

TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 www.jerome.az.gov

AGENDA

SPECIAL MEETING OF THE JEROME TOWN COUNCIL COUNCIL CHAMBERS, JEROME TOWN HALL THURSDAY, AUGUST 20, 2020 AT 5:00 PM

**DUE TO PUBLIC HEALTH CONCERNS, IN-PERSON ATTENDANCE AT PUBLIC MEETINGS
HAS BEEN SUSPENDED UNTIL FURTHER NOTICE.**

Notice is hereby given pursuant to A.R.S. 38-431.02 that members of the Town Council will attend this meeting.

PUBLIC PARTICIPATION IN THE MEETING

Members of the public are welcome to participate in the meeting via the following options:

1. Zoom Conference
 - a. Computer: <https://us02web.zoom.us/j/j9286347943>
 - b. Telephone: 1 669 900 6833 Meeting ID: 928 634 7943
2. Submitting questions and comments:
 - a. If attending by Zoom video conference, click the chat button and enter your name and what you would like to address.
 - b. Email c.gallagher@jerome.az.gov (Please submit comments at least one hour prior to the meeting.)

NOTE: FOR THOSE WITHOUT HOME INTERNET: A drive-up internet hotspot is now available in the parking lot in front of the Jerome Public Library. Bring your device and access the internet while sitting in your car. The network is **Sparklight Yavapai Free WIFI** and no password is required.

ITEM #1:	CALL TO ORDER/ROLL CALL Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll.	
ITEM #2:	RESOLUTION #603, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON AUGUST 4, 2020 Council may approve Resolution #603, declaring and adopting the results of the primary election held on August 4, 2020. This Resolution will be provided once election results have been certified.	Sponsored by Mayor Alex Barber Discussion; Possible Action
ITEM #3:	SECOND READING AND POSSIBLE ADOPTION: ORDINANCE NO 462, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING THE JEROME TOWN CODE BY THE ADDITION OF NEW ARTICLE 1-14 THEREOF, ENTITLED "TOWN SEAL, TOWN INSIGNIA AND TOWN LOGO" Council may conduct the second reading of, and may adopt, Ordinance No. 462, amending the Town Code regarding use of the Town seal, insignia and logo.	Sponsored by Vice Mayor Sage Harvey Discussion; Possible Action
ITEM #4:	RESOLUTION #604, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, INITIATING ZONING ORDINANCE AMENDMENTS REGARDING STAIR SETBACKS AND APPEALS TO COUNCIL Council may approve Resolution #604, initiating amendments to the Jerome Zoning Ordinance regarding setbacks for stairs and the process for appeals to Council.	Sponsored by Councilmember Jane Moore Discussion; Possible Action
ITEM #5:	ADJOURNMENT	

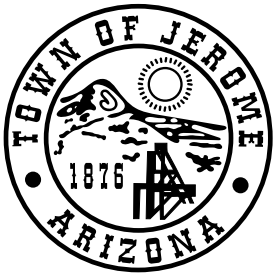
CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that this notice and agenda was posted at the following locations on or before _____ on _____ in accordance with the statement filed by the Jerome Town Council with the Jerome Town Clerk.

970 Gulch Road, side of Gulch Fire Station, exterior posting case
600 Clark Street, Jerome Town Hall, exterior posting case
120 Main Street, Jerome Post Office, interior posting case

Rosa Cays, Deputy Town Clerk

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



TOWN OF JEROME

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ORDINANCE NO. 462

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING THE JEROME TOWN CODE BY THE ADDITION OF NEW ARTICLE 1-14 THEREOF, ENTITLED "TOWN SEAL, TOWN INSIGNIA AND TOWN LOGO"

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. The Jerome Town Code is hereby amended by the addition of NEW Article 1-14, "Town Seal, Town Insignia and Town Logo," as set forth on Exhibit A, attached hereto and made a part hereof.

Section 2. Following its adoption, this Ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. § 39-203 *et seq.*

Section 3. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.

Section 4. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance, any provision incorporated by reference and any other provision of the Town Code as a whole or any part thereof other than the part so declared invalid.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, THIS ____ DAY OF _____ 2020.

Christina "Alex" Barber, Mayor

ATTEST:

APPROVED AS TO FORM:

Candace Gallagher, Town Manager/Clerk

William J. Sims, Esq.
Town Attorney

Date of first reading: 8/11/2020

Dates of publication: _____

Date of adoption: _____

Date of posting: _____

Voting record at adoption:

	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER						
DILLENBERG						
HARVEY						
MOORE						
WORTH						

EXHIBIT "A"

ARTICLE 1-14 Town Seal, Town Insignia and Town Logo

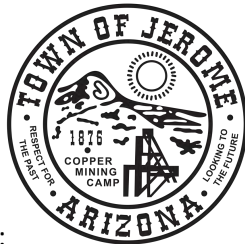
- 1-14-1 Definitions
- 1-14-2 Use of Town Seal, Town Insignia and Town Logo
- 1-14-3 Prohibited Uses of Town Seal, Town Insignia and Town Logo
- 1-14-4 Violations

Section 1-14-1 Definitions.

"Town seal," "Town insignia" and "Town logo" may be used interchangeably herein to refer to the two designs approved by the Town Council on February 11, 2020:



Small format:



Large format:

Section 1-14-2 Use of Town Seal, Town Insignia and Town Logo.

The Town Manager or designee, acting as the custodian of the official Town seal and insignia of the Town, is authorized to determine the appropriate use of and to ensure that Town insignia is used only on documents, property, and programs that reflect official Town business, ownership, or endorsement. In deciding the manner by which the Town's official insignia may be utilized, the Town Manager shall endeavor to protect the Town's brand, reputation and credibility by preventing use of the insignia in such a manner as to suggest Town endorsement of events, political issues, products and other uses that are prohibited by law. The Town Council may allow use of the insignia in a manner consistent with this chapter and in a nondiscriminatory manner.

Section 1-14-3 Prohibited uses of Town Seal, Town Insignia and Town Logo.

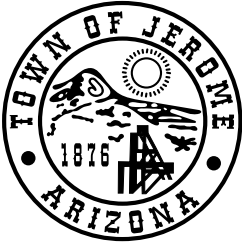
1. It is unlawful for any person or entity to make use of the Town seal and/or the Town insignia or logo, or any portion, facsimile, mock-up, or reproduction thereof, or make use of any design, symbol, emblem, insignia or similar device that is an imitation of said Town seal, Town insignia, or Town logo, in whole or in part or that may be mistaken therefor, that is designed, intended or likely to confuse, deceive or mislead the public, for private or

commercial purposes or for any purpose other than the official business of the Town without the express written consent of the Town Manager or designee under the authority granted by the Town Council.

2. No person, firm, association, corporation or other entity shall use the Town seal, Town insignia or Town logo, or any facsimile thereof, for purposes of supporting or opposing the nomination or election to any Town or other public office of him or herself or any other person, or for purposes of supporting or opposing any ballot measure, nor include such Town insignia on any writing distributed for purposes of influencing the action of the electorate, or any part thereof, in any election. This section shall not be applicable to writings and other forms of communication issued by the Town of Jerome or the Town Council pursuant to law.
3. No use of the Town seal, Town insignia or Town logo shall be made except in connection with official Town of Jerome documents, durable goods, notices, communications and any other uses which may be approved by the Town Manager and/or Town Council.

Section 1-14-4 Violation.

Any person who willfully violates this chapter is guilty of a misdemeanor and is subject to punishment as set forth in Article 1-8 of the Jerome Town Code. The Town's right to prosecute under this section shall not affect its rights to pursue civil or injunctive relief under federal or state laws, or any other relief available under the law.



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
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RESOLUTION NO. 604

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, INITIATING ORDINANCE AMENDMENTS REGARDING STAIR SETBACKS AND APPEALS TO COUNCIL

WHEREAS, the Town of Jerome, Yavapai County, Arizona, is interested in amending Sections 201, 302, 303.2, 303.3, 304, and 502 of the Jerome Zoning Ordinance to address setbacks for stairs and to clarify the appeals process; and

WHEREAS, amendments may not be limited to the above sections and may include related changes in other sections of the Jerome Zoning Ordinance; and

WHEREAS, the Jerome Town Council has the authority to initiate amendments to the code under Section 301.A. of the Jerome Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Jerome, Yavapai County, Arizona, as follows:

1. Amendments to the Jerome Zoning Ordinance regarding stair setbacks and the appeals process have been initiated by the Town Council in accordance with Section 301.A. of the Zoning Ordinance
2. The Planning and Zoning Commission is hereby requested to develop an ordinance or ordinances to amend the Zoning Ordinance to address stair setbacks and to clarify and amend the appeals process, to conduct the required hearing(s) and Neighborhood Meeting(s) if needed, and to submit the ordinance or ordinances for Council's consideration no later than December 1, 2020.

APPROVED AND ADOPTED in open session of the Jerome Town Council on this 20th day of August, 2020.

Christina "Alex" Barber, Mayor

ATTEST:

APPROVED AS TO FORM:

Candace B. Gallagher, CMC, Town Clerk

William Sims, Town Attorney



TOWN OF JEROME

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Zoning Administrator Analysis Special Meeting of the Jerome Town Council Thursday, August 20, 2020

ITEM 4: Initiate ordinance amendment for stair setbacks and appeals to Council
Applicant/Owner: Town of Jerome
Recommendation: Discussion and direction to staff and possibly initiate ordinance amendment
Prepared by: John Knight, Zoning Administrator
Resolution: Council Resolution No. 604

Background and Summary: Recently two projects were approved by the Planning and Zoning Commission with access stairs showing no setback to the right of way. One is located at 538 School Street and the other is located at 639 Center Avenue. As part of the site plan review process, the Planning and Zoning Commission determined that a setback would not be required since the code is silent on stair setbacks.

After the approvals, an appeal was filed (and later withdrawn) regarding the Center Street project. This appeal revealed the need to clarify two items in the code: setbacks for stairs and the appeals process. These are discussed below.

Analysis:

A. Stair Setbacks: The Jerome Zoning Ordinance does not specifically identify setbacks for stairs. The problem with having no setbacks for stairs is that someone could build a stairway in their required five- (5-) foot side yard setback for an interior lot. This would block emergency access and potentially create a fire safety issue. The code does include similar features that could be used as examples, such as fire escape stairs, accessory features, and decks. These are briefly discussed below.

Fire Escape Stairs: Section 502.H.3. of the zoning code addresses setbacks for fire escape stairs, awnings, and window refrigeration units. These features may project no more than five (5) feet over any required yard provided they are no closer than three (3) feet to any lot line. The purpose of this is to ensure that proper separation is maintained for fire code purposes as well as access.

Section 502.H.3. Awnings, fire-escape stairs, window-type refrigeration units, suspended or roof evaporative coolers, and forced air furnaces, may not project more than five (5) feet over any required yard, provided that they shall be no closer than three (3) feet to any lot line.

Accessory Features: Section 502.H.4. of the zoning code addresses setbacks for accessory features such as canopies, cornices, and eaves. These features may project no more than three (3) feet over any required yard provided they are no closer than three (3) feet to any lot line. The purpose of this is to ensure that proper separation is maintained for fire code purposes as well as access.

Section 502.H.4. Architectural details such as canopies, cornices, and eaves may project not more than three (3) feet over any required yard, provided that they shall be no closer than three (3) feet to any lot line.

Decks: Section 502.H.10. of the zoning code addresses setbacks for decks. Decks in the residential areas are required to be set back at least (5) feet from the property line. Decks in nonresidential areas are required to meet the setback of the primary structure.

Section 502.H.3. No portion of any deck shall be located within five (5) feet of the lot line except in those districts where residential use is not a permitted use. In those districts, decks should conform to the required yard for that zone. Decks shall not encroach into any public easement. Square footage of decks shall be included in lot coverage for each zoning district.

Stair discussion: It appears that the code has been designed to ensure that a minimum of three (3) feet is maintained for fire safety and access. Although it would be simple to require that stairs maintain a minimum setback of three (3) or five (5) feet, this does not address stairs that provide access to the right of way. Stairs accessing the right of way often have no setback when they touch the right of way. They often improve access for emergency services. To address the difference between regular stairs and access stairs, definitions may need to be added to the code. A provision should also be added that prohibits stairs from being constructed in a side yard (or rear) yard setback if they block emergency access.

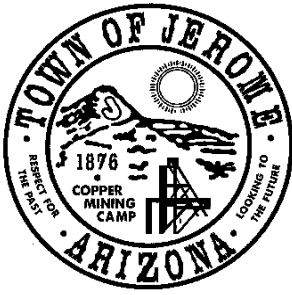
B. Appeals Process: The Jerome Zoning Ordinance has inconsistent and unclear provisions for appeals of P&Z and DRB decisions to Council. Some of these provisions also appear to be inconsistent with the state law. These should be amended for internal consistency and clear procedures added. Items to be added or clarified are noted below.

- 1. Forms:** The code should state that a written appeal needs to be filed clearly stating the reason for the appeal, how the appellant is adversely affected, and what resolution is expected.
- 2. Standing:** For someone to appeal, the code should require that they demonstrate that they are in some way adversely affected. This is often referred to as “standing,” and the appellant is often referred to as the “aggrieved party.” The state law often uses a physical proximity of 300 feet to determine standing. This could also be expanded to allow someone to demonstrate how they may be adversely affected even though they are outside the 300-foot radius. For example, if the proposed project is within their line of sight, adversely affects their drainage, or adversely affects traffic on their street.
- 3. Time period to file an appeal:** The code currently includes two different periods for when an appeal must be filed after a decision, 15 days and 30 days. These should be made consistent.
- 4. Noticing:** When and how an appeals hearing is noticed is not clear. Typically hearings are required to be noticed in a public newspaper, mailed to property owners within 300 feet, and a notice posted at the site.
- 5. Time period to hear an appeal:** The code is unclear on when an appeal should be heard by the Council. In general, appeals should be given high priority and should be scheduled for the next regular meeting of the Council. If necessary, a special meeting could be scheduled instead.

Appeal Discussion: Clarifying the appeals process will simplify appeals in the future. It will also discourage frivolous appeals from individuals who do not have standing and will clarify the appeals process for everyone involved.

Recommendation: Staff recommends adopting Resolution No. 604 to initiate the process to amend the ordinances regarding stair setbacks and the appeals process.

Attachments: Reso. No. 604



TOWN OF JEROME

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(928) 634-7943 FAX (928) 634-0715

Founded 1876
Incorporated 1899

RESOLUTION NO. 603

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON AUGUST 4, 2020

WHEREAS, the Town of Jerome, Yavapai County, Arizona, held a primary election on the 4th day of August, 2020, for the election of five (5) Council members, and a Proposition regarding an alternative expenditure limitation; and

WHEREAS, the election returns have been presented to and have been canvassed by the Town Council;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Jerome, Yavapai County, Arizona, as follows:

1. That the total number of ballots cast at said primary election, as shown by the poll lists or reported by the county, was 225.
2. That the number of ballots rejected was three (3).
3. That the votes cast for the candidates for Councilmember were as follows:

<i>Name</i>	<i>Vote Total</i>
Barber, Christina "Alex"	140
Bouwman, Robert	80
Dillenberg, Jack	152
Gregory, Susan	62
Harvey, Sage	103
Moore, Jane	138
Worth, Mandy	144
Write in	12

4. That it is hereby found, determined and declared of record, that that the following five (5) candidates did receive more than one-half of the total number of valid votes cast for the office sought and are hereby issued certificates of election:
Barber, Christina "Alex"
Dillenberg, Jack
Harvey, Sage
Moore, Jane
Worth, Mandy
5. That the votes cast for Proposition # 451, "Resolution #595, A Resolution of the Town Council of the Town of Jerome Proposing an Alternative Expenditure Limitation," were as follows:

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

YES: 171

NO: 28

6. That it is hereby found, determined and declared of record that the Alternative Expenditure Limitation was approved by the voters of the Town of Jerome.
7. That this resolution shall be in full force and effect immediately upon its adoption.

APPROVED AND ADOPTED in open session of the Jerome Town Council on this 20th day of August, 2020.

Christina "Alex" Barber, Mayor

ATTEST:

APPROVED AS TO FORM:

Candace B. Gallagher, CMC, Town Clerk

William Sims, Town Attorney

Registered Voters 370 - Total Ballots 225 : 60.81%

JEROME COUNCIL MEMBER
(2-YEAR TERM)

Vote For 5
Total Votes

831

Barber, Christina	140	16.85%
Bouwman, John	80	9.63%
Dillenberg, Jack	152	18.29%
Gregory, Susan	62	7.46%
Harvey, Sage	103	12.39%
Moore, Jane	138	16.61%
Worth, Mandy	144	17.33%
Write-In	12	1.44%

PROPOSITION 451 - TOWN OF JEROME

Total Votes

199

YES	171	85.93%
NO	28	14.07%



**YAVAPAI COUNTY ELECTIONS DEPARTMENT
REJECTED BALLOTS REPORT**

August 4, 2020

PRIMARY ELECTION

Precinct # & Name		PROVISIONAL	EARLY
201	EAGLE	3	8
202	COURT	3	7
203	FAIR	2	3
204	GOLF	3	5
205	MINE	5	-
206	HILL	-	-
207	MESQUITE	3	-
208	YARN	-	-
209	WICK	-	-
210	WALNUT	-	-
211	SPRINGS	-	-
212	PLEASANT	-	-
213	SKULL	-	-
214	KIRK	-	-
215	BUCK	7	2
216	CREEK	1	1
217	WIND	-	-
218	WELL	4	-
219	FORT	4	6
220	RIM	-	-
221	SALT	-	1
222	BUG	-	2
223	SUNSET	-	2
224	TOWERS	-	-
225	IRON	4	2
226	SPIRIT	-	-
227	RUBY	1	1
228	SCARLET	1	3
229	ONYX	2	3
230	AZURE	3	6
231	QUAIL	-	1
232	GHOST	-	3
233	BRIDGE	-	-
234	WATSON	3	6
235	RANCH	3	4
236	CAMP	1	-
237	BASIN	2	6
238	GRAZE	7	3
239	COYOTE	5	1
240	CARS	-	-
241	STONE	-	-
242	WATER	-	2
243	BURRO	-	5
244	BISON	7	6
245	BIGHORN	1	4
TOTALS		75	93

**PROVISIONAL BALLOT
REJECT REASONS**

- SIGNATURE DIFFERENT
- EMPTY ENVELOPE
- 3 INCOMPLETE / NOT SIGNED
- 8 ID NOT PROVIDED
- VOTED TWICE
- 46 NOT REGISTERED
- REGISTERED TOO LATE
- 16 VOTED EARLY BALLOT
- MINOR
- 1 OUT OF JURISDICTION
- VOTED IN WRONG PRECINCT
- 1 WRONG PARTY

75 TOTAL

**EARLY BALLOT
REJECT REASONS**

- 3 EMPTY ENVELOPE
- 33 NOT SIGNED BY VOTER
- 57 SIGNATURE DIFFERENT
- VOTED TWICE

93 TOTAL

TOTAL REJECTED BALLOTS = 168