

# CITY COUNCIL REPORT



Meeting Date: Oct. 6, 2015  
 General Plan Element: *Economic Vitality*  
 General Plan Goal: *Sustain Scottsdale as a tourist destination*

## ACTION ITEM

**Artisan Markets Petition.** Presentation, discussion and possible action regarding Artisan Markets special event permit (109-SE-2015) based on a petition from the Scottsdale Gallery Association.

## BACKGROUND

*Petitions* - At the Sept. 8, 2015 City Council meeting, a petition was presented (Attachment 1) that was signed by members of the Scottsdale Gallery Association board of directors stating:

We the undersigned residents, business owners, and concerned parties in Scottsdale petition the Scottsdale City Council to direct the Special Events Committee to immediately rescind the permit recently issued to Artisan Markets on the Canal Bank, for the following reasons:

1. The Special Event Committee has no authority under the current ordinance to grant Permits on public property such as canal bank, Fifth Avenue and Craftsman Court;
2. The granting of this permit for a mere \$159 fee for twice a week during seven (7) months constitutes a gift, which is prohibited by the City Charter and the Arizona State Constitution;
3. This permit will negatively impact surrounding businesses which is a violation of the current Special Events policy.

Councilman Phillips made a motion to direct the City Manager to agendize the petition, and to include recommendations for possible action by the Council. Councilwoman Littlefield seconded the motion, which carried 5/2 with Councilmembers Korte and Milhaven dissenting. The acting city manager has scheduled the item for the Oct. 6, 2015 City Council meeting. Additional signatures from the Southbridge Scottsdale and Stetson Drive Merchants was received on Sept. 21.

This petition was in addition to the Arts District Petition to the City Council submitted on Aug. 25, 2015, which asked for the City Council to direct staff to include the following six items in the discussion of the Special Events Ordinance update scheduled for Aug. 31, 2015, and to include these items in the rewrite of the ordinance.

1. Reserve Thursday nights exclusively for the traditional ArtWalk event as the only art related event for Thursday nights.
2. Designate the Scottsdale ArtWalk as a "grandfathered" city Signature Event.

3. In the Special Events Ordinance rewrite, define “special events” as “unique, short-term activities and/or festivals. This definition would not include temporary, pop-up retail businesses as special events.
4. City to approve a maximum of 30 days of art related events per calendar year. This 30 day block can be split between any number of events as long as any single art related event does not exceed 7 consecutive days per calendar year.
5. Special Events shall not compete with or have any adverse monetary (sales) and foot traffic effect on the local business.
6. We request City Council to sign off on every Special Event permit prior to issuance to ensure adherence to ordinance.

In addition to both petitions, City Council and staff have received hundreds of emails from citizens and merchants either in support of revoking the permit/prohibiting vendor sales at the Waterfront, or in support of Artisan Markets.

*Artisan Markets* - Audrey Thacker is the president and founder of the Scottsdale Artisan Markets. The Artisan Markets event takes place at the Marshall Way Bridge, Stetson Plaza and Arizona Canal banks. According to the event application (Attachment 2), the event features 70 local artisans and a few food vendors. Artists, which can range from glass art and photography to wearable art and artisan foods, are required to go through a juried process. The average attendance for Thursday markets is 1,500 and for Sunday markets is 3,000. Artisan Markets has also partnered with the 5<sup>th</sup> Avenue Merchants Association and Scottsdale Public Art to be part of other larger events as well.

Artisan Markets has requested and received special event permits annually since 2009. The event initially consisted of two separate events on Thursday and Sunday, but over time the two events became very similar, with the Sunday event being larger in scope than the Thursday night event. The events were eventually combined on one application because of the similarity. Concerns have been raised over the event in 2012 and 2014, primarily by 5<sup>th</sup> Avenue merchants. In both instances, concerns raised in petitions provided to the Special Events Committee were believed to be mitigated through meetings with staff, merchants and Ms. Thacker.

Most of the area on which the event is located is city right-of-way, although a small portion is on private property. The public land portion includes the canal bank and Marshall Way Bridge, which are on federal government property managed by Salt River Project. City property includes Stetson Plaza and the Hashknife Plaza. The private property portion is by Olive and Ivy and is on private property managed by the Scottsdale Waterfront Association, which has agreed to its use. On Sundays, the event also extends along the south canal bank east of the bridge. This is also on federal government property. (See maps on pages 5 and 6 of Attachment 2).

*Waterfront Special Events* - Artisan Markets and other special events use the Waterfront area. Other events that have used this area include the Italian Festival, Viva: A Valley Kids Foundation Benefit; Taste of the Town; Tango Under the Stars and the Original Taste. While Artisan Markets is the only regularly occurring event at the Scottsdale Waterfront, Downtown Scottsdale also hosts two other recurring events, Food Truck Caravan on Saturday nights at the Rose Garden parking lot northwest of Goldwater Boulevard and 5th Avenue; and the Farmer’s Market held Saturdays at the Old Town Parking Corral.

According to the council report approving construction of this area the canal bank improvements were specifically designed for special events such as art shows and farmer's markets. The bridge and walkways include accommodations for vendor tents and have outlets at area lights to provide electricity for these activities. The project linked the north and south sides of the canal so that Fashion Square customers and people taking advantage of the public parking in the Nordstrom's garage could transit to the 5<sup>th</sup> Avenue shops while passing through the special events taking place on the canal. Initial improvements were completed in 2007, the Soleri Bridge and plaza in 2010 and pathways on both sides of the canal were completed in 2015 with the last phase on the north side between Marshall Way and Goldwater when Broadstone was built.

*Special Events Committee Review* - The Special Event Ordinance governs the Special Events Committee's review, approval, and appeal of submitted event requests. The purpose as stated in the ordinance is to "promote special events while protecting nearby neighborhoods and the public health, safety and welfare, and to provide for safe traffic control, public sanitation facilities and emergency care." The committee is comprised of staff from seven departments including Fire, Parks and Recreation, Planning and Development Services, Police, Risk Management, Tourism & Events, and Transportation. Members have expertise on a variety of event issues related to event impacts, such as sound, access, parking, street closures and notification, as well as public safety needs, including security, fencing, liquor management, emergency access and barricade placement.

The Artisan Markets application was received by the City of Scottsdale on April 16, 2015 and started the review process. In the meantime, concerns about the Artisan Markets impacts to the downtown art galleries were raised with the city manager in a meeting May 18, 2015. Following that meeting, staff began working with art galleries to identify and address concerns about lack of city support and concerns about impacts from the Artisan Markets event (Note: These conversations are ongoing, and the Scottsdale Gallery Association is currently developing an action plan). Ms. Thacker was asked to reach out to the Scottsdale Gallery Association to see if their concerns about Thursday ArtWalk could be addressed. She contacted the SGA president, staff attended the SGA meeting July 28, 2015 to listen to concerns, and staff received the SGA's formal opposition letter (included in Attachment 2, pp. 24-25).

On August 8, 2015, the Special Events Committee reviewed the Artisan Markets event application, including all letters and emails of opposition and support received at that time. Following the established process, the applicant, Ms. Thacker attended the meeting to discuss the event request and ways to address concerns (Note: When the committee receives any concerns about events, the applicant is asked to reach out to the concerned parties to determine if solutions can found. This often results in success). Ms. Thacker explained that she contacted the Scottsdale Gallery Association which responded by voicing its concerns in a letter from the board. The committee considered the emails and letters of concern, the applicant's proposed response to those concerns, the letters of community and business support for the event, and discussed solutions to address those concerns. The committee approved the application, finding no reason to deny the application based on the criteria outlined in the Special Events Ordinance.

A summary of this decision was provided to the City Council and forwarded to the SGA and other interested parties following the meeting. The email stated reasons for approval, including that the committee had no firm evidence that customers were not attending the Art Walk event due to the

Artisan Markets event. In addition, at the time, letters of support included businesses and residents located immediately nearby the Artisan Markets location, while the letters of concern are from art galleries located further away. The committee felt both events could be successful and coexist. It was known this was not the outcome the SGA requested, but also known that there would be an opportunity to address concerns about the current Special Events Ordinance at the City Council meeting on August 31, 2015.

In addition, City staff committed to assist with solutions, working with the SGA, developing ways to increase foot traffic to the ArtWalk. Possible ideas were identified by Ms. Thacker, as well as city staff including:

- Creating additional signage at the Waterfront area promoting ArtWalk
- Placing signs directing people to the ArtWalk or to a trolley which takes them there
- Adding an ambassador at the Waterfront to promote ArtWalk by providing maps/materials
- Creating a well-signed trolley stop from the Waterfront area to ArtWalk
- Increased activation of ArtWalk outdoor areas with live demonstrations or musical talent.
- Staffing the Artisan Markets' information booth with an SGA representative

## ANALYSIS AND ASSESSMENT

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This section addresses each reason raised by the petitioners.

**We, ... petition the Scottsdale City Council to direct the Special Events Committee to immediately rescind the permit recently issued to Artisan Markets ...**

Once a permit is approved, the Zoning Ordinance at Scottsdale Revised Code § 7.927 limits the City's ability to revoke the permit. It can do so only if one of three conditions exists:

- A. failure to conduct the event as presented on the application;
- B. failure to comply with special conditions in the approval;
- C. if the event poses a threat to public health, safety or welfare.

Permit issuance and revocation is governed by the current ordinance and the Council does not have the ability to revoke or rescind a special events permit. The City Council could ask the City Manager to look into the validity of a particular permit, but it cannot revoke the permit, and it cannot direct staff to revoke it.

**Conclusion:** The City Council cannot direct the Committee to revoke (rescind) the permit, but can request the City Manager to review it as provided for in the ordinance.

- 1. The Special Event Committee has no authority under the current ordinance to grant Permits on public property such as canal bank, Fifth Avenue and Craftsman Court;**

The Streets Ordinance provides for special events on public right-of-way, and directs that they be governed by the provisions of the Zoning Ordinance dealing with special events. While the Special Events Ordinance (S.R.C. § 7.900-7.930) states that events occurring on public property are exempt from the provisions of the Special Events section of this Zoning Ordinance, S.R.C. § 47-41 states that

special events in the right-of-way are subject to the requirements of the Zoning Ordinance, and S.R.C. § 47-50 requires special events in the right-of-way to obtain a permit to work in the right-of-way (PWR) in conjunction with a Special Event. It was a PWR/Special Events permit that was requested and issued for this and the more than 100 annual events that take place in city rights-of-way, such as streets, highways, alleys, trails, paths and sidewalks.

**Conclusion:** The City Code gives the Committee authority to review and issue such a permit.

**2. The granting of this permit for a mere \$159 fee for twice a week during seven (7) months constitutes a gift, which is prohibited by the City Charter and the Arizona State Constitution;**

The fees charged for this event were issued per the fee schedule approved by the City Council (Resolution No. 10124), and include a permission to work in the right-of-way (PRW) base fee of \$159, coupled with a pre-application fee required for permit applications of \$87, for a total of \$246. The fees are per application, not per event day. There are no other fees authorized by the City Council for the use of this area. If additional fees or increases of existing fees are proposed they need 60 days' notice under state law before approval can be considered by the City Council.

In addition, for the Arizona Canal banks area covered in part by this permit, event producers must work with Salt River Project directly for approval and payment of a license. This is because the canal banks are federal government property, and SRP manages this property for the federal government. Even though the city has made improvements to the canal banks area (bridges, paths, etc.), these are city rights-of-way across federal property – the city does not own the property. The city is not a party to the license agreements with SRP. SRP has stated that the fees depend upon a number of factors, including non-profit vs. commercial, etc. Like the city they also have insurance requirements. Based on information obtained from SRP, the annual license fee for the 2015-16 season is \$1,350. SRP requires all users to also obtain a Special Event Permit from the city.

If the City does not have the ability to charge rent for the use of the SRP land then in this instance there cannot be a violation of the Gift Clause or the City Charter for the City to fail to do so. The City cannot give away what it does not own, and it does not own the right for people to use this particular land for a fee.

Since some of the Artisan Markets event is on City property, it must also be considered whether that constitutes a gift. Staff has looked at a number of factors relating to the Artisan Markets, such as that the use area was specifically designed for public events, that the event does not close off the right-of-way so it is still available for pedestrian and similar uses, and the permit imposes certain requirements on its holder that differ from, for example, a simple street closure, and has determined that the administrative fee charged is consistent with the customary and usual charges in the area when a city is trying to provide this type of event for its citizens.

That leaves open the policy question of whether the City wants to continue to allow this type of event at this location for this duration, but if it does it appears that the city has taken into account the factors that are appropriate for determining a charging structure. In any event, the Council has approved the fee to be charged for special event permits, so any change by staff would require

Council approval.

**Conclusion:** The granting of this permit does not constitute a gift under the Charter or state law.

**3. This permit will negatively impact surrounding businesses which is a violation of the current Special Events policy.**

As noted in the background section, the Special Events Committee did consider the claims made that the event would negatively impact nearby businesses, and the committee found that there was no firm evidence that customers were not attending the Art Walk event or other local businesses due to this event. That being said, since the permit was approved there have been many additional emails received from local merchants stating that the event is harmful to their business.

The procedures outlined in S.R.C. § 7.925 are designed to ensure that special events are conducted in a location and a manner that's consistent with the public health, safety and welfare. These include determining what measures, if any, are necessary to protect the public health, safety and welfare during the special event. Identified as reasonable requirements include the employment of security or traffic control personnel; proof of adequate insurance; securing appropriate business licenses; and providing a sanitation cleanup plan. The applicant may appeal to the Zoning Administrator any condition or requirement not reasonably related to meeting the intent of the Special Events Ordinance.

The Committee has not previously considered that vendor sales at a special event could be detrimental to businesses in the area, and has never denied an event on those grounds. Clearer language could be included in the revised Special Events Ordinance that could provide better direction to the Committee moving forward, if that's the Council's intent.

**Conclusion:** Although it's recognized that businesses have claimed the event negatively impacts them due to a decrease in customers and sales, this does not appear to be a condition for which the Committee can verify to deny approval or revoke the permit under the current ordinance, and there's no evidence that the Special Events Ordinance has been violated.

## OPTIONS

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The City Council could:

1. Ask the City Manager to look into the validity of the Artisan Markets' permit in light of the allegations that it is harming the local businesses.
2. Ask the City Manager to use the Special Event Ordinance revision process to address concerns relating to the Artisan Markets and other related events, such as those identified in the initial August 25, 2015 petition to the City Council. This could prevent the Artisan Markets from receiving a new permit once the new ordinance takes effect, but would not affect the current permit.
3. Take no further action on the petition.

**RESPONSIBLE DEPARTMENT/STAFF CONTACT**

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Cheryl Sumners, Events Manager, Tourism & Events Department, [csumners@scottsdaleaz.gov](mailto:csumners@scottsdaleaz.gov)

**APPROVED BY**

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Brent Stockwell, Assistant City Manager  
480-312-7288, [bstockwell@scottsdaleaz.gov](mailto:bstockwell@scottsdaleaz.gov)

9/20/15

Date



Brian Biesemeyer, Acting City Manager  
480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)

9-22-2015

Date

**ATTACHMENTS**

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1. Sept. 8, 2015 Petition and Sept. 21 Supporting Signatures
2. Artisan Market Application
3. Artisan Market Permit Stipulations



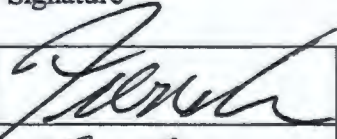



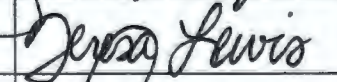

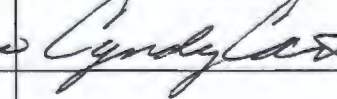
ARTISAN MARKETS PETITION TO CITY COUNCIL

PETITION

September 2015

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Date	Printed Name	Signature	Contact Postal Address (Business name, Street Address)
Sept 4, 2015	French Thompson		7148 East Main Street French Designer Jeweler, Scottsdale
9/4/15	PAUL EUBANKS		7103 E MAIN ST SCOTTSDALE GALLERY RUSSIA
9/4/15	Mary L. Brennan		7156 E. MAIN ST 85251 (Brennan)
9/4/15	JANE PHILLIPS		7525 E. COOLIDGE ST. SCOTTSDALE, AZ 85251
9/4/15	TERESA LEWIS		4168 N. Marshall Way Scottsdale 85251 Touchstone Gallery
9/4/15	Veronica Graftios		4201 North Marshall way Scottsdale, AZ 85251
9/8/15	Cyndy Cantano		CARSTEN'S FINE ART 85251 7077 E MAIN STR #5 SCOTTSDALE, AZ

2015 SEP -8 AM 11:36

OFFICE OF THE  
CITY CLERK



September 2015

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[illegible]

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Date \_\_\_\_\_

Printed Name \_\_\_\_\_

**Signature**

**Contact Postal Address (Business name, Street Address)**

[illegible]

To: Fritz Behring, Mayor Lane & Scottsdale City Council

SEPTEMBER 18, 2015

From: Southbridge Scottsdale Merchants and Stetson Drive Merchants

RE: ARTISAN MARKET PERMITS / SEE ATTACHED: PETITION WITH SIGNATURES (36 signatures)

To all concerned, we the merchants of SOUTHBIDGE SCOTTSDALE and STETSON DRIVE MERCHANTS wish to express and voice our opposition in granting the permit to the "ARTISAN S MARKET" 2015-2016 venue by way of this petition. There has been strong opposition over the course of the last 4 years since 2011 to rescind the "ARTISAN MARKETS" permit. We believe it is a detriment and insulting to our businesses for a multitude of reasons as expressed herein.

First and foremost, the parking in this area is hardly sufficient to accommodate our customers. With the addition of people coming for the "craft fair" it is unfair that our precious parking be taken for people attending this venue. The people that operate these booths park in our limited spaces, unpack their wares and leave their vehicles on the street until it is time to pack up and leave.

We strongly resent that as brick and mortars, we are obligated to remain here year round whereas this band of "ARTISANS" are free to roam about the country as fair weather opportunists. We greatly resent that we pay exorbitant monthly rental expenditures with high overhead and taxes, payroll, insurance where as these vendors are able to "Pitch Their Tents" for a mere \$50.00. It is egregious and inexcusable that you charge Audrey Thacker, what amounts to a paltry \$22.50 a month in contrast to the thousand we pay monthly.

We strongly resent that we are obligated to collect and pay close to 8% sales tax for the city and the state that go directly to funding our social services, whereas these vendors dealing on a strictly cash basis contribute nothing if anything to pay into the tax base that contributes to the city and its maintenance. We pay for these services and we are not in the business of supporting others that contribute nothing at all.

The "Artisans Market" / ( promoter/Ms. Thacker ) occupy prime public real estate during our prime selling season and we are expected to pay to clean up after them twice a week after their departure. The fact that you would continue to allow these vendors to infringe upon our prime selling season when so much of our annual income relies on this season amounts to a betrayal of the city towards the brick and mortar businesses and is unacceptable!! There are certainly other locations where these "Artisans" can pitch their tents to conduct their business without infringing on our rights as tax paying local citizens and merchants.

In addition, we take great offense to the fact that there is absolutely no consideration on their part as to whom they rent their booths to and most often it is direct competition to the locally established brick and mortar stores.

2015 SEP 21 PM 12:37

OFFICE OF THE  
CITY CLERK

In light of this information and a mountain of opposition from not only ourselves but the 5<sup>th</sup> Avenue merchants and the Scottsdale Gallery Association, we would greatly appreciate our rightful concerns not only be heard but addressed by denying and rescinding the permit to allow the "Artisans Market" venue to continue in any capacity. We believe our concerns to be fair and legitimate and we have the right not only to be heard but accommodated.

We believe in the free market system but not when it is free to the "Artisan Market" ( promoter/ Ms. Thacker ) at the expense of the rest of the community. We respectfully request that the permit for this venue be rescinded.

THANK YOU IN ADVANCE FOR YOUR CONSIDERATION,

**SCOTTSDALE SOUTHBRIDGE MERCHANTS**

**STETSON DRIVE MERCHANTS**

**5<sup>TH</sup> AVENUE MERCHANTS**

PETITION: WE THE UNDERSIGNED ARE AGAINST ISSUING THE PERMIT TO ARTISAN MARKETS  
and are in full support of the Scottsdale Southbridge Merchants letter dated Sep 18, 2015 Re: Artisan Markets.

[illegible]







## Special Event Permit Pre-Application and Concurrent Application

109-SE-2015

425 - PA - 2015

### Purpose:

Thank you for choosing Scottsdale as the location for your event. The purpose of the Pre-Application submittal, and Special Events Committee meeting, is for the applicant and City Staff to discuss the proposed special event request and the information and process that is necessary for City Staff to process an application that complies with all rules, regulations and best practices for a safe event.

### Submittal:

This form and all required materials and the \$87 pre-application fee should be submitted in person to the One-Stop-Shop located at 7447 East Indian School Road. All checks shall be payable to "City of Scottsdale."

### Scheduling

After this packet has been accepted at the One-Stop-Shop, a staff member will contact the Applicant within five (5) Staff Working Days to schedule a meeting with the Special Event Committee. Generally, a meeting is scheduled within five (5) to fifteen (15) Staff Working Days from the date of the submittal. Meetings are held Wednesdays at our Current Planning office located at, 7447 E. Indian School Rd, suite 105. The committee is comprised of representatives of various city departments with differing areas of expertise. The meeting is informal and you can ask questions, solicit suggestions, and even modify your event plans. Once an application is approved, the Special Event Permit fee is \$105 if the event is held on private property and \$159 if held on public property (fees subject to change every July). This fee is separate from your \$87 pre-application fee.

### Public Information

Please note the information you provide becomes public information.

CONTACT INFORMATION
Name of Applicant and Company or Business: Audrey Thacker   Artisan Markets, LLC
Event Address: 7134 E Stetson Dr.   Scottsdale, AZ 85251
Mobile Phone: 602-314-0323
E-mail: audrey@artisanmarketsaz.com
On-Site Person Responsible for Event Operations: Audrey Thacker
Company: Artisan Markets, LLC
Mobile Phone: 602-314-0323
E-mail: audrey@artisanmarketsaz.com
Property or Business Owner:
Company:
Address:
Mobile Phone:
E-mail:

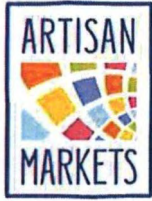
Page 1 of 10

Current Planning Department

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088

ATTACHMENT 2





## Scottsdale Artisan Market

October through April 2015/2016

Complete list of dates and narration

The Scottsdale Artisan Markets takes place along the Marshall Way Bridge, Stetson Plaza, the canal and down to the Soleri Plaza. We feature over 70 local artisans with a few food vendors mixed in. Our vendors range from glass art, photography, wearable art, artisan foods (muffins, baked goods, olive oils, hot sauce and sorbetto), and more. Artists are required to go through a jury process and we hand select vendors that represent quality and uniqueness, as well as, their ability to market the area and their participation in the events.

Last season we spent significant dollars in advertising and marketing initiatives to bring people from all over the Valley and beyond to enjoy not only our festival, but the surrounding area. Our average attendance for the Thursday markets is 1500 and for our Sunday market is 3000. During our full weekend festivals the average attendance ranges from 10-30,000 (depending on event and time of year).

These markets have proven to be a valuable asset to the community and we have developed partnerships with the 5<sup>th</sup> Ave Merchants Association, Scottsdale Public Art and more! Artisan Markets is dedicated to the success of the entire area and brings vibrancy and excellent customer experience to visitors and residents alike.

### Complete list of dates for the 2015/2016 Season:

#### **October 2015:**

Thursdays: 10/8, 10/15, 10/22, 10/29

Sundays: 10/11, 10/18, 10/25

#### **November 2015:**

Thursdays: 11/5, 11/12 (Fall for the Arts Date), 11/19, 11/26-No event (Thanksgiving)

Sundays: 11/1, 11/8, 11/15 ( Fall for the Arts Date), 11/22, 11/29

#### **December 2015:**

Thursdays: 12/3, 12/10, 12/17, 12/24 (No Event-Christmas Eve), 12/31-No Event (New Years Eve)

Sundays: 12/6, 12/13, 12/20, 12/27 (After Holidays Event)

#### **January 2016:**

Thursdays: 1/7 (No Event-New Years Break), 1/14, 1/21, 1/28

Sundays: 1/3 (No Event-New Years Break), 1/10, 1/17, 1/24, 1/31

**February 2016:**

Thursdays: 2/4, 2/11 (No Event- Thunderbird Artists), 2/18, 2/25 (Canal Convergence Weekend-SPA permit)

Sundays: 2/7, 2/14 (No Event-Thunderbird Artists), 2/21, 2/28 (Canal Convergence Weekend-SPA permit)

**March 2016:**

Thursdays: 3/3, 3/10, 3/17, 3/24, 3/31

Sundays: 3/6, 3/13, 3/20, 3/27

*Italian Festival*

**April 2016:**

Thursdays: 4/7, 4/14, 4/21, 4/28

Sundays: 4/3, 4/10, 4/17, 4/24

(Total of 47 combined Thursdays and Sundays)

**Special Event Weekends:**

Fall for the Arts: November 12-15, 2015

Small Business Saturday: November 28, 2015

After Holidays Celebration: December 26-27, 2015

**Submittal Requirements: Please submit materials requested below. All plans must be folded.**

☒ **Pre-Application Fee: \$87.00 (fees subject to change every July)**

### EVENT INFORMATION

☒ **Event Name:** Scottsdale Artisan Market

☒ **Will the event occur on City of Scottsdale property or in a public street (right-of-way) Yes ☒ No ☐**

☒ **Event Address:** 7134 E Stetson Dr. | Scottsdale AZ 85251

☒ **Event Website (required if available):** www.artisanmarketsaz.com

☒ **Event Description (or attach narrative):**

Artisan Markets is a community that has just about everything: waterfront views, interesting people, local works of art, live music, and things for the kids to do. Thursdays and Sundays- October through April

**Event Includes Outdoor Music? Yes ☒ No ☐ If yes, complete the information section on page 6.**

Event Details Dates and Times					Event Attendance
	Date	Day of Week	Start Time	End Time	Estimate
Setup	See Attached				
Day 1					
Day 2					
Day 3					
Day 4					
Day 5*					
Clean Up Complete					
*If event duration is more than 5 days, attach additional page(s). Total Anticipated Attendance:					3000 per day

### SPECIAL EVENT SITE PLAN

☒ **Site Plan:** A detailed site plan is required—applications will not be processed without it. Attach separate document(s). Site plans should clearly show the location of the event, areas used for parking, fencing, entry/exit points, tents/canopies (include dimensions), stages (include dimensions), generators, bars, tables/chairs, portable restrooms, signs, etc. A route map is required for distance events such as walks, runs, rides, and parades.

Useful mapping resources include (print and draw on map):

Maricopa County Assessor at <http://maps.mcassessor.maricopa.gov/maps/default.aspx>

City of Scottsdale Digital Map Center at <http://eservices.scottsdaleaz.gov/dmc/default.aspx>



SouthBridge SunDays  
10-4 pm  
7134 E Stetson Dr | Scottsdale, AZ 85251

Olive & Ivv Circle/Plaza

Stetson Plaza

Stetson Plaza-Canal  
Table only spaces

Canal

- |     |     |     |     |
|-----|-----|-----|-----|
| 1.  | 24. | 41. | 51. |
| 2.  | 25. | 42. | 52. |
| 3.  | 26. | 43. | 53. |
| 4.  | 27. | 44. | 54. |
| 5.  | 28. | 45. | 55. |
| 6.  | 29. | 46. | 56. |
| 7.  | 30. | 47. | 57. |
| 8.  | 31. | 48. | 58. |
|     | 32. | 49. | 59. |
|     | 33. | 50. | 60. |
| 9.  | 34. |     | 61. |
| 10. | 35. |     | 62. |
| 11. | 36. |     | 63. |
| 12. | 37. |     | 64. |
| 13. | 38. |     | 65. |
| 14. | 39. |     | 66. |
| 15. | 40. |     | 67. |
| 16. |     |     | 68. |
| 17. |     |     | 69. |
| 18. |     |     | 70. |
| 19. |     |     | 71. |
| 20. |     |     | 72. |
| 21. |     |     | 73. |
| 22. |     |     | 74. |
| 23. |     |     | 75. |
| 24. |     |     | 76. |
| 25. |     |     | 77. |

Set-up Times

Bridge

-  7:30 - 7:45 am
-  7:50 - 8:05 am
-  8:10 - 8:25 am
-  8:30 - 8:45 am
-  8:50 - 9:05am
-  8:10 - 9:25 am  
Table Only Spaces
-  Music





**Thursdays  
5-10 p.m.**

**artisanmarketsaz.com**

**602.314.0323-Audrey**

**7134 E Stetson Dr  
Scottsdale, AZ 85251**

**FREE Parking under  
Barrio Queen  
Restaurant off of  
Stetson**

**AND  
FREE Parking at the  
Scottsdale Waterfront  
just under Olive and  
Ivy**

**Set-up time is between  
3 pm and 4:45 pm**

**C Requires 10x10 white canopy**

**T Table only spaces**



## ArtBridge ThursDays Vendor Layout

- |     |     |
|-----|-----|
| 1.  | 19. |
| 2.  | 20. |
| 3.  | 21. |
| 4.  | 22. |
| 5.  | 23. |
| 6.  | 24. |
| 7.  | 25. |
| 8.  | 26. |
| 9.  | 31. |
| 10. | 32. |
| 11. | 33. |
| 12. | 34. |
| 13. | 35. |
| 14. | 36. |
| 15. | 37. |
| 16. | 38. |
| 17. | 39. |
| 18. | 40. |
|     | 41. |

## PUBLIC SAFETY

Applicant is responsible for providing a safe and secure event. This includes the event venue, event parking areas, and adjacent areas affected by the event. Applicant must ensure adequate personnel are present to provide general security, maintain order, contain liquor to licensed premises, protect money, provide medical assistance, etc. Depending on the nature of the event, private security personnel and/or off-duty police officers may be required.

To hire Scottsdale PD off-duty officers, call 480-312-4385 or click [here](#). The Scottsdale Fire Department recommends an emergency medical standby when daily attendance exceeds 5,000 people. Occupancy loads must adhere to that which is set by the Fire Department.

The event will include the following (check all that apply):

### Security Personnel

☒ In-house staff and/or volunteers

☐ Hired security personnel

Company name: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone number: \_\_\_\_\_

☐ Hired off-duty police officers. Estimated number: \_\_\_\_\_

☐ Scottsdale PD off-duty officers

Other agency name: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone number: \_\_\_\_\_

### Medical Standby

☐ Standby emergency medical staff (paramedics/EMTs)

Company name: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone number: \_\_\_\_\_

## PARKING and TRAFFIC

Applicant is responsible for ensuring adequate parking for attendees and for minimizing any negative impacts to adjacent areas. Applicant is responsible for obtaining authorized approval for any private parking areas. For events using volunteers for traffic control (e.g., course marshals), event volunteers cannot direct traffic in the street. They may provide guidance from the sidewalk, other pedestrian area, or on a closed street.

The event will include the following (check **all** that apply):

- ☒ Existing public parking (city parking lot, city parking garage, on-street parking)
- ☐ On-site parking (may require property owner and/or landlord approval)
- ☐ Off-site parking (Parking Agreement form required)
- ☐ Parking on a dirt lot (dust control is required)
- ☐ Shuttle service from off-site parking areas (attach shuttle plan)
- ☐ Taxi service
- ☐ Valet service (provide a valet parking plan from the valet company)

Valet company: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone number: \_\_\_\_\_

## STREET CLOSURE

Applicant is responsible for hiring a barricade company for any street, alley, lane, or public sidewalk closure. The City of Scottsdale does not provide barricades. Show proposed closures on the Special Event site plan. Any street closures and barricade set-up/removal shall match the approved barricade plan on file. Oversight of barricade set-up is the responsibility of event applicant. Discrepancies or safety issues may result in the delay or cancellation of the event.

The event will include the following (check **all** that apply):

- ☐ Sidewalk closure
- ☐ Street, alley or lane closure (barricade plan required)

Barricade company: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone number: \_\_\_\_\_



## INSURANCE

All special events taking place on City property require the event holder to carry liability insurance for their own protection as well as insurance protection for the City of Scottsdale. Required coverage and limits will be at the discretion of the Risk Management Division depending on the size and scope of the event. Prior to the issuance of your Special Event Permit, the event producer must submit a Certificate of Insurance with the insurance limits and coverage's shown in the table below are in full force and effect and must name the City of Scottsdale as an Additional Insured. For questions, contact Risk Management at 480-312-2490.

<b>Commercial General Liability</b> (required from all event producers)	\$1,000,000	Each Occurrence
	\$2,000,000	Products – Completed Operations
	\$2,000,000	General Aggregate
<b>Liquor Liability</b>	\$1,000,000	Each Common Cause and Aggregate
OR (depending on event)	\$5,000,000	Each Common Cause and Aggregate

Check one:

- ☐ None of my event takes place on city property (city facility, street, sidewalk, right-of-way, etc.).
- ☒ All or a portion of my event takes place on city property and I will provide the required insurance.

## OUTDOOR ENTERTAINMENT

Applicant is **required** to have an event staff member responsible for monitoring sound levels when sound/music/noise may be audible beyond the event venue. Noise complaints can result in calls for service from the Scottsdale Police Department. A police officer or Code Enforcement inspector may require the volume to be reduced or ceased based on complaints or unreasonable sound levels.

The event will include the following (check **all** that apply):

- ☒ Live Band and/or DJ      Name of bands/performers: Varied
- ☐ Pre-recorded Music

Date	Live Band		DJ		Pre-recorded Music	
	Start Time	End Time	Start Time	End Time	Start Time	End Time

- ☒ PA System    ☐ Fireworks / Pyrotechnics
- ☒ Sound/music/noise may be audible beyond the event venue; therefore, an event staff member will be assigned to monitor the sound level during the event to ensure sound does not unreasonably disturb the surrounding area.

Contact person: Audrey Thacker      Phone number: 602-314-0323



### TENT AND CANOPIES

A tent permit issued by the Scottsdale Fire Department is required for any tent 400 square feet or larger (20 feet x 20 feet or larger). Tents shall be shown on the Special Event site plan. For additional information, call 480-312-1853 or click [here](#). Tent permit applications must be received by the Scottsdale Fire Department at least 10 days prior to the event.

- ☐ There will be tents 400 square feet or larger.

Supplier: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone number: \_\_\_\_\_

### GENERATORS

A commercial minimum electrical permit issued by Permit Services is required for any generator 20kw or larger. Location of the generator shall be shown on the Special Event site plan. For additional information, click [here](#).

