



Minutes of the Board of Directors Monthly Meeting

Thursday, February 1 2018 5:30pm
Prince of Peace Church, Room 13 &14
3641 N. 56th Street Phoenix, AZ 85018

Call to Order and Roll Call: Meeting was called to order at 5:32pm

Board Members in Attendance: Craig Steblay, Karen Magnoni, Sally Geyer, Hillary Gurley, Tom Thomas, Marilyn Schmidlin, Dr. Marvin Borsand, Brian Flader, Karen Beckvar, Jerry McKenna, Craig DeMarco, Tristahn Schaub, Joan Warne, Jody Moman

Absent: Jerry Eisen, Courtney Sucato, Patti Dietz, John Stofko, Kali Dobry, Brennan Giggey,

Ex Officio Board Members in attendance: Rick Spiegel

Neighbors and Guests in Attendance: Officer Jared Sherman, Wally Graham AONA, Dr. Jim Carland, Dr. Denis Frank, Paul Vidal, Kendis Drake, Greg Bruns, Wendy Riddell

Announcements: Greg Bruns (publisher of Arcadia News) is in attendance and will be partnering with ACMNA. Also, Shemer Art Center has Southwest Micro Living on display from Feb. 17-March 11 2018.

Block Watch:

Tom Thomas and Craig attended Block Watch finance board and had funds reallocated and we are going to be able to do sign toppers. We should have money to replace missing ones and add new ones.

Officer Sherman- pulled a 4- month statistics for our neighborhood. Our neighborhood is very good! We are "blue and light blue" which means we have very little to no crime happening. He can pull a 1-3-year report by crime or any specific we may want. He looks at crime trend. Craig would like to put this on website. Officer Sherman says our neighborhood is receiving an A or A plus. OFO bikes and lime bikes have come into Scottsdale. Also, cameras are a huge trend where police are able to get notifications on phone and see criminals trying to break into their homes. Pictures of criminals can go to the police and they are now able to know who they are. This is very helpful. Home invasion people wear gloves but not masks. Cameras allow us to see who they are and with certain equipment even talk to the criminals and in turn they will leave. Criminals look for soft targets and are criminals of opportunity.

Board Meeting Minute Approval:

December Minutes- Tristahn made a motion to approve. Second by Tom Thomas. All in favor.

January Minutes- Tristahn made a motion to approve. Second by Tom Thomas. All in favor.

Rick had a couple of comments about procedural things. He noticed in minutes that Dr. Borsand asked about going into Executive Session. Rick says our attorney was incorrect about going into Executive Session. Craig said we will clarify that. Also, the motion about the agenda and that we are not subject to open meeting law. Just because things are not on agenda doesn't mean it can't be addressed. Craig stated it is about transparency.

Nominating Committee:

Karen Magnoni- We have 3 spots available on our board. Our nominating committee has to discuss with those who are up for reelection. We made revisions to our bylaws last year which means we need to change our term lengths. New system 1/3 of directors will be elected every third year for a term of 3 years. So, this election needs 2 slates. 7 members need to be elected for 3-year terms and 7 for 2 year terms. By doing this we get all on terms on the 3-year cycle at one time. We have 9 seats that end this year. We can take 7 of them and reelect them for 2 years and reelect the remaining 2 for 3 years. We have guests in attendance tonight who are applying for our board. Dr. Carland who has lived in the area since 1992. He is interested in joining as he didn't know Arcadia district extended north of Camelback. He has come to meetings and enjoys what he sees and likes our mission statement. Dr. Denis Frank. Has lived in town here for 21 years. He has had a practice in Scottsdale and retired a year ago. He became a navigator at Phoenix Sky Harbor, volunteers as Sheriff Posse, Animal Welfare. He loves the area and thinks it should be preserved. Kendis Drake, a nurse practitioner, moved to Arcadia in 1954. She attended Arcadia and Hopi. She has also served on the board for a number of years. Her mother is one of the first members of the board. She would like to be back on the board again. She believes in preservation of Arcadia and the mission statement. She was secretary for 10 years. We have two other applicants who could not attend tonight. Kerry Moore and Adrian E. We do expect more applicants as we have application open through end of February.

