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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, AUGUST 13, 2013 AT 7:00 P.M.

EIGHTH 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 minute taker Joni Savage, Finance Director Becky Cretti, Zoning Administrator Carmen Ogden, Fire Chief Rusty Blair and Deputy Town Clerk Rosemarie Shemaitis.</i>
ITEM #2:	PLEDGE OF ALLEGIANCE Mayor/Chairperson to lead the Pledge.
ITEM #3:	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>During discussion of the staff reports:</i> <ul style="list-style-type: none"><i>Ms. Gallagher agreed to check with Jane Moore on the fundraising efforts to save the leaning wall.</i><i>It was noted that the \$8,131 bad debt in utilities extends back to before this fiscal year, and staff and auditors are working toward writing some of it off.</i> Motion: Mayor Check made a motion to approve the staff reports . It was seconded by Vice Mayor Currier and approved by all .
ITEM #4:	FINANCIAL REPORTS Issued checks and Budget to Actual report for the month of July 2013. Figures included therein are presumed accurate as of the report's preparation date, but are subject to adjustment as further information is gained. <i>Councilmember Hunt said that he has noted that administrative charges are deducted from certain funds as expenses and then put in the general fund under revenues. He wanted to know how that works. Ms. Gallagher explained that this represents an allocation of overhead costs, including administrative salaries, electricity, and similar expenses. A portion of those costs are charged each month to the water, sewer, trash and roads accounts.</i> <i>Following a question by Councilmember Bassett regarding the police budget, Ms. Cretti noted that not all of the budgeted expenses have been put into the system yet, so are not fully reflected in the July Budget to Actual report provided to Council. Once that process is complete, she said, Council will receive an updated copy of that report. She anticipates that entries will be complete before the end of August.</i> Motion: Vice Mayor Currier made a motion to accept the financial reports . It was seconded by Councilmember Bassett. <i>Councilmember Hunt asked Ms. Gallagher about a payment to her that was included in the payment listing. She explained that this was reimbursement for travel expenses incurred when she attended training recently.</i> <i>Mayor Check called the question and it was approved by all.</i>

<p>ITEM #5: 7:10</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. The Zoning Administrator's report will include information regarding:</p> <ul style="list-style-type: none"> - An ordinance to be referred to Council regarding the Citizen Review Process - An ordinance to be referred to Council regarding tasting facilities - Conditional Use Permits approved by P&Z at their August 7 meeting <p><i>Ms. Ogden explained that Planning & Zoning held public hearings this month for two draft ordinances – one for tasting facilities and one regarding a citizen review process. Both ordinances have been recommended to Council for adoption.</i></p> <p><i>Ms. Ogden also reported that two conditional use permits were approved by Planning & Zoning. Deni Phinney, owner of Copper Town Café, was approved for outdoor seating and Annaliese Williams, owner of Spalon, was approved for an oxygen bar, merchandise display and, possibly, a massage and pedicure space outside on the terrace. Copies of each were provided to Council.</i></p> <p><i>Vice Mayor Currier asked about Council's role in this process. Ms. Gallagher said that the practice has been that CUPs are approved by P&Z, and there is a mention of them in the monthly Zoning Administrator's report. However, with this meeting, we are providing more detailed information for Council. There is a 15 day review period following approval of a CUP, and during that time any Councilmember could call for an appeal, as could any other citizen. These CUPs will stand unless they are appealed within 15 days, and no action is needed by Council. Ms. Ogden noted that an ordinance is currently being drafted that will update the CUP process, and, if approved, Council will then have more of a role.</i></p> <p><i>Vice Mayor Currier asked what would happen if someone objected to a CUP that had been approved. Ms. Ogden said that Council would put it on a Council meeting agenda as an action item, and the CUP would not be granted until Council made a decision on it. Vice Mayor Currier commented that he assumed that <u>all</u> CUPs would become action items at Council. Ms. Gallagher will clarify this with the Town attorney.</i></p> <p><i>Councilmember Bassett noted that, at the General plan steering committee meeting of June 26, staff had been asked to look into de-annexation. Ms. Ogden confirmed this, and said that it was just an information gathering exercise. Ms. Bassett asked if we are "trying to shrink the buffer between us and the rest of the world."</i></p>
<p>ITEM #6: 7:18</p>	<p>COUNCIL MEETING MINUTES</p> <p>June 18 special meeting; July 9 regular meeting</p> <p><i>Councilmember Bassett recalled making a statement about Town Hall beginning to pay the water, sewer and trash accounts for its utility services and noted that it did not appear in the June 18 minutes. Ms. Gallagher recalled that this may have been stated at a budget meeting, and not at the June 18 special meeting.</i></p> <p>Motion: Vice Mayor Currier made a motion to accept the minutes of June 18 and July 9. It was seconded by Councilmember Hunt and approved by all.</p>
<p>ITEM #7: 7:20 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>There were no petitions from the public.</i></p>
<p>ITEM #8</p>	<p>ORDINANCES</p>
<p>7:20 pm</p>	<p>ITEM #8A: FIRST READING - ORDINANCE NO. 404, An Ordinance to Amend Section 2-4-8, "Voting," of Chapter 2, "Mayor and Council," of the Jerome Town Code Regarding Abstaining from Voting.</p> <p>The Mayor and Council may conduct the first reading of Ordinance 404, which would require that any Councilmember who abstains from voting due to a declared conflict of interest must take no</p>

