

## TOWN OF JEROME

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Founded 1876

### **MINUTES**

#### REGULAR MEETING OF THE JEROME TOWN COUNCIL

## JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS TUESDAY, NOVEMBER 13, 2018, AT 7:00 P.M.

\*\* The audio recording of this meeting will be permanently retained on file as a part of these minutes. \*\*

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

Mayor/Chairperson to call meeting to order.

Mayor Frank Vander Horst called the meeting to order at 7:00 p.m.

Town Clerk to call and record the roll.

Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Vander Horst, Vice Mayor Jay Kinsella, and Councilmembers Alex Barber and Lew Currier.

Other staff present were Joni Savage, Deputy Clerk; Melanie Atkin, Accounting Clerk; Charlotte Page, Zoning Administrator; Rosa Cays, Customer Service/Utilities; Marty Boland, Public Works Director; and Joan Dwyer, Municipal Magistrate.

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

Mayor Vander Horst led the pledge.

Mayor Vander Horst recognized the four NAU nursing students in attendance. Josh Greig, one of the students, introduced himself and stated that they are taking a Public Health course and came here to get a sense of what is going on in Jerome. He added that they have spoken with Dr. Dillenberg are working on a project for the Town.

Mayor Vander Horst went on to say he had a request to break up Item #9 (Petitions from the Public) into two parts, so that the public could address the current Council. He then moved on to "Part A" of Item 9. (Comments made at this time are reflected under Item 9, as originally agendized.)

He also noted that Item #8A (introduction of new Fire Department personnel) will not take place at this meeting as Jasper Lanning is in California on a wildlands assignment.

#### ITEM #2: FINANCIAL REPORTS

7:06

Budget to Actual reports, vendor ledger and balance sheet for October 2018

Ms. Gallagher noted one minor correction to the balance sheet for the utilities fund.

#### Approval of Amended Financial Reports

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
CURRIER	х		X			
KINSELLA		х	X			
VANDER HORST			X			

#### ITEM #4: PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING 7:11

**ADMINISTRATOR'S REPORT** 

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

Ms. Page read from her report and answered questions from Council.

Councilmember Barber asked about the North Avenue property being re-zoned to R2, and if that would have an effect upon the area that is zoned Industrial.

Ms. Page explained that it would not.

#### ITEM #5: APPROVAL OF MINUTES

7:17 October 29, 2018 special meeting

## Approval of Special Meeting Minutes from October 29, 2018.

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
CURRIER	Х		X			
KINSELLA		Х	X			
VANDER HORST			X			

#### ITFM #6: **DESIGNATION OF INTERIM CHAIR**

7:17

Council may designate a member of the succeeding Council to act as Chair from the time that they are seated until they have selected their Mayor and Vice Mayor.

## Designation of Interim Chair Alex Barber

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
CURRIER			X			
KINSELLA		Х	X			
VANDER HORST	Х		X			

#### ITEM #7: REORGANIZATION

#### 7:17 ITEM #7A: REMARKS BY OUTGOING COUNCIL MEMBERS

- Mayor Frank Vander Horst thanked the Council, including Hunter Bachrach, as well as members of the Town staff, whom he asked to stand to be acknowledged and receive applause. He announced that he was successful in bringing high-speed fiber internet to Jerome. It is now active in our library, and will be available in Town offices within the next 30 to 45 days. After that, it will be rolled out to businesses, and then to residents. The Mayor added, "On a very personal note, I want to thank some individuals on a personal level. About four months into my term, I found that, for the second time in my life, I was fighting cancer. It was a difficult time. It seemed like after the surgery, whenever I had chemo, it was the day of a Council meeting. I didn't always feel very good those days. I want to thank Hunter and Jay, and Candace and Joni, who were aware of the situation and really helped me to get through that, so thank you very much."
- 7: 22 Vice Mayor Jay Kinsella thanked the Town of Jerome for the opportunity to serve for 16 years off and on. He congratulated the incoming Council, and thanked he staff, stating that this Council's accomplishments would not have been possible without the staff. He commended Hunter Bachrach for taking the reins on the Hotel Jerome project. The Vice Mayor went on to say that he has noticed a change in Jerome over the past few years: "You can't approach your neighbor and you can't have a conversation with your neighbor," he said, and added that this seems to be a trend in our nation right now, "where you have to listen to my opinion, but I can't listen to yours, and vice-versa. Nothing gets accomplished. On January 20th, I will have been here for 40 years, and in that time, we have overcome so much. We can do better than that, that's what makes a community a community and I am proud to be a part of it. We need to listen to others, not condemn others before you've heard them." He closed by thanking all of the Town's volunteers.

