



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

REGULAR MEETING OF THE TOWN OF JEROME DESIGN REVIEW BOARD

DATE: Monday, February 12, 2018 TIME: 7:00 pm
PLACE: **JEROME CIVIC CENTER**
600 Clark St., JEROME, ARIZONA 86331

MINUTES

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Design Review Board and to the general public that the Design Review Board will hold the above meeting in Council Chambers at Jerome Town Hall. Members of the Design Review Board will attend either in person or by telephone, video or internet conferencing. The Design Review Board may recess the public meeting and convene in Executive Session for the purpose of discussion or consultation for legal advice with the Town Attorney, who may participate telephonically, regarding any item listed on this agenda pursuant to A.R.S. § 38-431.03 (A)(3).

ITEM 1: CALL TO ORDER/ROLL CALL

Chair Mark Venker called the meeting to order at 7:01 p.m.

Mr. Dabney called roll. Present were Chair Mark Venker, Brice Wood, Vice Chair John Schroeder and Mike Parry. Staff present were Kyle Dabney, Zoning Administrator and Joni Savage, Deputy Clerk/Minute Taker.

ITEM 2: APPROVAL OF MINUTES: Minutes of January 08, 2018

Chair Venker asked if there were any adjustments to be made to the minutes.

Brice Wood made the motion to approve the minutes of January 8, 2018 and was seconded by Vice Chair Schroeder. The minutes were unanimously approved with one abstention from Mike Parry as he was absent.

ITEM 3: PETITIONS FROM THE PUBLIC — This time is NOT for discussion on Agenda items. Please make comments when that item is on the floor. Please complete a request form with your name and subject and submit to the Chair. When recognized by the Chair, please come to the front and state your name. Please observe the three-minute time limit per speaker pursuant to the Town Code. The DRB may not discuss or take action on any comments under this agenda item other than to ask questions.

-There were no petitions from the public.

ITEM 4: NEW A/C UNIT FOR HOTEL JEROME

APPLICANT: TOWN OF JEROME

ADDRESS: 500 MAIN STREET

OWNER OF RECORD: ABOVE

CONSTRUCTED: 1919

ZONE: C-1

APN: 401-06-079

The Town of Jerome is asking for review on the installation of a new A/C unit on Hotel Jerome. The proposal is to place the new unit on the ground rather than in the window.

Mr. Dabney said the Town is putting the unit on the ground because it will significantly reduce the hazard during maintenance. It will have duct work exposed on the outside of the building. It is approximately 8" to 12" wide, that is a standard size for ductwork. He then asked for questions.

Mr. Wood asked are they re-building the railing around it.

Mr. Dabney responded the railing is there.

Mr. Wood noted they are covering a historic window, still he would defer to the practicalities of this project.

Mr. Parry said he didn't catch that they were covering a window. It is ugly and not historic. It will cut the efficiency trying to push that air 16 feet further, he hopes they are making an adjustment for that.

Vice Chair Schroeder asked for clarification on whether it was an A/C unit or a swamp cooler.

Mr. Parry asked Mr. Wood how the swamp cooler worked in the co-op.

TOWN OF JEROME

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Mr. Wood said it's a blast of cool air.

Mr. Parry doesn't see it as being very attractive on the side of the building. And that's the side that everybody sees.

Chair Venker said from the street view he doesn't see it.

Mr. Parry said he can see it when he drives up the road.

Chair Venker responded sure where it is now, but down below.

Vice Chair Schroeder interjected right now it is at street level, it will be below street level with the new installation.

Mr. Parry said the duct work will cover up a window and he doesn't see that as being historic.

Chair Venker said, "I don't think it's possible to install a historic swamp cooler."

Mr. Parry said he understood serviceability, wouldn't it be cheaper to attach a ladder to the building. He believes the duct work will reduce the efficiency the unit.

Vice Chair Schroeder didn't think attaching a ladder to the building was practical.

Chair Venker said there is nothing to speak to as far as the historic nature of the existing unit. He looks at it as a functionality issue.

Mr. Parry thinks it is a design review issue and it will cover a window.

Mr. Wood asked if it could be painted to match the outside of the building. He thinks Mr. Parry has a good point.

Mr. Dabney said he doesn't believe it is insulated. (The quotation notes that it is insulated.)

Vice Chair Schroeder said the current unit is covering half of a historic window where it sits. Will that window be still in tact or is the bottom of that window gone, will it be able to be closed?

