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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, JANUARY 9, 2018, AT 7:00 P.M.

<p>ITEM #1:</p>	<p>CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE</p> <p>Mayor/Chairperson to call meeting to order.</p> <p>Mayor Vander Horst called the meeting to order at 7:00 p.m.</p> <p>Town Clerk to call and record the roll.</p> <p>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Vander Horst, Vice Mayor Kinsella, Councilmember Bachrach, Councilmember Barber and Councilmember Currier.</p> <p>Other staff present were Kyle Dabney, Zoning Administrator; Melanie Atkin, Accounting Clerk; and Joni Savage, Deputy Clerk.</p> <p>Mayor or Mayor's designee to lead the Pledge of Allegiance.</p> <p>Yavapai County Supervisor Randy Garrison led the pledge.</p>
	<p>Motion: Mayor Vander Horst made a motion to rearrange the agenda as follows; move Item #7A forward, then address Item #4 and Item #9B, and then back to Item #2. The motion was seconded by Councilmember Currier and unanimously approved.</p> <p>All items are reflected in these minutes in the order originally agendized.</p>
<p>ITEM #2: 8:51</p>	<p>STAFF AND COUNCIL REPORTS</p> <p>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.</p> <p>Councilmember Currier noted an item in the Fire Chief's report which stated that our volunteers put in a total of 3,509 hours during 2017, which if paid at \$12 per hour would come to about \$42,000. He asked Council if they thought that was correct, and added that it is not much money, and "if that would run the fire department, I'd be glad to vote for it."</p> <p>Vice Mayor Kinsella opined that \$12 per hour is "not even close to what it would need to be."</p> <p>Mayor Vander Horst said that he believes that the hours shown represent the hours actually spent on calls. "If we had a full-time [paid] department," he said, "most of the time spent is not on call, but you're still paying them." He estimated that, to have a full-time paid department would require 12 to 15 individuals and would cost about \$600,000.</p> <p>Councilmember Bachrach commented, "So he is saying we're getting a heck of a deal."</p> <p>Councilmember Currier referred to the listing of springs projects, and said, "We're halfway through the year and they haven't spent half the money." He asked if some of these projects should be contracted out.</p> <p>"Or maybe hire additional help," Councilmember Bachrach said.</p> <p>Councilmember Barber recalled that Mr. MacVittie had stated that some of the pricier projects were being held off until the spring.</p> <p>Vice Mayor Kinsella commented that Mr. MacVittie knows that these projects are of high priority.</p>

Councilmember Barber expressed concern about the number of suicides shown in the police department report – six during 2017, which she feels is high.

Vice Mayor Kinsella stated that people come to Jerome from throughout the Verde Valley and Prescott Valley to commit suicide. "It's a terrible word to use," he said, "but it is 'trending,' people want to come here to commit suicide."

Mayor Vander Horst had several comments:

- He announced, "Today is National Law Enforcement Appreciation Day," and he introduced Mark Boan who was representing the Jerome Police Department at this meeting. "Thank you for everything you do," he said. Mr. Boan spoke briefly and said that he joined our department as a full-time officer last April, after serving 14 years with the Sheriff's office. "I love working here," he said.
- He asked Ms. Gallagher about the timeline for implementation of the residential parking ordinance. Ms. Gallagher responded that Chief Muma expects that it will be fully implemented within three to six months. There is a lot of preparation work involved.

Councilmember Currier commented that someone told him that people with extra vehicles are going to move them into the commercial district when the ordinance is implemented, and we would then lose that parking.

Mayor Vander Horst noted that vehicles can't be parked there for longer than 72 hours.

- He reported that, the day before, Jerome had the pleasure of hosting the Verde Valley Mayors, Managers, Supervisors and Nation meeting, and one of the topics of conversation was micro-cell towers. The other towns were surprised that we had already been approached, because they haven't. "It was a consensus in the room that nobody wants them," he said, and noted that our attorney is working on this, but we do not have any answers yet.

A brief discussion followed, and it was noted that the tower in Clarkdale is a macro-cell, not a micro-cell.

Councilmember Currier asked if the towns seem to be banding together to fight these.

"No," the Mayor replied. "It was pretty much consensus that we would be fighting both the State and Federal government, because both of them have laws that say we can't prohibit them."

"Thanks to successful lobbying," Councilmember Bachrach interjected.

Ms. Gallagher said that Sedona had been working on a master plan for siting those but scrapped it when the new law came along.

Councilmember Barber talked about the macro-cell towers in Sedona, and said that it was disheartening.

Councilmember Bachrach asked Mayor Vander Horst "Would you be willing to go to the Capitol with me and talk to the Governor's office?"

"Absolutely," Mayor Vander Horst responded.

Councilmember Barber added, "According to FCC regulations, there is a historic clause. Our whole area is historic."

Councilmember Bachrach asked Ms. Barber if she provide a copy of that.

Mayor Vander Horst asked Ms. Gallagher if there was anything else to report from that meeting.

Ms. Gallagher said that Sedona is working with attorneys in the League to try to force all online lodging marketplaces to collect and remit sales tax on behalf of their clients. AirBnB is doing that already, but VRBO and HomeAway are not, so it's difficult to determine what is out there. Sedona is also working toward changing their code regarding business licensing for short-term rentals, as there had been some pushback from the Goldwater Institute about that.

Also from that meeting, Mayor Vander Horst reported that Clarkdale has just finished replacing their last piece of 100-year-old water line, and Freeport-

