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# TOWN OF JEROME

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## MINUTES

### REGULAR MEETING OF THE JEROME TOWN COUNCIL JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS TUESDAY, AUGUST 8, 2017, AT 7:00 P.M.

ITEM #1:	<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 7:00 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, Councilmember Bachrach, Councilmember Barber and Councilmember Currier.</i></p> <p><i>Also present were Kyle Dabney, Zoning Administrator, and Joni Savage, Deputy Clerk.</i></p> <p>Mayor or Mayor's designee to lead the Pledge of Allegiance.</p> <p><i>Mayor Vander Horst led the pledge.</i></p>
ITEM #2: 7:03	<p><b>STAFF AND COUNCIL REPORTS</b></p> <p>Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Representative, Public Works Department, Building Inspector, Library, Municipal Court, Police Chief, and Fire Chief, and verbal reports from Council members regarding their activities.</p> <p><i>Ms. Gallagher reviewed her staff report. Her activities over the past month included completion of the 2017-18 budget, advertising job openings for shuttle driver and accounting/HR clerk, hiring a shuttle driver, meeting with Mayor Vander Horst and Clarkdale officials regarding the potential sale of the Town's property there, meeting with the Mayor and the Deputy County Assessor regarding government property lease excise taxes, finalizing the USDA grant for the Hotel Jerome, working on a grant application to Freeport-McMoRan for repairs to Town steps, and working with NACOG regarding CDBG funding for housing rehab.</i></p> <p><i>Sales tax revenue for FY2017, she reported, was \$76,000 above what we had budgeted and \$92,000 above last year. Sales tax from restaurants and bars was up \$44,000 from last year and sales tax from retail was up \$57,000 from last year. Taxes from accommodations, however, were down about \$1,000 from the year before. So far, the added 1% bed tax has brought in \$12,248 over seven months.</i></p> <p><i>Mayor Vander Horst said that he would like to elaborate on the meeting with Clarkdale. The property we are considering selling, he said, was deeded to the Town in 1918, and consists of 19.4 acres. "The Town of Clarkdale is very much in favor of our decision," he said. "We are in the process of finding someone to give us an appraisal on the property. The problem is there are no comps."</i></p> <p><b>Motion:</b> <i>Councilmember Currier made a motion to accept the staff reports and it was seconded by Vice Mayor Kinsella. The motion passed, 5-0.</i></p>
ITEM #3:	<p><b>PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT</b></p> <p>Minutes are provided for the information of Council and do not require action.</p> <p><i>Mr. Dabney read from his report, and spoke of a neighborhood meeting that was conducted with respect to new construction planned for North Drive. He said that he</i></p>

	<p>heard some objections regarding holding the meeting, as some felt that it was a waste of time and Town resources, and represents another hurdle that one would have to go through.</p> <p>Councilmember Currier commented, "Those [meetings] were instigated because the people were upset that there weren't any meetings, and that was only a couple of years ago." He added that he believes that they are a good idea.</p> <p>Mayor Vander Horst asked how many neighborhood meetings Mr. Dabney had conducted.</p> <p>"Three," he replied, "and this was the first complaint."</p> <p>Councilmember Bachrach pointed out that the meetings are not mandatory. "I would request that you continue," he said, "and if people don't want to participate, they don't have to."</p> <p>Mr. Dabney agreed.</p>
<p><b>ITEM #4:</b> 7:14</p>	<p><b>COUNCIL MEETING MINUTES</b></p> <p>July 11, 2017 regular meeting – open session; July 17, 2017 special meeting – open and closed sessions</p> <p><b>Motion:</b> Vice Mayor Kinsella moved <b>to approve the regular meeting minutes of July 11, 2017</b> and the motion was seconded by Councilmember Barber. <b>The motion passed, 5-0.</b></p> <p><b>Motion:</b> Vice Mayor Kinsella moved <b>to approve the special meeting minutes of July 17, 2017</b> and the motion was seconded by Councilmember Currier. <b>The motion passed, 5-0.</b></p> <p>Vice Mayor Kinsella commented, "Great minute taking."</p> <p><b>Motion:</b> Councilmember Currier moved <b>to approve the closed meeting minutes of July 17, 2017</b> and the motion was seconded by Vice Mayor Kinsella. <b>The motion passed, 5-0.</b></p> <p>Mayor Vander Horst commended Ms. Gallagher and Ms. Savage for the quality of the meeting minutes.</p>
<p><b>ITEM #5:</b> 7:16</p>	<p><b>PETITIONS FROM THE PUBLIC</b></p> <p>Pursuant to A.R.S. § 38-431.01(H), public comment is permitted on matters not listed on the agenda but the subject matter must be within the jurisdiction of the Council. All comments are subject to reasonable time, place and manner restrictions. All petitioners must fill out a request form with their name and subject matter. When recognized by the chair, please step to the microphone, state your name and please observe the three (3) minute time limit. No petitioners will be recognized without a request. The Council's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.</p> <p><i>There were no petitions from the Public.</i></p> <p>Mayor Vander Horst asked the public to fill out the form if they would like to speak on any of the upcoming agenda items.</p>
	<p>At this time, Mayor Vander Horst stated that the Town Attorney had been scheduled to attend this meeting, but an accident on I-17 has closed the highway in both directions, and he is not able to get here. As such, the Mayor said that he would like to table two agenda items until the attorney can be present: Items 8B and 9E, abatement of public nuisances and Government Property Lease Excise Taxes.</p> <p><b>Motion:</b> Mayor Vander Horst made a <b>motion to table Items 8B and 9E</b>. It was seconded by Councilmember Currier. <b>The motion passed, 5-0.</b></p>

ITEM #6

**PRESENTATIONS**

7:18

**ITEM #6A: STATE HISTORIC PRESERVATION OFFICE**

Eric Vondy, Kathryn Leonard and Margy Parisella of the State Historic Preservation Office (SHPO) will make a brief presentation regarding Jerome's historic status and how the Town is doing in that regard. There will be a Q&A session following their presentation.

*Mayor Vander Horst introduced the three guests as Eric, David and Margy from SHPO.*

*Eric Vondy introduced himself as a Certified Federal Local Government Coordinator at the State Historic Preservation Office. The National Park Service, in recognition of the 50<sup>th</sup> Anniversary of the National Historic Preservation Act, has sent out certificates to all the Certified Local Governments in the nation. He presented Jerome's certificate to the Mayor. He noted that Jerome was certified in 1986, which makes it one of the earliest certified governments in the State – possibly the third.*

*Mr. Vondy said that he would like to offer his advice to the Council. "Empower staff to make decisions on their own," he said, "for a pre-designated selection of changes. We've been seeing increasing stress from residents in historic districts. They are upset about having to wait so long to make simple changes; for example, paint color ... door knobs." He went on to say that paint color does not affect the integrity of a historic building. "For example," he said, "in Tombstone, there is a painted building there and it is a horrible fuchsia color, but it doesn't affect the original structure. In Tombstone, they have put up fake facades, which is far worse than a paint color. If it is brick, don't stucco it and don't paint it." He added that, in Phoenix, projects go to Design Review only if they require a building permit. "Jerome has done a fantastic job of preserving the Town," Mr. Vondy said. "It's probably the best preserved Town in the State."*

*Mayor Vander Horst asked, "What about things like parking signs?"*

*"They don't affect the structure," Mr. Vondy replied. "It is good to have set sizes for signs, but parking signs should be no problem. These are things that cause DRB to have headaches. Arizona is a big property rights state, and becoming more so. These things end up risking the entire program."*

*Mayor Vander Horst asked, "Are there any entities out there that are just looking for something to grab onto?"*

*"Oh, yes," Mr. Vondy replied. "The Goldwater Institute is happy to come in and sue a town on behalf of some individual who feels their private property rights have been infringed upon. This started in 2006 with Prop 207, which was really an eminent domain bill. The language made it difficult for towns to impose zoning regulations. Essentially, what it said was, if an owner can show that the town has harmed a property's value by a zoning regulation, then you can't put that zoning regulation into effect." He noted that city attorneys are "notoriously nervous about lawsuits," so a lot of towns do not want to challenge this. "It basically stopped preservation at the local level," Mr. Vondy said. "Most historic districts had a historic overlay. Ones that have been created since then do not, because no one has been able to [do that] without worrying about a lawsuit."*

*Vice Mayor Kinsella asked Mr. Vondy to comment on SHPO's guidelines regarding building something in a historic district, and visual compatibility.*

*Mr. Vondy responded, "Our office follows what is called the Secretary of Interior Standards, which was created by the National Park Service. It is a set of 10 guidelines, and one of them is that you should not create a false sense of history. Another is that new additions should be differentiated, but compatible, which has a wide variety of meanings depending on how you interpret it. ... My predecessor liked to use the glass pyramid outside the Louvre as an example of this. As it was being built, the city of Paris hated it. Now, 20 some years later, it is a beloved piece of architecture. So, whenever I had a glass pyramid come through, I would approve it. Realistically, you want to base it more on scale and mass than on style. Don't build a 3,000 square foot*

addition on a 1,000 square foot original house. New stuff just needs to blend in, so it doesn't leap out as 'I'm new.'"

Mayor Vander Horst queried, "So a UFO-shaped building wouldn't harm the National Historic Landmark status of Jerome?"

Mr. Vondy said, "No, it would not," and added, "What does harm the historic status is losing contributing properties. Primarily, your concern is what is visible from the street. It's much easier to do something in the back of a property where no one will see it."

Councilmember Currier said, "We're having a crisis with older buildings collapsing. We want to protect and save them. Is there anything available on the State level that allows a municipality to save them?"

"Not at the State level," Mr. Vondy replied. He added, "You have saved a lot of buildings that other places would have condemned."

Ms. Parisella said, "If you're making changes because of health and safety, then it overrides the historic character because it has to be done. That trumps the historic value of a property."

Councilmember Currier said, "The only tool we seem to have is condemnation, and that destroys the property and doesn't seem to solve the problem."

Mr. Vondy agreed. He cited examples of demolition in Peoria, and said that there aren't tools available to help cities save historic buildings. "It is one of the things I would like to see," he added.

Ms., Parisella noted that residential contributing properties do get a property tax reduction.