- ☐ There will be a generator 20kw or larger.

Licensed contractor: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone number: \_\_\_\_\_

### SIGNS and BANNERS

Signs and banners are regulated by the Zoning Ordinance and will be reviewed as part of the application request. Approved signs and banners may only be posted on the day of the event. Fence wrap graphics must face the interior of the event venue.

The event will include the following (check **all** that apply):

- ☒ Directional signs (show locations on Special Event site plan and/or area map)  
☐ Signs or banners visible from **outside** the venue (show locations on Special Event site plan)

Describe (include dimensions and wording): \_\_\_\_\_

### VENDORS

If vendors (food, retail sales, display/information, games, etc.) will be present at your event, you must supply a list of vendors with this application and also contact the City of Scottsdale Tax and License Department at 480-312-7625. For additional information, click [here](#).

The event will include the following categories of vendors (check **all** that apply):

☒ Food    ☒ Retail    ☒ Display/Info    ☐ Games    ☐ Other: \_\_\_\_\_



## SANITATION

Applicant is responsible for (a) having a sufficient number of containers to handle all trash generated by the event; (b) removing trash during and after the event; (c) completely cleaning the site and adjacent/affected areas after the event; and (d) providing a sufficient number of restroom facilities (including ADA accessible facilities). If any portion of the event takes place on city property and city personnel need to perform additional cleaning due to your event, **you will be billed** by the City of Scottsdale for this service.

To arrange for garbage dumpster by the City of Scottsdale, call 480-312-5600 or click [here](#) for additional information.

The event will include the following (check all that apply):

- ☐ Garbage dumpsters (show on Special Event site plan)

Sanitation company: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone number: \_\_\_\_\_

- ☐ Portable restroom facilities (show on Special Event site plan)

Restroom company: \_\_\_\_\_

Contact person: \_\_\_\_\_ Phone number: \_\_\_\_\_

## LIQUOR

If liquor is present at your event, state law requires liquor to be contained within the event venue. A liquor license is required if the event is open to the public, or if there is a fee for admission, food or drink. Anyone serving liquor must be familiar with state liquor laws. See the Arizona Department of Liquor Licenses and Control [website](#) for additional information. Use adequate fencing and security personnel to prevent alcohol from being removed from your liquor licensed premises.

Check only one:

- ☒ Liquor will **not** be present at the event.
- ☐ Liquor will be present, but the event is private (i.e., invitation-only, not open to the public), there is no fee for admission, food or drink, and donations will not be solicited.
- ☐ The event is adjacent to an existing liquor establishment (restaurant or bar) and the establishment will temporarily extend their liquor-licensed premises to include my event. The liquor establishment must complete the Arizona Department of Liquor Licenses & Control (DLLC) Extension of Premises form (click [here](#)) and you must include this completed form (signed and notarized) with your event application. Once approved by the city, you must take the form to Arizona DLLC at 800 W. Washington, 5<sup>th</sup> Floor, for issuance of the actual extension permit. For additional information, call 602-542-5141.
- ☐ Liquor will be present and I am making arrangements with a charitable, civic, fraternal, political party/campaign committee, or religious organization for Special Event Liquor License (SELL). The SELL form available from Tax and License at 480-312-2400 (or click [here](#)). The SELL approval process is handled through Tax and License and SELL applications should be submitted at least 21 days prior to the event.

Organization name: \_\_\_\_\_

## EVENT NOTIFICATION

Notification is required to inform nearby or affected businesses, property owners and [HOA's](#) within 300 feet at least two weeks prior to the event. Notification is required for events with off-site parking, outdoor amplified sound, street closures, fireworks, or other notable impact to adjacent areas. Notification letters must include a detailed description of the event including setup and teardown times, starting and ending times for outdoor music, estimated attendance, and the event organizer's name and mobile phone number for contact before, during and after the event for all street closures.

Use the Neighborhood Input form to obtain feedback from property owners immediately adjacent to the portion of the street being closed (click [here](#)).

If applicable, event notification will be made by (check **all** that apply):

☐ Mail

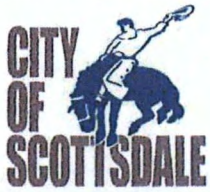
☒ E-mail

☐ Door hangers

☒ Fliers

☒ In person

☐ Other: \_\_\_\_\_



# Special Event Permit Application

## APPLICANT AUTHORIZATION

To the extent allowed by law, Applicant agrees to defend, indemnify, and hold harmless the City of Scottsdale, its agents, officials, and employees from and against all claims, damages, losses, injuries, illness, accidents relating to, arising out of, or resulting from, the use of this Special Event Permit Application and the information contained therein, and its resulting permits.

Applicant acknowledges that the information provided in this application is true and accurate to the best of Applicant's knowledge and belief.

Applicant understands that failure to comply with the conditions or stipulations of this permit including but not limited to liquor control, traffic control, insurance requirements, clean up conditions, noise volumes and event start and end times, will be considered as a critical element of the review of any subsequent applications. Gross failure may disqualify you from being issued a Special Event Permit in the future.

For athletic events (Walking, Running, Swimming, Biking) which include a liability waiver that participants are required to sign in order to participate, the event sponsor is required to include in the waiver either the City of Scottsdale by name or by reference as premises owner or property owner.

**I have read, understand and agree to comply with all the information provided in the Special Events Permit Application.**

  
\_\_\_\_\_  
Signature of Applicant

**4/16/2015**

\_\_\_\_\_  
Date

**Audrey Thacker | President | Founder**

\_\_\_\_\_  
Printed Name and Title of Applicant (Person signing must be the same person who is listed as the applicant on page 1.)





# Special Event Permit

## Neighborhood Input

### NEIGHBORHOOD INPUT FOR SPECIAL EVENT

Make additional copies of this form as needed.

Event Name: Scottsdale Artisan Market

Event Dates/Times: Thursdays 5-10pm / Sundays 10-4pm  
October - April 2015-2016

#### READ BEFORE SIGNING:

By signing my name below, I hereby declare I am an authorized representative of the listed business (owner, manager, or other person with authority) and I have been informed by the event applicant/designee about the details of the event, including, but not limited to, street closures, date/time and nature of the event.

By marking "No Concerns", hereby declare I have no significant concerns about the event taking place. By marking "Concerns\*", I hereby declare I have significant concerns about the event taking place.

\* If you have concerns about the event, or if you would like to discuss the event with the Chair of the Special Events Committee, please call Cheryl Sumners at 480-312-7834 or email [CSumners@scottsdaleaz.gov](mailto:CSumners@scottsdaleaz.gov).

As the authorized person, I have ☒ No Concerns ☐ Concerns\* about the event taking place.

Business Name: Olivia and Ivy

Address: 7135 E. Camelback Rd #195

Phone Number: 480 751 2200

Name and Title (PRINT): Kim Bowers, GM

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

Current Planning Department

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088



# Special Event Permit Neighborhood Input

## NEIGHBORHOOD INPUT FOR SPECIAL EVENT

Make additional copies of this form as needed.

Event Name: Scottsdale Artisan Market

Event Dates/Times: Thursdays 5-10pm / Sundays 10-4pm  
October - April 2015/2016

### READ BEFORE SIGNING:

By signing my name below, I hereby declare I am an authorized representative of the listed business (owner, manager, or other person with authority) and I have been informed by the event applicant/designee about the details of the event, including, but not limited to, street closures, date/time and nature of the event.

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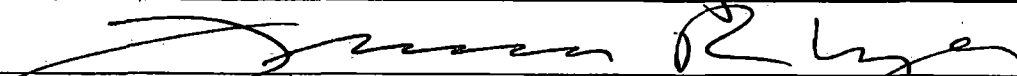
\* If you have concerns about the event, or if you would like to discuss the event with the Chair of the Special Events Committee, please call Cheryl Sumners at 480-312-7834 or email [CSumners@scottsdaleaz.gov](mailto:CSumners@scottsdaleaz.gov).

As the authorized person, I have ☒ No Concerns ☐ Concerns\* about the event taking place.

Business Name: SouthBridge Station Condo Association

Address: 7134 E. Station #400 Phone Number: 480 874 1002 x11

Name and Title (PRINT): Frederick R. Unger President



As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

Current Planning Department

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088





## Special Event Permit Neighborhood Input

NEIGHBORHOOD INPUT FOR SPECIAL EVENT  
Make additional copies of this form as needed

Event Name: Scottsdale Artisan Market

Event Dates/Times: Thursdays 5-10 pm and Sundays 10-4 pm (October through April 2015-2016)

### READ BEFORE SIGNING:

By signing my name below, I hereby declare I am an authorized representative of the listed business (owner, manager, or other person with authority) and I have been informed by the event applicant/designee about the details of the event, including, but not limited to, street closures, date/time and nature of the event.

By marking "No Concerns", I hereby declare I have no significant concerns about the event taking place. By marking "Concerns\*", I hereby declare I have significant concerns about the event taking place.

\* If you have concerns about the event, or if you would like to discuss the event with the Chair of the Special Events Committee, please call Cheryl Sumners at 480-312-7834 or email [CSumners@scottsdaleaz.gov](mailto:CSumners@scottsdaleaz.gov).

As the authorized person, I have ☒ No Concerns ☐ Concerns\* about the event taking place.

Business Name: Broadstone Waterfront -troud@aillresco.com

Address: 7025 E. Via Solari Dr. Phone Number: 480-398-8200

Name and Title (PRINT): Trisha Roud-Satterlund - Business Manager

\* Can I please receive an email reminder prior to ea. event?

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

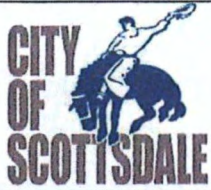
Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

### Current Planning Department

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088



# Special Event Permit

## Neighborhood Input

### NEIGHBORHOOD INPUT FOR SPECIAL EVENT

Make additional copies of this form as needed.

Event Name: Scottsdale Artisan Market

Event Dates/Times: Thursdays 5-10 pm | Sundays 10-4 pm (October Through April)

#### READ BEFORE SIGNING:

By signing my name below, I hereby declare I am an authorized representative of the listed business (owner, manager, or other person with authority) and I have been informed by the event applicant/designee about the details of the event, including, but not limited to, street closures, date/time and nature of the event.

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As the authorized person, I have ☒ No Concerns ☐ Concerns\* about the event taking place.

Business Name: Marcellino Ristorante

Address: 7114 E Skieson Dr #110 Phone Number: (480) 990-9500

Name and Title (PRINT): Melanie Wesley, General Manager

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

#### Current Planning Department

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088



# Special Event Permit Neighborhood Input

## NEIGHBORHOOD INPUT FOR SPECIAL EVENT Make additional copies of this form as needed.

Event Name: Scottsdale Artisan Market

Event Dates/Times: Thursdays 5-10 pm | Sundays 10-4 pm (October Through April)

### READ BEFORE SIGNING:

By signing my name below, I hereby declare I am an authorized representative of the listed business (owner, manager, or other person with authority) and I have been informed by the event applicant/designee about the details of the event, including, but not limited to, street closures, date/time and nature of the event.

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As the authorized person, I have ☒ No Concerns ☐ Concerns\* about the event taking place.

Business Name: F.A.A.M.A

Address: 7051 E. 5TH AVE

Phone Number: 4806998001

Name and Title (PRINT): SCOTT D. YANNI PRESIDENT

*[Signature]*

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

Current Planning Department

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088





# Special Event Permit

## Neighborhood Input

### NEIGHBORHOOD INPUT FOR SPECIAL EVENT

Make additional copies of this form as needed.

Event Name: Scottsdale Artisan Markets

Event Dates/Times: 2015-2016 Season

#### READ BEFORE SIGNING:

By signing my name below, I hereby declare I am an authorized representative of the listed business (owner, manager, or other person with authority) and I have been informed by the event applicant/designee about the details of the event, including, but not limited to, street closures, date/time and nature of the event.

By marking "No Concerns", I hereby declare I have no significant concerns about the event taking place.

By marking "Concerns\*", I hereby declare I have significant concerns about the event taking place.

\* If you have concerns about the event, or if you would like to discuss the event with the Chair of the Special Events Committee, please call Cheryl Sumners at 480-312-7834 or email [CSumners@scottsdaleaz.gov](mailto:CSumners@scottsdaleaz.gov).

As the authorized person, I have ☒ No Concerns ☐ Concerns\* about the event taking place.

Business Name: The Herb Box - PV

Address: 7134 E. Stetson Dr. Suites 100 & 200 Phone Number: 480-998-8355

Name and Title (PRINT): Heather Craig Corporate Office  
Manager

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

Current Planning Department

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088

## Heather I The Herb Box

---

**From:** Audrey Thacker [audrey@artisanmarketsaz.com]  
**Sent:** Wednesday, April 29, 2015 9:32 AM  
**To:** Susan I The Herb Box; chefbecky; Heather I The Herb Box  
**Subject:** 2015/2016 Artisan Markets-Neighborhood Approval Needed  
**Attachments:** 2015\_2016 Season Dates and Narration.pdf; Special Event Neighborhood Input.pdf

Hello Ladies,

The time has come to get the signatures required to apply for the 2015/2016 season of events. Overall we think that the 2014/2015 season was a great success, and I would also appreciate any feedback/concerns you may have had during this past season.

I've attached a narration, a site map and the neighborhood approval form for the 2015/2016 season. If you could sign the neighborhood approval form and return back to me, I would greatly appreciate it.

Please let me know if you have any questions.

Thank you,

Audrey Thacker  
President | Founder  
O: 602.687.7495  
C: 602.314.0323  
[www.artisanmarketsaz.com](http://www.artisanmarketsaz.com)  
[www.facebook.com/artisanmarkets](http://www.facebook.com/artisanmarkets)







# Special Event Permit

## Neighborhood Input

### NEIGHBORHOOD INPUT FOR SPECIAL EVENT

Make additional copies of this form as needed.

Event Name: Scottsdale Artisan Market

Event Dates/Times: See Calendar Attached

#### READ BEFORE SIGNING:

By signing my name below, I hereby declare I am an authorized representative of the listed business (owner, manager, or other person with authority) and I have been informed by the event applicant/designee about the details of the event, including, but not limited to, street closures, date/time and nature of the event.

By marking "No Concerns", I hereby declare I have no significant concerns about the event taking place.

By marking "Concerns\*", I hereby declare I have significant concerns about the event taking place.

\* If you have concerns about the event, or if you would like to discuss the event with the Chair of the Special Events Committee, please call Cheryl Sumners at 480-312-7834 or email [CSumners@scottsdaleaz.gov](mailto:CSumners@scottsdaleaz.gov).

As the authorized person, I have ☒ No Concerns ☐ Concerns\* about the event taking place.

Business Name: Scottsdale Fashion Square

Address: 7014-5909 Camelback Rd Phone Number: 480-945-5495

Name and Title (PRINT): Christina Lanoue

Asst. Mgr. Scottsdale Fashion Square

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

As the authorized person, I have ☐ No Concerns ☐ Concerns\* about the event taking place.

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name and Title (PRINT): \_\_\_\_\_

Current Planning Department

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/10/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Alpha Insurance Services 2401 W. Behrend Drive Suite 69 Phoenix AZ 85027		<b>CONTACT NAME:</b> Wendi Bowman <b>PHONE (A/C No. Ext.):</b> (623) 581-5234 <b>FAX (A/C No.):</b> (623) 581-5277 <b>E-MAIL ADDRESS:</b> wbowman@alphains.net	
<b>INSURED</b> Artisan Markets LLC P O Box 97335 Phoenix AZ 85060		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: AutoOwners Insurance Company NAIC # 18988 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

**COVERAGES****CERTIFICATE NUMBER:** CL1491003992**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBROGATION	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	<input checked="" type="checkbox"/>	45020527	9/14/2014	9/14/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000	
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						
	A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		45020527	9/14/2014	9/14/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		A	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE				EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>			4814838300	9/14/2014	9/14/2015	\$	
<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
City of Scottsdale is Additional Insured

**CERTIFICATE HOLDER****CANCELLATION**

City of Scottsdale 7447 E Indian School Rd Scottsdale, AZ 85260	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

ACORD 25 (2010/05)

INS025 (201005).01

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/10/2014

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## PRODUCER

Alpha Insurance Services  
2401 W. Behrend Drive  
Suite 69  
Phoenix AZ 85027

## INSURED

Artisan Markets LLC  
P O Box 97335

Phoneix

AZ 85060

CONTACT NAME: Wendi Bowman

PHONE /A/C. No. Ext.: (623) 581-5234

FAX /A/C. No.: (623) 581-5277

E-MAIL ADDRESS: wbowman@alphains.net

## INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: AutoOwners Insurance Company

18988

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

## COVERAGES

CERTIFICATE NUMBER: CL1491003992

REVISION NUMBER:

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INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY					EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	<input checked="" type="checkbox"/>	45020527	9/14/2014	9/14/2015	MED EXP (Any one person) \$ 10,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 1,000,000
						PRODUCTS - COMP/OP AGG \$ 1,000,000
						\$
A	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO		45020527	9/14/2014	9/14/2015	BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident) \$
						\$
A	UMBRELLA LIAB	<input type="checkbox"/> OCCUR				EACH OCCURRENCE \$ 1,000,000
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$ 1,000,000
	DED <input type="checkbox"/> RETENTION \$		4814838300	9/14/2014	9/14/2015	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	N/A			E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

## CERTIFICATE HOLDER

Salt River Project  
P O BOX 52025  
Phoenix, AZ 85072

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

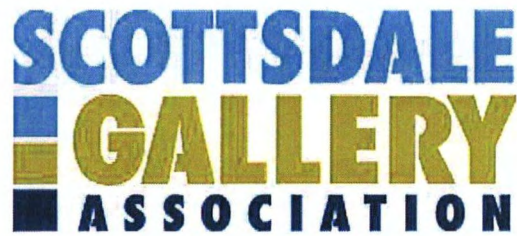
AUTHORIZED REPRESENTATIVE

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7.27.2015

Brent Stockwell  
Assistant City Manager, City of Scottsdale  
Steve Geiogamah  
Tourism Events Manager, City of Scottsdale

Dear Mr. Stockwell and Mr. Geiogamah,

Thank you for your continued support of the Scottsdale Gallery Association and our Thursday Night ArtWalks. We especially appreciate your interest in learning more about issues presented at our Tuesday meeting at Calvin Charles Gallery. As you know, the continued vitality of the Arts district has a potential domino impact on the success of the related neighboring industries: Scottsdale Artists School, Museums, Theaters, Music programs, Old Town, Restaurants, etc.

***Looking to the future: Scottsdale's reputation as a vital cultural and international mecca must continue, and the presence of all the groups mentioned above are critical to maintaining that reputation.***

We want to work cooperatively with the City as we plan future events; for the success of all the downtown districts. The Scottsdale Gallery Association's official position on the Waterfront Artisan Market includes 4 points:

- 1) We do not approve any additional days beyond the 28 Sunday afternoons that are already granted during season.
- 2) We ask that the Artisan Market **NOT** be on Thursday nights. A time strategically selected to draw upon the traffic and reputation of our 40-year history of culture and arts in Downtown Scottsdale.
- 3) We support other Waterfront events and activities that ultimately enhance and benefit all Downtown Merchants. Music, Youth, Pet, Floral short-term festivals are possible examples. We look forward to coordinating with such festivals in planning our SGA events throughout the year.
- 4) We would like to participate with the City to plan events that serve the needs of all downtown merchants: 5<sup>th</sup> Avenue Merchants, Gallery merchants, Old Town Scottsdale and the associated allied businesses, such as restaurants, museums and art schools.

Reasons for taking this position have been outlined in detail during our meeting and on the handouts provided. We will be glad to answer any additional questions you may have.

Finally, we want you to know we have a new P.R Firm, AWE Collective. AWE brings fresh new vitality to our group and we are thrilled with the exciting ideas already in the making.

Sincerely

The Scottsdale Gallery Association Board of Directors

Veronica Graffius	_____	President
Calvin Charles Gallery		

Holly Bohling	_____	Vice President
Amery Bohling Fine Art		

Carri Bacca	_____	Treasurer
Bonner David Gallery		

Jane Phillips	_____	Secretary
Scottsdale Fine Art		

Ace Bailey	_____	At Large
Ultimate Tours		

Teresa Lewis	_____	At Large
Touchstone Galleries		

Paul Eubanks	_____	At Large
Gallery Russia		

Cyndy Carstens	_____	At Large
Cyndy Cartens Gallery		

French	_____	At Large
French on Main		

Scottsdale Gallery Association | [www.scottsdalegalleries.com](http://www.scottsdalegalleries.com)  
PO Box 2045 | Scottsdale, AZ 8525

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Calvin Charles Gallery

Holly Bohling \_\_\_\_\_ Vice President  
Amery Bohling Fine Art

Carri Bacca \_\_\_\_\_ Treasurer  
Bonner David Gallery

Jane Phillips \_\_\_\_\_ Secretary  
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Cyndy Cartens Gallery

French \_\_\_\_\_ At Large  
French on Main

Scottsdale Gallery Association | [www.scottsdalegalleries.com](http://www.scottsdalegalleries.com)  
PO Box 2045 | Scottsdale, AZ 8525

## **Sumners, Cheryl**

---

**From:** Pejman Gallery | Scottsdale <pejmangallery@gmail.com>  
**Sent:** Thursday, July 23, 2015 2:27 PM  
**To:** Stockwell, Brent  
**Cc:** Geiogamah, Steve; vgraffius@calvincharlesgallery.com; Biesemeyer, Brian K; 'Rachel Sacco'; Behring, Fritz; 'alamos'; paul@galleryrussia.com; email@themarshallgallery.com; mark@thesignaturegallery.com; mainviewgallery@aol.com; Ikeesses@gmail.com; phillip@fineartofmetal.com; french@frenchonmain.com; Sumners, Cheryl  
**Subject:** RE: Waterfront Art Event Permitting  
**Attachments:** 20150215\_133931.jpg; 20150215\_141207.jpg

Thanks for the comments Brent.

Also – I thought I would share 2 photos with you that were taken on a Sunday afternoon last March. Many of the galleries where open on that day but unfortunately not much foot traffic. As you can see, the Waterfront Art Fair drew most of the traffic downtown. To be completely accurate, on that same that we also had an art show running at the Celebration of Fine Art and one at the Fine Art Expo (if I had taken photos of those 2 events, I am sure you would see decent traffic as well).

There are only so many ways you can cut the art market pie in Scottsdale....and the adverse effects on Main Street and Marshall Way (the real art district) are obvious.

Just wanted to share....

Thanks -

Bob

---

**From:** Stockwell, Brent [mailto:BStockwell@scottsdaleaz.gov]  
**Sent:** Thursday, July 23, 2015 1:37 PM  
**To:** Pejman Gallery | Scottsdale  
**Cc:** Geiogamah, Steve; vgraffius@calvincharlesgallery.com; Biesemeyer, Brian K; 'Rachel Sacco'; Behring, Fritz; 'alamos'; paul@galleryrussia.com; email@themarshallgallery.com; mark@thesignaturegallery.com; mainviewgallery@aol.com; Ikeesses@gmail.com; phillip@fineartofmetal.com; french@frenchonmain.com; Sumners, Cheryl  
**Subject:** RE: Waterfront Art Event Permitting

Hello Bob,

Thanks for your email. First of all, I want to thank you for the time and energy you have invested in reaching out to your fellow gallery owners to gauge their interest on this.

Yes, there is time to wait for the official position of the SGA until after the July 28 meeting. I've confirmed that a decision will not be made until after this date.

Yes we understand that the SGA is looking for a comprehensive solution including addressing competing vendor-driven arts events, investments in the attractiveness, and marketing as a destination.

We're looking forward to seeing you and meeting many other gallery owners at the July 28 meeting to discuss solutions to these concerns.

Sincerely,



Brent Stockwell | Scottsdale City Manager's Office  
BStockwell@ScottsdaleAZ.gov | 480-312-7288

**From:** Pejman Gallery | Scottsdale [mailto:pejmangallery@gmail.com]

**Sent:** Wednesday, July 22, 2015 6:40 PM

**To:** Stockwell, Brent

**Cc:** Geiogamah, Steve; vgraffius@calvincharlesgallery.com; Biesemeyer, Brian K; 'Rachel Sacco'; Behring, Fritz; 'alamos'; paul@galleryrussia.com; email@themarshallgallery.com; mark@thesignaturegallery.com; mainviewgallery@aol.com; lkeesses@gmail.com; phillip@fineartofmetal.com; french@frenchonmain.com

**Subject:** RE: Waterfront Art Event Permitting

Hi Brent – I have talked to several gallery owners today regarding this issue....including Veronica Graffius (SGA president). It is my understanding that Audrey Thacker contacted Veronica today via phone regarding the Thursday Waterfront event and was advised as to the SGA's firm opposition to her event on that night. In addition to the SGA's opposition, many of the gallery owners who are not members of the SGA are also firmly opposed to the Waterfront Thursday night art event (as well as any other time and day). So, we ask that per your email below, the City doesn't grant the permit and waits until our July 28<sup>th</sup> meeting to receive the official position of the SGA to confirm and expand on this.

Apart from the above, there is disappointment amongst many gallery owners that the City permitted the Sunday events on the Waterfront without waiting until the July 28<sup>th</sup> meeting to get our complete feedback on this matter. I am mentioning this since most galleries are open on Sundays on Main Street during the season, and so the Sunday art event on the Waterfront poaches substantially from Main Street even on Sundays.

From your last paragraph, I hope that the City is not assuming that cosmetic and marketing improvements to the Street alone will solve this problem. The reduction of competing vendor driven art events has to be part of the comprehensive solution. We look forward to discussing this with you in our meeting our July 28<sup>th</sup>.

Regards,

Bob Pejman

---

**From:** Stockwell, Brent [mailto:BStockwell@scottsdaleaz.gov]

**Sent:** Tuesday, July 21, 2015 6:05 PM

**To:** pejmangallery@gmail.com

**Cc:** Geiogamah, Steve; vgraffius@calvincharlesgallery.com; french@frenchonmain.com; Blesemeyer, Brian K; 'Rachel Sacco'; Behring, Fritz; 'alamos'

**Subject:** RE: Waterfront Art Event Permitting

Hello Bob,

Thanks for your email. Yes, all is well. I've been in meetings most of the day so I haven't been in the office much. Sorry I missed your call.

To clarify, Audrey Thacker was asked to contact the Scottsdale Gallery Association to discuss concerns about conflicts with the Scottsdale ArtWalk and see what could be done to mitigate them.

This outreach was requested before the application is considered for the Thursday night market. The Sunday market was OK'd. The other event requests would be considered separately at a later date.

If the SGA needs to wait until the July 28 meeting to take an official position on this, we understand.

I'm looking forward to the July 28 meeting to focus on what we can do together to improve the attractiveness of the gallery district and promote it as a destination.

Brent Stockwell | Scottsdale City Manager's Office  
BStockwell@ScottsdaleAZ.gov | 480-312-7288

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**Sent:** Wednesday, July 22, 2015 6:40 PM

**To:** Stockwell, Brent

**Cc:** Gelogamah, Steve; vgraffius@calvincharlesgallery.com; Biesemeyer, Brian K; 'Rachel Sacco'; Behring, Fritz; 'alamos'; paul@galleryrussia.com; email@themarshallgallery.com; mark@thesignaturegallery.com; mainviewgallery@aol.com; lkeesses@gmail.com; phillip@fineartofmetal.com; french@frenchonmain.com

**Subject:** RE: Waterfront Art Event Permitting

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**Sent:** Tuesday, July 21, 2015 6:05 PM

**To:** pejmangallery@gmail.com

**Cc:** Gelogamah, Steve; vgraffius@calvincharlesgallery.com; french@frenchonmain.com; Blesemeyer, Brian K; 'Rachel Sacco'; Behring, Fritz; 'alamos'

**Subject:** RE: Waterfront Art Event Permitting

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I'm looking forward to the July 28 meeting to focus on what we can do together to improve the attractiveness of the gallery district and promote it as a destination.

Thanks,  
Brent Stockwell | 480-312-7288

**From:** Pejman Gallery | Scottsdale [mailto:pejmangallery@gmail.com]  
**Sent:** Tuesday, July 21, 2015 1:08 PM  
**To:** Stockwell, Brent  
**Cc:** Geiogamah, Steve; vgraffius@calvincharlesgallery.com; french@frenchonmain.com; Biesemeyer, Brian K; 'Rachel Sacco'; Behring, Fritz; 'Sonnie Kirtley'; 'alamos'  
**Subject:** Waterfront Art Event Permitting

Hi Brent -- I hope you are well. I just called your office but could not reach you.

I just want to follow up on Audrey Thacker's Artisan Markets permit situation. Our understanding from Veronica Graffius and Tom Giller was that the City is "holding" the Waterfront Art Events permit until the galleries complaint situation is resolved.

We just want to make sure that permit will be held until we resolve the situation. The first step to the resolution of this is the SGA meeting which will take place on the 28<sup>th</sup> with possible follow up meetings.

Here is the 2015 Waterfront art event list that Audrey is currently running:

<b><u>Waterfront &amp; 5th Ave Events (30 to 60 booths)</u></b>	<b><u>Event Days</u></b>
ArtBridge Thursdays (October - April) 7 months	28
South Bridge Sundays (October - April) 7 months	28
Scottsdale Fall for the Arts (November 12- 15)	4
Small Business Saturday (November 28)	1
5th Avenue Arts Festival (October 23-25)	3
After Holidays Celebration (Dec 26-27)	2
Canal Convergence (Feb 25-28)	4
5th Avenue Arts Festival (March 11-13)	3
<hr/>	
73 Days	

Let's wait until we have our meeting, but in talking to the gallery owners, the common request is to eliminate the 56 days of bi-weekly art events (Oct – Apr). That still leaves 17 days of art events.

Again, we are not asking that there be no events on the Waterfront. We are requesting that the events be non-art venue and non-vendor driven as those events have an adverse effect on the local art gallery merchants and based on the critical situation of the art district it is very reasonable to expect that the City will eliminate a large portion of the art event days on the Waterfront.

Please let us know what your thoughts are and what we should expect.

Regards,

Bob



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

## **Sumners, Cheryl**

---

**From:** alamos <alamos@cox.net>  
**Sent:** Monday, June 22, 2015 2:31 PM  
**To:** Stockwell, Brent; 'COGS AZ'  
**Cc:** Smith, David N; Biesemeyer, Brian K; Geiogamah, Steve; Sumners, Cheryl; 'Johnson, Steve COGS 15'; 'Ranucci, Frederika COGS 15'; 'Pejman, Bob PejmanGallery'; 'Lauterbach,Beth ScFineArt'; Behring, Fritz  
**Subject:** RE: Special Events Ordinance clarification  
**Importance:** High

Mr. Stockwell,

I want to be clear. The vast majority of special events do not attract tourists and to have our City staff, influenced by crony board/commission/committee interests who financially gain from these same events, allowing and even subsidizing "pop up" retail venues that unfairly compete with current brick and mortar, long term businesses whose owners, many Scottsdale residents have invested substantial savings in is either epic incompetence or obvious corruption.

Major events, such as Barrett Jackson, Phoenix Open, Arabian Horse Show and Giants Spring Training do attract tourists. These temporary venues may provide entertainment for those tourists, but at the expense of the existing business base and using public/private resources that are vital to them. This base of brick and mortar businesses pay property tax, rent tax, sales tax often on a higher quality product and at a price higher than these tent shows and are the reason Scottsdale has a reputation as a community with appreciation for art and culture. The former "Scottsdale" Celebration has traded on this reputation from it's inception while simultaneously poaching the peak season business the galleries need to survive the long hard summers in our market. Rest assured tourists who come here who do buy art at the tent show will go home and tell their friends, "I this piece in Scottsdale", leaving all to believe they bought it from a real art gallery for which Scottsdale is renown.

There is no rational explanation for the City not supporting the maintenance and well being of this long valued retain neighborhood. Instead through neglect and malfeasance there is evidence the City is actually working to undermine the interests of current businesses and property owners. Mr. Geigomah has been evasive and misleading throughout this process. The "report/survey" commissioned by his department from Webb Consultants (and coming to a self interested venue near you) was biased from the onset. Based on my experience, I believe Mr. Webb to be unqualified to provide legitimate guidance on the benefit, if any, of special events generally and the ones Mr. Gelogamah plans to promote specifically. It is clear that the current staff strategy is to push forward as fast as possible with an agenda for the benefit of a few special interests during the hot summer when many are out of town.

The boards/commissions/committees that pretend to oversee these matters need to include the real stakeholders, current brick and mortar businesses, and not the conflict of interest laden, uninformed and "yes" votes that currently comprise majorities. The City Staff needs to be changed and the City Council needs to "own" the unique and special nature of our downtown, support the business that are already here and not intentionally blight areas for the potential redevelopment opportunity.

My involvement in this came from my concern over the extraordinary number of sales tax audits of art galleries by the City (and none of bars) and the recent State legislative focus on art galleries' out of state sales. I believe the indefensible City support for festival/event mania and the expansion of bar districts are further efforts to purposely blight areas the vast majority of Scottsdale feel are important to our identity.

Regards,

**Thomas W. Giller, Broker**  
**Alamos Management Resources, Inc.**  
**P.O.Box 8271**  
**Scottsdale, AZ 85257**  
**Office/Mobile - (480) 227-4150**



## **Sumners, Cheryl**

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**From:** Susan Potje <susan@celebrateart.com>  
**Sent:** Wednesday, July 29, 2015 6:57 PM  
**To:** Lane, Jim; Klapp, Suzanne; Korte, Virginia; Littlefield, Kathy; Milhaven, Linda; Phillips, Guy; Smith, David N  
**Cc:** Stockwell, Brent; Geiogamah, Steve; Sumners, Cheryl; audrey@artisanmarketsaz.com; John Holdsworth  
**Subject:** 5 Year Strategic Plan for Tourism and Events

Dear Mayor Lane and City Council Members:

As a member of the Tourism Advisory Task Force, I am committed to following through on the strategies laid out in the 5 Year Strategic Plan for Tourism in Scottsdale. This plan was crafted after much discussion and input from many stakeholders and approved by the City Council. The primary focus of the plan and the Task Force members is to animate and activate our downtown. Part of the plan calls for animating downtown with happenings and events. There was a study done on Three Cities (Three Cities Study, which is available for all to review) which highlighted thriving downtowns in Charleston, Santa Fe and Austin. A common fact in these cities (and other thriving downtowns) is that there are many activities happening that draw people to the area. Each City has a slightly different profile, of course. But research shows that a critical mass of similar activities helps to brand a destination with its own identity. It goes against logic and against the strategic plan to limit the number or kinds of activities offered when they are proven to animate and activate the downtown area.