	<p>McMoran's soil remediation program there has expanded once again. It may be five years or more before they get to Jerome, he said.</p> <ul style="list-style-type: none"> • He noted that, during 2017, the Fire Department obtained over \$40,000 in grants, and said, "It's good that they go through that process." • He stated that the Fire Department is approaching the "legal limit" on the age for our SCBA's (self-contained breathing apparatus). We cannot operate with out-of-date equipment. They applied for a grant last year for this, but did not receive it. This will need to be addressed during budget talks, he said. Vice Mayor Kinsella agreed. <p>Chief Blair suggested that we consider using wildlands revenues toward the purchase of SCBA's.</p> <p>Councilmember Bachrach said that the League is offering training, including a session about building relationships and making an impact at the State Capitol, and another on grant seeking. He would like to participate, and feels it would be a good investment.</p> <p>Motion: Councilmember Bachrach made a motion to accept the staff reports and it was seconded by Councilmember Barber. The motion passed, 5-0.</p>
<p>ITEM #3: 9:12</p>	<p>PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT</p> <p>Minutes are provided for the information of Council and do not require action.</p> <p>Mr. Dabney read from his report:</p> <ul style="list-style-type: none"> • On December 6, he met with Jason James of NACOG to go over the application he put together for the drainage project, and it has been submitted. • December was a slow month for him, and his office is now completely caught up. He thanked Ms. Savage for her help with that. • He has worked heavily on GIS and the map book is nearly complete. He is waiting for address changes that have to pass through several different agencies. • He is in the process of working on the sign ordinance with Planning and Zoning. • He and the Town crew got the map storage system built so that he can catalog and store our maps properly. <p>Councilmember Bachrach asked Mr. Dabney when he will be enforcing our ordinance at the Flood House, and how many of these properties there are.</p> <p>Mr. Dabney replied that there are around four, and some are just "giving him lip service." "All I can do for now," he said, "is just make phone calls. But when these ordinances go into place, I will go forward." He said that he is maintaining a log of his calls, and explained his process of recording the information he acquires.</p> <p>Mary Butcher, a Jerome resident, asked Mr. Dabney if he could define "public nuisance." "Is it abandoned vehicles, is it unsightly or is it dangerous?" she asked.</p> <p>Mayor Vander Horst noted that this discussion is next on the agenda, and thanked Mr. Dabney for all of his good work.</p>
<p>ITEM #4: 7:26</p>	<p>FINANCIAL REPORTS</p> <p>Budget to Actual reports, vendor ledger and balance sheet for December 2017</p> <p>Following a very brief discussion,</p> <p>Motion: Vice Mayor Kinsella moved to accept the financial reports of December 2017 and it was seconded by Councilmember Currier. The motion passed, 5-0.</p>
<p>ITEM #5: 7:30</p>	<p>COUNCIL MEETING MINUTES</p> <p>December 12, 2017 regular meeting</p> <p>Motion: Councilmember Currier moved to approve the regular meeting minutes of December 12, 2017, and it was seconded by Councilmember Bachrach. The motion passed, 5-0.</p>

	<p>Motion: Councilmember Bachrach made a motion to move onto Item #6 and it was seconded by Councilmember Currier. The motion passed, 5-0.</p>
<p>ITEM #6: 7:31</p>	<p>PETITIONS FROM THE PUBLIC</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>Margie Hardie, a Jerome resident, talked about her love for the library and encouraged people to visit there. She talked about the easy accessibility of items from the library. Ms. Hardie continued to talk about the importance of volunteerism in Jerome, and listed many of the different organizations that people can volunteer with. She said that she has been a volunteer at the library for almost 14 years, and on other boards, and she knows what is involved.</p> <p>"We have a shortage of P & Z and DRB members," she said, "and we really need them. The Council has proposed dissolving the boards at times and perhaps taking that on themselves. I can't imagine the Council taking on that responsibility." Ms. Hardie added that she knows of only two meetings that were cancelled due to lack of quorum, and she does not believe it is an ongoing problem. She encouraged volunteers to step forward to serve on the boards, and said that Planning & Zoning meets just once a month, and sometimes those are cancelled. "It is doable," she said, and suggested that we advertise for volunteers in the newsletter.</p>
	<p>Motion: Vice Mayor Kinsella made a motion to move to Item #9C and it was seconded by Councilmember Barber. The motion passed, 5-0.</p>
<p>ITEM #7 7:02</p>	<p>PRESENTATIONS</p> <p>ITEM #7A: YAVAPAI COUNTY SALES TAX</p> <p>Yavapai County Administrator Phil Bourdon will present information regarding a 20-year extension of the existing jail district sales tax of up to ¼ cent per dollar. The question will be on the ballot of the March 13, 2018 election.</p> <p>Mayor Vander Horst introduced County Administrator Phil Bourdon, County Supervisor Randy Garrison and Captain Jeff Newnum of the Yavapai County Sheriff's Office.</p> <p>Mr. Bourdon referenced the pamphlet produced by the Yavapai County Board of Supervisors regarding an upcoming proposal to voters to extend the existing one-quarter percent sales tax. "We have an 18.1-million-dollar budget for the jail system," he said. Forty-eight percent of that jail district is funded by that one-quarter percent sales tax. We're pointing out that it expires in June 2020 and we will have an 8.8-million-dollar budget hole if it is not extended."</p> <p>Mr. Bourdon explained that one quarter percent is equivalent to a penny on a four-dollar purchase. He said that it has been in place since 2000, when 70% of the voters approved it. Prior to that, the jails were funded by property taxes. Utilizing the added sales tax allows tourists to contribute to the funding.</p> <p>Supervisor Garrison added, "This doesn't just pay for the jail system. It provides other services mentioned in the flyer. It is much larger than the overnight stay. Importantly, before this jail district was put into place, every community had its own jail. When the district was formed, all the towns and cities in Yavapai County got to get rid of their jail and they now rely on this one common jail."</p> <p>Mr. Garrison said that there will be just one item on the mail-in ballot, which will go out in mid-February. He urged anyone with any questions to reach out to them.</p> <p>"When there wasn't a jail district," he said, "towns had to have their own jails. Jerome would be disserved, because I believe your police department deals with a larger</p>

tourist population versus residents. Right now, it costs \$350 to put someone in jail and about \$140 per night. ... If this doesn't pass, the jail district will go away and everybody would then have to provide their own jail or pay into ours." Mr. Garrison emphasized that the jail district belongs to every citizen in Yavapai County and he believes that this is the most efficient way to deal with it. He referenced the pamphlet and spoke of the various programs offered by the jail district.

Captain Newnum spoke next, and said that Yavapai County has 230,000 residents. "Our jail has a capacity of 515," he said, "and we average 579 inmates a day. In the summer, we peak at around 650 and we're estimating we may hit 700. The important thing is ... over the past years we've tried to change the mindset of just housing inmates. We look at repeat offenders, and if we can catch them at the earliest point and if we can get them the resources they need to break an addiction, and we've been able to do that. Over the last couple of years, statewide recidivism is about 38%, so every jail in the state releases about 210,000 inmates back into the communities. And by doing some of the programs over the last couple of years, we've been able to lower that recidivism to 19%. That means we're getting them out of jail and getting them linked to care for mental health or substance abuse or a living situation. We're looking at any way that we can so that they can be successful, so that they don't come back to jail."

Capt. Newnum mentioned Spectrum Healthcare as being a huge part of this effort. The Verde Valley law enforcement agencies, he said, when dealing with non-violent mental health cases, take them to Spectrum first. "They did that 1,200 times last year," he said. Prior to Spectrum, those 1,200 people may have gone to jail. Now that Spectrum is here, we took seven last year to jail."

"The jail budget will not go away," Mr. Bourdon said. "Our jail is not big, but it will only increase. I can't tell you how to vote, but I will say that the jail will always be there, and we either pay for it with property taxes or sales tax." He said that they have over \$800,000 in grants from the State and the Feds, and some philanthropists in Flagstaff. They serve over 53,000 meals per month. Over 50% of the jail population is suffering from a mental health issue, and they dispense over 2,000 pills a day.

Supervisor Garrison said that he wants to leave with the understanding "that we're not the only ones lobbying for this." "We need everybody's support on this," he said. "This is a mail-in ballot with the only item on the ballot, and we need every single person to vote for it. It is a good thing for the County and your community."

Captain Newnum added, "This is not for a new jail. The jail population increases 10% every year. As the county population increases, so will the jail population."

Mr. Bourdon summed things up by saying that they are just asking voters to extend the existing tax. It is not an increase.

Mayor Vander Horst said, "I think it is critically important for all of us, and if it doesn't pass, we'll have to pay to put our criminals in your jail. We'll have to raise that money somehow. It is really important." He added that he feels that their getting five percent of their budget from grants is very admirable, and noted that we have had great success here with Spectrum, and recently awarded them a Certificate of Appreciation.

Supervisor Garrison added, "You would get a bill every month and you wouldn't know what it would be until you got it. At the end of the day, you don't want your law enforcement officers to make a decision on public safety based on your budget."

Mayor Vander Horst heartily agreed.

Captain Newnum added, "At this point, only 4% of our entire population are misdemeanors, and their average stay is four days. Don't think that we have a jail full of people committing misdemeanors, because we don't. Ninety-six percent of our population is there because of a felony, and 40% of our entire population are non-bondable. They are too dangerous for the community, and the judge will not let them out."

Mayor Vander Horst mentioned that he was shocked to learn that 50% of the inmates are mentally ill.

Captain Newnum said, "There are only 515 beds. Today we have 500 inmates. I have 47 people on the floor." He mentioned that 130 beds are designated just for the female inmates, and if they're not all filled, he can't use them for the male inmates. He referred

to this as a classification issue, which, he said, also seems to arise with different gang members. He also has over 30 people currently waiting for trial for a homicide. Supervisor Garrison mentioned Spectrum Healthcare and said that, while people tend to think of the problem as people on drugs, law enforcement sometimes helps to get people back on drugs in order to help them.

"It's a necessary evil," Councilmember Currier said.

Councilmember Bachrach said, "When costs are for social programs such as elementary schools and highways, everyone pays gladly. But when it comes to prison systems, people don't want to support it. Nonetheless, it has to be addressed, and as much as we'd like to think people are being nice out there, they're not."

Vice Mayor Kinsella thanked the presenters, and asked, "If the sales tax doesn't go through, will property owners have a large levy on property taxes?"

Supervisor Garrison said, "This is our third shot at this. [The tax] sunsets in 2020. I can't imagine, after three strike-outs, that the board would be willing to put this effort into it again. It will most likely sunset and the district will dissolve. At that point, we'll have to make up about 9 million dollars. Your property tax levy will most likely increase and the Town will have a bill either through another sales tax or property tax. Right now, 20% is coming from outside of the community as a use tax."

Mr. Bourdon said that the Board has been able to keep property tax at a manageable rate. There is a maximum levy limit for counties, cities and towns. Yavapai County is at 80%, and they are approximately \$11 million below what they can legally levy in property taxes. "We can keep it low because of sales tax," he said.

Councilmember Barber said, "Those are some eye-opening statistics regarding mental health issues," and thanked the presenters.

Mr. Bourdon thanked the Council and said that he hopes they would have their support.

ITEM #8

ORDINANCES

7:37

ITEM #8A: SECOND READING: ORDINANCE NO. 435, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, DELETING ARTICLE 7-5, "DANGEROUS BUILDINGS," OF THE JEROME TOWN CODE

Council may conduct the second reading of, and possibly adopt, Ordinance No. 435, to remove references in the Town Code to the 1988 Uniform Code for the Abatement of Dangerous Buildings. The Building Official has recommended this amendment because the topic is covered by the recently adopted 2012 International Property Maintenance Code.

Mayor Vander Horst read the ordinance in title only. He asked for any comments from the Council. There were none.

Motion: Councilmember Currier moved to adopt Ordinance No. 435 and it was seconded by Vice Mayor Kinsella. The motion passed, 5-0.

7:38

ITEM #8B: FIRST READING: ORDINANCE NO. 436, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING THE JEROME TOWN CODE BY THE ADDITION OF NEW CHAPTER 18 THEREOF, ENTITLED "ENFORCEMENT PROCEDURES FOR VIOLATIONS OF THE TOWN CODE AND ZONING ORDINANCE"

Council may conduct the first reading of Ordinance No. 436, allowing for civil penalties.

Mayor Vander Horst read the ordinance in title only.

Ms. Gallagher explained this had been discussed by Council previously and an ordinance has been drafted by the Town Attorney, with staff input, that allows for civil penalties in addition to criminal penalties. It establishes a procedure for that, including hearings, appeals and inspection warrants, and clarifies that the code enforcement officers are the Zoning Administrator, Fire Official and Building Official.

Vice Mayor Kinsella commented that he is impressed with the fact that we're discussing these things at meetings and then it comes up at the following meeting or the next. He

recalled that, years ago, it would take six or eight months before Council even got the first reading, and he thanked staff for their work.

Mayor Vander Horst opened the floor to public comment on the ordinance.

Margie Hardie asked if there would be public hearings on this.

Mayor Vander Horst responded that there will be a second reading.

Ms. Hardie asked about the appointment of the Zoning Administrator as a code enforcement officer, and questioned the wisdom of having that person take on the added duties, as it appears to her that the Zoning Administrator is already extremely busy. "It sounds like a lot of work," she said, "and how can one person adequately do that?" She talked about what the Fire Official and the Building Official would do, and said that she is not sure what part of the Town code would be enforced by the Zoning Administrator.

Ms. Hardie said that she is also concerned about Article 18.5, regarding inspection warrants. It states that an inspection warrant would only be issued upon cause, however, she said, "that doesn't jive with a warrant." ..." She also feels that the way it is written in reference to "search" does not make sense.

Councilmember Currier asked Mr. Dabney if he understood the "search" comment. Mr. Dabney replied that he did not.

Councilmember Barber referred to the adoption of the 2012 building codes, when she had asked Building Inspector Barry Wolstencroft about some of the older residences in Jerome. "We know we have some that have these problems," she said, "and we have low-income, older residents. To put them in jail, warrants and all this stuff, sounds a little medieval."

Councilmember Bachrach pointed out, "That is the whole point of this, to remove the criminal aspect."

Councilmember Barber asked, if someone passes away and someone new moves in, "are we going to come down on them like an iron fist?"

Mayor Vander Horst stated that he believes our Zoning Administrator has "bent over backwards to work with people."

Vice Mayor Kinsella commented, "On the other hand, there are people who do not want to work with the Zoning Administrator and do things and ask for forgiveness later."

"That's true," Councilmember Barber said, "and they repeatedly do it."

Councilmember Bachrach said again that the whole point of this is to remove the criminal aspect. "We don't want to put anyone in jail," he said. "If someone is in poverty and financially cannot deal with it, I believe this town is willing to help people. This is not an 'iron fist' but a way to move forward and help people. We have a few people who are thumbing their nose, and that's fine if it's not a hazard. But we have some hazards that have to be dealt with and this will give us a clear procedure. This will give us the tools to do the job in rare and extreme instances."

Councilmember Currier said, "It is difficult for me when the attorney drafts something, gets it all worked out and then doesn't show up to explain what he's talking about. That makes me very uncomfortable. There is nobody that can answer questions other than the attorney and yet he's not here. Was he expected to comment on this telephonically tonight or was that even in the mind of you folks?"

Ms. Gallagher said that the attorney was available by phone for any questions that Council might have at this meeting.

Mr. Currier said that he would like the attorney to present this to Council and tell them what it is about.

Vice Mayor Kinsella said that he wanted to make it clear that we're trying to get people to comply. "As far as coming down with the 'big hammer,'" Mr. Kinsella said, "that's not in any way, shape or form in any of the discussions we've had leading up to this."

"On the contrary," Councilmember Bachrach said. "Chief Muma said that he no longer wanted to do it for a number of reasons."

Vice Mayor Kinsella went on to give an example. "When Mr. Walsh's porch collapsed," he said, "the Town went after him. Mr. Walsh didn't have any money. There were people in Town that stepped up and took care of it. I believe that will happen again."

Ms. Gallagher commented on the "inspection warrant" questioned by Ms. Hardie. It is somewhat connected, she said, to the next ordinance on the agenda, regarding nuisance abatement. When we cannot get consent from a homeowner to inspect, and we need to get in, that ordinance references the inspection warrant.

Councilmember Bachrach added that this ordinance "is a three-page document, it is not an 800-page document. It is straightforward and clear. I believe Mr. Sims has probably implemented this with other towns. I believe we should take the advice of our professionals."

Councilmember Currier said, "I'm not saying that there is anything wrong with this, but the audience brings up the question in regard to the 'search warrant,' we ask the man who is supposed to be doing it, and he doesn't understand what it is."

Mayor Vander Horst interjected "I think Ms. Gallagher explained it."

"That's Ms. Gallagher's opinion," Mr. Currier said, "but is that the legal opinion?"

Mayor Vander Horst asked that the Town Attorney be called.

At 7:52 p.m. Town Attorney Bill Sims joined the meeting.

Mayor Vander Horst informed Mr. Sims that they were in an open meeting, and said that one of the questions was about the "inspection warrant" in subsection 18-5-1, and when that would come into play.

Mr. Sims responded, "We had such a warrant when we were embroiled in analyzing events at the hotel. If the building official needs to get access to determine compliance, they can get a warrant ... and you can't go in without consent unless you have the warrant." He provided an example from another of his towns, where a courtroom official went into someone's house without that person's permission, and they got sued and lost. "That's what this subsection is about," he said.

Vice Mayor Kinsella asked if the warrant would be issued by our Town Magistrate.

"Yes," Mr. Sims responded.

Councilmember Barber asked about section 18-5-9, "'Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to this article is guilty of a misdemeanor, punishable as set forth in Article 1.8 of the Town Code.' What is that referencing, what is the punishment?"

Mr. Sims responded, "That is the generic provision already in your Code that provides for a modest penalty and possible incarceration, but that is already in your Code."

Ms. Barber commented, "When we were talking about civil versus criminal and trying to keep people out of jail."

Mayor Vander Horst said, "Not when they ignore a warrant."

Mr. Sims explained the process. We would give someone the opportunity to do the right thing, but if they won't let the Building Official on the property, the Building Official then swears an affidavit to the Magistrate and gets a warrant. When you have a warrant and they still refuse, he said, you can bring a criminal sanction.

Ms. Hardie referred to section 18-3-2, regarding appointment of a Hearing Officer, and asked who that would be.

Mayor Vander Horst explained that this position has not yet been hired, but it would be a mediator. It would be a part-time person used only when needed, perhaps someone from Clarkdale.

The Mayor then said, "**Now we will move on to Item #9B, since the Attorney is present.**" Item 9B was addressed at this time, but is reflected in these minutes in the order originally agendized.

9:17

ITEM #8C: FIRST READING: ORDINANCE NO. 437, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING ARTICLE 7-13, "ABATEMENT OF PUBLIC NUISANCES," OF THE JEROME TOWN CODE

Council may conduct the first reading of Ordinance No. 437, regarding abatement of public nuisances.

Mayor Vander Horst read the Ordinance by title only, and noted that this is the first reading. He asked Ms. Gallagher to explain what a public nuisance is.

Ms. Gallagher said that this ordinance defines public nuisances in Section 7-13-1:

"It is hereby declared to be a public nuisance, fire hazard, and hazard to public health and safety to allow the accumulation of rubbish, trash, filth, debris, abandoned inoperable vehicles, dilapidated buildings and structures, litter, garbage, dead animals, brush, street cleaning, industrial wastes, or other unsanitary matter of any kind on any property, buildings, lots, grounds, tracts of land and the contiguous sidewalks, streets and alleys."

The ordinance, she said, establishes a procedure for providing notice and allows us abate and place a lien on the property that would be second only to taxes. It would come before the mortgage lien.

Councilmember Currier said that he thinks this is appropriate.

Ms. Gallagher noted a minor typographical error that would be corrected. A reference to Article 17-5 should read Article 18-5.

Mary Butcher commented, "It seems it is a little subjective ... Could you give me an example of somewhere in Jerome that is under consideration, so I can know kind of the guidelines?"

Mayor Vander Horst responded, "The Flood House."

Mr. Dabney added, "With that particular property, the neighbors are complaining and threatening the Town if we don't take action, because we haven't in the past." He said that the contractor that the owner had found to do the work said that he would not touch the property without an asbestos report. The problems with that property, he said, are rats, snakes and a fire hazard, and added, "but I can't do anything until this [ordinance] goes through."

ITEM #9

UNFINISHED BUSINESS

9:22

ITEM #9A: DISTRICT SIGNS

Council will review and may approve proposed changes recommended by the Zoning Administrator regarding the placement, size and operational procedure for district signs.

Mr. Dabney said that, due to demand, he has determined that we will need more signs than originally anticipated. His initial thought was that more signage was what he wanted to avoid, so rather than increase the number of signs (which will remain at six), he has increased the number of slats per sign from 10 to 15. He is removing the arrows, and instead placing numbers on the planks to correspond to a map that the Chamber has agreed to create.