Mr. Dabney responded that the duct work would be going up to the window.

Chair Venker said you're losing visibility of a small window below street level and gaining more visibility of a larger window at street level. He asked the Board if they would be okay if the duct work were painted to blend into the building.

Mr. Wood thinks it would help.

Chair Venker would disagree that this unit would be worse than the existing unit.

Mr. Wood doesn't think it is all that visible from the street, there's a house right next to it. But he thinks in its primitive way, kind of fits in. He sees that you're covering up a historic building to do something he is not quite sure the need for. It really works very well as it is.

Mr. Dabney said the Town was told by the inhabitants that the unit did not work well.

Mr. Wood said he works there, this is not true, he's been there for twenty some years.

Mr. Parry said he doesn't think that's something we can discuss here.

Mr. Dabney interjected it's really not.

Mr. Wood said he's seeing a much more visually interrupting a historic facade. He's glad the Town is taking care of this.

Chair Venker disagrees, you can barely see where the new unit would exist and yes you will see the ductwork going up. However, he feels it would be less of an impact to the building. The existing unit is less attractive and more deterring than the impact the new unit would present. If we could add a caveat, a conditional approval that the ductwork is painted to blend into the building. That altogether would be less of a visual impact than the existing unit.

Vice Chair Schroeder said he agreed with Chair Venker.

Chair Venker moved to conditionally approve this unit provided they paint the duct work to match the existing color of the building and Vice Chair Schroeder seconded with the caveat that there is as little damage done to the building when moving the old unit. The motion passed with 3 ayes and 1 nay.

TOWN OF JEROME

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ITEM 5: REVIEW SIGN ORDINANCE

APPLICANT: N/A

ADDRESS: N/A

OWNER OF RECORD: N/A

CONSTRUCTED: N/A

ZONE: N/A

APN: N/A

Discussion on the sign ordinance and applications throughout town as it relates to design review.

Chair Venker said this was at the request of Mr. Wood. He then asked does anyone want to kick this off.

Mr. Wood said this (ordinance included in the packet) is identical to what is on our website. He doesn't want to spend a lot of time on this, but he would like to point some directions at where we can look. He tries to be sensitive to how things appear or look. He referred to a sentence (in the Zoning Ordinance) under "B: Definitions" and the sentence reads:

- All exterior, whether public or private, are regulated by this ordinance.

He said that he knows we are talking about signs, but the sentence needs a subject. He referred to

- #7: The vertical distance from the ground directly under the to the sign highest point of the sign.

He asked Mr. Dabney if he could tell him what that means.

Mr. Dabney said he didn't know.

Mr. Wood said, "I don't mean to be picky, but we get judged by this stuff and it is important."

- The purpose of this section is to encourage the preservation of historic buildings and artifacts, to protect the general public from damage and injury, to protect property values, to preserve the beauty and unique character of Jerome, to aid in the free-flow of traffic within the town, and to promote the tourist industry which is important to the economy of Jerome, and the Historic Overlay District.

That is way too long of a sentence and the end of it ends up being nonsense. The Jerome Historic District seems to be modified by to promote the tourist industry which is important to the economy of Jerome and the Historic Overlay District. He doesn't think the economy of Jerome has anything to do with the Historic Overlay District. He sees this as a really sticky thing we should go through it, untangle the knots or at least proofread it. He sees this problem on every page.

Mr. Parry commented it was a run-on sentence.

Mr. Wood added that the pieces don't fit together. He suggests we have someone proofread and at least untangle it at come back and talk about it again.

Vice Chair Schroeder thinks this is knit picking on things that have never really been an issue. The real issue is about the size limits of a sign, which we just through out on the last one. That's the real issue. This seems irrelevant, yes, it's a poorly written sentence.

Mr. Wood said he doesn't mean to trivialize the important issue and he agrees these are not the important issues. He thinks the important issues are visual clutter, unapproved signs, obsolete signs, signs that were never approved, signs that serve no purpose, signs that somehow fell through the cracks, that's what he wants to talk about. What is an off premise-sign, we need to give it a definition. What is a district sign, we need more language on how to handle this? Who is responsible to take those signs down when a business goes out of business? These are questions he wants to ask. Beyond the grammar and professionalism of the presentation, we have real problems with the ordinance. He was just hoping to put this subject on the table.

