



# TOWN OF JEROME

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## MINUTES

### REGULAR MEETING OF THE JEROME TOWN COUNCIL JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS TUESDAY, APRIL 8, 2014 AT 7:00 P.M.

NOTE: Due to a technical problem, there is no audio recording of this meeting. Minutes were compiled from staff notes.

<p><b>ITEM #1:</b></p>	<p><b>CALL TO ORDER/ROLL CALL</b></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 and Anne Bassett. Councilmember Bill Phinney had an excused absence.</i></p> <p><i>Other staff in attendance at roll call included Town Attorney Bill Sims, Zoning Administrator Rebecca Borowski and Deputy Town Clerk Rosemarie Shemaitis.</i></p>
<p><b>ITEM #2:</b></p>	<p><b>PLEDGE OF ALLEGIANCE</b></p> <p>Mayor/Chairperson to lead the Pledge.</p> <p><i>Mayor Nikki Check led the Pledge of Allegiance.</i></p>
<p><b>ITEM #3:</b> 7:06 pm</p>	<p><b>STAFF REPORTS</b></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>Councilmember Hunt requested clarification regarding an item in Public Works Director Dwain Dement's report. His report stated that repairs were made to the Mini-Ex trailer, but Ms. Gallagher's report indicated that the Mini-Ex was being sold at auction. Ms. Gallagher explained that we have two Mini-Excavators. The older one is being sold.</i></p> <p><i>Vice Mayor Currier asked if the system for remote deposits had been set up yet, and Ms. Gallagher replied that it is coming soon.</i></p> <p><i>Mr. Currier also asked about the easement for the sidewalk project. Ms. Gallagher explained that the County has approved the extinguishment of their easement, so Freeport-McMoRan can now transfer it to the Town.</i></p> <p><i>Councilmember Bassett asked about an item on the election timeline provided by Ms. Gallagher – specifically, the publishing of the financial statements. Ms. Gallagher explained that a simple financial statement must be published at least 10 days before the election.</i></p> <p><i>Vice Mayor Currier asked if Public Works had taken care of the water leaks above town. Ms. Gallagher replied that the work needed is more extensive than the Town Crew can handle, and we are seeking contractors' proposals.</i></p> <p><i>Mr. Currier asked if we have found the leak that caused the Sunshine Hill tanks to drain. Ms. Gallagher said that the crew is still searching for it.</i></p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>accept the staff reports</b>. It was seconded by Councilmember Bassett and <b>approved by all with 4 ayes, 0 nays and 0 abstentions.</b></p>

<p><b>ITEM #4:</b> <b>7:10 pm</b></p>	<p><b>FINANCIAL REPORTS</b></p> <p>Issued checks and Budget to Actual reports for the month of March 2014. 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>Councilmember Bassett asked about the drop in sales tax revenue reflected on the Budget to Actual report. Ms. Gallagher explained that, although the report shows a deficit for the year to date of about \$30,000, revenue is actually only about \$4,000 down. The difference shown is due to the timing of receipts.</i></p> <p><i>Vice Mayor Currier asked why there is still \$11,000 remaining in the properties budget for building repairs and maintenance. Ms. Shemaitis responded that there are still projects to do. She has quotes for some and is waiting for quotes on others.</i></p> <p><i>Councilmember Bassett noted that, because certain interfund transfers were made and recorded in a lump sum at the beginning of the year, it is necessary to "do the math" to get an accurate reading of the budget to actual status.</i></p> <p><i>Mr. Currier asked about funds remaining in the water budget for infrastructure repair (\$25,000 remaining) and capital outlay (\$15,000 remaining). Ms. Gallagher explained that the funds remaining under infrastructure repair will likely be spent before year end and the funds in capital outlay were budgeted to cover the additional cost (above the grant) for the Cleopatra Hill tanks, and should also be spent before year end.</i></p> <p><b>Motion:</b> Councilmember Bassett made a motion to <b>approve the financial reports</b>. It was seconded by Vice Mayor Currier.</p> <p><i>Councilmember Hunt asked about payments to an unnamed one-time vendor for "account analysis" (\$72.84) and to the Prescott Law Group (two payments totaling \$4,082). Ms. Gallagher explained that Prescott Law Group is the Town's prosecutor. She said that she would research the payment to the one time vendor<sup>1</sup>.</i></p> <p><i>Mayor Check called the question and it was <b>approved by all with 4 ayes, 0 nays and 0 abstentions</b>.</i></p>
<p><b>ITEM #5:</b> <b>7:15 pm</b></p>	<p><b>PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT</b></p> <p>Minutes are provided for the information of Council and do not require action.</p> <p><i>Vice Mayor Currier commented that it was a good report.</i></p> <p><i>Ms. Borowski reported that Commissioner Ellen Smith recently resigned from the Planning &amp; Zoning Commission, so there is a vacancy on that board.</i></p> <p><i>Councilmember Bassett noted a discrepancy in the times noted in the minutes of the March 6 Board of Adjustment meeting. Ms. Borowski agreed, and said that the meeting adjourned at 6:35 p.m. rather than 6:05 p.m.</i></p>
<p><b>ITEM #6:</b> <b>7:17 pm</b></p>	<p><b>COUNCIL MEETING MINUTES</b></p> <p>April 18, 2013 Special Meeting; March 11, 2014 Regular Meeting</p> <p><b>April 18, 2013</b> - It was noted that these minutes were from 2013, and, through an oversight, had never been included on an agenda for formal approval.</p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>approve the minutes of April 18, 2013</b>. It was seconded by Councilmember Bassett and <b>approved by all with 4 ayes, 0 nays and 0 abstentions</b>.</p>