Councilmember Bachrach if these signs would help alleviate the complaints Mr. Dabney has been getting from the UVX tenants.

"I believe so," Mr. Dabney said, "but I can't say for sure."

Councilmember Bachrach asked if this would then give Mr. Dabney justification to enforce the sign ordinance.

Mr. Dabney said, "Yes," and added, "I don't think three banners for one business counting as a temporary sign takes care of the problem. It just makes it look like a garage sale."

Mr. Dabney continued by saying that the locations will change. Sign #3 will move down to the area of Cellar 433. Sign #5 will move from the Fire Station area to the New State Motor area. Sign #4, which was to have been at the Upper Park, will move to the Bartlett Hotel parking area. He said that he spoke with Town crew to make sure that this

wouldn't be a problem for them. The reason for the moves, he said, was the responses that he got from businesses, and what makes sense to those businesses. He thinks this is a step in the right direction, he added, however, he would like to know how Council feels about these changes.

Councilmember Bachrach said, "At first, it was limited interest, and now every business in Town wants a placard?"

Mr. Dabney replied, "I wouldn't say everyone, but of the 90-some businesses in Town, I received about 50 responses. Some businesses don't want anything to do with it."

Councilmember Currier asked for clarification regarding the schematic, which indicated a sign #8 that is not on the photograph.

Mr. Dabney explained that those are not actual locations, but rather an example of the map that the Chamber will create. "There will be only six signs," he said.

Councilmember Bachrach noted that it looks like there would be a sign next to the Jerome Historical Society, across from the Haunted Hamburger. "Wasn't the plan to have one at the bottom of the stairs where the giant Haunted Hamburger sign is?" he asked.

Mr. Dabney responded, "That was an idea that has crossed the desk, yes. But I was threatened suit if we took that down. I haven't actually had time to talk to the owner of that building, but when I do, I would like to ask the owner to provide proof that he got permission to put up that sign. We don't have anything in the files, so I can only ask. That's as far as it's gone so far."

Councilmember Currier said, "My feeling is that you will find he is on strong ground."

Mr. Dabney commented that the sign in question has been up for a long time, and he will talk to the Town Attorney before taking any action.

Mayor Vander Horst opened the floor to the public.

Margie Hardie asked about the cost of the slats and how that is being paid for.

Mayor Vander Horst explained that the Town will pay initially for the slats and the structures, and the businesses will pay to have their names on the signs, which will reimburse the Town for all of our costs.

Mr. Dabney said that the total cost for each sign (including all slats) is \$76.06.

Ms. Hardie then asked how the signs will be updated.

Mr. Dabney said that that would be under his charge.

Mansel Mathews, a local resident, said that he feels the signs will take away from the historical look of the Town.

Mr. Dabney stated that there had been several designs proposed, "but there is no way to keep everybody happy." This was the design presented to the people that received the most positive response.

Mr. Mathews asked if there would be a way of proving that they are working, and if they are not, we could take them down.

"I don't know how you would prove that," Mr. Dabney responded.

Councilmember Bachrach commented, "That would be totally subjective." He asked if the old district signs would be removed.

"There is only one," Mr. Dabney replied, "and yes, it would be removed." He added that new sign is a foot taller than the previous one.

Councilmember Currier commented, "You are putting up six and taking down one. And the purpose of this is to eliminate signs in Town."

"The purpose," Mr. Dabney said, "is to eliminate some of the clutter and to assist tourists."

Mayor Vander Horst noted that what Mr. Dabney has presented is a "fairly small modification to what we already approved."

Vice Mayor Kinsella noted that we will have consistency, and Mr. Dabney said that, as people buy the planks, he will draw up something standardized."

Councilmember Bachrach said, "The original intent was to help people out in areas that are less traveled, and that's sort of going out the window."

"No," Mr. Dabney replied. "It's still very much trying to help those people." He added that all those who had complained about not getting enough traffic have responded. Wendy Schall, a Jerome resident, asked how close to capacity we are on the signs, and how much more room is available.

Mr. Dabney replied, "It would depend on the location. Some are already full. The first census was only for interest. The next census will set up the placement -- first-come, first-served. He added that a business cannot be on more than one sign.

Councilmember Bachrach asked if there would be a waiting list if there are more respondents than signs available.

"Yes," Mr. Dabney replied, and added, "The sign-up process will be shared with Rosa Cays."

Councilmember Barber asked if the payment would be annually or a one-time payment. Mr. Dabney replied that it would be a one-time payment.

Councilmember Bachrach asked if different font styles would be permitted.

Mr. Dabney replied that each business can do whatever they want with the lettering; however, the background color will have to remain the same. "They will have to do their own artwork," he said. "I will hand them a blank plank and they can put in their lettering."

Councilmember Bachrach asked if the construction for the slats is tongue and groove.

Mr. Dabney replied that it is not.

Vice Mayor Kinsella asked if the signs will be double sided, and added, "As far as people signing up, obviously, they would have to have a business license."

Mr. Dabney agreed, and said that the signs will be single-sided. He added that the applicants would also have to be located in the commercial district.

Ms. Gallagher suggested that, if Council approves this, we include a Resolution at the next meeting to set the price for the slats.

Motion: Vice Mayor Kinsella made a **motion to approve the updated version of the district sign proposal**, and it was seconded by Councilmember Bachrach. **The motion passed, 5-0.**

7:28/ 7:56

ITEM #9B: PARKING IN THE COMMERCIAL ZONE

Council will review draft language prepared by the Town Attorney to amend the Town's Zoning Ordinance regarding parking requirements in the commercial district, and may direct staff in this regard. No action will be taken at this meeting.

7:28 Attorney Bill Sims was telephoned. He did not answer.

Motion: Vice Mayor Kinsella made a **motion to move to Item #5 Council meeting minutes** and it was seconded by Councilmember Currier. **The motion passed, 5-0.**

7:56 Attorney Bill Sims was now present by telephone.

Mayor Vander Horst stated that this is language from our attorney about how we might be able to allow for renovation and use of historic buildings, if parts of them have been idle for more than six months. Our current code states that they must then provide owned commercial parking in the commercial zone. He asked Mr. Sims for input.

Mr. Sims said, "There are concerns from constituents about trying to make sure you can use space in a historic building without creating an incentive for other changes of use, for example to change it to a Burger King or McDonalds. This only applies to historic buildings, and if it falls vacant for six months, ... they could go ahead and reoccupy the premises and not lose non-conforming status. We're trying to identify ways, that if you have vacant space in current historic buildings, that that space can be used without re-triggering the parking requirements."

"This is just generic," he added, "not a first or second reading. It would have to go before Planning and Zoning and then to Council."