Vice Chair Schroeder said, "It just seems to me there are more important things to review. Do we really want to set a specific size, or should we just review it on a case by case basis? Thinking about the one we reviewed last month, it was obviously over the size limit. Maybe we should get rid of those size limits, so I don't have to vote no on a sign that is perfectly tactful but it's over the limit.

Chair Venker asked, "What sign is over the limit?"

Vice Chair Schroeder responded the sign at the Mile High.

Chair Venker explained that we found that to be within.

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Mr. Parry interjected, "If it was two-sided, we found it to be okay, but it was three-sided and was over the square footage."

Vice Chair Schroeder added, "And it was internally lit, do you want to change that?"

Chair Venker explained, "The follow up was the sign was within the limit, because two-sided signs count as one sign. Two sides count as one sign and the front facing sign counts as another sign. This was discussed in a separate meeting, part of the appeal process through the Town Council."

Mr. Wood said, "The quantitative questions that we handle are spelled out and we try to do it, as far as I know. We don't go over 16 square feet. We do most of it pretty well in regard to the safety questions, we do care about that." He believes Vice Chair Schroeder has a good point, sometimes it comes to an interpretation.

Mr. Parry asked Mr. Dabney if he had any recommendations. This ordinance contradicts itself.

Mr. Dabney said the way we change it, we have to have a public hearing first and then the Planning and Zoning Commission makes a decision on whether they want to change it or not. He has picked out things he needs help with in order to enforce the ordinance.

1. There are a lot of no trespassing signs in residential areas, and it is actually allowed in the ordinance. He thinks it doesn't look good. He would like to have an actual "No Trespassing Sign." He doesn't know if Design Review feels the same way.
2. Next is temporary Signs, there is really no way to keep record it currently. One way would be to have an actual application or a permit for a temporary sign.

Mr. Wood noted temporary signs come with a new business.

Mr. Dabney added or an event.

Mr. Parry asked what he would prefer, what would be easier to enforce.

Mr. Dabney said he would like an application filled out or something with a record of it. Right now, he has no way to keep track of the temporary signs.

Mr. Wood suggested to keep in touch with the Clerk for new business licenses.

Mr. Dabney responded that is a part of his job.

Chair Venker said when he read through all of this, things could be cleaned up, but that was the one thing he noticed that is most lacking in any oversight. He spent most of his time on temporary signs and his suggestions are:

Mr. Parry asked if they could let Mr. Dabney finish.

Mr. Dabney said, "It says in here that neon signs are not allowed. That would mean I would have to go around and pull all of the neon signs out of store front windows."

Mr. Wood noted they're behind glass.

Mr. Dabney responded, "It (the code) says any sign."

Mr. Wood explained to Mr. Dabney, "That is not a trade sign, it is a product sign and it is inside, behind glass.

Mr. Dabney responded but the zoning ordinance says no neon tubing of any kind, that's what it says in Section E.

Mr. Wood explained again that anything inside doesn't count. He read from the ordinance Section B:

- 8: Interior signs are not regulated by this ordinance, except if stating a business name and placed within twenty-four (24) inches of a window. Such signs will fall under the sixteen (16) square foot rule and require Design Review Board approval.

That refers to a business name not a product.

Mr. Dabney said, "To me it's a conflict, it says neon tubing shall not be a part of any sign, that means any sign."

Mr. Wood read again, Interior signs are not regulated by this ordinance.

Mr. Dabney said, "Okay, I missed that then."

Mr. Wood said that should make it a little simpler for you. He wouldn't want to pick that fight with the alcohol

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distributors of Arizona.

Mr. Dabney thanked him for pointing that out, he missed it.

Mr. Wood was puzzled that we didn't allow neon signs, because they are historic.

Mr. Parry asked when they came into being.

Mr. Wood answered 1900.

Mr. Dabney continued:

- B. A duly licensed real estate brokerage company may apply for a blanket permit which will allow placement of a real estate sign on each property which they have listed for sale or lease. The blanket permit fee will be an amount established by a schedule adopted by resolution of the Town Council and filed in the office of the Town Clerk.

This has never been done.

Mr. Parry asked do you think they are talking about a large commercial sign rather than a 3' by 2' foot real estate sign.

Chair Venker said there is verbiage in here as far as maximum size of real estate signs.

Mr. Parry asked, "Do you have to buy a permit to put it up?"