I have learned from Audrey Thacker and confirmed with Steve Geiogamah that the decision was made by a small group of City Staff to not renew the Special Event Permit for the Thursday night Artisan Market at this time because of the "perceived issue" by some merchants on Main Street that the Artisan Market is unfair competition and is taking foot traffic away from them on Thursday nights. I understand that there is a possibility of renewing it if Audrey goes to the SGA and "mitigates" the issues with them or basically, gets their blessing to operate. The SGA has rejected her offer to meet with them on how to collaborate for success.

Please allow me to express my concerns and thoughts about this situation.

Would we consider not allowing the Farmer's Market to happen because Sprouts, Basha's or Albertsons wanted to be the only ones to be able to sell produce on Saturdays?

Would we consider not allowing Barrett Jackson and R&M etc. if the car auto dealers, including Classic Car dealers, were against that because they felt it might take business away from them?

Would we consider not allowing the Arabian Horse Show and Sun Country Quarter Horse show if suddenly the local barns felt that it was in conflict with their ability to show and sell their horses?

Would we consider not allowing the Waste Management Open to happen if other golf courses might think they don't get their fair share of business or exposure that weekend?

I think you get my point here. We would not do this because we know that these events and happenings are good for our City in terms of revenue and experience. It is good for Tourism, which is what we are trying to improve as a Task Force as part of our 5 Year Strategic Plan. Animating downtown has been identified as a key element of the Strategic Plan. The Artisan Market is a fine example of animation. It is a lively happening that draws people to the area. Denying one business model to operate because a more "traditional" or different business model does not like it is simply not a good precedent for a City to set.

There are no wins in this situation. Not renewing the Special Event Permit for the Artisan Market to operate on Thursday will not magically bring more people to downtown/Main Street. Asking her to move her Market to another night after she has invested years in establishing and promoting a Thursday Market is not reasonable. The argument that it (and other events) are "vendor driven" and, therefore unfair competition to "brick and mortar" is unreasonable. These are a couple of phrases are being tossed around that deserve some deeper discussions about what they mean.

The only thing that will bring more people to downtown (Main Street – or whoever is complaining) is when they take responsibility for their own marketing and for the experience they deliver to their visitors when they show up. The concept that by simply removing competition from the market place will make another business stronger is not a business plan or a strategy. The Artisan Market is a success because of the hard work, the smart work, the marketing and the fact that they provide a product and an experience that people like. Our residents and visitors deserve to have a variety of offerings and experiences to choose from.

I repeat - there are no wins in the decision to not allow the Artisan Market to operate on Thursday. This is a loss to the City in revenue from sales tax collected from the artisan vendors, a loss to the visitors and the residents that have enjoyed the experience, a loss to the artists who have been making a livelihood which contributes to our economic vitality, a loss to the surrounding businesses who have experienced an increase because of the traffic which comes to the Artisan Market, a loss to the restaurants which have benefited from both the vendors and the visitors to the Market and a loss in well-deserved business Revenue for the owner/promoter of the Artisan Market.

Taking away the Artisan Market will not bring new business to the Downtown Galleries. There are no wins here. There are only Losses.

What we are doing here is allowing a group of unhappy merchants who are a mile away from this location to effectively put 30 to 50 artisans and a business owner out of business because they don't like having perceived competition. That's not how commerce in a free market system works. This is a very slippery slope that we are on here. I respectfully ask each Council Member to think about the long term ramifications of setting a precedent that allows legislation to pick and choose who can do business in our City. I invite you to look at how these decisions may impact the economic vitality of our City. Punishing one business owner who has created a vibrant and successful business is counter-productive to the idea of creating a vibrant and sustainable economy and community.

This argument from the galleries is not new. They have been trying to regulate "competition" out of business for years. I know this from personal experience with the Celebration of Fine Art. In 1993, the Galleries tried to get the City Council to not renew our Use Permit, Steve Wilson wrote an editorial in what was then the Scottsdale Progress which included this:

"The gallery owners who are behind the letter to City Hall appear to be trying to do legislatively what they have not been able to do in the open marketplace: Eliminate a competitor. The City Council should not let them succeed. We presume that the gallery owners, like all business operators, would not like to see themselves put out of business by an act of government. They want to the chance to succeed – or fail- on their own merits. Mr. Morrow and his festival deserve the same opportunity."

This was true then and it is true today. Ms. Thacker should be allowed to continue with her successful venture. No one is trying to put the downtown galleries out of business by an act of government. In fact, the entire focus of the TAFT is in place to help revitalize downtown, which will have the effect of helping the Galleries, if only they would stop being a barricade to the help that is being offered. They have continually rejected suggestions and offers to help them create a stronger, more vibrant and collaborative opportunity for greater success. I invite you to hear from the Artisan Market, the Celebration of Fine Art and TAFT members to get a balanced view of the opportunities for mutual success.

I respectfully ask you to rise above the rhetoric and look at the big picture of the 5 Year Strategic Plan as well as the economic and community impact that these decisions will have in the long run. The decisions you make today are

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I respectfully ask you to rise above the rhetoric and look at the big picture of the 5 Year Strategic Plan as well as the economic and community impact that these decisions will have in the long run. The decisions you make today are

critical to the long term success of our City. We all want the City of Scottsdale to remain a front runner in the art market. We will not accomplish this by snuffing out and eliminating the offerings. We will accomplish this by working together to promote the offerings and by all of us increasing the value proposition to our potential audience.

Respectfully,  
Susan

P.S. I am also aware that the Celebration of Fine Art is under attack from some of the Galleries once again. I am in possession of many of the caustic emails, filled with inaccuracies, from Bob Pejman and Tom Giller. I also have a copy of the SGA presentation that I will respond to these in a separate email.

Susan Morrow Potje  
Celebration of Fine Art  
[susan@celebrateart.com](mailto:susan@celebrateart.com)  
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[www.facebook.com/celebrationoffineart](https://www.facebook.com/celebrationoffineart)  
480-443-7695

Please join us for our 26<sup>th</sup> Annual Celebration of Fine Art – January 16 – March 27, 2016, in Scottsdale, AZ USA



**Curtis, Nicole**

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**To:** Sumners, Cheryl  
**Subject:** RE: Artisan Markets Contributes to the Vitality of Scottsdale

Dear City Staff,

I am writing to you in response to complaints you have received regarding the Artisan Markets Thursday night event. The Scottsdale Gallery Association claims that our business negatively impacts businesses and the Art Walk. I would like to take the opportunity to show you the positive benefits of having both events which creates a more collaborative, vibrant and animated environment in our downtown.

Brent Stockwell has informed me that our Thursday night permit is on hold until Artisan Markets mediates the complaints with the Scottsdale Gallery Association. Unfortunately, there seems to be no viable resolution between the SGA President and Artisan Markets.

From what I understand, the SGA is claiming that the Thursday Artisan Markets event is negatively impacting their business in the following ways:

**Complaint #1:** Aggressive marketing strategies by Artisan Markets and the relationship with hotel/resort concierges making them aware of our presence and events. SGA claims that people are confused about what event they are going to, based on proximity, name and times.

**Solution:** Creative marketing strategies from Artisan Markets to ensure that concierges know the difference between the Art Walk and Artisan Markets. Establish increased collaboration between Artisan Markets and SGA to ensure that both events are being understood as different in nature by patrons, concierges, etc. Artisan Markets does host an "Information Booth", where people looking for the Art Walk are given a map and directed to walk to Marshall Way and then on to Main St. Posting clearer Way Finding signs would also be beneficial in this case. On the Edge Gallery on 5th Ave does a great job by coming up to the bridge during event days and handing out their rack cards and talking to the patrons. I understand each individual gallery may not have the resources to do this. Artisan Markets is willing to hand them out at our Information Booth and asks that the city provide Ambassadors to assist. Regarding the point about proximity, Main St. is several blocks away and we do not draw exactly the same type of customer or have the same demographic.

**Complaint #2:** In a recent conversation with the SGA President, she asked, "Why is the Artisan Market event not there now during the summer when we really need the crowd you draw?"

**Response:** Artisan Markets is limited as to the number of days we are allowed at the Waterfront. Our events are not allowed to run through the summer months. This restriction is per the city ordinance. Clearly, the SGA President sees that we do generate a crowd and that the galleries could potentially benefit from this.

**Complaint #3:** Artists/Vendors are not local, taking money which is generated in Scottsdale out of Scottsdale and Arizona.

**Fact:** 97% of Artisan Markets vendors are local Arizona residents. They live here and work here and the money generated stays within our local economy.

**Complaint #4:** Artisan Markets is "poaching" SGA customers

**Fact:** Artisan Markets artisan vendors do not carry items in the same scope of work as is presented in the galleries. We are an artisan festival, which by definition is: "a person skilled in an applied art; a craftsperson, a person or company that makes high-quality or distinctive products in small quantities, usually by hand or using traditional methods." We are not a "fine arts" festival and, typically, the customer of Artisan Markets is not the same customer of the Art Walk. The average sale per vendor, per customer at Artisan Markets is around \$75. From my understanding, an average gallery sale in the arts district is upwards of \$5,000.

**Complaint #5:** Artisan Markets has grown to be "huge" according to the SGA President.

**Fact:** Artisan Markets only hosts between 35-40 artisan vendors on any given Thursday night, none of whom are in direct competition with any gallery. Our average attendance for Thursdays is 1,500 visitors. This accounts for all passers-by and not everyone is a buying customer.

**Complaint #6:** Galleries pay property taxes and rent.

**Response:** While Artisan Markets may not pay rent or property taxes, we do pay permit fees to the City of Scottsdale and SRP, sales tax, and also have high overhead costs associated with running any business. With my understanding of the discussion of potential changes to the special event ordinance, there is a strong possibility of fees being assessed with use of public property. We look forward to being a part of that deliberation and, as always, will support reasonable resolutions to all concerns. Also, all Artisan Markets vendors are required to hold and pay sales tax to the city of Scottsdale, contributing to the economic vitality of the city.

**Complaint #7:** SGA believes that Artisan Markets was awarded a \$15,000 COS subsidy

**Fact:** Artisan Markets has never received a \$15,000 subsidy from the City of Scottsdale. Artisan Markets does not apply for community event funding and is not sponsored or funded in any way by the city.

**Complaint #8:** SGA states that Artisan Markets hosts 73 events per season.

**Response and Clarification:** Our Thursday event includes 24 Thursdays for 2015/2016, and 25 Sundays. Small Business Saturday has been produced by Artisan Markets for 3 years, along with the City of Scottsdale and the Scottsdale Chamber of Commerce. Fall for the Arts will no longer be held due to a lack of city wide participation. During our After Holidays event (1 extra day) we have found that many of the small businesses are closed during that weekend. Canal Convergence is a collaborative event with Scottsdale Public Art and Artisan Markets donates a portion of fees to SPA. The two weekend festivals on 5th Ave are new, as of last season. They were begun at the request of the 5th Ave Merchants Association and the City to help draw traffic to their street and area. In conclusion, there are 49 days on the Waterfront for our regular events and 7 extra dates are proposed (not in conflict with Art Walk), for a total of 56 days on the Waterfront. Then there are 6 proposed dates along 5th Ave. With the exception of the 5th Ave event, all the other special events have been in existence for four years.

**Complaint #9:** Comparisons are made between Scottsdale and Laguna Beach, Santa Fe and Carmel, stating that art events have driven out the gallery business.

**Statistical Information:** Comparisons to the above cities are not valid. Scottsdale is composed of 184.5 sq. miles. Santa Fe is only 37.5 sq. miles. Laguna Beach is 9.8 sq. miles and Carmel is 1.8 sq. miles. Scottsdale has 226,918 residents. Santa Fe has a population of 69,976. Laguna Beach has 23,250 residents and Carmel's population is 3,842 according to the 2013 US Census. It is not a valid argument to compare the large, heterogeneous City of Scottsdale with these very small communities. The art business is a significant percentage of retail sales in the three small communities listed above. In Scottsdale, while it is very important and contributes significantly to our cachet, the art business is a smaller percentage of total retail sales.

Artisan Markets is pro-gallery and pro-small business. We will continue to remain a team player and assist in driving traffic to the shops on 5th Ave, Stetson Dr., nearby restaurants and galleries on both Main and Marshall. We have been serving as a downtown concierge service with our well informed Information Booth, directing traffic to all areas including, but not limited to, those listed above. This model works and has been effective with areas such as 5th Ave, where I am now the Vice President of the Association. Many of the merchants enjoy the benefits of the market by participating as vendors, and/or leaving marketing collateral at our information booth. The same offerings are given to the galleries.

Our events have been good for the community at large and bring a vibrant and rich experience to visitors and locals alike. Many of our local patrons come week after week to see their favorite artisan, check out the live music, eat at a nearby restaurant, and thank us for providing a place to take out of town guests. Tourists return year after year and thank us for providing a spot to listen to live music, stroll the beautiful canal, and receive helpful suggestions of other things to do around town (which include visiting the galleries).

Attached are letters of support from a former gallery owner on Main St., a gallery owner on 6th Ave, nearby restaurants and merchants on 5th Ave. Artisan Markets will continue to collect these letters and submit them to you.

As a business owner, I understand that competition is healthy and that constant change and evolution is necessary in order to grow and be successful. Artisan Markets is a stakeholder in the community and has the same right to conduct business in the City of Scottsdale as do gallery owners and other entities. I respectfully request that city officials renew the Special Event Permit request for Artisan Markets to continue conducting business during our Thursday, Sunday and other special event dates for the 2015/2016 season and beyond.

Please forward this on to the Tourism Advisory Task Force.

Very Respectfully,

Audrey Thacker  
President | Founder  
O: 602.687.7495  
C: 602.314.0323

[www.artisanmarketsaz.com](http://www.artisanmarketsaz.com)

[www.facebook.com/artisanmarkets](https://www.facebook.com/artisanmarkets)

**Audrey Thacker**

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**From:** randall@tributeartlive.com  
**Sent:** Wednesday, July 15, 2015 5:18 PM  
**To:** Audrey Thacker  
**Subject:** Artisan Market in Scottsdale

Audrey - Sorry to learn that you are receiving some resistance to your "Art Bridge" endeavor again this year in Scottsdale. I felt the need to voice my opinion about this mess.....

Having been a gallery owner and past member of the Old Town Gallery Association from 2006 thru 2008, I quickly learned the culture of the majority of the galleries in that area. As one of the newest gallery owners, I spotted key problems associated with the Old Town mentality that needed some immediate correction. We all could see the recession looming however, no one knew just how immense it would be. I had regular meetings with other gallery and business owners in the area to discuss some new ways of attracting people to the area as well as new ways to make an income at our galleries in addition to fine art sales, which were rapidly dropping. Some of the changes I recommended were: 1) Extending gallery hours beyond 5:00PM to 8:00PM, 2) Opening later if a 10 hour schedule was going to interrupt your free time too much, 3) Create group gallery tours with participating galleries and work with local resort concierges. 4) Stop closing galleries between 5-6PM on Artwalk Thursdays (some galleries closed for 2 hours) 5) Create and publish an association website 6) Pool resources and hire regular entertainment on Main St and Marshall Way. 7) All galleries agree to the same RETAIL hours in order to create customer consistency. 8) Ask the city to ease up on the strict parking policies on Main (I had emails from customers that were not going to return because of this)

After little response to this, our gallery decided to continue our live entertainment during Artwalk and had specialty art exhibitions on other nights as well. On Thursdays, we became the only mid-sized gallery with any significant traffic. We would average about 200 during the 7-9PM Artwalk and witnessed adjacent galleries with only 2 or 3 visitors. We were even asked by our neighboring galleries to "quiet down" during Thursday evenings! I refused.

So, the recession hit. Over 60 galleries closed their doors, including mine. Not one gallery extended hours or did anything to create a draw into their business. I saw them blaming others for their failures. But when the tourists came around on Saturday evening, nothing was open. Who was to blame? The owners, that's who.

Now we are creeping out of this mess. Some fine art sales are returning. The traffic on Main is sub-par. Frankly, I'm surprised any of the galleries are open. The art is tired. Not much new, exciting stuff in the windows. Not much of a reason for the new crop of buyers to come around. And the Old Town Gallery Association (or whatever the name is) still complains about someone else taking their traffic away.

Audrey Thacker should be thanked a thousand times for her sincere efforts to build a traffic base once again in the area. I'm definitely sure that the restaurants around there are equally as happy. She has identified a need and a PRICE POINT that is suitable to the economic situation in Scottsdale. I have been there and have seen the crowds. There is no loud music. People can browse hassle-free. Audrey's staff bends over backwards to make sure everything runs smooth. And now, she has to justify her existence again? Success breeds jealousy. People are more accustomed to handouts more than ever before. If the gallery association is against her, why are they not also against all those artsy-craftsy businesses in the Fifth Avenue area? How come Celebration of Fine Art is so successful? Simple answer: Old Town is not taking care of their own business. They seem to think that they are entitled merely because they are in Old Town. It doesn't work like that any more.



My question is: Why are you wanting to abolish a successful venture that draws thousands of people to the area? Not only will you put many vendors who rely on this for their primary income out of business, but restaurants and retailers may have layoffs that will be associated with the decrease in traffic flow as well.

If the Old Town fine arts district wants to rectify their issues, might I suggest they look in the mirror and not point fingers at the City or a young, entrepreneur.

Randall Hedden  
Tributeart Live!  
[www.tributeartlive.com](http://www.tributeartlive.com)  
602-619-2077

**Audrey Thacker**

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**From:** Creating Spot <info@thecreatingspot.com>  
**Sent:** Wednesday, July 22, 2015 11:50 AM  
**To:** audrey@artisanmarketsaz.com  
**Subject:** How closing Artisan markets on Thursday Nights would negatively impact the Galleries.

We have been Participant's in the Artisan Market's Thursday night event for the last five years and are now also Gallery/Studio Owners in Downtown Scottsdale. We find that the Market is much more of a benefit to the Businesses in the Area that a deterrent. Especially on Thursday nights.

Here are five years worth of observations:

Did you know that approximately 80% of those who pass through the Market are Tourists. More often than not that it is the white tents that attract many of these Tourists to the Waterfront. If you have ever been on the "bridge" on other week nights, you would find that many of these Tourists may come to see the Canal, but few 'make it down' to Stetson Ave., It is our understanding that the Bridge was built to hold Events and specifically to bring people from the Fashion Square environment to the Stetson/5th Ave/ Marshall way area. The Artisan Market has proven that it does exactly that. The way the Show is laid out on Thursdays, it then funnels them down to Stetson Ave,

As Business Owners, we plan to use the Artisan Thursday Market to promote our Galley. Our plan is to capture some of the traffic that is on Stetson Ave. because of the market. Something that has always puzzled us is why the Businesses on 5th Ave and the Galleries don't take advantage of this phenomenon. Many of these Tourists don't know about the Galleries Art Walk, or if they do, they don't know where exactly it is. The Artists at the Market send many, many of them to Marshall Way and Main Street. If the Market was not there, the Galleries would actually lose traffic.

If there is no Artisan Market on Thursday nights, then that also means there is no Information Booth to help all of those Tourists find or hear about Artwalk. Audrey pays people to specifically do this. Again, closing the Market, closes the Information Booth, which would then negatively impact the Galleries. Something else to consider is that The Artisan Market puts the Tourists in an Art mentality. This again begs the question as to why the Galleries and their Association, of which we aim to be a part of, don't take advantage of this. Why are don't the Galleries have banners, A-frames, hand outs, etc. at the Artisan Market, promoting their Openings and Events?

As for the Locals who come to the Market, they know where the Galleries are and they know about Art walk. If they come to Downtown Scottsdale to do Artwalk, they will do Artwalk, whether they stop at our Market or not. If they come to Downtown Scottsdale to have Dinner and visit our Market, then they probably had no plans to go to Artwalk anyway. Also many of the Locals only come to Downtown Scottsdale on Thursday night to see a specific Artist at the Market. Often we remind them of Artwalk. Why are the Galleries not supplying us with a weekly list of their Events to pass on these Customers?

Addressing the question of the Financial impact the Market has on the other Business in the area, here are another five years of observations. The majority of the people who spend money at the market have a high per capita income, Whatever they spend at the the Market has no affect on what

they would spend at a Gallery. Quite the opposite, the Market puts them in an 'Art' frame of mind vs a Mall mentality. What these people spend at Nordstrom, Barney's, etc doesn't stop them from having dinner at one of the Fine Dining establishments in the area. It doesn't stop them from spending money at the Artisan Market, so why would it stop them from spending money at the Galleries.

As Business Owners in the Area we don't see people spending money at the Artisan Market as a negative, but as proof that they have the Financial capability to spend more with the Galleries. It is proof that they are exactly the Customer we Galleries want.

We specifically located in Downtown Scottsdale to use the Artisan Markets as a Marketing tool. The Restaurants in the area definitely take advantage of the traffic that the Market, with it's white tents, brings. Why are the other business not doing the same?

Isn't the goal to keep the people here, in Downtown Scottsdale, vs Kierland/The Quarter or other areas. Artisan Market on Thursday Nights does exactly that. Isn't it the other businesses in the area's job to do the same. Don't punish the market for doing exactly what the Galleries want, to keep people Downtown, but won't act on. Let us work together. There is more than enough competition from other areas of the City and the Valley.

Sincerely,

Bobby Harr and Cheryl Senkfor

Owners of The Creating Spot, members of the Scottsdale Chamber, the Scottsdale Convention and Visitors Bureau, Local First and also Artists at the Artisan Market

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**480-272-8004 [thecreatingspot.com](http://thecreatingspot.com)**

**Audrey Thacker**

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**From:** Andrea Gentile <agentile@foxrc.net>  
**Sent:** Thursday, July 23, 2015 2:12 PM  
**To:** 'audrey@artisanmarketsaz.com'  
**Subject:** PLEASE do not let the WATERFRONT run DRY!

To Whom It May Concern,

It has come to our attention that the Artisan Market events at the Waterfront are in jeopardy of being shut down. This is a great disappointment, not only to Fox Restaurant Concepts, but to the Scottsdale community as a whole. Having two restaurants in the direct vicinity of the Artisan Markets, we know first hand of the positive impact that these events bring to surrounding businesses. They make the Waterfront a popular destination to residents and visitors alike, and provide the lively boost that the area has come to be known for. We hope that there will be a strong reconsideration of closing down these events. We hope to see many more Artisan Market events in the future.

Sincerely,



**Andrea Gentile Operations Coordinator**  
**Fox Restaurant Concepts**  
*direct: 480.751.6920*  
*4455 E Camelback Rd #B100*  
*Phoenix, AZ 85018*



To Whom it May Concern,

I have been made aware of the Scottsdale Gallery Association working to shut down the Artisan Markets events at the waterfront, specifically the Thursday night event. As a business owner on 5<sup>th</sup> Ave who is in close proximity to the waterfront events, I find this would not be beneficial to the community. The Artisan Markets events on Thursday nights and Sundays drive traffic to the businesses on 5<sup>th</sup> Ave, and especially on Thursday nights. While we only currently have a handful of proprietors open on Thursday nights, it is an effort we have been working on for the past several months to encourage more businesses to remain open on Thursday nights. Audrey Thacker, with her Artisan Markets events, have been critical components in working with the 5<sup>th</sup> Ave merchants on our efforts to stay open Thursday nights, and come up with collaborative and complimentary marketing initiative where we all win. She even has invited 5th Ave. Merchants to join her on the bridge on Thursdays & Sundays.

The downtown area has been experiencing a downfall in business over the past several years due to many factors. The Artisan Markets is NOT one of them. As president of the 5<sup>th</sup> Ave Merchants Association, we drive home the point to our merchants that they need to **make themselves relevant, make themselves a destination in order to succeed** in this economy. **It is important that the merchants hold themselves accountable for their own success instead of relying on the city or pointing the finger at those that are trying and succeeding.** We provide support and offer ideas and suggestions to improve their businesses. Audrey serves as the Vice President of the 5<sup>th</sup> Avenue Area Merchants Association and has been an integral part in creating the community along 5<sup>th</sup> Ave, which had been dying for many years before her efforts. She offers merchants cross-promoting opportunities and is always welcome to new suggestions to increase business for all of downtown, including the galleries.

We, as merchants, can't expect to take down other peoples businesses simply because we don't like the competition. We have to take responsibility for our own businesses and make sure they thrive no matter what competitors come to town, because they will.

I feel it is unfair to take part of Artisan Markets business simply because the Gallery Association is un-willing to make the necessary changes to make themselves relevant in today's marketplace. I do not point the finger at other restaurants on 5th Ave if they have a busier night than I do. I do not go to the city council or the Arizona Restaurant Association and ask them to help me shut them down or ask them to move. That's is absurd. Any business that brings anyone down to 5th Ave, the bridge, Craftsman Court, Marshall Way, etc. is good for the whole area. I might not benefit on that given night, but in the long run, some one will walk through our door because of what they save on a previous visit.

I would be glad to discuss this with anyone who has a level thinking head and an open mind.

Scott D. Yanni  
President ~ 5th Ave Area Merchants Association  
Partner ~ General Manager 5th and Wine  
480-699-8001

**Audrey Thacker**

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**From:** Kimberly Bowers <kbowers@foxrc.net>  
**Sent:** Thursday, July 23, 2015 9:32 AM  
**To:** Audrey Thacker  
**Subject:** RE: Artisan Markets Waterfront Events  
**Attachments:** image003.jpg

To Whom It May Concern,

The Artisan Market events along the canal are a STAPLE of downtown Scottsdale life. Not only do they provide additional walk in business for my restaurant and dozens of others businesses in the vicinity, but they provide the cultural experience expected in any metropolitan city. The Artisan Market events bring life and color and excitement to downtown Scottsdale, a huge benefit not only for our tourism industry but for the citizens of Scottsdale who want to participate in a real downtown experience. I believe it would be a tragedy to lose these events, not only because they make the Scottsdale Waterfront a DESTINATION spot on the weekends, but because I feel that would take us two steps back to our wild west roots instead of two steps forward into the future of a vibrant and cultural downtown Scottsdale.

Sincerely,

Kimberly Bowers

General Manager

Olive and Ivy Restaurant

Kimberly Bowers    General Manager  
Olive & Ivy  
direct: 480.751.2200  
480.751.2200  
Scottsdale, AZ 85251

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From: Audrey Thacker [audrey@artisanmarketsaz.com]

## Audrey Thacker

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**From:** Jim Bourdamis <jb@accountantsol.com> on behalf of jim@classy-jazzy.com  
**Sent:** Thursday, July 23, 2015 8:31 AM  
**To:** Audrey Thacker  
**Cc:** hilda@classy-jazzy.com  
**Subject:** Opinion

We are writing this memo to indicate our support for Audrey and the Artisan Market. We have been a merchant on 5<sup>th</sup> Avenue for 8 years now. Since the "great recession" hit in late 2007, 5<sup>th</sup> Ave and the surrounding "districts" lost favor as a premier shopping area. The Thursday Art Walk faded away over the years as several galleries and retail businesses closed up. 5<sup>th</sup> Ave festivals and events became fewer and smaller in size. The city, faced with fiscal problems dropped much of its support to Old Town as well. The merchant association had little or no participation. All told, it's understandable that many of the retail merchants and galleries in Old Town are frustrated with a lack of consumers and searching for answers and ways to revive the marketplace and their businesses.

The Artisan Market came on the scene a few years ago and quickly grew in popularity. It's visually eye-catching, there's music, and it's a fun place to walk around and shop. It's well-promoted and branded. The city supports it. The public likes it. These are the same basic elements that used to make 5<sup>th</sup> Ave and Marshall Way so popular back in the day. Many of us on 5<sup>th</sup> Ave initially wanted to blame the Artisan Market for taking the business from our streets. It led us to meeting with the city and Audrey to work out grievances and figure out ways to collaborate. Together we started by reviving the 5<sup>th</sup> avenue merchants association and grew participation from a handful to about 30 active participants today. Audrey has been a leader in the group and worked hard to help promote the whole area rather than isolate the Artisan Market as a competing business. Together we brought back some events to 5<sup>th</sup> Ave, physically cleaned up the street, updated our logo and image, improved our social marketing and we continue to talk about ways of promoting the area as a whole. There is much work to be done but things are moving in the right direction. Our vision is to promote the whole area rather than isolate and compete as "districts". The bridge is very popular now and will continue to gain appeal in the future. Rather than isolate ourselves from it, we need to embrace it and integrate with it. It's an opportunity to bring back consumers to this part of Old Town if the public perceives it to be one big market.

We decided to become a vendor on the bridge as a way to participate and draw customers back to our store. This has been a positive experience for us and we look forward to doing more of it this season. We've been talking about other ways to draw customers from the bridge over to Old Town. We actively participate with Audrey in the merchants association and strive to re-build the market thru promotion, events and collaboration. We appreciate Audrey's efforts to promote the whole marketplace and believe there is more to be gained by working together. With a common vision Marshall Way, 5<sup>th</sup> Ave, Stetson and the Bridge can make a comeback as something bigger than the individual parts present.

Sincerely,  
Jim & Hilda Bourdamis  
Classy-Jazzy Cutique

Jim

## Sumners, Cheryl

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**From:** Veronica Graffius <[vgraffius@calvincharlesgallery.com](mailto:vgraffius@calvincharlesgallery.com)>  
**Sent:** Monday, July 27, 2015 2:14 PM  
**To:** Audrey Thacker  
**Cc:** Stockwell, Brent; Geiogamah, Steve; Sumners, Cheryl; 'Scott Yanni'; Gallery Association Board  
**Subject:** Re: Collaboration -SGA, 5th Ave and Artisan Markets

Dear Audrey,

Thank you for your email. Please understand that we are currently focusing on our meeting with the city tomorrow. Our meeting has been in the formulative stages for about 6 weeks and we want to stay on point. Perhaps after tomorrow's meeting, the city will take the lead, and we can all come together to discuss this further. Additionally, we would ask you to work through the city, as we have done, to create future dialogue.

The various downtown groups no doubt have many of the same concerns and the same vested interest in a vibrant downtown core. We look forward to sitting down with all interested parties in the solution-based discussions that you have mentioned.

We will continue this email dialogue soon.

Sincerely,  
Veronica



VERONICA GRAFFIUS | MANAGING PARTNER  
4201 NORTH MARSHALL, SCOTTSDALE, ARIZONA 85251  
[WWW.CALVINCHARLESGALLERY.COM](http://WWW.CALVINCHARLESGALLERY.COM) | 480.421.1818

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**From:** Audrey Thacker <[audrey@artisanmarketsaz.com](mailto:audrey@artisanmarketsaz.com)>  
**Date:** Monday, July 27, 2015 1:25 PM  
**To:** Veronica <[vgraffius@calvincharlesgallery.com](mailto:vgraffius@calvincharlesgallery.com)>  
**Cc:** <[bstockwell@scottsdaleaz.gov](mailto:bstockwell@scottsdaleaz.gov)>, "<[SGeogamah@Scottsdaleaz.gov](mailto:SGeiogamah@Scottsdaleaz.gov)>" <[SGeogamah@Scottsdaleaz.gov](mailto:SGeogamah@Scottsdaleaz.gov)>, "Sumners, Cheryl" <[csumners@scottsdaleaz.gov](mailto:csumners@scottsdaleaz.gov)>, 'Scott Yanni' <[azyanni@yahoo.com](mailto:azyanni@yahoo.com)>  
**Subject:** Collaboration -SGA, 5th Ave and Artisan Markets

Dear Veronica,

Artisan Markets is a pro-gallery, pro-small business organization whose goal is to support the local merchants and drive traffic to your galleries, shops and restaurants through our events and aggressive marketing strategies. I firmly believe that there are several ways in which the SGA, 5<sup>th</sup> Avenue Merchants Association and Artisan Markets can collaboratively work together to increase business in the downtown area.

As Vice President of the 5<sup>th</sup> Avenue Merchants Association, I have seen collaboration work first hand and know that if we all sit down in a solution based meeting we can find ways to work together to increase visibility, attendance and hopefully sales.

I respectfully request a meeting with the SGA, Artisan Markets, 5<sup>th</sup> Ave Merchants Association and City Staff and collaborate our efforts.

Please let me know a few dates and times you are available in the next two weeks so we can coordinate and get it on everyone's calendar.

Sincerely,

Audrey Thacker

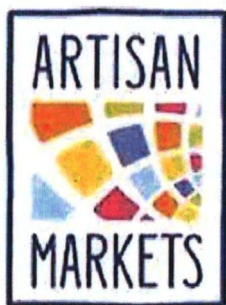
President | Founder

O: 602.687.7495

C: 602.314.0323

[www.artisanmarketsaz.com](http://www.artisanmarketsaz.com)

[www.facebook.com/artisanmarkets](https://www.facebook.com/artisanmarkets)





Please let me know a few dates and times you are available in the next two weeks so we can coordinate and get it on everyone's calendar.

Sincerely,

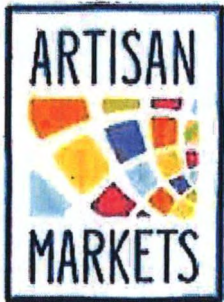
Audrey Thacker  
President | Founder

O: 602.687.7495

C: 602.314.0323

[www.artisanmarketsaz.com](http://www.artisanmarketsaz.com)

[www.facebook.com/artisanmarkets](https://www.facebook.com/artisanmarkets)





Tourism & Events Dept.  
480-312-7177  
[WWW.ScottsdaleAZ.gov](http://WWW.ScottsdaleAZ.gov)

Below are the stipulations you, the event applicant, must follow before, during and after your event. Failure to adhere to these stipulations may result in the revocation of your special event permit and/or denial of future events.