Bicycles:

Paul Vidal with OFO bikes. General Manager of OFO (yellow bikes) in Phoenix. He states we are lucky that we have great representation with Sam Stone and Sal DiCiccio. Bikes bring good and bad. Company is new. They end up in Arcadia under rider circumstance and has been causing problems in the neighborhood. Bike has a gps with a Q code. You rent them for a dollar an hour. Where they are leaving bikes is where the problem is. Scottsdale is the best market in the US. There are over 1,000 bikes in Scottsdale. They let OFO operate under business license. No docks required. OFO has invested in resources and personnel. Company is run by ex Uber executives. Ridership can be 2-3000 rides per day in Scottsdale. Brings convenience. The GPS Pinger lets them know where bikes are. He can know how long it has been since someone dropped the bike off. OFO employs over 20 people to put bikes where they are not supposed to be and put them where they should be. He reads every complaint that comes in. He does not tolerate bikes obstructing ADA areas. He would like to have bikes moved within 24 hours but in Arcadia within 2-3 hours.. Bikes will be free until the end of February. We have been here since end of December and are working to improve. Riders need to be educated on where to park bikes, not on private property, sidewalks, etc. Paul Vidal's cell is 424-390-2400 text or call when bikes are an issue. Email-paul.vidal@ofobike.com or cs_us@ofobike.com. He would like to have an email address for Arcadia alone. He will let us know by Monday. We put bikes in Scottsdale, Tempe and Mesa but they can end up anywhere. This will fall under Shopping Cart Ordinance. Dr. Marvin Borsand asked how long we should be patient for them to get it right. Paul said it should be immediately.

Home Businesses:

Wendy Riddell- New Legislation at State Capitol. Bill # 2333. Proposed bill to take away city's power to regulate home based business. The way it is written it may even forbid city to regulate group homes. No Impact businesses are allowed as long as they don't have more than 3 employees, no significant increase in traffic, business happens indoors. City already allows home occupations as long as you don't have clients coming to the house. State has decided to try to take this power away from city and control this. City has burden of proving whether restrictions put in place are for that purpose. This is not good for neighborhoods. Wally mentioned there is also a bill in the senate. Officer Sherman says Police do not like this as it takes away from NSD (Neighborhood Code Enforcement).

Wendy said some cities such as Tempe, that took on topics beyond city jurisdiction. Such as grocery bags, how dogs can be sold in pet stores, etc. There are councils that are overreaching. Legislature is reacting by coming in saying "this is our power".

Rick asked why this is happening now.

Wally says there is bipartisan support. It is interested that folks have come together (ALEC) and they mask it under the guise that it is good for business and for people. This one will get in the way of neighborhoods and what city does legislatively.

Dr. Borsand, where is it at in the process? Are there hearings we can go to?

Wendy doesn't know yet.

Craig Steblay said this goes from home occupation to home business. He asked Wendy to present this to us and asked her to put together a letter and send out 90 copies to legislators and governors on behalf of ACMNA

Dr. Marvin Borsand made a motion to have Wendy draft a letter and send out on ACMNA behalf. Second by Tristahn. All in favor.

Karen Beckvar suggested that everyone call. Also Craig will get an email out with contacts for Kelly, Maria and Kate Brophy McGee. Jerry McKenna asked for a script to get started on what to say when calling on our opposition on this issue.

Digital Billboards proposed for 56th Street:

Wally Graham AONA-40th Street to 56th Street there are about 2,000 rooftops under AONA.

