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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, APRIL 14, 2015 AT 7:00 P.M.

<b>ITEM #1:</b>	<b>CALL TO ORDER/ROLL CALL</b>  Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll.  <i>Mayor Lew Currier called the meeting to order at 7:00 p.m.</i>  <i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Lew Currier, Vice Mayor Doug Freund and Councilmembers Abe Stewart, Alex Barber and Frank Vander Horst. Other Staff in attendance at roll call included Zoning Administrator Albert Sengstock and Deputy Town Clerk Joni Savage.</i>
<b>ITEM #2:</b>	<b>PLEDGE OF ALLEGIANCE</b>  Mayor/Chairperson to lead the Pledge.  <i>The Pledge of Allegiance was led by Mayor Lew Currier.</i>
<b>ITEM #3:</b>	<b>STAFF REPORTS</b>  Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Representative, Public Works Department, Building Inspector, Library, Municipal Court, Police Chief, and Fire Chief.  <i>Vice Mayor Freund commented that he was grateful that the busking complaints item had been added to the police report, allowing him to further study the issue.</i>  <b>Motion:</b> Council member Barber made a motion <b>to accept the staff reports</b> . It was seconded by Vice Mayor Freund. The <b>motion passed with 5 ayes, 0 nays and 0 abstentions</b> .
<b>ITEM #4:</b>	<b>FINANCIAL REPORTS</b>  Issued checks and Budget to Actual reports for the month of March 2015. Figures included therein are presumed accurate as of the report's preparation date, but are subject to adjustment as further information is gained.  <i>Councilmember Barber inquired about a reimbursement to Allen Muma for over \$1,000. Ms. Gallagher said that she would look into it and let Ms. Barber know what the reimbursement covered.</i>  <i>Mayor Currier noted that sales tax revenues are coming in as predicted.</i>  <b>Motion:</b> Vice Mayor Freund moved to <b>accept the financial reports</b> . It was seconded by Councilmember Barber. The <b>motion passed with 5 ayes, 0 nays and 0 abstentions</b> .
<b>ITEM #5:</b>	<b>PLANNING AND ZONING AND DESIGN REVIEW MINUTES/ RECOMMENDATIONS/ZONING ADMINISTRATOR'S REPORT</b>  Minutes are provided for the information of Council and do not require action.  <i>Vice Mayor Freund asked Mr. Sengstock how many individuals had come in to speak with him about the letters he mailed to vacation rental owners. Mr. Sengstock informed the</i>

**Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center**

	<p>Council that he has spoken with three of the owners. One will be submitting a letter to the Board of Adjustment, and two of them may be switching to Bed and Breakfasts. He has not heard from three of the recipients, although they did receive the certified mail that was sent. He confirmed that there were a total of six letters mailed. He added that there are also vacation rentals in the C-1 District, and he is currently reviewing their use permits.</p> <p>It was noted that minutes from the Board of Adjustment are currently being scanned, and Mr. Sengstock plans to scan parcel files also.</p>
<p><b>ITEM #7:</b></p>	<p><b>PETITIONS FROM THE PUBLIC</b></p> <p>Pursuant to A.R.S. § 38-431.01(H), public comment is permitted on matters not listed on the agenda but the subject matter must be within the jurisdiction of the Council. All comments are subject to reasonable time, place and manner restrictions. All petitioners must fill out a request form with their name and subject matter. When recognized by the chair, please step to the microphone, state your name and please observe the three (3) minute time limit. No petitioners will be recognized without a request. The Council's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.</p> <p><i>Tim Dixon appeared before the Council, informing them that he and other volunteers have been picking up litter for the past year starting at the lookout point on 89A down into Jerome and into the Gulch area. He requested that the Town issue them parking passes so that they will not get ticketed for parking on the side of the road. He said that he has been approached by officers telling him that he could get ticketed even though they are providing a service to the Town. Mr. Dixon added that he would also like to see a sign posted stating that the minimum fine for littering is \$2,500, with a maximum fine of \$5,000.</i></p> <p><i>Mayor Currier asked that Mr. Dixon give his contact information to Ms. Gallagher and she would look into his requests.</i></p>
<p><b>TEM #7A:</b></p>	<p><b>PRESENTATION: VERDE VALLEY GIGABIT PROJECT</b></p> <p>The Verde Valley Broadband Coalition, a subcommittee of the Verde Valley Regional Economic Organization, will present findings from the recent Phase I Design of the Verde Valley Gigabit Project, a regional project to bring high-speed broadband connection to the Verde Valley. This is a long-range project underway since 2009 to grow the economic vitality of the region.</p> <p><i>Ms. Filardo addressed Council as the Chair for the Verde Valley Broadband Coalition, which is a subcommittee of the Verde Valley Regional Economic Organization. There are 19 people on the board, she said, consisting of private citizens and business owners.</i></p> <p><i>Ms. Filardo reviewed highlights of the Phase I design report for a Verde Valley-wide broadband network, presented below (not necessarily in chronological order):</i></p> <ul style="list-style-type: none"> <li><i>• The broadband initiative started in 2009, when resolutions of support were received from the municipalities, Yavapai County and several unincorporated areas as well.</i></li> <li><i>• Senate Bill 1402 passed at the State level in 2012, and enables us to consider "information" as a utility in the state of Arizona. ADOT will allow conduit or fiber into the ground when the ground is opened up for improvements. Highway 260 is being widened beginning in 2016, so the Verde Valley Broadband Coalition would like to be able to put conduit and fiber in the ground at that time.</i></li> <li><i>• The demand for broadband and internet capacity is skyrocketing.</i></li> <li><i>• The Coalition received \$36,000 from the State for the Phase I design, and had to come up with a \$9,000 match. Yavapai College donated a demand study for \$5,000. They are using GSW Telecom, network designers and builders out of Tucson.</i></li> <li><i>• Ms. Filardo had provided handouts which included maps of the network planned. It is basically a ring, and, she summarized, "it is like a highway that connects to itself with stops along the way." It will consist of 53 miles of network. Phase I will run</i></li> </ul>

	<p>from Camp Verde to Cottonwood, Clarkdale, and Jerome and will end at the fire station in Sedona. Phase Two will come back from Sedona to Camp Verde. This ring will offer more protection from a fiber cut.</p> <ul style="list-style-type: none"> <li>• The network within Jerome would be 95% aerial and 5% buried deployment. It can be deployed however the people of Jerome would like, she said. We do not have to connect to it if we don't want to.</li> <li>• They are planning five co-location sites (not yet determined) which would need to be at neutral sites such as schools and government buildings.</li> <li>• They assume no participation from providers; however they have heard from Sudden Link, which is very interested in secondary markets.</li> <li>• The estimated cost to accomplish all of this is between \$17 million and \$25 million.</li> <li>• NACOG is willing to be a fiscal agent for a USDA grant that VVREO is applying for, as well as a technical assistance grant for \$90,000 to design and do the construction drawings.</li> <li>• At some time in the future, she plans to return to request some type of support from Jerome.</li> </ul> <p>Mayor Currier thanked Ms. Filardo for the information and said that all of the Verde Valley towns seem to be on board with this.</p>
<p><b>ITEM #8:</b></p>	<p style="text-align: center;"><b>ORDINANCES</b></p> <p><b>ITEM #8A: FIRST READING – ORDINANCE NO. 416, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, TO AMEND ARTICLE 8-3, “BUSINESS LICENSE TAX,” OF THE JEROME TOWN CODE, BY THE ADDITION OF NEW SECTIONS 8-3-7 THROUGH 8-3-11, REGARDING DENIAL, REVOCATION AND SUSPENSION OF BUSINESS LICENSES</b></p> <p>Council may conduct the first reading of an amendment to our Town Code regarding business licensing. The proposed amendment would clarify reasons for denial, suspension or revocation of business licenses and establish an appeal procedure for same.</p> <p><i>Mayor Currier noted that a business license ordinance was adopted at the last meeting but there were unanswered questions, including the criteria to allow or prohibit a business license, which this ordinance would address.</i></p> <p><i>Mayor Currier directed staff to see that the Chamber receives a copy of the ordinance.</i></p> <p><i>After brief discussion, Mayor Currier read Ordinance 416 in title only.</i></p> <p><i>Ms. Gallagher stated that she would post the ordinance on the Town's website, and second reading and adoption could take place at the next regular meeting. She explained that this ordinance will establish an appeals process and include a requirement for the applicant to establish an appropriate utility account with the Town.</i></p> <p><i>Councilmember Vander Horst noted that, according to the ordinance, if the license is denied, the licensee has fifteen days to appeal that decision. The appeal would then go before the Council, however there was no timeline included for that. It was discussed and generally agreed that Section 8-3-9 C would be clarified to state that, after a notice of appeal is determined to be complete, the Town Clerk shall schedule a hearing before the Town Council at their next regular meeting.</i></p> <p><i>Ms. Gallagher read aloud Section 8-3-9 F, which states that Council, in hearing an appeal, may only rule on whether the license was properly denied, suspended or revoked by the Town Manager. Council cannot overturn the decisions of the Building Inspector, Zoning Administrator, Fire Chief, Health Department or Police Department. Appeals of the decisions of the Building Inspector or Fire Chief would go to the Board of Appeals, and appeals of the Zoning Administrator's decisions would go to the Board of Adjustment. The timing of those appeals was questioned, and whether that should be referenced in this ordinance. Ms. Gallagher will request clarification from the attorney in that regard.</i></p>

