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TOWN OF JEROME

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MINUTES

REGULAR MEETING OF THE JEROME TOWN COUNCIL
JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS
TUESDAY, MAY 14, 2013 AT 7:00 P.M.

FIFTH 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 7:05 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, Anne Bassett and Bill Phinney.</i></p> <p><i>Other staff in attendance at roll call included Deputy Town Clerk Rosemarie Shemaitis, Zoning Administrator Carmen Ogden and Town Attorney Bill Sims.</i></p>
<p>ITEM #2:</p>	<p>PLEDGE OF ALLEGIANCE</p> <p>Mayor/Chairperson to lead the Pledge.</p>
<p>ITEM #3: 7:06 pm</p>	<p>STAFF REPORTS</p> <p>Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Representative, Public Works Department, Building Inspector, Library, Police Chief and Fire Chief.</p> <p><i>Mayor Check reported that she and Ms. Gallagher had written letters to the Post Office to find out the criteria for reinstating and keeping a full-time facility and Post Master. Vice Mayor Currier and Councilmember Hunt complimented their effort.</i></p> <p><i>Councilmember Phinney asked Ms. Gallagher to give a brief summary of the background of the new part-time building inspector, Barry Wolstencroft. Ms. Gallagher explained that Mr. Wolstencroft has a great deal of experience and worked as Building Inspector in Sedona for over 20 years. He currently serves as a part-time back-up inspector in Clarkdale and Sedona. He has also worked for Yavapai County as well as in Jerome, serving here in the late 1980's.</i></p> <p><i>Councilmember Hunt asked about an item on the project and status list for Upper Park and wanted to know why we are using rubber mulch for the playground area instead of sand. Ms. Gallagher replied that the rubber mulch is considered a safer surface for playground use.</i></p> <p><i>Mr. Hunt expressed his concern that rubber mulch is not historic or traditional, and discussion ensued. Councilmember Bassett noted that rubber mulch has been used in the last 20 years because it is a safer surface and it is also a great way to recycle tires. She said that it is also being used in road surfaces because it decreases the wear and tear on tires and provides better traction.</i></p> <p><i>Vice Mayor Currier expressed concern that the mulch will turn to dust when it disintegrates, and would then be inhaled by children. He asked if it wasn't a noxious, cancer-causing substance. Ms. Ogden spoke to note that she has the playground standard from the American Society for Testing and Materials (ASTM International), and according to that standard, even though rubber mulch is not historic, it is considered</i></p>

	<p>the preferred playground material. She has the information in her office if anyone wishes to review it.</p> <p>Councilmember Phinney asked Ms. Shemaitis about the plumbing issues on the first floor of Town Hall. Ms. Shemaitis replied that the crew has taken care of the immediate problem, but she needs to talk with Ms. Gallagher and Mr. Dement to see if a plumber should be called in.</p> <p>Mr. Phinney also asked Ms. Shemaitis about window repairs as noted in her report. Ms. Shemaitis explained that she had contacted Holms Glass to get an estimate for repairing all the broken windows at Town Hall. Mr. Holms came out and determined that 30+ windowpanes need to be replaced and has offered to donate his time and materials to do the repairs. Mr. Holms said that he throws away pieces of glass larger than what would be needed and he would be happy to help out the Town, since he and his wife really love this town. He may start work sometime in May.</p> <p>Councilmember Bassett wanted to ask Chief Blair about an item in his report regarding a vehicle that got stuck on a fire hydrant, but he was not in attendance.</p> <p>Motion: Vice Mayor Currier made a motion to accept the staff reports. It was seconded by Councilmember Hunt and approved by all.</p>
<p>ITEM #4: 7:15 pm</p>	<p>FINANCIAL REPORTS</p> <p>Issued checks and Budget to Actual report for the month of April 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>Vice Mayor Currier said that his questions were answered prior to the meeting.</p> <p>Councilmember Bassett asked if Fire Department contributions were being directed to the Fire Department Auxiliary and no longer under Town auspices. Ms. Gallagher said that it depends on how the contribution is made. Ms. Bassett noted that there is nothing in the Fire Department revenue line for contributions. Ms. Gallagher said that it is possible that the contributions have been going to the Auxiliary. Ms. Bassett then commented then that any Library contributions should be directed to the Library Auxiliary, so that they would not be controlled by the Town either.</p> <p>Vice Mayor Currier suggested asking the auditors how contributions should be handled and if the current practice is appropriate.</p> <p>Councilmember Bassett asked about the water connection fees that have been paid recently, as she does not see them in the report. She noted that there is a \$3,000 deficit in the water budget. Ms. Gallagher said that there is a line item that was charged to Water but belongs in Grants and will be moved. It is not as bad as it looks.</p> <p>Motion: Vice Mayor Currier made a motion to accept the financial reports. It was seconded by Councilmember Phinney and approved by all.</p>
<p>ITEM #5: 7:18 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>There were no comments, questions or discussion regarding this item.</p>
<p>ITEM #6: 7:19 pm</p>	<p>COUNCIL MEETING MINUTES</p> <p>March 12 regular meeting; April 9 regular meeting; April 23 special meeting; April 30 special meeting.</p> <p>Ms. Gallagher noted that, for the April 23 meeting, the transcript provided by the court reporter will serve as the text of the minutes. There was a correction needed to that transcript, and we have not yet received the final copy. It was recommended that the exact votes taken (ayes and nays) during that meeting be included in the minutes.</p> <p>During discussion, minor corrections were made to the minutes of March 12, April 9 and</p>