On 2909 N 56th Street Dirty Dog carwash wants to put in a digital sign. Thomas and 56th Street. We started the SAVES 56th Street project and with that we want to make 56th Street look better and keep it safe. We won the MAG grant to do that. There is currently a 2 sided billboard and it is being promoted as making a digital billboard there that is 30 feet tall and 22 feet by 12 feet for the face of the billboard. The digital side will face south. They have already met with Attorney and ACC, Sherwood heights, Tony Auto, etc. This case has been postponed as the attorney wants to see if the Becker boards get approved. The Becker board is on 4234 E Indian School on north side east of MOD pizza. There used to be a state farm office and now will be headquarters for Becker Billboards. He tried to sell the fact that he lives in the area and have his headquarters there. He wants a 48X14 foot high billboard. He already installed a static billboard by Little Woody's and it stretches out into street. He got an exception to replace an old billboard that had been there. He got the neighborhood association to agree to allow him to put it in by telling them it would be static. 27 days after he got his permit he issued app for a digital billboard to convert the east side of the sign. Every 8 seconds there will be a new sign. Now, signs are legal on A districts. Here they take special use permits. We are trying to get everyone down at City hall. AONA won the first round of the battle in October but are now appealing. Mark calendars, talk to neighbors. Attend on March 1st at City council chambers at 12pm noon. This will set precedent for signs across state. Hillary wondered what happened at 44th St and Indian School. Wally said there was opposition, but they were out maneuvered. Digital billboards can bring in up to \$8,000 a month. Wally says they are claiming it is also unsafe. Message changes every 8 seconds. It is a TV set. Tristahn wondered if there is potential for legislature to stop billboards other than freeways. Wally said there is but the lobby for billboards are so strong it will be difficult. People are wanting zoning changed to put up billboards. There are 32 billboards between 28th St and 56th St. If these become digitized, you can imagine what Indian School will look like.

Craig would like to purpose we muster all of our resources FB, email, nextdoor, etc and warn everyone about billboard on Indian School. Craig Mavis is in charge of billboards. He speaks on behalf of zoning hearing officer who already said no. Outfront will watch this like a hawk. We need them to see what our neighbors can do. Billboards have to be turned off by 11.

Events:

Brian Flader is preparing for annual meeting. Annual meeting is March 10. Quite a few sponsors. Topics are block watch, eucalyptus trees, Greg Bruns is a major sponsor, Have not heard back

from Kelli Butler. Tamara J will have someone speak in her place. Officer Sherman brought up crime and safety and Craig S thinks he should present this during annual meeting. Commander Vasquez will say a few words as well. Arcadia Cares is on March 24th. Craig would like to play video during mtg with a sign up table for it. Past 2 years association has given \$500 to event. Arcadia Auto-rama. Tristahn and Brian went to Pavilions car show. Brian thinks there may be about 50 cars \$50 each. 8-11am April 21st. Brian wants a digital service to handle sign ups. Craig S would like t shirts and trophies. Brian likes this but wants to keep cost down. Dr. Marvin Borsand suggested we use word "Fundraiser" so people feel comfortable. We have approval to use Mormon Church north and east for spectator parking. Brian doesn't really care what kind of car they bring. Officer Sherman may be able to get museums car. Adopt a street falls on St. Patrick's Day March 17th. Contact Ray Yocopis-Craig will follow up with him in regard to gloves and materials.

Preservation:

Resolution for guidelines on how we handle zoning. Patti drafted a resolution and Craig passed it out. A copy was passed around. Craig Steblay and board appealed the Ord Residence. If we did it as an association it was \$50 vs \$1500 as an individual. We needed a resolution to do it as an association that said association was in agreement. 1) Position on variances 2) what we do to handle this going forward. Rich Rea used to handle variances for ACMNA. And prior was Paul Barnes. They wanted to keep character of Arcadia. At time couldn't go bigger than 25% lot coverage but they were always down there fighting this. Eventually did a text amendment if you stay 1 story you can have 30% coverage if you go 2 story it has to remain 25%. Now, getting variances to exceed these percentages so far we have been able to fight it. Group reaches out to applicants and sometimes they withdraw variances. So far Tristahn has been involved in 29 variance cases. In most cases we can get a quorum as a preservation committee. Tristahn stresses that everyone has a right to their own opinions but if you have differing opinions don't share that as board member if the majority don't agree. It is very important at zoning meetings as it can skew the message. Craig mentioned the resolution is going to be very important that it states our position consistently. **Dr. Marvin Borsand made a motion to accept the resolution. Second made by Karen Beckvar. Craig DeMarco objected. All the rest in favor.** Craig DeMarco objected because he says it is not a one size fits all. He stated it says we oppose all. Craig Steblay says it does not say we oppose all but if they need a variance they need to say why. 56th St and Calle Paisano-variance request being heard. 5,000 sq ft home could be built and turn it into a group home with no more hearings. They are asking for a 40% coverage on the lot. Tristahn said that we oppose if the variance does not meet one of the 4 tests. We have a group that vets that and then comes out with a position. We honor the process but have a committee that vets the process. Craig DeMarco states every situation is unique and individual. All variances are posted on website. Talk to people about concerns on these variances. Don't be shy to share commentary. We honor zoning but will talk about it and we come behind it as a group. Rick Spiegel mentioned that in the past that someone has a friend in the zoning department and they don't always look at the 4 tests. Craig S. said he can no longer be involved in zoning issues as he has been hired by city to be a zoning officer. It would not be appropriate for him to be involved anymore.

6227 Calle Del Norte- Ord Variance for the adjustment hearing. They are going to build a 33% lot coverage home on 2 stories. Rick Spiegel said it is against the law. He says Tristahn's letter was great. He thinks we should appeal to courts. Craig feels it will divide the neighborhood. Tristahn says this is a prominent family in Arcadia with a lot of support from neighbors. She tried to keep as little as possible on second story at least this is how it was presented in hearing. She had neighbor support. Tristahn feels we have opened the floodgates and now next developer who reads the minutes will ask for more. We have already had 2 rock solid requests for one for 40% lot coverage. This is principle and now we are on dangerous grounds. Tristahn says it is costly to go to court and time consuming. Dr. Marvin Borsand asked what sense is of having a committee?

He thinks we should fight the variance on 6227 Calle Del Norte. Craig said other zoning officers knew about this appeal and they know if this happens again it looks bad for them. Craig S says we need to keep trying to send the message. Dr. Borsand feels this is the one. Wally said that he agrees we don't want to divide neighborhood. He feels we need to change the system. It is a political issue. The mayor appoints board of adjustment folks. There were 2 lawyers, 2 fire and 1 nonprofit on board. We need to put pressure on Sal and the Mayor. **Dr. Borsand made motion to appeal last decision by board of adjusters and hire an attorney to do the work. Second was made by Joan Warne.** Rick asked how much it would cost. Craig said it starts at \$15,000. Dr. Borsand said this would at least put it on hold. We have 30 days from today to make this decision. Tristahn says as the chairman he would not support appeal. Marvin feels we need to follow the rules. **Joan and Marvin were for it, the rest opposed. Motion does not carry.** Lot split -5909 E Lafayette Blvd. Need variance RE-24 and w/ split over required square feet. Variance was required because of length requirements. Neighbors wanted hedges and things that would not block camelback mountain.

Treasurer's Report:

Craig said we have \$26,000 in account. Some is earmarked for block watch. Donation appeal is at \$12,000. Total income in excess to \$20,000 last year. Now we have an attorney bill coming up but next month will have a better idea of what is going on.

Treasurer's Report Approval: We will vote on this next meeting.

Tristahn asked how much we have remaining for a budget. Charitable contributions for budget include Ben Carro bike ride, suggested budget is \$2,000 and we have spent \$750 so far. Our fiscal year ends June 30. He was wondering if there is another one we sponsored in the past?

Tristahn made a motion to approve the Arcadia Cares \$500 donation. Second by Marilyn Schmidlin. Approved by all.

Additional Comments:

Rick Spiegel commented that Hopi school is not going to go away. CFO has been relieved of her duties. Problem is that the superintendent hired someone to design this building who is not even a registered architect. 1/3 of Hopi parents were at hearings with the architects and there is a pamphlet put out on how to build an elementary school and the current design violates all of this. Should have windows so everyone can see what is going on. The design of the Sandy Hook suggestion of school buildings looks like the current Hopi. Rick feels that a lot of our community is up in arms over new build and never had a chance to do anything about this.