part in the deliberation on the matter in question and must leave the dais during such deliberations. The ordinance would further require all Councilmembers to vote on matters before them unless a conflict of interest is declared.

Mayor Check read Ordinance 404 in title only, and explained that these issues have arisen recently with Council, and this ordinance was drafted as a result. She asked Council if they were on board with it.

Vice Mayor Currier said that, traditionally, Councilmembers left the room if they had a conflict, but our attorney does not agree that they should be required to leave the room. This ordinance states they shall leave the dais and shall remain silent, and that is based upon the Arizona Revised Statutes (ARS). Mr. Currier said that that was not as far as he wanted to go, but he can live with that.

Mr. Currier noted that the ordinance also requires a Councilmember to vote unless he or she has a conflict of interest. He added that there is nothing in the ordinance that requires a member to explain a negative vote, but that has been required in prior years.

Councilmember Bassett said that she, too, would like to follow tradition and require an abstaining member to leave the room, but said that she could live with the ordinance as written. She added that she thought Councilmembers were already mandated by state law to vote unless they have a conflict of interest. Ms. Gallagher said that that is not mandated by state law, but most towns do have it in their code.

Mayor Check said that she would also prefer that an abstaining member leave the room.

Ms. Gallagher explained that, according to Town Attorney Bill Sims, a Councilmember has the Constitutional right as a citizen to be in the room to hear the proceedings. While we can require them to leave the dais, it would be a violation of the Open Meeting Law to force them to leave the room.

Mike Parry, a Jerome resident, said that he disagrees with allowing an abstaining Councilmember to remain in the room, because that member could intimidate others by their presence.

Deni Phinney, a Jerome resident and member of the Design Review Board, noted that there is nothing in this that defines what constitutes a vested interest and that is a critical piece. Mayor Check opined that it is extremely well defined and is a ubiquitous definition. Ms. Gallagher commented that the statute defines what constitutes a conflict. That statute is not referenced in this ordinance, but could be.

Curtis Lindner, a Jerome resident, said that the Board of Supervisors considers the public's perception of fairness, and they do ask that, if there is a direct conflict of interest, the person not be part of the discussion and possibly leave the room. They put the onus on the person who declares the conflict.

Councilmember Phinney agreed that, by forcing a Councilmember to leave the room, you are taking away their constitutional right to hear what is going on. He added that he does not believe that anyone on the dais now could intimidate anyone else on the dais. Mr. Phinney said that he thinks that the ordinance is well balanced and is good just the way it is.

