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TOWN OF JEROME, ARIZONA

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MINUTES

SPECIAL MEETING OF THE JEROME TOWN COUNCIL JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS THURSDAY, NOVEMBER 6, 2014 AT 6:00 P.M.

<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 6:02 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>New Councilmembers-elect in attendance were Doug Freund and Abe Stewart. Other staff in attendance at roll call included Deputy Town Clerk Rosemarie Shemaitis.</i></p>
<p>ITEM #2: 6:03 pm</p>	<p>COUNCIL MEETING MINUTES</p> <p>October 14 regular meeting; June 25 special meeting; August 25 special meeting; August 25 special meeting CLOSED SESSION*</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>October 14 Regular Meeting</p> <p><i>Councilmember Hunt requested a change on page 4 of the minutes. He asked to change the phrase "generally agreed" to "agreed." After discussion, it was decided to make that change.</i></p> <p>Motion: Vice Mayor Currier made a motion to accept the minutes of October 14, 2014, as amended. It was seconded by Mayor Check. The motion passed with 4 ayes, 0 nays and 0 abstentions.</p> <p>June 25 Budget Meeting</p> <p><i>Councilmember Bassett requested a correction on page 2 regarding a statement attributed to her that Council had decreed that department heads live in Town. She clarified that this was actually decided by the voters, not by Council. It was agreed that an explanatory footnote would be added to the minutes. Ms. Bassett also noted a typo on page 4 regarding the adjournment time.</i></p> <p><i>Councilmember Hunt expressed concern regarding a comment attributed to him on page 4, and requested that it be struck. Council had no objections to doing so.</i></p> <p>Motion: Vice Mayor Currier made a motion to accept the minutes of June 25, 2014, as amended. It was seconded by Mayor Check. The motion passed with 4 ayes, 0 nays and 0 abstentions.</p> <p>August 25 Special Meeting</p> <p>Motion: Councilmember Bassett made a motion to accept the minutes of August 25, 2014. It was seconded by Vice Mayor Currier. The motion passed with 3 ayes, 0 nays and 1 abstention by Councilmember Hunt.</p> <p>August 25 Special Meeting – Executive Session minutes</p> <p>Motion: Vice Mayor Currier made a motion to accept the executive session minutes of August 25, 2014. It was seconded by Councilmember Bassett. The motion passed with 3 ayes, 0 nays and 1 abstention by Councilmember Hunt.</p>

ITEM #3:	ORDINANCES
6:12 pm	<p>ITEM 3A: SECOND 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</p> <p>Council may conduct the second reading of, and possibly adopt, 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 by a qualified driver, and unless it is actively being loaded or unloaded.</p> <p><i>Mayor Check read Ordinance 412 in title only. She noted that Ms. Gallagher had made the amendments discussed at the first reading, and asked if there were any comments.</i></p> <p><i>Councilmember Hunt read Section E., and asked, “what is a qualified driver?”</i></p> <p>E. Freight Loading Zones. No person shall stop, stand or park a vehicle <u>OR TRAILER</u> for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked by signs and yellow painted curb as a freight curb loading zone. <u>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 OR UNLOADED.</u></p> <p><i>Mayor Check replied that it is specifying that not just any person can be attending to the vehicle. There was brief discussion regarding that, and Mr. Hunt said that the sentence regarding a qualified driver is relatively immaterial and not needed.</i></p> <p><i>Mr. Hunt also noted that the following sentence had been deleted:</i></p> <p style="padding-left: 40px;"><i>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.</i></p> <p><i>By deleting that sentence, he said, Council had essentially deleted the ability for someone who is handicapped to unload there. Mayor Check disagreed. This was discussed by Council, and ultimately, it was determined that the phrase would remain deleted, and that the words “of materials” (and the word “the” prior to “expeditious”) would be deleted so as not to restrict loading and unloading to materials only.</i></p> <p><i>Councilmember Bassett said that she would like to reinstate the words “during the hours indicated by such signs.” Mayor Check asked if all the loading areas have hours associated with them, and Ms. Gallagher did not know.</i></p> <p><i>Mr. Currier directed staff to check that all loading zones have signage.</i></p> <p><i>After brief further discussion,</i></p> <p>Motion: Vice Mayor Currier made a motion to adopt Ordinance 412 as amended. It was seconded by Councilmember Bassett.</p> <p><i>Ms. Gallagher asked to clarify the verbiage for the ordinance and read Section E with the amendments (in red).</i></p> <p>E. Freight Loading Zones. No person shall stop, stand or park a vehicle <u>OR TRAILER</u> for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked by signs and yellow painted curb as a freight curb loading zone. <u>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 OR UNLOADED DURING THE HOURS INDICATED BY SUCH SIGNS.</u> In no case shall the stop for loading or unloading of materials exceed twenty (20) minutes.</p> <p><i>Ms. Gallagher then asked to move the words, “DURING THE HOURS INDICATED BY SUCH SIGNS” to after the words, “NO MOTOR VEHICLE OR TRAILER SHALL BE PARKED IN A FREIGHT CURB LOADING ZONE.” Council agreed.</i></p> <p>AMENDED Motion: Vice Mayor Currier made a motion to adopt Ordinance 412 as amended with the reworded verbiage. Councilmember Bassett amended her second.</p> <p><i>Mayor Check called the question for the amendment and the motion passed with 4 ayes, 0 nays and 0 abstentions.</i></p>

