

TOWN OF JEROME

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MINUTES

REGULAR MEETING OF THE JEROME TOWN COUNCIL JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS

TUESDAY, FEBRUARY 12, 2019, AT 7:00 P.M.

ITEM #1: CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Mayor/Chairperson to call meeting to order.

Mayor Alex Barber called the meeting to order at 7:02 p.m.

Town Clerk to call and record the roll.

Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Barber, Vice Mayor Sage Harvey, and Councilmembers Mandy Worth, Jack Dillenberg and Jane Moore. Other staff present were Charlotte Page, Zoning Administrator; Marty Boland, Public Works Director; Melanie Atkin, Accountant; and Joni Savage, Deputy Clerk. Fire Chief Rusty Blair arrived later in the meeting.

Mayor or Mayor's designee to lead the Pledge of Allegiance.

Mayor Barber led the pledge.

ITEM #2: 7:03 (01:04)

FINANCIAL REPORTS

Budget to Actual reports, vendor ledger and balance sheet for January 2019.

Motion to Approve the Financial Reports

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	Х		X			
DILLENBERG			X			
HARVEY		Х	X			
MOORE			X			
WORTH			X			

ITEM #3: 7:04 (02:52)

STAFF AND COUNCIL REPORTS

Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Clerk, Accounting Clerk, Public Works Department, Building Inspector, Library, Municipal Court, Police Chief, and Fire Chief, and verbal reports from Council members.

This agenda item will include an extensive report from Marty Boland, Public Works Director, who will be present to answer questions from Council.

Councilmember Dillenberg commented about the problem with wipes in the sewer lines.

7:06(6:19) Suzy Mound, a resident of Jerome spoke to suggest that vacation rentals are creating a problem with this.

Mr. Boland commented that, just that evening, the crew dealt with a sewer line clogged with cleaning wipes on a line not served by any vacation rentals.

Vice Mayor Harvey asked Mr. Boland about the weight of furniture being picked up.

Mr. Boland explained that this is something they will do if they have room on the truck, and added that furniture is actually fairly light when broken down.

Councilmember Worth asked if they could discuss the issue of parking on streets where parking makes the street too narrow for access by emergency services.

Ms. Gallagher said that the Vice Mayor had approached her about this, and there will be a Resolution on the next meeting agenda.

Mr. Boland approached the dais and spoke about the issues with our infrastructure. He would rather have the crew perform the work whenever possible, and spoke of the difficulties encountered with our clay pipes and 18-foot root-balls. He would like to add an additional person to the crew.

Councilmember Moore asked him to prioritize his projects and get some cost estimates.

The Council discussed the cost of an additional crewmember and asked Mr. Boland to include that in his budget request for the coming year.

Motion to Approve Staff Reports

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	x		X			
DILLENBERG		Х	X			
HARVEY			X			
MOORE			X			
WORTH			X			

Before entering into executive session, Mayor Barber said that she would request that Item #11B be tabled pending further information. The item was addressed briefly and tabled at this time, but is reflected in these minutes in the order originally agendized.

ITEM #4: 7:28 (27:58)

EXECUTIVE SESSION I

Council may enter into executive session, pursuant to A.R.S. § 38-431.03 (A)(3) and (A)(4), to receive legal advice from the Town attorney (who may attend telephonically) regarding the Town's CDBG Housing Rehabilitation grant. Isabel Rollins of NACOG may attend this executive session.

Motion to enter into both Executive Sessions

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	x		X			
DILLENBERG			X			
HARVEY		Х	X			
MOORE			X			
WORTH			X			

ITEM #5: 8:07 (0:07) Pt 2

EXECUTIVE SESSION II

Council may enter into executive session, pursuant to A.R.S. § 38-431.03 (A)(3) and (A)(4), to receive legal advice from the Town's water attorney (who may attend telephonically) regarding water issues.

Upon reconvening into open session, Council moved to take a brief recess.

Motion to take a ten-minute recess

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	Х		X			
DILLENBERG			X			
HARVEY		Х	X			
MOORE			X			
WORTH			X			

ITEM #6: 8:14 (0:46) Pt 3

PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT

Minutes are provided for the information of Council and do not require action.

8:18 (04:10) Resident and realtor Carol Anne Teague spoke to provide information about the transfer in ownership of a School Street property mentioned in the report.

ITEM #7: 8:19 (5:15)

APPROVAL OF MINUTES

January 8, 2019; January 16, 2019 special joint meeting

Ms. Gallagher noted an addition to page 3 of the January 16 minutes.

Motion to approve the minutes of January 8 and 16, 2019 with the addition noted

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG	Х		X			
HARVEY		Х	X			
MOORE			X			
WORTH			Х			

ITEM #8: 8:20 (6:35)

PETITIONS FROM THE PUBLIC

8:21 (6:50) Carol Anne Teague handed out a map and asked that the Town allow parking on a specific Town-owned property in order that two lots she represents might be buildable.

Mayor Barber gave direction to staff to put this item on the April meeting agenda.

8:24 (10:14) Suzy Mound requested that Council move the date of issuing the Council agenda back to one week prior to the monthly scheduled meeting. She also requested emailing the agenda once again.

ITEM #9:

ORDINANCES AND RESOLUTIONS

8:25 (11:08)

ITEM #9A: PUBLIC HEARING CONTINUED, SECOND READING AND POSSIBLE ADOPTION - ORDINANCE NO 446, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING SECTIONS 201, 303, 304, 503, 504, 505, 506 AND 507 OF THE JEROME ZONING ORDINANCE REGARDING ACCESSORY BUILDINGS

Council will continue a Public Hearing opened on January 9 regarding Ordinance No. 446, amending various sections of the Jerome Zoning Ordinance regarding accessory buildings. This change was recommended by the Planning & Zoning Commission on November 7, 2018, for adoption by Council. Following the Public Hearing, Council may conduct the second reading of, and possibly adopt, the Ordinance.

8:26 (11:55) Rusty Blair, Fire Chief spoke in favor of the ordinance, saying that limiting the height of accessory buildings is crucial in his ability to fight fires.

8:29 (15:55) Richard Johnson, a resident, spoke against the ordinance. He said that he believes that a height reduction of more than 50% is extreme, and that this should be dealt with on a case-by-case basis, rather than with a blanket restriction.

8:33 (19:29) Curtis Lindner, nearby resident and member of the County Planning Commission, spoke to say that Jerome is very diverse, and a height restriction may work in some areas, but not in others. "It's not a bad thing," he said, "but it is quite a change." He stated that accessory buildings are not allowed under our Code, and Councilmember Moore corrected him to note that they <u>are</u> allowed.

8:37(23:05) Chief Blair spoke again to say that he is focusing more on the nonconforming existing structures that have no setbacks.

8:38 (24:20) Lance Schall, a resident and member of the Planning & Zoning Commission, spoke about the need to clarify what would make an "accessory building" a second house. He believes we should be clearer in this ordinance. He spoke of Jerome's "viewscape," and noted that, historically, homes here were small. Adding a separate building if space is needed would be more historically accurate than putting an addition on a home and making it larger.

8:43 (29:39) Suzy Mound spoke in support of the ordinance, noting that without the 14-foot height limitation, accessory buildings might "tower over the homes" in some areas.

The Councilmembers discussed this at length. There was considerable discussion about removing the language specifically prohibiting use of accessory buildings for human habitation. Councilmembers Worth and Dillenberg were strongly in favor of removing that language, but each agreed with the height limitation.

Councilmember Moore, who sat on the Planning & Zoning Commission when this ordinance was being discussed, said that it made sense to them to remove "Guest House" from the definitions because no zone allows for a guest house. A height limitation is all that they have suggested, she said, and a property owner could apply for a variance. She noted that in order to make that change, it would require four affirmative votes by Council, and it have to be sent back to the Planning & Zoning Commission. She recommended that the ordinance be adopted as is, and that the issue of guest houses be addressed separately.

