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TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

MINUTES

REGULAR MEETING OF THE JEROME TOWN COUNCIL
JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS
TUESDAY, NOVEMBER 12, 2013 AT 7:00 P.M.

ELEVENTH 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 7:03 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 Town Magistrate Joan Dwyer, former Zoning Administrator Carmen Ogden and Deputy Town Clerk Rosemarie Shemaitis.</i></p>
<p>ITEM #2:</p>	<p>PLEDGE OF ALLEGIANCE</p> <p>Mayor/Chairperson to lead the Pledge.</p> <p><i>Mayor Check led the pledge of allegiance.</i></p>
<p>ITEM #3: 7:04 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 noted that the Town's official website is up and running, along with its Facebook page.</i></p> <p><i>Referencing Ms. Gallagher's report, Councilmember Bassett said that she is willing to attend a special meeting regarding changes to the Town's personnel policy.</i></p> <p><i>Councilmember Hunt thanked Ms. Gallagher for prioritizing the projects listed in her report. Noting an item regarding the auction of equipment which is no longer needed, he asked if the Town's golf cart would be put up for auction. Ms. Gallagher responded that it would not.</i></p> <p><i>Vice Mayor Currier thanked Town Building Inspector Barry Wolstencroft for his updated report, which he found very informative.</i></p> <p><i>Councilmember Phinney asked Ms. Gallagher about her meeting with ADOT's Engineer regarding drainage pipes on 89A near Nellie Bly. She said that the line was camera'd, and repairs were made to that portion which was accessible ... only about five feet. Their consideration of the issue is ongoing.</i></p> <p><i>Mr. Phinney noted that a proposal had been solicited from Shepherd-Wesnitzer for reconstruction of the sewer plant road, and said that he thought the Town Crew would be doing that work. Ms. Gallagher responded that the proposal is for engineering only, which is necessary for this project. The Town Crew may still do the work, depending on what the engineer's report shows.</i></p> <p>Motion: Vice Mayor Currier made a motion to accept the staff reports. It was seconded by Mayor Check and approved by all with 5 ayes, 0 nays and 0 abstentions.</p>
<p>ITEM #4: 7:07 pm</p>	<p>FINANCIAL REPORTS</p> <p>Issued checks and Budget to Actual reports for the month of October 2013. Figures included therein are presumed accurate as of the report's preparation date, but are subject to adjustment as further information is gained.</p> <p><i>In response to a question from Councilmember Bassett, Ms. Gallagher explained that the dump truck which was budgeted for has been purchased, and the cost divided among six departments (Parks, Properties, Water, Sewer, Sanitation and Streets). The expenditure</i></p>