Councilmember Hunt also agreed that one shouldn't have to leave the room – they would have a constitutional right to know what is going on. He did not, however, agree that a Councilmember should be required to vote, and does not like that a failure to vote (absent a conflict) would be counted as a yes vote. He feels that is unconstitutional. He said that he does not like that he must vote even if he is conflicted as to whether Council has the right to address an issue, or he hasn't made up his mind, or any number of other reasons. Mr. Hunt said that he would like to strike the second part of Section D of the ordinance.

Vice Mayor Currier stated that Councilmembers are here at the will of the people, and the people have a right to have these things voted on. If Councilmember Hunt finds himself too conflicted to vote, he said, then he should vote "no." Councilmember Hunt replied that, if he is here at the will of the people and he continuously abstains from voting, then the record would show that and he would not be elected again. He maintained that to have an abstention considered a yes vote is "just wrong."

Mayor Check said that, when five people have been elected to Council, the citizens expect five votes. When you start to subtract numbers of votes, it could potentially affect the quorum.

Councilmember Hunt said that abstentions do not affect the quorum and added that he does not think we have had a problem with too many people abstaining. Mayor Check said that, actually, Council did have a problem because of abstention.

	<p>After brief further discussion, Councilmember Bassett said that Council needs to leave that provision in the ordinance. Even though Councilmembers volunteer, she said, they are shirking their job if they don't prepare themselves to make a decision.</p> <p>Lisa Whitacre, a Jerome resident, noted that, when additional information isn't available, tabling is a very good tool.</p>
<p>7:36 pm</p>	<p>ITEM #8B: REFERRAL TO PLANNING & ZONING COMMISSION: ORDINANCE NO. 405, An Ordinance of the Mayor and Common Council of the Town of Jerome, Yavapai County, Arizona, Amending Sections 201, 504, 505, 506, 507, 508 and 512 of the Jerome Zoning Ordinance to Add Definitions for "Transient Dwelling Rental" and "Transient," Add "Transient Dwelling Rental" as a Conditional Use in the AR, R1-10, R1-5, R-2, and C-1 Zones; Add Transient Dwelling Rentals to the Schedule of Required Off-Street Parking; and Add to the Jerome Zoning Ordinance a New Section 513, "Transient Dwelling Rentals (TDR's)," and Regulate the Use of Those Transient Dwelling Rentals That Are Nonconforming Uses by Adding a New Article 8-6 to the Jerome Town Code.</p> <p>The Mayor and Council will review, and may refer back to the Planning & Zoning Commission to conduct a Public Hearing, the most recent draft of Ordinance 405, an Ordinance to restrict and regulate (via a CUP process) Transient Dwelling Rentals in all zones within the Town of Jerome, and to acknowledge legal nonconforming uses. This draft is the result of a joint meeting with the Planning and Zoning Commission held on August 5. The Mayor and Council may choose to make additional changes to the Ordinance prior to referring it to P&Z.</p> <p>Mayor Check explained that Council needs to work out a couple of additional details before sending this Ordinance to Planning and Zoning. A lengthy discussion ensued, during which it was agreed that the following changes would be made to the ordinance:</p> <ul style="list-style-type: none"> • Section A – Purposes <ul style="list-style-type: none"> ◦ ADD reference to the Town's fragile water and sewer infrastructure • Section I – Standard Permit Conditions and Additional Conditions <ul style="list-style-type: none"> ◦ ADD to item (h) (regarding information that must be posted within each unit): <ul style="list-style-type: none"> ▪ Current water restrictions ▪ Current county-wide fire restrictions ▪ A notice that fireworks are prohibited within the Town ▪ A notice that feminine products and paper towels should not be flushed down the toilet. ◦ ADD language to item (m) to clarify that signs identifying the property as a TDR cannot be placed on the property <u>except within the Commercial and Industrial zones, and except as otherwise permitted within the Jerome Zoning Ordinance.</u> <ul style="list-style-type: none"> ▪ During discussion of signage, it was noted that some feel that signage identifying a property as a vacation rental makes it vulnerable to looting or robbing, as it is often vacant. ▪ It was noted by Planning and Zoning Board member Ellen Smith that small signs, such as nameplates, are permitted within the residential zones, and signs are permitted within the commercial zone. ▪ It was also noted that the Jerome Fire Department requires that house numbers be visible for purposes of emergency response. • Provide that a total of 12 TDR's will be permitted in the C-1 and I-1 zones combined. <p>Other comments made during discussion by those in attendance included:</p> <ul style="list-style-type: none"> • Resident and P&Z member Ellen Smith stated, regarding vacation rentals, that the actual use itself is residential, not commercial. The fact that someone is making money, she said doesn't make it commercial. People rent houses all the time. • Fire Chief Rusty Blair said that, considering how heavily we rely on volunteers, when we limit options of affordable housing, we might run into problems. We need to find ways to bring in younger volunteers for the Fire Department in order to sustain us in the future, and we want the younger generation to be able to afford to live here. He asked that Council help sustain our volunteer base. • Resident and P&Z member Mike Parry said that Jerome has a shortage of places to stay,

	<p>and we should allow the commercial zone more leeway when it comes to limiting vacation rentals. The point of the ordinance, he said, is to protect the residential areas.</p> <ul style="list-style-type: none"> Resident Jane Moore said that she would like to prohibit vacation rentals in the AR zone, and have requirements for parking in the commercial zone. She suggested changing the term from "Transient Dwelling Rental" to "Transient Lodging Rental." Letters were provided to Council from John and Mary Dempsey and from Bonnie Caron, each including complaints regarding nearby vacation rentals. One item that the Dempseys' letter referenced was the tossing of lit cigarette butts, which generated a discussion in that regard. Ellen Smith noted that many people here smoke, not just vacation rental tenants. Chief Blair said that our gutters are full of cigarette butts, and "the worst thing they did was take smoking out of bars." Resident Susan Cloud-Hall said that she stayed in a vacation rental in Ventura Beach where no smoking was allowed on the premises. Mike Parry suggested that smoking and open fires be prohibited in vacation rentals. Susan Cloud-Hall agreed. It was discussed and generally agreed that it would be best not to try to restrict smoking but that tenants should be advised regarding burn restrictions in effect. Landlords themselves could prohibit smoking. <p>Motion: Mayor Check made a motion to send this ordinance [with the changes noted] to Planning & Zoning for a public hearing. It was seconded by Councilmember Bassett.</p> <p>There was discussion regarding changing the name to "Transient Lodging Rentals." Councilmember Hunt opined that that would be a good idea, as this ordinance revolves around definitions and precise language. It was generally agreed that that change would not be made in the ordinance prior to passing it along to P&Z, but will be considered.</p> <p>Mayor Check called the question and the motion passed with 4 ayes and 1 nay by Vice Mayor Currier.</p>
ITEM #9	UNFINISHED BUSINESS
8:35 pm	<p>ITEM #9A: RESOLUTION #518, A Resolution of the Mayor and Town Council of the Town of Jerome, Arizona, Levying Upon the Assessed Valuation of Property Within the Town a Certain Sum of Money for Fiscal Year 2013-14 To Be Assessed Against the Valuation of Real Property for Primary Tax Purposes</p> <p>The Mayor and Council will review and possibly approve Resolution #518, adopting the property tax levy for the Town of Jerome for the fiscal year ending June 30, 2014. A public hearing on the tax levy and budget was held on July 30, 2012. There is no increase in the tax levy proposed for this fiscal year.</p> <p>Mayor Check read the resolution in title only.</p> <p>Motion: Councilmember Bassett made a motion to approve Resolution 518. It was seconded by Vice Mayor Currier and approved by all.</p>
8:36 pm	<p>ITEM #9B: REQUEST BY JEROME CIVIC CENTER LESSEE TO SERVE ALCOHOL</p> <p>Council will continue their review of a request by Prospect.rs, a lessee at the Jerome Civic Center, to serve alcohol in limited quantities for consumption onsite by members and event attendees. Council may opt to approve or deny the request by Prospect.rs, and/or to establish a broader policy for Town lessees.</p> <p>Mayor Check offered the floor to Byron Bowerman, a Jerome resident and owner of Prospect.rs. Mr. Bowerman said that they would like to change their request. He said that they now propose ending their lease on October 1, 2013, and are withdrawing their request to serve alcohol. He added that they could be flexible on the lease termination date.</p> <p>Because this new request was not agendized, it was agreed that it would be addressed at the next meeting.</p>
8:37 pm	<p>ITEM #9C: DESIGN REVIEW BOARD BYLAWS</p> <p>Council will review and may approve bylaws adopted by the Design Review Board in accordance with Section 106 of the Jerome Zoning Ordinance.</p> <p>Councilmember Bassett noted that these bylaws provide that the Chair or Vice Chair may be removed from office at any time by a majority vote of the full Board, and she asked if that must be agendized in order to happen.</p> <p>Ms. Gallagher opined that it would need to be agendized. She noted that there are provisions for action in the event of an emergency, but it was discussed and generally agreed that this would not likely constitute an emergency. She suggested that the words "at any time" could be removed</p>