7: 27 Councilmember Lew Currier thanked everyone for electing him so many times, and thanked the Town staff, "which is very good." He also thanked the Council, and said that it had been a pleasure to work with them. Mr. Currier went on to offer some advice to the incoming Council:

- "Pay close attention to the money." He urged Council to "check and re-check" all staff reports.
- "It's easier to start a war than to stop one." He explained that, if you fire someone, it is difficult to retrain someone, and if you get into litigation, it can drag on for years.
- "Beware of professions." He cautioned Council regarding engineers, architects and attorneys who
  may have their own agendas, and noted that accountants can overlook simple problems. He also
  cautioned against using large firms.
- "Pay attention to the audience at the meetings. Treat them with respect even though you know they're nuts."
- "Beware of hubris."

7:38

"A great nation should be treated like a small fish."

## 7:33 ITEM #7B: SEATING AND SWEARING IN OF 2018-20 COUNCIL

Town Magistrate Joan Dwyer will administer the Oath of Office to members of the 2018-20 Jerome Town Council.

Judge Dwyer administered the Oath of Office to the new Council.

## ITEM #7C: APPOINTMENT OF MEMBER TO FILL COUNCIL VACANCY

Council may appoint an individual, by nomination and vote, to fill the vacant seat on Council, for the unexpired term. During this agenda item, Council may opt to question any interested persons that are present, and/or to table the appointment to a later date.

The persons who had expressed interest in filling this vacancy were: Alissa Kueker, Nikki Check, Tyler Christensen, Nick Bartell and Jane Moore.

Council invited each to speak, in alphabetical order.

7:39 Nicholas Bartell stated that he would not be able to serve because he will be taking fire training on Tuesday nights.

7:40 Nikki Check spoke about her experience here, and said, "I don't have an agenda, but I do have experience. ... If it would be helpful to the Town, I would be happy to help."

7:41 Tyler Christensen read from his resume and gave an enthusiastic speech about his qualifications.

7:45 Alissa Kueker spoke of her desire to help the town she has grown to love.

7:45 Jane Moore commented that she had been on the Council for a total of 12 years. She said that it would be difficult to have four members without prior experience. She spoke highly of Tyler Christensen and Nikki Check, and said that, although Tyler's knowledge of water and sewer are of great importance, he would have to recuse himself from those issues due to a conflict of interest. She has decided to continue with her offer to serve on Council.

Councilmember Barber thanked all of the applicants and asked for a motion.

Councilmember Dillenberg commended the candidates, and asked if Council could postpone this decision to a special Council meeting.

Councilmember Worth agreed, and said that she would like to hear from the public about this. She too, asked if a special meeting could be scheduled for this purpose.

Ms. Gallagher was consulted, and she confirmed that Council was not required to make a decision at this meeting, and that a special meeting could be scheduled.

Councilmember Harvey said that, while a Special Meeting would be fine, she already has someone in mind for the appointment. She then made a motion.

#### Appoint Jane Moore to fill the Council Vacancy.

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

Councilmember Barber opened the floor to the public.

7:54 Carol Yacht, resident, thanked Councilmember Harvey for her motion and noted Ms. Moore's many accomplishments.

7:56 Margie Hardie, resident, said that she would like each applicant to publicly acknowledge that they are qualified to serve – that is, were at least 18 years of age, qualified electors, and residents of the Town for at least a year.

7:57 Jim Ariola, resident, asked about the procedure for filling the vacant seat. Councilmember Worth explained that it must be filled by appointment, not through an election.

7:58 Tyler Christensen, applicant, brought forward his petition of 56 signatures supporting him.

7:59 Kevin Savage, Chamber President, encouraged Council to acknowledge our youth and let them get involved.

8:00 Shannon Westcott, resident, spoke to support the appointment of Tyler Christensen, her son.

8:02 Matthew Poe, resident, encouraged the Council to table this decision if they are not yet certain.

8:03 Nancy Smith, resident, encouraged Council to table the decision, also and recommended that an experienced person be appointed.

#### Motion to Table Until a Special Meeting

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

8:06 Referencing the prior vote to appoint Jane Moore, Margie Hardie said, as a point of order, that she believes an abstention counts as a "yes" vote. Council members stated that this was incorrect.

#### ITEM #7D: SELECTION OF MAYOR AND VICE MAYOR

8:07

8:07

Council may select their Mayor and Vice Mayor by nomination and vote.

#### Nomination of Christina "Alex" Barber as Mayor

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

## Nomination of Sage Harvey as Vice Mayor

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

#### ITEM #7E: REMARKS BY NEW MAYOR, VICE MAYOR AND COUNCILMEMBERS

8:08 Councilmember Dillenberg said that it is an honor to serve on the Council. He said that he is "a public health guy" and spoke of his desire to help everyone in Jerome to have better health.

8:11 Councilmember Worth thanked the outgoing Council and anyone who has been on the Council in the past, and also thanked the town staff. She said that she is honored to serve.

