



TOWN OF JEROME

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MINUTES

SPECIAL MEETING OF THE JEROME TOWN COUNCIL VIA ZOOM TUESDAY, DECEMBER 29, 2020 AT 11:00 AM

<p>ITEM #1: 11:00</p>	<p>CALL TO ORDER/ROLL CALL</p> <p>Mayor/Chairperson to call meeting to order. <i>Mayor Jack Dillenberg called the meeting to order at 11:00 a.m.</i></p> <p>Town Clerk to call and record the roll. <i>Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Jack Dillenberg, Vice Mayor Mandy Worth, Jane Moore, Sage Harvey, and Alex Barber. Also present were Town Attorney Bill Sims, Police Chief Allen Muma, Zoning Administrator John Knight, Utilities Clerk Kristen Muenz, and Deputy Town Clerk Rosa Cays.</i></p>
<p>ITEM #2: 11:01</p>	<p>CODE ENFORCEMENT</p> <p>Council will discuss the code enforcement process in general, including:</p> <ul style="list-style-type: none"> • Possible code amendments • Complaint driven vs. comprehensive enforcement • Civil vs. criminal penalties • Respective roles of Zoning Administrator, Police Chief and other officials <p><i>Mr. Knight read from his staff report and said this is "not a one-and-done thing" and that the ordinance needs to be updated so that it's consistent. He reported that he is researching how other local jurisdictions enforce their codes and said that Bisbee's enforcement is like Jerome's in some ways, and that they double the DRB or PZ fee when there is an infraction in either of those departments. Mr. Knight remarked that Chief Muma's memo in the agenda packet showed the difference between civil and criminal offenses and said that the chief is interested in helping track offenses. Mr. Knight also mentioned that the Town jail is being used as storage and is not currently an option as a penalty (as stated in the ordinance). He suggested that the strategy must be to "catch them all" instead of responding to singular complaints and that we should determine how the roles of department heads (fire, police, building, zoning) can be integrated. He suggested that if a situation were to get complicated, we would need to get Town Attorney Bill Sims involved, and if necessary, a hearings officer and even the town magistrate.</i></p> <p><i>Chief Muma said that he has been in discussions with Mr. Sims, and that many of the code violations were decriminalized years ago. He also said that it doesn't matter if the violation is civil or criminal—it needs to be tracked. The chief said Cottonwood and Clarkdale have code enforcement through the police, while other (typically larger) towns use developmental services. Chief Muma talked to the president of state code enforcement who advised that it is imperative to track complaints thoroughly, from beginning to end. He said that before Ms. Gallagher became town manager, he had searched for documents and records and found that many were missing.</i></p> <p><i>Chief Muma continued and referred to the second part of his memo: that Council needs to set priorities or change the ordinance or the town can get in trouble for selective enforcement. He said no one can be forced to fill out a complaint form. He also stated that the police department takes care of noise ordinances, etc., but that building, zoning, and fire issues need to be handled by those departments.</i></p> <p><i>Councilmember Harvey asked the chief if he felt the town should make code enforcement all civil and the responsibility of the zoning administrator.</i></p> <p><i>Chief Muma replied no, that code enforcement includes everything and that the town needs to delineate roles and procedures so it doesn't end up in a lawsuit. He reminded the Council about the lawsuits over multifamily uses at Fifth Street and Center Avenue. He said the town won the lawsuit, but then allowed apartments to be built somewhere else, showing a lack of consistency.</i></p> <p><i>Councilmember Moore remarked that Chief Muma's memos and suggestions were good, and that most situations don't become a big deal, but that some folks in Jerome intentionally don't want to follow the ordinance. She agreed with the chief about the importance of recordkeeping and consistency and said ruling a civil violation a Class 1 misdemeanor was not necessary, nor was jail time.</i></p> <p><i>Mayor Dillenberg said he sees potential dangers in some situations, where old vehicles are hanging off the edge of the property.</i></p> <p><i>Vice Mayor Worth said her concerns were to treat everyone equally, put everything in writing, be consistent, and follow up. She said people come to her in order to stay anonymous and don't want to put their complaints in writing and that she too has found records missing when doing research.</i></p>

(11:28) Jerome resident Margie Hardie said the 5th Street and Center Avenue issue was handled by the zoning department and board of adjustment, which she considered a good process. She then described how code enforcement was handled when she worked for Clarkdale as the front clerk, that she mostly dealt with property maintenance and zoning issues, which were tracked in software.