	<p>April 30.</p> <p>Motion: Mayor Check made a motion to approve the minutes of March 12, April 9 and April 23 as amended. It was seconded by Vice Mayor Currier and approved by all.</p> <p>Motion: Vice Mayor Currier made a motion to approve the minutes of April 30 as amended. It was seconded by Councilmember Phinney. The Mayor called the question and the motion passed, with 4 ayes and 1 abstention by Councilmember Hunt.</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>Deni Phinney, a Jerome resident and member of the Design Review Board, read a letter from her and her husband, describing their backgrounds and addressing rumors that had been circulating. She invited any further questions outside the meeting. A copy of Ms. Phinney's letter is included at the end of these minutes.</i></p>
<p>ITEM #8</p>	<p>UNFINISHED BUSINESS</p>
<p>7:29 pm</p>	<p>ITEM #8A: PLANNING AND ZONING COMMISSION RECOMMENDATIONS REGARDING DRAFT ORDINANCE FOR CITIZEN REVIEW PROCESS</p> <p>Council will review the recommendations of the Planning and Zoning Commission against adopting the draft ordinance that would amend the Jerome Zoning Ordinance to establish a formal Citizen Review Process, and may take action or direct staff regarding same.</p> <p><i>Ms. Ogden explained that P&Z held public hearings on April 17 regarding Items 8A and 8B. She said that questions had been raised by the April 11 letter from the Goldwater Institute regarding the Citizen Review Process. State statute says that we must have this process in place, but the Goldwater Institute brings up Prop 207 rights.</i></p> <p><i>Vice Mayor Currier said that he would like legal advice before discussing this item.</i></p> <p>Motion: Vice Mayor Currier made a motion to table this item until after Council has received legal advice on the matter.</p> <p><i>Mr. Sims commented that he understands how P&Z could feel concerned by the Goldwater letter, which alleges that the adoption of this ordinance violates Prop 207. He said that he had read in a file that Jerome's attorney in 2008 had recommended adopting a similar ordinance, and now, he and Ms. Ogden are recommending this after having canvassed other municipalities. Mr. Sims added that the ordinance proposed is categorically legal; the Town is being reasonable and the Goldwater Institute is being unreasonable. He said that Council could discuss this in executive session and give direction to staff after reconvening.</i></p> <p><i>After brief further discussion, Councilmember Phinney seconded the motion, and it was approved by all.</i></p> <p><i>It was generally agreed that an executive session on this topic would be held following the other items on the agenda, and it was noted that the agenda provides for this.</i></p>