	<p>represents the amount budgeted for that for the entire year, so the year-to-date column in budget to actual reports will show a deficit in that line for most of the year.</p> <p>Referencing an item in the payment listing, Vice Mayor Currier asked if former Fire Department employee Jeff Hall had withdrawn his pension. Ms. Gallagher confirmed that he had.</p> <p>Motion: Vice Mayor Currier made a motion to accept the financials. It was seconded by Councilmember Bassett and approved by all with 5 ayes, 0 nays and 0 abstentions.</p>
<p>ITEM #5: 7:10 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 explained that our new Zoning Administrator has class on Tuesday evenings for the rest of the semester, so former Zoning Administrator Carmen Ogden has offered to fill in.</p> <p>Vice Mayor Currier noted that Council had recently passed Ordinance 406, regarding the Citizen Review Process. He asked if Council will be notified when those meetings are scheduled. Ms. Ogden replied that there is no provision for that in the ordinance but they can request to be notified. She added that Council would be made aware of any such meetings after the fact through the Zoning Administrator's report.</p> <p>Vice Mayor Currier stated that he is asking because he has heard that people want to file applications for vacation rentals permits, to get their names on the list. He asked if that triggers the neighborhood meeting requirement. Ms. Ogden responded that the trigger would be the applicant coming in and beginning an application process with P&Z. Ms. Ogden and Ms. Gallagher pointed out that, at this point (given the pending referendum), there is no ordinance governing vacation rentals, and therefore no P&Z requirements regarding same. Mr. Currier noted that the time to work out the kinks is before the ordinance goes into effect.</p> <p>Ms. Gallagher recommended that Council not continue this conversation at this time because it had not been agendized.</p> <p>Vice Mayor Currier referenced the draft ordinance on spirituous liquors and noted that the parking requirement is listed as one space per 300 square feet of usable area. He suggested it be changed to read "a <u>minimum</u> of one space ..." It was noted that this can be discussed later in the meeting when we get to that agenda item.</p>
<p>ITEM #6: 7:15 pm</p>	<p>COUNCIL MEETING MINUTES</p> <p>June 24 budget meeting; July 24 special meeting; July 30 special meeting; October 2 special meeting; October 8 regular meeting</p> <p>Ms. Gallagher noted a typo in the page header of the October 2 minutes that has since been corrected.</p> <p>June 24, 2013 minutes</p> <p>Motion: Vice Mayor Currier made a motion to approve the minutes of June 24, 2013. It was seconded by Mayor Check.</p> <p>Councilmember Bassett referenced page 3 and asked if the JFD per call rate had been changed from \$12 to \$13.50, and if the Town's general fund is now paying into the utility fund for water, sewer and trash services. Ms. Gallagher confirmed both.</p> <p>Mayor Check called the question and the motion passed with 4 ayes and 0 nays. Councilmember Hunt had not been present at that meeting and did not vote.</p> <p>July 24, 2013 minutes</p> <p>Motion: Vice Mayor Currier made a motion to approve the minutes of July 24, 2013. It was seconded by Mayor Check.</p> <p>Councilmember Bassett commented that this is a really good job by staff in preparing the minutes of a complicated meeting. She added that, if somebody challenges this ordinance in court, it would be worth having Mr. Gammage make a court appearance.</p> <p>Mayor Check stated that she concurred with Ms. Bassett, and called the question. The motion passed with 5 ayes and 0 nays.</p> <p>July 30, 2013 minutes</p> <p>Motion: Vice Mayor Currier made a motion to approve the minutes of July 30, 2013. It was seconded by Councilmember Phinney and the motion passed with 5 ayes and 0 nays.</p>

	<p>October 2, 2013 minutes Motion: Vice Mayor Currier made a motion to approve the minutes of October 2, 2013. It was seconded by Mayor Check and the motion passed with 4 ayes, 0 nays and 1 abstention by Councilmember Phinney, who was not present at that meeting.</p> <p>October 8, 2013 minutes Motion: Vice Mayor Currier made a motion to approve the minutes of October 8, 2013. It was seconded by Councilmember Phinney and the motion passed with 4 ayes, 0 nays and 1 abstention by Mayor Check, who was not present at that meeting.</p>
<p>ITEM #7: 7:21 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>Carl Nye, a Jerome resident, spoke regarding "Smart Meters" and whether or not they are harmful. He explained that one can opt out of having a standard meter replaced with a Smart Meter, but APS has said that they will charge a monthly fee for opting out. Mr. Nye asked Council if they would consider writing a letter to the Arizona Corporation Commission requesting that Jerome be excluded from opt out fees. He added that there will be a movie and informational presentation regarding Smart Meters on Monday, November 25, from 6:00 – 8:00 p.m., at Spook Hall. Mr. Nye brought flyers for the event as well as a copy of a letter that Bisbee City Council sent to the Corporation Commission regarding this issue.</i></p> <p><i>Mayor Check said that they cannot discuss this issue now, but she will sponsor this topic on a future agenda.</i></p>
<p>ITEM #8</p>	<p>ORDINANCES</p>
<p>7:25 pm</p>	<p>ITEM #8A: FIRST READING: ORDINANCE NO. 408, An Ordinance of the Mayor and Common Council of the Town of Jerome, Yavapai County, Arizona, Amending Sections 201, 508 and 512 of the Jerome Zoning Ordinance to Add a Definition for "Spirituos Liquor Tasting Facility," Add "Spirituos Liquor Tasting Facility" as a Conditional Use in the C-1 (Commercial) Zone, and Add "Spirituos Liquor Tasting Facility" to the Schedule of Required Off-Street Parking.</p> <p>Council may conduct the first reading of Ordinance 408, an Ordinance amending the Jerome Zoning Ordinance with respect to spirituos liquor tasting facilities. A public hearing on this ordinance was held by the Planning & Zoning Commission on October 2, 2013, and they have recommended its adoption by Council.</p> <p><i>Mayor Check read Ordinance 408 in title only.</i></p> <p><i>Ms. Gallagher noted that she corrected the numbering on some of the references in this ordinance.</i></p> <p><i>Vice Mayor Currier noted that the ordinance requires a tasting facility to have one parking space for each 300 square feet of usable area, and asked what the requirement would be if the facility's usable area is less than 300 square feet. After brief discussion, Ms. Ogden referred to a copy of our Zoning Ordinance and noted that [Section 512.B.9] provides that a minimum of one space is required for any use.</i></p> <p><i>Councilmember Phinney asked what would be considered as the "usable area." Ms. Ogden replied that it is defined in the Zoning Ordinance, and would exclude storage.</i></p> <p><i>Councilmember Bassett referred to a clause in the definition that states that the facility "may have an 'Other Food' license for ware washing and appetizer preparation only, not for meal preparation." She commented that it would be up to the County health inspector to call for penalties if there is a violation there, and they are currently understaffed, with only one inspector for all of Yavapai County¹. Ms. Ogden noted that Mr. Mumford is very diligent about getting the inspections done, and he assisted her with the wording of this ordinance. Mr. Phinney commented that this language makes it more restrictive, and he feels it is a worthwhile addition.</i></p>