Mayor Vander Horst reiterated Mr. Sims' statement by saying that this item is for discussion only and it would have to go before Planning and Zoning. "One of my concerns," he said, "is we have, on an individual basis, allowed this to happen with

certain people and not a lot of other people. I am concerned that we are approaching 'arbitrary and capricious,' and that's how we get into lawsuits."

Vice Mayor Kinsella added, "'Arbitrary and capricious' ends up costing the Town a lot of money in the long run. The system we have in place now is not working. We have establishments that have added seats and cannot provide parking spots and they continue to do it. There have been mistakes made on Town government's part as well. Case in point, where the Wary Buffalo used to be, there was a general store and then for six months it was vacant. According to our ordinance, it says nothing can move in there. Our ordinance says that, after six months, it is supposed to be dead space. Now there is a gallery there, we have allowed it." He also mentioned Roberto Rabago's location, which was empty for over a year, and is now being used. "He did provide public parking," he said, and added, "People will begin to push the envelope a little bit more, and we have to stop this process. We have to figure out a solution that will work and then go to P & Z and get things hammered out. We need to have constructive dialogue, because it is not going to get any better."

Mayor Vander Horst added that he could think of two more examples very quickly that have happened in the five years he's been here.

Councilmember Bachrach said, "So the Town's just going to throw in the towel and let it go?"

"No," Mayor Vander Horst responded.

Councilmember Bachrach said, "That is what this says. The Town is going to let it go. I thought we had put this to bed." He read a line from the minutes of the November 14 special meeting, where Mr. Sims was asked how to achieve the goal of keeping Jerome the way it is. Mr. Sims had replied, "Don't make parking easy. Parking limits your growth."

"If you eliminate this parking ordinance," Mr. Bachrach said, "it will become a free-for-all. Mr. David Hall pointed out in that same meeting that the last three or four zoning administrators have identified four areas that are at capacity: sewer, water, parking and streets." He asked Mr. Dabney if he would agree with that statement.

Mr. Dabney said that he can't speak regarding water and sewer, but he has looked at the 300 level parking area on weekends and has never seen it filled to capacity.

Councilmember Bachrach said, "My point is, this ordinance does nothing to address that. On the contrary, it entirely exacerbates it. The ordinance as it is has maybe a huge impact that maybe we're not thinking of."

Mayor Vander Horst asked what that impact would be.

Councilmember Bachrach responded, "Every single building built before 1950 turns into a restaurant and a hotel. I don't believe it will benefit the citizens at all. I'm not willing to sacrifice the quality of life in Jerome for money-making opportunities."

Some members of the audience began to applaud, and Mayor Vander Horst said that he would clear the room if that happened again.

Councilmember Barber said that she would like to go on the record as opposed to this. "I just don't see how we can justify increasing use without any additional parking for some, but not all of the buildings," she said, and recalled that it had been pointed out that the Historical Society is the owner of most of the buildings that would benefit. She said that there had been talk of franchises coming into Jerome, and she feels that our water and sewer systems are "probably at the limit."

"This is not about water and sewer," Mayor Vander Horst said. "In my conversations with our waste treatment operator, who also manages our water system, we are not at capacity, in either one."

Councilmember Bachrach asked, "At what percent are we?"

"We could double the population, according to him," Mayor Vander Horst responded. "Plus the tourists."

Councilmember Bachrach said that he believes that if we remove the parking ordinance in the commercial district, the number of tourists will double.

Councilmember Barber stated that the revised General Plan talks about low impact uses, and this would go against that.

"The General Plan hasn't even been approved," Vice Mayor Kinsella said, "so let's not be going in that direction yet."

Mr. Kinsella then asked Mr. Dabney to confirm that, during the business licensing process, the fire department, Zoning Administrator and Building Inspector go to each one of these places to be sure that they are in compliance. Mr. Dabney confirmed this, and Mr. Kinsella asked if it is correct that, during a recent inspection, one location was found to have more seats than permitted, and their license was not approved. Mr. Dabney confirmed this also. Discussion followed regarding the continued operation of the business without a valid business license. Ms. Gallagher said that it her understanding that the business in question is taking steps to remedy the situation, and Mr. Dabney confirmed this. He said that he is giving them time to remove the bars and chairs, and will be going back to inspect.

"Is this something we'll be looking forward to in the future?" Vice Mayor Kinsella asked. "Pulling licenses when they don't comply?"

"Yes," Mr. Dabney replied.

Councilmember Bachrach noted that this is not unusual, and happens in other communities. He added that he believes that, if we eliminate the parking ordinance, we'll have more of these types of problems. "We have not investigated the possible impact," he said, and added that he is not willing to "just eliminate the parking ordinance and then step back and see what happens."

Mayor Vander Horst said that he is concerned about the "flip side" of that argument. "I know of at least four buildings that would be empty and deteriorating if we had followed our current ordinance," he said. "Do we really want empty storefronts in town?" He added that he doesn't think that would be good for the town.

Councilmember Bachrach said, "I am not opposed to people being able to care for their property."

"If they can't put a business in it," Mayor Vander Horst said, "they won't care for it."

Councilmember Bachrach responded, "So this is just cutting off the head of everything so that four buildings can expand. It's not just four buildings, we know that. It gives every opportunity for any activity to happen in any building built before 1950. Without any research into the impact, it's just madness."

Councilmember Currier asked, "If this were adopted, is there any control over what goes into the places?"

"Yes," Mayor Vander Horst replied. "Our Code."

Mr. Dabney noted that the "change of use" clause is not being changed.

Councilmember Currier noted that, if a building has been sitting vacant for six months, then there is no current use.

"Then it would have to be a conforming use," Mayor Vander Horst said, "Those things that are allowed in the commercial zone."

Councilmember Bachrach asked, "Could we possibly think of removing the six month clause? If somebody had a grocery store and then a year later they want to reopen it ... We would maintain some sort of control on the change. When Sally and Mary wanted to save their historic building ... there has to be some way to do that."

Mayor Vander Horst said, "At face value, I think that is a great idea – eliminating the six-month sunset."

Vice Mayor Kinsella said that his intent is not to "open up downtown Jerome wide open. What it is, is we have things in place in our rules that aren't making sense," he said. "In the late 90's, the Board of Adjustment was meeting just as much as Planning and Zoning and Design Review, because of the wording of some of our ordinances. Once the verbiage was changed, all of a sudden there was a drop and people weren't going before the Board of Adjustment. I don't want to see chain restaurants here, but I don't want to see someone take the time and expense to improve a piece of property and not be able to find a renter for six or eight months and then lose the income. Case in point, Central Hotel."