<sup>1</sup> Clerk's note: Finance Director Becky Cretti has advised that these were one-time fees associated with the closing of the Town's accounts at Chase Bank.

	<p><b>March 11, 2014</b></p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>approve the minutes of March 11, 2014.</b> It was seconded by Mayor Check.</p> <p>Following a brief discussion, the Mayor called the question and it was <b>approved by all with 4 ayes, 0 nays and 0 abstentions.</b></p>
<p><b>ITEM #7:</b> <b>7:20 pm</b></p>	<p><b>PETITIONS FROM THE PUBLIC</b></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.</i></p>
<p><b>ITEM #8</b></p>	<p><b>NEW BUSINESS</b></p>
<p><b>7:20 pm</b></p>	<p><b>ITEM 8A: PROCLAMATION – NATIONAL SERVICE RECOGNITION DAY</b></p> <p>The Mayor will read a proclamation declaring April 1, 2014 as National Service Recognition Day.</p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>approve the Proclamation for National Service Recognition Day.</b> It was seconded by Councilmember Bassett and <b>approved by all with 4 ayes, 0 nays and 0 abstentions.</b></p>
<p><b>7:21 pm</b></p>	<p><b>ITEM 8B: PROCLAMATION – FAIR HOUSING MONTH</b></p> <p>Council will review and may approve a proclamation declaring April 2014 as Fair Housing Month.</p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>approve the Proclamation for Fair Housing Month.</b> It was seconded by Councilmember Bassett and <b>approved by all with 4 ayes, 0 nays and 0 abstentions.</b></p>
<p><b>7:22 pm</b></p>	<p><b>ITEM 8C: CONDITIONAL USE PERMIT – THE JEROME KEEP</b></p> <p>Council will review the application submitted by Jaime and Darryl Williams for a Conditional Use Permit (CUP) to operate The Jerome Keep (currently a one-room Bed and Breakfast located at 728 East Avenue) as a two-room "Bed and Brew," and may approve, deny or conditionally approve the issuance of the CUP. The Planning &amp; Zoning Commission reviewed the application on March 5, 2014 and recommended:</p> <ul style="list-style-type: none"> <li>• That an additional room be approved with the stipulation that they maintain a total of four onsite parking spaces, and that any on-street parking will be considered a violation of the CUP.</li> <li>• That, <u>IF</u> a liquor license is recommended by Council and approved by the State Liquor Board, maximum combined production of beer and hard cider be limited to 1,500 gallons per year.</li> <li>• That the Town Council conduct a Public Hearing.</li> </ul> <p><i>Ms. Borowski presented information regarding this application. She said that, in 2009, the B&amp;B was issued a Conditional Use Permit to use one room for the B&amp;B. In 2013, complaints were received that a second room was being used. Ms. Borowski issued a notice of violation and the Williamses complied and filed an application for a CUP to make use of a second room. Ms. Borowski said that that would be within the three-room limit, and they do have the parking for it. She recommended that, if a CUP is granted, the premises be inspected by the Fire Chief and Building Inspector, and that it be reviewed after a specified period of time.</i></p>