¹ Clerk's Note: Ms. Bassett later learned that there is more than one inspector in Yavapai County, and requested upon approval of these minutes that a footnote be added to that effect.

	<p>Ms. Ogden noted that there are references in the ordinance to “vinous, spirituous or malt liquors,” but “spirituous liquors” encompasses all of those, so, in order to have the ordinance read more cleanly, we could simply change those references to read “spirituous liquors,” as it does in the title of the ordinance. She added that P&Z allowed her to change that in the title, but not in the definition, and she feels it is “wordy.” Mayor Check agreed but said that she is happy that it is more encompassing and would include liquors such as sherry or port. This should forestall them from having to draft another ordinance, she said.</p> <p>Ms. Ogden noted that the Planning & Zoning Commission, especially Commissioner Mike Parry, wanted the Town of Jerome to be proactive on this issue, rather than reactive.</p> <p>Mayor Check thanked Ms. Ogden for continuing to work on this.</p>
<p>ITEM #9</p>	<p>NEW BUSINESS</p>
<p>7:32 pm</p>	<p>ITEM #9A: HOLIDAY LIGHTING</p> <p>Council will review and may approve the annual installation of holiday lighting at Upper Park.</p> <p><i>Diana Martin, a local business owner and representing the Jerome Chamber of Commerce, requested Council's permission to decorate Upper Park once again this year, and she described the various elements of this year's planned Light Up the Mountain event, including a window-decorating contest among all local businesses. So far, 32 businesses have signed up to participate and locals and visitors will be encouraged to vote.</i></p> <p>Motion: Vice Mayor Currier made a motion to approve the installation of holiday lights in Upper Park. It was seconded by Councilmember Hunt.</p> <p><i>Councilmember Bassett stated that she would like the display to be non-denominational. Mayor Check called the question and the motion passed with 4 ayes, and 1 nay by Councilmember Bassett.</i></p>
<p>7:35 pm</p>	<p>ITEM #9B: APPOINTMENT OF PRO TEM MAGISTRATE</p> <p>Council will review and may approve a recommendation by Town Magistrate Joan Dwyer for the appointment of Catherine Kelly as pro tem magistrate for the Jerome Municipal Court. The appointment would be for a two-year term, and the recommended compensation is \$50 per hour.</p> <p><i>Judge Dwyer explained that there has been a request for a change of judge, and she is recommending Catherine Kelly, the judge in Dewey-Humboldt, be appointed at a pro tem magistrate. She said that it would be for a two-year term, which is the law, and that Ms. Kelly would only be called when needed and would only be paid when called.</i></p> <p>Motion: Councilmember Bassett made a motion to approve the appointment of Catherine Kelly as pro tem magistrate. It was seconded by Vice Mayor Currier.</p> <p><i>It was confirmed for Mr. Currier that she would be paid portal to portal. Mayor Check called the question and the motion passed with 5 ayes and 0 nays.</i></p>
<p>7:38 pm</p>	<p>ITEM #9C: REQUEST TO TERMINATE LEASE (BILL AND DENI PHINNEY)</p> <p>Council will consider and may approve a request by Bill and Deni Phinney to terminate their lease of Studio #4 in the Jerome Civic Center effective November 30, 2013.</p> <p><i>Councilmember Phinney recused himself from this discussion.</i></p> <p>Motion: Vice Mayor Currier made a motion to regrettfully approve the termination of the lease of Bill and Deni Phinney. It was seconded by Councilmember Hunt and the motion passed with 4 ayes, 0 nays and 1 abstention by Councilmember Phinney.</p> <p><i>Councilmember Hunt asked if this had needed to come before Council. Ms. Gallagher responded that there is nothing in the language of the lease to provide for early termination, but we can change that language when the next leases come up so that it can be handled administratively.</i></p> <p><i>Ms. Phinney noted that the lease was expiring anyway, and wondered why this had to come to Council. After discussion, it was determined that, although the lease had been initially drafted as a three-year lease, upon execution it had been changed to a one-year term.</i></p>

