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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, FEBRUARY 13, 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>Vice Mayor Kinsella 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 Vice Mayor Kinsella, Councilmember Bachrach (telephonically), Councilmember Barber and Councilmember Currier. Mayor Vander Horst was absent.</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>Vice Mayor Kinsella led the pledge.</p>
<p>ITEM #2: 7:01</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 Barber noted that our spring flows still look good in spite of the drought.</p> <p>Motion: Councilmember Currier made a motion to accept the staff reports and it was seconded by Councilmember Barber. The motion passed, 4-0.</p>
<p>ITEM #3: 7:02</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. He noted that Jerome would be hosting the GIS meeting in March and he will be presenting for the GIS user group. This group is working on a standardized fire hydrant map, and they want a consistent look for the hydrants throughout the Verde Valley. It will include flows, and the hydrants will be color coordinated.</p> <p>Vice Mayor Kinsella asked Mr. Dabney if the Fire Chief is working on that project with him, and noted that there is a huge difference between our hydrant flows and those in Clarkdale. Mr. Dabney acknowledged that the Fire Chief will need to be involved.</p> <p>In his report, Mr. Dabney had provided a map showing the locations of the most important "nuisance properties" in town. Mr. Bachrach, who was attending by phone, asked Mr. Dabney to email that map to him later.</p> <p>Councilmember Currier noted that one of the listed properties is next door to his residence, and he asked what the problem there was. Mr. Dabney replied that he had received a complaint from another neighbor about a dead rodent smell emanating from that property, and he visited and confirmed the odor, which was evident from the road. Mr. Currier noted that the property has been cleaned up, and Mr. Dabney acknowledged that.</p> <p>Councilmember Currier asked for clarification regarding several other properties listed, and Mr. Dabney explained more about each.</p> <p>Councilmember Barber expressed concern about the demolition of the Mohawk, which was indicated on the map. Mr. Dabney explained that it was only the extension on the side of the building that was demolished, not the Mohawk itself; however, they have not yet finished cleaning up the property.</p>

	<p>Ms. Barber also asked about an item in Mr. Dabney's report regarding upgrades to the Sprint cell tower. She asked where that is located. Mr. Dabney replied that it is at the old high school.</p> <p>Councilmember Currier asked if being a "nuisance property" carries any penalty. Mr. Dabney replied that it is a violation of our Zoning Ordinance.</p> <p>Councilmember Barber said, "I assume these are the worst of the worst?"</p> <p>"Yes," Mr. Dabney responded.</p> <p>Mr. Dabney then reported that, as directed by Council, he had discussed the C-1 parking issue with the Planning and Zoning Commission on February 7. They discussed the proposal to extend or remove the six-month limit on continuing use for historical buildings in the C-1 zone. Both of those were eventually denied, and the final written recommendation from the Commission is to do nothing, and leave the ordinance in place as is.</p>
<p>ITEM #4: 7:09</p>	<p>FINANCIAL REPORTS</p> <p>Budget to Actual reports, vendor ledger and balance sheet for January 2018</p> <p>Following a very brief discussion,</p> <p>Motion: Councilmember Currier moved to accept the financial reports of January 2018 and it was seconded by Councilmember Barber. The motion passed, 4-0.</p>
<p>ITEM #5: 7:10</p>	<p>COUNCIL MEETING MINUTES</p> <p>January 9, 2018 regular meeting; December 20, 2017 special meeting; July 25, 2017 special meeting</p> <p>Motion: Councilmember Currier moved to approve the regular meeting minutes of January 9, 2018 and the special meeting minutes of December 20, 2017 and July 25, 2017. The motion was seconded by Councilmember Barber and approved, 4-0.</p>
<p>ITEM #6: 7:11</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>There were no petitions from the public.</p>
<p>ITEM #7 7:12</p>	<p>PRESENTATIONS</p> <p>PROP 202 FUNDING AWARD</p> <p>Chairman Jane Russell-Winiecki of the Yavapai-Apache Nation will present the Town with a check in the amount of \$17,456.83.</p> <p>Vice Mayor Kinsella noted that Tribal Chairman Jane Russell-Winiecki was unable to attend. He welcomed Vice Chair Larry Jackson, who was attending in her place.</p> <p>Mr. Jackson began by saying, "I come bearing gifts," then added, "This is not a gift. I believe firmly that this is in recognition of the partnership we have with all the local communities where we live. For us, as a tribal nation, we believe Tribal Government Gaming is not all that different from government. It represents a partnership beyond traditional gaming."</p> <p>Mr. Jackson read statistics from a quarterly report from the Arizona Department of Gaming: \$13.1 million was put into the state coffers for education; \$ 6.5 million was put into trauma and emergency services; \$1.8 million went into the Arizona Wildlife and Conservation fund; \$1.8 million went to the State Tourism Fund.</p> <p>"We believe Tribal Gaming is unique," he said. "We don't get rich, but we're able to improve the quality of life for our tribal members. We provide scholarships for our students to go to college and vocational school. We give students a clothing allowance. We provide foster home care for our children in crises, because we're not immune to all the fallacies that trouble our communities with alcohol and drug abuse. We provide childcare and tribal member emergency services. We fund our medical</p>