Mayor Barber discussed regulations from FEMA, Yavapai County, Clarkdale and Cottonwood regarding accessory buildings, as well as our Zoning Ordinance and General Plan, and noted that it is good to be in line with other municipalities in our area.

Councilmember Worth wanted clarity on the definition of "human habitation," asking if use of a space as a workshop, office or studio would constitute "habitation."

Discussion continued. The Mayor opened the floor again to the public.

9:11 (57:12) Chief Blair spoke about safety issues regarding accessory buildings and said that, if someone is living there, he needs to know about it.

9:12 (58:15) Richard Johnson asked if building height would continue to be measured from the median grade, and he was told that it would be.

9:13 (59:12) Suzy Mound noted that garages and carports are constructed differently than a house you live in, and for safety reason, should not be inhabited.

Councilmember Dillenberg asked if we could call an accessory building a garage, shed or carport. Mayor Barber read the definition of an Accessory Building.

Ms. Gallagher referred back to original language from the Planning & Zoning Commission for this ordinance. In that original version, in Section 5 of the Ordinance, under Paragraph F, "Review Procedures and Criteria" of Section 304, "Design Review," the suggested language was:

"i. ACCESSORY BUILDINGS - Garages, carports and sheds shall be visually compatible with buildings, structures, and places to which they are visually related."

This had been changed during attorney review to remove the reference to garages, carports and sheds. As this was part of what was originally presented by P&Z, it would not be a problem to use that language instead, she said. Council was in agreement with that change.

It was noted that the definition for "Accessory Building" originally presented by P&Z did include the statement that they shall not be used for human habitation, and was identical to the language in this ordinance.

9:17(1:02:50) Mayor Barber closed the public hearing.

Motion to adopt Ordinance No. 446 to include the change under Section 5 of the ordinance as noted by Ms. Gallagher.

Councilmember Worth clarified that the only change in the ordinance before them at this meeting would be the change in Section 5, item i.

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	Х		X			
DILLENBERG			X			
HARVEY		Х	X			
MOORE			X			
WORTH			X			

9:21 (1:07:40) ITEM #9B: RESOLUTION NO. 578, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JEROME, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "ARTICLE 10-3, DRIVING WHILE USING A PORTABLE COMMUNICATIONS DEVICE," AN AMENDMENT TO THE TOWN CODE OF THE TOWN OF JEROME

Council may approve Resolution No. 580, declaring as a public record proposed Article 10-3 of the Jerome Town Code, "Driving While Using A Portable Communications Device." The article would be adopted as part of Ordinance No. 447.

Ms. Gallagher stated that Judge Dwyer has confirmed that an offense would be a non-moving violation.

Motion to adopt Resolution No. 578

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG	Х		X			
HARVEY		Х	X			
MOORE			X			
WORTH			Х			

9:24 (1:10:15)

ITEM #9C: SECOND READING AND POSSIBLE ADOPTION – ORDINANCE NO. 447, AN ORDINANCE OF THE COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING CHAPTER 10, "OFFENSES," OF THE JEROME TOWN CODE BY THE ADDITION OF NEW ARTICLE 10-3 THEREOF, "DRIVING WHILE USING A PORTABLE COMMUNICATIONS DEVICE"

Council may conduct the second reading of, and may adopt, Ordinance 447, amending the Town Code to prohibit the operation of portable communications devices while driving, unless that device is configured and used to allow hands-free listening and talking.

Motion to adopt Ordinance No. 447

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG			X			
HARVEY	Х		X			
MOORE			X			
WORTH		Х	Х			

9:25 (1:10:55)

ITEM #9D: SECOND READING AND POSSIBLE ADOPTION – ORDINANCE NO. 448, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 2-4-8, "VOTING," OF ARTICLE 2-4, "COUNCIL PROCEDURE," OF THE JEROME TOWN CODE

Council may conduct the second reading of, and possibly adopt, Ordinance 448, amending the Town Code with respect to abstentions from voting.

