



# TOWN OF JEROME, ARIZONA

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Founded 1876

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## MINUTES

### SPECIAL MEETING OF THE JEROME TOWN COUNCIL COUNCIL CHAMBERS, JEROME TOWN HALL WEDNESDAY, MAY 30, 2018 AT 3:00 P.M.

<p><b>ITEM #1:</b></p>	<p><b>CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE</b></p> <p>Mayor/Chairperson to call meeting to order.</p> <p><i>Mayor Vander Horst called the meeting to order at 3:00 p.m.</i></p> <p>Town Clerk to call and record the roll.</p> <p><i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Vander Horst, Vice Mayor Kinsella, and Councilmembers Barber, Currier and Bachrach.</i></p> <p><i>Other staff present were Melanie Atkin, Accounting Clerk; Charlotte Page, Acting Zoning Administrator; and Joni Savage, Deputy Clerk.</i></p> <p>Mayor/Chairperson or designee to lead the Pledge of Allegiance.</p> <p><i>Ms. Atkin led the pledge.</i></p> <p><b>Mayor Vander Horst:</b> <i>There was a request from a Councilmember that we move item #3 up ahead of item #2. Is that okay with everybody. (no objections stated from the council) Alright, so we'll go there first.</i></p> <p><b>Vice Mayor Kinsella:</b> <i>Do we need a motion or not.</i></p> <p><b>Mayor Vander Horst:</b> <i>I don't think we do because we changed the (Did not finish sentence.)</i></p>
<p><b>ITEM #2:</b> <b>4:45</b></p>	<p><b>APPEAL OF DESIGN REVIEW BOARD DECISION</b></p> <p>Council will hear, and may act on, an appeal by Kelley Foy regarding denial by the Design Review Board on May 14, 2018, of her application for a second story garage addition.</p> <p><b>Mayor Vander Horst:</b> <i>I would like to state that we are only talking about the Design Review Board decision. We're not talking about anything related to P &amp; Z, we're not talking about setbacks. We're not talking about retaining walls. We're not talking about partial demolitions. We're not talking about whether or not something is a remodel or new construction. We're not talking about fire protection. We're only talking about the DRB.</i></p> <p><b>Unidentified Speaker:</b> <i>(words were unintelligible)</i></p> <p><b>Mayor Vander Horst:</b> <i>I'm sorry I can't hear you.</i></p> <p><b>Margie Hardie:</b> <i>Demolition is DRB.</i></p> <p><b>Mayor Vander Horst:</b> <i>I was talking about the wall that's remaining, whether it is remodel or a total demolition. So, Ms. Foy you are the appellant, would you like to state your case? Come up and state your case.</i></p> <p><b>Kelley Foy:</b> <i>Sure, will it be the only time I have an opportunity to speak?</i></p> <p><b>Mayor Vander Horst:</b> <i>No.</i></p> <p><b>Kelley Foy:</b> <i>I want to say thank you again for hearing my case and also that I remain 100% (words were unintelligible). I served on Planning and Zoning for years because I think all of these boards are important. The reason I mention this is because this packet, we're reviewing it again, not because everyone voted against it but because we didn't have a three-person board, we're required to be unanimous, where with a full board, and you all know this, you only need a majority. So, I'm not sure what else to bring to it except that I feel like every, it passed the Planning and Zoning because we went to appeal, and it was based on zoning rights and not property rights. I think I've followed the guidelines, I've done all the drawings, there was a question about the drawings, Mr. Wood had some confusion about the North/South orientation, anything he talked about actually I did an additional set of drawings that were the same drawings I had done but clarified anything</i></p>

that might have been confusing and was added to your packet before the meeting and plenty of time to review it. Do you have any questions for me?

**Councilmember Bachrach:** I've got a couple of different versions. Is this building 25 feet or is it 22 feet?

**Kelley Foy:** Originally it was drawn at 25 feet, which is the max that it can be drawn. When I redrew it I did it at 22 feet, there was concern about that. I don't have a problem with it being 22 feet. The original drawing that I had in here was a color drawing, actually showed just a rendition and not to scale. What I did in this packet that I included was I added, when you look at the packet, I drew a drawing and where it was originally and how it looked so you can get a sense of the actual scale. That's what it would [?] like.

**Councilmember Barber:** Okay, this was the one that was just put here, it wasn't in our packet.

**Kelley Foy:** It wasn't included, it was accidently left out.

**Councilmember Bachrach:** Is this the 22 or the 25?

**Kelley Foy:** That again is just the rendition. What I'm showing you is the actual scale. This is my house, this is my garage as it exists now and the new drawing. It is 22 feet tall and these other lines are just to show the dimensions of the two windows on that side. So, this actually is the building itself and as you can see, I left it sort of clear, as you can see it really just comes up to 2 feet above my own railing right here. This is to show exactly to scale, just how large the building is, it's not large. So, what we're doing is taking my garage and remodeling it and putting my art studio on the top floor and this shows that. And the other drawing shows what's in the building, shows the dimensions, the stairs everything is to scale. The thing I want to bring up too, is if there is any, I built furniture for twenty years in high-end custom homes and what we've always done, these are to scale, but when you go in and build something, you have a building inspector that comes in and inspects and if it's not right it has to be rebuilt. I am applying for permits so that I am under the purview of the building inspector. I went to the Planning and Zoning Administrator so that I could get approved. When we had these votes, it was one person on these boards, everyone else agreed that this should happen.

**Vice Mayor Kinsella:** This photograph, 25 foot?

**Kelley Foy:** Yes, that's a rendition.

**Vice Mayor Kinsella:** Perfect.

**Kelley Foy:** What I would build would be 22 feet.

**Vice Mayor Kinsella:** The previous zoning administrators report on it.

**Councilmember Bachrach:** So, Ms. Foy you're basing this remodel on the ancient law of retaining one wall.

**Kelley Foy:** Yes.

**Councilmember Bachrach:** And that apparently has been shown to be legal through the sands of time. Which wall, can you tell us, which wall is it you plan on saving.

**Kelley Foy:** The South wall.

**Councilmember Bachrach:** And is it masonry or is it framed.

**Kelley Foy:** It's masonry.

**Mayor Vander Horst:** Councilmember Bachrach we've got to be careful - that's a P & Z issue.

**Councilmember Bachrach:** Okay, I'm just curious as to which one, South wall. That's the one adjoining the neighbor's garage.

**Kelley Foy:** No.

**Councilmember Bachrach:** Oh, no?

**Kelley Foy:** No, it's by my house.

**Mayor Vander Horst:** The house.

**Margie Hardie:** This is P & Z information.

**Mayor Vander Horst:** I know I just said that, I said we have to stop because that's P & Z.

**Margie Hardie:** I'm sorry, you said this is the P & Z hearing right now.

**Mayor Vander Horst:** No.

**Margie Hardie:** These are P & Z issues.

**Mayor Vander Horst:** I know I just told Councilmember Bachrach we had to stop that questioning.

**Margie Hardie:** I'm sorry, I can't hear.

**Councilmember Currier:** So, the plans we're looking at today are not the same plans that DRB looked at?

**Kelley Foy:** Yes, you have the plans DRB looked at.

**Councilmember Currier:** You changed the altitude.

**Kelley Foy:** Just the height, I gave an option for that, because that's what people are concerned about and that's not unreasonable that when you're building, that would change.

**Councilmember Currier:** I'm just saying that what you're asking for today is not the same thing you asked for the DRB, is it?

**Kelley Foy:** Everything is the same except for the height. There was a misunderstanding of the drawing.

**Councilmember Currier:** So, what I'd like to know - what the actual motion was. My understanding is that the motion there was not enough, and therefore was not (words were unintelligible).

**Kelley Foy:** They voted, no they voted, they voted, and Mr. Wood said (words were unintelligible).

**Councilmember Currier:** What was the motion, may I have the motion?

**Mayor Vander Horst:** Read, "Mr. Parry moved to approve this as presented preliminary and was seconded by Mr. Smith."

**Councilmember Currier:** Is that still the motion?

**Kelley Foy:** No.

**Charlotte Page:** I was present at the meeting and I recall that he conditionally asked for a conditional approval and asked for these changes to be resubmitted - the rendering to be corrected and some other items.

**Kelley Foy:** I don't remember if he said "conditional," but I do remember them voting on it. My recollection is that Mike Parry said "I would say we approve this conditional on just making sure that everything is ...", dealing with the errors and all that, but not really changing anything else. It was just the misunderstanding of the drawing, a North arrow that Chair Wood was concerned about. Everything's been clarified. As a courtesy, I'd be willing to do it at 22 feet. If that's the issue, I'll do it at 25 feet, that's fine.

**The actual motion from the 5/14/18 DRB meeting: Mr. Parry moved to approve these plans preliminarily as they will come back, and the windows will be corrected at that time and the directions will be corrected at that time because it will be a professional drawing and was seconded by Mr. Smith. The motion failed with 2 ayes and one nay from Brice Wood.**

**Councilmember Currier:** My point was that what we're looking at today is not the same thing the board looked at.

**Kelley Foy:** Yes, you are looking at the same, you have the full packet.

**Councilmember Currier:** But you just told us you changed the height of the building.

**Kelley Foy:** This page.

**Councilmember Currier:** Yes, that you added something to it, that's all I'm saying.

**Kelley Foy:** Okay, but you have the entire packet.

**Councilmember Currier:** And the board said that the stuff that was presented to them was not sufficient. Was that correct?

**Kelley Foy:** No, that's not correct, one member said that.

**Councilmember Currier:** Please let the administrator respond.

**Kelley Foy:** I didn't know who you were asking.

**Charlotte Page:** The chair was having a problem with the drawings and the scale. There's a number, there was a list of things. If you wanted records, because, for example the floor plans didn't show the windows as the elevation showed the windows. There was a list of problems. And then Mike Parry made a motion to conditionally approve with the changes being made.

**Councilmember Currier:** My next question is would it be normal for the applicant then to redo the paperwork and then resubmit? Would that be normal? That would be normal

practice. My question then is why is it in front of us? Why did it not go back to Design Review?

**Mayor Vander Horst:** Because she appealed.

**Councilmember Currier:** Can you appeal when the error is on the applicant's part?

**Kelley Foy:** It wasn't my error, it was opposed.

**Councilmember Currier:** I'm sorry, I'm trying to discuss this with the Mayor.

**Kelley Foy:** Okay.

**Councilmember Currier:** Can the applicant appeal when it's their problem? It's not the board, the board did nothing wrong, that I can see. And now here comes the applicant and says, "I don't like the result, I'm changing the drawings and now I'll go to the Board of Appeals." Is that appropriate?

**Mayor Vander Horst:** It's something that she can do, it's what our Code allows.

**Councilmember Currier:** That's what you think is appropriate, okay.

**Mayor Vander Horst:** I said that's what our Code allows.

**Councilmember Currier:** It appears to me then that any applicant who doesn't like what's going on can appeal to the board, to us. Is that correct?

**Mayor Vander Horst:** I believe that is correct.

**Councilmember Currier:** And we have to hear it? Have to hear it or can choose to hear it?

**Mayor Vander Horst:** (directed to Ms. Gallagher) Do you know the answer to that? I don't know the answer to that.

**Ms. Gallagher:** I think it probably says the Council maintains the right to review any and all decisions. It's a right.

**Councilmember Currier:** It's a right, then we don't have an obligation.

**Councilmember Barber:** What she just quoted is right in this appeal. Jerome Zoning Ordinance page 40 of 99: Questions of aesthetics and design standards are not appealable to the Mayor and Council but may be presented to a Court of Record within 30 days of the decision. So, it should either go back to Design Review or it should go to the Court of Record unless we want to stick our nose in it, because at the bottom it does say finally: The Mayor and Council shall maintain the right to review any and all decisions of the Design Review Board. Which seems contradictory to me because right at the top it just said it goes to the Court of Record, so again why is it in front of us and not, with an additional page that she needed, to go again in front of our board.