clinic and food bank, and all of this provides employment for our tribal members." He added that they generate 15,000 jobs in the state of Arizona.

"We do appreciate our partnership with our local communities," he said, "and this is not a gift but in recognition of our partnership." He added that they are about to open a 120-room hotel and conference center near the casino, which has been a long journey. The Grand Opening ceremony will take place at 11 a.m. on February 23, and he invited all to join in the celebration.

Vice Chairman Jackson then presented Council with a check in the amount of \$17,456.83, which was met by applause from all in attendance.

ITEM #8

ORDINANCES

7:19

ITEM #8A: SECOND 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 second reading of, and possibly adopt, Ordinance No. 436, allowing for civil penalties.

Vice Mayor Kinsella read Ordinance No. 436 by title and invited input from Council.

Councilmember Currier questioned whether the Zoning Administrator, whom the ordinance designates as a Code Enforcement Officer, can, as a civilian, "declare someone a criminal." He would like to have Mr. Sims address that question, and asked Ms. Gallagher, "If we vote on it today, does it become law?"

Ms. Gallagher explained that it would become law in 30 days if no one objects.

Vice Mayor Kinsella and Councilmember Currier noted that the ordinance references the "Arizona Rules of Criminal Procedure."

Ms. Gallagher called Mr. Sims at this time, who joined the meeting by telephone.

Councilmember Currier read aloud from Section 18-3-3 of the ordinance:

"Civil complaints shall be filed using either the uniform Arizona Traffic Ticket and Complaint form, or one substantially similar, which shall cite to this Article 18-3 as well as the particular subsection of the Town Code or Zoning Ordinance applicable to the alleged violation. Complaints may be sworn to by any building inspector or Zoning Code officer for the Town. The citation shall contain the date and time of the alleged violation and direct the defendant to appear before the Hearing Officer at the specified time to enter a plea either admitting or denying the complaint. Citations will be served by personal delivery upon the defendant by the responsible inspector or code enforcement officer, or by registered mail with a summons, in the manner set forth in Rule 3.4 of the Arizona Rules of Criminal Procedure."

Councilmember Currier said, "So you appear to be using criminal procedure," and continued to read from Section 18-3-3:

"The citation will state that if the defendant fails to appear, the Hearing Officer will enter a default judgement against him in favor of the State, and impose sanctions not to exceed \$250 for each alleged violation."

Councilmember Currier said, "It sounds like you're talking about civil citations, but at any time, the same officer can decide that it's not a civil case, that it's criminal, and that would mean a civilian is criminalizing the defendant. Is that kosher?"

Mr. Sims responded, "If the citizen who has violated the ordinance fails to appear, I do think he can be held in criminal contempt. That's a rule of procedure, if that was your concern. Right now, you don't have to be a law enforcement officer to trigger a criminal citation, your zoning officer can do it. It doesn't have to be someone with a badge, but you have to go to a judge to issue the warrant for the arrest. ... The citizen has it within his or her control by making sure they come to the hearing. ... It will all be decided by the hearing officer, and if the person who has acted in an inappropriate way comes before the hearing officer, nothing will happen criminally. But if they don't come, they will have a criminal sanction against them."

Councilmember Currier replied, "But it's not the hearing officer that says okay you are now in criminal violation?"

Mr. Sims responded, "You have to go to court for that. The hearing officer can't do that."

Councilmember Currier said, "That answers my question, thank you."

The phone call with Mr. Sims ended at that time, and Councilmember Currier stated that he has no objection to the ordinance.

Vice Mayor Kinsella invited comments from the public. Hearing none,

Motion: Councilmember Currier moved to adopt Ordinance No. 436. The motion was seconded by Vice Mayor Kinsella and approved, 4-0.

7:31

ITEM #8B: SECOND 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 second reading of, and possibly adopt, Ordinance No. 437, regarding abatement of public nuisances.

Vice Mayor Kinsella read Ordinance 437 in title.

Motion: Councilmember Currier moved to adopt Ordinance 437 and the motion was seconded by Councilmember Bachrach. The motion carried, 4-0.

Vice Mayor Kinsella confirmed that this would go into effect in 30 days.

7:32

ITEM #8C: FIRST READING: ORDINANCE NO. 438, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 2-4-6, "ORDER OF BUSINESS," OF ARTICLE 2-4, "COUNCIL PROCEDURE," OF THE JEROME TOWN CODE

Council may conduct the first reading of Ordinance No. 439, to amend the Town Code to include a "Consent Agenda" item, and to allow the Chair to take items on the agenda in whatever order he or she deems most appropriate under the circumstances.

Vice Mayor Kinsella asked Ms. Gallagher to explain this ordinance.

Ms. Gallagher said that this was requested by Mayor Vander Horst. Years ago, she said, our agendas included a "Consent Agenda." It was removed by Council around 2009. The Mayor feels that it would be expeditious to add it back so that certain things could be handled without discussion. This ordinance would also allow the Chair to take agenda items in the order that is appropriate given the nature of the evening, who is here, what time it is, etc. She noted that we have been doing this, but only with the consent of Council. This ordinance would remove that step. "The Mayor is trying to streamline the process," she explained.

Councilmember Barber clarified, "The Mayor would state what is going on and we wouldn't have to vote on it."

Councilmember Currier said that he does not have a problem with having a Consent Agenda, and noted that it would take place after "Petitions from the Public." His problem, he said, is that the Mayor could choose to address the Consent Agenda prior to Petitions, and things like financial reports and staff reports could wind up in the Consent Agenda. In that case, if the Mayor moves the "Consent Agenda" to right after the roll call, he said, "the staff reports are never seen, they're just approved. We've gotten into some trouble like that, because the reports aren't as good as they should be." Mr. Currier clarified that he does not have a problem with the Chair taking things out of order, which is common, but he doesn't want all the staff reports to disappear into the Consent Agenda.

Vice Mayor Kinsella stated that, when he was Mayor, there was a Consent Agenda. "There were some things I lumped together," he said, "but I never ever lumped together financial and staff reports."

Councilmember Currier said, "There is a downside of this, if it's used carelessly."

Councilmember Barber said that she doesn't like the idea of lumping things together.

Motion: Councilmember Currier made a motion to table this until the Mayor has a chance to address it. The motion was seconded by Councilmember Bachrach.

Vice Mayor Kinsella noted that he has a note from Margie Hardie with a statement on this agenda item. Ms. Gallagher suggested that it be held until the item is addressed at the next meeting.

The **motion passed, 4-0.**

ITEM #9

UNFINISHED BUSINESS

7:42

ITEM #9A: REVISED GENERAL PLAN

Council will conduct a **Public Hearing** on the Revised General Plan, as drafted by the General Plan Steering Committee and approved by the Planning & Zoning Commission. Following the public hearing, Council may take action to approve, reject and/or amend same.

Vice Mayor Kinsella opened the public hearing on the revised General Plan.

Kevin Savage, president of the Jerome Chamber of Commerce, said that he feels that the Mayor should be present for this discussion.

Jane Moore, a resident and business owner, stated that the group of people who worked on the General Plan worked very hard. She was disappointed that there was not more input as they went along, but she assumed that people had an opportunity to read it. She said that she had not heard any objections, other than Mr. Savage's statement that they weren't very positive on tourism. "But if you read the entire plan," she said, "we were. We stated that tourism is how this Town, for a large part, earns it's living, but it might be a good idea to look at other options, just in case tourism was done, and to be a little more self-sufficient." She clarified that the point was to discuss that, rather than to say that tourism is not the way we want to earn our living. "Jerome is historic," she said, "and draws a lot of interest. We talk over and over about how to manage people that come here, parking, circulation, all of that. It doesn't say anything anywhere about discouraging tourism. That was the only objection I've heard, and I'm very proud of the plan and I think it's a very workable, appropriate plan for the Town."