8:13 Vice Mayor Harvey thanked all of the residents of Jerome and said that she'll do her best to make sure the Town keeps running correctly.

8:13 Mayor Barber thanked all of the past Councils, and said that, when she first ran for Council, "I really didn't see myself sitting here as Mayor." She thanked everyone again, and called for a brief recess.

During the subsequent recess, the Town Code was checked, and it was found that an abstention without a declaration of a conflict of interest does indeed count as a "yes" vote. The Mayor was informed of this, and, upon reconvening, she and the Vice Mayor rescinded their motion to appoint in order that the matter may continue to a special meeting as planned. This is reflected on the next page of these minutes.

#### 8:15 Motion to Recess for Five Minutes

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

8:28 Mayor Barber called the meeting back to order, and announced that, according to the Town Code, the two abstaining votes did count as yes votes for Jane Moore's appointment; however, she added, for the two councilmembers that would like to have a special meeting, she would rescind her motion to appoint.

Vice Mayor Harvey rescinded her motion and Mayor Barber rescinded her second.

Mayor Barber continued and rearranged the order of the agenda. Next will be Item #11C and then Item #12A and then the agenda will proceed in the original order. Those items were addressed at this time, but are reflected in these minutes in the order originally agendized.

#### **ITEM #8:**

#### **PRESENTATION**

#### ITEM #8A: JEROME FIRE DEPARTMENT PERSONNEL

Fire Chief Rusty Blair will introduce new Fire Department Duty Officers, Jasper Lanning and Ian Haney, and new Assistant Chief Tim Irwin to the Town Council.

This item had been removed from the agenda at the beginning of the meeting and did not take place. It will be rescheduled for a later date.

## ITEM #9A:

7:02

#### PETITIONS FROM THE PUBLIC - PART A

PEIIIIONS FROM THE PUBLIC - PART A

7:02 Kevin Savage, President of the Chamber, thanked all the outgoing Council members for working so well with the Jerome Chamber of Commerce.

7:05 Hunter Bachrach, former Council member, thanked the outgoing Council for all of the hard work they did and for allowing him to be a part of it. He also thanked the Town of Jerome, and wished the incoming council success.

## ITEM #9B:

#### PETITIONS FROM THE PUBLIC - PART B

8:38 (0:09:45) There were no petitions from the public.

## ITEM #10:

#### **CONSENT AGENDA**

8:38

The following items are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in normal sequence on the Agenda.

## A. Special Event Liquor License: Jerome Chamber of Commerce

for Town Holiday Dinner to be held at Spook Hall on December 8, 2018

#### Approval of Special Event Liquor License for the Town Holiday Dinner

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

#### ITEM #11:

#### **ORDINANCES**

## 8:39 (0:10:50)

ITEM #11A: SECOND READING AND POSSIBLE ADOPTION: ORDINANCE NO. 442, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING ARTICLE II, "DEFINITIONS," AND SECTION 502, "GENERAL PROVISIONS," OF ARTICLE V, "USE REGULATIONS," OF THE JEROME ZONING ORDINANCE, REGARDING HOME OCCUPATIONS

Council may conduct the second reading of, and may adopt, Ordinance 442, amending the Jerome Zoning Ordinance regarding home occupations. The Planning & Zoning Commission conducted a public hearing on this amendment on September 5, 2018, and has recommended its enactment by Council.

Ms. Page provided a brief review of this ordinance.

#### Adoption of Ordinance No. 442

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

### 8:42 (0:12:56)

ITEM #11B: SECOND READING AND POSSIBLE ADOPTION: ORDINANCE NO. 443, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 509, "SIGNS," OF ARTICLE V, "USE REGULATIONS," OF THE JEROME ZONING ORDINANCE REGARDING TEMPORARY SIGNS

Council may conduct the second reading of, and possibly adopt, Ordinance 443, amending the Jerome Zoning Ordinance regarding temporary signs. The Planning & Zoning Commission conducted a public hearing on this amendment on September 5, 2018, and has recommended its enactment by Council.

Ms. Page reviewed the provisions of this Ordinance and answered questions from Council. The question of the ordinance's application to "daily specials" or sandwich board signs was brought up. Several members of the public requested to speak.

8:50 Margie Hardie, Jerome resident and member of the Planning & Zoning Commission, spoke about the Commission's reasoning for this ordinance.

8:52 Liz Gale, Jerome business owner, stated that she didn't believe we needed an application process for temporary signs.

8:53 Nick Bartell, resident and business owner, said that he understood the difference between daily specials signs versus temporary signs, however it would be "a disaster for tax revenues" and it would kill businesses if daily specials signs were not allowed

8:54 Aaron Bailey, Jerome business owner, said that he understood the concern regarding temporary signs and he would work with the Town. He added that temporary signs do increase his business, and his business would suffer without them.