Vice Chair Schroeder interjected, "Apparently not."

Mr. Wood said, "No, I don't think you do." He thought maybe the signs that would lead you to the property.

Mr. Parry asked Mr. Dabney what else he had.

Mr. Dabney said, "The Haunted Hamburger sign on Town property, that's been brought to my attention numerous times. I've been looking into it and I can't find any record of it being approved."

Mr. Wood has no recollection of that being approved.

Chair Venker said, "I had a random thought, the Town owns that building and if the Town has never given written consent to the Haunted Group then the Town can take it down and if the Haunted Group can't prove it was approved then they would have no leg to stand on as far as, it's not their property and they have no approval."

Mr. Dabney said his next step is to go to the owner and ask him to prove that he has permission. He asked the Board what they would like.

Mr. Wood said he would like it down, it's caused a lot of problems.

Mr. Parry agreed.

Chair Venker said you could enforce it because of other businesses no longer in business. There is a time limit on when whomever owns the business must take down the sign. He believes it would be enforceable and he would like to see it come down.

Mr. Dabney referred to Section F, number 2: A two-sided sign is one sign. In the definitions it says a sign can be painted on one or both sides. He feels that covers it and it can be two-sided in any zone.

Mr. Wood asked are these in residential? He doesn't have an example of it in residential.

The Board made some suggestions. They determined there was no example, but it could happen.

Mr. Dabney said, "My point is, do we need a statement like the one in residential, for all other zones."

Chair Venker thinks it falls into all categories and would be redundant to have it in a residential zone because it's already covered in the definition of a sign.

Mr. Wood agrees.

Mr. Dabney referred to number 9 under:

- G: Such an exterior open/closed sign requires a permit and approval from the Design Review Board.

For that matter there has never been a permit process, they've just been approved or not.

TOWN OF JEROME

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Mr. Parry thinks that's the biggest issue that we have. It makes it easier for him to enforce. It it's something that needs verbiage let's get it drafted and off to Council.

Mr. Wood wanted feed-back on a question. The Haunted Hamburger has skeletons that were never approved. What's our attitude about that.

Mr. Parry said it's not on the agenda.

Mr. Wood said that's too specific, forgive me.

Chair Venker said we could look at that in Agenda Item 6. We could look at a past exterior design and see if skeletons were in play. We can re-address this topic then.

Mr. Dabney said that's all he has on the sign ordinance; the main thing is temporary signs. And there isn't anything he can do about it right now.

Mr. Wood asked if it would be an issue for someone to proof read and look for the typos without changing the meaning.

Mr. Dabney said, "Good question, I'm not sure, but I could find out."

Mr. Wood asked him to call him and let him know.

Vice Chair Schroeder asked doesn't verbiage change have to go by the lawyer, if you change it.

Mr. Dabney said, "It does, and I have drafted language before and I do need to get it approved through the attorney before we would submit anything."

Mr. Wood stated he felt the errors he is looking at were not intentional.

Chair Venker said one thing that stood out to him was Section E:

#13: Once a year it shall be the duty of the Zoning Administrator to review all district signs and make appropriate recommendations to the Design Review Board.

It says district signs, but it would make sense if we were to change it to something like a review of signs is very open-ended. If there was a date range where it was a goal to review these signs and then bring this up at a meeting as far as anything needing to be addressed. Putting it in here formally so that it's maybe less discretion, or less sense of bias. The goal being to have it written in that there is a review process and it is not selective enforcement.

Mr. Dabney suggested like what the interns did this summer when they documented all of the illegal signs. Do something like that on an annual basis.

Chair Venker said, "Only for the sake of putting it in here and then ultimately doing it on an annual basis there won't be that kind of clean up ever necessary if it's maintained. The hope would be that if you did that once a year people aren't feeling like they are being singled out."

Mr. Wood wanted to talk about district signs, he'd like to see a uniform design throughout Town that everybody would agree to. There has to be a process for coming and going, that's one of the big problems with district signs. We need a design where business signs can be removed easily. The way it has worked, as he understands it, is that district signs became a reality when local businesses got together and asked for them. Personally, the district signs we have are adequate and in the right place. He doesn't think they need to be moved or changed, but modernized and uniformed. It was always optional for the business owner and not a requirement that they be on a district sign.