<p>7:35 pm</p>	<p>ITEM #8B: PLANNING AND ZONING COMMISSION RECOMMENDATIONS REGARDING DRAFT ORDINANCE FOR TRANSIENT DWELLING RENTALS (TDR's)</p> <p>Council will review the recommendations of the Planning and Zoning Commission (P&Z) against adopting the draft ordinance that would amend the Jerome Zoning Ordinance to conditionally allow and strictly regulate and restrict Transient Dwelling Rentals (TDRs) in residential zones and agricultural zones, and may take action or direct staff regarding same.</p> <p>Motion: Councilmember Bassett made a motion to table this item until the executive session later in the meeting. It was seconded by Vice Mayor Currier.</p> <p>Councilmember Phinney asked Ms. Ogden to summarize what this is about.</p> <p>Ms. Ogden read an email from Lance Schall, chair of P&Z. In his email, he commented that, even though the Board rejected the ordinances presented to them, they would like to have ordinances for TDRs and Citizen Review; however, they will need to be different than those presented.</p> <p>The Mayor called the question and it was approved by all.</p> <p>Jane Moore, a Jerome resident, asked if Council will be making a recommendation to staff after the executive session discussion. Mayor Check and Councilmember Phinney stated that Council will convene in public session to give direction if appropriate.</p>
<p>7:37 pm</p>	<p>ITEM #8C: PLANNING AND ZONING COMMISSION RECOMMENDATION REGARDING WINE TASTING BUSINESSES</p> <p>Council will continue their discussion regarding 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 same.</p> <p>Ms. Ogden explained that, at the last meeting, she was asked to look closer at the Series 7 and Series 13 licenses. She provided information from the Arizona State Liquor Board, and said that the Series 13 is a domestic farm winery license, which allows a winery to produce, sample and distribute their own product. She said that the Series 7 license allows a winery to work with a distributor to obtain products produced by others for sampling and sales.</p> <p>Ms. Ogden said that there are currently four wineries in Jerome. Two of them have both Series 13 and Series 7 licenses and the other two have only the Series 13 license. She said that a Series 7 license gives a winery more options regarding what they can sell and sample at their location. Ms. Ogden said that the Series 7 license is a beer and wine bar license and it is only issued by lottery. Also, she said, a few of the licenses, such as the 13 and 7, can be "stacked."</p> <p>Mayor Check said that she thought that wine tasting businesses would not need a Conditional Use Permit (CUP) if the definitions were clear enough to distinguish a wine tasting room from a restaurant or a bar. Ms. Ogden said that she would prefer to require a CUP. For controversial operations, she said, a CUP offers the Town a greater ability to monitor them.</p> <p>Vice Mayor Currier asked who drafted the language that was presented. Ms. Ogden said that she drafted it and presented it to P&Z, who reviewed it and recommended that it come to Council. Planning & Zoning would like to have some feedback from Council. The ordinance has not yet been reviewed by the attorney.</p> <p>Mr. Currier asked if Series 12, 13, 10 or 7 licenses are considered to be stacked if they are at separate locations in town, and whether a business owner could have all four. Ms. Ogden explained that, if we adopt this ordinance, those cannot be stacked together; a 12 and 7 can be stacked or a 13 and 12, but not all three together. Also, they must be at the same location in order to stack them. Councilmember Phinney</p>

commented that stacking a Series 13 or Series 7 with a Series 12 would keep it from being a wine tasting facility.

Ms. Ogden said that the intention here was to not have a de facto restaurant. She asked if Council had a better way to word it. Vice Mayor Currier said that if it is tied to a location that would help.

Ms. Shemaitis commented that the license is tied to the property, so if you have a license at one location you cannot use it at a different location. Each location would have to have its own license or licenses. Also, as Ms. Ogden said, certain licenses are given out by lottery, so if you give up a location, you lose the license that goes with it and have to reapply for a new location, which you may or may not get.

Mr. Phinney said that he liked the wording presented, and he noted that P&Z is also okay with it.

Motion: Councilmember Phinney made a motion to **accept Section 201: General, Wine Tasting Facility definition.** It was seconded by Councilmember Bassett.

Ms. Ogden noted that she had also added "wine tasting facility" as a conditional use.

After brief discussion, it was noted that no action was agendized for this item, only direction to staff, so the motion is moot. Councilmember Phinney withdrew his motion and Councilmember Bassett withdrew her second.

Ms. Gallagher explained that the reason this item was agendized for direction only is because, if it was agendized for action, they would have to be acting on an actual ordinance. The direction, she said, would be for her to prepare the ordinance that Planning & Zoning is requesting and bring it back to Council for action.

Mayor Check said that she is concerned about placing conditions on a particular industry, and asked Mr. Sims how much room Council actually has to single out an industry in that way.

Mr. Sims said that it is a unique use, and he believes that Council and the Town can identify unique restrictions on a use if they can demonstrate why it is unique. He said that, in Arizona, all you have to show is a rational basis for why you think it is unique and a court would defer to that, so he believes that it would be appropriate. Mr. Sims said that, because this does require an ordinance, it needs a more formal process, and a good definition would help. He added that a CUP would work.