Chief Muma said the current code is pretty clear. It allows for civil penalties, but when several contacts with a violator have to happen, then it becomes a criminal act. He said the Class 1 misdemeanor and the penalty of up to 90 days in jail has always been in the code. To Ms. Hardie regarding the lawsuit over multifamily uses at Fifth Street and Center Avenue, he said that when a finger is pointed at one violator but not another violator, "that's trouble." He pointed out to the mayor that the code addresses abandoned vehicles, but again, it is not handled consistently. He said if Council wants to make code enforcement a priority, it needs to be evenhanded and staff needs to be impartial.

Mayor Dillenberg asked the councilmembers how they felt about junk cars and their potential risk.

Ms. Harvey said she agreed with Chief Muma and believes everything should be fair, and that she also has constituents come to her with complaints.

Vice Mayor Worth said she was frustrated with the uneven handling of projects and how unequally people are treated.

Mayor Dillenberg asked what action needed to be taken that would be equal, fair, and just.

Chief Muma said the JPD uses an "RMS system" that can be expanded to log and track zoning, building, and fire complaints and violations. He said it could likely be tailored to Jerome's needs and set up to allow someone at the front desk to enter a "call for service" in the system that could be tracked from inception to conclusion, and that different levels of access could also be set up.

Ms. Hardie asked if these would still be public records if they were in the police department's system, and then asked Mr. Knight if he has received very many complaints.

Mr. Knight said the simple answer was yes and that most complaints have been handled simply, but that a penalty needs to be in place, as in the "Juarez" case where the contractor was working without a permit. He noted that he asked Ms. Muenz to join this meeting since she was on the frontlines. Mr. Knight said that some towns handle complaints online and that Sedona has two full-time enforcement officers who say they have the same seven people who file complaints.

Vice Mayor Worth said that transparency is important. She agreed that penalties need to be in place, with multiple infractions requiring higher penalties.

Chief Muma stated that all police records are public records—it is Arizona law. He clarified that records are only out of the public's eye if an ongoing investigation could be affected. Once the perpetrator is arrested, the record is open. He also said that a procedure has been in place for anytime someone is caught building without a permit: permit fees were doubled.

Mr. Knight noted that doubling the permit fee is still in place.

Ms. Moore asked about the case of someone with multiple vehicles on their property: what if they claim it's their hobby to tinker with them?

Mayor Dillenberg said he was talking about cars that have been sitting for many years, covered in foliage.

Chief Muma said this was addressed many years ago and there was talk about setting up a permit for folks who had an old car they planned to work on; that they could have an unlicensed vehicle or two.

Councilmember Barber brought up the property maintenance code regarding visual blight. She said that if old cars are in the owner's backyard and not visible to the public, then they were allowed.

Mayor Dillenberg said he was referring to hazardous "piles of junk" out in the open.

[Bill Sims joined the meeting.]

Ms. Gallagher asked how the Council wanted to deal with longstanding situations.

Mayor Dillenberg suggested that in January or February they announce to the public that the town will be more vigilant regarding code enforcement.

Ms. Harvey addressed Ms. Gallagher's questions regarding longstanding situations and suggested the zoning administrator and/or building inspector do a follow-up with the owners, check permits, safety, etc.

Mayor Dillenberg encouraged staff to investigate hazardous old vehicles and perhaps offer the "hobby" permit to those who liked to tinker with cars.

Ms. Gallagher brought up another scenario: A residence illegally converted to a duplex years ago where there's been no enforcement and is still being used as a duplex. She asked how the Council wanted to deal with those situations.

Ms. Worth agreed with Ms. Harvey regarding longer-term projects, that staff ought to take an assistive approach and work with the property owner so Jerome can see as many houses as possible function again.

