



# TOWN OF JEROME, ARIZONA

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Founded 1876  
Incorporated 1899

## DRAFT MINUTES

### SPECIAL JOINT MEETING OF THE JEROME TOWN COUNCIL, PLANNING & ZONING COMMISSION, DESIGN REVIEW BOARD AND BOARD OF ADJUSTMENT

**JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS**  
**WEDNESDAY, JANUARY 16, 2019 AT 6:00 P.M.**

<b>ITEM #1:</b>	<p><b>CALL TO ORDER/ROLL CALL</b></p> <p>Mayor to call meeting to order.</p> <p><i>Mayor Alex Barber called the meeting to order at 6:05p.m.</i></p> <p>Town Clerk to call and record the roll for Council.</p> <p><i>Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Alex Barber, Vice Mayor Sage Harvey, Councilmembers Mandy Worth, Jack Dillenberg and Jane Moore.</i></p> <p><i>Other staff present were Charlotte Page, Zoning Administrator and Joni Savage, Deputy Clerk.</i></p> <p>Zoning Administrator to call and record the roll for the Commission and Boards.</p> <p><i>Roll call was taken by Ms. Page. Planning and Zoning Commission members present were Chair Margie Hardie, Vice Chair Lance Schall, Scott Hudson and Henry Vincent.</i></p> <p><i>Design Review Board members present were Chair Brice Wood, Vice Chair Danny Smith, Henry Vincent, Tyler Christensen and John McDonald.</i></p> <p><i>Board of Adjustment members present were Suzy Mound and Natalie Barlow. Vice Chair Chris Babbage, Carol Yacht and Gary Shapiro were absent.</i></p> <p><i>The Pledge of Allegiance was said.</i></p>
<b>ITEM #2:</b> <b>6:06 (3:00)</b>	<p><b>PRESENTATION / Q&amp;A WITH TOWN ATTORNEY</b></p> <p>Town Attorney Bill Sims will provide information and answer questions regarding Arizona's Open Meeting Law, Robert's Rules of Order, Conflicts of Interest, and the Rezoning process.</p> <p><i>Mr. Sims spoke about zoning, open meeting law, conflicts of interest and due process. He referred to three different handouts for his presentation, each of which will be placed on file with these meeting minutes.</i></p> <p><i>6:24(0:24:00) Margie Hardie asked a question regarding discussion and whether it should be prior to or after a motion. She believes the Chair or Mayor should ask for a motion.</i></p> <p><i>6:28 (0:27:58) Ms. Hardie asked about a quorum and referred to the Board of Adjustment only having two members present.</i></p> <p><i>6:30 (0:29:30) Councilmember Dillenberg asked about an abstention from voting and whether it is considered a yes vote or a no vote. He had thought that an abstention was neither. Ms. Gallagher noted that our Code currently provides that an abstention is counted as a yes vote, but we have introduced an ordinance to change that.</i></p> <p><i>6:32(0:32:30) Tyler Christensen asked about a conflict of interest.</i></p> <p><i>Mr. Sims responded that you would abstain and it would not be considered a yes vote.</i></p>

6:33 (0:32:50) Curtis Lindner, a member of the Yavapai County Planning Commission, asked Mr. Sims to explain the public's perception of a conflict of interest.

Mr. Sims responded that he feels members should recuse themselves if there is appearance of a conflict.

6:34 (0:34:55) Mr. Lindner spoke again about public perception and conflict of interest.

6:38(0:38:30) Danny Smith gave an example of when a council member should have recused themselves.

6:42 (0:42:30) Jeff Koppelmaa, a resident of Jerome, inquired about ending a debate. He asked what vote would end the debate, is it two-thirds or three-fourths.

Mr. Sims said that Robert's Rules is more rigorous, but he feels that we should be more flexible and allow the Mayor to run the meeting.

6:47(0:47:42) Mr. Lindner spoke again and stated there is a history of a procedural way of going through the meeting. Move the agenda along to avoid endless conversation.

6:50 (0:50:10) Ms. Hardie summarized meeting steps for Planning and Zoning.

Mr. Sims said that he believes it is perfectly appropriate to have discussion before or after the motion.

Vice Mayor Harvey asked about splintering the quorum and emails. She confirmed that members should never use "reply all."

Mr. Sims referred to the Open Meeting Law and that one of its intents is deter future infractions. He believes it is best to disclose infractions right away.

6:56 (0:56:40) Ms. Hardie asked a question about knowingly violating the Open Meeting Law. What should happen?

Mr. Sims explained the process.

7:01 (1:01:34) Mr. Smith commented about quorums.

Vice Chair Harvey had a question about a non-salaried officer of a non-profit and whether it was a conflict. Mr. Sims explained that if it was a paid officer then there would be a conflict. He gave examples of conflict and non-conflict.

7:13 (1:05:00) Mr. Koppelmaa asked a question about indirect proprietary interest.

Mr. Sims provided an example regarding a P&Z member that would vote to authorize a development that increases that member's property value. He explained Title 41 and talked about gift restrictions.