Mr. Vondy explained that this applies only to non-income producing properties. There are efforts to create a new state program, he said, but there is a federal tax program for commercial properties – it is a 20% income tax credit, which must first be reviewed by SHPO and then the National Park Service. Most states have a commercial program that matches the Federal program. "There have been efforts to do that here in Arizona," he said, "but it never got out of committee."

Mayor Vander Horst asked, "Do we have any way to keep something like a UFO from being built in Jerome?"

"Neighborhood meetings are the best way to kill the idea," Mr. Vondy replied. "Public outrage is the best way to keep those things out."

Mayor Vander Horst asked Mr. Dabney if our ordinances were "strong enough to keep the aliens away."

Mr. Dabney replied that they are not, and Mayor Vander Horst said that we should address that at a future meeting.

Mr. Vondy commented, "All research shows that people are coming to places that look like this, something distinctive. They don't want to go to places that look the same. Downtown Kingman is being revitalized by millennials. There is an entire generation that is going to places like Des Moines rather than Los Angeles. For the sake of the future, preserving Jerome is very important."

Ms. Parisella said, "Please feel free to keep in touch with us and ask any questions you may have."

7:42

**ITEM #6B: DISTRICT SIGNS**

Jerome's Planning and Zoning Interns, Patrick Carney (NAU) and Sam Rogers (ASU), will present their proposal for district signs in three areas of town.

Mr. Dabney introduced his interns, Patrick Carney and Sam Rogers, who would offer a slide presentation of their proposal for district signs.

Mr. Carney thanked the Town of Jerome, the Council and Mr. Dabney. He added they have had "an exceptional experience here."

Mr. Rogers introduced the project and talked about the sign clutter in Jerome. Some buildings have more signs than they are supposed to have, he said, and pointed out the area across from the Spirit Room. "This will work in tandem with a sign ordinance that Mr. Dabney is working on," he said, and displayed a proposed district sign. It is similar to the one across from the police station, he said, and it is easy to change out the individual signs. The suggested sign is seven feet tall, with slats for businesses and directional arrows. The top of the sign displays the Town seal. He suggested that it could remove the clutter of signs.

Mr. Carney spoke about the locations they had chosen: near the Haunted Hamburger, near the horseshoe pits, and in the Lower Park. "This is the existing district sign," he said, and displayed a photo of the sign near the "sugar shack."

Kate Roberge, a resident of Jerome stated, "That sign across from the police station needs to stay there."

Mr. Rogers responded that, if there is a strong feeling to leave that sign there, "that's fine. The great part about this project is it will add 30 more slots for businesses."

Ms. Roberge noted that the sign in question has been there for 30 years. "The Knapp Gallery put that sign up," she said. "All of those businesses need to be represented."

Mayor Vander Horst pointed out that that this is just a proposal that the interns prepared. "They just looked at three places," he said. "This doesn't mean there won't be more. I can think of two or three other places that would need a district sign."

Mr. Carney talked about directional arrows and how they would help, and noted that "This is not set in stone – it is just a suggestion."

Mr. Dabney stated, "Currently there is nothing. All the signs are outdated and they look terrible. These are just preliminary ideas, and I appreciate the work they did. The tourists just walk around aimlessly, so we want to direct people to other areas."

Mayor Vander Horst commented that one of his issues is that some of those businesses are out of business.

Mr. Rogers said that the signs would be maintained by Mr. Dabney, and each slat would be \$10.00. Each business could design their own and return it to Mr. Dabney.

Councilmember Currier asked, "Do you have any thoughts on what shops fall into what districts? I understand you're planning to make this an open thing, people can buy or not buy. ... Could the Haunted Hamburger buy a sign in any district they wanted to?"

Mr. Rogers replied, "We could introduce zones and define the districts. We hadn't thought of that."

There was brief discussion regarding the Haunted Hamburger sign next to the Town steps. Jane Moore, a resident, said that that sign is on Town property, and they could put a district sign there.

Chamber president Kevin Savage asked, "Where does this presentation go from here now that these guys are leaving?"

Mr. Dabney replied, "From this point on, I will be taking over the project. I know that some businesses want it."

Mr. Rogers said that he and Mr. Carney loved being here during their internship.

The audience had a general discussion about locations and designs of the signs.

Suzy Mound asked if a business could buy a sign on all of the district signs. Mr. Carney replied that he thought that would be a good idea.

Mr. Dabney said that the restrictions on business signs wouldn't apply to these. "If you want to buy three slats," he said, "a business can buy three slats."

Mayor Vander Horst said that he wanted to acknowledge and thank Mr. Dabney, Mr. Rogers and Mr. Carney for their work on this project. He noted that the interns "have worked here all summer as volunteers, they came here for the experience." "I thank them for all that they have done," he said.

At this time, 8:16 p.m., Mayor Vander Horst called a break until 8:25 p.m.

ITEM #7

**ORDINANCES**

8:28

**ITEM #7A: SECOND READING AND POSSIBLE ADOPTION - ORDINANCE NO. 432, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING CHAPTER 12, "TRAFFIC" OF THE JEROME TOWN CODE TO ADD NEW ARTICLE 12-2, "RESIDENTIAL PARKING"**

Council may conduct the second reading of, and possibly adopt, an ordinance requiring parking permits in certain residential areas.

Mayor Vander Horst opened this item first to the Council for discussion, after which, he said, they would hear from four petitioners from the public. He noted that this ordinance came to us from the citizens, to help solve their issues of inability to park near their homes.

Councilmember Bachrach said, "This started as a discussion - how to protect and help the residents on School Street with the tourists parking there. We quickly realized that there are more problems that need to be addressed." He thanked everyone for coming and asked for constructive input.

Vice Mayor Kinsella said, "Parking has always been an issue in the Town of Jerome. We basically were asked for this by individuals that have people from other neighborhoods parking in their neighborhood. We have vehicles that haven't been tagged since 2009 and haven't moved since then either." He thanked everyone for showing up.

Councilmember Barber said, "Jerome was built before there were cars." She talked about common courtesy, and thanked everyone for showing up. "The SHPO guys talked about public opposition," she said. "It's not a new problem - it's been going on for quite some time." She expressed concern regarding emergency access.

Councilmember Currier said, "It's obvious we have to do something. There are some headaches to the proposal, questions like, 'Would everyone in Town have a label? How do we get those? If I have a visitor staying for a few days, do I call 911?' And then there is the idea that the police will deal with this. Half the time you can't find them. What if I have a sticker and I want to go to a neighbor's, are we going to have a meter maid? There are a lot of unanswered questions. Everyone should be able to park near their house." He asked the public for their input.

Mayor Vander Horst said, "Vice Mayor Kinsella got a report of parking complaints, and right now, we average just under eight parking complaints a month. I don't know how many tickets have been written, and I don't know of any cars that have been towed. The idea is that this will be complaint-driven. The police will not be looking for vehicles without stickers."

Fire Chief Rusty Blair spoke and said that this has been ongoing since 2008, when Council first addressed this but decided at that time to take no action. "Here we are again almost ten years later," he said, "and still nothing has been done. I drive a big 36-foot-long truck, and I can't get through some of these areas. The more vehicles, the more problematic for me. The difficulties I face because of parking are horrendous. The short-term residents are competing against the residents for parking." He spoke about the various vehicles that can show up in response to an incident and said, "I don't know if this is the answer, but something needs to be done and we

should start somewhere. On Holly it's a slalom, and East Avenue is terrible. Tell me how I'm supposed to respond."

Councilmember Bachrach mentioned that the proposed parking lot in the old Town Yard could help with parking in the south side neighborhoods.

Kevin Savage suggested that the ordinance doesn't need to pertain to 89A. "There are many spots where someone can park, all the way to the high school, that never get occupied, and there is also the Historical Society parking lot. The scary thing about where we park [on Hampshire Avenue] is that our vehicles do get hit once in a while along 89A."

Mayor Vander Horst said that he wanted to remove Hampshire and Main from the ordinance.

Ms. Roberge said that she lives on School Street, and over the past 35 years, she's seen a lot of issues, "but we know whose vehicles are whose." "In the morning," she said, "everyone leaves to go to work, and the tourists park there during the day. I don't think it is a problem on School Street. I believe they have it under control. I do believe that vacation rentals should have to have stickers, that way it could be controlled. I don't believe this should be on citizens, but on guests."

Chief Blair quipped, "You can tell the difference between the locals and the tourists by how far they park off the curb."

Mr. Savage commented that there are cars around that don't have a current tag. He suggested going after those people first.

Mr. Dabney interjected that there are six vehicles not tagged that are parked in public areas, which he has sent to the police department for citations.

Councilmember Currier said, "It was suggested that parking is not an issue at night when all the tourists leave. If, when you address us, you could specify when that IS a problem, that would help us."

Mayor Vander Horst said, "That's a good point. The parking issue where I live is mostly in the evenings."

Mandy Worth, a Jerome resident, concurred that she doesn't think Hampshire has an issue for parking, as she has lived there. She said that she feels that the ordinance, as written, is ambiguous and not enforceable. "For example," she said "in the ordinance, 'streets and highways,' - does that include only those maintained by the Town? The Town does not maintain certain streets, would those be exempt from permits? The portion of 4<sup>th</sup> Street where I live, I'm the only property that accesses their property from 4<sup>th</sup> Street, would I be exempt? The concern of getting a permit for people needing to park for an hour, would there be an online print-at-home process? The ordinance talks about households and residents, those definitions are ambiguous in this area, and I believe it should be clearly defined. What is a single-family residence? I have a single-family residence. Would I only get two permits? My kids lived with me for over a year, and my parents live with me part-time. That is six people in a single-family home." She then asked about the cost of purchasing additional permits and quoted prices from Los Angeles. Ms. Worth posed many questions, and said that the ordinance doesn't address these clearly.

Councilmember Bachrach commented that she had excellent questions.

Mayor Vander Horst read aloud from a letter from Margie Hardie, a Jerome resident, asking if people who do not use their off-street parking would be ticketed, and noting that permit zones are not defined. She expressed concern that enforcement would take up the valuable time of our police officers, or require additional personnel, and stated that the majority of School Street is in the commercial zone. She also noted that the Town Code has provisions regarding how long a vehicle may be parked without moving.