<p>7:40 pm</p>	<p>ITEM #9D: RESOLUTION NO. 520, Adjusting the Terms of Jerome Town Council Members in Accordance With A.R.S. §16-204, as Amended by the Arizona State Legislature in 2012</p> <p>Council will review, and may approve, Resolution No. 520, adjusting the terms of Jerome Town Council members to expire in November 2014. This adjustment is necessary in order to comply with legislation adopted by the Arizona State Legislature in 2012 amending A.R.S. §16-204 to consolidate all regular candidate elections, including those in the Town of Jerome, Arizona, to the Fall of even-numbered years.</p> <p>Mayor Check explained that recent legislation requires Council elections, except for those in Charter cities, to take place in the fall of even numbered years. As such, this extends Jerome's Councilmembers' terms to the fall of 2014.</p> <p>Motion: Councilmember Bassett made a motion to approve Resolution 520, unless it becomes unnecessary. It was seconded by Mayor Check.</p> <p>Councilmember Phinney, as point of information, commented that he doesn't think that Council can make a conditional motion.</p> <p>Motion: Councilmember Bassett amended her motion to just approve Resolution 520. Mayor Check amended her second and called the question. The motion passed with 5 ayes and 0 nays.</p>
<p>7:43 pm</p>	<p>ITEM #9E: RESOLUTION NO. 521, Establishing a Fee, Pursuant to Section 306 C. of the Jerome Zoning Ordinance, Related to the Citizen Review Process</p> <p>Council will review, and may approve, Resolution No. 521, to establish a fee pursuant to Section 306 C. of the Jerome Zoning Ordinance regarding the Citizen Review Process.</p> <p>Mayor Check explained that the Citizen Review process has been established except for the fee. The Town Manager and Zoning Administrator have recommended a fee of \$50.00 plus the cost of mailings.</p> <p>Councilmember Phinney commented that he has a problem with a \$50 fee. He said that government keeps costing more and more for simple things, and this is a simple thing. However, he added, we do have to recoup our costs. He asked Ms. Gallagher if we really have to charge \$50 in order to cover our costs. Ms. Gallagher replied that \$50 will cover approximately three hours of the Zoning Administrator's time, and Ms. Ogden commented that it will actually take more than three hours. She added that "this is a really good part of the process," and said that, in her opinion, all of the fees should be raised.</p> <p>Councilmember Hunt asked how small of a thing would trigger the necessity of a neighborhood meeting. He would hate to pay \$50 plus the cost of mailings for a small thing. Ms. Ogden explained that it would be triggered by anything that requires a public hearing, so it would be the big things, not the small things. Also, she said, it can be required if there is something that the Zoning Administrator feels would require a public citizen review, such as a controversial issue. It could also include certain types of conditional use permits, rezonings, vacation rentals, etc.</p> <p>It was confirmed for Councilmember Phinney that a neighborhood meeting would not be required for things such as changing the paint color of your house. He commented that that eased his mind about this – the thought of having to pay \$50 to change the color of a house, plus the mailings, the meeting and the fee for the Design Review Board seemed too much.</p> <p>Councilmember Bassett said that her impression is that \$50 is very low for the staff time required to organize this. She said that she would like to have the verbiage specify that all fees are "per scheduled meeting." Ms. Ogden agreed that there may be a need for additional meetings if issues arise at a meeting that need to be addressed. This was discussed at some length. Ms. Gallagher suggested that, if it is Council's intention to charge a fee for subsequent meetings, it should be spelled out in the ordinance as suggested by Councilmember Bassett, because when it is vague, it causes problems down the road, and when it is subject to interpretation, it makes it more difficult for staff.</p> <p>Mayor Check said that she was on the fence regarding this and asked Ms. Ogden for her opinion. Ms. Ogden said that she feels that applicants should be charged a fee, plus mailing costs, for each scheduled meeting. It was agreed to add the words "for each scheduled meeting" to the Resolution in order to clarify this.</p> <p>Motion: Vice Mayor Currier made a motion to adopt Resolution 521, as amended, to establish a fee for each neighborhood meeting. It was seconded by Councilmember Bassett and the motion passed with 5 ayes and 0 nays.</p>