Ms. Harvey asked Mr. Sims if there is legal recourse for someone who built an illegal duplex and having the town go back to enforce the code at this juncture.

Mr. Sims said in a similar case 20 years ago, the Cave Creek court sided with the owner due to expenditures. He said in recent cases the owner has lost the case. He said the Council can enforce the code going forward and let go of past errors.

Ms. Harvey clarified she was referring to cases from the last four years. Mr. Sims suggested they look at them.

Mr. Knight said the town needs to confront these cases and that wearing blinders is not the appropriate approach.

Vice Mayor Worth said that people without a permit work fast and enforcement needs to be expeditious. She said safety is a concern and that being underhanded is not the true spirit of Jerome.

Ms. Gallagher asked Mr. Sims if the Council should make a formal statement regarding code enforcement going forward, given these longstanding issues. She said if they don't and the town starts enforcing now, people will point to older issues.

Mr. Sims said yes, that it shouldn't be the neighbor complaining. He said there is a need to formally document awareness of violations and spelled out these steps:

- 1 – Identify the code violations.
- 2 – Document the code violations.
- 3 – Inform the owner of the code violations.
- 4 – If they cannot "undo" the violation, let the owner document for the record the reasons why.
- 5 – Inform the owner that going forward, the town will enforce the code for any change of use without the proper permissions.

Ms. Moore said the town hasn't addressed some of the empty buildings falling apart and that some are dangerous. She said the previous Council did address this, and that if the owner couldn't fix the building, then the town could put a lien on it. Ms. Moore said she could think of at least four buildings.

Ms. Gallagher said the town does have a lien on one building that was repaired.

Ms. Moore said they are places that people could potentially be living in.

Mayor Dillenberg suggested perhaps the town could collaborate with the owners and asked Mr. Sims if this was legal.

Mr. Sims said the statute says "You shall do this, and if you don't, we will," so it's not a cooperative situation.

Mr. Knight said Bisbee handles this type of blight by sending a letter to the property owner about the eminent domain process and that they work with a nonprofit that turns properties into affordable housing.

ITEM #3:
12:16
(1:15:32)

COVID-19 EXPENDITURES

Council will review COVID-related expenditures to date and reimbursement for same and discuss to what extent to continue renting the lighted MASKS REQUIRED signage and porta-johns.

Ms. Gallagher said, of the miscellaneous COVID-related expenses, the lighted message boards and portable johns are the most expensive. She has been submitting the costs to the Department of Emergency and Military Affairs (DEMA) with good arguments, which they accepted at first, but Ms. Gallagher said she is now unsure if they will reimburse the town for 80 percent of those expenses and she wanted to bring that to the Council's attention. She said Chief Muma looked into the purchase of a smaller, solar-powered sign for \$13K, and she added that Jerome resident Nancy Smith asked that we retain the message board on the hogback.

Ms. Harvey said that the public restrooms are open except for the ones at the Artists' Co-op, and with more businesses and restaurants now open, they are no longer needed. [audio issues]

Vice Mayor Worth suggested the town keep the portajohn at town hall for library patrons.

Chief Muma asked if it was possible to argue for a permanent message board, perhaps a smaller one.

Dr. Dillenberg said the portable john at town hall would also be useful on court days. He also mentioned that he has reached out to County Supervisor Donna Michaels about the coronavirus vaccinations and asked her to please keep Jerome and high-risk citizens in mind.

ITEM #4:

ADJOURNMENT

Motion to Adjourn at 9:28 p.m.

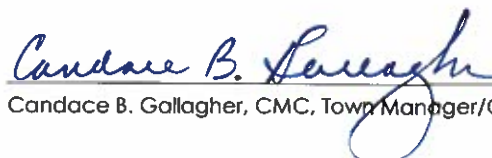
COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG		X	X			
HARVEY	X		X			
MOORE			X			
WORTH			X			

APPROVE:



 Dr. Jack Dillenberg, Mayor

ATTEST:



 Candace B. Gallagher, CMC, Town Manager/Clerk

Date: 2/11/21