Sage Harvey, a Jerome resident, said that she just moved to 2<sup>nd</sup> and Verde. "Even if you're going by two people per household, the math doesn't work," she said, and

asked if she would "lose the second spot" if she doesn't have a vehicle. "With permits, and I have a specific spot, and I leave and someone parks in my spot, are they getting ticketed or towed?" she asked. She also asked if permits would be issued to vacation rentals in residential districts.

Regarding visitor passes, Ms. Mound suggested that Council consider giving each home a visitor pass that they keep, instead of going to the Police Department every time you needed one. She also commented that she is a single person who owns two vehicles, and said that she is curious as to how we arrived at \$100 per year for a permit. Ms. Mound also commented regarding how other communities charge for parking permits, and said that she doesn't believe the Town can legally charge for handicap vehicles.

Mayor Vander Horst closed the public comments at this time.

Councilmember Currier commented that he heard a lot of good information. "We should follow up on this 'day and night' question," he said. "I think the idea of issuing the permits electronically is a good idea. We all agree that 89A is off the table."

Councilmember Barber said, "There were a lot of good points brought up by the residents that live in those areas."

Councilmember Currier noted that, in the text of the ordinance as presented, Chief Muma has specified that extra permits would be issued only if they were available. He was told that, if there are no parking places, then there are no permits available.

Vice Mayor Kinsella thanked everyone for their comments and added, "We're missing the point." He thanked Ms. Worth for doing great research, and said, "The way I see it, we have a lot of single-family dwellings that have become multi-family dwellings, which means more cars. On Verde Street, I've met four people that live in a residence that used to be a single-family residence. Four vehicles -- that's an issue."

Mr. Kinsella talked about the lack of communication in some of the neighborhoods around town. "What happens," he said, "is, the next thing you know, the police are there to calm down a parking situation where adults should be able to communicate with each other." "There comes a point," he went on to say, "when people become rude. We have people in the Town that are selfish, they only care about what they want. My issue at hand is this. Parking requirements in both the C1 zone and the residential zone are not working, and we need to address this. How do we define a single-family home?" Mr. Kinsella spoke about illegal apartments and people not paying their fair share for water. "The people who pay their fair share for water are now subsidizing those that aren't paying their fair share," he said. "This is just a small part of a bigger problem that's been going on since 2008. Either we bury our heads in the sand and just forget about the whole thing, or we look at it responsibly and try to come up with a solution and deal with it."

"That's a tough act to follow," Councilmember Bachrach said. "I had hoped Chief Muma would be here tonight, because he has a good explanation of the problems he sees. There are a few hot spots in town that have big problems. The new parking lot could be designated for the south side of Town. Everyone realizes how complex this parking issue is."

Mr. Bachrach asked Ms. Worth, "Would you like to re-write the ordinance for us? You brought up some good points. The idea was not to make money, but to discourage people from having seven cars up here." He noted that he owns several cars, but he only keeps two here in Jerome because he doesn't feel right about taking up extra parking spaces. "The out-of-towners are not always the problem," he said. "There are some locals that create the problem."

Vice Mayor Kinsella said, "The Town has to do their due diligence, and we can't drag our asses anymore in regard to this issue."

Mayor Vander Horst said he appreciated everyone's comments, and Ms. Worth's research. "One of the things we have to do," he said, "is define what a household is, or this ordinance doesn't make any sense." He talked about working with one's

neighbors, and how that could be beneficial. "We have heard enough questions," he said, "that we need to table this so we have time to get these questions answered and come up with some better suggestions."

**Motion:** Councilmember Bachrach made a **motion to table Ordinance No. 432.** It was seconded by Vice Mayor Kinsella.

Councilmember Currier said, "I would like to table it, but I don't want to lose it. How will we bring it back?"

Mayor Vander Horst suggested that it be placed on the October agenda.

The **motion passed, 5-0.**

9:20

**ITEM #7B: FIRST READING – ORDINANCE NO. 433, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 4-2-4 OF THE JEROME TOWN CODE WITH RESPECT TO SELECTION AND APPOINTMENT OF FIRE CHIEF AND ASSISTANT FIRE CHIEF**

Council may conduct the first reading of Ordinance 433, amending the Town Code with respect to the appointment of the Fire Chief and Assistant Fire Chief.

Mayor Vander Horst stated that he put this on the agenda because, currently, our Town code states that we hire or re-hire our fire chief every two years. "I hope Chief Blair never retires," he said, "but when he does, it would be difficult to attract a replacement when they see they may only have the position for two years. This would put the position of Fire Chief in the same status as the Police Chief."

Chief Blair said, "It really isn't good for the troops, when every two years we have a vote that is nothing more than a popularity contest. If there was no money behind this, they wouldn't do the job. ... This popularity contest is really not the way to go when deciding who the Fire Chief is."

Mayor Vander Horst said that he values the opinions of the fire department members, and noted that he himself is a member, but he doesn't think our existing ordinance is good the way it stands.

Councilmember Currier said that his understanding is that the department would still recommend the Chief, and he doesn't understand the change that Mayor Vander Horst is suggesting.

Ms. Gallagher clarified the changes that would be effected with this ordinance. There would be no change in that the Fire Chief would continue to be appointed by the Council, but the reference to a two-year term for the Chief and Assistant Chief would be removed. Also, the ordinance would provide that the Assistant Chief would be chosen by the Fire Chief (subject to approval of the Town Manager), rather than by the members of the Fire Department.