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**Case 109-SE-2015**

## **Artisan Markets**

**Selected Thursdays, beginning October 15, 2015 and ending April 28, 2015**

**Selected Sundays, beginning, October 18, 2015 and ending April 24, 2015**

**Saturday: Nov. 28 & Dec. 26**

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- This permit covers the following requested event dates occurring in October through December 2015\*:  
Thursdays: 10/15, 10/22, 10/29, 11/5, 11/12, 11/19, 12/3, 12/10, 12/17  
Sundays: 10/18, 11/1, 11/8, 11/15, 11/22, 11/29, 12/6, 12/13, 12/20, 12/27  
Saturdays: 11/28, 12/26  
\* If the above dates are proposed to be revised, please notify the City in advance for Committee review and decision on any changes.
- On October 6, the City Council is considering a petition regarding this event permit, and depending on the outcome, a decision on the issuance of a permit for the 2016 dates would be made and the permit issued by October 16, 2015. If approved as currently submitted, those dates would include\*:  
Thursdays: 1/14, 1/21, 1/28, 2/4, 2/18, 3/3, 3/10, 3/17, 3/24, 3/31, 4/7, 4/14, 4/21, 4/28  
Sundays: 1/10, 1/17, 1/24, 1/31, 2/7, 2/21, 3/6, 3/13, 3/27, 4/3, 4/10, 4/17, 4/24. (3/20 is NOT approved due to another scheduled event.)  
\* Depending upon any Ordinance changes, revised dates may be proposed, subject to Committee review and decision on any changes.
- Throughout the duration of the reoccurring market events, the City may schedule another event at this location. If another event is scheduled and approved, City staff will communicate with you no less than 30 calendar days in advance of the event to allow you time to find a new temporary location and/or your event will need to be cancelled for that date.
- SRP license approval must be obtained by the applicant and a copy submitted to city staff prior to the issuance of the special event permit. A copy has been received and is on file.
- Vendor and event layout shall match the approved site plans.
- The center walkway of the bridge is limited to the concierge tent, two tables, and live music as shown.
- Both the Thursday and Sunday events are considered similar as submitted, thus counting towards the total 48 calendar days allowed by Ordinance.
- If signage is proposed, it shall be submitted to City staff for Committee review and approval.

- Fees will be paid according to the approved fee schedule in effect at the time the event is held. For example, if a new fee schedule is approved by the City Council; all events occurring after the effective date will be required to pay the fees according to the approved schedule.
- Vendors are selected through a juried process per the criteria submitted to insure the artists are selling original artwork (vs. a vendor simply selling general merchandise/retail items- which is not permitted with this market event).
- Public parking garages will be actively promoted on the Artisan Markets website to assist event attendees with nearby parking options. City staff has provided two A-frame signs that will be used as parking directional signage to be used on market event days.
- Outdoor ambient music is permitted in the locations as shown on the approved site plan. Noise complaints can be subject to calls for service from the Police Department. A Scottsdale Police Officer or a Scottsdale Code Enforcement Inspector may require the music volume to be reduced or ceased based upon noise complaints or concerns as a result of this special event. Someone on your event staff must be assigned to monitor music levels to insure that it remains at a reasonable volume and doesn't interfere with any other music being played on nearby patios.
- Sunday Market hours are 10-4pm. Thursday Market hours are 5-10pm.
- Event setup begins at 7:30am on Sundays and 3pm on Thursdays. Unloading by vendors will occur expeditiously on both sides of the bridge, but in no case shall a vehicle ever drive on or over the bridge nor be driven on the SRP Canal Banks.
- Event cleanup and equipment removal must begin immediately following each event and will be completed by 11pm on Thursdays and 5:30pm on Sundays.
- Signatures noting no concerns were provided from the 5<sup>th</sup> Ave Merchants Association; Olive & Ivy; Marcellino's; The Herb Box; Broadstone Waterfront Residential; Scottsdale Waterfront Management & Waterfront Residences; and Scottsdale Fashion Square Mall.
- Notification is required to inform nearby or affected businesses, property owners and HOA's within 300 feet at least two weeks prior to the event. Notification is required for events with off-site parking, outdoor amplified sound, street closures, fireworks, or other notable impact to adjacent areas. Notification letters must include a detailed description of the event including setup and teardown times, starting and ending times for outdoor music, estimated attendance, and the event organizer's name and mobile phone number for contact before, during and after the event for all street closures.
- Liquor is not proposed nor permitted at any of the events.
- The trolley will be rerouted on event dates. If any issues arise, please contact John Kelly, Transportation Planner at 480-312-7626 [jkelly@scottsdaleaz.gov](mailto:jkelly@scottsdaleaz.gov).
- Existing electrical outlets may be used and coordinated through City staff. The City is unable to predict outages or needed repairs so in the event that an electrical outlet does not work, you may need to plan for a small generator if electrical is a necessary component of the event. You may call the Facilities Dept. to assist with any electrical issues M-F until 4:30pm at 480-312-5999. After 4:30pm and on weekends, please call 480-220-5867.
- If city crews are required to perform any type of cleanup service due to your event, you will be billed and required to pay for the man-hours spent cleaning.
- No additional bridge lighting or decorations are permitted.

- Any damage or vandalism to the existing bridge lights/decorations resulting from this event must be repaired in a timely manner immediately following the event.
- All trash generated from your event will be hauled off by the individual vendors.



**Thursdays  
6-10 p.m.**

**artisanmarketsaz.com**

**602.314.0323-Audrey**

**7134 E Stetson Dr  
Scottsdale, AZ 85251**

**FREE Parking under Barrio  
Queen Restaurant off of  
Stetson**

**AND  
FREE Parking at the  
Scottsdale Waterfront just  
under Olive and Ivy**

***Set-up time is between  
3 pm and 4:45 pm***

**C** Requires 10x10 white canopy

**T** Table only spaces

**T**

**Music**











SouthBridge SunDays  
10-4 pm  
7134 E Stetson Dr | Scottsdale, AZ 85251

Olive & Ivy Circle Plaza      Stetson Plaza      Stetson Plaza-Cross      Cross

1.	24.	41.	51
2.	25.	42.	52.
3.	26.	43.	53.
4.	27.	44.	54.
5.	28.	45.	55.
6.	29.	46.	56.
7.	30.	47.	57.
8.	31.	48.	58.
	32.	49.	59.
	33.	50.	60.
	34.		61.
	35.		62.
	36.		63.
	37.		64.
	38.		65.
	39.		66.
	40.		67.
			68.
			69.
			70.
			71.
			72.

Set-up Times

-  7:30 - 7:45 am
-  7:50 - 8:05 am
-  8:10 - 8:25 am
-  8:30 - 8:45 am
-  8:50 - 9:05 am
-  9:10 - 9:25 am  
Table Only Spaces
-  Music



# **Artisan Market Special Event Permit Petition**

City Council  
October 6, 2015













# **Petition Request Summary**

**Direct the Special Events Committee to immediately rescind the permit issued to Artisan Markets on the Canal Bank.**

- 1. Lack of authority to grant permits on public property.**
- 2. Permit fee constitutes a prohibited gift.**
- 3. Negative impacts of permit violate Special Events policy.**



# **Revocation Criteria**

- 1. Failure to conduct the event as presented on the application.**
- 2. Failure to comply with special conditions in the approval.**
- 3. If the event poses a threat to public health, safety or welfare.**

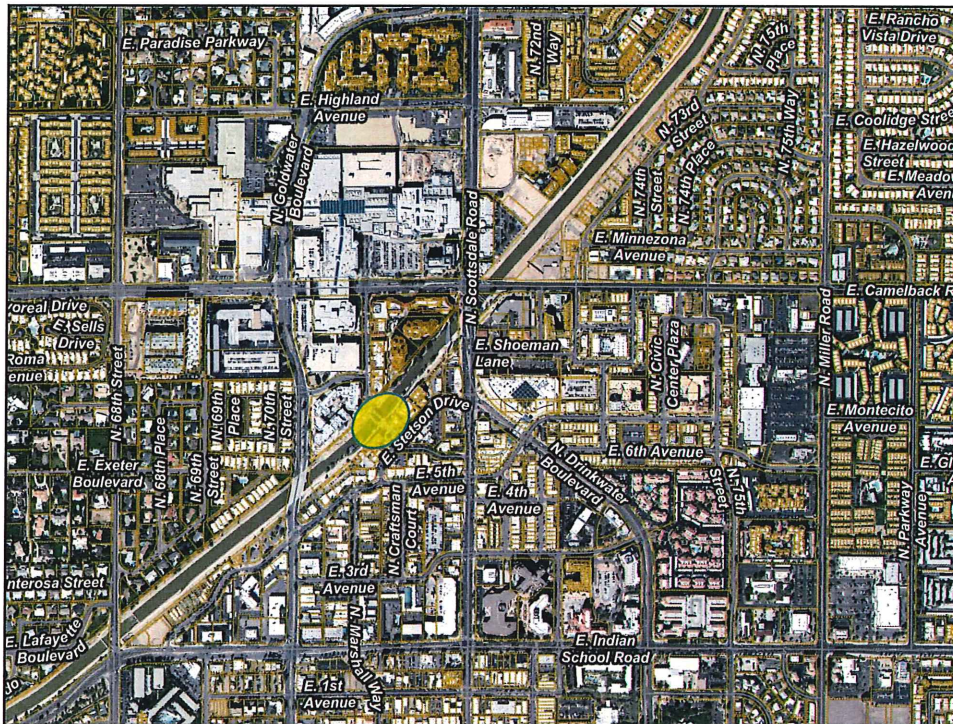
# **Options**

- 1. Ask the City Manager to review the permit**
- 2. Ask the City Manager to use the Special Event Ordinance revision process to address concerns**
- 3. Take no further action on the petition**

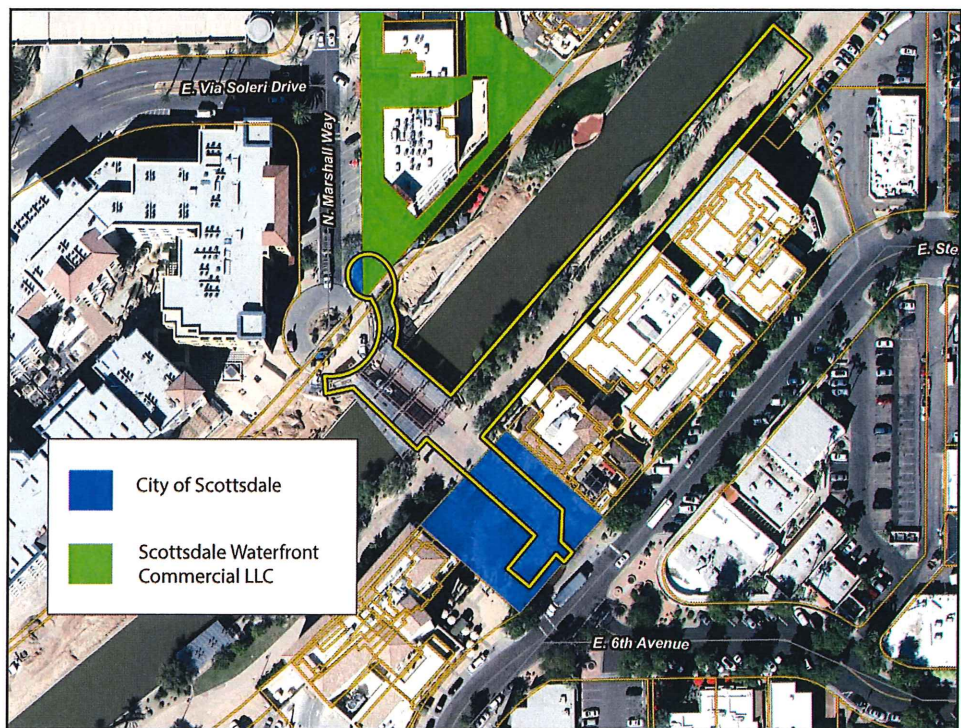
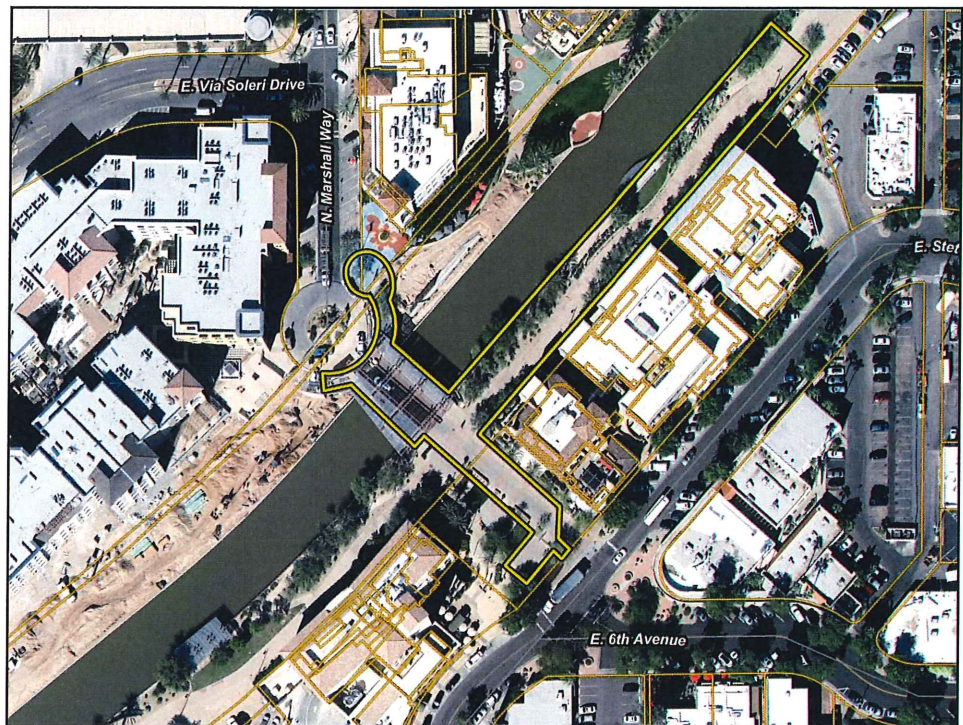
## Item 15

# Artisan Market Special Event Permit Petition

City Council  
October 6, 2015







## **Petition Request Summary**

**Direct the Special Events Committee to immediately rescind the permit issued to Artisan Markets on the Canal Bank.**

- 1. Lack of authority to grant permits on public property.**
- 2. Permit fee constitutes a prohibited gift.**
- 3. Negative impacts of permit violate Special Events policy.**

109-SE-2015

## **Revocation Criteria**

- 1. Failure to conduct the event as presented on the application.**
- 2. Failure to comply with special conditions in the approval.**
- 3. If the event poses a threat to public health, safety or welfare.**

109-SE-2015



## **Options**

- 1. Ask the City Manager to review the permit**
- 2. Ask the City Manager to use the Special Event Ordinance revision process to address concerns**
- 3. Take no further action on the petition**

109-SE-2015

**Wyant, Erica**

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**From:** chadschimmel@gmail.com  
**Sent:** Tuesday, September 29, 2015 8:45 AM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: chad Schimmel  
Address: 224 E Chilton #10  
C/S/Z: Chandler, AZ 85225  
Phone: 4805100717

Comment for 10/06/15 Item 15:

Artisan markets is what brings me to scottsdale, The galleries bring nothing to the city for the average person. If you lose artisan markets you lose my family from visiting and our business

## Wyant, Erica

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**From:** margaret.crusoe@gmail.com  
**Sent:** Tuesday, September 29, 2015 9:07 AM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Margaret Crusoe  
Address: 1837 E. Citation Lane  
C/S/Z: Tempe, Arizona 85284  
Phone: 4808393968

Comment for 10/06/15 Item 15:

I have participated in the Artisan Market on Thursday nights for about two years. It has given me a platform to sell my paintings. The market creates a colorful, friendly and festive atmosphere. Many of us purchase our food from the nearby restaurants. We have passed out literature promoting the whole arts area. The people at the information booth answers tourists' questions and directs them to the 5th ave area for more art experiences. I pay my city sales tax every month. The artisans are practically ambassadors for the city. I urge the council to continue our permit. Thank you.

## Wyant, Erica

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**From:** kcostelloaz@cox.net  
**Sent:** Tuesday, September 29, 2015 9:16 AM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: KC Costello  
Address: 8742 E. San Rafael Drive  
C/S/Z: scottsdale, Arizona 85258  
Phone: 4802276339

Comment for 10/06/15 Item 15:

Keep the Artisan Markets GOING!!

Residents, Tourists, Families and Friends come from all over to Walk around the River Walk and buy homemade gifts.  
This is NOT in competition of the GALLERIES.

This event and ALL other Temporary Events, bring in REVENUE for the Food, Entertainment and Arts - It's All Good for the CITY of Scottsdale

## Wyant, Erica

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**From:** Drbiner@msn.com  
**Sent:** Tuesday, September 29, 2015 10:08 AM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Robert Richardson  
Address: 16015 E Glenview Dr  
C/S/Z: Fountain Hills, AZ 85268  
Phone:

Comment for 10/06/15 Item 15:

Artisan Market allows home based artists the opportunity to rent space at a low and affordable rate. As part-time home based artisians we cannot afford to and often will not be welcome to sell through brick and mortar galleries. Street vendor presence is an asset to Scottsdale commerce and tourism.



## Wyant, Erica

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**From:** kylesorrell@yahoo.com  
**Sent:** Tuesday, September 29, 2015 10:23 AM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Kyle Sorrell  
Address: PO Box 1714  
C/S/Z: Scottsdale, AZ 85252  
Phone: 480.332.4155

Comment for 10/06/15 Item 15:

Artisan Markets is undoubtedly a destination for locals and tourists alike and provides an authentic and unique community experience that no other organization can. I have managed fine art galleries in old town Scottsdale and can tell you first hand that this market does not negatively impact sales at galleries because the market price points are so minimal compared to the galleries that it would never prevent an art purchase from taking place at the higher-end brick and mortar galleries.

Furthermore, Artisan Markets actually serves the Scottsdale Gallery Association by bringing people to the area, directing traffic toward the galleries from their info booth, and providing a bridge of commerce for shoppers coming from Fashion Square and local restaurants to the the arts districts on 5th Ave, Marshall Way, and Main St. Also having run master works art galleries in well known arts destinations like La Jolla, CA., where there are often multiple arts events occurring at one time, I can tell you that this is exactly what the galleries should want - an organization that serves to make Scottsdale a known art lover's destination which brings more tourists and more buyers to the area.

Finally, now that I've moved back to Scottsdale and work as a local musician, I can tell you that the live entertainment provided by Artisan Markets is the very best that the city has to offer. I have seen this musical atmosphere and the exclusive meet-the-artist feel of this event bring countless smiles to the faces of community members, vacationers and their families. I truly hope that the city allows Artisan Markets to provide these unique benefits for many years to come.

## Wyant, Erica

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**From:** davehoward44@gmail.com  
**Sent:** Tuesday, September 29, 2015 9:19 PM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Dave & Georgetta Howard  
Address: 53 N Mountain Rd. #71  
C/S/Z: Apache Junction, AZ 85120  
Phone:

Comment for 10/06/15 Item 15:

We have participated as vendors at numerous Artisan Markets events in Scottsdale over the past several years. We wish to register our objection to the possibility of rescinding their license to hold these popular events. Logic tells me that the Artisan Markets actually help boost traffic for local businesses because the events attract many people to downtown that otherwise would not be there. The markets are great entertainment for local residents and tourists as well, with some of the biggest crowds showing up when sports fans fill Scottsdale hotels. These people come down to the market to browse but I've personally seen many of them stop in local shops and restaurants creating business that otherwise might not be there on that specific day. The city itself benefits through sales tax revenues paid by us vendors and our customers. We feel it would be a mistake for the city to shut down this economic engine that benefits the entire business community.

## Jagger, Carolyn

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**From:** Pejman Gallery | Scottsdale <pejmangallery@gmail.com>  
**Sent:** Tuesday, September 29, 2015 3:44 PM  
**To:** Jagger, Carolyn  
**Subject:** FW: October 6 City Council Report for Item #15  
**Attachments:** American Fine Art 8 10 15 letter.pdf; Beverly Moore 9 15 15 letter.pdf; Derubies 8 8 15 letter.pdf; Marshall Gallery 8 5 15 letter.pdf; Marshall Gallery 9 14 15 letter.pdf; Modern American 8 10 15 letter.pdf; Modern American 9 15 15 letter.pdf; Nestled In 9 16 15 letter.pdf; Pabst 8 6 15 letter.pdf; Pabst 9 14 15 letter.pdf; Quantum 8 15 15 letter.pdf; SGA 9 16 2015 letter.pdf; Touchstone 9 14 15 letter.pdf; Touchstone 8 20 15 letter.pdf; Frederika 9 16 15 letter.pdf; Andre Kohn 8 19 15 letter.pdf; Chocolate van Brugge 9 16 15 letter.pdf; Artisan Markets 2012 Petition.pdf; Artisan Markets - 2014 Petition.pdf

**Importance:** High

FYI.....

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**From:** Pejman Gallery | Scottsdale [mailto:pejmangallery@gmail.com]  
**Sent:** Tuesday, September 29, 2015 2:52 PM  
**To:** 'City Council'  
**Cc:** 'Stockwell, Brent'; 'bbiesemeyer@scottsdaleaz.gov'; 'Sonnie Kirtley'; 'vgraffius@calvincharlesgallery.com'  
**Subject:** October 6 City Council Report for Item #15  
**Importance:** High

To Mayor Lane & City Council;

The October 6<sup>th</sup> Council Report for Item 15 is so purposefully one-sided that it is basically an insult to the intelligence of any informed reader.

<http://www.scottsdaleaz.gov/Asset61117.aspx>

To have Artisan Market opposition letters from only 3 entities (SGA, Tom Giller, and me) weighed against 8 support letters, tells the entire sad tale of the bias and favoritism that is so evident here. The merchants are not stupid. They are seeing the truth of the well organized betrayal by certain Council members and staff.

I have attached 16 letters of opposition to Artisan Markets that were forwarded to me during the past few months alone. These are only the letters that were forwarded to me and there is at least 3 times that amount of opposition letters that were sent to City Council over the past 2 months if you wish to search your email boxes.

And whatever happened to including copies of the 5<sup>th</sup> Ave merchants' 2012 & 2014 Anti-Artisan Market Petitions in the Council Report (also attached)? Aren't those landmark petitions extremely relevant to painting a balanced and accurate picture here?

We are all extremely frustrated and disappointed. And I am not referring to the gallery owners. I am referring to 200+ merchants that span from Brown Avenue to Stetson Way.

Bob Pejman  
Pejman Gallery LLC



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

**From:** Phil Koss [mailto:phil@tobiasse.com]

**Sent:** Monday, August 10, 2015 4:46 PM

**To:** City Council <CityCouncil@scottsdaleaz.gov>; Biesemeyer, Brian K <BBiesemeyer@scottsdaleaz.gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>; Geiogamah, Steve <SGeiogamah@scottsdaleaz.gov>; Sumners, Cheryl <csumners@scottsdaleaz.gov>; azsonnie@gmail.com; Kuester, Kelli <KKuester@scottsdaleaz.gov>

**Subject:** Old Town Galleries - Fake Events - Fake ARTWALK (Please see pictures attached)

August 10, 2015

Dearest City Council,

We have been a part of Scottsdale's Old Town Arts District since 1993, an industry leader in fine art, showcase gallery, publisher, and producer of fine art. I can tell you historically the Old Town Arts District is simply not what it used to be.

The City of Scottsdale has never been very supportive of the galleries from the banner regulations, to preventing me from offering valet services – which could only have benefited everyone, but what is going on with the city today is appalling.

I remember in 1996 I was putting together an event to showcase live art and had to work with the City to close off the parking spaces in front of my gallery on Main St. You would have thought I asked to set fire to the courthouse the response was so contentious. Now, the city shuts down 5<sup>th</sup> Ave a majority of weekends, if not every weekend, during Scottsdale's prime season for vendor-driven so-called "fine art" fairs or festivals where "artists" and craftsman come in tents and caravans to schlep their wares directly to the public like gypsies in the night.

These vendor-driven events began slowly with one or two in Old Town several years ago and have since been allowed to absolutely flood the market, our market, and our streets. Initially it was dismissed because these places do not offer the caliber of art offered by us. But the fact remains that we offer artworks starting at a few hundred dollars ranging into the seven figures, and we appreciate and value all of our clients regardless of what part of that range they fall into. We offer original works by top tier, internationally acclaimed masters of fine art such as Warhol, Picasso, Wyeth, and Vasarely. We elevate the fine art community of Scottsdale. These vendor-driven fairs and festivals offer works ranging in price from \$20 to several thousand dollars thereby overlapping our market. There are those clients who are connoisseurs of fine art and there are those who purchase art only for decorative purposes.

As I said we greatly value ALL of our clients, and it is the latter client that we potentially lose with these arts and craft vendors being allowed in by the city to skim off of the gallery business. One or two of these a year was not a big deal, then the city approved the monumental tent in North Scottsdale which is the same as all of the other riff-raff except that it is open non-stop during the entirety of Scottsdale's prime season. Step after step, decision after decision, time after time, fair after fair the City has said to it's year-round tax paying businesses and community leaders "We not only don't support your business, we support the deterioration and erosion of your business." Where we find ourselves today, we are trying to run businesses and being cut-off at the knees by our city and our state leaders.

These art fairs/festivals - which again are **ONLY** vendor-driven events where those who do NOT invest in Scottsdale's brick and mortar building space, do NOT pay year-round taxes, and do NOT support the



community are permitted by the City to come in and skim off the gallery businesses like parasites. It needs to stop.

The self-titled “Artisans Markets,” which are more rightly described as gypsies, are just the straw that broke the camel’s back. If the City does not do something then the city will be solely responsible for the demise of Old Town Scottsdale and the only thing left in the Arts District that has anything to do with fine art will be the museum. There are plenty of options for gallery owners in terms of finding a business friendly city and state.

I kindly request that the city revoke the permit it just approved, once again, for the Artisan Markets to operate during ArtWalk on Thursday night, our night, – an event created, promoted, supported, and maintained by the brick and mortar galleries of Old Town Scottsdale. Additionally, I would ask that city officials take this all into consideration when reviewing other event permit applications no matter how long the so-called fine art fair or festival has been approved by the city to operate here and deny more of the applications so these vendor driven events are NOT held the majority of weekends during season. Lastly, I would ask that any permit still approved by the city after hearing from us, your brick and mortar year-round businesses, be specifically prohibited from using the term “fine art” in its title or any promotional material. There is no fine art offered and it is misleading to the public. Allowing these vendor-driven art “events” is simply not the right thing for the City, and if the city continues to operate in this vein you will either kill or drive away every gallery from the city. The City will be responsible for the demise of its “Arts District.”

I only hope this warning and this plea does not continue to fall on deaf ears. I am a successful business but quite honestly I am tired of fighting on this front and have been more and more open to the idea of moving our gallery out-of-state to a location that supports their art galleries. So far I am only in the scouting stages, but I am simply tired of fighting with the city and the state to run my business. I am tired of all of the unnecessary roadblocks put up by bureaucrats who either don’t understand what they are doing or don’t care. I thank you in advance for your thoughtful consideration of this very serious matter. I look forward to your response and action.

One question could you also please let me know how many gallery owners and/or building owners from Marshall Way or Main Street are on the Board and or Council?

Lastly, but most importantly please find attached images of Main Street and Marshall Way as it sits today. If this doesn’t make the current state of affairs clear I don’t know what will. Then look at the Art Bridge, vacant, empty no tourism generated by this space except for free retail space for pop up stores masquerading as a market. No boost to anything except their pockets - syphoning off the loyal art fans and tourists which we have developed and paid for for over four decades. Like the signs the city so proudly puts up **Walk the Line**, its a fine one! Down through the empty spaces of the art district to the desolate and vacant fake artisans market current venue oddly enough masquerading as an "Event" the exact same time as Scottsdale's famous ArtWalk.

Take a good look.

All The Best,

Phil Koss



American Fine Art, Inc.  
3908 N. Scottsdale Rd.  
Scottsdale, AZ 85251  
[480.990.1200](tel:4809901200) | [800.466.8276](tel:8004668276)  
[www.novaro.com](http://www.novaro.com)

From: **Beverly Moore** <bev@bevsbeadz.com>

Date: Tue, Sep 15, 2015 at 10:03 AM

Subject: Artisan Markets

To: [citycouncil@scottsdaleaz.gov](mailto:citycouncil@scottsdaleaz.gov), [jlane@scottsdaleaz.gov](mailto:jlane@scottsdaleaz.gov)

As shop owners on 5th Avenue we have to voice our frustration with "Artisan Markets". Our customers and parking are taken away from us with the Thursday & Sunday events on Southbridge. We, along with many others on 5th Avenue and the surrounding area, maintain and pay substantial rent/mortgages year round. City, State, & Federal taxes are also paid. "Artisan Markets" monopolizes the "Season" that we all rely on. Why do they not setup in June, July & August? The answer to that question is obvious. We as shop owners most certainly do not receive any incentives or rent reductions for struggling through the off season. I am positive that all shop owners in the downtown area would love to shut down for 3 months and come back and pick up where they left off at no expense. "Artisan Markets" has conveniently become a member of the "5th Ave. Merchants Association" under the guise of helping 5th Avenue. Our intelligence is not that easily insulted. Do the vendors at the "Market" all have "City of Scottsdale" Tax & Business Licenses? What is the lease/rental cost for the bridge and surrounding area? How is their electric usage tracked and what is their cost? Based on the square foot prices we as retail owners pay, "Artisan Markets" should be leasing Southbridge for roughly 50 to 100 thousand dollars annually. What do their vendors generate in city sales tax? How are their vendors vetted as to the products they offer? We are certainly not opposed to several special events throughout the year, such as Fine Art events, Food trucks, etc. Many items at the "Artisan Markets" are directly competitive with existing storefronts. How does the "Scottsdale Trolley" route change in regard to our visitors and locals who want to get to the 5th Ave. and surrounding districts? How receptive would the restaurant and tavern owners in the area be if 50 to 100 (or even more) "mini" restaurants show up twice every week during our prime season? Why is it acceptable to have that many "mini" retailers taking business away from us as shop owners? There was a petition circulated, signed, and submitted by the majority of the merchants in the area several years ago, opposing Southbridge being used for this event on such a frequent schedule. Was it overlooked? Prior to "Artisan Markets" strategically gaining a membership position on the "5th Avenue Merchants Association" a meeting was held. All of these questions were asked of Ms. Thacker, her only response to EVERY question was..."I did not come here to be attacked!" She was not being attacked, only asked direct questions. There are many members of the association and many shop owners on 5th Ave. who would like to become members of the "5th Ave. Association", however they feel that the "Fox has been let into the Hen-house" so to speak. They feel alienated and that their voice has been removed. As shop owners we have been offered reduced booth rates at the market. Why would we even consider that? We have "brick and mortar" locations! Many of us started our business' as pop-ups, why would we go back to that? And pay "Artisan Markets for the privilege? I am certain that the charm and attraction to the "Downtown" area would sustain irreversible damage if we lose our unique shops, storefronts and galleries. The vacancy level of storefronts is very apparent! How can we attract new entrepreneurs when this condition exists? We ask for your help in regard to this matter.

Brian Moore  
Beverly Moore

Owners; Beverly Moore Studio & Gallery  
7083 E. 5th Ave  
Scottsdale, AZ 85251

## Pejman Gallery | Scottsdale

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**From:** Phillip Sacks [phillip@fineartofmetal.com]  
**Sent:** Saturday, August 08, 2015 1:20 PM  
**To:** Csumners@Scottsdaleaz.gov  
**Cc:** citycouncil@scottsdaleaz.gov; bstockwell@scottsdaleaz.gov; bbiesemeyer@scottsdaleaz.gov; geiogamah@icloud.com; azsonnie@gmail.com; vgraffius@calvincharlesgallery.com  
**Subject:** artisan market permit  
**Importance:** High

Dear Ms. Sumners,

I wish to applaud you for giving the Artisan Market a permit for Thursday night Artwalk while putting another nail in the coffin for the downtown art merchants. It amazes me that based on a few restaurants and a few other merchants in the area that are for the market you decided to issue a permit, while the opposition to the permit was presented to the city from over 40 merchants that were at the SGA meeting on July 28<sup>th</sup>. I wonder if you and your staff took the time to canvass all the restaurants along Main Street and on Scottsdale Road south of Indian School about how they feel about losing clientele on Thursday nights to restaurants up around the bridge?... by the silence I am sure you did not. You talk about the vendors on the bridge selling different product and price points than the art galleries, but did you check with all the shops east of Scottsdale Road and 5<sup>th</sup> Avenue that sell very similar items that the Artisan vendors are going to sell?... I doubt that as well.

I am sure the mayor and city council are very happy with all of the permits your department keeps issuing for more and more "special events" art type venues. There are eighteen empty retail shops along Main Street and Marshall Way currently. I wonder how many of the vendors that exhibit at the tents would be willing to rent a space down here? The answer is probably none. Why should they when the rent is cheap at the tents and they only have to work during our season to make a living?

I used to own two galleries on Main Street, but unfortunately I had to close one this year. Were the tents the main cause for its demise?... probably not the only reason, but we know for a fact it definitely had a major effect. My other gallery's lease comes up next year and I would love the city to tell me why I should stay considering it's obvious that the city doesn't want me here to succeed.

Best Regards,

Phillip

Phillip Sacks  
Owner/Partner  
DeRubeis Fine Art of Metal  
7171 East Main Street  
Scottsdale, AZ 85251  
Gallery 480-941-6033  
Cell 928-300-4163

9/26/2015



## Pejman Gallery | Scottsdale

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**From:** Janet Priset Sandino [email@themarshallgallery.com]  
**Sent:** Wednesday, August 05, 2015 3:49 PM  
**To:** BBiesemeyer@Scottsdaleaz.gov  
**Cc:** SGeiogamah@Scottsdaleaz.gov; BStockwell@scottsdaleaz.gov  
**Subject:** Art Gallery Voice

Dear Sir,

I have written to Mr. Brent Stockwell in the past about our gallery's objection to the nearby "artisan market/arts festival" that truly does interfere with our commercial traffic during the very height of our season. As a NON-MEMBER of SGA (which only represents about 25 galleries), we wish our voice to be heard as well.

The Marshall Gallery is a combination of two worthy entities that have been in the Scottsdale arts district for 20 years. The Marshall Gallery formerly was situated on Marshall Way for 10 years. Sensing that Marshall Way was moribund, Marshall Gallery acquired The Lekae Gallery and merged into one large gallery (7,500 sqft) on Main Street in 2009. Its move to Main Street was directly precipitated by the City of Scottsdale's intent to continue developing the Waterfront area and the consequent dearth of pedestrian traffic on Marshall Way. Now, six years later, that same creeping paralysis of our arts district (formerly renowned nationwide) has hit Main Street, with the City seemingly shifting emphasis to smaller "arts" related festivals at the nearby Waterfront and Canal. This is not to mention the outrageous, opportunistic, direct competition from tent shows on desert land, far to the north of town during our peak season. Not only do we feel abandoned but, by any reasonable assessment, betrayed by our City "fathers," who seem to have taken leave of their civic senses, to be candid. As I mentioned to Mr. Stockwell, this district needs to be updated before we become Arizona's latest ghost town – with a splendid Museum of the West as its own white elephant at its core.