Adjournment of Meeting: 7:28pm

RESOLUTIONS OF ARCADIA/CAMELBACK MOUNTAIN NEIGHBORHOOD ASSOCIATION February 1, 2018

The Board of the Arcadia/Camelback Mountain Neighborhood Association ("ACMNA"), duly adopted the following resolutions at a regularly scheduled Board meeting.

VARIANCE PROTOCOL

WHEREAS, the Preservation Committee of the Board is tasked with reviewing all variance applications that affect residences within ACMNA's membership boundaries (as set forth in ACMNA's Bylaws);

WHEREAS, an increasing number of variance applications include a request for greater lot coverage or reduced setbacks;

WHEREAS, Phoenix ordinances were revised in 2015 to allow for increased lot coverage from 25% to 30% for single story homes no greater than 20 Ft in height. (the “2015 Update” by Ordinance No. G-5983, eff. 2-20-2015);

WHEREAS, the Preservation Committee believes that the 2015 Update adequately addresses the growing number of renovations and households within ACMNA’s membership boundaries;

WHEREAS, the Preservation Committee recommends the Board adopt published parameters on whether ACMNA, through the Preservation Committee, will oppose or not oppose certain variance requests; and

WHEREAS, the Board has determined that it is advisable and in the best interests of ACMNA, and for transparency purposes, to set forth certain limits with respect ACMNA’s position on certain variance requests.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the following parameters when the Preservation Committee is reviewing and taking positions on variance applications:

The ACMNA and its Board will oppose all zoning adjustment (variance) requests for any increase in lot coverage or reduction in setbacks, other than allowed under existing applicable ordinances unless the applicant is able to demonstrate that all four conditions (tests) for granting an adjustment (variance) under Arizona State Statutes and the Phoenix Zoning Ordinance have been met, as determined by the Preservation Committee, in its reasonable discretion.

It shall be the policy of The ACMNA to submit a written position statement on all variances within its boundaries. All position statements sent to the City Zoning Administration must be reviewed and approved by the preservation committee (or majority thereof). ACMNA board members who desire to submit dissenting opinions are free to do so, provided no reference to The ACMNA or affiliation with ACMNA is made in such statements or other communications.

RESOLVED FURTHER, that the Preservation Committee, and each of its members, is hereby delegated the full power and authority of the Board to take the following actions:

- (A) Communicate with applicants, neighbors, governmental authorities and other parties on behalf of the Board with respect to all variance requests within the ACMNA membership boundaries;
- (B) Take formal positions, whether to oppose or not oppose an application, including, without limitation, writing letters, signing documents, filing appeals, retaining legal counsel, incurring reasonable costs and fees, and taking all other related actions with respect to carrying out the foregoing tasks; and
- (C) Exercise discretion and judgment in evaluating all other variance requests, whether for lot coverage increase, setback reduction or otherwise that are not directly addressed by the resolutions hereunder.

RESOLVED FURTHER, that except for ACMNA’s President, Vice-President and the members of the Preservation Committee authorized by such officers, no other members of Board will take a formal Board position on variances.

GENERAL

RESOLVED FURTHER, that the officers and directors of ACMNA be, and each of them hereby is, authorized and empowered to take all such further action and to execute and deliver all such further agreements, documents, certificates and other instruments in the name and on behalf of the ACMNA, and to take all action as such officers or directors may deem necessary or advisable in order to fully carry out and perform any and all matters authorized in the foregoing resolutions, and such execution and delivery of such agreements, documents, certificates and other instruments and such other actions shall be deemed to be, and they hereby are, adopted and approved; and

RESOLVED FURTHER, that any and all actions of the officers and directors of ACMNA with respect to the matters set forth in these resolutions which occurred prior to the date hereof are hereby ratified, confirmed and approved.

The Secretary of ACMNA will file these resolutions with ACMNA's corporate minute book.

Karen Magnoni
Secretary

February 1, 2018