"It takes away the popularity contest," Mayor Vander Horst said.

Councilmember Bachrach summarized and said, "We are striking the language for a two-year term. The option for removing the Fire Chief would be the same as for the Police Chief and the Town Manager. Right now, the Fire Chief shows up every two years to see if he still has a job. I am not opposed to this change."

After brief further discussion, Mayor Vander Horst read the ordinance by title.

9:35

**ITEM #7C: FIRST READING – ORDINANCE NO. 434, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 3-3-6, "PURCHASING PROCEDURE," OF THE JEROME TOWN CODE**

Council may conduct the first reading of Ordinance 434, amending the Town Code with respect to purchasing procedures.

Mayor Vander Horst read the ordinance by title.

"Several people on the Council think we need to update our procurement policies," he said. "I think it handicaps us and how we do things." He asked Ms. Gallagher to explain the changes that this ordinance would effect.

Ms. Gallagher explained that the ordinance would increase the purchasing thresholds, as follows:

- No quotes would be required for purchases up to \$5,000. Currently, that level is set at \$2,500.
- Informal quotes would be required for purchases between \$5,000 and \$20,000. Currently that level is between \$2,500 and \$10,000.
- Written quotations would be required for purchases between \$20,000 and \$50,000. Currently, they are required between \$10,000 and \$25,000.
- Sealed bids would be required for purchases over \$50,000. Currently, they are required for purchases over \$25,000.
- The ordinance also removes a provision that could prevent us from issuing Requests for Proposals for projects under \$50,000. The new ordinance would allow us to issue RFP's for any project requiring specialized technical knowledge, regardless of the price, and we would not be bound to take the lowest bid.
- The ordinance adds a provision that all contracts and purchases exceeding \$50,000 must be approved by the Town Council.

Councilmember Currier noted typographical errors in the original Code language that Ms. Gallagher will correct.

Councilmember Bachrach said, "I think granting work to the lowest bidder isn't always the best idea. I want the best investment I can make. The thing I'm concerned with is getting the best deal for the Town."

He went on to say, "\$50,000 is a lot of money. This Council has the Town's best interest in mind, but what about the next Council? How could we ensure they will feel the same?" He explained various scenarios where the lowest bid is not the best bid.

Mayor Vander Horst noted that the new limits proposed are still just half of what the State uses.

Ms. Gallagher noted that our purchasing regulations "are self-made," and not governed by statute.

Mayor Vander Horst said that we could ask our auditors to check our purchasing practices, and Ms. Gallagher commented that she believes that they do check that as part of the audit.

Vice Mayor Kinsella said that he agrees with Councilmember Bachrach. "Government should have the most checks and balances," he said. "We should justify what we're spending and explain why."

ITEM #8

**UNFINISHED BUSINESS**

9:48

**ITEM #8A: RESOLUTION NO. 558, A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF JEROME, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF PROPERTY WITHIN THE TOWN A CERTAIN SUM OF MONEY FOR FISCAL YEAR 2017-18 TO BE ASSESSED AGAINST THE VALUATION OF REAL PROPERTY FOR PRIMARY TAX PURPOSES**

Council may approve Resolution #558, adopting the municipal tax levy for the fiscal year ending June 30, 2018. A public hearing on the budget and tax levy was held on July 25, 2017. No increase in the tax levy is proposed.

Mayor Vander Horst read the resolution by title.

Ms. Gallagher confirmed that the tax levy of \$47,500 has not changed from last year. The tax rate is lower because property values have increased.