Mayor Check noted that there are several wineries already established, so there may be some resistance from them about having to conform to new conditional use permits. Mr. Sims said that, if they are prior-approved non-conforming uses, they may not have to comply. It would be new uses that would have to comply. In Arizona, he said, a property owner cannot have its use impacted by current law if something is already a legal non-conforming use. He said that there are exceptions, such as true public health and safety issues.

Mr. Phinney gave the example that, if we didn't want a bar next to a school we could make it work, but if we just simply didn't want a bar, then we could not. Mr. Sims agreed, and said that hours and noise can be regulated by the Town, but the Town cannot deny a license that is issued by the state. However, noise and hours could be regulated by CUP requirements, and that would trump a prior use.

Vice Mayor Currier said that staff should continue to develop an ordinance – the issue is still cloudy and needs to be defined. Ms. Gallagher asked if Council could let staff know what they are looking for and what they would approve. She said that they could develop an ordinance with any conditions that Council would approve. Mr. Currier said that, from what he understands from Mr. Sims, this is not a permitted use at this time because it is not addressed in an ordinance, and anything that is not addressed is not a permitted use. He asked if that was correct.

Mr. Sims said that Ms. Ogden is suggesting that wine tasting facilities need to be added

	<p>to the list of permitted uses in the district, provided there is a CUP. Ms. Ogden clarified that there are two categories, conditional uses and permitted uses, in the various zones. She recommends adding it as a permitted <u>conditional</u> use.</p> <p>Mr. Sims suggested that we identify in which districts they will be permitted, so we could say that wine tasting facilities will only be in certain districts, and that it is <u>not</u> a use by right but is only a use allowed with a conditional use permit.</p> <p>Mr. Currier asked again if they are currently permitted. Ms. Ogden replied that, months ago, P&Z determined that wine tasting facilities are a new use, but also that they are a retail use. She said that now they are trying to define it and add it to the Zoning Ordinance.</p> <p>Mayor Check said that she likes the definition provided and Councilmember Bassett agreed.</p> <p>It was agreed that Ms. Ogden will go back to Planning & Zoning and they will continue to work on developing an ordinance and conditions for a conditional use permit.</p>
ITEM #9	NEW BUSINESS
7:55 pm	<p>ITEM #9A: APPROVAL OF TOUR ROUTES: GHOST TOWN TOURS</p> <p>Council will review and may approve proposed routes for a prospective new tour business, Ghost Town Tours, planning to operate at 557 Main Street.</p> <p>Vice Mayor Currier read a letter from the Jerome Historical Society (JHS) regarding tour companies using their properties.</p> <p>Ken Cooper, a Jerome resident and partner in Ghost Town Tours, said that they have resolved their issues with the JHS regarding the Audrey Headframe park and they are not interested in the New State Motor Building.</p> <p>Mr. Cooper said that he and a group of people, including Pat Jacobson, a Jerome resident, are forming an LLC, and the routes presented will be their routes. He said that he and Ms. Jacobsen are representing the tour company at this meeting and will be able to answer any questions that Council may have. Mr. Cooper also noted that the routes presented are similar to routes that have already been approved for another tour company.</p> <p>Mayor Check noted that Council's role as a Town is to approve routes based on our Codes, and they should not be giving permission for the locations. The Mayor said that the locations are an issue that is not relevant to Council. Mr. Sims agreed.</p> <p>Councilmember Bassett asked if Mr. Cooper had any confirmation of the resolution with JHS. Ms. Jacobson provided the application for using the Audrey Headframe to Ms. Bassett to read.</p> <p>Mr. Cooper said that they will figure out the locations. He then explained the route maps that had been provided.</p> <p>Councilmember Hunt asked how many people would be on the walking tours. Mr. Cooper replied that, per the recommendation of their insurance company, there would be nine visitors and one guide. He added that they are not looking to increase traffic here but to facilitate business from the existing traffic.</p> <p>Councilmember Phinney said that he doesn't see a problem with the tour routes except for Hill Street, which is a private street although it is used by the public. He added that they should be fine as long as they do not "stop and gawk" at the properties that they pass on Hill Street.</p> <p>Mr. Cooper said that all the partners in the LLC are Jerome residents and are very aware of people's privacy concerns in town. He said that they have a business strategy, but he is not going to discuss that except to say that they are working out all of their right-of-way issues.</p> <p>Mr. Phinney said that he does not have any issues with the routes as submitted.</p>

Mr. Sims asked when the letter from JHS was received. The Vice Mayor said that it was dated May 10th. Mr. Cooper said that they may not include the Audrey Headframe, but they did want to be as inclusive with the locations as possible for when they build other tour routes in the future.

Councilmember Phinney asked exactly what Council will be approving or not approving. Ms. Gallagher explained that Council will only be approving the routes.

Vice Mayor Currier said that they cannot approve any route that includes Hill Street and they cannot approve viewing properties – both are beyond Council's scope.

Mr. Cooper said that Hill Street is a right-of-way and is not included as part of the tour but may be used to access the Grand Hotel. He added that that may or may not happen, but they wanted to have that in place and approved for future need.

Mr. Phinney remarked that Council cannot approve that, as was stated by the Vice Mayor. Mr. Cooper responded that they wouldn't even be on that road except for access to those businesses that they will be doing business with.

Motion: Councilmember Phinney made a motion to **accept the routes with the exception that we are not approving or disapproving anything that concerns Hill Street.** It was seconded by Councilmember Bassett.

Mr. Cooper asked if Council wanted a copy of the letter regarding the Audrey Headframe and was told no – that is between his company and the Jerome Historical Society.

Mr. Phinney commented that Council is just approving the routes.

Mayor Check called the question and it was **approved by all.**

Gary Ferguson, and his wife, Denise Kelly, asked to speak. They own Tours of Jerome. Ms. Kelly said that all the routes presented by Ghost Town Tours are the same as Tours of Jerome. Also, the new tour company is picking up in front of the New State Motor building where Tours of Jerome is located. Mr. Ferguson and Ms. Kelly are concerned that having a second tour company in town could cause congestion and confusion. Ms. Kelly said that they have filed a cease-and-desist order against Ms. Jacobson, who was a former employee of theirs and had signed a non-compete agreement. She said that they are also worried about confrontations and other situations. Ms. Kelly asked if Council could reconsider.

Mayor Check said that the routes were approved per the Town's ordinance and the laws must be applied evenly.

Ms. Kelly asked if locations were approved that include Tours of Jerome's building. Councilmember Phinney replied that Council had only approved the routes – the public throughfare. Ms. Kelly said that the other tour company would be picking up in front of their building. Mr. Phinney noted that that is a public pick up and drop off location.

Mayor Check said that she would like to move on to the next item.

Vice Mayor Currier apologized to Mr. Ferguson and Ms. Kelly – he feels that they have been treated poorly. A letter that they provided just prior to the meeting and that he had submitted to the Town Manager/Clerk was not presented to Council. Mayor Check said that the letter was regarding a private litigation issue, and not relevant to the agenda item, which was for approval of a route.

Councilmember Phinney noted that Council can only discuss what is agendaized and if something is not agendaized, they cannot discuss it. He said that Mr. Ferguson and Ms. Kelly can request to be on a future agenda. The Mayor noted that their letter would still not be admitted into the discussion.

8:10 pm

ITEM #9B: APPLICATION OF WATER HOOKUP FEE WAIVER FOR HISTORIC STRUCTURES TO HISTORIC SWIMMING POOL

Council will review a request by Frank Vander Horst for a waiver of the water hookup fee for their work in restoring a historic swimming pool, and may direct staff regarding the drafting of an ordinance that would amend the Town Code in that regard.

Frank Vander Horst, a Jerome resident, explained that he and his wife had purchased the property in question about 15 years ago and the pool originally opened in 1928. He said that they had always intended to restore the pool. The ordinance that was recently adopted states that structures built prior to 1953 would have the water and sewer hookup fees waived. The ordinance goes on to list the types of structures that could apply for this benefit, which are historic structures, but they are all historic structures with a roof. He said that he thinks that the intent would include the historic swimming pool, so he is asking for a waiver or clarification to include swimming pools.

Councilmember Phinney asked him to clarify his request. Mr. Vander Horst responded that he is asking to have the ordinance changed to include historic swimming pools.

Mayor Check said that the ordinance was specifically written to preserve our historic homes. She said that it will take quite a bit of consideration, and consideration of the implications, if Council were to change the definition.

Councilmember Bassett said that she was inclined to approve this request in spite of the tone of the letter, which was "off-putting and aggressive." She said there never were walls or a roof, and noted that the Odegard project did have a roof. There were a lot of holes in it, but it did have a roof – that did not set a precedent for what the Vander Horsts want. Ms. Bassett said that, as a swimming pool, it never did have a roof, but she would be inclined to grant the request. She noted that they would still have to pay for the lines to the property. Mr. Vander Horst agreed.