Mr. Parry said, he thinks he is hearing two different things. The simplicity of #13 is to drop District and review signs on a yearly basis. He thinks the district signs are disorganized, some people talked about the "Red Light District," but that never happened.

Mr. Wood said district signs are off premise signs, in the original code would not have been allowed.

Chair Venker said that he thinks the Town Council is currently in the process of putting in new district signs. They're putting new ones in at specific locations.

Mr. Parry said, "I think I heard you want to remove the word district from item 13 and that would make enforcement easier." He thinks an annual review would be good, sign control could be a one-man job. What is the point to make

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more rules if we can't enforce them.

Mr. Wood was hoping part of the discussion would be to accommodate Mr. Dabney.

The Board all agreed they wanted to make his job easier.

Chair Venker said, "For clarifications, as far as adjustments passing to Planning and Zoning and then to Town Council. We are here to give feedback and insight, is the goal here to give feedback to you or do we need to sit down with Planning and Zoning at a meeting."

Mr. Dabney said it would have to be an agenda item in a Planning and Zoning meeting. He is okay with relaying the information. Currently we are working on the internally lit portion of the sign ordinance. He is taking it piece by piece to them and it takes time to draft the language. He doesn't want to dump the entire section of signs on them all at once.

Chair Venker asked would it be easier for him to relay his input in an email.

Mr. Dabney said he thinks a written recommendation from the Design Review Board would be great.

Mr. Wood said then that should be an agenda item for the next meeting.

Chair Venker said sure and he will submit it as a formal suggestion from the Board. Does anyone have anything else. Do we need to make a motion on this?

Mr. Parry said to just direct staff.

ITEM 6: REVIEW PROCESS FOR PAST DECISIONS

APPLICANT: N/A

CONSTRUCTED: N/A

ADDRESS: N/A

ZONE: N/A

OWNER OF RECORD: N/A

APN: N/A

Discussion on the process for past decisions made by the boards. This does not include anything specific, but the review of any action the boards should consider moving forward in regard to a past decision.

Mr. Dabney said I had sent an email about this and we can talk about something specific.

Vice Chair Schroeder thinks there is a process in place for this to get a variance. Yet, because this is a famous business owner who raised a stink about it they decided to just skip it. So are we going to change the whole process. Just because the Board screwed up in the past and approved a sign that was clearly not within the code so, we're supposed to eat that forever.

Mr. Dabney said, "Not necessarily, I've talked with the Town attorney and his response was the Town does have a right to correct it's wrongs from the past. In regard to this particular situation the easiest thing would have been the Design Review Board could say no. And then she would appeal anyway and that is the process to appeal to the Council. Each situation is going to be different. This one had legal bindings behind it, the reason, she had already incurred damages, meaning she had already paid for the design and things like that. She could have potentially won in court. There were three options given to Council by the attorney.

- 1) Deny the applicant and they could potentially go to court not knowing the outcome.
- 2) Ask for a variance, which in this case would have been illegal and the Town people could have sued the Town. It would be an illegal action because the sign is illegal. The towns people could have actually taken the Town to court.
- 3) Approve the sign and change the sign ordinance to make it legal.

The issue with this particular instance, this will have made it the third time the Town has approved an illegal sign, and if we don't change the ordinance, if there is a fourth instance where someone makes this type of sign and we say no.

TOWN OF JEROME

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It probably wouldn't hold up in court."

Mr. Wood asked, "Change it to what? How would we change the code?"

Mr. Dabney read the ordinance Section 509.E.7 and his changes to the ordinance:

"Lighting shall be directed at the sign from an external incandescent light source, and shall be installed so as to avoid any glare or reflection into any adjacent property, or onto a street or alley so as to create a traffic hazard. Internally lighted signs, and this is where I changed it, may only be permitted if the sign is constructed of opaque materials that block the transmission of light except through apertures in the sign that constitute no more than _____ % of the area of the sign. For example, a sign with internal lighting that is constructed of steel and has apertures designed to form the image of letters would be permitted if the area encompassed by the apertures is less than _____ % of the sign. No sign that flashes or blinks shall be permitted. No visible bulbs, neon tubing, or luminous paints shall be permitted as part of any sign."

Mr. Parry asked all we have to do is fill in the blanks at this point.

Mr. Dabney responded it would be up to Planning and Zoning if they want to fill in those percentages. They have the right to change the verbiage if they want.

Mr. Parry said, "I think that's excellent."