<p><b>Tabled</b></p>	<p><b>Motion:</b> Councilmember Currier made a <b>motion to approve Resolution No. 558.</b> It was <b>seconded by Vice Mayor Kinsella.</b> The <b>motion passed, 5-0.</b></p> <hr/> <p><b>ITEM #8B: ABATEMENT OF PUBLIC NUISANCES</b></p> <p>Town Attorney Bill Sims will advise Council regarding options for abatement of public nuisances. Prosecutor Andy Jolley may participate in the discussion as well. Part of this discussion may take place in executive session, pursuant to A.R.S. § 38-431.03 (A)(3).</p> <p><i>This item had been tabled earlier in the meeting.</i></p>
<p><b>ITEM #9</b></p>	<p><b>NEW BUSINESS</b></p>
<p><b>9:49</b></p>	<p><b>ITEM #9A: SPECIAL EVENT LIQUOR LICENSE</b></p> <p>Council will review and may approve a Special Event Liquor License for the Jerome Volunteer Fire Department Auxiliary for their fundraising event to be held at Spook Hall (260 Hull Avenue) on October 28, 2017.</p> <p><i>Following a brief review by Chief Blair,</i></p> <p><b>Motion:</b> Councilmember Currier made a <b>motion to approve the special event liquor license.</b> It was <b>seconded by Vice Mayor Kinsella.</b> The <b>motion passed, 5-0.</b></p>
<p><b>9:51</b></p>	<p><b>ITEM #9B: SERIES 19 LIQUOR LICENSE APPLICATION – PASSION CELLARS</b></p> <p>Council will review and may approve an application by Passion Cellars for a Series 19 (Remote Tasting Room) Liquor License for use at 301 Main Street.</p> <p><i>Mayor Vander Horst asked for any comments from the Council.</i></p> <p><i>Vice Mayor Kinsella recapped, "This is a tasting room already established, it is just changing its location."</i></p> <p><i>Jane Moore, a Jerome resident, asked if this location has already been rented to them. Ms. Gallagher replied that the lease has not yet been signed, but Council has approved it.</i></p> <p><i>Ms. Moore asked if the Town has considered that the only access to this establishment that will be serving alcohol is up and down steps, and noted the proximity of the park where children play, and the bus stop where children would be present. She said that the prior use was for shops, and asked about designated parking. "There are so many alcohol establishments in this town," she said. "I just think it is a bad idea for the Town to rent to an establishment that serves alcohol. Also, expanding it to the patio is a mistake. You are granting parking to a type of business that had never been there before."</i></p> <p><i>Mayor Vander Horst asked Council for their thoughts.</i></p> <p><i>Councilmember Currier noted that "wine tasting is not much different than retail."</i></p> <p><i>Councilmember Bachrach said that he understands Ms. Moore's concerns, however he believes it is not like a bar.</i></p> <p><i>Ginger MacKenzie, a representative for Passion Cellars, said that they've been operating in town for five years and they have never had an incident. "We keep business hours, not bar hours," she said. "We have tastings. The people are usually only with us for 15 minutes."</i></p> <p><b>Motion:</b> Councilmember Currier made a <b>motion to approve the liquor license.</b> It was <b>seconded by Vice Mayor Kinsella.</b> The <b>motion passed, 5-0.</b></p>
<p><b>9:56</b></p>	<p><b>ITEM #9C: PARKING RELATED TO USE OF PATIO AT 301 MAIN STREET</b></p> <p>Council will review parking requirements related to use of the patio area at 301 Main Street.</p> <p><i>Councilmember Currier asked how the patio space would be used and if drawings were available.</i></p>

Ginger Mackenzie, representing Passion Cellars, stated that this will go before the Planning and Zoning Commission and Design Review Board next month. There will be a sign stating that no one under 12 is allowed in the patio area, and prohibiting standing along the edge. "We will have everything up to Code," she said.

Mayor Vander Horst asked, "Specifically what are we voting on?"

Mr. Dabney said, "This is based on the parking issue. In the Zoning Ordinance, it states that a change of use, the patio specifically, will require a Conditional Use permit. It requires an additional parking space. He measured the patio at 215 square feet, so one extra parking space would be required in order for it to be used.

Mayor Vander Horst said, "Town Code states that the building owner must provide parking. Well, the Town owns most of the parking."

Mr. Dabney agreed, and added that the ordinance does not state how nearby that parking needs to be. It does say that the parking provided has to be by deed restriction or easement.

Ms. Gallagher said that she spoke with the Town Attorney about this. He said that we can do this by granting a license for use of a Town parking space that would be made a part of the lease, and would expire with the lease. He had expected to be at this meeting to explain it further. He believes that our Zoning Ordinance needs to be changed, she added.

Vice Mayor Kinsella said, "That is totally contradicting our deed restrictions. ... It goes back to - parking is not working, both residential and commercial."

Councilmember Bachrach said, "Clearly, we're not dedicating parking spaces."

Vice Mayor Kinsella went on to say that he doesn't see what the difference is between serving wine out there and our last tenant hanging dresses out there, except that now we are getting paid for the space.

Ms. Gallagher said that the Code could be changed soon, and for now, we can put the language in the lease. If Council wishes to approve this, she said, a motion could be made to accept the attorney's recommendation of putting language in the lease with respect to a license for use of town parking, and leave it up to the attorney to draft that.

Mayor Vander Horst read aloud a letter from Margie Hardie objecting to this use of the patio, and stating "Please leave the space (patio) at 301 Main Street a public area for all to enjoy. I understand that the town is providing off street parking to the renter on public land. This town property could be used for residential parking, helping to reduce the overcrowding. How much of Town property will be used to satisfy requirements by the ZO for commercial renters?"

Jane Moore stated that she doesn't like the patio being used. Councilmember Bachrach asked her what her objection was.

Ms. Moore replied that she doesn't like the patio access so close to the park, and providing parking to expand their business when we already have a parking problem. "You're not allowing other people to expand because they can't provide parking," she said.

Kevin Savage argued that the business is already operating in Town, they're just moving the location. "People are already drinking close to the park when they're on the steps," he said. "There are already two bars right across the street, so I don't think that is a valid point." He added that the town shuttle can handle the parking issue, since Passion Cellars has regular business hours.

Suzy Mound talked about the pay phones that were there a long time ago. "Residents use that space," she said, "and I think this is a huge change to make. I don't think it is fair to other businesses that have had to provide parking." She said that she doesn't want the patio to be part of a business.

Ms. MacKenzie commented that she has never seen anyone out there, and noted that this would generate almost \$5,000 per year to the Town.

Natalie Barlow, a Jerome resident, said that what she is hearing is that this is possible because the Town owns the property. "Would it be treated the same if the Town didn't own it?" she asked. "It doesn't seem quite right to me."