Councilmember Dillenberg left the dais at this time and Mayor Barber asked for a five-minute recess.

**Motion to take a recess at 7:17**

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

The meeting reconvened at 7:28 p.m.

Mr. Sims spoke about rezoning and said that development agreements can help with property rights. He discussed the necessity for a General Plan and noted that the Zoning Commission makes recommendations to the Council.

7:36 (Part 2, 0:07:46) Mr. Lindner asked Mr. Sims to explain the difference between how the Council looks at development versus when P & Z looks at it.

Mr. Sims gave a very detailed answer.

Ms. Page asked, "If the Town decided to rezone a particular parcel, that would come from the Council would it not?"

Mr. Sims responded that it could come from the P & Z. Councilmember Moore said that she believed it could come from Planning and Zoning, Council or the public, and Mr. Sims agreed.

Mr. Sims continued speaking about property rights.

7:51 (0:23:05) Ms. Hardie asked a question about the R-2 Zone, and whether the Town would have to change the development standards.

Mr. Sims responded that it would not, and explained that a duplex might require different parking. It would be an amendment to the site plan and parking ordinance.

7:53(0:25:15) Ms. Hardie asked if there is a time factor to accomplish a rezoning.

7:55 (0:27:10) Mr. Lindner asked, "Isn't a General Plan a recommendation?"

Mr. Sims responded, "No, it is gold." He talked about development fees and charging people equally.

7:56 (0:28:29) Mr. Lindner talked about the infrastructure issues unique to Jerome and possibility of passing those fees on to a developer. He asked how you would go through the ordinance change.

Mr. Sims spoke about the steps necessary and that it would include a public process.

Councilmember Moore commented that she thought that we would be required to do a lot of research and studies to create a development fee.

Mr. Sims continued to speak about the Constitution and owners' rights. He stated that, when Council acts, they act legislatively in making decisions.

8:03 (0:34:23) Mr. Lindner spoke about Council acting as a majority when modifying recommendations of the Planning & Zoning Commission.

Councilmember Moore asked a question about removing a definition from the Zoning Ordinance because the use was not allowed in any zone. The Council didn't want to remove it because they thought it might be used later.

Mr. Sims and Councilmember Moore discussed this scenario.

8:06 (0:37:40) Mr. Lindner asked about use permits and variances and Mr. Sims responded at length. It was explained that we do use conditional use permits.

8:09 (0:40:30) Mr. Lindner spoke about use permits and development trends.

8:13 (0:44:10) Mr. Lindner said that he feels it should be up to the applicant if they wanted to apply for a use permit.

Mr. Sims talked about the 1983 claim and Constitutional Rights. He explained Prop 207 and how it came about and why we use the Prop 207 waiver.

8:16 (0:47:20) Mr. Lindner asked if the waiver would protect the town.

Mr. Sims explained that when the waiver is signed, the signer wouldn't be able to sue the town.

8:17 (0:48:22) Ms. Hardie asked for clarification on the Prop 207 waiver. She also asked about changing the R-2 zone prior to rezoning the parcels.

Mr. Sims explained the Code and noted that "multi-family" is not used consistently throughout the code. Rezoning is something the Town has never done before, he said. It goes back to balancing affordable housing and protecting property rights.

Vice Mayor Harvey asked what would happen if Council did not approve the rezoning.

Mr. Sims said that Council needs to ask themselves if they want to make a change for affordable housing.

8:20 (0:52:14) Mr. Lindner asked isn't there another vehicle to accomplish that, with a special use permit?

Mr. Sims responded, No, you wouldn't want to use that," and explained why not.

8:30 (1:01:20) Ms. Hardie asked how important the recommendations are that are made from P & Z to the Council.

Mr. Sims explained that our Code requires P&Z to make a recommendation.

Councilmember Dillenberg commented that a citizens group in Phoenix formed an HOA to oppose vacation rentals. The law says that the HOA could keep them out. He asked if Jerome citizens could do that.

Mr. Sims said that a Council member should not be involved, but property owners within a community could do that and he thought it would be totally legal.

Ms. Page asked, "How much influence does an adjacent industrial zone have on changing a zone?"

Mr. Sims said that it is irrelevant.

8:35 (1:07:00) Mr. Lindner commented that we don't factor in what someone else's zoning is. He believes that Planning and Zoning factors in the public.

Mr. Sims explained that Planning and Zoning is required to give a recommendation to Council.

Councilmember Worth asked Mr. Sims if he had a recommendation as far as a member of one board or commission attending another entity's meeting as a member of the public.

Mr. Sims said that he would advise Council members not to attend P&Z meetings, because Council is the ultimate decision maker and there could be an argument that this would violate due process. As a citizen, he said, you have a right to attend, but would be wise not to. Ms. Worth asked about attending Neighborhood Meetings, and Mr. Sims said that those are informational only, and would not be a problem.

Mr. Sims recapped and said how much he enjoys working for Jerome.

**ITEM #3: ADJOURNMENT**

**Adjourned at 8:40**

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

APPROVE:

ATTEST:

\_\_\_\_\_  
Christina "Alex" Barber, Mayor

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

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