It was discussed that at the Planning and Zoning meeting they had wanted Design Review to say what the lumens and heat were.

Mr. Dabney continued and said yes that is what they wanted, and they also wanted examples of this type of sign. They told him to provide photos, but in his opinion he didn't think a photo could show you that. He can find out what the lumens of that type of sign would be.

Chair Venker said lumens aside, it sounds like it makes a lot of sense and it protects the Town. Because, in his eyes, the next time somebody wants this internally lit sign, it opens the town up to somebody putting up an internally lit sign that is a lot more intrusive.

Mr. Parry asked can lumens be measured. It's kind of like the noise ordinance that we don't enforce. He doesn't see Mr. Dabney out there with a light meter. We don't want lighting that is outrageously bright.

Vice Chair Schroeder asked how does it open the Town up to being sued, because they incurred costs that doesn't fit the Town Code. It doesn't make sense to him.

Mr. Parry said, "I don't believe that is the crux of the issue, the issue is somebody else has a like sign, has three like signs and they got there's approved. That's the problem I think we have. I think the verbiage Mr. Dabney is trying to add will prevent that from happening in the future."

Mr. Dabney said, "It will prevent the board from making a difficult decision. In Vice Chair Schroeder's defense, saying no is the Town's right. The Board would be protected under that. Yes or no whatever the decision and then the applicant can appeal that decision."

Mr. Parry said, "I think what you're saying is make a decision and don't table it, is that what you're saying."

Mr. Dabney responded, "Right."

Mr. Wood said if we refuse a permission and they dispute it they go to the Board of Adjustments.

Mr. Dabney said the Board of Adjustments is for someone appealing my decision.

Chair Venker explained our rulings are appealed to the Town Council. So we're back at square one in regard to reviewing past decisions. We will always lose at attempting to remove the signs in place because we approved them. What the attorney says is we would have to fight those people and the likelihood of that is a crap shoot, from what I recall of that conversation.

Mr. Dabney said if the sign were posing a traffic hazard, we could pull them down. If the current board is looking at this now it should be decided by the ordinance. He said he'll do the same himself.

Mr. Parry said health and safety.

TOWN OF JEROME

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Mr. Dabney said, "I guess the big point here is if we're faced with a decision that was made in the past that was illegal or wrong or was missed; and the current board is looking at this same type of situation, they make the decision based on the zoning ordinance." He added, "And I'll do the same myself, moving forward. If something comes to me that is obviously in violation of the zoning ordinance, again depending on the situation, a lot of times you get attorneys advise, I don't ever give an instant answer to anyone, I never do that. A lot of times I do get attorneys advice on things I've made a decision on. For the most part if I feel it's in violation of the zoning ordinance, then I will just say no. They can go to the Board of Adjustments if they like."

Vice Chair Schroeder said he agrees with what Mr. Dabney said.

Mr. Dabney talked about case law, there are cases where the Town can potentially win.

ITEM 7: FUTURE AGENDA ITEMS

Mr. Wood would like to keep working on the sign ordinance.

Chair Venker will put together his thoughts to include in the packet and hopefully get some feedback from everyone with specific changes to help control sign pollution.

ITEM 8: ADJOURN

Mr. Parry made a motion to adjourn and it was seconded by Chair Venker. The motion carried unanimously and the meeting adjourned at 8:03 p.m.

Approval on next page.

TOWN OF JEROME

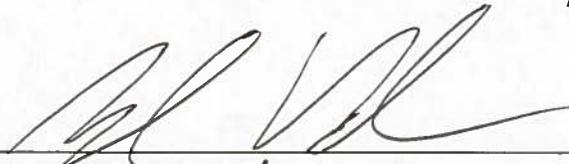
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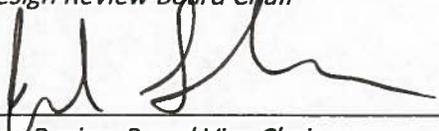
REGULAR MEETING OF THE TOWN OF JEROME DESIGN REVIEW BOARD

DATE: Monday, February 12, 2018 TIME: 7:00 pm
PLACE: JEROME CIVIC CENTER
600 Clark St., JEROME, ARIZONA 86331

MINUTES

Respectfully submitted by Joni Savage on March 12, 2018.

Approved:  Date: 3.12.18
Design Review Board Chair

Attest:  Date: 3/12/18
Design Review Board Vice Chair