Councilmember Bachrach said that he agrees with those things, "but it is such a risk and I'm not willing to do that." He said that it is good to have a building department that's

reasonable and works with people to help them get where they want to go, "unless it's crazy."

"Can we start with little things ... and give some flexibility to owners of buildings?" he asked, and added that he thinks that removing the six-month clause is "not little."

He recalled that Mr. Dabney had previously stated that removing the parking ordinance would be useless without removing the change of use clause as well.

"And I was wrong on that statement," Mr. Dabney responded. "Removing the parking ordinance allows us to ... as an example, Mary Wills' space – she has extra space and she can't use her extra space. That particular space would be the question; I would have to find out what the previous use was and then it would need to stay." He asked Mr. Sims what would happen if the previous use was now illegal, such as a bordello.

Mr. Sims replied, "A legal non-conforming would have to be legal and since it is not legal it would have to stay vacant."

Mayor Vander Horst asked, "Couldn't it be considered retail space?"

Mr. Sims replied that the Mayor's answer was better than his.

Mayor Vander Horst asked if there were any spaces that have not been used since they were bordellos. Mr. Dabney replied that he would have to research that.

Ms. Gallagher asked Mr. Sims if it would be legal for us to craft the ordinance so that historic buildings could use their space without the parking requirement, provided that certain uses, such as a restaurant or bar, would not be permitted.

Mr. Sims said, "The only way they could do it is if it were a prior use."

Ms. Gallagher asked again, "But if we said that you can't do that regardless [of whether it was a prior use]?"

Mr. Sims said that he believes we could identify general uses, but not specific franchises. If there are historic buildings which could have uses that we don't wish to allow, he said, he believes that we could do that. He added that he would want Mr. Dabney to do some research on those historic buildings and their prior uses.

Councilmember Bachrach referred to the Council meeting of November 14th, and addressed Mr. Sims. "When I asked you how do we achieve that, speaking of Jerome's unique environment," he said, "you responded, 'Don't make parking easy, parking limits your growth.' I firmly believe this commercial parking ordinance has kept Jerome the way it is, and if we can't enforce it now, with the small amount of businesses we have, how, when you open the floodgate, how can we control it?"

Mayor Vander Horst said that he thinks we are enforcing it now, and we're dealing with the situations when they come up. It's in the past that it was not enforced.

Vice Mayor Kinsella asked Mr. Sims, regarding what Ms. Gallagher had asked him, if Proposition 207 would prevent us from saying that some uses would be allowed and others would not.

Mr. Sims replied, "Only if we were stopping the use. This is a use that has now lapsed and we're actually expanding on the property owner's rights. We haven't diminished the value because we haven't diminished their rights. What we've said is we're not going to expand it." He said that he does not see a Prop 207 issue with that.

Mayor Vander Horst said that he liked one of Councilmember Bachrach's ideas. He believes "it gets us to where we are trying to go."

Councilmember Bachrach asked Mr. Sims if the Town is able to say, "This building has historically been retail, so it can only be retail."

Mr. Sims replied, "No, you can't do that. What you can do is increase rights. What we're doing is, if you wish to be relieved of parking, you can have that use. What Ms. Gallagher suggested is we will define universal uses and carve out some that we will not permit. We cannot pick and choose uses, but, if you're freeing up restrictions, you can identify those uses that you're willing to free up restrictions for." He clarified that it would apply only to historic buildings.

Ms. Gallagher noted that the draft ordinance states that "buildings older than 50 years shall be deemed historic buildings," and recommended that, if Council does move forward with this, it be defined instead as buildings constructed prior to a specific date.

Councilmember Currier said that he has a couple of comments regarding some "absent words" in the ordinance.

"I believe we'll be rewriting the whole thing," Mayor Vander Horst said.

Vice Mayor Kinsella said that his understanding is that Council would make suggestions to send to the Zoning Administrator and Planning and Zoning. "After reading this," he said, "I don't care for it, but we have to figure it out."

Councilmember Bachrach said, "We need to solve some problems. We don't need to let the dog off the leash!"

Mayor Vander Horst said that the direction would be to direct staff to draft some language to present to Planning and Zoning for their comments, to eliminate the six-month sunset clause for historic buildings in the commercial district.

Councilmember Bachrach asked, "Can we get a chance to understand entirely what the effect of that will be? Can Planning and Zoning discuss every possible occurrence?"

Mayor Vander Horst said that he thought we could look at the total square footage that would be able to be re-opened, and we could talk about the use of that, and that would drive, per our Code, a certain number of parking spots. Therefore, we could say that doing this would impact the Town by "x" number of parking spots.

Councilmember Bachrach said, "If we're just talking about eliminating the six-month clause ... I'd really like some time to think about it ... to percolate the idea." He asked if Planning and Zoning would come back with a report, and whether there would be public comment.

Mr. Dabney said that there would be a public hearing and reviews by Planning and Zoning, and they would make recommendations to Council.

Mayor Vander Horst asked, "Is Council okay with my direction of a draft?"

Councilmember Bachrach said that he was "willing to consider that aspect we just talked about."

Councilmember Currier asked, "Have we clearly identified those items that are bothering us? I'm worried about uncontrolled expansion. I think Planning and Zoning is the right place for this thing to come from." He said that he thinks it would be a good move for Council to give P&Z a list of their concerns and see if they can generate some text that would solve it.

Councilmember Barber said, "I think Planning and Zoning is a good idea, and I'm willing to discuss the sunset clause."

Ms. Hardie talked about the steps that something like this would go through, and noted that it is in our Zoning Ordinance.

Jane Moore, a local resident, spoke about the six-month clause. In the past, she said, several attorneys have advised the Council about this. One restaurant was for rent for over a year. The attorneys have said that an exception is made because they were actively trying to rent it. They were not choosing to keep it closed. "They're either doing repairs or actively seeking a renter," she said. "To me, that is enough of an exception." "There are a lot of ways that you could make an exception," she added.

Mayor Vander Horst stated that our Code doesn't allow for that.

Ms. Moore asked, "Then why have attorneys in the past advised us this was okay?"

Mayor Vander Horst said that he could not answer that.

Ms. Moore directed her question to Mr. Sims.

Mr. Sims responded, "It depends on what your Code says, and the non-conforming use statute is construed very narrowly. Your Code is very specific, and I don't have the statute with me, but I don't think it says what you said. It would have to be in your Code."

Ms. Moore used the English Kitchen as an example. She said that she believed that Mr. Sims was the attorney for the Risk Pool at the time. The Council was told that, as long as they were actively trying to rent it, it would be an exception.

Councilmember Bachrach asked, "Is it possible that maybe an attorney suggested that might be a good defense in a law suit? That the property owner could go to court and say they were doing everything they could to get open?"

