

TOWN OF JEROME

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MINUTES

REGULAR MEETING OF THE JEROME TOWN COUNCIL

CONDUCTED VIA 700M

			CONDUCTE	D VIA ZOC)M							
		TUESDA	Y, FEBRUAR	Y 9, 2021,	AT 7:00 P.N	Л.						
ITEM #1:	CALL TO ORDER/ROLL CALL											
7:00 (0:34)	Mayor/Chairperson to call meeting to order.											
	Mayor Jack Dillenberg	O		0 n m								
			ig to order at 7.0	ο μ.π.								
	Town Clerk to call and											
	Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Dillenberg, Vice Mayor Mandy Worth, and councilmembers Alex Barber, Sage Harvey, and Jane Moore. Also present were Zoning Administrator John Knight, Accounting Clerk Melanie Atkin, and Deputy Town Clerk Rosa Cays.											
	Mayor Dillenberg rearranged the agenda and moved item #10A to immediately follow item #2 Financial Reports. The items have been kept in their original order in these minutes.											
ITEM #2	FINANCIAL REPORTS											
7:02 (2:00)	Financial reports for Janu	uary 2021										
, , ,	Councilmember Harvey asked if the town had received any further reimbursement for COVID-related costs.											
	Ms. Gallagher said it has not.											
	Motion to Approve the January 2021 Financial Reports											
	COUNCILME		SECONDED	AYE	NAY	ABSENT	ABSTAIN	٦				
	BARBER	WOLK WOLD	SECONDED	X	INAI	ADSENT	ADSTAIN	1				
	DILLENBERG			Х]				
	HARVEY MOORE	Х		X X			+	4				
	WORTH		X	X			+	-				
ITEM #4:	ZONING ADMINISTRA	TOR'S REPORT	AND MINUTE		<u>L</u>		.1					
7:17 (17:31)	Minutes are provided for				e action							
7-17 (17-51)	Mr. Knight read from h amendments. He said of Muma, who is waiting Chief Muma on the par	nis staff report an code enforcemen on a new laptop,	d shared highligl t has died down to get training d	nts from recei since the elec one on the re	nt P&Z and DRE tion and that h cord managem	e has been cool nent system (RN	rdinating with (MS). He is also w	Chief Allen vorking with				

the Mexican Pool property were scheduled to close the next day; that he has been meeting folks in town for business license inspections; and that he is working on an RFP for the design guidelines project. He pointed out the violations complaint form in the agenda packet that Utilities Clerk Kristen Muenz had created and asked for feedback.

Ms. Harvey said she walks by the community garden on her morning walks and has noticed one plot stands out that is nicely done, but another one with hog wire is neglected with PVC pipes laying around. She said she would like the garden kept neat. Mr. Knight said he would look into it.

ITEM #5:

APPROVAL OF MINUTES

7:24 (23:45)

November 24 special meeting; December 29 special meeting; January 12 regular meeting (open and closed sessions); January 19 special meeting

Note: If necessary, for review of closed session minutes, Council may convene in executive session, pursuant to A.R.S. § 38-431.03 (A)(2), for discussion or consideration of records exempt by law from public inspection.

Motion to Approve the minutes from the November 24, 2020 special meeting (opened and closed sessions); the December 29, 2020 special meeting; the January 12, 2021 regular meeting (opened and closed sessions), and the January 19, 2020 special meeting

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

ITEM #6:

PETITIONS FROM THE PUBLIC

7:25 (24:56)

There were no petitions from the public.

ITEM #7:

PRESENTATIONS

7:26 (25:02)

ITEM #7A: FY2020 AUDIT

Representatives of Colby & Powell will present their FY2020 audit findings. Following their presentation, Council may vote to accept the audit.

Jim Jusevitch of Colby & Powell said that Jerome's audit was completed earlier than ever and that it could not have gone better. He said Ms. Atkin was great to work with; that the town was better off this year than the previous year, and that nothing came to their attention regarding any kind of fraud.

Motion to Accept the FY2020 Audit

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

ITEM #8:

ORDINANCES

7:29 (28:50)

ITEM #8A: FIRST READING: ORDINANCE NO. 465, AN ORDINANCE OF THE TOWN COUNCIL OF JEROME, ARIZONA AMENDING SECTION 201, "DEFINITIONS," SECTION 507, "C-1 ZONE, GENERAL COMMERCIAL," AND SECTION 510, "PARKING AND LOADING REQUIREMENTS" OF THE JEROME ZONING ORDINANCE REGARDING TRANSIENT LODGING

Council may conduct the first reading of Ordinance No. 465, amending the Jerome Zoning Ordinance regarding boarding houses, bed and breakfasts, hotels and motels.

Mayor Dillenberg conducted the first reading of the ordinance in title only.

Councilmember Alex Barber noticed that the definition of motel was removed along with a reference to on-site parking. Mr. Knight explained that the hotel definition had been expanded to include transient lodging and that nothing was being omitted regarding parking for transient lodging, which is addressed in a separate section.

Councilmember Jane Moore brought up the definition of dwelling: "hotels and apartment hotels." She suggested removing apartment hotel. Ms. Gallagher said perhaps it was supposed to be "apartment buildings."

Under the section regarding residential B&Bs, Ms. Moore asked it was specific enough to say, "parking has no <u>negative effect</u> on the neighborhood."

Mr. Knight responded that apartment hotel is likely an old term like boardinghouse or rooming house and that perhaps it was meant to be "apartment house." He said parking for B&Bs in residential areas is state mandated but that the wording could be changed should the town regain jurisdiction over short-term rentals.

Ms. Moore said there is no definition for apartment hotel in the P&Z ordinance and asked if it should be removed from the definition. Mr. Knight agreed it should be, and Ms. Gallagher verified that all councilmembers agreed with this and that this change would be made.

Ms. Harvey agreed with Ms. Moore that "negative effect" was too vague for B&B parking in residential areas.

Ms. Barber asked Ms. Gallagher how this could be revised to be more to the point. Ms. Gallagher said that if Council starts to get specific about B&B residential parking, then this will likely have to go back to P&Z for their recommendation, and she recommended that if desired, they revisit that separately in the future.

7:37 (37:09)

ITEM #8B: SECOND READING AND POSSIBLE ADOPTION: ORDINANCE NO. 466, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, RESCINDING CERTAIN CODE AMENDMENTS ENACTED WITH ORDINANCE 396, ADOPTED AUGUST 14, 2012, ENTITLED "AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 13-5, 'RATES AND BILLS,' OF CHAPTER 13, 'WATER,' OF THE JEROME TOWN CODE REGARDING WATER HOOKUP FEES."

Council may conduct the second reading of, and may adopt, Ordinance 466.

Mayor Dillenberg read the ordinance in title only.

Motion to Adopt Ordinance No. 466

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

7:38 (38:21)

ITEM #8C: SECOND READING AND POSSIBLE ADOPTION: ORDINANCE NO. 467, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, RESCINDING CERTAIN CODE AMENDMENTS ENACTED WITH ORDINANCE 398, ADOPTED AUGUST 14, 2012, ENTITLED "AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 13-5, 'RATES AND BILLS,' OF CHAPTER 13, 'WATER,' OF THE JEROME TOWN CODE REGARDING SEWER HOOKUP FEES."

Council may conduct the second reading of, and may adopt, Ordinance 467.

Mayor Dillenberg read the ordinance in title only.

Motion to Adopt Ordinance No. 467

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

ITEM #9:

UNFINISHED BUSINESS

7:39 (39:35)

ITEM #9A: AMENDMENT TO CONTRACT WITH PACE ENGINEERING

Council will review and may approve an amendment to the scope of work included in the town's contract with PACE Engineering regarding the wastewater treatment plant.

Ms. Gallagher emphasized that this was an amendment to the scope of the contract as a result of discussions with ADEQ regarding our amended consent order.

Motion to Approve revised contract with PACE Engineering

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

7:49 (40:36)

ITEM #9B: UPDATE REGARDING PARKING INVENTORY

The Zoning Administrator and/or Police Chief will provide an update regarding the planned inventory of residential parking.

Mr. Knight said he did not have an update at this point as he was working on the inventory with Chief Muma who wants to do it on the new laptop that had not yet arrived. He said they will also be cataloguing various dwellings.

7:41 (41:26)

ITEM #9C: UPDATE REGARDING CODE ENFORCEMENT

The Zoning Administrator and/or Police Chief will provide an update regarding code enforcement activities.

Mr. Knight said he did not have an update at this time for the same reasons as above in item #9B.

7:42 (41:40)

ITEM #9D: DISTRICT SIGNS

Council will continue their discussion regarding district signs and whether they should be altered or removed.

Mr. Knight said he was still working on district signs and coordinating with business owners and that he would have information to present at the March Council meeting.

7:42 (42:01)

ITEM #9E: REVIEW OF POLICY REGARDING RENTAL AND UTILITY PAYMENTS DURING COVID

Council will review current policies for rental and utility payments during the pandemic and may determine to what extent they will be continued.

Ms. Gallagher said she was looking for direction from the Council regarding deferment of rental and utility payments due to the COVID-19 pandemic. She said no one had been evicted from town rental properties, but that one tenant owes \$2400. She asked how this should be handled. She said regarding utilities and because of the flat rate charged, adjustments were made accordingly (i.e., less usage in businesses, especially restaurants, so rates were temporarily lowered). Ms. Gallagher listed the status of local businesses and said the town was not doing shutoffs. She then brought up the two delinquent residential accounts (mentioned during Staff and Council Reports, Item #3) where the account holders had moved out, and asked if Council would want to send those to collections. Ms. Gallagher said all lodging is open for business and that two accounts are past due for a total of \$3200 owed to the town, and that 24 residential accounts were delinquent and owed over \$10k. She said attempts have been made to set up payment plans; none of the debt has been forgiven, just deferred. She asked how long the town should continue the deferment or if they wanted to revisit this discussion on a monthly basis.

Mayor Dillenberg asked if any of this was refundable through COVID funding; Ms. Gallagher said she doubted it.

Ms. Barber pointed out that the COVID pandemic is ongoing but agreed that the two tenants who have moved should be sent to collections. She totaled the debts to the town, which came to approximately \$20k. She suggested setting up payment plans.

Ms. Gallagher said this has been tried and has not been effective.

Ms. Barber said she was reluctant to "show their teeth" right now but perhaps once COVID has passed.

Mayor Dillenberg asked about providing funding, but Ms. Gallagher said the town needs to be careful about that because some accountholders are making an effort, while others are not.

Ms. Harvey also agreed that the two movers be sent to collections and added that she was concerned about the delinquent businesses taking advantage of the town. She suggested that staff send out a letter stating the account was getting too deep in arrears and that a payment plan needed to be implemented. She said if no response was received within two weeks, then follow up with a harsher letter stating services would be shut off.

Ms. Barber suggested that in the letter for residential accounts, mention the links to resources on the town website where they could pursue financial support. Ms. Gallagher said she would also mention in the letter that Council will be discussing this in March and shutoffs may be considered.

Vice Mayor Worth said NACOG assists with communication for some of these people and could assist with applications if needed. She suggested adding this to the letter.

Ms. Barber confirmed that all councilmembers agreed to send the two delinquent residential accounts to collections.

ITEM #10:

NEW BUSINESS

7:03 (3:03)

ITEM #10A: APPOINTMENTS TO BOARDS

Council may make appointments to fill vacancies and/or renew expired terms on the Planning & Zoning Commission, Design Review Board and Board of Adjustment.

Mr. Knight reported the status of expired terms, upcoming vacancies, and returning volunteers: two BOA members were staying, two P&Z commissioners were leaving, as was one DRB member. He said John McDonald would stay on the P&Z commission until someone else volunteered. [Mr. McDonald had agreed to another three-year term.]

Ms. Harvey asked applicant and Jerome resident Jeanie Ready, who had joined the meeting, if she would be able to stay fair given her experience working in construction.

(6:44) Ms. Ready clarified that her experience was in Texas 12 years ago and that she was loyal to the town and considers herself highly ethical.

Ms. Moore told Ms. Ready that her application looked great and asked if she was committed to do all that is expected of her as a commissioner.

Ms. Ready said yes, that she would have the time to commit to her position. She explained that she was disabled with chronic illness and that her only concern would be fatigue. She said she was ready to devote the time and energy volunteering with the town.

Motion to appoint Jeanie Ready to Planning & Zoning Commission; reappoint John McDonald to Design Review Board; and reappoint Natalie Barlow and Suzy Mound to Board of Adjustment

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

7:53 (53:29)

ITEM #10B: RESIDENCY REQUIREMENTS FOR DEPARTMENT HEADS

Council will discuss possible changes to the Town's policy regarding residency requirements for department heads.

Vice Mayor Worth said her understanding was that this policy was established when housing was dramatically different in Jerome and thought Council may want to reconsider and be open to concessions on certain requirements.

Ms. Moore confirmed that this policy goes way back. She said the town clerk doesn't need to be local but that the issue has been mostly with the positions of fire chief and police chief and she thinks they should be local and be familiar with the town. She said the Council can work around this and that she hoped the Hotel Jerome would provide housing when needed.