Formerly, as Advertising Manager for an art publication, I visited art centers nationwide, where I found weekend festivals, and other non-competing events in those arts' districts. Those events were complementary to their host arts districts (e.g. Santa Fe Indian Market), not competitive, and attracted more traffic to the established areas. That could be possible for Scottsdale, with some collaboration and planning. Instead, we seem to be abandoned to our fate, it would seem.

We would welcome large events that bring NEW people into town and filter them to our arts area in lieu of the necrosis painfully evident all along Main Street. There is an obvious dissolution of civic participation in Scottsdale's arts area, with the focus shifting to other business types and property developers'/owners' interests.

Would Scottsdale Waterfront restaurants welcome a weekly Friday night FOOD STALL FESTIVAL to interrupt their business model – especially during peak season? Certainly such "events" would be intolerable to food business owners, who would make their voices heard loud and clear. Would Nordstrom's welcome a weekly "rag trade" along the waterfront in peak season? They'd up and leave!

Would you please take the time to look at the Main Street, Marshall Way and 5<sup>th</sup> Avenue businesses and canvass them also? The most vocal voices have been but a small portion of interested business owners – unfortunately many have closed in the past few months and have voted their opinion of Scottsdale planning with their feet! Jackson Hole or Santa Fe never would stomach a 10-week art tent show during their peak summer season!

Some positive ideas to improve our district might include: concierge tour of galleries, Indian market on an open

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plaza areas (west Main St.), 3-day food festival, paint-out in the streets, mini concerts in open area, restaurant tasting from gallery to gallery, kids' art in the streets (e.g. chalking our sidewalks), benefit for one of our many charities, with portion of sale proceeds that day/weekend going to the charity. With the galleries and the City collaborating, we can come up with several viable activities.

Our ARTS DISTRICT could be a thriving, year-round commercial shopping/dining/entertainment district. However, it is being systematically and wantonly destroyed by the indifference of those on whom we rely to protect and represent us. Vendors who swoop in like vultures during the "best time," and "leave when pickings get slim" would have been run out of town by the sheriff in the Old West – and isn't this supposed to be the "West's Most Western Town"! Proper planning, investment and incentives could restore OLD TOWN to the self-sustaining entity it once was and help it regain its former stature as a proud part of Scottsdale's heritage.

Sincere regards,  
Janet

**Janet Priset Sandino**  
**Senior Fine Art Consultant**  
The Marshall Gallery of Fine Art  
7106 E. Main Street  
Scottsdale, Arizona 85251  
(480) 970-3111 gallery  
(602) 680-6090 cell  
[www.themarshallgallery.com](http://www.themarshallgallery.com)

**From:** Admin Support [mailto:info@modernamerican.com]

**Sent:** Monday, August 10, 2015 2:26 PM

**To:** City Council; Biesemeyer, Brian K; Stockwell, Brent; Geiogamah, Steve; Sumners, Cheryl; azsonnie@gmail.com; Kuester, Kelli

**Subject:** Scottsdale's Art Galleries and Community

August 10, 2015

I thank you in advance for taking the time to hear from one of your local, brick and mortar, tax paying, year round art galleries. I kindly request that you take great care, consideration, and action with regard to the concerns of all of Scottsdale's gallerists.

The Scottsdale gallery community has sat idly by for years as art fair after festival was added to the schedule of events for the Old Town Arts District area in addition to the art tent in North Scottsdale. None of which support the city or the community like the year-round, brick and mortar galleries who made up the world renowned Gallery Row in Old Town Scottsdale's Arts District. Perhaps our complacency is partly to blame for where we are today – not standing up sooner to the City. It is truly a shame that the City cannot see what they have done to the galleries who are responsible for making Old Town the tourist attraction that it is, or sadly was but can be again if appropriate measures are taken. The galleries ARE the destination with the exception of March with Spring Training. The City's so called "current ordinance and policy" –seems to be code for "we will do whatever we want and if you don't like it you can voice your opinion at a council meeting which may or may not be held three weeks after we make the decision and we won't consider it then either but will have to allow you to speak in that forum." The City's policies and practices have crippled the art gallery community and killed many galleries or forced them to shut down their Scottsdale location, including some that had been major contributors to the community for decades like Overland Gallery.

The Artisan Markets is simply the most recent and most in-your-face insulting action taken by the City to say "we do not care about your businesses." What the City fails to realize is that we ARE Old Town Scottsdale, we ARE the reason people still come to Old Town at all with the exception of the bar/nightlife scene after hours, and without us Old Town Scottsdale will be a ghost town during the day except for one month out of the year during Spring Training.

The City should be, and quite frankly needs to be, 100% beyond the businesses that have been their Old Town district, and supported the city and community for over four decades.

If the City does not step up to the plate and do the right thing to support the companies, organizations, and businesses that have supported it for so long then we will be forced to take action to ensure at the very least we are not complicit in allowing some fly-by-night organizer to come in and scam our business during a community event, ArtWalk, that the galleries have built and maintained for decades. It is bad enough that the City has allowed such vendor driven art events to invade the Old Town Arts District community

nearly EVERY weekend during the prime season. It is appalling and nonsensical and I can't understand for the life of me who would be making these decisions for the City of Scottsdale! Then again, whoever is leading this show decided to bring Mr. Webb back to do another report, it would be laughable if not so detrimental to our businesses.

What I am asking for: 1. The permit for the Artisan Markets be revoked for Thursday nights. 2. Serious consideration in not approving future permits for any and ALL of the VENDOR-DRIVEN art events that the City of Scottsdale allows to come in during our season – regardless of how long they have been coming. 3. Restricting any VENDOR-DRIVEN arts and crafts fairs and festivals that are still permitted from using the term “**FINE ART**” as they are certainly not.

I hope that we can still save our community, one thing I know for sure is if the city continues in this direction NO gallery owner or business will be interested in staying here to fight endlessly for the sake of their business when there are plenty of cities to go to where we will be allowed to thrive and do business without being stomped on by city and state decisions, policies and practices. I hope our call and our message reaches someone with the sense to hear it.

Sincerely,

Courtney Hood  
Modern American  
4161 N. Marshall Way  
Scottsdale, AZ 85251  
480.941.0909  
[modernamerican.com](http://modernamerican.com)

**From:** Admin Support [mailto:info@modernamerican.com]

**Sent:** Tuesday, September 15, 2015 1:38 PM

**To:** To: City Council; Biesemeyer, Brian K; Stockwell, Brent; Geiogamah, Steve; Sumners, Cheryl; azsonnie@gmail.com; KKuester@scottsdaleaz.gov; COGS AZ; bill@echomag.com; Jim Klein; Deb Neal; jlane@scottsdaleaz.gov; lmlhaven@scottsdaleaz.gov; sklapp@scottsdaleaz.gov; vkorte@scottsdaleaz.gov; klittlefield@scottsdaleaz.gov; gphillips@scottsdaleaz.gov; dnsmith@scottsdaleaz.gov; NCurtis@Scottsdaleaz.gov; citymanager@Scottsdaleaz.gov; RSmetana@Scottsdaleaz.gov

**Subject:** Fwd: Scottsdale's Art Galleries and Community

Dear City of Scottsdale Mayor & Councilmen & women:

I am aghast that this debate has been allowed to get to this point. Had our company been aware of the way the City of Scottsdale was run we would have made other decisions when opening this location.

Our stance has not changed since our last correspondence imploring the City to make a wise decision to support their businesses versus pop-up retail events. What we are asking for is simple, it's not unreasonable, it's not "anti-competition". We are asking for the City to rescind the permit wrongfully issued to "Artisan Markets" to conduct a retail art sales event EVERY Thursday night during Scottsdale's prime season.

I can also tell you the City's actions and response is weighing greatly on our minds in terms of looking out for our own best interests as a fine art gallery and whether or not the City of Scottsdale is really the right place for us. I can also tell you we have strong ties throughout the fine arts community - not craft fairs - but fine art galleries and international businesses and we all talk about business locations. Given the City's stance in what is an incredibly simple and straight forward matter I would have to not only not recommend Scottsdale as a location to open a gallery but I would strongly advise against it.

Please find our previous email below.

Sincerely,

Courtney Hood  
Modern American  
4161 N. Marshall Way  
Scottsdale, AZ 85251  
480.941.0909



[modernamerican.com](http://modernamerican.com)

MODERN  AMERICAN

## Pejman Gallery | Scottsdale

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**From:** Laura Weaver [lauraweaver@qwestoffice.net]

**Sent:** Wednesday, September 16, 2015 11:32 AM

**To:** bobpejman@gmail.com

**Subject:** FW: Artisans Market

To Mayor Lane and The City of Scottsdale,

Given that I am a hard working ( 7 days a week ) small business owner in Scottsdale as part of the Southbridge project on Stetson Dr. it is my belief I have the right to express, strongly, my views and opinions regarding the "Artisans Market". I have been against this venue since its inception and spoke out against it from the beginning. It is an insult to my small business and highly unfair that the Artisans Market be given permission to continue to operate on the bridge for a multitude of reasons.

First and foremost, the parking down here is a bone of contention that we are all aware of. With the addition of people coming for the "craft fair " it is unfair that our precious parking be taken for people attending this venue. The people that run the booths will park in the limited spaces, unpack and most will just leave their vehicles on the street until it is time for them to pack up and leave.

I GREATLY resent the fact that as a brick and mortar, I have an obligation to remain here as this band of "Artisans" are free to roam about the country and are fair weather opportunists. I GREATLY resent the fact that I pay an exorbitant monthly rent expenditure and high overhead where these people get to "pitch their tent" for 50 bucks. You have the NERVE to charge Audrey Thacker what amounts to 22.50 a month where I pay THOUSANDS. I GREATLY resent the fact that I pay 8% for my sales tax that go directly to my social services where these people dealing on a strictly cash basis do NOTHING or very little to contribute to the city or its maintenance. I pay for their services and I am not in the business of working diligently for those that contribute nothing. They occupy PRIME real estate during PRIME season and we are expected to pay the city to clean up after them upon their departure. I GREATLY resent the fact that there is NO CONSIDERATION on their part to whom they rent these booths to and often times it is in DIRECT COMPETITION to the local established brick and mortar stores.

The fact that you would continue to allow these people to infringe upon our prime season when so much of our annual income RELYS ON OUR HIGH SEASON is unacceptable!! There are other locations where these "ARTISANS" can "PITCH THEIR TENTS " to conduct their business without infringing on our rights as TAX PAYING LOCAL BUSINESS OWNERS !!!!

In light of this information, I do not believe I am alone in my opinions and that I believe you will find it is the consensus view !! We would appreciate it greatly if you would do the right thing by rescinding this "ARTISANS MARKET" permit.

I believe in a free democratic capitalistic trade market as much as the next person but this is on a very uneven and very unfair playing field. I will have to insist that the city relocate the "ARTISANS MARKET" venue to another location where the impact is only to themselves. I am aware that the powers that be have the ability to make this decision. The buck needs to stop here!!!

Thank you in advance for your consideration,

Laura Weaver  
Nestldown  
7134 E. Stetson Drive # 105  
Scottsdale, Arizona. 85251  
480-941-5599

9/26/2015

**From:** [mark@charlespabst.com](mailto:mark@charlespabst.com) [mailto:[mark@charlespabst.com](mailto:mark@charlespabst.com)] **On Behalf Of** Mark Pabst  
**Sent:** Thursday, August 06, 2015 4:16 PM  
**To:** Sumners, Cheryl; City Council; Stockwell, Brent; Geiogamah, Steve; Biesemeyer, Brian K; [azsonnie@gmail.com](mailto:azsonnie@gmail.com)  
**Subject:** Artisan Market Event Request

Hello,

My name is Mark Pabst. We've had our family gallery down here on Main Street for 18 years. We are all so disappointed with your decision to allow the same night as our ArtWalk. I'm frustrated with how the opposition was portrayed in your report that concerns came from only the SGA and two gallery owners on Main street and one property manager. It makes it look as if there was only minimal opposition to this when in reality there is massive opposition to their poaching of our night. It should have been noted that the entire gallery association and more than 30 galleries were vehemently opposed to allowing use of their same night which was disregarded by this committee. I'm not sure what more we could have done. What would have constituted proof to provide this committee with that they have directly harmed the galleries? We did present pictures at the meeting with the city as well as a detailed report on all of the galleries who have gone out of business. It is completely naive of this committee to believe that the event would send people away from their event and direct them to the art galleries.

Why else would they be so adamant about having their event on Thursday night other than to piggyback on the reputation of our ArtWalk we've all worked so hard to develop over these years. You could of so easily moved it to Friday or Wednesday.

Extremely frustrated with your decision,

Mark Pabst

The Signature Gallery

[480-949-7003](tel:480-949-7003)

## Pejman Gallery | Scottsdale

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**From:** mark@charlespabst.com on behalf of Mark Pabst [mark@thesignaturegallery.com]

**Sent:** Monday, September 14, 2015 4:50 PM

**To:** jlane@scottsdaleaz.gov; City Council

**Cc:** Biesemeyer, Brian K; Stockwell, Brent; Geiogamah, Steve

**Subject:** Do the Right Thing

Hello Mayor Lane and City Council,

One permit given to one person for a huge parcel of prime real-estate that we would all die to have, that's on public property no less (That's land owned by you and me), for \$159 for 7 months! That's an outrage! What's more of an outrage is that it's been marketed on our Thursday nights. The galleries have built their reputation on a Thursday night ArtWalk that's taken us 40 years to build!

I've read all these sample letters the Artisan Market has sent to their people to write to you guys and the letters say things like were a bunch of "angry, jealous merchants who want to take out a number of other small businesses simply because they refuse to change with the times." Well you bet we're a bunch of angry merchants. And why is that? Because one person has figured out a way to gain access to the right people at the city and used some political maneuvering to get what she wants. That doesn't sound like free-enterprise to me. Telling us we should "market our business and update our business model to the changing times". What does that mean exactly? What are these changing times? Are art galleries are a thing of the past? Does it mean that we should all close up and join these pop-up retail tent shows to sell our merchandise? Is that the wave of the future they're talking about? I'm sure that's what they would like. There would not be any controversy whatsoever if another huge art gallery opened up renting that kind of huge space and had to compete just like the rest of us, but that's not what this is by any stretch of the imagination.

Please do the right thing.

Thank you,

Mark Pabst  
The Signature Gallery  
480-949-7003

**From:** Jacque Keller

**Sent:** Saturday, August 15, 2015 1:00 PM

**To:** 'jlane@scottsdaleaz.gov' <jlane@scottsdaleaz.gov>; 'lmilhaven@scottsdaleaz.gov' <lmilhaven@scottsdaleaz.gov>; 'klapp@scottsdaleaz.gov' <klapp@scottsdaleaz.gov>; 'vkorte@scottsdaleaz.gov' <vkorte@scottsdaleaz.gov>; 'klittlefield@scottsdaleaz.gov' <klittlefield@scottsdaleaz.gov>; 'gphillips@scottsdaleaz.gov' <gphillips@scottsdaleaz.gov>; 'dnsmith@scottsdaleaz.gov' <dnsmith@scottsdaleaz.gov>; 'SGeiogamah@Scottsdaleaz.gov' <SGeiogamah@Scottsdaleaz.gov>; 'NCurtis@Scottsdaleaz.gov' <NCurtis@Scottsdaleaz.gov>; 'CSumners@Scottsdaleaz.gov' <CSumners@Scottsdaleaz.gov>; 'BBiesemeyer@Scottsdaleaz.gov' <BBiesemeyer@Scottsdaleaz.gov>; 'citymanager@Scottsdaleaz.gov' <citymanager@Scottsdaleaz.gov>; 'RSmetana@Scottsdaleaz.gov' <RSmetana@Scottsdaleaz.gov>; 'BStockwell@scottsdaleaz.gov' <BStockwell@scottsdaleaz.gov>

**Subject:** Permits and Promotion

Dear Mayor Lane, City Council, and All,

We are co-owners of Quan'tum Art, Inc., and we are beginning our second year on Main Street on the famed art district of Scottsdale. We have been in business since 1999 and were very anxious to become a part of the Scottsdale Art District last year. We felt it would be just the boost our business and our individual careers needed as we are artist owned and managed. We have individually worked in the metropolitan area for a combined half of a decade! This was a logical "next step" in our art journey at which we work very hard. As you know, art can often be part-time pay for full time work, but we made a commitment to Scottsdale in hopes that the respect would be mutual.

Therefore, you can imagine our huge disappointment and frustration when we heard you were giving permits to groups that were not paying brick and mortar rent and not committing themselves to Scottsdale. And the funny thing is, this information came just a few weeks after we were approached in our gallery by the your folks from the Office of Tourism to discuss how to make things more productive and fruitful for our small artist owned galleries.

We feel you are making an disastrous mistake by your indiscriminate use of permits for the evening of ArtWalk. Please reconsider this decision. The Artisan Market which we have financially supported in the past has their weekends; we should be allows our Thursday nights. As you can certainly see we have much more to lose.

You are risking the very thing that makes downtown Scottsdale unique. We were hoping the visit that occurred to our gallery from the city representative was the start of something amazing for us all; now we fear it was just more political rhetoric and pomposity.

We look forward to seeing you reverse this decision.

Always,

Jacque L. Keller, Artist-Owner

John L. Gleason, Artist-Owner

*Quan'tum Art, Inc*

*7077 E. Main Street #11*

*Scottsdale Arizona's Art District*

*www.QuantumArtInc.com*



*info@QuantumArtInc.com*  
*602-618-0350*

**To: Fritz Behring, Mayor Lane & Scottsdale City Council**  
**From: Scottsdale Gallery Association**

**Sep 16 2015**

**RE: Artisan Market Permits**

**Artisan Markets, a business venture that is permitted by the City of Scottsdale as an “Event” has had 3 major complaints filed against it during the past 4 years by a substantial and organized group of local downtown merchants.**

**Here is the history:**

**June 2012:** A well organized petition with 87 signatures from merchants on 5<sup>th</sup> Ave, Marshall Way, Main Street, 1<sup>st</sup> Ave, & Brown Ave was submitted to the City titled “DO NOT APPROVE Artisan Markets Craft Fair Thursday and Sundays on the South Bridge”. (SEE ATTACHED 14 page Document)

***Results:** Tourism & Events staff (“Staff”) analyzed overwhelming merchants’ complaint and dismissed it and noted that Artisan Market would make improvements to address complaints. 2012-2013 permit was issued.*

**March 2014:** A well organized petition with 33 signatures from merchants on 5<sup>th</sup> Ave, Marshall Way, and Stetson Drive was submitted to the City to restrict Artisan Markets in their use of the Waterfront bridge. (SEE ATTACHED 10 page Document)

***Results:** Staff dismissed well organized and justified merchants’ complaint and asked that Artisan Market get “support” signatures based on promised improvements to address complaints. While Ms. Thacker (owner of Artisan Markets) obtained 37 support signatures, one third were from food/beverage businesses that benefit by foot traffic and are not affected by the show’s merchandise. More over, only 5 of the opposed merchants were convinced to sign her support document, implying that 28 merchants were still against the show. 2014-2015 permit was issued.*

**July 2015:** A well organized meeting was held by the Scottsdale Gallery Association (SGA) and attended by 40+ stakeholders and city staff & officials to oppose the permitting of Artisan Markets and limit the over permitting of other art related events in Scottsdale. A formal “Artisan Markets Letter of Opposition” was delivered by the SGA to the City on July 30<sup>th</sup>.

***Results:** Staff dismissed the well organized and justified merchants’ complaint under the guise that most immediate businesses on 5<sup>th</sup> Ave etc were supportive of the show and the opposition only came from further away. Promises were made again for Artisan Markets to improve their show by helping the art galleries. 2015-2016 permit was issued.*

**August 2015:** A Citizen Petition with more than 200 signatures, mostly from downtown merchants, was submitted to the City Council to limit the number of art events, reserve Thursday nights for the tradition galleries ArtWalk (ie: no Artisan Markets show on Thursdays), etc...

**September 6<sup>th</sup> 2015:** A petition unanimously signed by the SGA board representing 36 galleries was submitted to City Council on Sept 8<sup>th</sup> to RESCIND the Artisan Markets permit for 2015-2016.

**Special Notes:** Not until very recently did the SGA discover the 2012 & 2014 merchants petitions against Artisan Markets, and was therefore not aware of their existence while voicing their opposition regarding Artisan Markets to Staff in July of 2015. This key information of the prior and immediate merchants' opposition was **withheld** and **not disclosed** by Staff, and therefore the "analysis" done by Cheryl Sumners in her letter of Aug 5 2015 denying the existence of opposition by local merchants was **inaccurate** and **misleading**.

**Had this key information been properly disclosed and taken into consideration, it would not have allowed for the permitting of the 2015-16 show to be reasonably justified.**

### **Summary:**

Artisan Markets has had three (3) overwhelming and substantial organized oppositions from local downtown merchants during the recent four (4) years. Each time Staff has analyzed the complaints by **marginalizing the complainers, adding weight to the supporters** of the show, and made promises of improvements by the show producer. At the present, however, the majority of the downtown merchants are still in strong opposition of Artisan Markets and certain other events. They are extremely frustrated that the City does not help them and does not have their best interest at heart as evidenced by a **systematic and persistent pattern of event-biased decisions as put forth in this document that are undermining the merchandise-based brick & mortar retail businesses in downtown Scottsdale.**

### **Concerns:**

Gaining the knowledge of the history of the Special Event Permit approval for the Artisan Markets by the Special Events Committee staff, there is absolutely **no confidence** by the majority of merchants that the currently assigned Tourism and Events City Staff will be **unbiased** in their re-write of the Special Events Ordinance and are not trusted to take the merchant's and art galleries' requested considerations to properly frame the new Special Events Ordinance.

## Pejman Gallery | Scottsdale

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**From:** Teresa Lewis [teresa@touchstonegalleries.com]  
**Sent:** Monday, September 14, 2015 7:19 PM  
**To:** citycouncil@ScottsdaleAZ.gov  
**Cc:** Veronica Graffius; Carri Baca; Cyndy Carstens; French Thompson; Amery Bohling Fine Art; Jane Phillips; Paul Eubanks; Trey Brennan; Joseph Wilhelm; Bob Pejman; Sonnie Kirtley; Mark Pabst  
**Subject:** Artisan Market's letter campaign

Dear Mayor Lane and Members of City Council,

Recently we have been made aware of a letter writing campaign requested on behalf of Audrey Thacker and the Artisan Markets. It is important that *all* Scottsdale residents and business owners and managers have an opportunity to be heard by the city in order for *all* sides to be addressed and factored in as you 1) consider our request to rescind her permit, and 2) begin the process of rewriting the event permit ordinance. I offer the following, as a concerned gallery manager, upon reading the suggested verbiage supplied by Ms. Thacker:

*"Should the City Council vote to revoke an existing permit for a special event held on public property, this could potentially affect over 100 events in Scottsdale, including, but not limited to: The Scottsdale Farmers Market, The Food Truck Caravan, Thunderbird Fine Artists, The Italian Festival, and many more."*

Far from true! The SGA and the merchants of 5<sup>th</sup> Avenue and Stetson have never had a problem with short term events, especially the ones that do not compete with the local businesses for weeks and months at a time. None of the businesses that signed any of the letters, complaints or petitions to the city have a problem with short term events that bring traffic for reasons other than competing with them for the sole purpose of retail sales. Several of our artists even participate at the annual Scottsdale Arts Festival at the Civic Plaza. Keep in mind that this is only a 2 day event.

*"I'm concerned that this is a slippery slope of government interfering with competition and the success and/or failure of business. Everyone who own or operates a business needs to understand that the success and failure are based on their own merit and taking out a perceived competition will not help them succeed any faster."*

The SGA does not have a problem with competition. As Councilman Smith pointed out, we compete with each other, side-by-side, day in and day out. We all pay similar rent, taxes and wages that are much higher than those of the artisans at the waterfront markets. We have a problem with the city providing a venue that gives a single merchant such an unfair advantage, and with little revenue to the city for the use of said property.

*"I have heard from Audrey Thacker, owner of Artisan Markets and understand that she has offered to collaborate with the SGA and hand out their marketing materials, help direct traffic to the Art Walk, and even offered to allow them an SGA booth at the market."*

Partially true! She did offer to give us a booth at her market. In return, the SGA requested that she consider moving her event to another night such as Friday, or Saturday since she's already there the next day, but her answer was a firm no! Many of our galleries are small, artist-run studios that are already working hard to maintain their hours of operation in this economy. Finding the manpower and resources to man a second location would put an undue burden on them. A more important question to ask would be "why are we also being expected to provide manpower for a booth at her market when we pay high rents, taxes and wages to run our permanent locations?" This seems to be the root of the problem with the city allowing this to continue.

*"I have worked with Audrey and have helped her with community outreach by including the nearby business community to attend, participate and market their businesses through our very successful event."*

We have found only one SGA member that has had any outreach from the Artisan Markets. They happen to be on 5<sup>th</sup> Avenue and participate because they're also members of the 5<sup>th</sup> Avenue Merchants Association, where Audrey Thacker is Vice President. We have found no other members that have been approached.

*"If Artisan Markets permit gets rescinded for the 2015/2016 season I will have to file for bankruptcy and therefore will go OUT OF BUSINESS. Is it fair for one entity to go through government channels to ruin the lives of many other small businesses? As I see it, Artisan Markets and the Galleries are all in the same game. To bring quality art to the community that appeals to ALL buyers. Please do not allow this group of angry, jealous merchants take out a number of other small businesses simply because they refuse to change with the times."*

Our point exactly! Is it fair for this one market event producer to have had 7 years of government channels to ruin the lives of so many other small businesses? **Count the 60 galleries that have closed or moved from the downtown since her market started!** Most of us are in a mortal fight for our very existence as businesses. Ask which does more damage... allowing more true events on the waterfront that bring the same traffic, but don't compete – or – allowing the Artisan Market to continue to monopolize this important venue. I'm glad to see that she admits that she is in the same game as us. She is competing with us, rather than just being pro-gallery, as she stated at the recent Council Work Study Session.

This is not a new issue. There were 33 merchants on 5th Avenue and Stetson that signed a complaint filed with the city, as far back as 3/25/14, asking that they address this issue with the market being on the bridge. Now the Gallery Association has joined the conversation and we ask that you consider wisely the whole picture.

Respectfully,

Teresa Lewis

Manager,

Touchstone Gallery – Scottsdale

**480.874.8385**

**[www.TouchstoneGalleries.com](http://www.TouchstoneGalleries.com)**

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**From:** Teresa Lewis [mailto:teresa@touchstonegalleries.com]

**Sent:** Thursday, August 20, 2015 3:29 PM

**To:** Cheryl Sumners ; Brent Stockwell; Steve Geiogamah ; Brian Biesmeyer ; Fritz Behring ; Rachel Smetana ; Nicole Curtis; Councilman David N. Smith; Councilman Guy Phillips; Councilwoman Kathy Littlefield ; Councilwoman Suzanne Klapp; Councilwoman Virginia Korte; Mayor Jim Lane; Vice Mayor Linda Milhaven

**Cc:** Carri Baca; Cyndy Carstens; French Thompson ; Holly Bohling; Jane Phillips; Paul Eubanks ; Trey Brennan; Veronica Graffius

**Subject:** Artisan Market permit decision

Your Honor, Members of the City Council and Members of the Special Event Committee,

By now I am sure you have received a number of responses to the decision made on August 5<sup>th</sup>, regarding the Artisan Market permit for Thursday nights this coming season. Please indulge one more opinion, and point of view, from a “bricks and mortar” gallery business that is in very close proximity to the bridge.

I am the gallery manager for Touchstone Gallery on Marshall Way. We are one of four galleries with locations in Santa Fe (35+ years), Taos (20+ years) and Sedona (7+ years). Perhaps the longevity of our New Mexico galleries reflects the limited number of days allowed for art related vendor-driven events in their cities. We chose a Scottsdale location to expand into 5 years ago primarily due to its history of being a strong art market, but we are left wondering if we’ve been duped!

We are now one of the galleries closest to the ArtBridge event, especially since losing 3 more galleries between 5<sup>th</sup> and 3<sup>rd</sup> Avenues this year alone. We stay open Sundays and every Thursday night, **year round**, to do our part to boost the local economy and build up the downtown scene. This is becoming increasingly difficult to do! This last year alone, our gallery had a number of very frustrated tourists come in on either Friday or Saturday and when the subject of the Thursday night ArtWalks was brought up they were outraged that we dared to call it an ArtWalk. When questioned further to better understand their anger, we found out that they were being sent by the concierge at a number of hotels to “that craft fair on the bridge!” And when they asked the artisans at the bridge if they were at the ArtWalk, they were told yes! This, to me, outlines a very pervasive problem we are experiencing with the dilution of the ArtWalk’s long tradition.

There are a number of points made in the decision sent out by the Event Committee that concern me due to their inaccuracy, the first of which is that **“the price points are very different for the products being sold.”** Perhaps many of you have never been to our gallery, or others on the ArtWalk, so I’d like to point out that we sell fossils starting at only \$5 and topping out at our rarest piece for 2.25 million dollars. The same for our mineral offerings, with the majority of our price points very much in competition with the items being sold on the bridge, at least as far as the times I’ve visited this “event.”

The next comment that concerns me is **“the events are different – one is an outdoors event while one is aimed at indoors.”** Perhaps the Committee misunderstands the 40 year tagline for the ArtWalk... which is ***Art Walk the Line***, already seen on the sidewalk decals provided by the city throughout the Art



District. Our ultimate goal is to open up the galleries, to encourage tourists and clientele to wander from gallery to gallery throughout the entire district. One of the ways we do this is to offer live music, performances and demonstrations, both indoors and out, as they stroll the ArtWalk. It would seem that this would defines an outdoor event, would it not?

It is understandable that you received both points of view showing support for and against the continuation of this Thursday night "event." My question to the city would be "did you enquire with the local residents and businesses if they saw a problem with Ms. Thacker moving her event to another night, such as Friday or Saturday?" Wouldn't it make much more sense to spread this traffic around throughout the week and offer a reason for restaurant guests to stay in the area on another night? Since most galleries do not stay open on these nights, there would be no conflict.

I am aware that you recently received the updated list of 60 galleries that have closed or moved from the area since 2007. I beg you, urge you and implore you to pay attention to this trend. As Veronica Graffius mentioned in her letter to you all recently, what better proof do you need that these vendor markets are doing mortal damage to YOUR downtown art district? I appreciate your time and efforts to work with all of us to turn this trend around.

Respectfully,

**Teresa Lewis**  
Manager,  
Touchstone Gallery – Scottsdale  
480.874.8385  
[www.TouchstoneGalleries.com](http://www.TouchstoneGalleries.com)

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From: Frer415@aol.com  
To: jlane@scottsdaleaz.gov, citycouncil@scottsdaleaz.gov,  
bbiesemeyer@scottsdaleaz.gov, SGeiogamah@scottsdaleaz.gov,  
citymanager@scottsdaleaz.gov  
CC: frer415@aol.com  
Sent: 9/16/2015 1:49:02 P.M. US Mountain Standard Time  
Subj: Artisan Markets permit

Mayor Lane and Councilmembers:

Issuance of the Artisan Markets special event permit is scandalous.

As I recall, at the time of its construction, the Marshall Way pedestrian/trolley canal bridge was celebrated as a signature project for the downtown. Little did anyone imagine that the City would undermine brick and mortar merchants and cheapen the image of the bridge by granting a permit to Artisan Markets (neither an event nor a festival) to run its 100-vendor retail operation on the bridge - and for a paltry \$159.00 fee for seven months of use!

It is easy enough to understand why Artisan Markets would exploit this opportunity. More difficult to understand – if not *incomprehensible* – is why the City would legitimize this exploitation of prime public property and diminish the gallery community which for decades has enriched the arts and cultural life of Scottsdale.

Consider how it would be for the City – not to mention the hotels, restaurants and other service providers - if every permanent retail shop in the downtown had the “luxury” of closing for the long hot summer at no expense and returning to welcome visitors in the fall!

Audrey Thacker’s claim that the galleries benefit from the presence of Artisan Markets is a fallacy. Anyone with an ounce of business sense recognizes the comparative advantage conferred on Artisan Markets operating with a special event permit. Having none of the long term binding contractual obligations associated with leasing a retail space (rent, utilities, employee salaries, insurance, etc.), Artisan Markets merely siphons the ArtWalk traffic (and ultimately the profits) from the year-round galleries and other businesses whose hard work and sacrifice contribute to the vitality of the downtown and its tax base 365 days each year.

As a longtime Marshall Way property owner, I have witnessed the dedicated, entrepreneurial and competitive spirit of the gallery owners who welcome the diversity and energy that comes from a robust gallery community. Clearly it is Artisan Markets that does not wish to join the competition on equal terms – and with such a sweet deal on the bridge, why would it?

Let's acknowledge that the Special Events ordinance has been misconstrued, misapplied, misused and perhaps even abused by some over the years. Why would you perpetuate an egregious error and especially ahead of the ordinance re-write in 2016? Instead, please recognize the irreplaceable value of the unique streets and storefronts that for decades have made downtown Scottsdale an extraordinary arts and culture destination. And **RESCIND THE PERMIT!**  
Thank you.

Sincerely,

Florine Tamasco  
Tamasco Commercial Property

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**From:** Info [mailto:info@andrekoehnfineart.com]

**Sent:** Wednesday, August 19, 2015 11:33 AM

**Subject:** Letter to City

Dear Mayor Lane, City Council, and All,

We represent Andre Kohn Fine Art Gallery, which opened its doors on Main Street last year. Andre Kohn is an internationally recognized artist, with collectors worldwide. We are very much looking forward to being a part of the famed arts district of Scottsdale. I personally have worked on this street for 6+ years and have seen the decline of many great art galleries in the past few years. We already have to compete with art fairs such as Celebration of Fine Art, which takes place during our peak season in Scottsdale, for months. With the increase of "pop-up" art shows, waterfront tents and other special art events... Main Street really needs help and support from the city more than ever. It feels as though the city is kicking us while we are down. The brick and mortar businesses here bring in worldwide art collectors and they have a certain expectation for FINE ART in Scottsdale.

We all share this huge disappointment and frustration regarding these permits that are taking the uniqueness away from the Old Town Scottsdale Arts District.

Main street has been a special arts destination for 50+ years, and we need to keep the tradition alive. The fact that the artisan markets have poached on the tradition of Thursday night ArtWalks is unsettling to say the least. This is just one of the issues we are facing due to the Special Events Ordinance.

We hope that you will address all these issues in the re-write of the Special Events Ordinance.