Vice Mayor Kinsella commented, "It would be a lot cleaner if we had it in our Code rather than a suggestion from an attorney."

Councilmember Bachrach asked if we could have that language in our Code.

Mayor Vander Horst said, "If you eliminate the sunset, you would have the same effect."

Councilmember Currier said that this type of information should go to P&Z and they should address it.

Councilmember Bachrach said that we should require evidence that they are actively pursuing renters or are in the middle of renovations.

Councilmember Currier said, "Having witnessed the English Kitchen situation, you would have to have a Council that wanted it closed, because nobody wanted that place to close."

Councilmember Bachrach asked Mr. Dabney, "With that in mind, could you direct Planning and Zoning to consider all of that?"

"Yes," Mr. Dabney responded. "We would need to tear it apart and look at all of the possibilities."

Ms. Hardie suggested that it be made part of a CUP. They would need to prove that there was a reason that the use was discontinued. She also referenced a situation Vice Mayor Kinsella had mentioned, where there was a change of use, and said that she doesn't understand why that was not addressed as a violation.

She added that, since our Zoning Ordinance has been in place, Jerome is getting more and more prosperous, "and that is with the Zoning Ordinance that is in place right now."

"The Zoning Ordinance has been ignored," Mayor Vander Horst said.

Ms. Hardie said that she respectfully disagreed with him. She went on to say that to amend the ordinance in this way is, in her opinion, comparable to spot zoning, or "cherry picking." "If you do something, do it for all buildings," she said.

Ms. Hardie said that balance can be maintained by having a parking ordinance. "Every time you pull an off-street parking place, you're putting it on the street," she said. "It exists to reduce congestion on the street." She added that Mr. Dabney has stated that what is being suggested in the zoning amendment draft that was presented does not benefit the Town.

"We've decided to change it," Mayor Vander Horst noted.

Anne Bassett, a Jerome resident, said that she was "glad to hear that this is evolving," and believes that getting rid of the parking ordinance is a huge decision and should be voted on by the public. She said that our sewer plant is near capacity, our water system is sometimes over-taxed, and our parking is way beyond capacity. "You are creating laws to penalize tourists parking in residential areas," she said, "but that will only give the offenders tickets, it won't get them out. The requirement that new businesses provide parking is our main way to control growth. Please remember that you were elected by and to serve the residents of Jerome, not the visitors. Keep our loyal following of visitors." She added that getting rid of our parking ordinances would be unfair to those business owners who have provided parking. "Without new parking," she said, "all previously existing companies would share smaller and smaller pieces of the tourist trade. Let us not kill the Golden Goose."

Councilmember Bachrach asked about the status of converting the old Town yard to parking. Ms. Gallagher said that the crew is removing things, and is working right now to find a way to dispose of old tires and old oil. Mr. Boland is aware, she said, that this is a priority.

Mayor Vander Horst thanked Mr. Sims for attending. **(Mr. Sims disconnected at 8:51)**

7:36

ITEM #9C: RESOLUTION NO. 562, TRANSFERRING FUNDS IN THE FY2018 BUDGET

Council may approve Resolution 562, authorizing a transfer of \$5,000 in the FY2018 budget from the General Fund Contingency Fund to the General Fund police department budget. This transfer was approved by motion at the December 12, 2017, Council meeting and is memorialized here by formal Resolution.

	<p>Ms. Gallagher explained that, at the last meeting, Council approved this transfer by motion, to transfer \$5,000 from the Wildlands revenue into the Police Department budget for radios, equipment and vehicle maintenance. She thought it would be wise to memorialize it in the form of a Resolution so that we don't lose track of it, and for the auditors.</p> <p>Motion: Vice Mayor Kinsella moved to read Resolution No. 562 in title only and it was seconded by Councilmember Currier. The motion passed, 5-0.</p> <p>Mayor Vander Horst read the resolution in title only.</p> <p>Motion: Vice Mayor Kinsella made a motion to approve Resolution No. 562 and it was seconded by Councilmember Bachrach. The motion passed, 5-0.</p>
	<p>Motion: Councilmember Bachrach mad a motion to go on to Item #8 until the attorney is available and it was seconded by Vice Mayor Kinsella. The motion passed, 5-0.</p>
<p>ITEM #10</p> <p>9:42</p>	<p>NEW BUSINESS</p> <p>ITEM #10A: RESOLUTION NO. 563, ESTABLISHING OFFICIAL PUBLIC POSTING LOCATIONS FOR THE TOWN OF JEROME</p> <p>Council will review and may approve Resolution 563, establishing three official posting locations for the Town's public notices.</p> <p>Ms. Gallagher said that we are required by law to have three posting locations. Currently we have four, and the posting location at Passion Cellars is not as convenient as it used to be. She recommended that we eliminate it and use just the other three.</p> <p>Motion: Vice Mayor Kinsella moved to approve Resolution No. 563 and it was seconded by Councilmember Barber. The motion passed, 5-0.</p>
<p>ITEM #11</p> <p>9:43</p>	<p>TO AND FROM THE COUNCIL</p> <p>Council may direct staff as to items of pending importance that they would like placed on a future meeting agenda.</p> <p>Councilmember Barber thanked the Town's volunteers and staff "for all that they do to keep this town running right."</p> <p>Councilmember Bachrach thanked the citizens of Jerome for their patience and understanding, and thanked "everybody who participates."</p> <p>Vice Mayor Kinsella wished everyone a successful 2018. "There always exists uncertainty," he said, "and I wish and hope that everyone is respectful of one another, and be kind." He thanked people for showing up at the meetings. "It makes my job easier when I get input from the community," he said.</p> <p>Mayor Vander Horst thanked his fellow Council members for their thoughtfulness, their candor and their ideas. He said that we will be heading into the budget season soon, and he would like the Council and the public to provide ideas as to how we should fund our infrastructure. "We took a big step on the springs" he said, and added that he would like to have ongoing annual maintenance schedule on infrastructure sent to the Town Manager.</p> <p>Ms. Gallagher said that she learned yesterday that the deadline for Prop 202 funding applications had just passed. She hadn't realized this because she had not received the usual email about it. The Tribe has agreed to extend the deadline so that we can apply, and she needs to submit it as soon as possible. She asked Council to email her any ideas they may have for this by noon the next day, and she and the Mayor would review them and decide on a project. She noted that they prefer community-oriented projects, and awards are generally around \$18,000.</p> <p>Mayor Vander Horst noted that Tribal Chair Jane Russell-Winiecki attended the opening of our horseshoe pits, and she was born in Jerome.</p>

ITEM #12	ADJOURNMENT <i>Upon motion by Vice Mayor Kinsella, seconded by Councilmember Bachrach and unanimously approved, the meeting was adjourned at 9:48 p.m.</i>
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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: _____