	<p>Mayor Check called the question for the original motion to adopt Ordinance 412 as amended and the motion passed with 3 ayes, 1 nay by Councilmember Hunt and 0 abstentions.</p>
<p>6:29 pm</p>	<p>ITEM 3B: SECOND 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 second reading of, and possibly adopt, Ordinance 413, regarding idling restrictions.</p> <p>Mayor Check read Ordinance 413 in title only. She noted that some adjustments had been made at the last meeting and asked if there were any comments.</p> <p>Councilmember Hunt read Section A and commented that he doesn't know what problem they are trying to solve. It doesn't seem, he said, to approach the issue of buses running or idling. Discussion ensued. It was agreed to change the word “or” (indicated in red below) to “and,” and to remove the words “and occupied” (indicated in green below).</p> <p>A. Except as hereinafter provided, no motor vehicle, and no trailers with auxiliary motors for ventilation or refrigeration, shall be parked upon the public streets or alleys of the Town of Jerome with the motors running unless attended and occupied by a qualified driver, or unless it is actively being loaded or unloaded.</p> <p>Mr. Hunt expressed his concern that law enforcement vehicles are exempt from this ordinance. He said that he has seen officers sitting in a running car and he is concerned about the carbon footprint, and gasoline costs to the Town. He would like to see an eco-friendly policy where officers would shut off their engines when not driving. Ms. Gallagher explained that law enforcement must keep their engines idling so that they can come up to speed in a timely manner if someone is speeding through town. Mr. Stewart commented that police and emergency vehicles utilize a lot of electronics, and the battery would go dead if the engine is not idling.</p> <p>Mr. Hunt opined that there should be a more efficient way and suggested installing a second battery to run the electronics.</p> <p>Motion: Vice Mayor Currier made a motion to adopt Ordinance 413 as amended. It was seconded by Councilmember Bassett. The motion passed with 3 ayes, 1 nay by Councilmember Hunt and 0 abstentions.</p> <p>Motion: Vice Mayor Currier made a motion to move Item 5 to now. It was seconded by Mayor Check. The motion passed with 4 ayes, 0 nays and 0 abstentions.</p>
<p>ITEM #5: 6:36 pm</p>	<p>HOLIDAY POTLUCK</p> <p>Council will discuss the possibility of, and may approve, covering a portion of the cost of insurance for the annual Holiday Potluck.</p> <p>Liz Gale, president of the Jerome Chamber of Commerce, asked if the Town of Jerome could contribute half the cost of the liability insurance for this event. The total cost is \$467 and she is asking if the Town could pay \$233.50. The Town, the Chamber and the Jerome Historical Society each contribute one-third of the cost of the meat. Ms. Gale said that there will be beer and wine.</p> <p>Motion: Councilmember Bassett made a motion to approve the Town of Jerome paying for half of the insurance for the Town potluck dinner. It was seconded by Vice Mayor Currier.</p> <p>Councilmember Hunt suggested that, for next year's dinner, the Chamber also ask the Jerome Historical Society for assistance. Ms. Gale said that they would do that. It was noted that the Historical Society does donate the use of Spook Hall for the event.</p> <p>Mayor Check called the question and the motion passed with 4 ayes, 0 nays and 0 abstentions.</p>
<p>ITEM #4: 6:40 pm</p>	<p>STREET MUSICIANS</p> <p>Council will discuss a request presented at the October meeting by Nathan Payne, a resident musician, that the Jerome Town Code be amended to differentiate between solicitation and accepting donations, so that it would not be illegal for musicians playing on the street to accept unsolicited donations.</p>

	<p><i>Ms. Gallagher provided an opinion from Police Chief Muma, regarding busking. In his email, he stated:</i></p> <p style="padding-left: 40px;"><i>"I would recommend a system that lets a person obtain a busking permit from the police department (as we are the only ones open at that time) by merely providing identification and paying a fee of say \$5 or \$10 to offset costs. In the United States, any form of regulation on artistic free speech must not be judgmental, and permits must not be so restrictive, complex, difficult or expensive to obtain that they inhibit free speech. Therefore, we could impose some reasonable limitations such as only allowing in the commercial district, only at times during daylight hours, not blocking sidewalks and any other safety concerns there might be."</i></p> <p><i>Vice Mayor Currier said that he agreed in general, but he would like it to take place only in the commercial district and not late at night.</i></p> <p><i>Councilmember Bassett commented that this could apply not only to musicians, but to any type of performing arts.</i></p> <p><i>Ms. Shemaitis noted that this had been discussed in a recent staff meeting. The discussion included a permit for \$5 that would be issued by the police department. At that time, regulations would be explained, such as location, hours, no amplification, safety issues, etc.</i></p> <p><i>Mr. Currier commented that "someone coming around with a gun on their hip changes the atmosphere." He added, "we have nice cops, but I am a little edgy about that." Mayor Check said that she sees a permit process as a way to avoid a confrontation because the officer could be explaining the rules when the permit is applied for.</i></p> <p><i>There was discussion regarding the fee and if it might be a hardship to the person. Ms. Shemaitis commented that, at a staff meeting that day, Mr. Chilston had commented that street musicians could probably make 10 times the amount of a \$5 permit. She added that the person would be receiving an actual permit with the date specified, and the fee would cover staff time and materials. They would not be paying taxes to the town or required to get a town business license.</i></p> <p><i>Ms. Gallagher asked the Councilmembers-elect in attendance if they had any input.</i></p> <p><i>Mr. Stewart asked how Town Hall would be able to issue permits when it is only open four days a week. Ms. Gallagher responded that the permits could be issued by the police department.</i></p> <p><i>Mr. Freund noted that businesses in Jerome, besides having a business license, also carry liability insurance. He asked how the liability factors in. Mayor Check replied that safety issues would be explained by the police when receiving the permit. Ms. Gallagher added that it may be possible to include a hold harmless provision in the permit process.</i></p> <p><i>Ms. Bassett said that she agreed with Chief Muma's suggestion.</i></p> <p><i>Mr. Stewart said that the permits should be non-discriminatory.</i></p> <p><i>Mayor Check added that the permit would <u>not</u> include selling any merchandise.</i></p> <p><i>Ms. Gallagher confirmed that she was to draft a code amendment regarding busking.</i></p>
<p>ITEM #6: 6:53 pm</p>	<p>CDBG FUNDING</p> <p>Council will discuss the upcoming competitive round of CDBG funding, and may determine whether or not to submit an application.</p> <p><i>Ms. Gallagher explained that a competitive CDBG round is coming up, which would require a 25% match in order to be competitive. She had prepared and provided an extensive Staff Summary Report regarding the funding round and the sewer plant road project. She noted that the current design of the sewer plant road project carries an estimated cost of about \$400,000, so the Town would have to come up with around \$100,000 in matching funds. She recommended that Council pass on this funding round and, instead, apply for the guaranteed CDBG funding which will be available to Jerome in 2016. That process would begin in about a year, she said, and would give us time to tweak the design and hopefully lower its cost. She also noted that, if we decide to apply for this competitive grant, we may have to do another income survey, which was challenging the last time we had to do it.</i></p> <p><i>Vice Mayor Currier said that he is upset with a \$380,000 design plan and would like a second opinion.</i></p> <p><i>Councilmember Bassett commented that she would like to follow Ms. Gallagher's recommendation. She also commented that she was shocked at the amount of change to the</i></p>

	<p>road indicated in the new design.</p> <p>Motion: Councilmember Hunt made a motion to accept Ms. Gallagher's recommendation to hold off on this competitive grant and wait for the guaranteed grant. It was seconded by Vice Mayor Currier.</p> <p>Mayor Check said that she agrees with Mr. Currier regarding getting a second opinion. Ms. Gallagher noted that the engineering for this design was roughly \$7,000, and the second opinion could cost as much.</p> <p>There was brief further discussion, during which Mr. Stewart commented that this does not address the cemetery access, only the bottom half of the road. He said that they will probably also have to work on the access to North Avenue.</p> <p>Mayor Check called the question and the motion passed with 4 ayes, 0 nays and 0 abstentions.</p> <p>Councilmember Bassett commended Ms. Gallagher for a good presentation, and added that the minutes were good also.</p>
<p>ITEM #7: 7:00 pm</p>	<p>PROCLAMATION: CHARITABLE TAX CREDIT GIVING MONTH</p> <p>Council may approve the Mayor's signature on a proclamation declaring November 2014 as Charitable Tax Credit Giving Month.</p> <p>Mayor Check read the Proclamation in its entirety.</p> <p>Motion: Councilmember Bassett made a motion to approve the proclamation declaring November 2014 as Charitable Tax Credit Giving Month. It was seconded by Vice Mayor Currier. The motion passed with 4 ayes, 0 nays and 0 abstentions.</p>
<p>ITEM #8:</p>	<p>ADJOURNMENT</p> <p>Upon motion by Councilmember Bassett seconded by Vice Mayor Currier and unanimously approved, the meeting was adjourned at 7:04 p.m.</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: _____