<p>ITEM #10 7:52 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><i>Councilmember Bassett requested that Smart Meters be on an upcoming agenda as well as adjusting sewer and water rates to be more equitable. The Mayor agreed that both of those items will be on upcoming meetings.</i></p> <p><i>Vice Mayor Currier stated that, when there have been problems with the sewer lines, the Town has always assumed that they belonged to the Town's system. He said that Council needs to look at that to see what is an appropriate way to deal with this. He would like that on an agenda soon, because the Town seems to have taken a new position that the feeder lines are the responsibility of the property owners, whereas in the past, he said, the Town took care of them.</i></p> <p><i>Councilmember Hunt thanked Ms. Gallagher and Ms. Shemaitis and commended them for their work on the minutes.</i></p> <p><i>Mayor Check said that she is happy to be facilitating some of the special meetings that they have been trying to get on the agenda for a long time.</i></p> <p><i>Ms. Gallagher said that there are five topics to be discussed at special meetings:</i></p> <ul style="list-style-type: none"> • <i>Changes to the Town's personnel policy, and she would like this scheduled during the day so that staff can attend.</i> • <i>Water and sewer rates, as per Ms. Bassett's requests</i> • <i>Responsibility for shared sewer lines</i> • <i>Approval of the agreement with the County regarding the 300 Level sidewalk easement</i> • <i>Settlement of litigation with the Grand Hotel</i> <p><i>It was agreed to schedule a special meeting on Thursday, November 21, at 9:00 a.m. to discuss the personnel policy, sidewalk easement and settlement agreement. It was also agreed to schedule a workshop on Tuesday, December 3 at 6:00 p.m. to discuss water and sewer rates and the sewer feeder line policy.</i></p>
<p>ITEM #11 8:02 pm</p>	<p>REVIEW OF CLOSED SESSION MINUTES</p> <p>Council may enter 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><i>No review was necessary, so no closed session was held.</i></p>
<p>ITEM #12 8:04 pm</p>	<p>APPROVAL OF CLOSED SESSION MINUTES</p> <p>July 24, 2013; October 2, 2013</p> <p><i>Motion:</i> <i>Councilmember Hunt made a motion to approve the closed session minutes of July 24 and October 2, 2013. It was seconded by Vice Mayor Currier and the motion passed with 4 ayes, 0 nays and 1 abstention by Councilmember Phinney.</i></p>
<p>ITEM #13</p>	<p>ADJOURNMENT</p> <p><i>Upon motion by Councilmember Bassett seconded by Councilmember Hunt and unanimously approved, the meeting was adjourned at 8:04 p.m.</i></p>

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

APPROVE:

ATTEST:

Nikki Check, Mayor

Candace B. Gallagher, CMC, Town Manager/Clerk

Date: _____