Councilmember Barber asked Ms. Moore about Anne Bassett's notes on the General Plan, where she pointed out what appears to be a typographical error in a percentage figure shown on a chart (.04% vs 4%). Mr. Dabney had compared this to the original plan, and concurred that it was a typo and should read 4%.

Councilmember Barber said that she would like this clarified before the Plan is adopted.

Councilmember Bachrach said, "The steering committee put a massive amount of work into this document, and I believe that the document reflects the tone and opinion of the majority of the residents of Jerome." He thanked the steering committee, and said that he supports the adoption of the revised Plan.

There was a brief discussion regarding procedure and the possibility of taking action to adopt the Plan.

Ms. Gallagher noted that adoption of the Plan requires a two-thirds affirmative vote, which means that it would need to be unanimous among the four Councilmembers present.

Vice Mayor Kinsella said that he would like to keep the public hearing open until the next regularly scheduled meeting. "I feel there was a lot of effort put into this," he said, and added that all five elected Council members should have a voice.

Councilmember Currier asked about the rules regarding a public hearing.

Ms. Gallagher said, "I spoke with the attorney today anticipating that there might be just three of you present, and he said that we could make a motion to continue the public hearing to a date certain, which would be the next meeting."

There was brief discussion, and Councilmember Currier said that he would take the Vice Mayor's suggestion to be a motion, and he would second it.

Vice Mayor Kinsella asked Councilmember Bachrach if he would be back and present at the March meeting.

Councilmember Bachrach said, "I can't promise that, but I can make a great effort to do so. To clarify, do all five members have to be here to adopt the document?"

Vice Mayor Kinsella said, "No, it's four out of five have to approve the document. All of us would have to vote yes tonight, but I feel all five people should be here."

After brief further discussion, Vice Mayor Kinsella clarified, "The public hearing remains open until all five members are here and then we will just continue the public hearing."

This motion allows the public hearing to remain open until the next regularly scheduled meeting."

Motion: Vice Mayor Kinsella made a **motion to keep the public hearing open until March 13, 2018 at 7:00 p.m. at the Regular Meeting** and it was seconded by Councilmember Currier.

Councilmember Bachrach noted that this Plan has been published for some time, and the Mayor did not provide a statement either for or against it. He asked what is preventing Council from proceeding with a vote at this time.

Vice Mayor Kinsella said, "I have a motion and a second. If you want to proceed, it could jeopardize the document. In my opinion, I want all five members here."

Councilmember Bachrach said, "It's not like the document will evaporate."

"Oh, it will," Councilmember Currier said.

Vice Mayor Kinsella said, "We would then have to go back to the old document or start over."

The Vice Mayor then called the question, and the **motion passed, 4-0.**

7:54

ITEM #9B: RESOLUTION NO. 564, ESTABLISHING A PRICE FOR DISTRICT SIGNAGE

Council may adopt Resolution No. 564, establishing a price of \$10.00 per slat for District Signage.

Vice Mayor Kinsella read the resolution by title and asked Mr. Dabney to explain.

Mr. Dabney said that this is simply to establish the price for the plank - \$10 for a one-sided slat. "The business comes in," he said, "I hand them a plank, they get their artwork on it, they return it to me, and I put it on the district sign." He clarified that the background color will be white on all the slats.

Councilmember Currier asked if a business could buy a slat on more than one sign. Mr. Dabney would replied that they could not, unless they have more than one business.

Following brief further discussion,

Motion: Councilmember Barber made a **motion to approve Resolution No. 564.** It was **seconded by** Councilmember Currier and **approved, 4-0.**

7:58

ITEM #9C: RESOLUTION NO. 565, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JEROME TO PLACE A QUESTION ON THE AUGUST 2018 BALLOT REGARDING STAGGERED FOUR-YEAR TERMS FOR COUNCILMEMBERS

Council may adopt Resolution No. 565, to place a question on the August 2018 ballot regarding staggered four-year terms for Councilmembers.