**ITEM #9: UNFINISHED BUSINESS**

**ITEM #9A: SOLAR DESIGN GUIDELINES**

Council will review and may approve Solar Design Guidelines which have been approved by both the Planning & Zoning Commission and the Design Review Board.

*Mr. Sengstock noted that much of the work on these guidelines had been done by his predecessor. The Design Review Board and Planning and Zoning Commission have each reviewed and approved the guidelines, he said, and noted that they are just that – guidelines, not law. It is a template used in many historical communities, and they have already been using it with the solar installers for approved projects. "This is all about the impact on surrounding property owners," he said. Older homes, he added, will sometimes require engineering reports to determine if they can support the weight of the panels.*

*Councilmember Vander Horst asked how well the current installations fit into this guideline. Mr. Sengstock said that we will always be looking for the least visually negative impact.*

*Mayor Currier said that he believes solar installations are hostile to our historic image, and asked if we can simply say no to them. Mr. Sengstock replied that we cannot. It is a utility, and a property owner's legal right. "The best we can do it work with them," he said.*

*Councilmember Stewart recalled that some solar projects had been denied in the past, and Mr. Sengstock said that he was not familiar with that.*

*Mayor Currier stated that, before taking any action, he would like a legal opinion regarding whether we can deny solar installations in Jerome. While he said that he likes the idea of them, he does not believe they are suitable for Jerome.*

*Vice Mayor Freund supported the request for a legal opinion, and Councilmember Vander Horst said that he, too, believes that our historic status should allow us to limit solar panels in Jerome. Councilmember Barber expressed concern about losing our historic status.*

*Mr. Sengstock said that he will talk with the attorney. He will also re-engage SHPO and make sure that it does not affect our historic status.*

*Vice Mayor Freund asked Mr. Sengstock who would comprise the "project team" mentioned on the first page of the guidelines. Mr. Sengstock said that he assumed this would be the contractor, Building Inspector and Design Review Board.*

**Motion:** Councilmember Vander Horst made a motion to **table this discussion**. It was seconded by Vice Mayor Freund. The **motion passed with 5 ayes, 0 nays and 0 abstentions**.

**ITEM #9B: THE LEANING WALL**

Council will review proposals received from engineers for the preparation of sealed plans for stabilization of the leaning wall, and may approve an agreement for same.

*Ms. Gallagher reported that she sent informal Requests for Proposals to four engineering firms: Brent Maupin, Bill Kantor, Tom Pender and Jim Binick's new firm, Granite Basin Engineering. The latter was the only firm that responded. Their proposal specified \$1,000 for a survey, \$4,000 for preparation of the plans and \$1,000 for post design services (inspections and as built plans).*

*Ms. Gallagher clarified that Core Structure Group, if engaged, would bill Shephard Wesnitzer, and we in turn would pay them. Core Structure Group had previously proposed a price of \$4,200 for preparing the plans.*

*Councilmember Stewart asked if Mr. Binick used Core Structure Group's structural analysis. Ms. Gallagher said that they did, and read from Mr. Binick's response: "We have reviewed the structural report on the wall and agree with the condition assessment. We have also reviewed the recommendations section and we believe that modifications can be made in the approach so that costs of the mitigation can be reduced without compromising the structural integrity of the final product."*