	<p>if that is problematic. It was agreed that those words would be removed.</p> <p>Councilmember Bassett also questioned the enforceability of a statement requiring that each person who appears at a public hearing must state their name and, if appearing on behalf of a person or organization, the name of the person or organization being represented. Deni Phinney, a Jerome resident and member of the Design Review Board, said that, regardless of whether it is enforced or not, requesting that is a good thing. Mike Parry, resident and member of the Planning & Zoning Commission, agreed with Ms. Phinney. No change was made to the draft bylaws in this regard.</p> <p>Motion: Vice Mayor Currier made a motion to approve the bylaws for the Design Review Board. It was seconded by Mayor Check and approved by all.</p>
<p>8:47 pm</p>	<p>ITEM #9D: APPOINTMENT TO DESIGN REVIEW BOARD</p> <p>Council will review applications received for a vacancy on the Design Review Board (DRB) resulting from the resignation of Bob Wood, and may make an appointment to fill that vacancy for the remainder of the unexpired term ending February 28, 2014.</p> <p>At the time of agenda preparation, three applications had been received: from Byron Bowerman, Steve Pontious and Frank Vander Horst.</p> <p>Ms. Ogden stated that Mr. Bowerman is withdrawing his application.</p> <p>Discussion ensued regarding the process for making this appointment. Councilmember Phinney suggested that each Councilmember pick a candidate, and asked how that would work as far voting goes. Ms. Gallagher responded that, in her experience, this has been done by a member moving that one of the candidates be appointed. If that motion is seconded and approved, the appointment is complete. If not, then another motion, for another candidate, can be made and acted on, and so on until a motion is approved and an appointment made.</p> <p>Mayor Check asked if Council has the ability to go into executive session for this matter. Ms. Gallagher stated that the attorney was not available and would need to be present.</p> <p>Councilmember Phinney suggested voting by secret ballot. Ms. Gallagher said that she would not be comfortable with that, as it could be a violation of the Open Meeting Law.</p> <p>Mayor Check asked the two candidates to provide some background, and why they would like to serve on the Board.</p> <p>Steve Pontious, a Jerome resident, said that he is retired and willing to do this. He has read the zoning ordinance, and although his background is inventory management, he is "a pretty smart guy," and can learn.</p> <p>Councilmember Bassett said that a lot of design decisions are handled with "institutional memory," and added that she is disturbed about a conflict she sees between two sentences in his application. One sentence states, "I am an excellent listener so I am aware of some local powerbroker wannabe's and a nagging attitude which I've detected that says that the opinions of people somewhat new to town shouldn't carry the same clout as those with a longer residency or historical connections to the town," and another sentence reads, "I do not have any affiliation with any local factions nor do I have any ax to grind with anyone in town." Ms. Bassett said that it sounds to her like he just defined the ax that he has to grind.</p> <p>Mr. Pontious said that he did not agree with Ms. Bassett's assessment. He explained that what he meant was that he has been in town for over a year and he hears things around town. He has heard that sentiment, he said, from at least half a dozen residents. He can't say if it is true or accurate or not, but they think it is. He said that if it is <u>not</u> true, then there is a perception problem because some people do think that. Regarding institutional knowledge, Mr. Pontious said that he didn't see anything in the bylaws or the ordinance about a minimum residency requirement for this position.</p> <p>Mr. Pontious added that, regarding the question on the application asking how long the applicant has lived in Jerome, he does not see why the Town would need to know this. He said that a better question to ask might be whether the applicant is a current full-time resident or property owner of the town.</p> <p>Vice Mayor Currier opined that Mr. Pontious would be better suited for Planning & Zoning. He said that Council has typically put people on the Design Review Board because "they are alive and warm," but anyone chosen for this position should have skills in this area. Design Review is more technical, he said. Planning & Zoning is somewhat technical but is not so restrictive. Mr. Currier added that the point of DRB is to keep us in historical preservation mode. He opined that both candidates would be better suited for P&Z, as neither has a background in Design Review. He</p>

	<p>added that he does propose to pick one of them, "but under duress."</p> <p>Deni Phinney, resident and most recently appointed member of the Design Review Board, expressed hope that she was not appointed simply because she was "a warm body," and noted that the Board is comprised of a very qualified group of people.</p> <p>Mayor Check asked Mr. Vander Horst why he wants to be on the Design Review Board.</p> <p>Mr. Vander Horst said first that he thought Mr. Pontious would be excellent choice. He went on to say that he has had interaction with Design Review Boards in smaller towns, and is a long time property owner in Jerome. He has lived here full time for the past year and a half, and would like to volunteer his time. Many decades ago, he said, he held a contractor's license in Michigan. He is good with his hands, and does a lot of repair work.</p> <p>Mr. Pontious said, "I vote for Frank."</p> <p>Motion: Councilmember Hunt made a motion to have a private vote. The motion was seconded by Councilmember Phinney.</p> <p>Ms. Gallagher said that she is not sure that Council can do that.</p> <p>Councilmember Bassett opined that it's essential have experience with Design Review. She said that Mr. Vander Horst seems to be more aligned with Prescott than with Jerome, and added that "Homeland Security is an abomination."</p> <p>Vice Mayor Currier objected to a private vote, and said that it should be done in public.</p> <p>Mayor Check called the question and the motion failed. The vote was 2 ayes and 3 nays.</p> <p>At this time, Mr. Vander Horst decided to withdraw his application, and commented that he doesn't know why having a job in Prescott Valley would mean that he is oriented to Prescott.</p> <p>Mayor Check noted that we now have only one candidate.</p> <p>Motion: Councilmember Phinney made a motion to appoint Mr. Pontious to the vacant position on the Design Review Board. It was seconded by Vice Mayor Currier and the motion passed. The vote was 4 ayes and 1 nay by Councilmember Bassett.</p> <p>Mayor Check thanked both Mr. Pontious and Mr. Vander Horst.</p>
ITEM #10	NEW BUSINESS
9:06 pm	<p>ITEM #10A: SPECIAL EVENT LIQUOR LICENSE – JEROME VOLUNTEER FIRE DEPARTMENT AUXILIARY</p> <p>The Mayor and Council may approve a special event liquor license for the Jerome Volunteer Fire Department Auxiliary for their fund raising event to take place at 260 Hull Avenue on October 26, 2013.</p> <p>Chief Blair explained that he has submitted checks, a license application and insurance documentation with respect to this special event liquor license.</p> <p>Motion: Vice Mayor Currier made a motion to approve the special event liquor license. It was seconded by Councilmember Bassett and approved by all.</p>
9:07 pm	<p>ITEM #10B: PLANNING & ZONING COMMISSION BYLAWS</p> <p>Council will review and may approve bylaws adopted by the Planning and Zoning Commission in accordance with Section 104 of the Jerome Zoning Ordinance.</p> <p>Council reviewed and discussed the proposed P&Z bylaws. During discussion, it was agreed to make the following changes:</p> <ul style="list-style-type: none"> • In the first line, insert the words "decisions and," as follows: "Commissioners shall make unbiased well-reasoned DECISIONS AND recommendations to the Town Council..." • In Section A (2)(d) strike the words "at any time," as follows: The Chair or Vice Chair may be removed from office at any time by a majority vote of the full Commission." • Correct three typographical errors on page six. <p>Motion: Vice Mayor Currier made a motion to approve the bylaws [with the changes noted]. It was seconded by Councilmember Bassett and approved by all.</p>
9:14 pm	<p>ITEM #10C: STATEMENT OF SUPPORT FOR THE ARIZONA POWER CONSUMERS COALITION</p> <p>The Mayor and Council may approve a statement of support for the Arizona Power Consumers Coalition. The Coalition opposes deregulation efforts, which may increase power bills for average</p>

	<p>consumers and small business owners.</p> <p>Mayor Check explained that, if the power industry is deregulated, small power users will not see a savings. In Texas, users actually saw a 400% increase on their power bills after deregulation. She has personally expressed her opposition to deregulation, and requested that Council officially do the same.</p> <p>Councilmember Phinney said that Enron's failure was due to this very thing. It was a bad plan, and parts of it have been declared unconstitutional by the courts.</p> <p>Mayor Check said that a lot of states have regretted going down this road.</p> <p>After brief further discussion,</p> <p>Motion: Councilmember Bassett made a motion to approve the statement of support for the Arizona Power Consumers Coalition. It was seconded by Vice Mayor Currier and approved by all.</p>
<p>ITEM #11 9:19</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 expressed her appreciation to staff "for sticking with us through the vacation rentals," and commended them for their research and reasoning abilities.</p> <p>Councilmember Phinney noted that there may be a large dead tree near the school steps. Ms. Gallagher said that it will be looked at.</p> <p>Councilmember Phinney asked if Ms. Gallagher could look into why we have no overflow from water tanks. He would like the information by the next meeting. Vice Mayor Currier said that that usually that means there is a leak somewhere. He asked if the tanks have run dry. Councilmember Phinney replied that it has been at least three weeks with virtually no overflow, even though there has been rain. There was some discussion regarding to what extent the rains contribute to the overflow. Vice Mayor Currier asked if the crew has walked the lines lately. Councilmember Bassett noted that this is not an agenda item and should not be discussed at this meeting.¹</p> <p>Mayor Check commented that we test the sirens often and asked if there is a town plan for a meeting point in the event of an emergency. She would like for that information to be distributed to shop owners. Ms. Gallagher said that there is an emergency operations plan on file.</p> <p>Councilmember Bassett noted that for emergencies, the siren sounds for a full minute. At noon and 6:00 p.m. they are short blasts.</p> <p>Mayor Check asked that the next agenda include termination of the Prospect.rs lease.</p> <p>Vice Mayor Currier suggested that the crew check our water lines.</p> <p>Councilmember Bassett noted that the Verde Independent has not yet mentioned Jerome's civil unions ordinance. Ms. Gallagher suggested sending a press release.</p>
<p>ITEM #12 9:27</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) if necessary for the purpose of discussion or consideration of records exempt by law from public inspection.</p> <p>There was no need for a closed session, so none was held.</p>
<p>ITEM #13 9:28</p>	<p>APPROVAL OF CLOSED SESSION MINUTES</p> <p>July 9, 2013</p> <p>Motion: Upon motion by Councilmember Bassett, seconded by Councilmember Phinney and approved by all, the closed session minutes of July 9, 2013 were approved as submitted.</p>
<p>ITEM #14</p>	<p>ADJOURNMENT</p> <p>Upon motion by Vice Mayor Currier seconded by Mayor Check and unanimously approved, the meeting was adjourned at 9:28 p.m.</p>

¹ Following this meeting, Ms. Gallagher checked with Mr. Dement, who assured her that the tanks have not run dry and the overflow has been running. Although it may not run during periods of higher use on any given day, he said that it is running at the level we would expect for this time of year, and he assured her that the system is okay.

Minutes of the Regular Meeting of August 13, 2013

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

APPROVE:

ATTEST:

Nikki Check, Mayor

Candace B. Gallagher, CMC, Town Manager/Clerk

Date: _____