Vice Mayor Worth agreed with the need for first responders to be invested and local but said that the code needs to be rewritten so the Council has the option to make a concession. She gave an example of a longtime police officer in Jerome who already owns a home elsewhere and would qualify for the chief position but would not be able to buy a home in town.

Ms. Harvey said she has struggled with this and strongly feels the department heads should reside in town—but she also knows that housing is unaffordable in Jerome. She suggested perhaps the on-call duty officers—fire and police—use the fire station as an option for housing until the Hotel Jerome becomes viable.

Ms. Gallagher said she talked to the present chiefs about this and both felt strongly that future chiefs must live in town to respond quickly to emergencies.

Ms. Moore suggested they discuss converting one of the town buildings into housing for chiefs when they're on call.

Vice Mayor Worth clarified that she was thinking about this on a mostly case-by-case basis. Ms. Moore said she would like the policy to be worded carefully and not leave it to future councils to decide case-by-case.

Mayor Dillenberg suggested they come up with a plan and for two councilmembers to work on this and come back to the next meeting with a recommendation. Ms. Gallagher said she would be willing to work with them.

Vice Mayor Worth suggested Ms. Harvey would be great since she is the PSPRS representative. Ms. Harvey suggested Ms. Moore. Ms. Gallagher asked if they would be working toward a code amendment. Ms. Harvey suggested they have another discussion at the March meeting before amending the code.

Vice Mayor Worth said she also wanted to talk about job descriptions, not just residency, and that she would like to discuss requirements and duties for these positions, which have not changed in a long time. It was then decided they would start with the police chief position.

Mayor Dillenberg asked for an update on the Hotel Jerome, as it was mentioned as a possible housing location for department heads. Ms. Gallagher said former councilmember Hunter Bachrach was leading the project but is no longer on board, so the project was at a standstill.

Ms. Harvey said she thought Vice Mayor Worth was involved and coordinating with Mr. Bachrach to take on the project. The vice mayor confirmed this but that at some point progress stalled; she is unsure of the project's status.

Ms. Barber said she was willing to get the ball rolling again, as she had met with Mr. Bachrach and Chloe Van Hoose of NACOG in the past regarding the Hotel Jerome. The mayor asked her to reach out to Ms. Gallagher and provide an update at the next meeting.

ITEM #10C: DISCUSSION: AMENDMENT TO TOWN CODE REGARDING TOUR BUSINESSES 8:09 (1:08:38) Council will discuss a possible amendment to the Town Code regarding tour businesses and may direct staff in this regard. Ms. Gallagher said that Chief Muma suggested amending the code regarding tour businesses and to require out-of-town tour businesses to comply with the Town's tour business requirements by removing the requirement for a physical location in town. Ms. Harvey said she's aware of a few tour businesses bringing groups to town and asked if the word bona fide is sufficient in the current code's verbiage. Ms. Gallagher said she would confer with Town Attorney Bill Sims. Ms. Gallagher asked if the Council would like a draft ordinance for a first reading at the next meeting. Mayor Dillenberg agreed with this idea. Ms. Barber suggested changing bona fide to "brick and mortar." Ms. Moore suggested "physical location." ITEM #10D: DISCUSSION: AMENDMENT TO TOWN CODE REGARDING DISTRACTED DRIVING 8:12 (1:11:57) In light of new State legislation, Council will discuss a possible amendment to the Town Code regarding distracted and may direct staff in that regard. Ms. Gallagher said that state law went into effect on January 1, 2021 and now nullifies our regulations in the town code regarding distracted driving and they should be removed. Ms. Barber said as a state law, what is required now is signage, not just a change to the ordinance. Ms. Harvey said her interpretation was that any road coming into the state needs signage regarding distracted driving, rather than into Jerome. Ms. Gallagher said she would bring the ordinance to the next meeting. TO AND FROM THE COUNCIL ITEM #11: 8:15 Council may direct staff regarding items to be placed on a future agenda. There were no items from the Council. **ADJOURNMENT** ITEM #12: Motion to Adjourn at 8:16 p.m. COUNCILMEMBER MOVED SECONDED AYE ABSENT ABSTAIN BARBER Х DILLENBERG HARVEY х Х MOORE WORTH Х

APPROVE:

Date:

Dr. Jack Dillenberg, Mayor

3/10/21

ATTEST:

Candace B. Gallagher, CMC, Town Manager/Clerk