Vice Mayor Kinsella asked Ms. Gallagher to explain.

Ms. Gallagher stated that Council had previously discussed this and determined that they would like to know the will of the voters regarding staggered four-year terms. This Resolution would create the ballot language that would go onto the August ballot. If it was approved by the voters in August, Council would then adopt an Ordinance to enact it.

Councilmember Currier asked if the Mayor would be elected separately under this scenario. Ms. Gallagher replied that nothing would change in that regard. Council would still choose their Mayor every two years.

Councilmember Currier asked about the timing of this, and Ms. Gallagher explained that elections for a four-year term would not take place until 2020. If the voters approve the matter in August, and Council adopts an ordinance, the sitting Council members would then be divided by lot, and half would serve two years, until 2020, and the other half would serve four years, until 2022.

Councilmember Bachrach expressed support for putting this question to the voters.

Suzu Mound, a Jerome resident, asked how much it will cost the town in order to ask the voters this question.

Ms. Gallagher said that she believes we would need to have a publicity pamphlet, and estimated that it would cost between \$500 and \$1,000, but she could not say for sure.

Ms. Mound suggested that, rather than spend that money, we poll our residents with a mailer to find out how they feel. She said that she believes it would fail, and added, "we don't always have enough people to run for two years, and now you want to change it

	<p>to four-year terms? ... I don't think we can get people to dedicate four years of their lives. I believe it is a moot point."</p> <p>This was discussed briefly. Councilmember Currier said that he had no objection to taking it to the voters. Councilmember Barber agreed, but added that it seems "kind of redundant." Councilmember Bachrach said that he thinks a two-year term gives you an opportunity to be on Council, but four years is a long time. "I don't feel strongly about it," he said.</p> <p>Motion: Councilmember Bachrach made a motion to table this until the next meeting on March 13, 2018. It was seconded by Councilmember Currier. The motion passed, 4-0.</p> <p>Vice Mayor Kinsella noted that he has a comment from Margie Hardie on this item, which will be saved for the next meeting</p>
<p>ITEM #10 8:05</p>	<p>NEW BUSINESS</p> <p>ITEM #10A: EXECUTIVE SESSION</p> <p>Council may convene in executive session, pursuant to A.R.S. § 38-431.03 (A)(3) and (A)(4), with the Town Attorney, who may participate telephonically, to receive legal advice under A.3, and may consult with and give direction to the Town Attorney regarding effluent regulatory matters under A.4.</p> <p>Motion: Upon motion by Vice Mayor Kinsella, seconded by Councilmember Currier, and unanimously approved, Council entered into executive session.</p>
<p>ITEM #11 8:23</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 said that Councilmember Bachrach had mentioned training that was available for Councilmembers and asked if we could have that on a meeting agenda. Ms. Gallagher said that the training he had referenced is now over, but she will alert all Councilmembers when other training sessions are scheduled.</p> <p>Councilmember Currier asked when Council's retreat would occur. Ms. Gallagher said that the date has not been set yet, but it is likely to take place in late March.</p> <p>Councilmember Bachrach thanked Vice Mayor Kinsella for all the work he did on the Hotel Jerome roof project.</p> <p>Vice Mayor Kinsella provided an update on that project. "They haven't got the [drain] pipes put together yet," he said, "so I was squeegeeing at 5:00 a.m. this morning." He explained that the water will eventually be directed to a drain line outside of the building. "We're getting closer," he said. "The Co-Op is happy, and I'm happy with how things are going. Again, the roof is magnificent. It all pitches toward the valley side."</p> <p>Councilmember Bachrach asked about the status of the "old town yard" parking lot. Ms. Gallagher said that Mr. Boland is working to get rid of the old tires there.</p> <p>Vice Mayor Kinsella said that he believes that Design Review will have to discuss the buildings. He said that he has heard that people are upset that we are dismantling "historic buildings" there; however, he said, "I've done the research and none of those are historic buildings." He added that the site was the original location of the first school that had burned down.</p> <p>Ms. Gallagher said that Mr. Boland knows that this project is a priority.</p>
<p>ITEM #12</p>	<p>ADJOURNMENT</p> <p>Upon motion by Councilmember Currier, seconded by Councilmember Barber and unanimously approved, the meeting was adjourned at 8:28 p.m.</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: _____