A memo from the Town Manager was included in the packets which presented information obtained from the State Liquor Board following the P&Z meeting. Her memo stated that:

- In order to operate as a "Bed and Brew," a Series 3 Domestic Microbrewery license would be required, and, after the first year of operation, they must produce a minimum of 5,000 gallons per year in order to retain their license.
- A microbrewery and a winery may occupy the same parcel, but they must be located in separate buildings, and the licenses must be held by different persons.
- These requirements may not be waived.

Ms. Borowski noted that, because of the quantity of production required, the applicants would hope to sell some of the beer to our local businesses, and Mr. and Mrs. Williams confirmed this.

Mayor Check said that she had concerns about this being considered a home occupation. She does not feel that it would be a residential use with that quantity of production.

Mr. Sims asked if the Williams are withdrawing their request to serve alcohol. Mr. and Mrs. Williams indicated that they wish to proceed at this time with their request for the additional room, but would like to address the microbrewery issue later, in a separate request. Mr. Sims noted that the liquor license issue is no longer relevant since they have withdrawn that portion of their application. He said that, at this time, Council can affirm or reject their request for the extra room. If there was a liquor license application, he said, they would need a public hearing.

Discussion continued regarding the microbrewery aspect. Vice Mayor Currier opined that 5,000 gallons is more than a home occupation could handle. He has no objection to adding the extra room, he said, but he is nervous about selling beer or giving it away.

Councilmember Bassett suggested polling the Council to see if they would be willing to pursue this. Mr. Sims recommended against that, noting that Council would need more information from the Zoning Administrator, the applicants and the neighbors before forming an opinion. Council would need to determine if this is a home occupation and if there would be any building code issues. It would be premature, he said, to poll the Council at this time.

Mr. Currier noted that he has done home brewing and it takes time. He estimated that they would have to produce 150 bottles of beer per day to meet the 5,000-gallon requirement. Mr. Williams said that they had planned to keg it, so it would be a draft beer. But, he said, they could also carbonate it and bottle it.

Jane Moore, a Jerome resident, asked if this will go back to Planning & Zoning.

Carol Yacht, a Jerome resident, asked if they are still requesting to change the name to "Bed and Brew." Mr. Williams replied that they are not.

**Motion:** Councilmember Bassett made a motion to **approve a CUP to allow one extra room at the B&B, provided that the parking requirements stipulated by P&Z are met; that it must be inspected by the Fire Department and the Building Inspector; and that it be reviewed in one year.** It was seconded by Vice Mayor Currier.

Councilmember Hunt said that he is okay with the additional room but not the liquor license.

Mayor Check called the question and it was **approved by all with 4 ayes, 0 nays and 0 abstentions.**

Discussion continued regarding the microbrewery. Vice Mayor Currier said that he considered making a motion as to whether or not the brewery would be a home occupation. He thinks it would be too big and should be in a light industry area.

Mr. Sims suggested that Council could pass a motion, or simply give direction, for the Zoning Administrator to enforce and interpret the Code with respect to home occupation in light of