**Kelley Foy:** Because it was denied.

**Mayor Vander Horst:** Because she appealed.

**Councilmember Currier:** It was not denied.

**Councilmember Barber:** But she shouldn't have to appeal to us. She should appeal to the Court of Record and not to us.

**Mayor Vander Horst:** She can appeal to us and she did, and I accepted it.

**Councilmember Currier:** The Council has to accept it, it is not up to you. It's a Council action to accept or deny.

**Councilmember Barber:** Does the Mayor have that power to say for all the Council that he will do that and speak for all of us. Why is this on our plate, is what I'm trying to get to. It should not be on our plate right now.

**Ms. Gallagher:** You could take a vote right now.

**Mayor Vander Horst:** We could take a vote right now and then if it is denied she could then go to the Court of Appeal and now we have lawyers involved.

**Councilmember Currier:** This idea that it's a matter of cost is inappropriate. The cost is the cost of doing business as a Town, that's what we have money for. But, my point is, and I'm not saying that the project should be killed at all, I'm saying that the process is a problem. There is a problem with the process. As I understand it, she should have changed the drawings and gone back to Design Review and they would have been open to hear it. If it is a question of reviewing, reopening and revisiting the motion even that could be done, because the person who voted against it, the Chair would be open if the drawings were correct, would be open to revisit it, and that's all it takes is one of the people that voted against it. He could have reopened the issue again if it had been presented to him. Because what I'm afraid of is this is setting a precedent and we're going to be inundated with appeals from both, all the boards. Anytime someone doesn't like the result they're

going to come and say okay, let's go to the Council. And that's going to be very time consuming and very energy consuming of our time. So, I'm just, that's my point.

**Mayor Vander Horst:** I asked the question, and I was told that if she puts her request in writing I had the authority to put it on the agenda.

**Councilmember Currier:** You, undoubtedly do, you put it on the agenda. Should we hear it, or should we not hear it, that's the motion. Not is it appropriate for her, but so, before we say yes, she can go ahead or no she cannot go ahead, she should go back to Design Review, we should vote on whether we want to hear this.

**Motion:** Councilmember Currier made a motion that we do not want to hear it and it was seconded by Councilmember Barber.

**Councilmember Currier:** And it should go back to Design Review.

**Mayor Vander Horst:** Discussion, Councilmember Bachrach?

**Councilmember Bachrach:** Ms. Foy are you willing to bring this back before Design Review?

**Kelley Foy:** No, I don't trust that that process will work. This is actually, I followed the process, this is the process I followed based on the Code. I didn't just decide to go behind someone's back and not do it again. The Council members, not Council members, the members on that board, the Design Review Board, the suggestion was made that I redraw them and bring them back, and if they had all voted yes, I would have been able to do that, but because Chair Wood decided I shouldn't even be able to draw them and bring them back, we're done. His no vote effectively said, 'No, she can't come back.' So, I had no choice, my two choices were to come to you or to get a lawyer. And I live in this town, I love this town and I want to live in this town. I'm getting dirty, I'm getting nasty messages on my phone machine from one particular person because they said that if I do this ... Suzy is saying that if I do this, I am creating a hostile environment in my Town. These are the messages, yes I have it Suzy, you left a message. I'm following the rules, that's what I'm doing, I want to abide by the rules of this town. But I'm not going to go back and do the right thing, that you think is the right thing or he thinks is the right thing, because he didn't get his outcome. He said, 'No, she can't come back if she corrects this.'

**Brice Wood:** I did not.

**Kelley Foy:** Yes, that was the vote, the vote was if she corrects these, Mike Parry said conditionally if she corrects these, I vote yes. If she corrects these, then she can come back. They said yea, yea, nay - that's the end of it. And my next recourse is a court of law or through the Town Council. So, I did the reasonable thing, and said let's plead it in front of Council, then I'll have five people to decide on it, not just three, it won't have to be unanimous. I think that's reasonable, so my answer is no. I want to do it the way your Code says I should do it and that's what I'm doing now.

**Mayor Vander Horst:** Ms. Gallagher can I ask you a question? We have a motion and a second can we have public comment after a motion has been made.

**Ms. Gallagher:** I believe you can.

**Vice Mayor Kinsella:** I'm hearing two different motions, I'm hearing a motion that you've talked about and I'm reading this motion. There are two completely different motions. I have a motion here that says Mr. Parry moved to approve this as presented preliminary and was seconded by Mr. Smith, the motion failed with two ayes and one nay from Brice Wood. I don't read in this what you're saying.

**Kelley Foy:** That's not what I say, that's what the zoning ...

**Joni Savage:** I didn't get a chance to listen to the minutes, so what I, what you see is what I did type. I was asked seven minutes before the meeting to come up with this, so I couldn't listen to it. Ms. Page remembers it, she recalls.

**Vice Mayor Kinsella:** Okay, I understand.

**Mayor Vander Horst:** So, let's hear from the audience, Mr. Wood.

**Brice Wood:** There's a lot of mind reading going on here, so I'd like to read two sentences from (inaudible.) At the May 14<sup>th</sup> Design Review Board meeting I did not vote to approve her project. I did not mean for my vote to be a total rejection, I hoped she would redo her proposal so that it would provide more information and be internally consistent. Now, that was not the motion, the motion was to approve, and I did not approve. You say I should have tabled it, I simply voted no. I'm sorry that it has come to this, because I thought you should redraw and reapply. It looks like you have redrawn, you've tried to correct these things I felt were wrong, and that's what you've put in at this point. At some point I would

like to read my whole statement. There's been a request made, and questions have come up and they're all Design Review focus. I am trying to make my opinions speak to our ordinance, that is the rule here. And to be so told that I'm not doing that, puzzles me. I hope I can give my statement here and please listen to me. May I have this opportunity, Mr. Mayor?

**Mayor Vander Horst:** Sure.

**Brice Wood:** Dear Mayor, Council, Citizens of Jerome and Town Hall Staff, (The letter is attached). He ended at 5:15 p.m.

**Councilmember Barber:** Can I point out there is also a letter of opposition from the neighbor, that I asked if she had been ...

**Mayor Vander Horst:** That letter is all P & Z issues.

**Councilmember Barber:** Okay, so have Brice Wood read it as well?

**Mayor Vander Horst:** No, the letter is all P & Z issues. There is a letter written by a neighbor, but it all deals with P & Z issues and we're not talking about P & Z.

**Unidentified Speakers:** (Words were unintelligible.)

**Councilmember Barber:** The last time we voted on it I brought up the fact that was she even notified, because it's going to take away her view. So, to have your neighbor not be notified of something that's going to take away their view is not right.

**Kelley Foy:** Could we wait and continue until Councilmember Bachrach comes back? Could we do that please?

**Brice Wood:** Also, I would be happy to answer any questions anyone has.

**Mayor Vander Horst:** Let's wait for Councilmember Bachrach. Councilmember Bachrach is back.

**Brice Wood:** I would like to answer questions from you or anyone.

**Mayor Vander Horst:** One of the points in your statement here talks about the demolition permit. That's only required on the final, not the preliminary. It's on page 39 and the back of page 38.

**Charlotte Page:** So, the preliminary review is under B. Application for final approval and permit. D. is where you find the demolition permit is required.

**Carol Yacht:** It's checked on the application.

**Councilmember Barber:** Yes, in our packet under demolition.

**Mayor Vander Horst:** I understand, but it is not required for preliminary.

**Unidentified Speakers:** (Words were unintelligible.)

**Charlotte Page:** I'm saying it is under final approval in the code.

**Kelley Foy:** Why are we discussing Planning and Zoning issues?

**Carol Yacht:** Demolition is a Design Review issue, not Planning and Zoning.

**Kelley Foy:** It's not historic.

**Councilmember Currier:** My point was that the plans that we have in front of us today are not the same as they were before the Design Review. She has corrected, presumably has corrected those.

**Sage Harvey:** Can Council speak up, so I can hear back here?

**Councilmember Currier:** I'm sorry. My point is that the plans that were originally presented at the DRB meeting are different than the ones being presented today. And presumably she has dealt with the issues that were brought up and is ready to abide by the decision of the board. But that's not a grounds for appeal, she was the one who should have corrected the thing and gone back to the board. To bring it to us may be within her rights, but I don't think it's appropriate and I don't think that we should hear it. The motion on the floor is to send it back to DRB and I think that's the appropriate action.

**Mike Harvey:** I've dealt with this before, in my career. The document she submitted has not been completed and has been altered and must have an addendum attached to the prints stating the change and reprocessed through the system. It is not complete, it's been altered and then resubmitted. That's how it is handled.

**Kelley Foy:** We're dealing with a different issue here, we're dealing with something that was denied.

**Mike Harvey:** (began to respond to Ms. Foy.)

**Mayor Vander Horst:** No, no talking to each other.

**Mike Harvey:** It's been my experience that you must have an addendum to the document. (JONI: He was difficult to hear, but I believe he repeated what he had stated earlier.)

**Mayor Vander Horst:** I appreciate that. I don't think that's what our Code says.

**Councilmember Bachrach:** Ms. Foy, I would beseech you to resubmit through DRB. The only thing we, is for us to, basically, you're asking us to approve it or we're going to be going to court.

**Kelley Foy:** That's your Town code. Yes. All the things he brought up haven't been addressed or you let him talk about all these issues that are planning and zoning. I feel like that's tainting your perspective of what's happening here. All I'm asking for is a conditional approval to go through, which means that the building inspector will have to make sure that everything is done properly. Which is how it's been done in Jerome for many, many years. This is a personal issue. If Mr. Wood understood what he was saying because he's saying it's not strong enough to be built on a second structure and that it's invisible and it's not a remodel. The law states that it is a remodel, it's Code, it's national Code that it's a remodel. I have a photo in the original packet that Brice saw that shows the original building covered the entire space and was two stories on that existing wall. Yes, it was structurally engineered for that. There are all these issues that are totally out there. Mike Parry made a point, this should be passed, and it will all be addressed while it's being built. It is ridiculous that it's taken me four months to even get to a point where now you want me to do something that I offered to do before but wasn't allowed to do it. And Mr. Wood wants to be heard, write a letter about his opinion about why he voted the way it did. But no one is addressing the fact that it went through a process. I was denied, I'm going through the process, it should be approved. I'm not asking to go rogue and do whatever I want, I'm asking to follow international guidelines and I'm asking you to look at this from a Design Review perspective. I, my house, I don't want my house to have something that's an eyesore in front of it. This garage, I intend to make it beautiful, I'm a craftsman. I intend to put my heart in that and I don't intend to devalue the neighbors houses or any of that. So, what we're looking at here is Design Review, but rarely have we talked about Design Review. Even at the Design Review meeting, Mr. Wood focused on the North arrow, if you were at that meeting, he was really upset that the North arrow was incorrect on a drawing. I don't understand why we're having all this discussion about it. I'm tired, and after four months of this, I'm going through this the way you set it up. I'm not going behind closed doors, and as Councilmember Currier so disrespectfully said, I am not going to ask Mommy after Daddy said no. I don't appreciate that way of looking at it and I think you can understand why I'm frustrated. I want to stick with the way it's supposed to be done. The way it's supposed to be done is I was supposed to take it to a court of law or take it to Council. I want to do it the way it should be done. I will be watched throughout the process.

**Councilmember Bachrach:** I understand. Mr. Wood, this is clearly a conceptual preliminary plan, this is not a stamped set of plans. This is going to require engineering, and I'm sure the applicant understands that. This is preliminary, I understand the mistakes and how it is frustrating. We've got to get oriented and it's important, but we can also walk down there. I understand your frustration. What I'm saying is, this is a preliminary, this is a conceptual. Do we like the shape of it, and in this we're seeing, it's on the original footprint. I get the frustration of not having a beautiful set of complete plans in front of you. I understand that.

**Brice Wood:** It's not, that's not even the question. The North arrow was certainly a problem, but that's not the only problem. I listed five or six or seven other problems, Design Review. Including demolition. Do you believe, let me ask you, if you remove three and a half walls of your house would that be demolition or reconstruction.

**Councilmember Bachrach:** It doesn't matter what I believe. The law has shown time and time again, if you leave one wall. It's been done a thousand times, ten thousand times.

**Brice Wood:** I'm asking you from a sensible English-speaking person. Let me ask you this in our Code do we have a demolish permit or demolition permit? I quoted about a demolition permit, not demolish. This is a demolition.

**Councilmember Bachrach:** Well, to do any remodel, you've got to do demolition.

**Brice Wood:** But there's nothing left.

**Councilmember Bachrach:** But there's not nothing left. The point of Black's law.

**Brice Wood:** Show me in her drawing where there is something left.

**Councilmember Bachrach:** Okay, I got that.

**Councilmember Currier:** I was saying I don't think you would win on that issue, on that wall.

**Councilmember Bachrach:** Again, that's what we have an inspector for, to follow up on the jobsite and say show me the wall. I will agree with you that I find that line of reasoning as odd. I got it, but it's been proven ten thousand times in a court of law.

**Brice Wood:** I don't think you're correct. I don't know why you think that. Even in the dictionary that's not the word.

**Councilmember Currier:** I go back to my motion.

**Mayor Vander Horst:** There are two more people who want to talk.

**Jane Moore:** It appears, and this is the first time I've seen the drawings that had been submitted to Design Review, the garage doors are going away. That means the parking, the garage, so does Council, and this is Design and Review because the façade is totally different. I just can't, it seems to me the procedure was violated over and over and over.

**Councilmember Bachrach:** It seems that you want to attribute that to malice instead of perhaps inexperience.

**Jane Moore:** No, I'm not attributing it to anything that it got this far at all seems so weird to me. Nothing malicious, maybe because the zoning administrator wasn't sure what to do, or bad advice from the town attorney. That it got to this point at Design Review without going through proper procedure and you're looking at a facade and being asked to approve something that has changed from the original nonconforming use, that it exacerbates that hugely nonconforming use. It is such a different design that you're being asked to approve that I don't know how Design Review could approve it. It is hugely precedent setting. Could you imagine if your neighbor is doing something like that? I had a nonconforming use years ago too, and I was allowed to do nothing to add to that nonconforming use. I'm just questioning that it got this far in the first place.

**Margie Hardie:** It seems to me, pretty clear that this issue is to do with the packet and presentation and all the things that Mr. Wood had noted in his letter. He is a careful, very cautious person, who has illustrated, according to the zoning ordinance, all the things that were wrong with the packet. It's black and white. It isn't really a thousand of people say this and that and the other thing. It's in the zoning ordinance, it's what's required. There's nothing wrong with it. I'll guarantee you, a thousand people have gone through this process easily, they just provided DRB with the correct information. And if you don't provide the correct information down the road somebody says, 'Well, I didn't really mean that, I meant 22 inches, not 25.' And if you don't have a document that is exactly correct. They can come back with a new plan. No problem and that is what Mr. Wood suggested in that vote, that she come back with a proper packet and nothing to do with the design, nothing to do with P & Z. Strictly to do with providing the correct information, because if we don't ever get correct information, mistakes and changes can be made. That's when the zoning ordinance and the commissioners and boards make mistakes, when we don't get the exact information, which we're entitled to. He had every right to say, and he did, come back with the right information. And don't belittle it by pointing arrows. There's far more at stake than arrows. I agree with what Councilmember Currier says and just please reject this appeal, or not reject it, but just let it go. Don't accept it as an appeal because she has DRB options.

**Mayor Vander Horst:** Okay, we get it.

**Suzy Mound:** I'm living next door to a situation that...

**Mayor Vander Horst:** Does it deal with this?

**Suzy Mound:** DRB was not specific.

**Mayor Vander Horst:** Does it deal with this issue?

**Suzy Mound:** Well it has to do...

**Mayor Vander Horst:** Yes or no, does it deal with this issue?

**Suzy Mound:** Yes, because there's not specifics and when you approve something without specifics there's a lot of grey area that can be manipulated, changed and it wasn't necessarily approved. If things are done improper, the Town has no recourse.

**Mayor Vander Horst:** I would agree with you 100% if this was a final. This is a preliminary.

**Suzy Mound:** I also think that we, the neighborhood needed to have notices and people should have known that this was coming up so they would have had the opportunity to



attend some of the meetings. It's in the ordinance that there is supposed to be a neighborhood meeting.

**Mayor Vander Horst:** It says, 'If required.'

**Suzu Mound:** Whether we had a meeting, the notice was supposed to be posted.

**Councilmember Bachrach:** Everybody listen for a minute. Here we are, we've got a lady that would like to proceed with her project. We've got administrators that would like to know exactly what they're looking at. Ms. Foy, we saw the first drawings in Town Council. It was really impossible to tell what you were trying to do, so to be fair, it was a box. There was no toilet drawn. It is not unreasonable for a board being asked to make a decision to be brought a complete and thorough package. Of course, it is not engraved in stone at this point, but it ought to be 98%, so that they know what they are deciding. Here again, we have two different drawings. And I know, here's another point I'd like to make. People don't want to spend a small fortune on engineering to find out that their project is going to be rejected anyway. To invest in an engineer, to design this wall that's standing, if it's going to support a second story, it's going to require engineering. Sorry, I'm talking about P & Z. What I'm getting at is, here we are, can we please agree to move forward between DRB and the applicant? I think, I truly believe, that if they had a complete package, if they had concerns, they could spell them out and would be able to proceed. I think it has snow-balled and I'm asking everyone to have calm and cool heads. And let's see if we can't come up with what the applicant wants to accomplish. What I'm asking everybody is to please let the cool heads prevail and let's see if we can't move forward. I know you've been at this a long time, and it takes a long time. Who made these drawings, did you do these?

**Kelley Foy:** Yes, but I don't understand. There's a toilet in the drawing you have. I don't understand why this is so confusing.

**Councilmember Bachrach:** I remember asking you the first time.

**Mayor Vander Horst:** Whoa, whoa, this is P & Z, toilets are interior.

**Kelley Foy:** You say there is not toilet, but there is a toilet. I don't understand why this is so confusing. Ms. Moore said no garage doors and the façade had been ripped off, but here is a drawing with garage doors and it is very clearly stated. When I came here today and checked the packet, there were things that had been left out, that I actually presented on time. So maybe you don't have all of the packet. There's pretty clear drawings here and to scale about where the toilet is, where the garage doors are, where everything is. I don't know, maybe you don't have a full packet.

**Councilmember Bachrach:** I'm talking about the very first time we met about the P & Z appeal and the drawings were very ...

**Kelley Foy:** You're talking about something that has already been passed and I'm just trying to get through this.

**Mayor Vander Horst:** (Called Ms. Page back into the chambers.)

**Charlotte Page:** I can't walk out, can I?

**Mayor Vander Horst:** Did you just resign?

**Kelley Foy:** I'm following this the way your code states that I follow it. I think it's reasonable to go before these boards and be asked to redraw things. Mike Parry suggested that in the meeting, but Mr. Wood was hell bent on saying no, no, no. He did not want me to change anything. There was no respectfully please explain what we're talking about. Mr. Wood said he didn't understand it, but the other members understood it. And I was willing to explain it and address it and redraw it, which is why I did more drawings for this meeting. I don't trust that process, that I'm going to have the same respect from that Board as I'm getting from you. And I respect and appreciate that. But I also know that you said it's in Town Code that this is the way I'm supposed to do it. It doesn't say if you'll agree to go back to Design Review, that's not what it says. It says get a lawyer, that's what your code says. So, I'm being reasonable, and I don't think it's unreasonable to ask for a preliminary plan to be approved. I don't think that's unreasonable. To ask four months go by and something happens. I'm not trying to do a purple spaceship with no doors and confuse people and have invisible walls or talk to Mommy and Daddy, these are all quotes from this meeting. That makes no sense to me, I'm trying to have a reasonable meeting for an appeal to address that I'm reasonably showing good will, good faith that I'm trying to address these issues, and that I will do that through the process. Otherwise, I'm just going to just figure it out, you know the way Katie said her Mom was told to lie about it. I could just do that, I'm not doing that I'm being very straightforward. And I'm just asking that you

follow the process the way you set it forward. Which is to listen to this appeal for the preliminary plans so that I can move forward.

**Brice Wood:** May I address Kelly?

**Mayor Vander Horst:** You can address us and answer Kelley.

**Brice Wood:** Was there something in my presentation that was not true?

**Councilmember Bachrach:** Well you brought up an invisible wall.

**Brice Wood:** There's an invisible wall.

**Councilmember Bachrach:** That exists.

**Brice Wood:** I don't know if it does or not. It's the invisible wall, that's true.

**Councilmember Bachrach:** Can we safely assume it's there or the building would have fallen down.

**Brice Wood:** I would assume there's something there, but I don't know what it is. I don't know if it's a stem wall, a complete wall, how it's finished, how it's engineered, I know none of it. Engineering doesn't come up until later.

**Margie Hardie:** I was at that meeting and Mike Parry said, "So what if there were a few mistakes in there, so what." Well, not so what, you've got to have it correct. And he voted in favor of a packet from what I understand, that had a lot of mistakes. And Councilmember Bachrach brought up the bathroom.

**Mayor Vander Horst:** And that's a P & Z issue.

**Margie Hardie:** It may be a P & Z issue, but I'm getting to a point to do with this. Every time that packet has been presented to either a Board or Council it has changed, four times. Now, how do you make an appeal.

**Kelley Foy:** What?

**Margie Hardie:** Let me finish, that packet that you have has been altered, okay, it has four new pieces of paper, it has new information, all of which could have been handed over to DRB and that's the way it was supposed to occur. Any changes, you're allowed to come back to the Board with a new plan or a completed corrected plan. That's all she needed to do, and that's in the zoning ordinance.

**Mayor Vander Horst:** Okay.

**Brice Wood:** I am one of the founders of the Jerome Artist's Co-Op and we have a meeting in a couple of minutes.

**Mayor Vander Horst:** Well, I was getting ready to call the motion. There's a motion on the floor that is not to hear the appeal, is that correct?

**Councilmember Currier:** Recommend it be sent back to DRB.

**Mayor Vander Horst:** To not hear the appeal and to send it back to DRB. I wanted to make sure I had it right. So, I'll call the vote.

The **motion failed with 2 ayes and 3 nays.** The nays were Mayor Vander Horst, Vice Mayor Kinsella and Councilmember Bachrach.

**Councilmember Bachrach:** I don't know. I was trying to work a compromise and negotiate, and it hit the wall.

**Mayor Vander Horst:** Hang on, let's let the Council talk about this. We had a motion to not hear the appeal and send it back to DRB and that failed.

**Vice Mayor Kinsella:** We've actually heard the appeal, that's the reason I voted no. It's because we've already heard the appeal.

**Councilmember Currier:** We have no idea if these documents are correct. Has anybody measured this stuff? Has anyone on the board measured them? When Mr. Wood measured the drawings, they weren't correct. The risers were 14" high, things like that. Have we looked at these to make sure they're correct? Has anyone on the board looked at them? Has our staff looked at them?

**Mayor Vander Horst:** I have.

**Councilmember Currier:** And you feel that they are correct?

**Mayor Vander Horst:** I looked at the ones that are presented today, yes.

**Councilmember Currier:** Okay, and you feel they're correct. That answers my question, thank you.

**Councilmember Bachrach:** The point of this packet is not to tell you what the rise on the stair is, but to tell you where they are at. It's conceptual and preliminary, and she has to

build to code, that's what our inspector is for. She has to present plans that are to code before any construction begins. The backhoes are not showing up tomorrow.

**Councilmember Currier:** Wait a minute, can't she begin construction once we approve?

**Mayor Vander Horst:** This is preliminary.

**Vice Mayor Kinsella:** Not even close.

**Councilmember Currier:** What's the next step?

**Vice Mayor Kinsella:** What's the next step? There's like...

**Unidentified Multiple Speakers:** (Words were unintelligible.)

**Vice Mayor Kinsella:** Then you go to the building inspector and he nitpicks everything.

**Margie Hardie:** Sir, you've already shut down P & Z at a previous meeting, right? You said that.

**Mayor Vander Horst:** That was preliminary.

**Margie Hardie:** Okay, I get that, so how do we then vote against you at the final? If that were the case, there will be a final review. You passed the preliminary packet how does P & Z now vote to contradict your vote if it's found to be wrong? How do we contradict you, how does he contradict you at the next DRB review? What happens, it doesn't make any sense. Because it is preliminary you've approved this packet, this inconsistent packet. So now what does he go by, since you've said that's fine? And you say it's not this and that and the other thing. You say, we're not worried about this, how big this is or all that. Well, I'm worried about it if P & Z exists. How do we deal with it if you've already approved a mistaken packet? So, how does the next board or commission deal with it and not contradict you? I've been thinking about this since you overrode P & Z.

**Councilmember Bachrach:** At that point, we'd have a completed set of plans.

**Margie Hardie:** We will have the same thing you approved. And then what, we're going to try and override it?

**Mayor Vander Horst:** If you had the same thing in front of us now, I would not approve it for a final.

**Margie Hardie:** But you just did.

**Mayor Vander Horst:** No, I didn't, it's preliminary and nothing's been approved.

**Margie Hardie:** But you just approved it. You just said it doesn't matter about the mistakes.

**Mayor Vander Horst:** We didn't approve it, we haven't had a vote.

**Margie Hardie:** I'm confused. What would you recommend the Boards do from this point forward after these two appeal meetings? You overrode the boards' decisions.

**Mayor Vander Horst:** No, we have not overridden any DRB decision.

**Margie Hardie:** I wonder what will be next.

**Mayor Vander Horst:** There needs to be a final review by P & Z once everything is done. This is preliminary, not final.

**Margie Hardie:** So, in the final we will see a totally different packet.

**Mayor Vander Horst:** I would expect to see a packet that's corrected.

**Vice Mayor Kinsella:** And a packet that's been looked at by the building inspector.

**Margie Hardie:** Then what did you approve?

**Vice Mayor Kinsella:** See this building and stairs and windows? That's preliminary.

**Margie Hardie:** We put down numbers, we have numbers to follow. Setback and height, the things you say at this point don't matter.

**Vice Mayor Kinsella:** I didn't say that.

**Margie Hardie:** That packet is all we've had to work with and you approved it. You overrode our decision.

**Mayor Vander Horst:** Just preliminary.

**Councilmember Currier:** Let me clarify what the Council thinks. You feel that Ms. Foy will now go out and get somebody to draw, draft a final work plan and present it to the building inspector and he will look at it and make sure it is workable and then go back to Planning and Zoning.

**Vice Mayor Kinsella:** Anytime I've done anything in front of the boards, preliminary, you redo, based on feedback and before it goes back to Design Review and Planning and Zoning again, then you get the nice discussion with the building inspector.

	<p>(Vice Mayor Kinsella gave examples of what the building inspector might say. He talked about redecline and starting over again.)          She can't even get her foot in the door here.  <b>Councilmember Currier:</b> Ms. Foy, do you understand that to be the process?  <b>Kelley Foy:</b> I think that the problem that we're having is that the Planning and Zoning Administrator, staff didn't understand the process. I've read the process is a preliminary plan that gets approved and then as you do we decide what's right and wrong. I understood that from the start, I don't understand why it's taken four months and six meetings, this is ridiculous. This is clearly a different issue.  <b>Councilmember Currier:</b> So, you're saying you are now prepared to go out and get final drawings and present them?  <b>Kelley Foy:</b> I'm not trusting that's a smart investment at this point.  <b>Councilmember Currier:</b> Thank you.  <b>Kelley Foy:</b> Are you going to say yes or no?  <b>Councilmember Currier:</b> Okay, thank you. Ms. Gallagher, do you feel that that's the way the system works? (Ms. Gallagher nods to indicate "yes.") Okay.  <b>Carol Yacht:</b> Mayor Vander Horst and Vice Mayor Kinsella, I have a question for both of you. Would it be appropriate at this point to have a motion that emphasizes the final, that this is preliminary? Could a motion be made that would say the next step is the final and explain what the next step is for all of us? There should be something about going for the final.  <b>Mayor Vander Horst:</b> It would be the final approval.  <b>Vice Mayor Kinsella:</b> Ms. Foy, you understand how the process works correct?  <b>Kelley Foy:</b> Yes.  <b>Vice Mayor Kinsella:</b> And you're willing to follow that process just like everybody else, it's just been a little frustrating?  <b>Kelley Foy:</b> Yes.  <b>Motion:</b> Vice Mayor Kinsella made a <b>motion that we make an approval of the preliminary drawing based on the fact that the petitioner will abide by the rules of building a structure. She will have to get final approval from Design Review, Planning and Zoning and the building inspector and everyone else and go through the checklist, prior to construction.</b> Councilmember Bachrach seconded. <b>The motion passed with 4 ayes and 1 nay from Councilmember Barber.</b>  <b>Councilmember Barber:</b> I also have a motion, three hours is long enough.  <b>Motion:</b> Councilmember Barber made a <b>motion to adjourn and reconvene the budget meeting at a later date.</b>  <b>Councilmember Bachrach:</b> Can we do a special meeting next week?  <b>Councilmember Barber:</b> We've been in here three hours already, it's more than enough. Call the question. Please.  <p style="text-align: center;">The <b>motion was seconded by Councilmember Currier.</b> The <b>motion passed with 4 ayes and 1 nay</b> from Mayor Vander Horst.</p> </p>
<p><b>ITEM #3:</b> <b>3:02</b></p>	<p><b>DESIGN REVIEW BOARD AND PLANNING &amp; ZONING COMMISSION</b>          Council will discuss the current status of the Design Review Board and the Planning &amp; Zoning Commission, neither of which now has enough members to constitute a quorum and may determine how to proceed regarding future applications to these boards. There has been one new applicant for the Planning &amp; Zoning Commission, Joe Lazaro.  <b>Mayor Vander Horst:</b> We're going to discuss Design Review Board, Planning and Zoning Commission. Currently, we only have two members on each board. We do not have a quorum and it is the responsibility of the Council to make sure that we are responsive to the needs to the citizens of this town. Without at least three people on the board, we can't do that. The first thing I would like to do is to discuss that we do have an application. So, I would like that to come up first before we move any further. Depending on how that comes out, we may not need to go any further for the time being.  <b>Councilmember Currier:</b> I would like to hear from Mr. Lazaro, he's the one that applied for the job and tell us why he is applying.  <b>Joe Lazaro:</b> (Approached the dais.) I am Joe Lazaro, I've lived here a long time. I've been on the council once and I am familiar with the bureaucracy and state regulations and</p>

certainly the building codes. I am a builder myself and restored my own house in Jerome and have worked on many others. What I see as far as the preservation aspects of the Town, there are areas that the Town might literally have to take charge and make it a priority to save some of the buildings as opposed to allowing neglect. Rather than get into any little specific areas that I've looked at, I've made a pledge to myself that I won't bring anything up unless someone brings it to me first. That is the hardest thing in the world for me to do. Any consideration you want to give me as far as telling me where the problems are, I'm willing to listen. The last thing I want to do is tell you all what I think.

**Councilmember Currier:** Joe, have you looked over the zoning ordinance?

**Joe Lazaro:** Yes, it really hasn't changed that much. It was adopted back in the 1980's.

**Councilmember Currier:** You say you're familiar with it?

**Joe Lazaro:** Oh, yeah. I was parking commissioner if you can believe that.

**Councilmember Barber:** Have you sat on this board before?

**Joe Lazaro:** No, not on P & Z.

**Councilmember Barber:** Which boards did you sit on before?

**Joe Lazaro:** I sat on the Town Council.

**Councilmember Barber:** Thank you for standing up, we need someone on this board for sure. It's really nice to know that you are old school Jerome, you're back and you're standing up for your Town. Hat's off to you, Joe.

**Councilmember Bachrach:** Joe, what years were you on Town Council?

**Joe Lazaro:** It isn't written in stone, but I think it was 1985 or 1986<sup>1</sup>. I remember I had a young baby. One of the main issues I faced was a violation citation on the sewer treatment plant. We were always in violation because the regulations constantly changed. Biological oxygen demand, nutrient waivers, these were things Towns would have to get. It led to getting the wetlands and we were working with Phelps and then Verde Exploration and we worked something out and we got a grant to do it. Those were some of the things we had to work out.

**Councilmember Currier:** Do you want a motion?

**Councilmember Barber:** Should we see if the public has any questions, I saw a hand up.

**Mayor Vander Horst:** Well the hand went down.

**Councilmember Barber:** Does the hand have a question?

**Mayor Vander Horst:** Would someone like to make a motion?

**Motion:** Councilmember Currier made a **motion to appoint Joe Lazaro to the Planning and Zoning Commission and Councilmember Barber seconded.**

**Mayor Vander Horst:** Any more discussion. All those in favor say aye all those oppose say nay.

**The motion failed with 2 ayes and 3 nays from Mayor Vander Horst, Vice Mayor Kinsella and Councilmember Bachrach.**

**Mayor Vander Horst:** The next part of item 3 is to discuss the current status of the Design Review Board and the P & Z Commission and how to proceed.

**Councilmember Currier:** No comment.

**Councilmember Barber:** I have something to say. Our town needs volunteers, I've heard one of our people have stepped off of the board because someone told them they were fired. I told them that they had to have the majority of the council fire them. They got their feelings hurt and they walked out. Someone that is not a perfect man but when I read the minutes, there are certain old school Jerome people here that have our best interests at heart. SHPO stood here and said that we are the most, the best example of old history in Town. So, when we the Council, when Planning and Zoning on May 2<sup>nd</sup> says no you can't do this garage and then we tell Ms. Foy, I'm sorry you can. And the Design Review Board on May 9<sup>th</sup> <sup>2</sup> says that they can't. We won't even accept an old school Jerome person to sit on our board, we don't have quorums on our boards. What's going on, we can't fight amongst each other anymore, we need to get along. There's 444 people that live here, there's not going to be any more volunteers if we keep saying bad things to each other. So, for us to run over what our boards already say, is us saying that they don't mean

<sup>1</sup> Per a chart maintained by the Deputy Clerk, Mr. Lozano sat on Council from 1990 to 1992.

<sup>2</sup> The correct date is May 14.

anything to us. In our Town code, the Jerome Zoning Ordinance, it says, "Questions of aesthetics or design standards are not appealable to the Mayor and the Council but may be presented to a Court of Record within 30 days of the decision." So again, if we put out the word that all you have to do is come to the Council and the majority will say yes, then why do we even have boards. And when someone that has lived in Jerome as long as they have, that cares about Jerome regardless of if we like him or not is going to stand up for our Town. Why would we say no? I am a little disappointed, gentlemen.

**Mayor Vander Horst:** Okay, any other comments?

**Vice Mayor Kinsella:** I'll speak for myself and nobody else here. The Boards are extensions of us, okay? I'll speak for me, and again, so it's on the record, I'm not speaking for anybody here. I'm not comfortable with our Boards right now and the dynamics of our Boards. I read the minutes, the minutes are frightening. Thank you.

**Councilmember Bachrach:** I agree entirely that P & Z and DRB are important, critical and I feel like the five-member board of skilled and objective people has been nearly impossible to achieve. The law has changed significantly in the past couple of years and there seems to be kind of a hope that that will go away or change and so. The scope of the DRB particularly has changed dramatically and I don't believe the DRB has the power it thinks it has or that it once had. I think at this point all we can do with applicants is try to influence the decision of the design, by asking nicely or cajoling or pleading. We do not have that power to where you can say "I don't like this design." It's not going to happen, that doesn't exist any longer.

**Councilmember Barber:** So, our historical aspect of our Town goes away because we just let people build whatever they want?

**Councilmember Bachrach:** Of course not. You were here when SHPO said, if someone wants to build a space ship in your town, you have no legal recourse.

**Councilmember Currier:** My feeling is this, we need the boards because we don't have the time and the energy to put into running these two departments, Planning and Zoning and Design Review. We can barely get enough meetings for our own business through the month and to add at least two more meetings once a month is probably beyond our tolerance. And furthermore, we're not sure who the incoming council will be yet, nor do we know what they're going to be like. So, to assume that they're ready to put in a couple of meetings a month is naïve. Secondly, the idea that we don't have enough members on the board is disturbing, and it's my opinion that we haven't tried hard enough. I don't think Kyle understood the necessity of having these boards. At any rate, I don't think that department pushed hard enough and beat the bushes hard enough to get people on these boards. And moreover, I'm disappointed that the Council has rejected the last two applicants, both of them, who had some qualities. The idea that their personalities were not appropriate is a tricky one and I'm not convinced that was okay. The third thing I want to bring up is the appeal we're facing tonight. The Design Review Board did not say they didn't like the design, they said "your presentation is not accurate. You're not giving us enough detail to show what is really going to happen. It is not that we don't like your concept, it is that you don't have the correct dimensions, you don't have the correct drawings and you don't have correct details." At least that is what I've come to understand. To say they're trying to control the development, it's only in the sense that they're trying to have decent presentations as a board. When Ms. Foy says that she doesn't like [?], comes to us for an appeal, when her application was turned down for a lack of detail. And so, she comes from Mommy to Daddy and says "Mommy won't let me do this." We're getting played. Those are my three thoughts.

**Mayor Vander Horst:** I would like to address a couple of them. One is, it doesn't require two additional meetings per month, it does not require two additional meetings per month, it can be done at the normal Council meeting. Secondly, if the application had insufficient detail, it should have been tabled, not denied. It was denied, it wasn't tabled.

**Councilmember Currier:** It was tabled for a lack of sufficient votes.

**Mayor Vander Horst:** It was denied.

**Councilmember Currier:** It was not voted down.

**Mayor Vander Horst:** It was voted down.

**Margie Hardie, a Jerome resident:** Are you talking about the appeal or the application for Joe?

**Councilmember Currier:** We're talking about Design Review.

**Mayor Vander Horst:** We'll hear from the audience in a while.

**Councilmember Currier:** There was not a negative motion, there was a positive motion.

**Mayor Vander Horst:** Which failed. So, it was not tabled, it was denied.

**Councilmember Currier:** But whose fault was that, that was not the boards fault, that was the fault of the applicant who didn't provide the correct detail.

**Mayor Vander Horst:** Right, so it should have been tabled. But because it was denied, she had the right to appeal.

**Councilmember Bachrach:** So, to clarify, had they tabled it, she would have had time to go back to DRB.

**Councilmember Currier:** We do not have minutes here, we have a summary.

**Councilmember Bachrach:** Was there a motion to table it?

**Councilmember Currier:** What the record shows, Chairman Wood had asked for an accurate application and a drawing done to scale and he said he could not approve it as it was presented. Motion was to approve by Mr. Parry. There was no motion to table, so the motion failed. But that doesn't mean they can't go back to DRB, does it?

**Mayor Vander Horst:** No, it doesn't mean that, but it also gives her the right to appeal, which she did.

**Councilmember Currier:** There are things that she can appeal and probably she could appeal to have us send it back to Design Review. Yes, we could do that, for us to override the board and say it is approved is a different story.

**Mayor Vander Horst:** But that's agenda item #2, we're on #3 right now. (JONI: He asked if any of the Council members had anything to contribute, no one responded.) We will hear from the audience now and we're talking about the P & Z and the DRB and the future of those two boards. We are not talking about anything else.

**Michael Harvey, a Jerome resident:** Yes sir, I would like to volunteer for the DRB. (JONI: He did not approach the dais and I could not understand what he was saying. If memory serves me correctly, I believe he said he would apply for the Zoning Administrator job.)

**Mayor Vander Horst:** I appreciate that, but that's not on the agenda.

**Councilmember Barber:** If you fill out an application I think it would be on the next regular scheduled meeting.

**Mayor Vander Horst:** If you're going to speak, please come forward.

**Margie Hardie:** (Unintelligible words), point of order.

**Mayor Vander Horst:** Margie, please come forward.

**Margie Hardie:** With the Boards and commissions ... I thought that when a motion fails, and you vote no against it, doesn't the person voting no have to express the reason why? I thought that was part of the law.

**Mayor Vander Horst:** No, I don't believe so.

**Margie Hardie:** It isn't, I think it might be in the code, but I might be wrong.

**Councilmember Currier:** No, it's not.

**Margie Hardie:** It's not required, so we'll never know why you chose to not vote yes for Joe Lazaro. We'll never know, which means we'll never know when anybody comes up here, which personal agenda and or feelings, not facts.

**Councilmember Bachrach:** I resent that.

**Margie Hardie:** Feelings or facts.

**Vice Mayor Kinsella:** Careful Margie.

**Margie Hardie:** You know I apologize those words came out.

**Councilmember Bachrach:** I did not come to this office with a personal agenda.

**Margie Hardie:** I meant to say that it would be very helpful to know why the three of you voted against Joe. As a means to initiate boards and commissions in the future, what you're looking for. And the agenda was the incorrect word, It's a matter of knowledge. If there are three people on a five-member board who find somebody unacceptable it would be good to know why. So that future applicants will know what you're looking for. My other statement, as Lew pointed out, there has never been much of an exertion to find volunteers for the boards and commissions. Cottonwood has a seven-member board, two months ago they went down two four people. They went on FB and their Website, they put flyers up in every public building, they went to the Verde Independent and put in a free ad, which I have by the way gone to Kyle numerous times to do this, to get members,

volunteers. So, after two months they've got additional volunteers. I have put so much work into this and it is a big job, as is this, to do it right. I'm assuming before you came here today you had time to read the zoning ordinance regarding agenda item 2, because it's just smoke. Either we follow the law, or we don't follow the law. It's not arbitrary in P & Z, we've got numbers and letters. And the fact is DRB serves a purpose as well and I'm really sorry to hear you say you are so offended by the minutes or what we've said at the meetings. Never heard this before. I wish we had been told this in the past, that we were so offensive. I work so hard.

**Vice Mayor Kinsella:** Appreciate it.

**Councilmember Barber:** I would like to go on the record saying that I appreciate Margie Hardie, Brice Wood and everyone on our boards.

**Mayor Vander Horst:** This is not the time, it's public comment.

**Councilmember Barber:** I think the minutes are very thorough.

**Vice Mayor Kinsella:** They are.

**Mayor Vander Horst:** Are you okay? (referring to Jane Moore limping to the dais.)

**Jane Moore, a Jerome resident:** I have knee problems. I've been wondering how many of our board members read and refer to the zoning ordinance. We do have a zoning ordinance that tells how things should be done and the requirements of the board. And to me that's the most important thing, is when someone comes with an application, you find the areas of the zoning ordinance that are applicable, and you refer to those when choosing to deny or approve. I just can't believe that some people sit on the board and refer to private property rights, how does that refer to the zoning ordinance. We have a legal document and you can find something appropriate to every application in there. There have been things that have been approved that have not been okay with the zoning ordinance. We need a ZA that catches these things, that's part of the problem. Having a ZA that knows where to refer for this specific application. The Plans are supposed to be appropriate and I think it's perfectly fine for somebody sitting on the board to say these plans are not complete. Maybe come back, or I can't approve this because the plans are not complete. To say that the Council has the time to do the things that the boards do, I think you're just kidding yourselves to think you have the time to do that. If someone is an applicant for the board and will read and abide by the zoning ordinance, then you accept that person and if they don't follow the zoning ordinance then you tell that person. If they vote yes or no, they need to refer to the zoning ordinance and say why. I've seen so many things that did not have the proper plans, that the figures were wrong, that things that were done and were not looked at, and be approved. I think the reason that our Town is as well liked as it is because the boards have done a really good job over the years trying to do what the zoning ordinance requires. Maybe, Design Review, because the Secretary of The Interior Guidelines has changed, but there certainly is a map for approval. I think that is pretty ... the person has the right to build whatever they want to build? No. There are guidelines, there are setbacks, there are all sorts of ... there are height requirements and so far, the state has not said our Zoning Ordinance is illegal. So far it is a legal document. It behooves the town to have people sit on the boards that can read the ordinance and refer to the ordinance and try to continue to do what we've done to keep the town safe, fair, appropriate. Please don't get rid of the boards.

**Katie Fowler, a Jerome resident:** I am neighbors with Margie and Kelley. We have guidelines for a reason and as a family who has abided by them, regardless what we've done on the property. There were times when we were building I talked to my neighbor Peggy and I did not want to disrupt her view, but my parents are elderly, and they needed to have access to their house from Center Street. We had to block her view slightly. I think that the guidelines expressed have not been challenged by the state. We have parking issues. When my mother chose to build her studio, she has six parcels of land. They put the original house on three. They put a studio on the second group and she, according to her contractor, should have lied to the Town and said it was a garage, but she did not, she said it was a studio. So, we created more parking for that structure. So, if an additional structure ... like I said, I love my neighbors. But we have to be realistic about what we're creating. Where we live is a residential area and we have taken this, those of us who care about our neighbors. I have one neighbor, Rebekah Kennedy, who does not even want us to have a garage sale. She does not want people from outside coming into that area. Right now, parking is saying if you're not a resident you don't belong in that area. We need to take these things into consideration, whether or not you have, this does not make for a commercial property. If you're going to have commercial property, it has to be zoned and



insured that way. All of the structures on my property are a one-family house residential, that's what we've been. Everything we've put into place to allow, we've taken into consideration of how you build for a residential property and that is what belongs in that neighborhood. We have children, we have pets, it is not Main Street. If you're going to change what is on your property, I don't have a problem that the boards say that it is inappropriate. Those boards are in place for a reason and it keeps the integrity of our neighborhoods. We have a state highway that runs through our town, but if we live off the state highway, we have the right to have it residential.

**Rusty Blair, Fire Chief:** Our boards are very important to us because the purpose of the Zoning Ordinance reads: "The purposes of this ordinance are to secure safety from fire, panic, and other dangers." So these boards are important. Ideally you have a 5-foot setback. In theory, when somebody builds a deck, it is five foot two, I need those setbacks there.

**Brice Wood, a Jerome resident:** I would like to read a letter regarding the last meeting.

**Mayor Vander Horst:** That would be related to Item #2, isn't it?

**Councilmember Currier:** The opening of the Zoning Ordinance says to create a Planning and Zoning Commission. The first thing we're going to have to do, if you're interested in retiring the boards, is to re-write the zoning ordinance. Do you have any concept of how long that would take?

**Mayor Vander Horst:** Well right now we're on public comment.

**Suzu Mound, a Jerome resident:** I think it's vitally important to maintain a DRB and P & Z and a Council as three separate entities. It's always good to have checks and balances and separate entities. It has worked in this Town for 50 years and it is really important. I think it is really important to the constituency that we have separate boards. I don't know too many people that would wholeheartedly support having Council handing DRB and Planning and Zoning, because there is a lot in here. It's just better for everyone to have their area of expertise. And when we have citizenry that are willing to volunteer for what is pretty much a thankless job, and volunteer for these boards, we should appreciate their willingness and accept it and not have personal bias. It was kind of disappointing that neither of you guys asked any questions of an applicant who is willing to dedicate his time and be of service to this town and he was just ignored. That was just strange. I would like to see more postings for these, I just looked on the Town Facebook page and it talked about Council and then it said, "Oh, we need people to fill these boards." We need to be more active in this. We need to let people know. We need to say, "Hey community, we have a problem. We need input. We need to fill these boards." We knew this would be a problem when more and more homes became vacation rentals and residents got displaced. That we'd be lowering our resident count and therefore lowering the amount of people that we have for volunteers. When we do have able-minded people that are willing to volunteer we should embrace it, be thankful and approve them.

**Mayor Vander Horst:** Sorry there is only one comment per person on every agenda item.

**Councilmember Bachrach:** I want to make it clear to everyone present, that I absolutely support active, capable, skilled conscientious boards and board members. It is imperative that we have people who know a lot about the committee they are on. We also require impartiality, fairness, a sense of the law and objectivity. When you get down to three people, your decision-making process tends to become myopic. I absolutely agree we need five-member panels who show up and have the skills and attributes I mentioned. I'm speaking for myself, but I think everyone on this Council would probably agree with this. We do need these boards, it is a matter of boards functioning properly, fairly and consistently. That's going to be a tough one to achieve, but I want everyone to know, my plan is not to eliminate the boards.

**Councilmember Barber:** And will also do it for free and then have other people talk smack to them about the job they do. So, I am disappointed, Councilmember Bachrach, that you didn't even ask Joe a question and you voted no. How do you know he's not bad if you didn't ask him any questions?

**Councilmember Bachrach:** I did ask him a question.

**Councilmember Barber:** Sorry, Councilmember Bachrach, I retract that.

**Katie Fowler:** Why is it the assumption that the boards are not fair, that they are personally, it seems like this is what is being looked at today. I have absolutely seen nothing, but don't the boards always follow the rules, it doesn't seem difficult. So why is it the boards are being

looked at as if they're not enforcing the rules? That was actually a question, is there an answer?

**Vice Mayor Kinsella:** Again, I'll speak for myself, and I won't speak for anybody else up here. I've been doing this job for a long time, and I've seen where Zoning Administrators have come and gone. I've seen where board members have come and gone. And I've seen kind of a flow. The first thing I need to say is it's not necessarily the vacation rentals that have taken the people out of the scenario. What it is is this, there are people that want to serve on the boards, but they say they don't because of this person or that person that is already on the board. My thing has always been, why don't we all try to get along? It doesn't work. My view is this, the boards are an extension of me being one-fifth, because ultimately all five of us here are responsible for the Town of Jerome. When it comes to lawsuits, where does it land? On this desk. And I've seen throughout the years, the paychecks that have been signed for arbitrary and capricious rulings, things like that. The Boards have made decisions, and I agree with Jane Moore, some of the decisions that have been made on some of the boards to where I sit there and scratch my head. Personal beliefs should not be in the scenario in regard to making a decision. If it is in the four corners of the document and it says it is allowed, then it is allowed. Nothing personal should have any bearing in a decision in any way shape or form, and I see that, and I am not comfortable with that. And that's why I made the decision that I made and why I am speaking the way that I'm speaking now.

**Councilmember Currier:** I'd like to respond to that. Jay, you tell the story about being called down to the Attorney General because you were micro-managing, as I recall.

**Vice Mayor Kinsella:** No, I got called down to the Attorney General's office because there were illegal Council meetings happening here in an establishment in Jerome by four Council members.

**Councilmember Currier:** I stand corrected. But there is this problem of micro-managing. We are not allowed to micro-manage the manager, we are not allowed to manage the chief of police and we're not allowed to micro-manage the Fire Chief, I don't think. But we seem to feel we are allowed to micro-manage the boards of P & Z and DRB. It seems to me there are rules in the ordinance that says if someone is not appropriate we can remove them. We can remove people from the boards. We have to show cause, but we can remove them... but I've never seen anybody removed. So, where is the problem? If we can but haven't, maybe the problem lies with the Council. To second guess their decisions, we think it was allowed, but the board says no, that's called micro-managing. If we don't like the individuals on the board, we should remove them, but to get rid of the boards and say you're all jerks and let's get rid of it, we'll take it over, I think that's stepping beyond the rules of the game. We go by the rules, and they say we can remove them, we have to justify it and we have to take the heat. I can see removing people that we have cause for it.

**Vice Mayor Kinsella:** Let me clarify something here. I don't want, I believe in checks and balances with government, totally. The thing is, I don't want the boards to disappear but the dynamics on the boards, in my opinion, aren't there. They are important boards, I'm sitting here teetering back and forth saying should we leave them the way they are. We need more members and three people ... politics is one person who has a personal interest in a vote, and that's it.

**Councilmember Currier:** On the other hand, if all of these people are as weak as you indicate, that one person might save people's tails, because they know what they're doing, and the others don't.

**Vice Mayor Kinsella:** I agree.

**Councilmember Barber:** And now, without a Zoning Administrator, we don't have enough people on the boards, we're not giving the people that are on the boards any faith. We need to do something because it is all falling apart. Sometimes we just have to get along with people for the sake of the Town, because what is more important here, people, our feelings or this Town that we care about?

**Vice Mayor Kinsella:** I have been advocating for decades that we all need to get along. The world would be a pretty boring place if we all had the same personalities and Jerome has the most unique personalities. And to try to get along with each other, it's really sad when you sit there, and you know that two people are neighbors and they don't talk to each other throughout the year and the only time they talk to each other is when they break bread at Christmas time at Spook Hall. That's sad.

**Councilmember Barber:** At least Spook Hall is there to break the bread, once a year. Thank you, Jerome.

**Councilmember Currier:** A question I can't get past, if we just let the boards dissolve and say okay, are you arguing that we're going to take over this role, the role of the boards, that we're going to start hearings? What's the next step Mr. Mayor?

**Mayor Vander Horst:** That would be an option.

**Councilmember Currier:** You think that's an option?

**Mayor Vander Horst:** I know it's an option.

**Katie Fowler:** Is that legal, does our historical status allow that?

**Michael Harvey:** I was a carpenter for 34 years. When they handed me a set of plans, I had to reply to what was on them. There was no variance, no arguing, no personality. When the inspector came, if I had not met those requirements, I was presented with what needed to be corrected. There was no argument, it was just a requirement. It is my understanding that P & Z has set guidelines that have been written for a very long time. What rule applies, how is this enforced... when the setback is three feet too far out, this is what you must comply with. How is that enforced? That's my question. How would you enforce Design Review? When this guy walks in and wants to use lapboard siding, but it's pink and it doesn't match a single thing in Town... it's the wrong size and shape ... how is that enforced? You go back to the rules you have that were set up by many people. There are seven kinds of building in this town, it is a historical landmark. There are set rules for that as well. How do we enforce those as a board member or as a planning and zoning administrator? When I walk up and say, "That window doesn't pass the requirements set by the state law, this is what you must do to comply," how is that enforced? That would be my question.

**Mayor Vander Horst:** Margie, I think you're next.

**Margie Hardie:** I apologize for getting emotional. One comment, I get what you're saying about the three-person decision, it's like people think two against one, we win, but that's not how it is on boards. It's not how it works in Cottonwood. (JONI: Ms. Hardie explained in detail how the seven-member board in Cottonwood worked - 52:21 on the recording). Jay, I don't quite understand ... when you mentioned interests, interests of people on boards. I for one have made it a point in my career on the board, I feel like it's been a career almost, to make sure that I use every bit of objective knowledge available of the zoning ordinance and when I deny something I quote the ordinance that I'm referring to. I don't say, I don't like that, I don't like her. There's only one way to do that, it isn't a subjective thing, it is objective. And too, I guess I'm defending the fact that a lot of effort and integrity is needed to be on the Board and do it the right way. Whether you know something or not, you know art. (Unintelligible words then laughter.) Everybody has to do something for the first time in this Town. And a lot of people do it multiple times because they're civic minded. To say that we don't have the people out there, because that's what I'm hearing, that you feel that out there in this whole community there are not appropriate people to be, to provide five for one and five for the other. Where the Board of Adjustments stands on this I haven't heard, it's not an issue. Because that's another thing that's gone on. The Zoning Administrator has had many opportunities to read the Zoning Ordinance and enforce it. At that point, when they decide maybe something isn't appropriate, instead of bringing it to P&Z they can shut it down and then it goes to the Board of Adjustment. If you notice the Board of Adjustment has never, ever been enacted. That's a peculiar situation, you know. Every time the Council, or whoever, says this is an exception, or something is wrong, well yeah, and we have a zoning administrator who can read the book and forward it to the Board of Adjustments. Instead of, P & Z may have to say no. Now when I have to say no I quote the ordinance and then, I try my best, and if you want to look at my record, you'll find that I said yes, an awful lot. I make every effort to say yes. This is somebody's land or somebody's job maybe, whatever. So, I make sure there's a balance there. If somebody says no all of the time, either there is something wrong with the ordinance or perhaps there is something wrong with the person. The person is not quite clear on what they're doing. And if you find that there's not enough people in this Town that meet your standards, then cut up the Boards. And then what happens when the next council comes along, and I voted for some of you to be my Town Council, not to be my Board of Adjustment, or my DRB or my P & Z. I think you guys have enough jobs without that. I just wish that, even if you're upset and you find that the things that have been going on are substandard, it's too bad to wait until the bitter end to say you're not doing a good job. When I was a boss, or an employee, I liked to get a warning. There's something wrong with this board, let's all

meet, let's talk, let's see what's the problem and then admit to each other, honestly, openly. I just feel like we're doing the Town a disfavor if we don't have objective volunteers who want to help this Town. Just like you do, you're not getting paid, I never got paid. I can get sued just like you, Jay, just like you. I don't know if there's a bond behind me backing me up or not, but if somebody doesn't like what I decided, they can sue me on the board. So, I have jeopardy as well, and I don't care. I do care, thank you so much.

**Katie Fowler:** As a point of clarification, as a Council you're saying that you actually **(words were unintelligible)** believe that our boards are simply subjective, and they are not actually taking the ordinances, what we decided in this Town, and enforcing them. So that all of us who followed the rules and have built over the last 30 years, windows, that all of that is simply subjective and we shouldn't have followed it the first time. Do you actually think people who volunteer, who are on our boards, really were so subjective that they were just willy-nilly trying to put something into place that didn't actually matter, that wasn't really what we chose as a Town? Because that seems really insulting.

**Councilmember Bachrach:** Of course not, and that's not what we're saying.

**Katie Fowler:** That all the people who volunteer, and all the people who follow the rules, if people would abide by what these boards have said. Like, this has been a long standing, like, this isn't new, this isn't the last five years. This has been going on for years. So, you really think that the people who've been coming and going from the boards just have personal agendas and that's what this has all been about. In which case that really opens you up to liability because it's ridiculous, it's so unfair. So unfair to the people who actually put themselves out there to try and keep the integrity of this town. So many of my peers are afraid to put themselves on the boards and councils because you have to deal with this and that's ridiculous. And the fact that you're actually, some of you are actually supporting that, is so unfair.