8:56 Rebekah Kennedy, resident and business owner, spoke about her mannequin that she places in her alcove and not on the sidewalk. She added that she believes that A-frame signs are already prohibited on the sidewalk.

8:59 Jane Moore, resident and business owner, and member of the Planning & Zoning Commission, recommended that this ordinance be sent back to Planning & Zoning, and said that she regretted that no business people had shown up at those meetings when this was discussed. She added that one reason for this ordinance was to avoid clutter.

9:01 Liz Gale spoke again and said that the previous Zoning Administrator had been very clear about not putting a sign on the sidewalk.

Ms. Gallagher noted that there is a provision in Chapter 10 of the Town Code stating that one cannot obstruct sidewalks or streets.

#### Motion to send this ordinance back to P & I for Clarification

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

Nick Bartell suggested that this be brought to the Chamber of Commerce for their input.

## 8:29 (0:01:20)

## ITEM #11C: FIRST READING: ORDINANCE NO. 444, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING ARTICLE 5-4, "COURT FEES," OF THE JEROME TOWN CODE

Council may conduct the first reading of Ordinance 444, which would amend the Town Code to eliminate Court Enhancement Fees and replace those with Court Security Fees.

Mayor Barber read the ordinance in title only.

Judge Dwyer explained the need for this, and noted a minor correction in the first paragraph, where "Presiding Justice" should be corrected to read "Chief Justice."

Ms. Gallagher explained that the new \$20 Court Security Fee would replace the existing Court Enhancement Fee of \$27.

8:35 Jane Moore asked is that fee would be paid by everyone that comes into the court or just those that are found guilty.

Judge Dwyer responded that, if they were not found guilty, they would not be obliged to pay the fee.

## ITEM #12:

#### **NEW BUSINESS**

## 8:37 (0:07:17)

#### ITEM #12A: RESOLUTION NO. 576, ESTABLISHING COURT SECURITY FEE

Council may adopt Resolution 576, establishing a Court Security Fee of \$20 to become effective as of January 1, 2019.

Judge Dwyer explained that this Resolution is needed in order that the fee which will be enacted with Ordinance 444 can be effective as of January 1, 2019, rather than later in the month.

The language of this Resolution will be amended in the same way as the prior ordinance ("Presiding Justice" will be changed to "Chief Justice.")

## Approval of Resolution No. 576

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COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER		Х	X			
DILLENBERG	Х		X			
HARVEY		Х	X			
WODTH		l	Y			

9:00	
(0:32:30)	

## ITEM #12B: DESIGNATION OF REPRESENTATIVE(S) TO THE NORTHERN ARIZONA COUNCIL OF GOVERNMENTS (NACOG)

Council may designate one of its members as the Town's representative to the NACOG Regional Council, and may also opt to designate an alternate.

#### Designation of Mandy Worth as a Representative to NACOG

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

## Designation of Jack Dillenberg as the Alternate Representative to NACOG

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

## 9:05 (0:36:30)

#### ITEM #12C: SERIES 10 LIQUOR LICENSE - THE MARKET, 403 CLARK STREET

Council will review and may recommend approval, disapproval, or take no action regarding an application by Kerry Sue O'Hair for a Series 10 liquor license at The Market, 403 Clark Street. This non-transferable liquor license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

Kerry O'Hair said that she would be opening a general store, and wishes to sell beer and wine to go. Vice Mayor Harvey referred to Ms. O'Hair's liquor license application, noting that she had not completed the training. Ms. O'Hair responded that she had completed the State-required training after submitting the application.

#### Approval of Series 10 Liquor License for The Market

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

# ITEM #13: 9:08 (0:40:00)

#### TO AND FROM THE COUNCIL

Council may direct staff as to items of pending importance that they would like placed on a future meeting agenda.

Councilmember Worth said that she would like to look into our participation in GAMA (the Greater Arizona Mayors Association). She hopes to make more contacts at the upcoming training for newly elected officials, and hopes to meet our legislative district representatives. She suggested that we develop and maintain a calendar of events that are taking place locally and statewide.

Vice Mayor Harvey noted that Yavapai County has a No Cell Phone law while driving, and she said that it does not apply in Jerome because we are incorporated. She feels that people shouldn't be driving and texting in Jerome, and suggested that we enact a similar measure.

Councilmember Dillenberg spoke of the self-help health management program he has been working on for the vacant space on the third floor of Town Hall. We will need to apply for a grant which would reimburse our upfront payment for architectural plans. He asked that this be discussed at the next regular meeting.

#### ITEM #14:

## **ADJOURNMENT**

#### Adjourned at 9:15 p.m.

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

APPROVE:	ATIEST:
Christina "Alex" Barber, Mayor	Candace B. Gallagher, CMC, Town Manager/Clerk
	Date: