALS</p> <p>The Mayor and Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.3, for the purpose of consultation with the Town Attorney regarding transient dwelling rentals (commonly known as "vacation rentals") and the impact on other Council actions. No action will be taken while in Executive Session.</p>
<p>ITEM #14</p>	<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</p>

	for the purpose of discussion or consideration of records exempt by law from public inspection. No action will be taken while in Executive Session.
ITEM #15 9:55 pm	<p>APPROVAL OF CLOSED SESSION MINUTES</p> <p>February 19, 2013; February 28, 2013</p> <p>Motion: Upon motion by Councilmember Bassett, seconded by Vice Mayor Currier, the closed session minutes of February 19 and February 28, 2013 were unanimously approved as submitted.</p>
ITEM #16 9:56 pm	<p>ADJOURNMENT</p> <p>Upon motion by Vice Mayor Currier, seconded by Councilmember Bassett and unanimously approved, the meeting was adjourned at 9:56 p.m.</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: _____