**Mayor Vander Horst:** I personally find it insulting that you're putting words in our mouths for things that were never said.

**Councilmember Bachrach:** I agree.

**Vice Mayor Kinsella:** Thank you.

**Mayor Vander Horst:** Brice, I believe it's your turn.

**Brice Woods:** Just a remark, if the boards are down to two members, and by the way I did think that Mr. Parry was a problem because he was here so little, he missed half the year. So, his departure is probably a good thing. We have other volunteers that are willing to move in there. Obviously, we can't operate with two-member boards. You have another option in front of you. One of you could become a pro-tem member of the board and not have to dissolve the boards. It sounds to me like what you want is to dissolve the boards and to take over all of that power. All this power that we're paid so much for. I don't know that, but that's what it looks like. You just have another option I was just going to say that.

**Mayor Vander Horst:** And if we did that, the person, if anything was appealed to the Council, that person would have to recuse themselves. **(JONI: Someone unidentified spoke from the audience and said, "You would still have a quorum.")** Then it would be two to two.

**Chief Rusty Blair:** I commend all the volunteers in this town that take on these jobs without pay and not everybody is going to jump in and be efficient right off the bat. I found, as a Fire Chief running a volunteer agency, you never know when someone might step up and do a good job, you never know. **(JONI: He talked about this fictional volunteer at length.)** I really think we need to give our people a chance to step up and take it on. If we have a viable candidate that will do the job appropriately. We are a population of 444 people **(JONI: He talked about all the volunteers in Town.)** Probably 25% of the population steps up and helps our community out. That's incredible for that many people to step up and help, and I think we need to give everyone the opportunity to excel or try and see where they go.

**Carol Yacht, a Jerome resident:** **(JONI: She talked about her 40 years of teaching history.)** I would ask that you please consider, if someone wants to be on the board and they're, you know, dah, dah, dah, gossip this person or that person. The only way to learn to work together is to work together. I would guess, Frank, as an arbitrator and someone who has been in that type of work for so long, you would know that. It's very hard to come in without preconceived notions, about what you think someone is. I like to say about Jerome, there's only one form of communication in Jerome, gossip. So, I would ask that you

consider, if someone comes forward, that when they work with the people they thought they might not work with, that is how they will learn to get along.

**Suzy Mound:** I would like to point out - the shortage on boards right now, on P & Z and Design Review, I believe is just relatively new. My recollection, up until recently we had five-member boards so I'm not understanding why all of a sudden there is a lack. I just wanted to point out this hasn't been a long thing. It is important that we all get along.

**Mayor Vander Horst:** Candace, how long have we had openings on these two boards?

**Ms. Gallagher:** Months and months and months. I can't say how long because it's been so long that I've lost track.

**Mayor Vander Horst:** It seems like we've been advertising for a long time.

**Vice Mayor Kinsella:** What are our legal options here.

**Mayor Vander Horst:** Well, our legal options are, we don't have a quorum on the boards currently. One legal option, on a temporary basis, the Council could become the two boards, or we could not do anything other than wait for applications. We can advertise some more.

**Vice Mayor Kinsella:** With that being said, if we wait, that would put any petitioner to Planning and Zoning or Design Review on hold until we have a board. So, everything would come to a stop. Okay, next option.

**Mayor Vander Horst:** I don't know of any other options.

**Jane Moore:** I would be willing to get off the Board of Adjustment and get on Planning and Zoning.

**Councilmember Bachrach:** We don't doubt that for a moment.

**Jane Moore:** I would follow the ordinance. (Laughter)

**Councilmember Barber:** We could table any decision until our next regularly scheduled meeting and maybe be a little bit more open to our applicants when they come up to us. It's just an idea.

**Mayor Vander Horst:** The problem is that there are meetings scheduled between now and then.

**Councilmember Barber:** I thought they meet at the first of the month, when is the next meeting?

**Vice Mayor Kinsella:** Are there petitioners coming to the boards now for ...

**Councilmember Barber:** We just had one today that we denied.

**Vice Mayor Kinsella:** That's not what I'm talking about.

**Mayor Vander Horst:** No, we're talking about applications to the boards. There are at least three or four plus Kelley Foy.

**Charlotte Page:** There are some business signs and there will be applicants coming next month. Both of the boards met in May.

**Vice Mayor Kinsella:** Is that scheduled for next month?

**Mayor Vander Horst:** Yes, it would be in the next month.

**Margie Hardie:** Jane has offered to apply for the P & Z board.

**Councilmember Currier:** I doubt they would seat Jane on the P & Z or Design Review.

**Vice Mayor Kinsella:** Did I just hear you right?

**Councilmember Currier:** You heard me right, I doubt that you would seat her.

**Vice Mayor Kinsella:** So, you're now making decisions for me, the arrogance of you.

**Councilmember Currier:** Thank you, thank you.

Unidentified Person: You're getting along up there.

**Vice Mayor Kinsella:** I guess, I guess I don't like anybody putting words in my mouth.

**Councilmember Currier:** You have repeatedly said tonight that the boards are staffed by idiots.

**Mayor Vander Horst:** He never once mentioned that.

**Vice Mayor Kinsella:** Excuse me, are you going to bang a point of order here?

**Councilmember Barber:** Yes, please do.

**Vice Mayor Kinsella:** Because the thing is, I'm about to stand up and walk out of this nut house.

**Mayor Vander Horst:** Lew, no one has used that word except you. And that has not been insinuated at all.

**Councilmember Currier:** It has not?

**Mayor Vander Horst:** No.

**Councilmember Currier:** It has to me.

**Councilmember Barber:** I felt it a bit as well if you read between the lines. Not trying to add insult to injury, but let's just all get along and go forward with this. Can't we just have another special meeting next week before they apply, and we'll have everyone that wants to step up to our board come in, that sounds like a great idea to me.

**Margie Hardie:** If Council were able to have a special meeting and if you choose not to take over the boards and commissions ...

**Councilmember Barber:** We don't want the boards and commissions.

**Margie Hardie:** The opportunity to have a board and a commission you would then, by appointing these guys, be freeing yourselves up to do council business. One special meeting, that's all it would take, or not. A regular meeting.

**Councilmember Barber:** How about next Wednesday at 5:00 p.m.? Just a thought, just an option.

**The following conversation was not directed to the audience, but amongst the councilmembers themselves.**

**Mayor Vander Horst:** What do you think about another meeting? Are you okay?

**Vice Mayor Kinsella:** Right now, I'm at about 160 beats per minute. (words were unintelligible.)

**Mayor Vander Horst:** I'm glad you're not (words were unintelligible). Hunter, what would you like to do?

**Councilmember Bachrach:** I would like to have boards that would function.

**Councilmember Barber:** I would like that as well.

**Mayor Vander Horst:** I would too, no question.

**Councilmember Bachrach:** I don't think that the actual problems have been addressed or brought up, the elephant in the room is still in the room.

**Vice Mayor Kinsella:** You've been really nice.

**Mayor Vander Horst:** Which elephant do you want to talk about?

**Councilmember Bachrach:** The obvious one. (words were unintelligible)

**Unidentified audience member:** Is this a public hearing?

**Unidentified audience member:** We can't hear what you're saying.

**Ms. Gallagher approached the dais:** Don't do that.

**Councilmember Bachrach:** To imply that Jerome's history of P & Z and DRB has been nothing but stellar is ludicrous.

**Margie Hardie:** Is what?

**Mayor Vander Horst:** Ludicrous.

**Margie Hardie:** Ludicrous! Did you just say ludicrous?

**Councilmember Bachrach:** I am speaking, I am speaking. We were told, on the other side of the coin from the lady in the back who is insulting us and putting words in our mouth. Jerome has a history of blocking basically anything anyone has ever wanted to do. And a reputation in the Superior Court for being capricious and has lost law suits because of that. This has happened, so to imply that this just came about... This board, this town council, has been striving, for the past year or two years, to bring reliability, to bring integrity, to bring predictability to the boards. We're trying to bring common sense, we're trying to follow the law. We're following our ordinances and to be fair, that history is what has kept Jerome the way Jerome is. I've talked about this before, when Pink Jeeps came, the whole town showed up. Pink Jeeps has the legal right to be here and they knew immediately that they would not be welcomed here, and I'm pleased with that outcome, personally. I remembered talk of a condo project and the whole Town shows up, I appreciate all of that. DRB more than P & Z, I think P & Z has been fairly straightforward because they've got guidelines. The subjectivity comes in DRB, and if you say "I don't like that" or if you say "I don't like that design" or "that doesn't fit into the neighborhood," unless you're talking about a historic building, that's a contributing building, it doesn't matter what you think. And to shut someone down and say no isn't fair or legal.

**Councilmember Barber:** Okay are we considering a contributing building if you take the tax breaks and have your house listed on the historic registry? Because there are different

documents saying in 1997 someone came through and labeled houses as historic, but if you don't actually take the tax break...

**Vice Mayor Kinsella:** That's not true.

**Councilmember Barber:** ... then you're not on the historic registry. Because what I understand is all of the buildings in Town that aren't new are historic. So, then we have the State taking away all of our tools. They say private property, you can't do that, you can't mess with vacation rentals. We want people that are so highly schooled. How are we going to get that for free, especially if we can't be nice to each other? We had someone jump off this board seriously because someone told them he was fired when they couldn't do that. The whole council had to tell him he was fired.

**Mayor Vander Horst:** Point of order. No one was ever told they were fired.

**Councilmember Barber:** We had our Zoning Administrator jump ship as well. What's happening around our boards?

**Mayor Vander Horst:** No one was ever told they were fired.

**Vice Mayor Kinsella:** We need clarification please.

**Mayor Vander Horst:** Do you understand? No one was ever told they were fired.

**Councilmember Barber:** I do, but we need to also take Rusty's contribution, his thought into account of no one comes in perfect. The people around them teach them, mold them, how to do it. We have our zoning codes, we have our ordinances. If we had a zoning administrator, he could put the hammer down. If we had a zoning administrator that would stay with us for more than a year that would be nice. And I appreciate everyone that has been on our boards through all of this and still stuck their place when people backbite them and say that their decisions aren't good enough. There is law, it is here in front of us, it's called our Jerome Town Ordinance and zoning codes. We need people to interpret it better, we need people that are actually going to go to bat for our town and keep us from having that spaceship built because we don't want that.

**Mayor Vander Horst:** No, we don't.

**Vice Mayor Kinsella:** I'd just like to clarify when it comes to contributing and non-contributing. The structure is dated from 1953 backward. The old structures are recognized as contributing. It is up to the individual property owner to take advantage of that. There are some property owners that to this day don't really understand that they can get a document from the Historical Society and send it in with their taxes and they get a huge tax cut. So, the taxes have nothing to do with the contributing aspect, it's the property owner that so chooses to take the cut on it because it's a historic structure.

**Councilmember Barber:** So, we have property rights, we've lived here our whole life and then someone wants to buy the lot next door and they want to build a house there and isn't there a neighborhood meeting that has to go on as well? We need to give a little bit more.

**Mayor Vander Horst:** There is not a neighborhood meeting that needs to go on. There is nothing in the code that says it has to happen.

**Councilmember Barber:** We need to have a little bit more faith in our members that are on our boards and our volunteers that stand up for us. Because if we do not, no one is going want to do it anymore. That's what has already happened to this Town. No one wants to do it anymore because no one ever says thank you, they always just tell you what you're doing wrong.

**Jane Moore:** I would like to respond to Councilmember Bachrach's comment. I don't believe that there have been any Planning and Zoning or Design Review decisions that have been lost in court. Yes, they did cost the Town money and I can site three specifics one that we won. The couple that were lost had nothing to do with Planning and Zoning or Design Review. And they weren't really lost, they were re-negotiated.

**Councilmember Bachrach:** So, you're saying no mistakes have ever been made?

**Jane Moore:** No, I'm not saying that at all. But to say we've lost court cases because of bad decisions of the boards, no.

**Vice Mayor Kinsella:** If you have to pay attorney fees, you lost. If you pay somebody's attorney fees as a governmental identity, did we win or lose? We lost!

**Jane Moore:** Was that a Planning and Zoning decision?

**Vice Mayor Kinsella:** Design Review.

**Ms. Moore:** Which one?

**Vice Mayor Kinsella:** Tracy Weisel's glass blowing studio.

**Ms. Moore:** Okay, that is the one exception, you're correct.

**Vice Mayor Kinsella:** That's one.

**Ms. Moore:** Rumors abound that nobody gets approved, but most of the things do get approved as long as they have the proper plans for them and they meet the guidelines.

**Margie Hardie:** May I ask what you as a Council would do differently than we have? What would be better? So far, I've heard we're ludicrous. I haven't heard very much.

**Councilmember Bachrach:** I've heard that we were criminals.

**Margie Hardie:** May I finish sir! I said you called us ludicrous, sir, I don't know why because you don't expound on that, you just criticize the board. What I'd like to know - what would be better and or different should this Council, because next Council could change their minds, in fact you could change your minds and reinstate the boards. I don't really understand really what this would accomplish. I believe what Rusty said really makes sense and (words were unintelligible). If you feel that we're doing things, the boards are not doing things properly, get rid of whoever isn't doing it properly. If you have a problem with the board, this is the way, I guess for now or forever, whatever, who's the person to complain to? Not me, you don't complain to me. The Council isn't micro-managing me. This lady (points to Charlotte) tells me what I need to do and what I need to know as the zoning administrator. I don't understand how she'll work with the Council. We won't have an appeals court anymore, that'll be gone. You can't be in both places at once. I just feel like there are so many issues that are so contradictory to getting rid of the boards. Even if you feel that we have done a ludicrous job. I find that to be really offensive. I am offended by that. I feel like there are so many ways to deal with this issue that could be solved with our liaison with the Council, good employment, good working together. If the Council gets every right to criticize, that's what you're here for. If you feel that we're doing a bad job, through this lady (Charlotte Page), she'll say "okay commissioners, the Council has expressed concern regarding blah blah." Or, "the Council's going to get rid of you because you don't show up to the meetings." Not, because I come to every stinking meeting, my co-commissioner Mr. Schall has never missed a meeting and he's ludicrous? I don't know what you want out of the boards that you can provide, truly, that we can't. Through guidance, education, send us to the things that we used to go to. We used to go down to the Department of Commerce and get educated. The same with the Council. I just feel like we have a lot to offer. Ten people, or eight, or six that want to help this Town, and in fact we have two sitting right here. I just would hope you would very cautiously consider the responsibility you're taking on and what you're going to deprive the Town of, which would be an Appeal Board that won't be anymore. If you were to take this on.

**Mayor Vander Horst:** I haven't heard anyone up here say they want to abolish the boards. I haven't heard that and that's not how I feel.

**Councilmember Currier:** How do you see it, Mr. Mayor? What do you think is the correct course?

**Mayor Vander Horst:** The correct course is something hard to determine, isn't it? But one of the things this Council can do, on a temporary basis, is that we would have five people to make votes.

**Margie Hardie:** What if somebody gets turned down still, what happens then without an appeal?

**Mayor Vander Horst:** Over the last year we've had issues with getting quorums. We've had petitioners to the boards have to wait three and four months to get a quorum just to hear, just to hear what they want to petition the boards for. And now we're down to two on each board right now. (Repeated two more times.) As of right now.

**Councilmember Currier:** But we've rejected two in the last two months. I mean, you could have filled those boards.

**Mayor Vander Horst:** We could not have filled the boards.

**Councilmember Currier:** Well you could have certainly avoided a three-man quorum, to solve the problem at least temporarily.

**Mayor Vander Horst:** And no one has been fired from any board, that I'm aware of.

**Councilmember Currier:** I didn't say that.

**Carol Yacht:** Could I call a point of order and please go to the next item? Because actually, some people have another meeting. Could we please go to the next item, would that be okay? I'm sorry I'm calling a point of order.



**Mayor Vander Horst:** If that's the Council's choice we can, but that is not a requirement that we do that. And a lot of the discussion has not come from the Council, it has come from the members of the public that wanted to speak. So, a lot of time was taken up that way, which I think you want to happen as well.

**Carol Yacht:** You told Brice he could give his presentation.

**Brice Wood:** I have another meeting to get to - please.

**Mayor Vander Horst:** I understand. I find this to be a very important topic though.

**Suzy Mound:** It is an important topic, so what are your recommendations? The public is pretty much [words were unintelligible] out. So, I think it would behoove us to continue this on and have another special meeting next week, because we have an applicant for each board right now that would like to submit, and then we've got at least three people. And then all of us could work extra hard at trying to get the boards back up to five. By next week, we can have three people on the board and, like I said, work harder to get them back up to five. I just think that's a viable solution right now.

**Mayor Vander Horst:** What would the Council like to do? We can take no action and we'll have no boards. Brice raised the idea of appointing someone from the Council to be on each Board. I don't know if we can do that. [Addressing Ms. Gallagher] Do you know if we can do that?

**Ms. Gallagher:** I don't know.

**Mayor Vander Horst:** I don't know if we can do that.

**Councilmember Currier:** That idea came up at least a month ago and we haven't researched it yet, so I assume that we are just not interested.

**Mayor Vander Horst:** It has problems because if there was an appeal they would have to recuse themselves.

**Vice Mayor Kinsella:** That would be four, four.

**Mayor Vander Horst:** Two, two.

**Councilmember Currier:** Has the attorney been consulted with us taking over these duties?

**Councilmember Barber:** No.

**Councilmember Currier:** Well, I don't know.

**Councilmember Barber:** I'll make a motion.

**Motion:** Councilmember Barber made a motion to have another meeting next week to see our other applicants and Councilmember Currier seconded it.

**Mayor Vander Horst:** Can I answer that question? The answer is yes, and we can.

**Councilmember Currier:** We can do this without revising the ordinance?

**Mayor Vander Horst:** We'd have to have a motion, correct? On a temporary basis.

**Councilmember Barber:** We have a motion on the floor and a second.

**Mayor Vander Horst:** We're having a discussion.

**Vice Mayor Kinsella:** I'm at a loss here, I'm at a total loss. Are you talking about the motion, this motion? I'm looking at you Candace. Sorry, sorry.

**Ms. Gallagher:** I don't know what motion we're ...

**Vice Mayor Kinsella:** There was a question and then during the question there was a motion and then a second made and then you said something about motion.

**Ms. Gallagher:** Councilmember Barber made a motion to have a meeting.

**Councilmember Barber:** Next week, to see who our applicants are.

**Ms. Gallagher:** And then Councilmember Currier asked if the attorney had been consulted. And Mayor Vander Horst said yes.

**Mayor Vander Horst:** And then Councilmember Currier seconded the motion.

**Ms. Gallagher:** You asked, "Could we do this?" And then I said you could do it temporarily. In order to really take over the boards, you would have to change the Code, obviously.

**Vice Mayor Kinsella:** I don't want to.

**Ms. Gallagher:** It's just getting really convoluted.

**Councilmember Barber:** From what I understand, no one on this Council right here would like to take over the positions of these boards and have this added on to our council meetings correct?

**Vice Mayor Kinsella:** Speaking for myself, correct.

**Councilmember Barber:** Okay, me neither.

	<p><b>Mayor Vander Horst:</b> But we can't live with what's going on where we don't get decisions made by the majority.</p> <p><b>Councilmember Barber:</b> We also had a lady step on our board and then she moved to the area which is not in Jerome, which I think that's kind of ridiculous, that she should be allowed to still be on our board. Our mansion, our national historic landmark is not in our town, to satisfy everyone.</p> <p><b>Vice Mayor Kinsella:</b> We tried to annex that and that failed.</p> <p><b>Councilmember Barber:</b> So, we have another person leave our board because they could not find a house that they could afford in Jerome and they had to move to Clarkdale. So, the vacation rentals, I mean there are so many factors into, besides the backbiting and calling people ludicrous. Something's got to happen.</p> <p><b>Mayor Vander Horst:</b> I'm not sure this has anything to do with the conversation. (Words were unintelligible.)</p> <p><b>Councilmember Barber:</b> And to have volunteers stand up and to have three people say no is heart breaking for almost everyone in the audience. Margie cried. Sorry Margie, we didn't mean to make you cry.</p> <p><b>Mayor Vander Horst:</b> I'm going to call a recess until Vice Mayor Kinsella comes back. We'll take a 10-minute recess.</p> <p><b>Councilmember Barber:</b> Do you need a second for a recess Candace, because the Vice Mayor walked out I guess.</p> <p><b>Recess taken at 4:33 p.m.</b></p> <p><b>4:45 p.m. Mayor Vander Horst:</b> Let's call this back to order from our recess. There is a motion on the floor.</p> <p><b>Councilmember Bachrach:</b> Could you restate the motion please.</p> <p><b>Motion:</b> Councilmember Barber made a <b>motion to have another meeting next week to review our candidates for the two boards before we take over any control of these boards.</b></p> <p><b>Councilmember Barber:</b> I suggest Tuesday or Wednesday or whatever else the Council will work. So, I guess I didn't pinpoint a day I just said we should do it and work together as a team to find a time to do that. And Councilmember Currier seconded it.</p> <p><b>Councilmember Currier:</b> Yes.</p> <p><b>Mayor Vander Horst:</b> So, we have a motion on the floor and I'll call the vote. All those in favor say aye, any opposed, nay.</p> <p style="padding-left: 40px;">The <b>motion passed with 4 ayes and one nay</b> from Mayor Vander Horst.</p> <p><b>Mayor Vander Horst:</b> Motion carries. So, this item is tabled until we can get a meeting scheduled next week.</p> <p><b>Ms. Gallagher:</b> May I ask, were you the only no vote?</p> <p><b>Mayor Vander Horst:</b> I was. And I would like to answer a question that was raised, and the law is that no Council member may serve on any board. We found out during the break. So, that takes one of the options off the table.</p> <p><b>Margie Hardie:</b> May I say that Wednesday is the normal P &amp; Z meeting?</p> <p><b>Mayor Vander Horst:</b> And we are aware. Okay.</p> <p><b>Vice Mayor Kinsella:</b> Are you going to do a doodle or whatever it is?</p> <p><b>Mayor Vander Horst:</b> Do you ever answer those?</p> <p><b>Vice Mayor Kinsella:</b> It's easier for me to just call her and say sure.</p> <p><b>Ms. Gallagher:</b> Yes, I will.</p> <p><b>Mayor Vander Horst:</b> Okay, we're going to move on to item #2.</p>
<p><b>ITEM #4:</b></p>	<p><b>2018-19 BUDGET</b></p> <p>Council will continue discussions regarding the 2018-19 Town budget. All aspects of the budget may be discussed at this meeting.</p> <p style="padding-left: 40px;">Due to the length of this meeting, this item was not addressed.</p>
<p><b>ITEM #5:</b></p>	<p><b>ADJOURNMENT</b></p> <p>Upon <b>motion</b> by Councilmember Barber, seconded by Councilmember Currier and approved with 4 ayes and 1 nay from Mayor Vander Horst, the meeting was <b>adjourned at 5:58 p.m.</b></p>

APPROVE:

ATTEST:

\_\_\_\_\_  
Frank Vander Horst, Mayor

\_\_\_\_\_  
Candace B. Gallagher, CMC, Town Manager/Clerk

Date: \_\_\_\_\_