



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943

MINUTES

REGULAR MEETING OF THE JEROME TOWN COUNCIL JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS TUESDAY, OCTOBER 13, 2020, AT 7:00 P.M. (CONTINUED TO WEDNESDAY, OCTOBER 14, 2020 AT 7:00 P.M.)

<p>ITEM #1: 10/13 – 7:09 (2:38) 10/14 – 7:02</p>	<p>CALL TO ORDER/ROLL CALL Mayor/Chairperson to call meeting to order. <i>Mayor Alex Barber called the meeting to order at 7:09 p.m.</i> Town Clerk to call and record the roll. <i>Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Barber, Vice Mayor Sage Harvey, councilmembers Jane Moore, Mandy Worth, and Dr. Jack Dillenberg. Also present were Town Attorney Bill Sims, Accounting Clerk Melanie Atkin, Zoning Administrator John Knight, Fire Chief Rusty Blair, Police Lieutenant Rusty San Felice, and Deputy Clerk Rosa Cays.</i></p>																																										
<p>ITEM #2: 7:10 (3:24)</p>	<p>FINANCIAL REPORTS Financial reports for September 2020 <i>Mayor Barber commented on the parking kiosk revenue.</i></p> <p><u>Motion to Approve the August 2020 Financial Reports</u></p> <table border="1" data-bbox="391 947 1393 1077"> <thead> <tr> <th>COUNCILMEMBER</th> <th>MOVED</th> <th>SECONDED</th> <th>AYE</th> <th>NAY</th> <th>ABSENT</th> <th>ABSTAIN</th> </tr> </thead> <tbody> <tr> <td>BARBER</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DILLENBERG</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>HARVEY</td> <td></td> <td>X</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>MOORE</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>WORTH</td> <td>X</td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN	BARBER			X				DILLENBERG			X				HARVEY		X	X				MOORE			X				WORTH	X		X			
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<p>ITEM #3: 7:10 (4:15)</p>	<p>STAFF AND COUNCIL REPORTS Written staff reports by the Town Manager/Clerk, Deputy Town Clerk, Utilities Clerk, Accounting Clerk, Public Works Department, Building Inspector, Library, Municipal Court, Police Chief, and Fire Chief, and verbal reports from Council members.</p> <p><i>Ms. Gallagher announced she had just passed her eleventh anniversary as Town Manager/Clerk of Jerome. She then read from her staff report, highlighting the continuing COVID pandemic meetings and the bright side of working more closely with other local municipalities. She listed the different grants in process, including the CLG SHPO grant, which the town recently received and can match with staff time. Ms. Gallagher acknowledged Zoning Administrator John Knight for writing an excellent grant application. She also reported that the town has also been granted \$381K+ in funding from CDBG for work on the waterlines on Dundee Ave., Deception Ln., and Holly Ave. She mentioned that the Town Code and resolutions are now up to date on the town website; that the APS solar panels are going in at the 300-level parking lot, and that sales tax revenue for September was just below what was earned the year before, even with some businesses closed.</i></p> <p><i>Mayor Barber said there are two COVID-19 conference calls per week. The vice mayor has bowed out and Dr. Dillenberg is now attending the meetings. She said she attended a Zoom meeting with wastewater consultant Henry MacVittie, the town engineers, and a representative from ADEQ to discuss the wastewater treatment plant. The mayor gave thanks to former Councilmember Hunter Bachrach for his work on Hotel Jerome and said the lead paint abatement is done on floor 2 and is moving up to floor 3. She also reported that she met with Chloe Van Hoose and Mr. Bachrach and discussed the available grants to support the renovation of the building. They plan to meet again with Councilmember Worth.</i></p> <p><i>Ms. Worth had a question about the utilities staff report regarding three unpaid accounts due to tenants vacating the premise: Is there a procedure or timeline for forwarding the unpaid bill to the owner of the premise?</i></p> <p><i>Ms. Gallagher replied that the state law says the owners are not responsible for the tenants' utility debts. Ms. Worth asked if the landlord could at least be made aware of the unpaid bill, to which Ms. Gallagher replied yes.</i></p> <p><i>Vice Mayor Harvey suggested sending the accounts to collections. Ms. Worth and Mayor Barber agreed.</i></p> <p><u>Motion to Approve the October 2020 Staff Reports</u></p> <table border="1" data-bbox="391 1822 1393 1948"> <thead> <tr> <th>COUNCILMEMBER</th> <th>MOVED</th> <th>SECONDED</th> <th>AYE</th> <th>NAY</th> <th>ABSENT</th> <th>ABSTAIN</th> </tr> </thead> <tbody> <tr> <td>BARBER</td> <td>X</td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DILLENBERG</td> <td></td> <td>X</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>HARVEY</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>MOORE</td> <td></td> <td>X</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>WORTH</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN	BARBER	X		X				DILLENBERG		X	X				HARVEY			X				MOORE		X	X				WORTH			X			
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ITEM #4: 7:19 (12:27)	<p>ZONING ADMINISTRATOR'S PLANNING AND ZONING AND DESIGN REVIEW REPORT AND MINUTES</p> <p>Minutes are provided for the information of Council and do not require action.</p> <p>Mr. Knight said work sessions were held at the September 16 P&Z meeting on various code amendments including lodging, temporary signage, and mixed use in C1. He also reported that at the October 5 DRB meeting, the Rich Street garage (owned by Don Feher) and the Kelts' stair repair/renovation were approved. Mr. Knight said he is still working on the streetlight on School Street at Janet Bustrin's house; the problem is there is no good location to relocate it. Mr. Knight listed a few other code amendments being discussed: Prop 207 (recreational marijuana), telecommunications, stairs and setbacks, code enforcement, and the appeals process. Mr. Knight reminded everyone there is still a vacancy on the P&Z commission. He also mentioned someone has called interested in renovating the Mohawk on Highway 89A and gave a brief update on the community garden and acknowledged the volunteers. He said a few of the beds are still available.</p> <p>Dr. Dillenberg thanked Mr. Knight for his leadership on the garden and thanked the volunteers. Mayor Barber also expressed her appreciation.</p>																																																																																				
ITEM #5: 7:24 (17:21)	<p>APPROVAL OF MINUTES</p> <p>September 8 regular meeting; September 21 special meeting</p> <p><u>Motion to Approve the September 8, 2020 regular Council meeting minutes</u></p> <table border="1" data-bbox="394 625 1395 758"> <thead> <tr> <th>COUNCILMEMBER</th> <th>MOVED</th> <th>SECONDED</th> <th>AYE</th> <th>NAY</th> <th>ABSENT</th> <th>ABSTAIN</th> </tr> </thead> <tbody> <tr> <td>BARBER</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DILLENBERG</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>HARVEY</td> <td>X</td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>MOORE</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>WORTH</td> <td></td> <td>X</td> <td>X</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p><u>Motion to Approve the September 21 special Council meeting minutes</u></p> <table border="1" data-bbox="394 789 1395 921"> <thead> <tr> <th>COUNCILMEMBER</th> <th>MOVED</th> <th>SECONDED</th> <th>AYE</th> <th>NAY</th> <th>ABSENT</th> <th>ABSTAIN</th> </tr> </thead> <tbody> <tr> <td>BARBER</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DILLENBERG</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>HARVEY</td> <td>X</td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>MOORE</td> <td></td> <td></td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>WORTH</td> <td></td> <td>X</td> <td>X</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN	BARBER			X				DILLENBERG			X				HARVEY	X		X				MOORE			X				WORTH		X	X				COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN	BARBER			X				DILLENBERG			X				HARVEY	X		X				MOORE			X				WORTH		X	X			
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ITEM #6: 7:24 (18:08)	<p>PETITIONS FROM THE PUBLIC</p> <p>(18:56) Jerome resident David Soule moved to town in 1986 when there were about five homes served on Dundee Avenue [audio issues]; there are 20 homes now. He said the bottom of Dundee is very rutted and that it is hard to pick up speed, and that the top of the road is smoother. He would like to see the speed limit (5 mph) enforced, a speed bump put in, and speed limit signs. He then thanked the councilmembers for their service.</p> <p>Mayor Barber suggested putting this on a future agenda, as other roads in town have the same issues.</p> <p>(22:31) Jerome resident Lacy Ritter said she has talked to Ms. Worth and Mr. Knight about permit parking on School Street and the designation for 537 School St. parking specifically.</p> <p>Ms. Worth said this was more of a direction to staff than an item to add to the agenda. She suggested she talk to Mr. Knight and Janice Pontious of the JPD to work out a solution.</p> <p>Mr. Knight said he has talked to Ms. Ritter about the parking, and that this is not the only property with this unique situation. He suggested presenting these to the Council so they can see how they're being handled.</p> <p>Mayor Barber asked that Mr. Knight and Ms. Pontious resolve the issue, then present to Council how it was addressed.</p>																																																																																				
ITEM #7: 7:33 (26:44)	<p>PRESENTATIONS</p> <p>ITEM #7A: SCHOOL CONSOLIDATION ON THE BALLOT</p> <p>Council will hear presentations from Stephen Renard of Save Our Independent School Districts and Denise Kennedy and Andy Groseta from the Committee for Better Upper Verde Valley Schools about school consolidation, which will be on the November ballot.</p> <p>Mayor Barber introduced the item and the representatives from each group.</p> <p>Ms. Worth, who sponsored the item, explained that these presentations were for constituents' information only and that the Council would not be taking a stance.</p> <p>Both groups then presented their points of view and related information. The "Pro" consolidation representatives were Denise Kennedy and Andy Groseta (27:45), and the "Con" consolidation group was represented by Stephen Renard and Jason Teague (35:23). Each group was allowed seven minutes for their presentation¹.</p> <p>Ms. Worth then led a question/answer segment with prepared questions as well as questions from constituents regarding classroom impact, representation, and fiscal issues.</p> <p>(1:02:37) As this portion of the discussion continued, Dr. Dillenberg interjected to ask how much time had been allocated for the presentations. He reminded the Council that they had a full agenda ahead of them.</p> <p>Ms. Worth replied that the topic was important to constituents and taxpayers. She continued with three additional questions.</p> <p>Councilmember Moore thanked all participants, and each group offered their 3-minute closing remarks.</p>																																																																																				

¹ Zoom video of the full presentations regarding the consolidation issue and the budget override are available in a video posted to the Town's YouTube channel. A link to that channel is on the home page of our website.

8:29 (1:22:31)	<p>ITEM #7B: CLARKDALE-JEROME SCHOOL DISTRICT OVERRIDE</p> <p>Danny Brown, Superintendent of the Clarkdale-Jerome Elementary School District, will provide information regarding the budget override that will be on the November ballot.</p> <p><i>Superintendent Danny Brown announced that it was time for Clarkdale-Jerome School District to renew its override. He said if passed, the override would continue to support the arts program, which he described in more detail. Mr. Brown said the override also helps fund physical education, the full-day kindergarten program, paraprofessionals, intervention, and mediation. He said this was not a new tax but rather a continuation of the override in place since 2011. He said the average taxpayer invests \$83.15 per year or \$7 a month.</i></p> <p><i>Ms. Worth clarified that the override would continue programs as they are and would not change the current tax levy on constituents.</i></p> <p><i>Mr. Dillenberg asked about the duration of the override. Mr. Brown said it would be in place for seven years.</i></p>
<p>ITEM #8:</p> <p>8:34 (1:27:59)</p>	<p>UNFINISHED BUSINESS</p> <p>ITEM #8A: BEEKEEPING IN JEROME</p> <p>Council will review ordinances from other jurisdictions regarding the keeping of bees and may direct staff regarding the creation of an ordinance in that regard to be placed on a future meeting agenda.</p> <p><i>Mayor Barber stated that two letters regarding the bee problem in Jerome came from a bee steward and an unhappy resident. She invited Dr. Dillenberg to start the discussion as he was the sponsor of this item.</i></p> <p><i>Dr. Dillenberg revisited some of the issues talked about at the last meeting. He thought it could simply be discussed for now since the end of the season was approaching. He asked Ms. Gallagher if she'd heard any more about the bees, then he asked the vice mayor. Ms. Gallagher said she had not received any further complaints.</i></p> <p><i>Vice Mayor Harvey said she was still getting swarmed every day, as did Ms. Worth.</i></p> <p><i>Dr. Dillenberg said the Council needs to get an ordinance in place.</i></p> <p><i>Mayor Barber pointed out that bee ordinances from Queen Creek, Sedona, and Winslow were in the agenda packet.</i></p> <p><i>Ms. Worth suggested taking best practices from those codes, especially Sedona, and draft a code for Jerome to present to the Council.</i></p> <p><i>Mayor Barber volunteered to work with Ms. Gallagher on drafting a code amendment.</i></p> <p><i>Dr. Dillenberg said he was willing to assist also.</i></p> <p><i>Vice Mayor Harvey said she had done research and though not many Arizona towns address bees, other areas of the country consider bees as undomesticated animals and prohibited in commercial areas. She said her concern is that bringing hives into Jerome is creating an overpopulation of bees and that she knows of several residents who have beehives. She said she was speaking for Danny and LaDonna Smith who could not join the meeting and that Michael Thompson was not happy with his \$1,000 medical bill from being stung. She said the town needed to do something before it is held liable for the bee problem.</i></p> <p><i>Chief Blair said part of the problem is the placement of the recycling wagon full of soda and beer cans.</i></p> <p><i>Mayor Barber said the recycling bins need to be close to the bars and tasting rooms or it would not be used. She said perhaps turnstile lids on the trashcans would be helpful.</i></p>
8:47 (1:40:42)	<p>ITEM #8B: COVID-19</p> <p>Council will again discuss plans and timeline for reopening Town Hall, resuming the weekend shuttle service, and conducting in-person public meetings.</p> <p><i>Mayor Barber introduced the item then asked Ms. Gallagher how she felt about the situation.</i></p> <p><i>Ms. Gallagher said she felt cautious now that the number of cases is rising again. She said she saw no reason to rush with this and that business was being carefully conducted and residents are being served regardless of Town Hall being closed. Ms. Gallagher said she has not received any complaints from residents about being underserved. The pandemic is still not over.</i></p> <p><i>Vice Mayor Harvey agreed with Ms. Gallagher.</i></p> <p><i>Mayor Barber agreed, then asked how everyone felt about the weekend shuttle service.</i></p> <p><i>Ms. Gallagher said she had heard from Jerome resident and president of the local chamber of commerce, Kevin Savage, who wants to resume the weekend shuttle.</i></p> <p><i>Chief Blair said proper ventilation is key and didn't think it was a good idea to resume the shuttle for tourists who are coming from everywhere.</i></p> <p><i>Ms. Gallagher clarified that the Wednesday shuttle for residents to Cottonwood is back in service. She said driver Leo Shakespeare is being careful and limiting ridership. She said she agreed with Chief Blair that the shuttle is unnecessary for the weekends.</i></p> <p><i>Vice Mayor Harvey elaborated on the risks of tourists on a shuttle van, which could also open the town to lawsuits.</i></p> <p><i>Ms. Gallagher said some visitors are refusing to wear masks—we don't want our drivers to have to deal with that sort of confrontation.</i></p> <p><i>Ms. Worth agreed with how town services are working and added that opening the weekend shuttle makes her nervous. The Wednesday shuttle for residents is much more controllable. She said she would like to see meetings done in public, but the way things have been seems to be working.</i></p> <p><i>Ms. Moore and Dr. Dillenberg both agreed on no shuttle on the weekends. Ms. Moore wished meetings could be in town hall to allow the public more say.</i></p>

Mayor Barber said town staff and the Council would keep doing what we have been doing, not resume the weekend shuttle, keep meeting on Zoom, revisit a timeline for reopening at the next meeting, and "keep kicking the COVID can down the road" until things are safe again.

ITEM #9:
8:57 (1:50:44)

NEW BUSINESS

ITEM #9A: RESOLUTION NO. 605, AUTHORIZING INTERGOVERNMENTAL AGREEMENT WITH YAVAPAI COUNTY FOR EMERGENCY MANAGEMENT SERVICES

Council may approve Resolution No. 605, authorizing a renewed agreement with Yavapai County for emergency management services.
 Ms. Worth asked if this changed the current agreement. Ms. Gallagher said it hasn't changed for several years, including the rate, and that Chief Allen Muma of the JPD, Chief Blair, and Town Attorney Bill Sims have approved the agreement.

Motion to Approve Resolution No. 605

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

8:58 (1:51:53)

ITEM #9B: RESOLUTION NO. 606, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JEROME, ARIZONA, DECLARING THE SECOND MONDAY OF OCTOBER AS INDIGENOUS PEOPLES' DAY IN THE TOWN OF JEROME

Council may approve Resolution No. 606, declaring the holiday once known as Columbus Day to be known hereafter as Indigenous Peoples' Day in the Town of Jerome.
 Mayor Barber introduced the item then shared a story of the Yavapai-Apache Nation. In 1875 they were forced to walk the Trail of Tears from the Verde Valley to San Carlos. They were allowed to return in the 1900s.
 Ms. Worth expressed her sentiments about the item.

Motion to Approve Resolution No. 606

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

9:01 (1:54:20)

ITEM #9C: USE OF WILDLANDS REVENUES

Council may approve a request by the Fire Chief for the use of certain wildlands revenues earned by the Fire Department.
 Chief Blair said he would like to have access to discretionary funds earned by the Fire Department's wildlands activities to spend on behalf of the fire department and that \$15K had been spent on public works and \$3K on the fire department from contingency funds. He talked about how much money the truck has brought in and how some of it has not been used for the JFD. He elaborated on how he could best use the discretionary funds for fire abatement and for possibly setting up a "fire company" to pay a daily stipend to volunteers on call during the weekends. He said he does have some money in the budget to help pay for this.
 Vice Mayor Harvey said she supported Chief Blair and asked if the Ford Expedition is what he drives.
 Chief Blair confirmed this and said there was another one that could use a new engine; he also would like funding for incidentals.
 Vice Mayor Harvey said the chief was working with a tighter budget this year and supported giving him contingency funds to help pay for the new engine and for incidentals.
 Mayor Barber asked for more details about the "fire company."
 Chief Blair said it was a suggestion from volunteer firefighter Matt Poe, with the idea that a captain, firefighters, and EMTs would be designated to be on call on scheduled weekends. He said as fire chief, and with this year's financial windfall, he is considering the idea, although he is in favor of volunteerism.
 Mayor Barber asked if he was asking for \$30K for discretionary funding.
 Chief Blair said to allocate \$20K would be enough and that the truck is still going out on calls and making extra money. The chief talked further about future funding possibilities.
 Ms. Moore said she would like an accounting of how the money will be spent. If part of the monies would be spent on staffing the fire station, Ms. Moore said she would like to know how time is utilized, on and off calls. She also asked if money was needed to maintain the truck.
 Chief Blair said that maintenance is covered partly by the wildland funds and under general vehicle maintenance but that it could be paid for with the available contingency funds. He said that every time the truck is deployed, it is serviced. The JFD does have a second, similar truck, so the town is covered, and it also gives the volunteers deployed an opportunity to hone their skills. The second truck also brings in added revenue for the town.
 Ms. Moore asked if there would be any conflict between volunteers on call and someone paid to be at the fire station.
 Chief Blair said he was willing to try this suggestion, but the bottom line is that it is always the same six people who show up for the calls. He is hoping this will get some of the other volunteers to step up.
 Ms. Worth made a few comments of support and requested a review in December to see how the contingency funds have been spent.

Chief Blair explained how he would report on the spending, although he still needed to work out the logistics. Ms. Gallagher said that a good way to report the spending would be to do a formal transfer from the contingency fund to the general fund and show some of the spending as general fund revenues and some as fire department expenses. This would lay it out for Council at the end of the fiscal year.

Chief Blair said if the fire company idea did not pan out, those monies could be saved to get a new truck; the truck used now is a 2008.

Mayor Barber motioned that \$20K of Wildlands revenues be allotted to Chief Blair and the JFD for the purposes discussed, with records kept of how money was spent and a review in six months.

Motion to Approve \$20K of Wildlands revenues for contingency funds with a review in six months

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

9:19 (2:12:58)

ITEM #9D: RECREATIONAL MARIJUANA

Council will review a model ordinance provided by the League of Cities and Towns regarding recreational marijuana establishments and/or testing facilities and may direct staff regarding the creation of an ordinance to be forwarded to the Planning & Zoning Commission for review. Part of this discussion may take place in closed session with the Town Attorney, pursuant to A.R.S. § 38-431.03 (A)(3).

Mayor Barber introduced the item. Vice Mayor Harvey requested that Council take a break before discussing it.

Motion to break at 9:20 p.m. and return to session at 9:30 p.m.

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

Councilmembers returned at 9:30. Town Attorney Bill Sims joined the meeting. [The first two minutes of the discussion were inadvertently not recorded]

Ms. Gallagher reviewed details of the ordinance and said she had met with Mayor Barber, Vice Mayor Harvey, Lt. Rusty San Felice, and John Knight to discuss the options in front of them and to pare down the model ordinance, shared by the League of Arizona Cities and Towns as a guideline.

Ms. Moore asked Mr. Sims if Council could prohibit sales in the C-1 zone for now and change the ordinance later. She said she would like to see how it goes in other communities first and that she was okay with personal use in the residential districts.

Mr. Sims said it could be split and Council could allow private and not commercial use.

Dr. Dillenberg asked, if the proposition passes on November 3, could the town delay implementation and not start December 1? Mr. Sims said the town could delay implementation, but that someone could potentially open a shop between December 1 and January 1.

Ms. Worth said some business owners would be on top of this and likely do this. She asked if the town currently prohibits medical marijuana facilities. Ms. Gallagher said it does not.

Ms. Worth said she would like to see specific clarification for the industrial zone. She approved of private use and cultivation, but said if retail is allowed, marijuana use will take place in the commercial zone. For safety reasons, Ms. Worth said she was opposed to testing facilities in buildings in town but would be okay with retail if there is no extraction on site, which needs a warehouse-controlled environment.

Discussion ensued about what to include and exclude from the model ordinance.

Mr. Sims urged the Council to decide boldly on what they want, but to keep in mind that if there is no ordinance established by mid-January, they will have trouble controlling marijuana sales in town. He said the Council could call it a nuisance ordinance rather than a zoning ordinance and wait, and because of the short timeline should the proposition pass, it might be best to allow private use and not the rest (i.e., retail, cultivation, testing, etc.).

Ms. Worth said she would like codicils about private use in place, such as safety guidelines and making sure the owner of the home is informed of use. She said she does not want to give up local control to the state.

Ms. Moore said she had researched what is happening in Clarkdale, but not other towns, and if Jerome is the only place with retail in the Verde Valley, she wondered if the traffic and crowds would increase.

(2:16:06) Dr. Dillenberg asked if people could buy marijuana in the commercial district, would they be allowed to smoke it in public? Mayor Barber read from the model ordinance and said no smoking would be allowed in public. Dr. Dillenberg asked Lt. San Felice for his opinion.

Lt. San Felice said that the police would prefer to say no to sales in Jerome. He suggested the town could designate an area in town where adults could smoke. He said safety is a concern but so is the odor if residents are cultivating and smoking at home next to someone who is anti-marijuana. He said if the proposition passes, lawful use at home cannot be prohibited. If retail is allowed, it would be opening a can of worms.

Ms. Gallagher said in the proposed new law, public smoking or in a car would be prohibited.

Vice Mayor Harvey said it would also be considered a petty offense with a fine of \$300. She also addressed the number of allowable retail shops and dispensaries within the county. She opined that only allowing personal use in the residential areas would likely be the best route to take at this point. Discussion ensued.

Ms. Gallagher asked if it would be redundant for the town to have an ordinance regarding personal use if the proposition is passed, as it will be permitted and regulated by state law.

Mr. Sims replied that the town would not need the ordinance but said it would be simplest to prohibit marijuana sales across the board and just rule it out as a nuisance. He then went into a full explanation should the town want to allow retail and the short timeline they would have to establish an ordinance.

Ms. Worth acknowledged Ms. Moore's concern about traffic and crowds and said the town has been able to manage this with other retail shops and events in the past. She said the enthusiasm would likely be short-lived and that her concern is loss of local control. She asked where the decision came from on the six- to twelve-plant limit on private cultivation and if the town could instill stricter laws than the state on marijuana use. Mr. Sims said the town could not. Ms. Worth continued with her concerns about the state taking municipal control of decisions for Jerome.

Ms. Moore said her recollection of the vacation rental issue was that Council tried to set up an ordinance to limit the number of vacation rentals when the Goldwater Institute stepped in and quashed this. She said if retail were to be limited to one shop in town and the state changes the statute and takes over regulation, how would that be better than simply prohibiting retail. Discussion ensued.

Vice Mayor Harvey asked Mr. Sims if the town were to prohibit all aspects of marijuana sales now and later decide to allow some, could Jerome change their ordinance. Mr. Sims said yes. The vice mayor moved to prohibit all but residential use.

Discussion ensued with concerns about how prohibition could infringe on people's rights.

Dr. Dillenberg said the Council could simply say no now and keep it as no and not have to worry about it. He then explained why he would be in support of no retail yet allow private use. He said he did not want to make Jerome a "marijuana town."

Ms. Worth stated point of procedure; that this item was up for direction, not action.

Mr. Sims asked if the Council wanted to prohibit marijuana sales as a matter of zoning or as a nuisance.

Dr. Dillenberg asked Mr. Sims for his recommendation, who replied that, if the Council wanted to split out retail and allow it and not the other uses, then approach it as a zoning matter. The other option would be to consider it a nuisance.

He said the Council could give direction to Ms. Gallagher, Mr. Knight, and him to come up with an ordinance to allow retail only in the C-1 zone or bring back a nuisance action.

Mayor Barber asked Ms. Gallagher for her input, who said that Council would need to weigh the risk. She said if the Council wants to allow retail in the future, then they need to work toward a zoning ordinance amendment. If the Council knows they don't want to allow retail, then adopt a nuisance ordinance. Ms. Gallagher said personal use would already be covered in the state statute.

Dr. Dillenberg asked the councilmembers if anyone felt strongly about having a retail store selling marijuana product in town.

Ms. Worth said her concern was relinquishing control to the state and said if the Council does nothing, that is essentially what they are doing, now and in the future, should Jerome decide to allow retail down the road.

Mayor Barber read from the model ordinance and asked the Council if they wanted P&Z's input.

Ms. Worth said yes, if P&Z is asked to also read the minutes or listen to the audio of Council's discussion.

Lt. San Felice commended regarding a nuisance ordinance, and

Mr. Sims added that if the Council decides to take the nuisance "path," they will make it more difficult for their successors to undo the ordinance than if they wrote it as a zoning ordinance.

Dr. Dillenberg said he did not want people to come to Jerome just to buy pot; that the town has other selling points. He said he would like to take the nuisance route.

Ms. Moore asked for clarification from Mr. Sims, that if retail sales of marijuana are prohibited as a nuisance rather than through the Zoning Ordinance, then the town is in a stronger position to be able to regulate it.

Mr. Sims said the zoning ordinance would be more flexible than a nuisance one.

Ms. Gallagher asked for further clarification from Mr. Sims on treating this as a nuisance versus a zoning matter, who then deduced that it seemed safest to prohibit marijuana sales as a nuisance.

Ms. Worth said that if the nuisance language is strong enough, she would be willing to concede.

Vice Mayor Harvey also requested clarification and asked if the town could be stricter about regulation if the ordinance is established before the state statute. Mr. Sims confirmed this.

Lt. San Felice said the decision comes down to setting a precedent now to prohibit and keep it that way, or to regulate and figure out how to regulate. He said from a police perspective, prohibition is the way to go.

Discussion continued. The mayor brought up sending the ordinance to P&Z once again. Ms. Worth said input from the public would be good since they would be the future councilmembers of Jerome.

(2:56:05) Jerome resident Lacy Ritter said that she agreed with Ms. Worth's concerns and that she would like Jerome to preserve its control for the future.

(2:57:08) Jerome resident Carol Wittner thanked the Council for working so hard on this item. She agreed that it was a hard decision but that it is important to keep control of what we've got.

Mr. Knight said it is unlikely Jerome would get a retail store, but that if the town does not regulate, it could have a problem similar to the telecom ordinance: no local control if something is not in place prior to a state statute. He said taking the zoning angle would be smart.

Ms. Barber said she wanted to forward the model ordinance to P&Z after addressing some of the language. Discussion ensued as councilmembers shared their opinions on what should be changed, stricken, or kept.

Mr. Sims said the Council was going down a "dangerous" path by dissecting the model ordinance.

Ms. Worth suggested giving councilmembers 48 hours to ruminate on the ordinance language. Discussion turned to availability, deadlines, and lack of consensus.
 Mr. Sims discouraged Council from putting this in P&Z's court without more clarity on a direction.
 Mayor Barber suggested they end the meeting and reconvene at another time. Discussion continued.
 Ms. Worth asked if the Council would have to re-notice if they reconvened at another time. Mr. Sims said no.
 Ms. Gallagher suggested the next evening, Wednesday, October 14, at 7 p.m.

Motion to reconvene on October 14, 2020 at 7 p.m.

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

7:02 (0:36)

October 14, 2020 – CONTINUATION

Mayor Barber called the meeting to order at 7:02 p.m.
 Ms. Gallagher called the roll. Present were Mayor Barber, Vice Mayor Harvey, councilmembers Jane Moore, Mandy Worth, and Dr. Jack Dillenberg. Also present were Town Attorney Bill Sims, Zoning Administrator John Knight, Police Lieutenant Rusty San Felice, Police Officer Kerry Lee, and Deputy Clerk Rosa Cays.
 Ms. Gallagher gave a synopsis of what was discussed at the meeting the previous night. She referred to a memo she had drafted and emailed to councilmembers that afternoon and explained the options that the Council could pursue. She said the Council didn't seem adamant about allowing retail but was concerned about future decisions, which the state could override no matter what. She said the only scenario in which it made sense to regulate via zoning was if the Council thought retail would be valuable for the town at some point in the future. In that case, we would want regulations in place before the state statute is in effect. That would protect the town from Prop 207 claims but not from the state overriding any town regulations. Ms. Gallagher urged the Council to make their decision based solely on if they want retail as an option. If not, she suggested they go with the nuisance code. She said if the state law passes, Jerome residents will be able to use and cultivate marijuana in their homes, regardless of what Jerome decides.
 Vice Mayor Harvey thanked Ms. Gallagher for the memo and then stated she would prefer to adopt a nuisance ordinance. She said the town's public safety is already stretched without adding more to the police department's workload. She said it would not make it impossible for future councils to reverse this and suggested the Council consider the next two years and doing what is best for the constituents now, not two years from now.
 Dr. Dillenberg said he agreed with the vice mayor and does not want retail marijuana in Jerome—like with groceries, residents can go down to Cottonwood to buy weed. He said the nuisance option is a good strategy and the path of least resistance, and that the Council has other work to do and not put so much energy into just this issue.
 Ms. Worth said after more time to research, she felt the nuisance route would be the best to handle commercial enterprises but was still concerned about residential use. She asked if the town would have the ability to add to the state statute or if Jerome would be superseded by the state.
 Mr. Sims said the town would be superseded by the state. He said if Ms. Worth was asking if the town can impose requirements over and above what the state does, it would be a narrow list of things like imposing a minimum distance to schools for marijuana use or odor control in public areas, for example.
 Ms. Worth said her concerns include landlord approval should a tenant be a marijuana user, and that some states allow "gifting," which she would like to know more about. She also wanted to get clarification on "residential use" and if it would be just in residential areas or would it include mixed use, conditional use, etc.
 Vice Mayor Harvey read from a section of the model ordinance in response to Ms. Worth's concerns.
 Ms. Worth said she was under the impression that an ordinance was unnecessary if they were going to treat this issue as a nuisance. Ms. Gallagher said an ordinance would still be needed to declare retail sales a nuisance.
 Ms. Moore said she was behind treating marijuana sales as a nuisance.
 Ms. Barber said it seemed all councilmembers wanted to go with the nuisance route and not allow retail. She did have one question about the proposition, which Ms. Worth clarified for her.
 Ms. Barber then gave direction as to what the ordinance would generally state: retail, cultivation, testing, or manufacturing would be considered a nuisance in Jerome, and that the state law, should it pass, would make residential use and cultivation legal. Ms. Gallagher said she understood the direction.
 Ms. Sims said to the mayor that this would be direction only if the act is approved.

7:21 (20:11)

ITEM #9E: TRAFFIC NOISE AND SPEEDING

Council will discuss traffic noise and speeding in Jerome and may direct staff in this regard.
 Mayor Barber commented that traffic noise and speeding has become a problem on most Jerome streets [audio issues].
 Ms. Gallagher read two letters aloud, one from Jerome resident Margie Hardie and one from Jerome resident Carol Yacht, which were complaints about the noise from ATVs, cars, and motorcycles and requests to have the JPD enforce the town noise ordinance.
 Mayor Barber commented on the effects of the pandemic including a rise in loud vehicles driving through Jerome.
 Ms. Moore played a short video of the loud sounds of vehicles driving up to Jerome.

Dr. Dillenberg said the town need to determine how to monitor this and support the JPD in their efforts. He suggested contacting the ATV rental companies to talk to them about the noise issues in Jerome. He said motorcycles have been driven up to Jerome for years, but the blaring stereos are a nuisance. Dr. Dillenberg suggested bigger, better signage and having the Rangers come up to town to also help out our police department.

Ms. Gallagher read a letter from Jerome resident Ginger Mackenzie who has lived and worked along Main Street for six years. She said the noise level has increased exponentially, and that the speed and stereo volume on ATVs and motorcycles are a problem. Ms. Mackenzie's letter also addressed safety and the many near misses near Ghost City Inn and listed several suggestions to tackle the problem.

Lt. San Felice said he would talk about noise and speeding but started out with his impression that "COVID" quieted things down quite a bit in Jerome for a long time, so now it seems the noise level is greater. He said the JPD has received only six calls about noise since January, which had nothing to do with vehicles; they were mostly parties and a generator. He said the problem with noise enforcement is that when it's a group of motorcycles, it's hard to tell who the culprit is. He said the JPD needs calls (and witnesses) with the specifics of the violator. He said the signage needs to be improved and added to the motorcycle parking lot across from the Connor Hotel, in the lower parking lot, and a third one across from the police station on Main Street. Lt. San Felice stressed that residents need to call and be willing to be a witness and provide details on violators.

Lt. San Felice then shared statistics on speeding: 317 people have been stopped this year, with 112 warnings and the rest citations. He said the challenge on Gulch Rd and Dundee—and he has been here eight years—is that the residents are the ones speeding and neighbors don't want to snitch. Lt. San Felice suggested sending an anonymous letter to the JPD and they can follow up with the person at fault. He said on Gulch Rd they will cite for speeding and for nonresidents who ignore the LOCAL TRAFFIC ONLY sign.

Lt. San Felice also addressed passing in no passing zones, which he said was "egregious and aggressive." He said the JPD has made 47 stops this year and shared a few other statistics. He said they have also given out 7 warnings for racing situations. He also said through grant funding, the JPD has been able to get extra help from local municipalities on the weekends. He said with better signage and more support from the residents, they stand a better chance of stopping the violators.

Ms. Worth reminded council that the transportation committee of the Arizona League of Cities and Towns has considered a resolution to address safety on municipal highways, so Jerome may get help from the League on this.

Dr. Dillenberg said he would like to see a sign before drivers get to town on the stretch below the high school that says SPEED LIMIT STRICTLY ENFORCED. He also liked the idea of sending letters to ATV companies to advise them of Jerome's speed limits.

Lt. San Felice said this was a great idea and that they'd get a letter out to the ATV rental companies once Chief Muma was back in town. He said they also had a radar trailer at the town yard that could possibly get set up, although it may need repair.

Mayor Barber said a letter from the JPD would likely carry more impact. She then brought up Ginger's crosswalk suggestion, but her understanding was that crosswalks cannot be put on the highway. She asked if this was a law.

Ms. Gallagher said ADOT has discouraged crosswalks in the past because they give a false sense of security.

Lt. San Felice said he was not sure if it was law, but that it would be hard to convince ADOT to install a crosswalk.

Mayor Barber said more signage seemed to be one answer, as well as installing the radar trailer.

Dr. Dillenberg said Sedona has crosswalks on 89A. Mayor Barber noted that Sedona now owns those areas.

Ms. Moore said visibility from both directions is key for a crosswalk, which is why ADOT would not put one by the fire station.

Vice Mayor Harvey said the areas in Sedona with crosswalks are all at intersections and not owned by Sedona.

Jerome resident Suzy Mound suggested running an article in the town newsletter, so residents are informed about reporting noise and speed offenders to the police department.

Jerome resident Lace Ritter complained about motorcycles sitting in parking spaces along Main Street while they're idling, which is noisy and noxious. She said this causes a disturbance for the shops and tourists. She also mentioned that the signs on School Street are ignored by much of the traffic. She suggested they be moved closer to the street entrance so they're more visible. She said people also drive down School Street from the wrong direction.

Lt. San Felice said to Ms. Mound not to hesitate to call 911 to get an immediate response for a traffic ordinance infraction. He also mentioned that there is an idling ordinance, so he encouraged Ms. Ritter to call the police on those infractions. Lt. San Felice said the sign on School Street that says RESIDENTS ONLY should be larger, and that noise signs can go with the motorcycle parking signs.

8:01 (1:00:08)

ITEM #10: TO AND FROM THE COUNCIL

Council may direct staff regarding items to be placed on a future agenda.

Dr. Dillenberg said he plans to have an update on Friends of Jerome at the next meeting.

Ms. Moore said she has been asked about the street repairs on Center Avenue. Ms. Gallagher said she would talk to Public Works Director Marty Boland about filling potholes.

Vice Mayor Harvey shared that she has been taking a grant-writing class and really enjoying it.

Ms. Worth announced she was going on a NACOG retreat to the Grand Canyon the following week. She talked about the scheduled activities.

Mayor Barber said the Forest Service would be doing work on Forest Service Rd. 413 near Allen Springs Rd. She said she wrote an email to District Ranger Todd Willard and cc'd Yavapai County Supervisor Randy Garrison, with whom she has talked to about a meeting on public use of public lands. She said Mr. Garrison wanted to wait until after the upcoming election. Mayor Barber asked Ms. Gallagher to forward her email to the other councilmembers and asked

Mayor Barber confirmed with Ms. Gallagher that town attorney Bill Sims had advised that Council wait until after the lawsuit to address the telecom ordinance. She said she and Mr. Knight had attended a League of Cities seminar where the speaker repeatedly stated that "whatever is better for them and worse for you is what the new law will be." Ms. Barber shared other concerns about the new telecom technology including the use of energy, cell sites dotting the landscape, and the health effects. She wants to confer with Mr. Sims to get advice on how to go forward.

Ms. Gallagher said that the danger in doing nothing, if the town has no regulations in place, is that the telecom companies can come in and essentially do whatever they want.

Ms. Worth suggested adding a more general ordinance that would cover all utilities. Discussion continued.

Vice Mayor Harvey said the three main issues to prioritize are Prop 207, the ordinance amendments, and a telecom ordinance.

Regarding cellular towers, Councilmember Moore said the "stealth ordinance" in Sedona is not acceptable—just hiding the cell sites is not sufficient; and to write an ordinance to "cover everything" would be impossible, noting that 40 years ago, no one would have thought vacation rentals would become an issue. As for mixed use, Ms. Moore reminded everyone that this will involve parking in the C-1 zone.

Vice Mayor Harvey asked if, when amending the ordinance, something can be written that basically states that just because it's not in the ordinance doesn't mean it's permitted. Discussion ensued.

Ms. Moore and Mr. Knight both said the ordinance does make a similar statement. Ms. Moore referred to the pages in the ordinance. Mr. Knight noted that the statement in the code applies to use and that he had a discussion with Mr. Sims regarding this.

Mayor Barber brought the conversation back to the priorities:

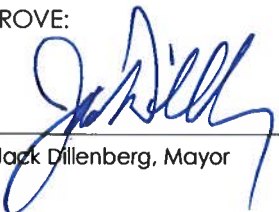
- 1 – Prop 207 code amendment for recreational marijuana
- 2 – Code amendments, including zoning code enforcement
- 3 – Telecom ordinance (Ms. Gallagher will discuss this with Mr. Sims)
- 4 – Design guidelines
- 5 – Various small projects

ITEM #4: ADJOURNMENT

Motion to Adjourn at 3:38 p.m.

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

APPROVE:



Dr. Jack Dillenberg, Mayor

ATTEST:



Candace B. Gallagher, CMC, Town Manager/Clerk

Date: 11.12.2020