Mayor Barber reviewed this ordinance, and Councilmember Worth noted that, with this Code amendment, we are being consistent with parliamentary procedure.

Motion to Adopt Ordinance No. 448 to Amend Section 2-4-8 Voting of Article 2-4

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG		Х	X			
HARVEY			X			
MOORE			X			
WORTH	X		X			

ITEM #10:

UNFINISHED BUSINESS

9:27 (1:13:00)

ITEM #10A: PARKING KIOSKS

Council may discuss the installation of kiosks for paid parking in the Middle Park parking lot and may make a determination as to whether or not to proceed further with this project. '

Ms. Gallagher noted that the prior Council had approved funds of \$15,000 in the budget to purchase a kiosk for the middle parking lot, and had anticipated \$50,000 in parking revenue.

Councilmember Dillenberg spoke in support of this.

9:34 (1:20:10) Chief Rusty Blair said that he has been championing this since 2008, and this project "has a potential to answer our prayers." A survey was conducted with almost 250 tourists over a one-month period, and over 80% of them would be okay with paying \$2 for parking.

9:38 (1:24:10) Eric Jurisin, business owner, said that he is not against paid parking, but he is in support of "honor parking." He would like us to avoid using credit cards, noting that the fees charged by the credit card companies could be substantial. He said that they would need to be emptied daily, and suggested a creative approach. He feels this would actually bring in more revenue than the kiosks.

9:42 (1:28:40) Liz Gale, business owner, said that there are things that need to be considered, such as how this would work with overnight guest. She suggested that all stakeholders be involved in this discussion.

9:44 (1:30:05) Donna Chesler, with the Chamber, reported that, next Friday, the Chamber will finalize a questionnaire going to the business owners about this. She suggested working with a committee, and applauded Mr. Jurisin's suggestions for a creative approach to "honor parking."

9:45 (1:31:00) Chad Hembrough, resident, said that he agrees that a creative and artistic approach should be the first step, and added that we should be careful about "putting it on the tourists." He added that the 300 Level parking lot would be the best place to begin. He volunteered to serve on a committee for this project.

9:48 (1:34:05) Chief Blair spoke again to say, "Three councils ago they voted positively on putting those fancy donation boxes in, and it was never done." He was asked if he would serve on the committee and he said that he would.

Councilmembers Moore and Worth expressed support for Mr. Jurisin's idea, and Ms. Moore said that it should not be in just one location but throughout town.

9:52 (1:38:30) Tim McCune, a Jerome resident spoke about the problems with parking and expressed support for Mr. Jurisin's ideas. He said that we should experiment with this, and that we should begin with the least expensive approach. It may be that, in the future, we would need the kiosks, he said, but they would need to be enforced. He added that employees are a big part of the parking problem.

At this time, Councilmember Dillenberg was speaking, and Vice Mayor Harvey called a point of order, asking him to allow the Mayor to chair the meeting.

9:54 (1:40:48) Chief Blair spoke again to say that someone needs to take charge of this or it won't happen. He feels that donations will not generate the amount of revenue that we need, and that kiosks would. We would need to "ask heavily" for donations, he said.

Mayor Barber suggested forming a committee and said that she would like to be on it.

Councilmember Moore suggested putting a donation box across from the police station in the meantime, and Councilmember Worth said that she doesn't want to wait until March to put something out.

10:00 (1:46:40) Suzy Mound recommended that four or five boxes be strategically placed and that we try the honor system.

10:02 (1:48:04) Eric Jurisin said that we should have clever, clearly visible signage, and that there should be at least 10 boxes. He agreed to serve on the committee.

10:04 (1:50:20) Liz Gale noted that the Humane Society placed artistic welded boxes for dog waste that are located around town.

Mayor Barber gave direction to staff to form a committee. She asked that interested parties contact Ms. Gallagher.

Councilmember Worth added to that direction to staff, that we investigate putting up a couple of boxes right away, while the committee is meeting.

10:05 (1:51:30) Chief Blair noted that we need to be concerned with logistics, and who will be collecting the money.