	<p>Mayor Currier said that he doesn't believe that a survey is necessary.</p> <p><b>Motion:</b> After brief further discussion, Mayor Currier moved to <b>award the work to Jim Binick's firm, provided that he will do it without a survey.</b> It was seconded by Vice Mayor Freund. The <b>motion passed with 5 ayes, 0 nays and 0 abstentions.</b></p>
<p><b>ITEM #10:</b></p>	<p><b>NEW BUSINESS</b></p> <p><b>ITEM #10A: YAVAPAI COUNTY HAZARDOUS HOUSEHOLD WASTE DISPOSAL EVENT</b></p> <p>Council will discuss and may approve the Town's participation in a hazardous household waste disposal event, to be coordinated by Yavapai County, for the Verde Valley towns. Jerome's share of the cost would be \$700.</p> <p><i>Mayor Currier explained that Yavapai County has offered to coordinate a household hazardous waste disposal event to take place in the fall. The Town's share of the cost was estimated at \$700, and would be based on the number of vehicles attending. Discussion ensued.</i></p> <p><i>At this time, it was unclear to all whether the need for this exists within our community. Ms. Gallagher will reach out to the County to find out if items can be consolidated here and then brought to the drop-off site (in Camp Verde) by our Public Works department. She will also attempt to determine whether the need for this exists.</i></p> <p><i>No action was taken at this time.</i></p> <p><b>ITEM #10B: PROCLAMATION – FAIR HOUSING MONTH</b></p> <p>Council will review and may approve a proclamation declaring April 2015 as Fair Housing Month.</p> <p><i>Mayor Currier read this proclamation aloud.</i></p> <p><b>Motion:</b> Vice Mayor Freund moved to approve the proclamation. It was seconded by Councilmember Stewart. The <b>motion passed with 5 ayes, 0 nays and 0 abstentions.</b></p>
<p><b>ITEM #11:</b></p>	<p><b>TO AND FROM THE COUNCIL</b></p> <p>Council may direct Staff as to items of pending importance that they would like placed on a future meeting agenda.</p> <p><i>Mayor Currier talked about the subsidence occurring in the lower parking lot. He believes that a report is necessary and that we shouldn't do anything until it has quit moving. He is willing, he said, to wait and watch. As discussion began, Ms. Gallagher reminded all that "To and From" is intended as a forum for Council to bring up topics that they would like to discuss at future meetings, and those topics should not be discussed at this time.</i></p> <p><i>Mayor Currier reported that he and Ms. Gallagher recently attended a meeting of the Yavapai County Mayors, Managers, Supervisors and Tribe, which was held in Clarkdale, and where discussion included vacation rentals, tourism and the Verde River.</i></p> <p><i>Councilmember Vander Horst reported that he attended a meeting regarding the 20-Year Verde Valley Transportation Plan, which was very poorly attended. They did not want to hear about traffic problems in Jerome, he said, and there were many comments about accidents on I-17.</i></p> <p><i>Councilmember Stewart reported that he was informed that the State has recently passed an aggressive panhandling law. This relates to our nuisance ordinance, he said, but he doesn't believe it addresses what we want to accomplish. He would like to see the nuisance ordinance back on an agenda, with a rough draft of the ordinance we had talked about.</i></p> <p><i>Ms. Gallagher asked Mr. Stewart what he was looking for, and he said that he would like to use the wording of the busking permit ordinance, but without the permitting aspect of it and without narrowing it down to busking.</i></p> <p><i>Councilmember Barber said that she would like to have <u>No Littering</u> signs erected and asked if we should post a minimum fine sign for dumping. Mayor Currier noted that this was</i></p>

	<p><i>outside of our jurisdiction. Councilmember Barber requested that this be included on a future agenda for discussion.</i></p> <p><i>Vice Mayor Freund noted that, although we no longer have a Postmaster, the clerk at our post office does work full hours.</i></p>
<b>ITEM #12:</b>	<p><b>ADJOURNMENT</b></p> <p><i>Upon motion by Vice Mayor Freund seconded by Councilmember Stewart and unanimously approved, the meeting was adjourned at 8:38 p.m.</i></p>

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

APPROVE:

ATTEST:

\_\_\_\_\_  
Lew Currier, Mayor

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

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