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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, OCTOBER 14, 2014 AT 7:00 P.M.

TENTH REGULAR MEETING OF 2014

<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 7:00 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.</i></p> <p><i>Other staff in attendance at roll call included Fire Chief Rusty Blair, Zoning Administrator Al Sengstock 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: 7:00 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, Municipal Court, Police Chief and Fire Chief.</p> <p><i>Mayor Check asked how many applications have been received for the town crew position. Ms. Gallagher estimated that about a dozen have come in so far, and indicated that we are still accepting applications.</i></p> <p><i>Mayor Check congratulated the following employees for their years of service with the town:</i></p> <ul style="list-style-type: none"> <i>• Dwain Dement – 3 years</i> <i>• Roy Shelley – 2 years</i> <i>• Candace Gallagher – 5 years</i> <p><i>Mayor Check noted that the sidewalk project is almost complete and she asked if there will be a press release. Ms. Gallagher responded that she is planning to schedule a ribbon cutting ceremony with representatives from Freeport-McMoRan and Yavapai County. Chief Blair provided an update on the project – there are still more guardrails to be installed and there is more cement to be poured (which will be done by Harry Stewart). Mayor Check said that she would like the Town to thank Mr. Stewart somehow for his help with this project.</i></p> <p><i>Councilmember Hunt said that he had spoken with Mr. Dement regarding the handicapped space in the Hull Avenue parking lot. Mr. Dement wants to install <u>two</u> handicapped spaces, which would take up three regular parking spaces. Mr. Hunt thinks it would be better to have just one handicapped space. Ms. Gallagher said that she would discuss it with Mr. Dement.</i></p> <p><i>Mr. Hunt stated that Building Inspector Barry Wolstencroft issued a permit after the work had already been done. He asked if there is a fine associated with that. Ms. Shemaitis replied that, in that case, the applicant must pay double the cost of the permit.</i></p> <p><i>Vice Mayor Currier asked if the Town has HAZMAT suits. Chief Blair said that they have six Mar Mac suits, which are used for blood borne contamination.</i></p> <p><i>Mayor Check noted that a structure on Mine Road was recently burned by our Fire Department, and asked if there are procedures for minimizing the fumes from burning paint and other household items. Chief Blair responded that it was a newer structure, so there was no lead paint, but it did have mold. He said that, whenever a structure of that nature burns, there will always</i></p>

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

	<p>be toxins. The Mayor asked if the planned burn had been announced. Chief Blair responded that he posted a notice of the burn, informed all the neighbors and did everything that Council required when they gave their permission eight months ago to do the burn.</p> <p>Ms. Shemaitis announced that the 2014 Verde Valley Pink Heals fundraising event raised \$7,146, and donations are still coming in.</p> <p>Motion: Councilmember Bassett made a motion to accept the staff reports. It was seconded by Vice Mayor Currier and approved by all with 4 ayes, 0 nays and 0 abstentions.</p>
<p>ITEM #4: 7:08 pm</p>	<p>FINANCIAL REPORTS</p> <p>Issued checks and Budget to Actual reports for the month of September 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>Mayor Check noted that the police department had written a large number of tickets in September – 117.</p> <p>Motion: Vice Mayor Currier made a motion to accept the financial reports. It was seconded by Councilmember Bassett and approved by all with 4 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 introduced new Zoning Administrator Al Sengstock. Mr. Sengstock said that he has worked for Yavapai County and many other jurisdictions in the local area. He has worked in code enforcement, affordable housing, and community development, and he has been doing it for a long time. Mr. Sengstock said that everyone has been very helpful during his learning curve and he has really enjoyed himself so far. He then reviewed his staff report with Council.</p> <p>Mr. Sengstock said that he will be in discussions with Ms. Gallagher and Town Attorney Bill Sims regarding some of the other zoning issues in Town.</p>
<p>ITEM #6: 7:14 pm</p>	<p>COUNCIL MEETING MINUTES</p> <p>September 9, 2014 Regular Meeting; September 23, 2014 Special Meeting; June 18, 2014 Special Meeting; July 3, 2014 Special Meeting</p> <p>September 23 Special Meeting</p> <p>Vice Mayor Currier referenced a comment made by Ms. Gallagher, cited on page five of these minutes, stating that she believed that the reason that the attorney advised that the Town must rent its properties at market value is because these are public funds and we are supposed to get the highest return possible. Mr. Currier opined that there can be mitigating circumstances, and requested that Ms. Gallagher check with the Town Attorney.</p> <p>Motion: Vice Mayor Currier made a motion to approve the minutes of September 23, 2014. It was seconded by Councilmember Bassett. The motion passed with 3 ayes and 0 nays. Councilmember Hunt did not vote. (See his comments during approval below of the July 3 meeting minutes.)</p> <p>September 9 Regular Meeting</p> <p>Mayor Check asked Ms. Gallagher if she had followed up with Mr. Dement regarding the abandonment of the water line. Ms. Gallagher responded that Mr. Dement has not been able to connect with Harry Stewart yet about that.</p> <p>Motion: Vice Mayor Currier made a motion to approve the minutes of September 9, 2014. It was seconded by Mayor Check. The motion passed with 4 ayes and 0 nays.</p> <p>July 3 Special Meeting</p> <p>Councilmember Bassett referenced page two of these minutes and requested that it be clarified that the "Mr. Jurisin" referenced as speaking was <u>Brett Jurisin</u>.</p> <p>Ms. Bassett asked if it was appropriate for her to vote on these minutes since she had recused herself from one on the items on the agenda and was not present for that portion of the meeting. Mayor Check said that since that was only one item and she participated in the rest of the meeting, it is totally reasonable for her to vote. Ms. Gallagher said that she could not recall</p>

	<p>anyone abstaining because of a partial absence.</p> <p>Mr. Hunt claimed that he just did that for the September 23 minutes – he didn't vote at all because he left that meeting early. No one realized that he had remained silent. Mr. Hunt said that, if he understands correctly, if he says nothing at all, that is counted as a "yes." Mr. Currier said that he thought that was correct.</p> <p>Motion: Vice Mayor Currier made a motion to accept the minutes of July 3, 2014, as amended. It was seconded by Councilmember Bassett. The motion passed with 4 ayes, 0 nays and 0 abstentions.</p> <p>June 18 Special Meeting</p> <p>Councilmember Bassett noted a minor typo on page five, which was corrected.</p> <p>Vice Mayor Currier referenced page eight, and asked if any progress had been made regarding the signage at the Old Town Hall (on Main Street.) Ms. Gallagher said that she had mentioned it to Jay Kinsella but has heard nothing yet. Mr. Currier asked that she follow up with him about that.</p> <p>Mayor Check asked that staff contact a sign maker in Cottonwood who is interested in redoing the sign at Town Hall (on Clark Street).</p> <p>Motion: Mayor Check made a motion to accept the minutes of June 18, 2014, as corrected. It was seconded by Vice Mayor Currier. The motion passed with 4 ayes, 0 nays and 0 abstentions.</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>Nathan Payne explained that he is an itinerant musician currently living in Jerome. He has learned that it is technically illegal for a musician to play on the street and receive donations, even without asking for them. It is considered soliciting, and that person could be ticketed. Mr. Payne asked that the Town consider adjusting the law to differentiate between soliciting and donations when it comes to musicians performing in Town (but not in a venue.) He said that he would still like it to be against the law to solicit. Mr. Payne said that, when he performs, he is not performing for profit or business, but sometimes someone will want to give a donation. He referenced Section 8 of the Jerome Town Code. He spoke to a police officer and was told that receiving money is a ticketable offense. Mr. Payne asked that this be put on a future agenda.</i></p>
<p>ITEM #8</p>	<p>ORDINANCES</p>
<p>7:24 pm</p>	<p>ITEM 8A: SECOND READING – ORDINANCE 411, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM, ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES</p> <p>Council may conduct the second reading of, and may adopt, Ordinance 411, adopting by reference the floodplain management regulations of Yavapai County. Adoption of floodplain regulations is required in order to participate in the National Flood Insurance Program.</p> <p><i>Mayor Check read Ordinance 411 in title only.</i></p> <p><i>Ms. Gallagher noted that there are documents online that are referenced in the ordinance, and they are very lengthy. These documents are to be made available to the public. She said that the online documents are going to be updated very soon, so hard copies will be made available to the public once the updates have been made.</i></p> <p>Motion: Vice Mayor Currier made a motion to adopt Ordinance 411. It was seconded by Councilmember Bassett. The motion passed with 4 ayes, 0 nays and 0 abstentions.</p>

7:26 pm

ITEM 8B: FIRST READING – ORDINANCE 412, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 12-1-10, “OTHER RESTRICTED PARKING AREAS,” OF THE JEROME TOWN CODE, REGARDING FREIGHT LOADING ZONES

Council may conduct the first reading of Ordinance 412, which would remove time limits at freight loading zones, and provide that no motor vehicle or trailer shall be parked in a freight curb loading zone unless attended and occupied by a qualified driver, or unless it is actively being loaded or unloaded.

Mayor Check read Ordinance 412 in title only, and Vice Mayor Currier and Ms. Gallagher explained the changes to the Code that would result if the Ordinance is adopted. Discussion ensued.

Mayor Check suggested that it might be worthwhile to define “actively.”

Rebekah Kennedy, a Jerome resident, asked how this would affect the loading zone across from the Haunted Hamburger. She said that many people park there after hours, not during the loading times, to eat at the restaurant. She asked if people will still be allowed to park there or if it is just for loading and unloading. The Mayor responded that she believes the loading hours will remain the same, and that it will only affect the loading zone hours.

Ms. Gallagher recalled that the loading zone hours were recently changed (made more restrictive) as part of the settlement with the Grand Hotel, and that this change had been implemented. Chief Blair confirmed that loading zone hours are now 7:00 a.m. to 7:00 p.m., 365 days per year.

Ms. Kennedy said that her concern is that, if she sends people up there to park, she wants to be sure that there is parking for them. Mayor Check clarified that that area is for loading and unloading only during the posted hours, whether it is a truck or visitors. Visitors can park there after 7:00 p.m.

Danny Smith, a Jerome resident and business owner, noted that the existing ordinance only allows five minutes for handicapped loading/unloading:

Vehicles displaying State “Disabled Parking” identifying insignia may stand or park in a freight-loading zone while loading or unloading persons for a period not to exceed five minutes.

He asked why there is a time limit at all – it shouldn't matter, he said, if you are unloading people or produce. He recommended that this sentence be deleted, as the first portion of the ordinance will require that they be actively loading or unloading.

Mayor Check agreed, as long as they can further define “actively loading or unloading.”

Mr. Smith noted that some locals think that the loading zone near the Turquoise Spider is “their personal parking spot,” and when someone tries to exit from the alley, they have to hunt down that person, because they are not loading or unloading, they are parked.

Councilmember Bassett said that she had consulted with a neighbor who had been a part of drafting this ordinance, and she had suggested changing the phrase, “No motor vehicle or trailer shall be parked in a freight curb loading zone unless attended and occupied by a qualified driver, or unless it is being actively unloaded” by deleting the words “and occupied” and changing the word “or” to “and,” which, Ms. Bassett said, would be more reflective of what Council intends here. She added that she would also be in favor of either removing the sentence regarding the time limit for disabled parking loading/unloading, or increasing it to 15 minutes. The Mayor and Vice Mayor agreed that simply having a qualified driver in a vehicle does not qualify as loading or unloading.

After further discussion, it was agreed to delete the sentence in the existing Code stating, “Vehicles displaying State “Disabled Parking” identifying insignia may stand or park in a freight loading zone while loading or unloading persons for a period not to exceed five minutes,” and to change the sentence to be inserted to read:

NO MOTOR VEHICLE OR TRAILER SHALL BE PARKED IN A FREIGHT CURB LOADING ZONE UNLESS ATTENDED BY A QUALIFIED DRIVER, AND UNLESS IT IS ACTIVELY BEING LOADED AND UNLOADED.

The ordinance, at its second reading will incorporate the changes discussed.

<p>7:40 pm</p>	<p>ITEM 8C: DISCUSSION AND POSSIBLE FIRST READING – ORDINANCE 413, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING CHAPTER 10, “OFFENSES,” OF THE JEROME TOWN CODE BY THE ADDITION OF NEW SECTION 10-1-26, “MOTOR VEHICLE IDLING”</p> <p>Council may conduct the first reading of Ordinance 413, regarding idling restrictions.</p> <p><i>Mayor Check read Ordinance 413 in title only. The ordinance would prohibit idling of vehicles or trailers unless attended and occupied by a qualified driver, or unless it is actively being loaded or unloaded, and included a list of six exceptions to that restriction. The Mayor expressed her approval of the exceptions, except for one which stated,</i></p> <p style="padding-left: 40px;"><i>“To supply heat or A/C for passenger comfort and safety in vehicles providing commercial passengers with transportation.”</i></p> <p><i>Discussion ensued regarding whether or not to allow commercial passenger vehicles (i.e. tour buses) or school transportation to idle in order to keep their passengers safe and comfortable. It was noted that, sometimes, the bus driver remains on the bus while the passengers are walking around town. Ms. Gallagher suggested that we include the words, “while occupied by passengers.” It was noted that the driver could simply get out of the bus if the temperature is uncomfortable.</i></p> <p><i>One of the listed exceptions was for “any vehicle when the outside temperature is below 20 degrees Fahrenheit.” Mr. Smith stated that diesel engines have a hard time starting when it is cold. A diesel needs to start up, he said, when it is around 40 or 50 degrees outside. The Mayor pointed out that that would fall under exemption D, “Operating at idle to conform to manufacturer’s warm up or cool down specifications.”</i></p> <p><i>Ms. Kennedy asked if it was possible to get signage installed to direct buses to the 300 Level parking lot. She said that they have the tendency to idle while parked directly across the car parking spaces on Main Street. Even when you let them know that there is bus parking available, she said, they do not want to move, and they are blocking anyone else trying to park there. She suggested adding verbiage stating that there are specific loading and unloading areas for tour buses, as well as specific parking areas for them.</i></p> <p><i>The issue of delivery vehicles double parking on the street was discussed briefly. Mr. Smith pointed out that, when delivering to some restaurant locations, the drivers don’t have a choice but to double park, because there are no loading or unloading areas near them. He said that he doesn’t see a problem with that, because they usually come early in the morning and are gone. He added that they don’t usually leave their engines running unless they need to keep the refrigeration going.</i></p> <p><i>Discussion returned to the exception for idling to supply heat or A/C for commercial passenger comfort. Ultimately, it was agreed to remove that exception altogether, as under the proposed ordinance, idling would be permitted while the bus is being actively loaded or unloaded.</i></p> <p><i>It was noted that some trucks do not have a separate engine for their refrigeration unit and must keep their engines running in order to keep their cargo refrigerated. This is covered under one of the listed exceptions.</i></p> <p><i>Vice Mayor Currier suggested that Ms. Gallagher, when reworking the ordinance for its second reading, utilize numbers, rather than letters, to label the list of exceptions.</i></p>
<p>ITEM #9</p>	<p>NEW BUSINESS</p>
<p>7:53 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>Joni Savage, a Jerome resident, spoke on this item on behalf of Diana Martin, who is in charge of decorating Upper Park. They are requesting to install holiday lighting on the second or third week of November. Ms. Savage said that on November 29, the day of the event, they would also like to use the town van to shuttle the choir members and their parents to and from the 300 level parking lot.</i></p> <p><i>Councilmember Bassett said that she would like the display to be non-denominational.</i></p> <p>Motion: Vice Mayor Currier made a motion to approve installation of holiday lighting in Upper Park and allow use of the town van as a shuttle. It was seconded by Mayor Check.</p>

	<p>Councilmember Bassett said that she has been told by several locals that the display is "too gaudy."</p> <p>Mayor Check called the question and the motion passed with 3 ayes, 1 nay by Councilmember Bassett and 0 abstentions.</p>
<p>7:57 pm</p>	<p>ITEM 9B: AGREEMENT WITH VERDE VALLEY MEDICAL CLINIC</p> <p>Council may approve an agreement with the Verde Valley Medical Clinic to provide new hire and annual health exams for firefighting personnel.</p> <p>Mayor Check commented that the Town would be getting a lot for the \$400 cost of the exams as detailed in the proposed agreement.</p> <p>Fire Chief Rusty Blair explained that the Fire Department been using Urgent Care to provide these services, for which they charge about \$450, but it is not NFPA-sanctioned and they do not do everything that needs to be done. He said that the Fire Chief's Association has been working on this in order to provide continuity in the testing. Chief Blair noted that we will get more for our money with the Clinic, and eventually it will be open to all town employees.</p> <p>The agreement included a standard medical package for new employees, but additional items could be added as needed, such as vaccinations for Hepatitis B and MMR. Mayor Check commented that all of our public works employees are up to date with their Hepatitis B shots.</p> <p>Vice Mayor Currier asked if this will have a beneficial effect with the Town's insurance. Ms. Gallagher responded that it may not; however, she sent the agreement to Ed Bantel at Southwest Risk, and he liked and encouraged it.</p> <p>Chief Blair said that a governmental rate of \$400 per package is being offered, and they will only need three or four packages per year for the firefighters. He said that he encourages them to go, but he cannot force them to get physicals or get tested. He would especially like the new recruits to go because it is good to have a baseline.</p> <p>Vice Mayor Currier expressed concern regarding potential liability to the Town if an employee were to contract a disease. The Chief replied that there is liability in anything they do, and his policy is that, if there is any type of blood exposure, the employee must go to the hospital with the patient and get tested immediately. Mr. Currier said that, if we allow them to decline to be tested and something shows up later, then we have not done our due diligence. Chief Blair said that that is something that should be addressed in the personnel policies as a requirement for fire department personnel, but, at this time, there are no requirements. He added that he would like to revisit the Department's bylaws and personnel policy in regards to making this a requirement for new hires – it has never been in place before.</p> <p>There was discussion regarding requiring testing for HIV or Hepatitis C. Chief Blair said that the county may offer free HIV testing, but he is not certain about Hep C. He will find out. Vice Mayor Currier commented that it sounds like a reasonable requirement, but we could be running into civil rights issues. Chief Blair said that we may need to check with our attorney regarding requiring blood draws. He added that, with blood borne diseases being more prevalent and a higher call rate, there are more exposures, and they put themselves at risk every time they answer a call.</p> <p>Mr. Currier said that he could see approving this, but he would first like to have Ms. Gallagher discuss it with the Town Attorney.</p> <p>Motion: Vice Mayor Currier made a motion to approve the agreement with the Verde Valley Medical Clinic. It was seconded by Councilmember Bassett. The motion passed with 4 ayes, 0 nays and 0 abstentions.</p> <p>Vice Mayor Currier directed staff to form a task force to explore this further.</p>
<p>8:10 pm</p>	<p>ITEM 9C: AMENDMENT TO PERSONNEL POLICIES</p> <p>Council may approve an amendment to the Town of Jerome Personnel Policies providing that volunteer firefighters may serve as members of Council.</p> <p>In her Staff Summary Report for this item, Ms. Gallagher explained that:</p> <ul style="list-style-type: none"> • Abe Stewart, a volunteer firefighter, was elected to Council at the August 26 primary and will take office in November. Like other volunteer firefighters, he is paid \$13.50 per call when he responds to emergency calls. • The Town's personnel policies preclude town employees from "engaging in any

political activity relating to Town elections or taking part in Town political issues beyond the private expression of personal opinion, registering to vote, and voting in any special, primary, or general election."

- It is the opinion of the Town Attorney that Mr. Stewart would be considered a Town employee, and that the Town's personnel policies, as written, would preclude him from serving simultaneously as a volunteer firefighter and as a Town Council member.

In her report, Ms. Gallagher recommended that Council amend the language of the personnel policy in order to allow Mr. Stewart to continue to serve as a volunteer firefighter and receive the per call pay while fulfilling his duties as an elected member of Council, and to open that possibility to other volunteer firefighters who may choose to run for office in the future.

She proposed the following change to Paragraph B, Section 7, "Conditions of Employment," of the Town's Personnel Policies: (Additions are in UNDERLINED CAPS.)

B. Political Activity Prohibited: Town employees may be a member of a political party, attend political meetings, cast votes in elections and contribute money to a political party or candidate. EXCEPT AS HEREIN PROVIDED, employees are prohibited from engaging in any political activity relating to Town elections or taking part in Town political issues beyond the private expression of personal opinion, registering to vote, and voting in any special, primary, or general election. No employee in her official capacity with the Town shall solicit any contributions in cash or services from any Town employee to support any candidate for public office.

TOWN EMPLOYEES MAY NOT SERVE AS MEMBERS OF COUNCIL WHILE EMPLOYED BY THE TOWN OF JEROME; HOWEVER, VOLUNTEER FIREFIGHTERS WHO RECEIVE PER CALL PAY FROM THE TOWN OF JEROME MAY SERVE AS COUNCIL MEMBERS, PROVIDED THAT THEY REFRAIN FROM VOTING IF AND AS REQUIRED BY TITLE 38 OF THE ARIZONA REVISED STATUTES.

Vice Mayor Currier asked Chief Blair if he had looked at the proposed amendment. Chief Blair replied that he had, and noted that there was a precedent set when Ron Ritchie, a volunteer firefighter, served on Council. His concern, he said, is that Mr. Stewart follow chain of command when doing anything with the fire department and that he recuse himself when money matters and setting policy for the fire department are brought before Council. He will already have had a vote at the fire department level, the Chief explained.

Mayor Check commented that it is up to Mr. Stewart's discretion to recuse himself, and noted that the proposed language would require recusal "if and as required by Title 38," which was recommended by the Town Attorney and deals with conflict of interest. Ms. Gallagher said that she doesn't believe that Council can tell a member what they can't vote on beyond what they can't vote on by law -- that is why the language drafted references Title 38 of the Arizona Revised Statutes.

Mayor Check said that that is something that they all are expected to uphold. She said that it can get really sticky when you are voting on something related to your employment, and anyone can call the Attorney General in the event of a violation. Ms. Gallagher agreed, and said that we cannot force a person to abide by that law, but a person could be held personally liable if they violate it.

Ms. Kennedy noted that Title 38 was put into place for those who stood to gain monetarily from the decisions made by a Council. When she was on Council, she said, the attorney stated very clearly that Title 38 was about monetary gain and/or loss for themselves or an employer. She also commented that, if a person is a volunteer, they are not employees so she doesn't know how much of an issue it is.

Ms. Gallagher explained that Mr. Stewart could be considered an employee because he receives per call pay. She said it may also be an issue because volunteers on duty are covered by the town's insurance.

Chief Blair reiterated his concern that Mr. Stewart already has a vote at the volunteer level so it seems inappropriate for him to also vote as a Councilmember on Fire Department matters.

Mr. Currier asked if all agree that fire department volunteers are town employees. The Mayor said that she did, and Ms. Gallagher confirmed that that is the attorney's interpretation.

Councilmember Bassett suggested changing one word in order to make a sentence gender neutral. All agreed.

Motion: Vice Mayor Currier made a motion to **approve the amendment to the Town of Jerome Personnel Policy**. It was seconded by Mayor Check. The **motion passed with 4 ayes, 0 nays and 0 abstentions**.

<p>8:16 pm</p>	<p>ITEM 9D: RESOLUTION 527 - CITIES AND TOWNS WEEK 2014</p> <p>Council may approve Resolution 527, declaring October 19-25, 2014, as Arizona Cities & Towns Week.</p> <p><i>Mayor Check read aloud Resolution 527.</i></p> <p>Motion: Vice Mayor Currier made a motion to adopt Resolution 527. It was seconded by Councilmember Bassett. The motion passed with 4 ayes, 0 nays and 0 abstentions.</p>
<p>ITEM #10 8:18 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 asked that the subsequent Council deal with enforcing Chapter 7, Article 15, of the Jerome Town Code, regarding encroachment permits on public rights-of-way. She said that some of the Town's properties are being used without an agreement, which deprives the Town of income and does not remove liability from the Town for the use of that property. She noted there is a Town right-of-way near the Grand Hotel that is being used for parking – the Giroux Street easement.</i></p> <p><i>Ms. Bassett also said that she would like for this Council to conduct the second readings of the ordinances presented at this meeting.</i></p> <p><i>Mayor Check reported that she received a letter from SHPO, regarding delisting a home on Allen Springs Road from the historic registry. It is going to be on SHPO's November agenda. Vice Mayor Currier commented that the property owner should be notified.</i></p> <p><i>Mr. Currier said that he was approached by the Jerome Chamber of Commerce, who have asked if the Town could help with the cost of insurance for the Holiday potluck in December. He would like to help them out with that¹.</i></p> <p><i>Councilmember Hunt said that he would like a discussion of Mr. Payne's request (regarding street musicians) on the next agenda. He also commented to staff that the shredded rubber by the playground should be cleaned up regularly – perhaps monthly – by the town crew.</i></p> <p><i>It was discussed and decided to schedule a special meeting on Thursday, November 6, at 6:00 p.m. in order to conduct second readings of the ordinances on this meeting's agenda, and to approve remaining Council meeting minutes.</i></p>
<p>ITEM #11 8:27 pm</p>	<p>APPROVAL OF CLOSED SESSION MINUTES</p> <p>September 9, 2014</p> <p>If necessary, Council may enter 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.</p> <p><i>Council reviewed the minutes.</i></p> <p>Motion: Mayor Check made a motion to approve the closed session minutes of September 9, 2014. It was seconded by Mayor Check. The motion passed with 4 ayes, 0 nays and 0 abstentions.</p>
<p>ITEM #12</p>	<p>ADJOURNMENT</p> <p><i>Upon motion by Councilmember Bassett seconded by Vice Mayor Currier and unanimously approved, the meeting was adjourned at 8:28 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: _____

¹ Clerk's note: This topic was placed on the special meeting agenda of November 6.