	<p>new research that was done regarding the microbrewery requirements.</p> <p><b>Motion:</b> Mayor Check said that she preferred to make this a motion, and she moved to <b>have staff interpret and enforce the Code</b>. It was seconded by Councilmember Bassett and <b>approved by all with 4 ayes, 0 nays and 0 abstentions</b>.</p> <p>The Mayor thanked staff for their research and the additional information provided.</p>
<p>7:46 pm</p>	<p><b>ITEM 8D: POST OFFICE BOX RENTALS</b></p> <p>Council will discuss recent actions by the Jerome Post Office to require residents who live in apartment buildings, and who previously received post office boxes at no charge, to begin paying post office box rental fees. A draft letter to the Post Office has been prepared for Council's review and possible approval.</p> <p>Councilmember Bassett commended Ms. Gallagher on the letter she composed.</p> <p>Ms. Gallagher explained the process and the research that went into drafting the letter.</p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>approve the letter</b>. It was seconded by Mayor Check.</p> <p>Councilmember Bassett suggested that the letter be emailed and faxed to other small towns. There was discussion regarding further distribution of the letter.</p> <p>Carl Nye, a Jerome resident, requested that it also be posted around town.</p> <p>Mayor Check called the question and it was <b>approved by all with 4 ayes, 0 nays and 0 abstentions</b>.</p> <p>A copy of the letter is included at the end of these minutes.</p>
<p>7:52 pm</p>	<p><b>ITEM 8E: DISCUSSION REGARDING PARKING TICKET FINES</b></p> <p>Council will discuss the possibility of increasing the \$15 fine currently imposed for parking violations.</p> <p>Mayor Check noted that Chief Muma feels that \$25 is a reasonable fine. Councilmember Bassett agreed.</p> <p>Vice Mayor Currier asked what is the time limit for parking a vehicle in town. Mayor Check and Ms. Bassett responded that it is three days.</p> <p>Mayor Check asked how many tickets are issued. Ms. Gallagher estimated, based on the police reports, that it may be about 120 tickets per year.</p> <p>Discussion continued, and it was unclear how much of the fine goes to the State and what surcharges are added by the court. Ms. Gallagher recalled that our police department started collecting the fines directly a year or two ago in order that the Town would receive a larger portion of them.</p> <p>It was agreed that more information is needed before further discussion.</p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>table</b> this item. It was seconded by Councilmember Bassett.</p> <p>Ms. Gallagher noted that, per the Town Code, a parking ticket fine is \$10. Chief Muma has indicated that the fine, as printed on our citations, is \$15. Ms. Gallagher said that the fine may have been increased but not updated in the Code, and that, she said, should be done.</p> <p>Mayor Check called the question and it was <b>approved by all with 4 ayes, 0 nays and 0 abstentions</b>.</p>
<p>8:00 pm</p>	<p><b>ITEM 8F: RENTAL SPACES IN TOWN HALL</b></p> <p>Council will discuss rental spaces available on the first floor of Town Hall, and how to maximize revenues from those spaces.</p>

	<p>Councilmember Bassett commented that those rooms need to be filled – they provide revenue for the Library, which really needs it. She suggested that Studio 4, the old Planning &amp; Zoning office, could be divided into cubicles that are rented for storage.</p> <p>There was also discussion regarding lowering the price per square foot. Ms. Shemaitis noted that the Town is currently charging only \$.70 per square foot for the rentals at Town Hall and she had recently been told that the rentals at the New State Motor Company are going for around \$2.70 per square foot.</p> <p>Mayor Check stated that this is a budget issue and suggested discussing it further during the budget meetings. Mr. Currier agreed and asked when the budget would be ready for review. Ms. Gallagher said that we could begin discussions in early May.</p> <p>Ms. Shemaitis was directed to look into various rental options and ways of utilizing those spaces.</p> <p><b>Motion:</b> Vice Mayor Currier made a motion to <b>table this item</b>. There was no second and the <b>motion failed</b>.</p>
<p><b>ITEM #9</b> <b>8:10 pm</b></p>	<p><b>TO AND FROM THE COUNCIL</b></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>Vice Mayor Currier said that there is confusion regarding the appeal process as set forth in the Zoning Ordinance. He would like Council to revisit and review Section 302 of the Zoning Ordinance.</i></p> <p><i>Mayor Check said that she would like to further discuss shared sewer lines and annexation.</i></p> <p><i>Vice Mayor Currier, referencing the disappearance of the water out of the Sunshine Hill tanks, recommended that Contract Wastewater Operations Manager, Henry MacVittie, and the Town Engineer be informed and brought in to the discussion. He explained to the public that those tanks went dry and either there is a leak somewhere or the tanks are slow to refill.</i></p> <p><i>Ms. Gallagher noted that the Town had recently turned out two more of the springs in order to reduce the discoloration that was experienced after recent rains.</i></p>
<p><b>ITEM #10</b></p>	<p><b>ADJOURNMENT</b></p> <p><i>Upon motion by Councilmember Bassett seconded by Vice Mayor Currier and unanimously approved, the meeting was adjourned at 8:13 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: \_\_\_\_\_