Best regards,

Andre Kohn Fine Art Gallery

**From:** ckessler220@gmail.com [mailto:ckessler220@gmail.com] **On Behalf Of** Christine  
**Sent:** Wednesday, September 16, 2015 11:17 AM  
**To:** jlane@scottsdaleaz.gov  
**Cc:** citycouncil@scottsdaleaz.gov; bobpejman@gmail.com  
**Subject:** Artisan Markets at the Bridge

Dear Mayor Lane,

As a business owner located on Marshall Way, I would like to see the Artisan Market eliminated. We have made a commitment to Old Town Scottsdale, we signed 3 year lease, and pay monthly rent. We pay rent 12 months a year. Even in the blazing hot summer when there is not a customer in sight. We keep our store open during the summer. I am telling you this because we have fixed costs that aren't eliminated when the winter tourism dies down. Our commitment to this community is evidenced by the above facts. We are not "fair weather fans". As such, we lose a substantial amount of customers due to the fact that the flow of people is almost eliminated to a trickle when there are artisan markets on the bridge. We feel that it is extremely unfair that Audrey pays a mere \$157.00 permit fee to operate on public property and reaps the rewards in great magnitude. The bridge would not be an attraction in and of itself without the local business owners who have created a tourist destination. Scottsdale has drawn tourist to Old Town Scottsdale, long before the bridge was built. Without us fellow bricks and mortar merchants, the bridge would just be another bridge. Our business is greatly compromised by the presence of the Artisan Market. If we all shrink on the vine, there would be no draw to this area. Ask yourself, if she set up a business at some obscure bridge that has no surrounding business infrastructure to draw the masses, how long would she last? It is grossly unfair to those of us who have made a solid commitment. We bricks and mortar merchants have signed leases, hired employees, buy and sell quality products that would all cease to exist if these types of vendors/permit holders continue to deprive us of customers.

Additionally, \$157.00 hardly matches my monthly lease commitment of \$1500.00. It makes absolutely no sense for this type of permit to be allowed. If she were charged a comparable rate per square foot that the bricks and mortars merchants have to pay, I hardly think she would continue to do business. Not to mention, requiring her to continue to try and do business during the summer months, when not a single customer is around. Basically allowing a cherry picking situation to exist, a luxury the bricks and mortars can't utilize due to our commitments.

Please discontinue this practice as it hurts the committed merchants in this area.

Sincerely,

Christine Kessler  
Chocolade van Brugge

5<sup>th</sup> Ave Old Town  
Merchants

**DO NOT APPROVE**

**Artisan Markets**

**Craft Fair**

**Thursday and Sundays**

**on the**

**South Bridge**



June 5, 2012

To: The Special Events Committee

Ben Morarity and Nicole Curtis

CC'd: Salt River Project, Mayor Jim Lane, City Council Members

The Merchants are asserting that they **do not give their approval of the Artisans Markets Craft Fair** on the South Bridge that took place for an entire Season October 2011 through May 2012. The following petition pages evidence over 100 signatures of Shop Owners in the 5<sup>th</sup> Avenue areas by the Bridge, and Shop Owners who maintain shops in the both of the 5<sup>th</sup> Avenue and the Old Town Main Street areas.

Merchants on the Petition who visited the Artisans Markets Craft Fair found similar jewelry, trinkets, candles and art that they sell in their stores. Many believe that sales DID appear to be down and a financial loss was endured when Artisans Markets event took place every Thursday and Sunday. The Merchants also feel unfairly treated by having their own City approve an event that clearly cannibalizes their income with an imported competitor that does not pay rent, and apparently, does not pay taxes to Scottsdale either. In addition to Merchants financial loss, Artisans Markets also blocks the Bridge for access and other businesses suffer as well.

Merchants on the Petition are at varying degrees of risk of losing their business in this struggling economy, and should not be forced to afford to continue competing with the Artisan's Craft Fair this next Season.

Over 100 signatures on the Petition that **DO NOT APPROVE the Artisan Markets Craft Fair on the South Bridge MUST be considered in the Special Use Permit issuing process by the City's Special Events Committee!!**

**The Merchants of 5<sup>th</sup> Avenue and Old Town would appreciate being heard by those who are supposed to support them.**

<b>FACT 1:</b>	
SPECIAL USE PERMITS ARE ISSUED BY THE CITY OF SCOTTSDALE ONLY AFTER A THOROUGH REVIEW OF LOCALIZED IMPACT UPON SHOP KEEPERS AND OTHER BUSINESSES THAT MIGHT BE AFFECTED BY THE ISSUANCE OF SUCH A PERMIT	
<b>FACT 2:</b>	
IT IS A REQUIREMENT THAT BEFORE SPECIAL USE PERMITS ARE ISSUED, THAT THE APPLICANT MUST APPROACH AND SEEK APPROVAL FROM POTENTIALLY AFFECTED PERSONS OR BUSINESSES THAT WOULD BE AFFECTED BY THE ISSUANCE OF A SPECIAL USE PERMIT. <u>THIS STEP CANNOT BE LEGALLY AVOIDED</u>	
<b>FACT 3:</b>	
A SPECIAL USE PERMIT WAS ISSUED TO AUDREY THACKER OF GILBERT ARIZONA DBA "ARTISAN MARKETS" WHICH ALLOWS PEOPLE TO SELL ARTS, CRAFTS, JEWELRY AND ORNAMENTS <u>SIMILAR TO THOSE SOLD BY MANY OF THE LOCAL MERCHANTS, USING THE MARSHALL WAY BRIDGE AS HER EXCLUSIVE RIGHT OF WAY TO HOLD THE EVENT THAT SELLS THESE ITEMS</u>	
<b>FACT 4:</b>	
THE SPECIAL USE PERMIT ISSUED TO AUDREY THACKER DBA "ARTISAN MARKETS" BY THE CITY OF SCOTTSDALE, <u>WHICH REQUIRES THE REQUESTED APPROVAL OF POTENTIALLY AFFECTED LOCAL PERSONS AND MERCHANTS, WAS IN FACT SIGNED BY A CONDOMINIUM ASSOCIATION REPRESENTATIVE AND ONLY TWO RESTAURANTS</u> NEAR THE MARSHALL WAY BRIDGE, EACH OF WHOM WOULD BENEFIT FROM THE ADDED FOOT TRAFFIC. NO SUCH APPROVAL WAS RECEIVED FROM SHOP KEEPERS AFFECTED BY THE "ARTISAN MARKET'S" SALE OF PRODUCTS SIMILAR TO THE PRODUCTS THAT THESE LOCAL MERCHANTS SELL	
ASIDE FROM RESTAURANTS, IT <u>STRONGLY APPEARS</u> THAT THIS ARTISAN MARKET CRAFT FAIR IS REDUCING POTENTIAL BUSINESS FOR/TO LOCAL MERCHANTS BY ITS VERY PRESENCE.	
IF YOU ARE A SHOP KEEPER, <u>WHO WAS NOT APPROACHED FOR YOUR APPROVAL</u> , AND WOULD NOT HAVE GIVEN YOUR APPROVAL IF SUCH A BUSINESS COULD POTENTIALLY BE IN <u>DIRECT COMPETITION WITH YOUR BUSINESS:</u>	
PLEASE SIGN THIS PETITION TO RECALL, MODIFY OR REVOKE THIS PERMIT	
	SHOP:
1) <u>Gilbert Vergara Jr. 602-571-5705</u>	
2)	
3)	
4) <u>See Letter Attached</u>	
5)	
6) <u>X 32 Tenants</u>	
7)	
8)	
9)	
10)	

Gilbert Ortega Jr.  
President/Owner Gilbert Ortega Galleries  
480-990-1808 [indiansilver@aol.com](mailto:indiansilver@aol.com)

To the Special Permits Committee  
RE: Artisan Markets, Audrey Thacker Jewelry Designer

I, Gilbert Oretga Jr., am the President / Owner Native American Art Galleries in Scottsdale Arizona. We own 10 free stand alone buildings with 32 tenants, with no vacancies, all in Old Town and the 5th Avenue areas.

I was never approached by Audrey Thacker, Artisan Markets for my approval of a craft fair on the Marshall Bridge, and neither were my tenants, to approve a consecutive craft fair competing with us for business every Thursday and Sunday for an entire season October through April.

Had I been approached or asked for my approval I would have said no.

I would never have approved anyone to come from Gilbert Arizona into Old Town Scottsdale for a \$105. special use permit, that gave them use of the Marshall Bridge for an entire season of seven plus months, who is in direct competition with ALL of us, selling similar products as most of our stores and its tenants sell, who do pay rent and taxes monthly and year round.

We have all signed a petition of our disapproval regarding Artisan Markets craft fair.

The above statements are to be true and correct.

Gilbert Ortega Jr.  
President/Owner  
Native American Art Galleries

Handwritten signature: *Handwritten*

**PETITION TO RECALL, MODIFY OR REVOKE SPECIAL USE PERMIT**

**FACT 1:**

SPECIAL USE PERMITS ARE ISSUED BY THE CITY OF SCOTTSDALE ONLY AFTER A THOROUGH REVIEW OF LOCALIZED IMPACT UPON SHOP KEEPERS AND OTHER BUSINESSES THAT MIGHT BE AFFECTED BY THE ISSUANCE OF SUCH A PERMIT

**FACT 2:**

IT IS A REQUIREMENT THAT BEFORE SPECIAL USE PERMITS ARE ISSUED, THAT THE APPLICANT MUST APPROACH AND SEEK APPROVAL FROM POTENTIALLY AFFECTED PERSONS OR BUSINESSES THAT WOULD BE AFFECTED BY THE ISSUANCE OF A SPECIAL USE PERMIT. THIS STEP CANNOT BE LEGALLY AVOIDED

**FACT 3:**

A SPECIAL USE PERMIT WAS ISSUED TO AUDREY THACKER OF GILBERT ARIZONA DBA "ARTISAN MARKETS" WHICH ALLOWS PEOPLE TO SELL ARTS, CRAFTS, JEWELRY AND ORNAMENTS SIMILAR TO THOSE SOLD BY MANY OF THE LOCAL MERCHANTS, USING THE MARSHALL WAY BRIDGE AS HER EXCLUSIVE RIGHT OF WAY TO HOLD THE EVENT THAT SELLS THESE ITEMS

**FACT 4:**

THE SPECIAL USE PERMIT ISSUED TO AUDREY THACKER DBA "ARTISAN MARKETS" BY THE CITY OF SCOTTSDALE, WHICH REQUIRES THE REQUESTED APPROVAL OF POTENTIALLY AFFECTED LOCAL PERSONS AND MERCHANTS, WAS IN FACT SIGNED BY A CONDOMINIUM ASSOCIATION REPRESENTATIVE AND ONLY TWO RESTAURANTS NEAR THE MARSHALL WAY BRIDGE, EACH OF WHOM WOULD BENEFIT FROM THE ADDED FOOT TRAFFIC. NO SUCH APPROVAL WAS RECEIVED FROM SHOP KEEPERS AFFECTED BY THE "ARTISAN MARKET'S" SALE OF PRODUCTS SIMILAR TO THE PRODUCTS THAT THESE LOCAL MERCHANTS SELL

ASIDE FROM RESTAURANTS, IT STRONGLY APPEARS THAT THIS ARTISAN MARKET CRAFT FAIR IS REDUCING POTENTIAL BUSINESS FOR/TO LOCAL MERCHANTS BY ITS VERY PRESENCE.

IF YOU ARE A SHOP KEEPER, WHO WAS NOT APPROACHED FOR YOUR APPROVAL, AND WOULD NOT HAVE GIVEN YOUR APPROVAL IF SUCH A BUSINESS COULD POTENTIALLY BE IN DIRECT COMPETITION WITH YOUR BUSINESS:

**PLEASE SIGN THIS PETITION TO RECALL, MODIFY OR REVOKE THIS PERMIT**

SIGNATURE/PRINTED NAME/TELEPHONE NUMBER:			SHOP:
1) <i>[Signature]</i> <u>Samuel Arizon</u>	<u>480 574-9000</u>		<u>Brown Arrow Fine Jewels</u>
2) <i>[Signature]</i> <u>Marion Skates</u>	<u>480-946-9905</u>		<u>Buffalo Collection</u>
3) <i>[Signature]</i> <u>Barbara Skates</u>	<u>480 946 9905</u>		<u>Buffalo Collection</u>
4) <i>[Signature]</i> <u>Marsha Bishop</u>	<u>480 945-1882</u>		<u>Zemado</u>
5) <i>[Signature]</i> <u>MARTNA SOLAKIAN</u>	<u>480 990-0578</u>		<u>MERRINA DE</u>
6) <i>[Signature]</i> <u>SARKIS KARABENIZIAN</u>	<u>480-990-0578</u>		<u>MERRINA DE</u>
7) <i>[Signature]</i> <u>Debbie Angulo</u>	<u>(480) 941-5152</u>		<u>Urbanity</u>
8) <i>[Signature]</i> <u>FRANZ STAMPIN</u>	<u>480 946 0007</u>		
9) <i>[Signature]</i> <u>Michael Bradley</u>	<u>Ford Hwy 480 946 0008</u>		<u>Ford Hwy Tricamist</u>
10) <i>[Signature]</i> <u>ELIZABETH CHALLINOR</u>	<u>OVER THE TOP 602-316-0007</u>		<u>OVER THE TOP CONSIGNMENT</u>

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<b>SIGNATURE/PRINTED NAME/TELEPHONE NUMBER:</b>	<b>SHOP:</b>
1) Charbel Benlos, Sunset Treasures,	602 405 1265
2) M. Mustafa El Arin Crazy Horse	780 990 8313
3) Christina El Abid Four Winds Jewelry	480-949-9444
4) Hamza Hamza Art & More	480 481 9900
5) Mahvash Sannids Gift	480-423-9778
6) ZAMAN SHOJAEI AZ Gallery	480-423-0567
7) gifts on Main	480-945-5700
8) Mim Kim gifts on Main	602 446 8642
9) FRED HAKIMEN OUTRAGEOUS GALLERY	480-946-2996
10)	

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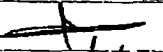
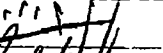

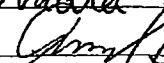
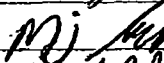
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- |     |                                                                                                    |                |                                                                                          |
|-----|----------------------------------------------------------------------------------------------------|----------------|------------------------------------------------------------------------------------------|
| 1)  |  Bhaheer Abdeen | 480-425-9944   | Sunrise jewelry                                                                          |
| 2)  |  Bob Wesley     | 480-421-2166   | American leather                                                                         |
| 3)  |  Bob Wesley     | 480-941-2416   | Roberts C. Wesley                                                                        |
| 4)  | 5th Avenue Trading Post                                                                            | 480-941-6473   | Nadia S...                                                                               |
| 5)  | White Hawk gully                                                                                   | 480-947-3178   |     |
| 6)  | KRIS KARIN GILES                                                                                   | 480-949-5933   | Mary Schmitt                                                                             |
| 7)  | Orange Pine And more                                                                               | (602) 949-8162 | Angie Jones                                                                              |
| 8)  | Arrowhead jewelry                                                                                  | 480-421-6336   | MJ  |
| 9)  | Kobi will                                                                                          | 480-545-0068   | Oeyal Red Socks                                                                          |
| 10) | house of gills                                                                                     | 480-429-6110   |                                                                                          |



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	<u>SIGNATURE/PRINTED NAME/TELEPHONE NUMBER:</u>	<u>SHOP:</u>
1)	Marian Matache / 480-994-0170	Best of everything
2)	Kathy Gale / 480-946-1802	Rock of Ages
3)	Tess McDonough / 480-259-2741	Qtragus Cafe
4)	Riley Singleton / 727-811-4446	CLASSY JAZZ
5)	Maksat Khaleghi / 480-946-1208	Art-n-Crafts II
6)	Frank Herdian / 480-678-4353	Sunvalley Jewelry
7)		
8)	Meloni FU / 480-545-564	Lucky Gifts & Jewelry
9)	Zurran's Gifts / 480-429-2322	John Frank
10)	Haani Abidin / 480-907-9531	Silver Star

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<u>SIGNATURE/PRINTED NAME/TELEPHONE NUMBER:</u>			<u>SHOP:</u>
1) <i>[Signature]</i> Jeffrey Shaw	994-0240		THE CACTUS HUNT
2) <i>[Signature]</i> Leslie Tropper	602-329-7400		Tena-Rosa gift
3) <i>[Signature]</i> Scott Stoller	480 947 0933		Leather Mill
4) <i>[Signature]</i> Wayne Tom Navajo Sandpainter	(505) 701-0847		
5) <i>[Signature]</i> John Berzelius	C480) 946-4473		Pendleton
6) <i>[Signature]</i> KACIN BECK	480-910-1234		GALLERY ON THE AVENUE
7) <i>[Signature]</i> Tim J. OXKED	480-941-8758		Artists by Design
8) <i>[Signature]</i> Sue McCall	480-363-7127		Whimsy Out West
9) <i>[Signature]</i> David McCall	480-363-7127		Whimsy Out West
10) <i>[Signature]</i> Cheryl Robbins	480-949-2714		Southwest Repch

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**SHOP:**

- 1) Manson Ramp KOKOPOLLI Southwest Gifts 480-994-1451
- 2) STANLEY 480-994-3584 STONES GIFTS
- 3) Kylei Swanson at Rosemary (602) 941-5743 SHOP 480-275-6277 Rosemary's Floral Near
- 4) Julia Hudson (480) 941-9434 Elle's Diamonds and Jewelry
- 5) Debbie Anderson (480) 686-8503 Tea Time Merchants
- 6) Corianni Hynes (480) 339-9175 Naise Artspace.com
- 7) THOMAS R. Ruppel (480) 874-8385 Talk/Stone Gallery
- 8) Amanda Gockney (480) 874-8110 Blue Rain Gallery
- 9) Paul (480) 946-6060 Betty's Gallery
- 10) Paul (480) 946-6060 Betty's Gallery

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- |     |                                 |              |                      |
|-----|---------------------------------|--------------|----------------------|
| 1)  | <del>XXXX</del> Alexandra Knaic | 480-423-7411 | OTC                  |
| 2)  | Alex Miranda                    | 480-425-1200 | Miranda jewelry      |
| 3)  | <del>XXXX</del>                 | 480-945-3289 | Shubert the west     |
| 4)  | <del>XXXX</del>                 | 480-946-6155 | Bischoff at park     |
| 5)  | <del>XXXX</del> Loran           | 480-994-0444 | Royal Palace jewelry |
| 6)  | <del>XXXX</del>                 | 480-423-0403 |                      |
| 7)  | Feras Amireh                    | 480-423-8874 | Southeast gallery    |
| 8)  | Sami Amireh                     | 480-444-6681 | Native traditions    |
| 9)  | Liz Groth                       | 480-947-8569 | Silverland           |
| 10) | Dottie Vuzzo                    | 480-611-6360 |                      |

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- |     |                     |                        |                  |
|-----|---------------------|------------------------|------------------|
| 1)  | Sanaa Jabbar Danofu | 480-703-3608           | 5th Ave Jewelry  |
| 2)  | Sue Arny            | 480-947-3170           | Silver Land      |
| 3)  | Spencer Danofu      | 480-946-4946           | Estate Watch     |
| 4)  | Im Cleo             | Iris Abdo 480 518 7007 | Back to the Rack |
| 5)  | Windand Wyler Spa   | 480-940-1538           |                  |
| 6)  | Chahel Bowlos       | 480 970 4191           | Sunset Treasures |
| 7)  | Wooten/owner        | 480 946-3139           | Cool n Trendy    |
| 8)  | [Signature]         | 480 949-1501           | Salah Rums       |
| 9)  |                     |                        | Classy Jewelry   |
| 10) |                     |                        |                  |

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THE SPECIAL USE PERMIT ISSUED TO AUDREY THACKER DBA "ARTISAN MARKETS" BY THE CITY OF SCOTTSDALE, <u>WHICH REQUIRES THE REQUESTED APPROVAL OF POTENTIALLY AFFECTED LOCAL PERSONS AND MERCHANTS, WAS IN FACT SIGNED BY A CONDOMINIUM ASSOCIATION REPRESENTATIVE AND ONLY TWO RESTAURANTS</u> NEAR THE MARSHALL WAY BRIDGE, EACH OF WHOM WOULD BENEFIT FROM THE ADDED FOOT TRAFFIC. NO SUCH APPROVAL WAS RECEIVED FROM SHOP KEEPERS AFFECTED BY THE "ARTISAN MARKET'S" SALE OF PRODUCTS SIMILAR TO THE PRODUCTS THAT THESE LOCAL MERCHANTS SELL		
ASIDE FROM RESTAURANTS, IT <u>STRONGLY APPEARS</u> THAT THIS ARTISAN MARKET CRAFT FAIR IS REDUCING POTENTIAL BUSINESS FOR/TO LOCAL MERCHANTS BY ITS VERY PRESENCE.		
IF YOU ARE A SHOP KEEPER, <u>WHO WAS NOT APPROACHED FOR YOUR APPROVAL</u> , AND WOULD NOT HAVE GIVEN YOUR APPROVAL IF SUCH A BUSINESS COULD POTENTIALLY BE IN <u>DIRECT COMPETITION WITH YOUR BUSINESS</u> :		
PLEASE SIGN THIS PETITION TO RECALL, MODIFY OR REVOKE THIS PERMIT		
<b>SIGNATURE/PRINTED NAME/TELEPHONE NUMBER:</b>		<b>SHOP:</b>
1) <i>Mahon Farkash</i>	480-342-7441	Ideal Collection
2) <i>Kelly Haj</i>	480-970-8065	Jewels of the west
3) "	"	Old town trading Co,
4) <i>Charles K Chandler</i>	480-947-7664	Sabas on Brown
5) <i>Charles K Chandler</i>	480-949-7409	Saba's Famous Texas Bar
6) <i>Marilynn Atkinson</i>	480-949-9750	Atkinson's Indian Trading Post
7) <i>Jeff de Tuli</i>	Gold House 480-429-3994	Golden Era
8) <i>Patricia A. Quinn</i>	Max Femp. 480-945-6476	
9)		
10)		



**FACT 1:**

SPECIAL USE PERMITS ARE ISSUED BY THE CITY OF SCOTTSDALE ONLY AFTER A THOROUGH REVIEW OF LOCALIZED IMPACT UPON SHOP KEEPERS AND OTHER BUSINESSES THAT MIGHT BE AFFECTED BY THE ISSUANCE OF SUCH A PERMIT

**FACT 2:**

IT IS A REQUIREMENT THAT BEFORE SPECIAL USE PERMITS ARE ISSUED, THAT THE APPLICANT MUST APPROACH AND SEEK APPROVAL FROM POTENTIALLY AFFECTED PERSONS OR BUSINESSES THAT WOULD BE AFFECTED BY THE ISSUANCE OF A SPECIAL USE PERMIT. THIS STEP CANNOT BE LEGALLY AVOIDED

**FACT 3:**

A SPECIAL USE PERMIT WAS ISSUED TO AUDREY THACKER OF GILBERT ARIZONA DBA "ARTISAN MARKETS" WHICH ALLOWS PEOPLE TO SELL ARTS, CRAFTS, JEWELRY AND ORNAMENTS SIMILAR TO THOSE SOLD BY MANY OF THE LOCAL MERCHANTS, USING THE MARSHALL WAY BRIDGE AS HER EXCLUSIVE RIGHT OF WAY TO HOLD THE EVENT THAT SELLS THESE ITEMS

**FACT 4:**

THE SPECIAL USE PERMIT ISSUED TO AUDREY THACKER DBA "ARTISAN MARKETS" BY THE CITY OF SCOTTSDALE, WHICH REQUIRES THE REQUESTED APPROVAL OF POTENTIALLY AFFECTED LOCAL PERSONS AND MERCHANTS, WAS IN FACT SIGNED BY A CONDOMINIUM ASSOCIATION REPRESENTATIVE AND ONLY TWO RESTAURANTS NEAR THE MARSHALL WAY BRIDGE, EACH OF WHOM WOULD BENEFIT FROM THE ADDED FOOT TRAFFIC. NO SUCH APPROVAL WAS RECEIVED FROM SHOP KEEPERS AFFECTED BY THE "ARTISAN MARKET'S" SALE OF PRODUCTS SIMILAR TO THE PRODUCTS THAT THESE LOCAL MERCHANTS SELL

ASIDE FROM RESTAURANTS, IT STRONGLY APPEARS THAT THIS ARTISAN MARKET CRAFT FAIR IS REDUCING POTENTIAL BUSINESS FOR/TO LOCAL MERCHANTS BY ITS VERY PRESENCE.

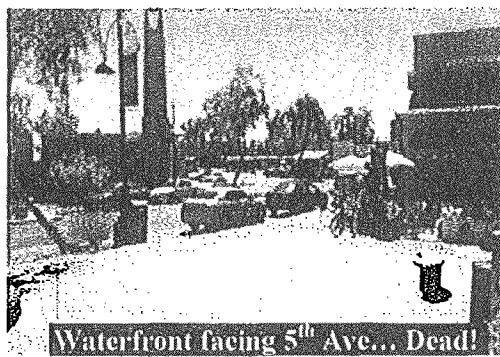
IF YOU ARE A SHOP KEEPER, WHO WAS NOT APPROACHED FOR YOUR APPROVAL, AND WOULD NOT HAVE GIVEN YOUR APPROVAL IF SUCH A BUSINESS COULD POTENTIALLY BE IN DIRECT COMPETITION WITH YOUR BUSINESS:

**PLEASE SIGN THIS PETITION TO RECALL, MODIFY OR REVOKE THIS PERMIT**

**SIGNATURE/PRINTED NAME/TELEPHONE NUMBER:**

**SHOP:**

- |                      |                   |              |                        |
|----------------------|-------------------|--------------|------------------------|
| 1) Rachel Cunningham | Rachel Cunningham | 602-743-4553 | Red Dirt Shirts        |
| 2) N. D. DAIZADEH    | 480 941-2788      |              | chantelle collection - |
| 3) C. W. G. G. G.    | 480 363 8611      |              | Chantelles Boutique    |
| 4)                   |                   |              |                        |
| 5) Asha              | Razzle-Dazzle     |              |                        |
| 6)                   |                   |              |                        |
| 7)                   |                   |              |                        |
| 8)                   | 480-941-3704      |              |                        |
| 9)                   |                   |              |                        |
| 10)                  |                   |              |                        |



These photos were taken 1 minute from each other on Saturday appx 1:15 P.M.

**TO WHOM IT MAY CONCERN :**

**On behalf of the merchants and tenants along 5<sup>th</sup> Avenue and Stetson who have signed this letter below, we hereby voice our mutual complaint as follows:**

The so-called "events" being put on by the Artisan Markets and others at the Waterfront Bridge during prime shopping season and business hours is restricting pedestrian traffic flow to Old Town and is costing us business. Instead of being a "bridge" tying Waterfront to Old Town, it has become a "marketplace" to compete with. This hinders Old Town. It doesn't help it...

It is our understanding that the bridge is first and foremost for public access and built to encourage traffic flow between the Waterfront and Old Town. You only have to look at the pictures above to see the bridge reduces traffic flow to Old Town. City trolley buses and carriages that used to bring us customers can't cross even cross or approach the bridge. This bridge should be an inviting, open walkway to Stetson and 5<sup>th</sup> Ave.

What used to be an occasional "event" on the bridge has now become a regular weekend occurrence with the "art bridge" taking over the "art walk" and numerous art and jewelry fairs going on Thursday thru Sunday. Our retail shops rely heavily on weekend traffic to sell. It's our "bread & butter". We are seeing our sales going down on a year-to-year basis, not up. A dollar spent on the bridge, is a dollar not spent at our businesses. A lot of those vendors are selling jewelry, not "art."

Each of us has a considerable "fixed" investment in our respective "brick and mortar" small businesses and work hard to run and promote Old Town year-round. We pay rents, employee people, pay payroll taxes, rent taxes and sales taxes. We're invested in Scottsdale.

It's not right that the Artisan Markets and others can use public property like that at the best shopping months of the year, capitalize on our traditional market and then leave. We are paying taxes year-round and trying to keep Old Town alive. The City should look for ways to support us, not these temporary marketplaces.

[Recipient Name]

March 25, 2014

Page 2

We do not object to an occasional well promoted special event such as the art festival or breast cancer events. But what's going on here is a business venture. It's not helpful to us nor in the public's interest, in our opinion.

It would seem in the city's best interest to keep 5<sup>th</sup> Avenue and Stetson business area vital and healthy. Recent articles in the newspaper indicate the hope of bringing back a vibrant Art district by Marshal Way. We respectfully ask the city to hear us out and support the small businesses with shops by restricting the use of the Waterfront Bridge to its primary purpose- a bridge between Waterfront and Old Town. We believe most of the merchants in the area will concur.

We appreciate your support and consideration of this request. Feel free to discuss this concern with any of us. Thank you for your attention to this matter.



Stetson facing Waterfront... No Traffic!

BUSINESS

Merchant	Location	Owner	Signature	Contact
CLASSY JEDY	5th Ave	James Bourdons	[Signature]	602 690 8385
Kerry Shur	5th Ave	5th Ave. Trading	[Signature]	480 941 0473
Sunnise Jewelry	5th Ave	Raeed Abdean	[Signature]	480.425-9944
Spawills - Motors	5th Ave	SANDY DAILEY	[Signature]	480-941-0967
SEVERE MAKE	5th Ave	CELIA MOORE	[Signature]	480-223-7608
ALFRED CHAN	5th Ave	ALFRED CHAN	[Signature]	480-946-3551
KOHNMAN	5th Ave	Chad Kohnman	[Signature]	480-2756271
White Hawk	5th Ave	Satir Almir	[Signature]	480-947-3178
Silverman	5th	Asad Amin	[Signature]	480-947-8566
M. Schmitz	Russell	Marjorie	[Signature]	480 949-5911
7136	7136	RAY KRASS	[Signature]	630 978 8800
Trade Family	7136	ATY Hala	[Signature]	480-421-6378
Rodway (R2)	7126	Linette Corbett	[Signature]	602-299-1057
old Town used	7128	Juice Darty	[Signature]	480-992-2270
HUBSCOR GIFTS	7132	Badri Kishan	[Signature]	480-429-6110
AL WOODS	7074	W. Woods	[Signature]	480 429 9778
CVE THE TOP	7072	ELIZABETH CHALLINOR	[Signature]	602-316-0007
Design by Karna	7060	Aana Karna	[Signature]	(480) 992-0558
[Signature]	7056	Nushi	[Signature]	(480) 947-6076
[Signature]	[Signature]	[Signature]	[Signature]	[Signature]
Samuel Freeman	7111 E 5th Hwy	[Signature]	[Signature]	480 971 4191
Brandon Simpson	5th Ave	[Signature]	[Signature]	480 946-0227
RESTO ITALY	5th AVE	MONICA GIUNTA	[Signature]	480 421-9540
VIZIA TUCKER	5th AVE	KIRA KLOSEK	[Signature]	602-330-5713
B.C. GORMAN	KLARAWAY	Bob SAHO	[Signature]	505 980-1991
HALO APC VAN	5th Ave	FRED VERBEKE	[Signature]	480 976 11
Zemadio	5th Ave	Maisha Bishop	[Signature]	480-945-1882
BROWN MOORE	5th AVE	CELIA MOORE	[Signature]	480-223-7609
SCOTT DOCK BEN	STETSON DR	JAY + KAREN SADOW	[Signature]	480 947 2136
Oh my Dog	Stetson Dr	Jackie Griffin	[Signature]	480 814 1200
Garage	Stetson Drive	Katie Wilson	[Signature]	480.556.6900
Pendleton St	11	DANIEL L. COLLINS	[Signature]	480-941-3416
J. GILBERT	STETSON DR	J. GILBERT	[Signature]	480-994-2283
K. WEAVER	STETSON DR	K. WEAVER	[Signature]	480-941-5599

# The Bridge at Waterfront

So-called “events” taking the business  
from Old Town merchants.

Photos take on 3/09/14 and 4/6/14  
but this is the scene about every weekend.

03/09/14 1:20 pm  
Bridge entry facing Stetson





03/09/2014 1:22 pm  
at the bridge facing 5<sup>th</sup> Ave



Sunday 4/6/14 9:48 a.m. The  
“market” opens early. Facing Stetson.



10:18 a.m. Looking south on 5<sup>th</sup> Ave.



10:19 a.m. Looking north on 5<sup>th</sup> ave.



# FYI

- Counted 12 tents on the bridge selling jewelry.
  - One merchant is selling pens.
  - Folks are parking in Old Town and going to the bridge... double wammy!
  - The “public” bridge has now become a “market”.
  - No buses carrying crossing the bridge.
  - How does the city define an “event”?
  - “Events” are running Thurs to Sun almost every week.
  - Our prime shopping season is compromised.
-

## Wyant, Erica

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**From:** Info@marcellinoristorante.com  
**Sent:** Thursday, October 01, 2015 10:00 AM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Sima Verzino  
Address: 7114 E Stetson Dr, Suite 110  
C/S/Z: Scottsdale, Az 85251  
Phone: 480 990-9500

Comment for 10/06/15 Item 15:

Marcellino Ristorante drives thousands of guests to Southbridge monthly in season. Presently it is difficult to accommodate parking for diners visiting us. The city's parking garage is at maximum capacity as is. Organizers bringing events to the bridge must not be allowed to announce free parking under Barrio Queen. We are numerous businesses that continue to bring guests all year round to Southbridge. This area is crucial to ensure our clients parking when visiting. The contributions to the city via public relations, taxes, CAM charges etc are paid throughout the year by us. We cordially ask to be respected by disallowing visiting events announcing Free Parking in our immediate vicinity.

Thank you  
Chef Marcellino and Sima Verzino



**Wyant, Erica**

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**From:** kristina@cutandpastedesign.com  
**Sent:** Thursday, October 01, 2015 2:36 PM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

**Categories:** Public Comment

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Kristina Konen  
Address: 2851 East Irwin Ave  
C/S/Z: Mesa, Arizona 85204  
Phone: 4805605947

Comment for 10/06/15 Item 15:

Please keep Artisan Markets! It's a wonderful community of talented and dedicated artists who want nothing more than to make a living and help the community and city of Scottsdale in the process. I speak as a former participant and as a customer. I frequent the shows, the shops and the restaurants whenever I'm downtown.

I love the hustle and the bustle and all of the wonderful things that come out of Artisan Markets being part of the fabric of Scottsdale.

I also LOVE the idea of using the Trolley to get people to and from 5th Ave, Old Town and the bridge. What a great way to bring everything together and move the people around more efficiently!

Volunteers with maps would be a great addition too! Have them wear "I'm here to help" shirts and have them direct people to where all of the wonderful Scottsdale amenities and shops can be found. Direct them and they will go and buy! Thank you!

## Wyant, Erica

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**From:** johnbinkele@icloud.com  
**Sent:** Friday, October 02, 2015 3:13 PM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: John Binkele  
Address: 2540 E Silverwood Drive  
C/S/Z: Phoenix, Arizona 85048  
Phone: 4807597297

Comment for 10/06/15 Item 15:

October 2, 2015

To: Mayor Jim Lane and all City Council Members  
From: John Binkele, vendor of the Artisan Markets  
Re: Petition to rescind Artisan Market Special Permit

Dear Mr. Lane and City Council Members,

My name is John Binkele. I am a retired Sales and Marketing Executive and vendor of the Artisan Markets. I am here to refute the claim that the Artisan Markets "negatively impacts surrounding businesses" as suggested by the SGA.

My family created a tabletop board game about our country's amazing National Parks. We had the game made here in the USA. We participate in several "art shows" throughout Arizona in which to market our award-winning product. When I first read the petition to rescind, I laughed at its improbable proposal then struggled to imagine how marketing our game at the Artisan Markets could possibly have a negative impact on ANY of the local businesses! What we sell is uniquely different than anything in the area!

However, in all fairness to those who signed the petition to rescind, I decided to see things from their perspective so I went downtown last evening to walk the ArtWalk. I wanted to observe the parking situation, the flow of foot traffic down Main Street and Marshall Way and to try to understand how vendors at the Artisan Market could possibly pose a negative impact on these businesses.

As I walked by the Galleries, I wondered, "When was the last time anybody on the City Council walked the ArtWalk to observe what is going on in this district? Or for that matter, when was the last time any of you attended the Artisan Markets?" It's a fair question to ask since on October 6th, you folks will be voting on this very important issue and it would be a shame if your votes were cast without having experienced both the ArtWalk and the Artisan Markets.

As you know, the Galleries have painted a very bleak picture regarding those of us who participate in the Artisan Markets. Yet painting a picture based on one's biased opinion and actually seeing what is actually going on can be vastly different!

I found a parking spot on the north side of Main Street adjacent to Scottsdale Blvd. and proceeded eastbound toward Goldwater. The Galleries along this stretch of road are amazing! Incredible museum quality goods. French's jewelry is unparalleled in quality. The artwork and bronze statues in the other galleries (Gallery Russia, Brennen Fine Art, Bonner David, Carstens and Amory Bohling) are incredible works of art. Vastly different in quality, style and price than most of the goods sold at the Artisan Markets.

At 6:05pm when I first arrived, most of the shops were closed. Some were preparing for the ArtWalk, which begins at 7pm. A few of the shops were open. Parking along Main Street between Scottsdale and Goldwater was very limited at the 6pm hour. Very few spaces were available along this stretch. Note: This is a Thursday evening when the Artisan Market was NOT active.

I continued down Main to Goldwater, proceeded to Indian School and then headed up Marshall Way toward the Marshall Way Bridge. Parking along Marshall Way in front of Touchstone and Calvin Charles was also very limited. In fact, there were no spaces available when I passed by. Again, this is a Thursday evening when the Artisan Markets was not open.

Upon reaching the Bridge, I ducked down into the South Bridge Public parking lot to see what the parking situation was down there. Level One was fairly full. Level 2 had plenty of open spaces. I crossed the Bridge and went down into the Public Parking Garage adjacent to the Olive and Ivy Restaurant. Again, Level One was quite full. Level 2 had plenty of space available. I walked across the street to the Fashion Square Parking Garage. There was ample parking in this garage. I did not inspect the three other parking structures nearby.

The three lots I did inspect are where we park during the Artisan Market events and I believe this is where most of those who attend the Artisan Markets park as well. I do believe the Galleries have a valid point about limited parking in front of their shops on a Thursday evening. Regarding the parking issue, it appears that parking along Marshall Way and Main Street is a challenge on Thursday evenings regardless of whether or not the Artisan Markets are open. It is an issue, but not one created by the Artisan Markets.

On the other hand, if prospective Gallery and/or Artisan Markets customers are in fact parking on Main Street then walking the 7/10th of a mile to the Artisan Markets, these people would be exposed to the Galleries. From a marketing perspective, this is definitely a positive opportunity! Exposure is what marketing is about. This is a good thing...not a negative thing! Business people want their storefronts to be seen!

As for the foot traffic along the Bridge at 7:30 pm, I was the only one who crossed the bridge on my way back to the ArtWalk down Marshall Way and on to Main Street. At 7:34pm, I walked by two of the Galleries who signed the petition that are located on Marshall Way (Calvin Charles and Touchstone) to see how the evening was progressing. Neither Gallery at this time had anybody who resembled a customer in either store. Besides myself, there were only three other people walking along Marshall Way at this time. Although they did look into both galleries, none of the three entered.

Back to Main Street. I happened upon two ladies from Calgary, Canada. I asked them what brought them to Scottsdale. Their reply – "golf, good weather, the ArtWalk and they hoped to visit the Artisan Markets." They were disappointed to learn the Artisan Markets weren't open on this particular Thursday as one of them enjoys this outdoor experience. I asked them if they felt the Artisan Markets could possibly create a negative situation for the Galleries. Their reply – "Not at all. They are two vastly different business models."

I walked up and down Main Street from 7:38 until 8:35pm to observe the foot traffic. Unlike a Thursday on the Bridge, I was surprised to see how few people were walking the streets or, for that matter inside the Galleries. I was expecting to see far more people attending what has been noted as being Scottsdale's signature event! Where are all the ArtWalkers?

They certainly weren't attending the Artisan Markets!

This got me wondering, "What are the Galleries doing to promote this event?" Unlike the Artisan Markets, which is typically teeming with traffic on a Thursday night, why was it so quiet along Main and Marshall?

Nobody with a logical mind could possibly claim the Artisan Markets had a negative impact on local businesses last evening. Perhaps the "negative impact on local businesses" has more to do with changes in the economy in general and more specifically, with changes in the buying habits of consumers.

Let me put my marketing background back into play. People buy things for one of two reasons – need or desire. Nobody needs our tabletop board game.

People buy it as a gift or to play it with family and friends. Along that same line of thought, nobody needs fine art. Fine art is purchased with disposable income purely because it is desired. And the merchandise offered by the Galleries requires FAR MORE disposable income than anything offered by the vendors at the Artisan Markets.

Conclusion: After last night's observation of the ArtWalk and all that I've read and studied about the issue at hand, here is what I have come to know...and please correct me if my statements are wrong.

#1) The Marshall Way Bridge was designed and constructed to accommodate Special Events such as the Artisan Markets, the Italian Festival, and others. From a marketing perspective, the bridge and the events held on it serve the community as a tool to attract locals and visitors to the area, which brings in revenue for all involved. How could that possibly be conceived as "negative impact?"

#2) Special Permit Application. The Artisan Markets has legally and lawfully applied for and received a Special Events Permit annually since 2009. This would indicate these events are successful, otherwise Audrey would not reapply nor would the City continue to re-issue the permit.

These events bring anywhere between 500 to 3000 people to the downtown area to enjoy a unique experience. People who may also walk the ArtWalk and visit the local businesses! How can bringing potential customers to the area be construed as "negative?" My marketing background tells me this is a good thing for all local businesses! Positive impact not negative.

#3) Marketing Budget. The Artisan Markets invests in over \$35,000 annually to bring people to these events. Unlike the ArtWalk event, which does receive public funding, the City does NOT subsidize the Artisan Markets events.

#4) Cooperative Marketing. Having spoken with Audrey Thacker (president of Artisan Markets) several times regarding this issue, I asked her if she considered doing cooperative marketing with the SGA. She said she has offered to help promote the galleries and the ArtWalk on many occasions including offering the SGA a free Booth at the Artisan Markets Thursday night venue to promote the ArtWalk and the Galleries. Why the SGA has not accepted her offers defies marketing logic.

Successful marketing requires a business to clearly identify the demographic profile of its ideal customer. For our business...our ideal customer attends venues like the Artisan Market. The question arises – "Do the SGA and Artisan Market vendors share the same customer?"

Perhaps...perhaps not!

If the Gallery customer and the Artisan Market customer were similar in demographics, desires and needs, there would be a huge potential for cooperative marketing, of which Audrey has offered the SGA.

On the other hand, if the customer who shops for fine art found in the Galleries is dissimilar to those who shop at an Artisan Market, how could either of these two different customer types negatively impact the other?

#5) Hours of Operation. As I walked the ArtWalk last night, I wondered how any business that opens its doors for an additional 2 to 4 hours on a Thursday night could claim that other businesses are negatively impacting them? Adding additional time to sell would normally be construed as a positive!

#6) The Customer and Free Markets – one very important player in this conversation that has gone virtually unheard from is the customer - those very important people who patronize the local businesses and the vendors at Special Events. What's their feeling about the Artisan Markets? What's their feeling about the Galleries? Are they telling you that the Artisan Markets pose a negative impact on the Galleries or local businesses?

As I stated before, customers buy things for one of two reasons – need or desire. For a business to succeed, there must exist customers who have a need or desire for the product or service offered. No need...no desire...no sale. Perhaps the real "negative impact" the galleries are experiencing is that consumers are not spending money on fine art like they did during better economic times?

At the Sept 21st Council meeting, Council members endorsed the idea of free markets. However, there were a couple of comments by two Council members stating: "the city should not encourage special events that compete with existing businesses." And "The city should not be responsible for supporting a special "for profit" event that competes with existing brick and mortar businesses."

Those comments would seem to contradict the idea of a free marketplace. A free market economy is built upon the foundation of competition. Without competition, there is no free market. The underlying message here seems to be that "although we believe in a free market economy; we don't want competition from the Artisan Markets." If the Artisan Markets are unfairly competing against local brick and mortar businesses as suggested by the SGA petition, my question is, "How so?" Please show me how the Artisan Markets unfairly competes against the local brick and mortar businesses? I've yet to see that data.

#7) Unfair rent – What this whole issue seems to boil down to is the Gallery's claim that those enterprises issued Special Events Permits are occupying public spaces at a bargain rate. As it applies to the Artisan Markets application for a Special Permit, I understand it to be the City and not the Galleries determine the fees for the permit. If the Special Events Ordinance needs amending, so be it; however this does NOT constitute grounds to rescind a permit that has already been granted!

#8) City Council Report. According to the City Council Report regarding the petition, the Special Events Committee could find "no firm evidence that customers were not attending the ArtWalk event due to the Artisan Markets event." Again, positive findings...not negative.

On page 4 of the City Council Report regarding Item 15 – Artisan Markets Special Event Permit, the text states, "Permit issuance and revocation is governed by the current ordinance and the Council does not have the ability to revoke or rescind a special events permit." If this is true, how could the council vote to rescind the Artisan Markets permit?

Solution. After reading all the emails, letters, reports and such and having looked at this issue from both sides of the street, it seems most prudent to me that the SGA and the Artisan Markets work together to create a positive solution for all businesses in the area. This could be accomplished by first taking into consideration the customer – those who pay ALL of our wages.

I suggest all parties involved in this discussion get together to provide consumers with a vibrant, exciting, entertaining venue that draws them to the downtown area, to the ArtWalk, to the Galleries and to the Artisan Markets.

I ardently request the City Council uphold the Special Event permit previously granted to the Artisan Markets and strongly suggest these two parties (SGA and the Artisan Markets) along with the City of Scottsdale work to create a favorable experience for local businesses, Special Events participants, local residents and visitors alike.

Respectfully submitted,

John Binkele  
Bink Ink LLC  
trektheparks@gmail.com  
480-688-4894 cell



## Wyant, Erica

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**From:** toni.spectacle@gmail.com  
**Sent:** Sunday, October 04, 2015 9:14 AM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Toni Konopisos  
Address: 6901 E Chauncy Ln #1217  
C/S/Z: Phoenix, AZ 85054  
Phone:

Comment for 10/06/15 Item 15:

I am a participant in the Artisan Market Events and have been a resident of Scottsdale/Phoenix for nearly 42 years. I have watched the ebbs, flows, recessions, and successes of our community and have always supported the "brick and mortar" establishments. I will continue to do that, not only with my personal patronage, but also with family and friends that come to visit. One of the things I love about our community today is the ever-changing, current and unique atmosphere that our Arts embrace. And now it appears that those very businesses who our community has supported through the years, are resisting change and a way to continue bringing new life to our city.

I feel fortunate to have a venue such as Artisan Markets which allows me to showcase my artistic endeavors, especially since I am not fortunate enough to have my own "brick and mortar" establishment. I pay my taxes to both Scottsdale and our state and I advertise to my out of town customers all of what Scottsdale has to offer. Further, our very presence on the Scottsdale waterfront brings customers to the local businesses that surround us, not to mention my patronage to the variety of restaurants nearby. My business contributes to our community just as all the established storefronts do, and it is insulting to be called opportunistic crafters who take advantage of our city.

Artisan Markets brings new life to our community and that can not be denied. We are not here to infringe on any one else's business. There is room for creative variety and there is an audience for every type of business. Ultimately, there is no reason why we can't all co-exist successfully for the life and vitality of our community. It all comes down to marketing, really. Our common goal should be to continue to bring people to downtown Scottsdale, because we can provide EVERYTHING they're looking for!

## Wyant, Erica

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**From:** Azyanni@yahoo.com  
**Sent:** Monday, October 05, 2015 7:17 PM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Scott Yanni  
Address: 8720 E Bonnie Rose Ave  
C/S/Z: Scottsdale, Arizona 85250-6723  
Phone: 480-699-8001

Comment for 10/06/15 Item 15:

Mayor Lane & Council Members,

I am writing again to show support of the Artisan Markets, Audrey Thacker, and her permit to operate on Southbridge. I am sure that you have been inundated with negative and slanderous letters filled with misinformation in regards to the Artisan Markets.

Several items are always left out of the letters. First of all it is not Ms. Thacker's fault that the permit to operate is only \$159. This is a city issue not an Artisan Markets issue. She should not be blamed or penalized for a code that is out dated.

Several months ago, the S.G.A. gave a list of demands/concerns to Ms.

Thacker. She offered a solution to all of their concerns and was then turned down. Then after they shunned her solutions the S.G.A. started a petition to get rid of the Artisan Markets. I take issue with that, due to the fact that when we (the F.A.A.M.A.) would like to hold a street festival we need to get the signatures of Every Business in the area that it may affect. All signatures are needed and have the right to say if they have any concerns. The S.G.A. however picked & chose who they wanted to sign the petition, and did not include the entire neighborhood. To me the S.G.A. is acting like a bully and is picking on the younger smart kid.

I keep hearing about bricks and mortar. To that I would like to reference my letter on the 22nd of July "The downtown area has been experiencing a downfall in business over the past several years due to many factors. The Artisan Markets is NOT one of them. As president of the 5th Ave Merchants Association, we drive home the point to our merchants that they need to make themselves relevant, make themselves a destination in order to succeed in this economy. It is important that the merchants hold themselves accountable for their own success instead of relying on the city or pointing the finger at those that are trying and succeeding. We provide support and offer ideas and suggestions to improve their businesses. Audrey serves as the Vice President of the 5th Avenue Area Merchants Association and has been an integral part in creating the community along 5th Ave, which had been dying for many years before her efforts. She offers merchants cross-promoting opportunities and is always welcome to new suggestions to increase business for all of downtown, including the galleries.

We, as merchants, can't expect to take down other people's businesses simply because we don't like the competition. We have to take responsibility for our own businesses and make sure they thrive no matter what competitors come to town, because they will.

I feel it is unfair to take part of Artisan Markets business simply because the Gallery Association is un-willing to make the necessary changes to make themselves relevant in today's marketplace. I do not point the finger at other restaurants on 5th Ave if they have a busier night than I do. I do not go to the city council or the Arizona Restaurant Association and ask them to help me shut them down or ask them to move.

That's is absurd. Any business that brings anyone down to 5th Ave, the bridge, Craftsman Court, Marshall Way, etc. is good for the whole area. I might not benefit on that given night, but in the long run, someone will walk through our door because of what they save on a previous visit.

If this strangle hold the S.G.A. is trying to put on the Mayor, & City Council goes thru and they resend the permit for Artisan Markets and other Vendor Tent related events, I wonder what they will do next. The truth is their business will not improve just because there are no events or Artisan Markets. Will they then Force the Mayor to shop in their galleries? Will that be on the ballot next? Will all city employees have to shop only at S.G.A. members galleries?

Yes it sounds absurd, but so is their complaint. And if the council does comply with the S.G.A.'s demand of removing tent/vendor related events that they do not consider special or direct completion, I hope they remove all such events. Such events that would HAVE TO STOP (based on the S.G.A.'s demands) would include:

Food Truck Caravan (direct competition with 5th Ave, Waterfront, & Indian School restaurants) Celebration of Fine Art Art Fest of Scottsdale The Old Town Farmers Market (Direct completion to restaurants and retail, and they are not here during the summer) The Scottsdale Culinary Festival (More Corporate sponsors & restaurants involved than Independent Brick & Mortar restaurants)

Yes, it's silly, but it's what the S.G.A. is demanding. A leveled field, no competition, no free market.

It should also be mentioned (or reminded) that the S.G.A. does receive subsidies from the city.  
Almost \$90 thousand a year.

Plus the \$150 thousand for the We Are Marshall faction of the S.G.A. for a piece of art made by someone out of state to bring visitors to a street that has more hair salons than art galleries.

All this Extra NON-Taxable income the S.G.A. is receiving and it's still not enough.

They need to go after individuals selling scarves, hats, painting & olive oil.

There is no record of Artisan Markets getting any such subsidies.

We can coexist as soon as we stop pointing the finger, playing the blame game and start acting like civilized humans and focusing on how to better ourselves and our businesses without taking someone else out in the process.

My stance is and always has been, Anything, Any Event, that bring people (local or tourists) down to this area is a Good Thing. It is up to every business, restaurant, art gallery, or retail store to find a way to capitalize on this.

Scott D. Yanni

President ~ 5th Ave Area Merchants Association Partner ~ General Manager 5th and Wine  
480-699-8001

## Wyant, Erica

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**From:** brandon\_zale@hotmail.com  
**Sent:** Tuesday, October 06, 2015 7:50 AM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

**Categories:** Public Comment

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Brandon Zale  
Address:  
C/S/Z: Scottsdale, AZ 85254  
Phone:

Comment for 10/06/15 Item 15:

I'm writing to express my support for the Artisan Markets. They bring a wonderful program to Scottsdale that fosters a sense of community and showcases the artistic talents of our residents. It's a true shame that the Scottsdale Gallery Assoc. is attempting to shut them down. By supporting the Artisan Markets, we are supporting our local community.

## Wyant, Erica

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**From:** shopmylola@gmail.com  
**Sent:** Tuesday, October 06, 2015 10:11 AM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Molly Brenneman  
Address: 3638 N. 70th St.  
C/S/Z: Scottsdale, AZ 85251  
Phone: 3038104533

Comment for 10/06/15 Item 15:

I feel very strongly that the Artisan Market is an event which actually adds to the draw for surrounding businesses. After attending the event last year as a patron, I often shopped in the surrounding stores as we walked home. My fiancé and I even found our engagement ring after the Sunday market when wandering from the Artisan Market into a store on the same street. We live in Oldtown, and would have eventually come down to the riverfront for food, but it is highly unlikely we would have shopped there otherwise as the impression the stores gave me on their own before I wandered in after the market was that I always felt it was either way too expensive or too "touristy." Thanks to the Artisan Market, I found some great stores that I now love. Having the market makes this area accessible to people. It also makes it feel more inviting and open. In my personal experience, it has only added to the businesses and restaurants that surround it. To lose this event would surely be a great loss for all.

## Wyant, Erica

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**From:** Feltz, Christopher  
**Sent:** Tuesday, October 06, 2015 12:25 PM  
**To:** Wyant, Erica  
**Subject:** FW: Citizen Comment related to Tues 06 Oct 15 City Council Meeting Items 9 and 15

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**From:** Mark Lewis [<mailto:manujib@yahoo.com>]  
**Sent:** Tuesday, October 06, 2015 12:21 PM  
**To:** Feltz, Christopher  
**Subject:** Citizen Comment related to Tues 06 Oct 15 City Council Meeting Items 9 and 15

My name is Mark Lewis, and I would like to comment on tonight's City Council Meeting Agenda Item 9 (Initiation of Special Events Ordinance Text Amendment) and especially Item 15 (Artisan Markets Petition).

Regarding Item 15: The Petition states that the Special Events Committee does not have authority per the Ordinance. This is false. Regarding granting permission of the fee paid, the petition says that it constitutes a gift and so is prohibited by City Charter. False -- not a gift, and so not prohibited. The petition alludes to negative impact by the Artisan Market to the SGA. Absolutely no evidence has been presented to support that claim. The woefully inadequate definition of terms used by the petition make identification of such evidence almost impossible. Further, without data and definition, it is not possible to judge whether any of this is a violation of the SE policies. The Ordinance, in fact, doesn't primarily address economic vitality. Rather it is a control on health and safety issues related to special events. The petition, if enacted, opens the City to at least 3 kinds of actions/notices of claim.

There are additional issues related to suggestions by the petition as to how to amend the Ordinance. Restrictions on Thursday events undercut the efforts by the City to further economic activity (think Super Bowl). There is no explanation as to the organizational mechanism of grandfathering. Definitions need to be introduced regarding Special Event verbiage. Explication of adverse measures needs to be made. Explication of City Council signoff procedures needs to be forthcoming.

I never went to the Thursday Art Walk until the Artisan Market bridged the gap between the Walk area and the restaurants and shopping afforded by the areas north of the Bridge. Now we regularly park south, walk the AW, eat at a nice restaurant, go to the Artisan Market on the Bridge, and finish with shopping and coffee/ice cream, usually north of the Bridge, before heading back south. We get to take in all of the Walk, the Artisan Market, and other local businesses. It would make sense to customers with money to spend, like me, for the SGA, the Artisan Market, the restaurants all along the way, and the businesses north of the canal to work to market their destination event AW/Artisan all together rather than thinking that the public thinks of them as one or none. How about working for the community everybody?

Mark Lewis, 7510 E Thomas Rd, Scottsdale, AZ 85251

## Jagger, Carolyn

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**From:** michellemoyer@ymail.com  
**Sent:** Tuesday, October 06, 2015 12:41 PM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Michelle Moyer  
Address: 2301 N Evergreen Street  
C/S/Z: Phoenix, AZ 85006  
Phone:

Comment for 10/06/15 Item 15:

I am in support of the Artisan Market Events. I believe the market brings people into the 5th Avenue area and increases foot traffic for the restaurants and galleries. The art markets are NOT in direct competition of the galleries as they are selling different items at a different price point. I do not believe it is the City of Scottsdale's responsibility to govern competition between businesses. This is America and it should be free enterprise. The Artisan Markets is a great business model and it is keeping up with the current trends in the art community. I hope that Scottsdale will continue to support Artisan Markets.



## Jagger, Carolyn

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**From:** alamos <alamos@cox.net>  
**Sent:** Tuesday, October 06, 2015 12:56 PM  
**To:** City Council  
**Cc:** Biesemeyer, Brian K; Behring, Fritz; Jagger, Carolyn; 'Pejman Gallery | Scottsdale'; vgraffius@calvincharlesgallery.com; 'Sonnie Kirtley'  
**Subject:** THE BIG PICTURE

Mayor and City Council,

First, I would like to express my sincere condolences to Ms. Korte. Putting all rancor aside, I am sorry for your loss.

The challenge in Scottsdale is much more than the problem of Artisan Market. It is the systemic corruption of the whole process in which citizens and businesses feel under siege by some Special Interest that wants to change zoning, building height restrictions and in the case at hand, seasonal tent retail masquerading as a festival or event. Staff consistently gravitates to help some politically well-connected "interested party", as described in the Special Event Ordinance outreach, to take advantage of the hard work and good efforts of real stakeholders in Scottsdale. **This must stop!** It is time to denounce the redevelopment strategy and commit to work with our real businesses and citizens to revitalize our Downtown.

The path is clear tonight. Do the right thing. This is not personal...just common sense, decency and good, representative government.

Thank you.

**Thomas W. Giller, Broker**  
**Alamos Management Resources, Inc.**  
**P.O.Box 8271**  
**Scottsdale, AZ 85257**  
Office/Mobile - (480) 227-4150

## Wyant, Erica

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**From:** randall@heddenart.com  
**Sent:** Tuesday, October 06, 2015 1:37 PM  
**To:** Agenda Item Comment  
**Subject:** Agenda Item Comment for 10/06/15 - Item 15

Meeting Date: 10/06/15  
Item Number: 15

Contact Information (if blank, user did not provide):

Name: Randall Hedden  
Address: 505 S 48th St, Suite 105  
C/S/Z: Tempe, AZ 85281  
Phone:

Comment for 10/06/15 Item 15:

I wanted to submit a statement supporting Audrey Thacker and the meticulous organizational skills she has exhibited over the years putting together the "Artisan Market" at the SRP bridge in Scottsdale on Thursdays and Sundays. I have exhibited there several times over the years, putting on live, speed painting shows for her audiences. The reception I received was all positive. My biggest concern was interfering with other surrounding businesses. At the beginning of one of my first shows there, a restaurant owner approached me with a concerned look on her face. She was afraid I might distract from her business flow during my show. Not only did the show attract people to my area, after the 15 minute performance the 100-odd spectators made a bee-line for her restaurant as well as other businesses. She came out and asked if I could come more often. This case is not isolated in any way. I noticed a multitude of activities that were interfacing with local businesses. Many of the restaurants in the area had a capacity staff ready to handle the increased business load that was being created from the traffic flow around the Artisan Market area. I never witnessed anyone openly complaining or any disturbances emanating from the market area. Audrey and her staff were always accessible during the entire period the market was open. She even helped coordinate the exit flow once the event was over. I never witnessed any traffic issues during set-up and tear-down. Everything seemed to run very smoothly. I have known Audrey since 2006. She is one of those rare entrepreneurs that has a knack for identifying a need and creating a solution. I have never seen her other than cool, calm and collected no matter what situation was thrown at her. I have always valued Audrey Thacker as an asset that any community should be proud to have. Thank you.

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## SHERMAN & HOWARD

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7033 East Greenway Parkway, Suite 250, Scottsdale, Arizona 85254-2080  
Telephone: 480.624.2710 Fax: 480.624.2029 www.shermanhoward.com

Arthur W. Pederson  
Sherman & Howard L.L.C.  
Direct Dial Number: 602.240.3000  
E-mail: apederson@shermanhoward.com

October 5, 2015

OFFICE OF THE  
CITY CLERK  
2015 OCT -5 PM 4:56

VIA E-MAIL (citycouncil@ScottsdaleAZ.gov)  
and Hand Delivery

Mayor W.J. Lane  
Vice Mayor Linda Milhaven  
Councilwoman Suzanne Klapp  
Councilmember Virginia Korte  
Councilwoman Kathy Littlefield  
Councilman Guy Phillips  
Councilman David N. Smith  
City of Scottsdale  
3939 North Drinkwater Blvd.  
Scottsdale, AZ 85251

Re: Special Event Permit 2015, 109-SE-2015 (the "Permit") and  
Permission to Work in the Right-of-Way ("PWR") Issued to  
Artisan Markets, LLC ("Artisan Markets") By the City of  
Scottsdale (the "City")

Dear Mayor Lane and City Council Members:

This law firm represents Alamos Management Resources, Inc. ("Alamos") in connection with various legal issues pertaining to the issuance by the City of the Permit and PWR (collectively, the "Permit"). The Permit purports to authorize Artisan Markets to conduct retail events on public property in the City on public streets and property situated immediately adjacent to the Arizona Canal between October 2015 and April 2016.

Citizens and citizen groups have filed petitions to rescind the Permit (the "Petitions to Rescind"). A hearing is scheduled on

Mayor W.J. Lane  
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the Petitions to Rescind on October 6, 2015. In response to the Petitions to Rescind, City staff, the assistant City Manager, and the acting City Manager, prepared their summary and analysis dated September 22, 2015 ("Staff Summary") of the issues concerning the Petitions to Rescind and the Permit.

The Permit was and is void. Because the Permit is void, it confers no rights. Moreover, as the Permit is void, the Petitions to Rescind should be granted.

I.  
**The Permit**

Artisan Markets applied for the Permit in April 2015. It was reviewed by the City Manager in May 2015 after concerns were expressed. According to the Staff Summary, "the Special Events Committee" reviewed the application on August 8, 2015. Subsequently, on September 21, 2015, the City issued a PWR (see copy of the PWR attached as Exhibit "1" hereto) upon the payment of \$159.00. Thus, for an application fee of \$87.00 plus a fee of \$159.00 paid to the City, Artisan Markets obtained the Permit purportedly allowing it to use property of the City to sell things to the public. With the Permit, Artisan Markets actively seeks and solicits vendors to sell various wares, trinkets, artwork, and other products using the streets of the City, plus the Arizona Canal improved by the City with millions of dollars of taxpayer money and for which the City pays annual fees to the Salt River Project ("SRP") for the Licensed Property.

II.  
**The City Does Not Have Power/Authority to Issue Special Event Permits for Use of Public Property under Existing Ordinances**

The City does not have the authority to issue special event permits for the use of public property. Any purported attempt by the City Council to delegate to City staff legislative decision-making concerning policies, standards or limitations for special event permits was void.

**A. Special Event Permits**

In 2013, the City Code was amended to include certain references to Special Events occurring in the public right-of-way. However, no code provision was adopted that set standards,

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limitations or policies for issuance of such permits, nor did any code provisions identify what committee, comprised of whom, would decide if those undefined standards were met. In that regard, § 47-41 of the City Code was amended to include subparagraph (e), which states: "Special events are subject to the requirements of the Scottsdale Zoning Ordinance." Additionally, § 47-50 of the City Code was amended in subparagraph (b), to include that:

Examples of uses requiring a PWR include, but are not limited to: . . . special events in the right-of-way (in conjunction with a special event permit under the zoning ordinance) . . .

Subsection (d) of § 47-50 of the City Code was amended to state, in part: "A PWR may be included in another City form, such as a special event permit or an annual PWR."

The amendment of the City Code referred persons seeking Special Event Permits to the City Zoning Ordinance, more specifically the special events section of the Zoning Ordinance set forth in § 7.900. A copy of the Special Events Zoning Ordinances, § 7.900, et seq., is attached for convenience as **Exhibit "2"** hereto.

The Special Events Code, however, was enacted to cover special events on private property, not public property. The Purpose section of the Special Events Code stated:

The purpose of these special events provisions is to promote special events while protecting nearby neighborhoods and the public health, safety, and **welfare** and to provide for safe traffic control, public sanitation facilities, and emergency care.

See Special Events, § 7.910 (emphasis added). Before Special Events permits can be issued, the City has the clear obligation to "[protect] nearby neighborhoods and the public health, safety, and **welfare** . . . ." While the Staff Summary claims it considered whether the surrounding business presented "firm evidence" of injury, the Staff Summary admits such damage has never been considered before. See Staff Summary at page 6, ("The Committee has not previously considered that vendor sales at a special event could be detrimental to businesses in the

Mayor W.J. Lane  
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area, and has never denied an event on those grounds." ). The folly of unbridled and unlawful delegation of legislative authority to City staff is clearly apparent by this City staff admission.

Moreover, because the Special Events code was never intended for the use of public property (see Special Events Code § 7.929), the problem with the lack of standards for the undefined "committee" is readily apparent, e.g., "The Committee has not previously considered that vendor sales at a special event could be detrimental to businesses in the area . . . ." Now, City staff admit that it required "firm evidence" of injury to nearby business, when no such requirement is in the Special Events Code. Moreover, only a "threat to public health, safety or welfare" is necessary to revoke the Permit. See Special Events Code § 7.927(c). Clearly, the City staff grossly departed from the Special Events Code and set its own standards when not legally allowed to do so.

The Special Events Code also clearly identifies that Special Events should be limited in time and occurrence. While reflecting the limited kinds of special events that are permitted on private property, including pumpkin and Christmas tree sales and sidewalk sales, it makes no mention of Special Events on public property.

The Permit issued to Artisan Markets purports to allow sidewalk sales to occur from October 2015 until at least April 2016 on Thursdays and Sundays of each week and some Saturdays. Obviously, the Permit purports to allow more than two sidewalk sales and the actual Artisan Markets event occurs over a seven-month period. However, nothing in the Special Event Code even remotely suggests that this is proper or that extended tent and booth sales during prime seasonal retail time on prime city property is a proper use of City property.

Section 7.923 restricts Special Event Permits: (1) a maximum of 30 consecutive days per event, and (2) not more than 48 cumulative days per calendar year per property. These restrictions were ignored and violated when Artisan Markets conducted events for significantly more than 48 cumulative days allowed per calendar year. City records confirm this fact.

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Section § 7.922, expressly limits sidewalk sales to "two events per calendar year." It also requires that the sidewalk sales be conducted in front of or adjacent to the retail establishment to which it relates. Neither requirement was followed regarding the Permit issued to Artisan Markets and, indeed, this Special Event Code section was violated.

Additionally, the Permit violates the spirit of the limitations for other "Special Events." For example, Special Events for the sale of vehicles are limited to two events per quarter. Here, the Permit purports to allow at least two events per week on prime City property during the prime seasonal retail time, again contrary to the Special Events Code. Thus, even if the property for which the Permit was issued was private property, the Permit violated the City Code.

### III.

#### **The City Cannot Delegate the Power to Issue a Special Event Permit for the Use of Public Property to Others without Setting Standards, Policies, and Limitations**

The Permit for Artisan Markets was issued in a vacuum by a "committee" undefined by the City ordinances. The City set no standards, no limitations, nor any policies for the issuance of a Special Events Permit on public property. As such, the Permit was and is void.