Councilmember Phinney asked who would use the pool. Mr. Vander Horst said that it would be for private use. He said that part of it is on residential property and part is on commercial property; they don't know yet how they are going to address that. Currently, the plan is for it to be a private pool.

Vice Mayor Currier said that a pool in Jerome has implications regarding the water and sewer systems that he needs to think through. He said that, regardless of its history, it may not be appropriate in this day and age to create a swimming pool. Mr. Vander Horst said that there already is a swimming pool there, it just needs to be filled. The Vice Mayor responded that there is something there, but it is not ready to operate. He said that he is not prepared to give carte blanche on this project; he would like to discuss it first with the Town's water department and engineer.

Mr. Vander Horst noted that, once the pool is in operation, they have offered it to the Jerome Fire Department for use in fire prevention.

Mr. Currier said that, regardless, Council will need to see how a pool of any size will impact the Town's infrastructure.

Councilmember Phinney asked Ms. Ogden if there is anything in the Zoning Ordinance regarding this. Ms. Ogden said that she would look into that. Mr. Phinney asked Mr. Vander Horst if, in his research, he had found whether swimming pools are allowed in town – historic or not. Mr. Vander Horst replied that there are references to swimming pools in the ordinances. Susan Cloud-Hall said that, according to her information, you cannot have a swimming pool in your front yard. Mr. Vander Horst said that the ordinance is very specific as to where pools can be. He said that, based on the historic non-existent streets, the pool is in the backyard.

After brief further discussion,

Motion: Vice Mayor Currier made a motion to **table this item until more research has been done.** It was seconded by Mayor Check.

	<p>Mr. Currier said that they would try to take care of that as fast as they can.</p> <p>Mr. Vander Horst asked what he could do and he was asked to be patient.</p> <p>Councilmember Phinney clarified that it will be on a future agenda since they are working on it.</p> <p>Mayor Check called the question and it was approved by all.</p>
<p>8:20 pm</p>	<p>ITEM #9C: EXTENSION OF CONTRACT WITH SIMS MURRAY, LTD. AS TOWN ATTORNEY</p> <p>Council will review the contract with Sims Murray, Ltd. as Town Attorney, which expires May 31, 2013, and may approve extending the contract in accordance with the terms thereof, or may direct staff to issue an RFQ for services. During discussion, Council may enter into executive session, pursuant to A.R.S. §38-431.03.A.1, for discussion of the matter.</p> <p>Mr. Sims offered to leave the room if Council wanted to discuss this without him present. Ms. Gallagher noted that Council could discuss this item in executive session.</p> <p>Motion: Vice Mayor Currier made a motion to table this item until the executive session. It was seconded by Mayor Check and approved by all.</p>
<p>ITEM #10 8:21 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 had several items that she would like to see on future agendas:</p> <ul style="list-style-type: none"> • Discuss working with Gulch Radio to get a booster antenna on the Hotel Jerome in trade for them broadcasting Town meetings. • Composting • Reducing the fleet, which can be discussed in the budget meetings • More discussion on state-mandated public hearings <p>Councilmember Phinney asked if a thank you letter had been sent to Freeport-McMoRan for their grant to put in the sidewalk. Ms. Gallagher responded that it had.</p> <p>Mr. Phinney asked if the second tank on Sunshine Hill was up and running and was told that it is.</p> <p>Mayor Check said that she would like to wait to discuss civil unions because Bisbee is working out some issues with their ordinance, and she would like to wait for them. Also, the Mayor said that they need to schedule a budget meeting. Ms. Gallagher said that she hopes to be ready to hold a meeting by the end of this month.</p> <p>Vice Mayor Currier announced the Humane Society's upcoming Flea Market on Memorial Day weekend.</p> <p>Councilmember Phinney asked about the situation on Center Street. Ms. Gallagher responded that the crew has looked in to it and tested the water that is leaking, but they cannot determine if it is a sewer line or water line. She said that the only way to determine which it is, and if it is the Town's responsibility or the property owners, is to dig up the entire yard and the steps along with it. Ms. Gallagher said that it is coming from Hull and they are still trying to figure out the best way to deal with it. Vice Mayor Currier suggested having Town Engineer Jim Binick look into it.</p> <p>Suzy Mound, a Jerome resident, said that the drain by her house is clogged and she would like to have regular maintenance on it. Ms. Mound said that she does not think that she should have to do that maintenance herself.</p>
<p>8:25 pm</p>	<p>Motion: Vice Mayor Currier made a motion to go into executive session and take a break. It was seconded by Mayor Check.</p> <p>Ms. Moore asked if they were going to discuss the Grand Hotel and then come out of executive session. Mayor Check said that they would probably stay in executive session for all the items. They would then come out for any business</p>