10:06 (1:52.05) Chad Hembrough said that he doesn't think we should get something started right away. It is important to meet first and have a solid plan that all are in agreement with.

Councilmember Worth withdrew her direction to staff, and said that she would like to get this done by a certain date.

Mayor Barber determined that the committee meeting be scheduled for 10 a.m. on February 22 at the Fire Station, to follow the Chamber meeting.

Ms. Gallagher referenced the Open Meeting Law and said that it would be best if the committee would make their recommendations to her as Manager, rather than to the Council, and added that no more than two members of Council should serve on the committee. It was also noted that the public could attend the committee meetings if they wish.

ITEM #11:

10:12 (1:58:00)

NEW BUSINESS

ITEM #11A: APPOINTMENTS TO PLANNING & ZONING COMMISSION AND BOARD OF ADJUSTMENT

Council may consider appointments to our Planning & Zoning Commission and Board of Adjustment, where each Board has one seat expiring as of February 28. Council may choose to reappoint those members whose terms are expiring, or consider new applicants. The terms expiring are: Planning & Zoning – Lance Schall; Board of Adjustment – Gary Shapiro. Appointments will be for the succeeding three-year term running from March 1, 2019 through February 28, 2022.

It was noted that Mr. Schall and Mr. Shapiro would each like to continue to serve, and that no other applications have been received.

Motion to reappoint Lance Schall to Planning & Zoning and Gary Shapiro to the Board of Adjustment from March 1, 2019 through February 28, 2022

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG			X			
HARVEY			X			
MOORE	Х		X			
WORTH		Х	X			

7:25 (25:04)

ITEM #11B: REQUEST FOR HANDICAPPED PARKING SPACE

Council may consider a request by Windy Jones for installation of a handicapped parking space on a Town-owned lot located on Queen Street.

Mayor Barber asked if Windy Jones was present. She said that she would like to table this in order to talk with the attorney and get more information.

7:25 (25:45) Curtis Lindner spoke on behalf of Windy Jones. It seems that the requested ADA parking space is very important. They are hoping to get an agreement with the city to develop the space.

Motion to Table until the March meeting

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	Х		X			
DILLENBERG			X			
HARVEY		Х	X			
MOORE			X			
WORTH			X			

ITEM #12: 10:12 (1:58:45)

TO AND FROM THE COUNCIL

Council may direct staff as to items of pending importance that they would like placed on a future meeting agenda. Alex asked if we could get the Grant writer to look at sewer grants. Red zones on Center.

Councilmember Barber asked Ms. Gallagher to check with our grant writer about looking into a grant for sewer upgrades.

Councilmember Moore requested that Council get their packets a week prior to the Council meeting.

Mayor Barber explained that people may then have to wait another month to get onto the agenda, and noted that tabling is a tool that can be used if Council is not prepared to act.

Councilmember Moore clarified that she would rather have the majority of the packet a week ahead of time.

Ms. Gallagher said that she has no problem with providing the packets on the prior Tuesday, but if that is considered to be the deadline to add anything, it is a problem. She agreed to do this with the understanding that things may need to be added.

Councilmember Worth asked for certain discussion on future agendas: Staggered terms, parking at the old Town yard, a presentation from the company that operates our wastewater treatment facility, and reviewing the rentals of town-owned spaces, some of which are now on a month to month basis. Ms. Worth noted that there would be a Local First mixer the next day, and next week on the 21st is the official meet and greet with the new president of Yavapai College, Dr. Lisa Rind, at the Sedona center

Councilmember Dillenberg noted that he will be out of the country next month and unable to attend the March meeting, but will attempt to join the meeting via Skype.

ITEM #13:

ADJOURNMENT

Adjourned at 10:19 p.m.

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER	Х		X			
DILLENBERG			X			
HARVEY		Х	X			
MOORE			X			
WORTH			X			

		WORTH		X				
PPROVE:			ATTEST:					
 Christina	"Alex" Bar	ber, Mayor		andace B.	Gallagher,	CMC, Towr	n Manager,	/Clerk
			Do	ate:				