Mandy Worth said that she isn't concerned about the wine tasting room, but rather the parking issue. She feels it is a conflict of interest.

Mayor Vander Horst asked Mr. Dabney how many parking spots Passion Cellars was required to have to do business at their current location.

"None," Mr. Dabney responded.

Councilmember Bachrach said that he wanted to point out that the Town has already agreed to lease this space, and when they did, there was no objection. "If a landlord owned a giant parking lot in the middle of town, we would be granting them permission to do this," he said. "The Town can justify this because it is the Town's building and patio, and it is the Town's parking lot."

Ms. Moore responded, "The Verde UVX has a big parking lot, and they can't expand their uses beyond their parking lot use. I think expanding the use of the space is an issue."

Vice Mayor Kinsella said, "If you notice, most everybody who has a business in the Verde apartments parks on Main Street. He spoke of when they expanded the New State Building, and stated again that "our parking ordinance is not working."

**Motion:** Vice Mayor Kinsella moved **to allow the use of the patio based on the attorney's document that will go with the lease and not the building.** The motion was **seconded by Mayor Vander Horst.**

Councilmember Currier asked, "What if we deny this?"

Ms. MacKenzie said that they would like to beautify that corner, and the patio is a big part of why they want the location.

Mr. Dabney said, "I think this problem will continue if we don't do something about this. It's been going on since 1983. No one has done anything. I have done the research, and no other towns have a parking ordinance in the downtown district."

Councilmember Currier said that he thinks the parking ordinance should be struck.

Vice Mayor Kinsella said, "If we don't get our act together, we're going to get nailed for 'arbitrary and capricious,' which will cost the taxpayers of Jerome."

**The motion passed, 5-0.**

10:23

**ITEM #9D: PROFESSIONAL ENGINEERING SERVICES**

Council will discuss the Town's contract with Westland Resources for professional engineering services, and whether to continue with the contract or solicit Requests for Proposals from other firms.

Mayor Vander Horst said that our Town Engineer has left the firm and that's why this is on the agenda. Following a brief discussion,

**Motion:** Vice Mayor Kinsella made a **motion to look for a new engineering service** and it was **seconded by Councilmember Bachrach.**

Councilmember Currier said that he would like to encourage smaller firms to submit proposals.

Ms. Gallagher noted that our contract with Westland Resources expires in December 2018, however we can end it with 60 days notice. The company no longer has an engineer in their Flagstaff office.

**The motion passed, 5-0.**

<p><b>Tabled</b></p>	<p><b>ITEM #9E: GOVERNMENT PROPERTY LEASE EXCISE TAXES (GPLET)</b></p> <p>The Mayor and Manager will update Council regarding Government Property Lease Excise Taxes and requirements associated therewith.</p> <p><i>This item had been tabled earlier in the meeting.</i></p>
<p><b>ITEM #10 10:26</b></p>	<p><b>TO AND FROM THE COUNCIL</b></p> <p>Council may direct staff as to items of pending importance that they would like placed on a future meeting agenda.</p> <p><i>Councilmember Bachrach reported that the "Raise the Roof" fundraiser conducted at the Jerome Artists Co-op brought in \$4,600 toward work at the Hotel Jerome. The elevator shafts are now safely sealed off, he said, and there's a dumbwaiter shaft that still needs to be taken care of. He said that we need to post a notice asking people to remove their items from the second floor so that it can be cleaned out. It has been tested, he said, and those floors have lead-based paint.</i></p> <p><i>Vice Mayor Kinsella said, "I want to do something about ADOT. Their water is going onto private property and they won't take care of it. They have not addressed the wall beneath a residence and the WPA wall on 89A. They have a responsibility, they should be in to fix these issues." He said that he would like to look at the document that was signed by a prior Council that basically waived ADOT's responsibility. "The Council that signed it had no idea what they were signing," he said, and added, "I believe that ADOT caught that Council at a weak moment."</i></p> <p><i>Ms. Gallagher offered to consult with the attorney about our options with that contract. She added that ADOT does have the responsibility to fix some of these things. She has been in contact with Alvin Stump, who told her that they are in the process of designing the catch basins that will be used here.</i></p> <p><i>Mayor Vander Horst announced that the horse shoe pits are open. They were last open 12 or 13 years ago, he said. A Grand Opening was discussed.</i></p> <p><i>Vice Mayor Kinsella suggested using the old horseshoes and putting them on plaques to present to the Tribe and to Freeport-McMoRan, and he volunteered to do that. The final slab will be poured there on Friday, he said, and hopefully by next Tuesday there will no longer be cones or ugly construction fencing. The Historical Society is donating a bench for use there.</i></p> <p><i>Mayor Vander Horst thanked him and added, "We should find another horseshoe to make a plaque for Chief Blair."</i></p>
<p><b>ITEM #11</b></p>	<p><b>ADJOURNMENT</b></p> <p>Upon <b>motion</b> by Councilmember Currier, seconded by Councilmember Bachrach and unanimously approved, the <b>meeting was adjourned at 10:40 p.m.</b></p>

*Edited by Town Manager/Clerk Candace Gallagher from minutes taken and transcribed by Deputy Town Clerk Joni Savage.*

APPROVE:

ATTEST:

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

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

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