	<p>that they have to do.</p> <p>Vice Mayor Currier suggested that they state that they will take no action on the Grand Hotel or anything that will be discussed in executive session. Ms. Moore said that her interest is in the vacation rentals.</p> <p>Ms. Hall said that she had missed the hearing regarding the vacation rentals, but it seems that an ordinance is needed. She offered to help craft an ordinance with Jane Moore and Curtis Lindner, who is on the County board.</p> <p>Ms. Gallagher suggested that Council go into closed session for just the vacation rentals, then come out to give direction. After that, Council could go back into closed session for the rest of the items. This was generally agreed upon.</p> <p>Mayor Check called the question and it was approved by all.</p>
8:27 pm	Council took a break and then went into executive session.
8:59 pm	<p>Mayor Check called Council back into open session.</p> <p>The Mayor said that they will be addressing Item 8B, regarding the draft ordinance for transient dwelling rentals. She said that Council would like Planning & Zoning to continue work on this, and the recommendation is to send it back to them to develop a factual set of "whereas's" for an ordinance, which would be developing the reasons for the ordinance. They will have to be strong enough to have any ordinance stand up if challenged.</p> <p>Vice Mayor Currier said that he thought that they could use advice from other people.</p> <p>Mayor Check explained that this could go to a separate work committee that then would report to Planning & Zoning. However, she thinks that there are enough interested people attending the meetings regarding this, including Ms. Moore, Mr. Lindner, Mr. Freund and Ms. Cloud-Hall, who are willing to give input. The Mayor said that she thinks the best approach is to have these people work with Planning & Zoning to come up with something that they all can live with.</p> <p>Councilmember Phinney clarified that Council will ask Planning & Zoning to invite them to join them and provide some input on this. Mr. Freund, Ms. Moore and Ms. Cloud-Hall agreed to participate, if invited. Also, Council will recommend contacting Mr. Lindner.</p> <p>Councilmember Bassett suggested emphasizing the urgency to Planning & Zoning. She also recommended that they have Mr. Freund give his presentation to the board. Ms. Bassett also clarified that they would have access to the town attorney as needed.</p>
9:04 pm	Motion: Vice Mayor Currier made a motion to go back into executive session. It was seconded by Councilmember Phinney and approved by all.
ITEM #11	LITIGATION – JEROME GRAND HOTEL <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>
ITEM #12	REVIEW OF CLOSED SESSION MINUTES <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>
9:36 pm	Council reconvened into open session.

<p>ITEM #13</p>	<p>APPROVAL OF CLOSED SESSION MINUTES</p> <p>April 9, 2013; April 18, 2013</p> <p><i>Upon motion by Vice Mayor Currier, seconded by Councilmember Phinney, the closed session minutes for April 9 and April 18 were unanimously approved with the changes discussed during executive session.</i></p>
	<p><i>At this time, Council took action on other items discussed during executive session:</i></p> <p>ITEM #8A: ORDINANCE REGARDING CITIZEN REVIEW PROCESS</p> <p><i>Direction to staff:</i> Staff was directed to refer the Citizen Review Process ordinance back to the Planning and Zoning Commission to develop this ordinance as they see fit, for adoption by Council.</p> <p>ITEM #9C: EXTENSION OF CONTRACT WITH TOWN ATTORNEY</p> <p><i>Motion:</i> Upon motion by Mayor Check, seconded by Councilmember Bassett and unanimously approved, the existing contract with Town Attorney William Sims was extended for one year with the same terms and conditions.</p>
<p>ITEM #14</p>	<p>ADJOURNMENT</p> <p><i>Upon motion by Councilmember Bassett, seconded by Vice Mayor Currier and unanimously approved, the meeting was adjourned at 9:40 p.m.</i></p>

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

APPROVE:

ATTEST:

Nikki Check, Mayor

Candace B. Gallagher, CMC, Town Manager/Clerk

Date: _____