Legislative powers cannot be delegated without limitations, standards, and policies to administrative bodies. *Wells-Stewart Constr. Co. v. Martin Marietta Corp.*, 103 Ariz. 375, 378, 442 P.2d 119, 122 (1968); *Haggard v. Indust. Comm'n.*, 71 Ariz. 91, 100, 223 P.2d 915, 921 (1950); *Loftus v. Russell*, 69 Ariz. 245, 254-55, 212 P.2d 91, 97 (1949). The powers given to an administrative board must be surrounded by and grounded in standards, limitations, and policies set by the City Council. Only within such boundaries may an administrative agency act. *Hernandez v. Frohmiller*, 68 Ariz. 242, 254-255, 204 P.2d 854, 86- 8633 (1949). Without standards to guide an administrative agency, there is an unconstitutional delegation of legislative powers. As stated by the Arizona Supreme Court

We are urged to say that the act delegates to the civil service board legislative powers. It is axiomatic that neither the legislature nor the people



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can delegate to an administrative board the power to legislate. Only the people and the legislature may perform this function

*Id.*

Additionally, the procedure for applying for a special event permit is vague and ambiguous because it refers the applicant to the "Zoning Administrator." After an initial meeting and apparent explanation of the requirements of the zoning ordinance, the applicant was to submit various applications and proof of insurance, among other things. However, the actual decision regarding the issuance of a special event permit was delegated to an undefined "committee." See Special Event Zoning, § 7.925.C, stating:

The committee must approve or deny every application within ten working days of receipt of the application.

The City cannot delegate policy and standard-making decisions regarding the use of public property to an undefined committee with undefined standards, limitations, and policies. The Staff Summary, however, defines the "committee" as "staff from seven departments . . . ." Thus, City staff have legislated who will be on the committee to decide what Special Events permits will or will not be issued. City staff have no legal authority to do so.

May the [City], in order to accomplish this, transfer to an administrative board the unlimited power to use its judgment and discretion in determining what conditions shall be rectified and how this shall be accomplished? We have no hesitation in saying such is legally impossible. Legislation may pass to administrative boards or officials the right or power to find facts or conditions properly prescribed under which the law as passed will or will not operate, but it may not permit the [City staff] to say what the law shall be.

*Id.* Because the Special Events Code does not define "the Special Events Committee," or the "Committee," nor the composition of either, decisions by these committees to issue a

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Special Event Permit do not carry any legal authority and their respective actions are null and void.

#### IV.

#### The City's Breach of SRP License Agreement

##### A. License from SRP to the City

In 1995, the City entered into a License Agreement with SRP (a copy of which is attached as Exhibit "3" hereto), pursuant to which SRP granted a limited license to the City. Pursuant to the License Agreement, the City made Arizona Canal bank improvements at great cost to the City. The City also pays annual compensation to SRP for the use of the Licensed Property under the License Agreement.

Pursuant to the License Agreement, and because of the City's continued payments thereunder to SRP, the City has the right to make the Licensed Property "available for the general public's use and may use the licensed property for the construction, operation, maintenance, and use of landscaping, irrigation systems, pathways, walkways, pedestrian/transit bridges, lighting, benches, fountains or other water features, art work, overhangs, terraces, patios and other similar improvements contemplated by the Redevelopment Plan (as defined below) ("Bank Improvements"). [City] shall not use the Licensed Property for any other purpose without the prior written approval of [SRP]." See ¶ 2.1 of the License Agreement, Exhibit "3" hereto.

##### B. Breach of SRP License Agreement

Nothing within the License Agreement or the subsequent amendment thereto authorizes the City to use the Licensed Property for purposes of retail events and/or allowing third parties to sell goods and merchandise, all while interfering with the general public's right to use and have access to the entire Licensed Property. When tents and booths occupy space, others cannot occupy the same space. One need not be a physics professor to come to this conclusion. And Arizona Constitutional requirements prohibit the City from relinquishing the City's right to that space under the License Agreement for the benefit of private profit.

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The City's issuance of the Permit to Artisan Markets was a condition precedent to SRP issuing a license to Artisan Markets to use the Arizona Canal banks. It is also a clear, material breach of the License Agreement by the City. Moreover, the City's relinquishment of access to the Licensed Property to Artisan Markets for retail events is in direct contradiction to the City's obligation to the general public, including citizens of the City, to allow the Licensed Property to be available to the general public.

V.

**Arizona Constitution Gift Clause Violation**

Economic development pressures facing Arizona cities, towns, and municipalities in the 21st Century are real, especially in times of budget shortfalls and economic hardship. Under a system largely driven by sales tax revenues, the goal of maintaining or increasing such revenues often is paramount. But the challenge to ensure that public funds are not gifted to private business in the race for economic prosperity is not a new one. It has a long history, beginning well before Arizona statehood.

Arizona arrived later than other states, but was no exception to the folly. During the 19th Century, the Arizona territory "experimented liberally with subsidies." Benjamin Barr, *Regifting the Gift Clause: How the Arizona Constitution Can End Corporate Subsidies*, Goldwater Institute Policy Report No. 219, May 14, 2007, at 7-8. In reaction to taxpayers' strong discontent with failed subsidization schemes, Arizona adopted its constitutional "Gift Clause" as a safeguard. *Id.* (citing John S. Goff, *The Records of the Arizona Constitutional Convention of 1910*, (Supreme Court of Arizona, 1991) at 485-9).

These provisions were designed to prevent the economic losses of the 19th Century suffered by municipal corporations that gave money, credit or other valuable advantages to railroads, canal companies, etc. When the private corporations failed in their obligations, the municipalities were required to pay the obligations from public treasuries. The lessons of the 19th Century resulted in restrictive constitutional provisions in the organic acts of many states and, even without constitutional provisions, the courts of some states enforced similar restrictions by requiring that public money be used only for

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public purposes. *Industrial Dev. Auth. v. Nelson*, 109 Ariz. 368, 372, 509 P.2d 705, 709 (1973) (citation omitted).

The framers were concerned not only with failing businesses, but also with government "depleting the public treasury by giving advantages to special interests or by engaging in non-public enterprises." *Wistuber v. Paradise Valley Unified Sch. Dist.*, 141 Ariz. 346, 349, 687 P.2d 354, 357 (1984) (emphasis added, citations omitted). The framers took a broad approach and refused to limit their prohibition to the grant of public money, but, rather, "[t]hey spoke of 'any donation or grant, by subsidy or otherwise.'" *Arizona Ctr. for Law in the Pub. Interest v. Hassell*, 172 Ariz. 356, 367, 837 P.2d 158, 169 (Ct. App. 1991). The framers did not intend the Gift Clause to be a "paper tiger." David D. Martin, Cmt., *Washington State Constitutional Limitations on Gifting of Funds to Private Enterprise: A Need for Reform*, 20 Seattle Univ. L. R. 199, 201 (1996).

The City's actions here are a modern example of what the framers of the Arizona Constitution prohibited by barring gifts. The City gifted the right to use City streets and the Arizona Canal banks for virtually nothing. And the City pays for all of the electricity used by Artisan Markets and its vendors over the seven-month "event."

While the issuance of the Permit is different from 19th Century canals and railroads, the City's actions are the same. The City has allowed Artisan Markets to use public property for a private profit purpose and has relinquished the City's Licensed Property to allow Artisan Markets to use it for a private purpose. Moreover, what the City gave up is grossly disproportionate to what it received, which was nothing.

The City gave up the right to its streets and the Arizona Canal banks to Artisan Markets, "depleting the public treasury by giving advantages to special interests or by engaging in non-public enterprises." This act by the City, i.e., issuing the Permit and relinquishing the public's right of access to both its streets and the Arizona Canal banks, while the City picks up the tab for all of the electricity consumed by Artisan Markets and its vendors, is expressly prohibited by the Arizona Constitution.

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Scottsdale City Council Members  
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**VI.**

**The City Lacks Authority to Issue Special Event  
Permits for the Property under the Jurisdiction  
of the Federal Government**

As the City recognizes in the Staff Summary, the Arizona Canal and its canal banks, including the portions that are situated within the boundaries of the City, are owned by and under the jurisdiction of the United States of America through the U.S. Bureau of Reclamation. SRP maintains the Arizona Canal. There are no factual disputes concerning this issue.

The City, however, has no jurisdiction over property of the United States. The Arizona Canal and its canal banks, while licensed to the City, as discussed below, are not property subject to the jurisdiction of the City. Rather, the City merely has a license to use the Licensed Property for limited purposes, none of which include retail sales by third parties designated by the City. Accordingly, the City has no jurisdiction to issue any permit, special or otherwise, for the use of property of the United States. *U.S. v. City of St. Paul*, 258 F.3d 750 (8<sup>th</sup> Cir. 2001).

**VII.**

**The Permit Must Be Rescinded Because It is Contrary  
to the Welfare of Citizens of Scottsdale**

As the Staff Summary acknowledges, the Zoning Code allows any Special Event Permit to be rescinded if it poses a "threat" to the public health, safety or welfare. See § 7.927 of the Zoning Code. The Permit does more than pose a threat; it will harm the entities that filed the Petitions to Rescind and others.

The City Council has before it the various Petitions to Rescind based upon the harm to brick-and-mortar stores located in the City on Fifth Avenue, Marshall Way, Main Street, First Avenue, and Brown Avenue, among others. These objections were summarized in correspondence from Veronica Graffius, on behalf of Scottsdale Gallery Association and others, in an e-mail to the City dated September 17, 2015 (a copy of which is attached as **Exhibit "4"** hereto). As reflected therein, serious damage to the welfare of citizens and businesses in the City has accrued as a result of the Permit issued to Artisan Markets and the

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prior issuance of permits to Artisan Markets. There is more than a "threat" to the welfare of citizens; there is actual damage. Based upon the express language of the Code, as set forth in the above-referenced section, the City has the right and duty to rescind the Permit.

#### Conclusion

The City paid significant monies to improve its streets and the Arizona Canal. Moreover, the City pays significant annual payments to SRP for the License Agreement and the license to use the Licensed Property for the benefit of the general public. Issuance of the Permit and paying the utility bill for Artisan Markets is a City subsidy to a private enterprise for its own private profits. This occurs at the expense of the general public and brick-and-mortar stores, which pay significant taxes to the City. This, the City cannot do.

Moreover, the legal structure pursuant to which the Permit was issued is fatally flawed:

1. The City Council set no standards in the Code to define requirements for the issuance of a Special Event Permit, the limitations on Special Event Permits or the policies regarding the issuance of Special Event Permits for public property.
2. The Code delegates legislative and policy decisions to an undefined "committee" to issue or not issue Special Event Permits.

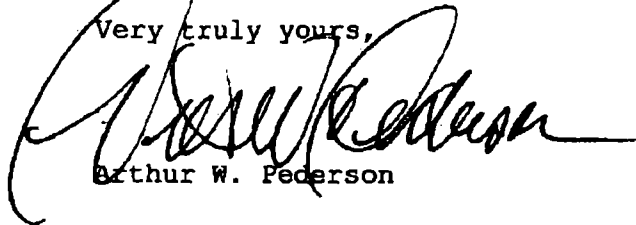
The failure to set any standards results in an unconstitutional delegation of legislative power from the City Council to unnamed bureaucrats, who select who they want to decide what they want to decide, with no control from the City policymakers, i.e., the Mayor and the City Council. On its face, this unbridled delegation of legislative authority is arbitrary and capricious at its best.

Additionally, the Permit violates the Zoning Code for excessive time, excessive sidewalk sales, among other things, and is more than a threat to the "welfare" of surrounding businesses. The Permit was issued in violation of the Zoning Code and must be revoked/rescinded.

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In the circumstances, the City has a legal **duty** to forthwith acknowledge that the Permit was and is void and to take immediate action to rescind the Permit.

Very truly yours,

A handwritten signature in black ink, appearing to read "Arthur W. Pederson", written over the typed name.

Arthur W. Pederson

AWP:dma  
Enclosures



## **EXHIBIT 1**

# City of Scottsdale



## PERMISSION TO WORK IN THE RIGHT-OF-WAY (PWR)

PERMIT NO.: C48541

CATEGORY: PRIVATE IMPR IN RIGHT-OF-WAY

LOCATION: 7134 E STETSON DR STE 105

PURPOSE: MARKET

START

ENGINEER:

END DATE:

CONTRACTOR: ARTISAN MARKETS

CONTRACTOR LICENSE:

ADDRESS: 7121 E 5TH AVE

INSURANCE EXPIRATION:

CITY, ST. ZIP: SCOTTSDALE, AZ 85261

TAX NO.:

CONTACT: AUDREY THACKER

D.R./CIVIL #: 108-SE-2015

PHONE: 802-314-0323

C.S.: 17-44

AREA: 3

24 HOUR EMERGENCY PHONE:

KEYCODE: 70Q23

**NOTICE:** At least 72 hours before beginning work, the applicant must call Field Engineering at 480-312-5750 for a preconstruction meeting. At least 24 hour notice is required before any inspections.

PAVING	\$0.00	GRADING	\$0.00	MISC	\$0.00
CONCRETE	\$0.00	DRAINAGE	\$0.00	PHASE FEE (25%)	\$0.00
WATER	\$0.00	LANDSCAPE	\$0.00	BASE FEE	\$159.00
SEWER	\$0.00	UTILITIES	\$0.00	TOTAL PERMIT FEE	\$159.00

Applicant, through the authorized signature below, warrants that the information supplied is complete and accurate, and agrees the permit holder shall: (a) Be responsible for all liability and damages arising from or related to any acts or omissions of the permit holder, its agents, contractors, subcontractors and any anyone else connected with this permit; (b) To the fullest extent allowed by law, defend, indemnify and hold harmless the City, its officers, officials, representatives, agents, employees and volunteers from and against all allegations, demands, proceedings, suits, actions, claims, damages, losses, expenses, including but not limited to, attorney fees, court costs, the cost of appellate proceedings, and all claim adjusting and handling expenses, arising from or related to any acts or omissions of the permit holder or its agents, contractors and subcontractors related to the permit; (c) Provide the City with a certificate of insurance in conformance with the requirements set forth in the City's Design Standards & Policies Manual; and (d) Conform to: (1) the requirements of Scottsdale Revised Code, Chapter 47, including the (insurance provisions outlined in the City's Design Standards and Policies Manual; (2) all other applicable laws, ordinances (including the Scottsdale Zoning Ordinance), rules, regulations and construction standards; (3) all applicable plans related to the above-referenced case, which are incorporated into this permit by reference; and (4) the terms of this permit.

The City's authorized signature below allows the applicant to use the City's right-of-way only in conformance with the terms of this permit.

This permit is not effective or valid until the required certificate of insurance is provided.

The Right-of-Way Manager or designee may suspend or revoke this permit to protect the public health, safety or welfare, or upon the City's need for the right-of-way occupied by the permit holder. Upon request, the permit holder shall immediately remove all of the permit holder's property from the right-of-way.

Applicable Barricade Plans, to change traffic or phase traffic control devices, are subject to City approval as set forth in the Scottsdale Revised Code, Chapter 47. Barricade Plans shall include the applicable PWR number.

This permit, and any applicable approved Barricade Plan shall remain on the job site for the duration of the work.

Applicant's authorized signature

*Audrey Thacker*  
SIGNED BY AUDREY THACKER ON BEHALF OF

Date 9/21/2015

City's authorized signature

DAVID SIMMONS

Date 9/21/2015

## **EXHIBIT 2**

- **Sec. 7.900. - Special Events.**

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 197), 4-3-12)

- **Sec. 7.910. - Purpose.**

The purpose of these Special Events provisions is to promote special events while protecting nearby neighborhoods and the public health, safety and welfare, and to provide for safe traffic control, public sanitation facilities, and emergency care.

(Ord. No. 2475, § 1, 9-1-92; Ord. No. 2830, § 1, 10-17-95; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 198), 4-3-12; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 218), 5-6-14)

- **Sec. 7.920. - General requirements.**

- **Sec. 7.921. - Pumpkin and Christmas tree sales.**

Pumpkin and Christmas tree sales may be conducted on vacant lots or within developed retail properties.

(Ord. No. 2475, § 1, 9-1-92; Ord. No. 2830, § 1, 10-17-95)

- **Sec. 7.922. - Sidewalk sales.**

Sidewalk sales shall be conducted in front of or adjacent to the retail establishment, and shall be limited to two (2) events per calendar year.

(Ord. No. 2475, § 1, 9-1-92; Ord. No. 2830, § 1, 10-17-95)

- **Sec. 7.923. - Special events.**

Special events shall be limited to a maximum of thirty (30) consecutive days per event, and may not occur more than forty-eight (48) cumulative days per calendar year per property.

(Ord. No. 2475, § 1, 9-1-92; Ord. No. 2830, § 1, 10-17-95)

- **Sec. 7.924. - Special vehicle sales.**

Special vehicle sales shall be limited to two (2) events per quarter.

(Ord. No. 2475, § 1, 9-1-92; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 42), 12-6-11)

• **Sec. 7.925. - Procedures.**

The following procedure is to ensure to the extent possible that special events are conducted in a location and a manner that is consistent with the public health, safety and welfare.

A.

Any person wishing to conduct a special event is required to make application to the City not less than thirty (30) days before the event is to commence.

B.

The Zoning Administrator shall determine whether the event requires a special event permit as provided in this Zoning Ordinance. Permits will be issued by the Zoning Administrator pursuant to the procedures provided herein.

1.

A pre-application meeting will be scheduled within five (5) working days, with appropriate departments to determine what measures, if any, are necessary to protect the public health, safety, and welfare during the special event, and to meet the requirements of this Zoning Ordinance. The departments will together constitute the special events committee ("committee").

2.

At the pre-application meeting, the requirements necessary to meet the intent of this Zoning Ordinance will be explained, which may include but not be limited to the employment of security or traffic control personnel; proof of adequate insurance; securing appropriate business licenses; and providing a sanitation cleanup plan.

3.

The applicant may appeal as provided in Section 7.928, any condition or requirement which is not reasonably related to meeting the intent of this Zoning Ordinance.

C.

The committee must approve or deny every application within ten (10) working days of receipt of the application. This time limit will be

extended by the number of days necessary to process an appeal of any requirement imposed by the committee.

If the application is denied, the denial must be in writing and must state with specificity the reasons for denial. Failure to comply with a condition reasonably related to meeting the intent of this Zoning Ordinance, is grounds for denial.

(Ord. No. 2475, § 1, 9-1-92; Ord. No. 2663, § 1, 6-6-94; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3920, § 1(Exh. § 102), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 219), 5-6-14)

• **Sec. 7.926. - Permits required; zoning districts.**

The following types of special events require a special events permit, unless otherwise indicated, and shall be allowed in the zoning districts specified below:

Art shows	All Commercial "C" and Downtown "D" districts
Carnivals:	
**Major	All districts with use permit
Minor	All districts
*Church bazaars	All districts
Festivals	Open Space O-S, Downtown D and DO, Resort/Townhouse Residential R-4R/Central Business C-2/Multiple-family Residential R-5 on sites with hotels, Planned Regional Center PRC and Regional Shopping Center C-S
*Grand opening	All districts
Haunted houses	Open Space O-S, Central Business C-2, Highway Commercial C-3, Regional Shopping Center C-S and Downtown D and Planned Regional Center PRC
Home exhibitions	All Single-family residential R-1 districts
*Pumpkin and Christmas tree sales	Highway Commercial C-3, General Commercial C-4, developed retail parcels, Regional Shopping Center C-S, and Planned Regional Center PRC

*Sidewalk sales	All Commercial "C," Downtown "D" districts, Planned Regional Center PRC
Special vehicle sales	General Commercial C-4, Highway Commercial C-3, Central Business C-2, and Multiple-family Residential R-5 on site with hotel, Regional Shopping Center C-S, Planned Community Center PCC, and Planned Regional Center PRC
Table 7.926.A. Type of Event and Zoning District	
Type of Event	Zoning District

\*Does not require a special events permit.

\*\*Requires a use permit and is subject to the provisions outlined in Article I.

(Ord. No. 2475, § 1, 9-1-92; Ord. No. 2830, § 1, 10-17-95; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3980, § 1(Res. 8895, § 1, Exh. A, § 43), 12-6-11; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 220), 5-6-14)

• **Sec. 7.927. - Permit revocation.**

A permit may be revoked for any of the following reasons:

(A)

Failure to conduct special event as presented on application.

(B)

Failure to comply with special conditions in the approval.

(C)

If the event poses a threat to public health, safety or welfare.

(Ord. No. 2475, § 1, 9-1-92; Ord. No. 2830, § 1, 10-17-95)

• **Sec. 7.928. - Appeal.**



When a permit is denied or revoked, the Zoning Administrator shall notify the applicant in writing of reasons for denial/revocation. An applicant who has been denied a permit, or permittee whose permit has been revoked or who objects to any special conditions of the permit, may appeal the action to the Zoning Administrator. Notice of appeal must be given in writing within ten (10) days after notification of denial/revocation. The Zoning Administrator shall set an appeal hearing within ten (10) days after receiving appeal. Within five (5) days of the conclusion of the hearing, the Zoning Administrator will rule on the appeal, giving notice in writing to the aggrieved person. Such decision shall be final.

(Ord. No. 2475, § 1, 9-1-92; Ord. No. 2830, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 221), 5-6-14)

• **Sec. 7.929. - Exemptions.**

Events occurring on public property or operated by the City of Scottsdale, or by the Scottsdale Paradise Valley or Cave Creek school districts, are exempt from the provisions of the Special Events sections of this Zoning Ordinance.

(Ord. No. 2475, § 1, 9-1-92; Ord. No. 2830, § 1, 10-17-95; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 222), 5-6-14)

• **Sec. 7.930. - Special events signage.**

The provisions of article VIII shall apply.

(Ord. No. 2475, § 1, 9-1-92; Ord. No. 2701, § 1, 2-7-95; Ord. No. 2830, § 1, 10-17-95)

## **EXHIBIT 3**

SCANNED

**SALT RIVER PROJECT  
LICENSE**

BY PV

Salt River Project License No.: 01481-0  
Salt River Project File No.: 458-459  
City of Scottsdale Agreement No.: 950006  
Effective Date: 1-6-95

**SECTION 1. License Granted:**

The SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT, an agricultural improvement district organized and existing under the laws of the State of Arizona ("Licensor"), grants the CITY OF SCOTTSDALE, ARIZONA, an Arizona municipal corporation ("Licensee"), a revocable License conveying the nonexclusive right and privilege to enter upon and use certain real property, the Licensed Property, (as defined below) under the following terms and conditions.

**SECTION 2. Purpose:**

**2.1 Canal Bank Improvements**

Licensee may make the Licensed Property available for the general public's use and may use the Licensed Property for the construction, operation, maintenance and use of landscaping, irrigation systems, pathways, walkways, pedestrian/transit bridges, lighting, benches, fountains or other water features, art work, overhangs, terraces, patios and other similar improvements contemplated by the Redevelopment Plan (as defined below) ("Bank Improvements"). Licensee shall not use the Licensed Property for any other purpose without the prior written approval of Licensor.

**2.2 Liner Construction**

During January and February, 1995, Licensor shall construct on the Licensed Property, and upon the portion of the canal extending from the western boundary of the Licensed Property to the Goldwater Boulevard bridge, all vertical retaining walls, foundations and related improvements necessary to convert the canal bank from a trapezoidal canal configuration to a rectangular channel configuration on that portion of the Arizona Canal extending from the Scottsdale Road bridge to the Goldwater Boulevard bridge (collectively the "Liner"). The Liner is an integral part of Licensee's canal bank redevelopment plan adopted pursuant to Resolution No. 3836 dated June 15, 1993 (the "Redevelopment Plan") and shall be completed pursuant to the plans and specifications previously approved by both parties. As consideration for constructing the Liner, Licensee shall pay Licensor the sum of Six Hundred Eighty Two Thousand Seven Hundred Forty Seven and No/100 Dollars (\$682,747.00) upon Licensor's completion of such construction. The Liner shall at all times be owned by Licensor.

2.3 A general configuration of the improvements referred to in Sections 2.1 and 2.2 of this License is attached as Exhibit B.

**SECTION 3. Licensed Property:**

The Licensed Property is all of that portion of the Arizona Canal and canal right-of-way lying between: (a) a line lying 1,015 feet west of and parallel to the east Section line of Section 22 and (b) the south side of the Camelback Road right-of-way boundary within the SW ¼ of Section 23, all being within Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, but excluding the Scottsdale Road bridge over the Arizona Canal. The Licensed Property is depicted on Exhibit A. Improvements Licensee makes as permitted by this License are hereinafter "Bank Improvements." All other improvements to the Licensed Property, including the Liner, are hereinafter "Canal Improvements".

**SECTION 4. Compensation:**

4.1 As consideration for granting this License, Licensee shall pay Licensor an annual License Fee (herein so called) in the sum of Twenty Thousand Nine Hundred Eighty Two and No/100 Dollars (\$20,982.00) per License Year (as defined below), subject to adjustments as set forth below. The License Fee shall be payable in advance, without notice or demand, commencing on the date that Licensee commences construction of the Bank Improvements, and thereafter on or before the 1st day of December of each License Year during the term of this License and shall be prorated for any partial License Year. For purposes of this License, the term "License Year" means each twelve (12) month period during the term of this License commencing on December 1 and ending at midnight on the next succeeding November 30.

Effective as of the first day of the 6th License Year and the first day of each 5th License Year thereafter (each of which is referred to in this Agreement as an "Adjustment Date"), the annual License Fee shall be adjusted for the next five (5) License Years to an amount equal to the product obtained by multiplying Twenty Thousand Nine Hundred Eighty Two and No/100 Dollars (\$20,982.00) by a fraction, the numerator of which is the "Consumer Price Index - Seasonally Adjusted U.S. City Average for All Items for Urban Wage Earners and Clerical Workers (1982-84=100)," published monthly in the "Monthly Labor Review" of the Bureau of Labor Statistics of the United States Department of Labor ("CPI-U") for the next to the last calendar month in the License Year preceding the applicable Adjustment Date, and the denominator of which is the CPI-U for the Effective Date. If the CPI-U is discontinued, the "Consumer Price Index - Seasonally Adjusted U.S. City Average for All Items for All Urban Consumers (1982-84=100), published monthly in the "Monthly Labor Review" by the Bureau of Labor Statistics of the United States Department of Labor ("CPI-W"), shall be used for making the computation of the annual License Fee for the next five (5) License Years. If the CPI-W is discontinued, comparable statistics on the purchasing power of the consumer dollar published by the Bureau of Labor Statistics of the United States Department of Labor shall be used for making such computation. If the Bureau of Labor Statistics shall no longer maintain

statistics on the purchasing power of the consumer dollar, comparable statistics published by a responsible financial periodical or recognized authority selected by Licensor and Licensee shall be used for making such computation. If the base year ("1982-84=100") or other base year used in computing the CPI-U is changed, the figures used in making the adjustment in this Section 4.1 shall be changed accordingly so that all increases in the CPI-U are taken into account notwithstanding any such change in the base year.

4.2 Licensee shall reimburse Licensor, for all federal, state and local excise, sales, privilege, gross receipts and other similar taxes lawfully imposed on and paid by Licensor as a result of the consideration received by Licensor under this License; provided, however, that this Section shall not apply to income taxes. Licensor shall pay all property taxes, if any, levied on the Licensed Property.

4.3 In the event of non-payment, Licensor shall have all of the rights and remedies provided for herein and by law for Licensee's failure to pay any of the compensation specified in this Section. All amounts paid by Licensee to Licensor as a result of damages, costs, expenses and sums incurred by Licensor hereunder as a result of Licensee's default shall be deemed to be additional License Fees.

4.4 Any payment due under this License that is not paid within 30 days after notice of such default shall bear interest from the date such payment was due at a rate that is equal to the "prime rate" which means the "prime rate" announced and published from time to time by Bank One of Arizona ("Bank One"), or if Bank One ceases to announce and publish a "prime rate", then the "prime rate" as published and announced from time to time by First Interstate Bank of Arizona, N.A. ("FIB"), or if FIB ceases to announce and publish a "prime rate", or index rate mutually selected by Licensor and Licensee, which Licensor and Licensee, in their reasonable discretion, deem comparable to such "prime rate".

4.5 Licensee and persons claiming through Licensee shall have no liability for any amount that third parties are previously or hereafter obligated to pay to Licensor for any use of the Licensed Property.

#### **SECTION 5. Term:**

The Effective Date of this License shall be the date upon which both parties have executed same, and upon which, unless otherwise provided, all obligations set forth herein commence. Unless earlier terminated pursuant to the terms set forth herein, this License shall remain in effect for an initial term of twenty five (25) License Years from the Effective Date and shall automatically renew for four (4) successive extension terms, each for a period of ten (10) License Years, unless one party elects to terminate this License by giving written notice of such election to the other party, which notice must be given to the other party at least three (3) months prior to the date upon which the initial term or the extension term, as applicable, then in effect will expire. Licensee and Licensor agree to work together in good faith and to use best efforts to obtain a lease for the Licensed Property to replace this License.

**SECTION 6. Rights of the United States of America:**

This License is subject to the paramount rights of the United States of America ("U.S.A.") in and to the Licensed Property, federal reclamation law, and all agreements existing and to be made between the U.S.A. and the Salt River Valley Water Users' Association ("Association") or Licensor regarding the possession, care, operation and maintenance of the Salt River Project, a federal reclamation project.

**SECTION 7. Assignment:**

Licensee shall not assign this License, in whole or in part, without Licensor's prior written consent, and absent such consent, any attempted assignment shall be void. Licensee shall make all requests for Licensor's consent to an assignment, modification or amendment of this License in writing and shall accompany each request with a non-refundable service charge of Two Hundred Fifty and No/100 Dollars (\$250.00). This Section 7 shall not prohibit Licensee from delegating its responsibilities hereunder to third parties. However, such delegation shall not relieve Licensee of its obligations to Licensor pursuant to this License, nor restrict Licensor's remedies against Licensee in the event of Licensee's default on such obligations.

**SECTION 8. Termination of the License:**

8.1 (A) If a party (the "Defaulting Party") fails to pay or perform a material obligation under this License within 30 days after written notice is given to the Defaulting Party of its failure to perform such obligation on the date when such performance was due (or, if such default cannot reasonably be cured within 30 days, then within such longer period as is determined by the non-defaulting party to be necessary to cure such default, provided the Defaulting Party commences to cure such default within the 30 day period), then, upon the expiration of the applicable cure period, the non-defaulting party may terminate this License upon not less than 30 days prior written notice to the Defaulting Party (which notice of termination must be in addition to the notice of default).

(B) Either party may terminate this License without cause upon not less than 360 days written notice; provided, however, that each party agrees that it will exercise this right in good faith and will not act arbitrarily.

8.2 In the event either party terminates this License, Licensee shall, unless Licensor otherwise provides, remove, at Licensee's own cost, within ninety (90) calendar days after written notice from Licensor, any Bank Improvements placed on the Licensed Property by Licensee, its directors, officers, employees, or agents. The preceding sentence shall not apply: (i) to the Liner; (ii) to bridge footings that are permanently affixed to the Licensed Property; or (iii) to any other Bank Improvements that Licensor reasonably determines may be safely abandoned in place. If Licensee has failed to remove any of the Bank Improvements that it is required to move within such ninety (90) day period, Licensor, at its election, may either: (i)

with or without giving further notice to Licensee, remove and store the Bank Improvements on behalf of Licensee; or (ii) give notice to Licensee that Licensor will retain the Bank Improvements.

8.3 Upon Licensor's giving notice to Licensee pursuant to Section 8.2 that Licensor will retain the Bank Improvements, Licensee's right, title and interest in the Bank Improvements shall immediately vest in Licensor and Licensee shall execute, acknowledge and deliver to Licensor an instrument, acceptable to Licensor, transferring to Licensor all of Licensee's right, title and interest in the Bank Improvements.

8.4 If Licensor removes and stores any Bank Improvements on behalf of Licensee pursuant to Section 8.2, Licensee shall reimburse Licensor for the reasonable costs incurred and paid by Licensor for such removal or storage within ten (10) calendar days after Licensor presents Licensee with an itemized statement of such costs. Licensee shall release Licensor, Association and U.S.A. from all damages resulting to Licensee as a result of such removal or storage.

8.5 The provisions of this Section 8 shall survive termination of this License.

#### **SECTION 9. Maintenance of Licensed Property & Interface with Licensor's Use of Licensed Property:**

9.1 Licensee, at its own expense, shall maintain all of the Bank Improvements in good, sanitary and safe condition. Licensee shall not have any responsibility for the maintenance of the Canal Improvements except to the extent the cost to Licensor for such maintenance has increased as a result of the Bank Improvements or the Liner. Subject to the conditions set forth herein, Licensor reserves to itself, Association and the U.S.A., a right of access to the Licensed Property for the construction, use, operation, maintenance, relocation and removal of any existing and future electric or water distribution or transmission facilities. Any such construction, use, operation, maintenance, relocation or removal shall be performed in a manner designed to avoid, to the extent feasible, disturbance to the Bank Improvements and Licensee's and the general public's use and enjoyment of the Licensed Property. Licensor shall give Licensee at least ninety (90) days prior written notice of any such construction, use, operation, maintenance, relocation or removal that would materially disrupt the Bank Improvements or Licensee's or the general public's use and enjoyment of the Licensed Property or the Bank Improvements; provided, however, that such notice may be given in such shorter period as Licensor determines to be reasonable under prevailing circumstances, or with no notice in the event of an emergency where no notice is feasible. Nothing in this License shall be construed to deny or lessen the powers and privileges granted Licensor by the laws of the State of Arizona and the U.S.A. Licensor shall not be liable to Licensee for any damage to public or private property or to installations located upon the Licensed Property, unless due to negligence or willful acts or omissions of Licensor or its agents or employees.



9.2 If Licensee defaults in the performance of the obligations set forth in Section 9.1, and Licensor gives notice of the default, Licensee shall correct such default to the reasonable satisfaction of Licensor within the required period of time set forth in the notice of default (the "Correction Period"), which period of time shall be reasonable under the circumstances. If Licensee fails to correct the default within the Correction Period, Licensor may take any action reasonably determined by Licensor to be necessary to correct such default, including without limitation making any repair or modification to or removing any of the Bank Improvements. Licensee shall reimburse Licensor for the reasonable costs of correcting such default incurred and paid by Licensor within twenty (20) calendar days after Licensor presents Licensee with a statement of such costs. Licensee shall release Licensor, Association and U.S.A. from all damages resulting to Licensee from the correction of such default, including, without limitation, those damages arising from all repairs or modifications to or removal of any of the Bank Improvements.

#### **SECTION 10. Nonexclusive Rights: Application of Gross Revenues:**

This License is nonexclusive and nothing herein shall be construed to prevent or restrict Licensor from granting other privileges to use the Licensed Property in a manner not inconsistent with Licensee's use of the Licensed Property in accordance with this License; provided, that in the event that Licensor uses or authorizes the use of the Licensed Property for revenue generating purposes related to the Redevelopment Plan or the Bank Improvements, then Licensor shall immediately give notice of such authorization to Licensee (the "Notice") and all gross revenues generated and accruing to Licensor from such uses ("Gross Revenues") shall be applied in the following order of priorities:

**First**, Gross Revenues shall be credited as an offset against the License Fee that was paid in advance for the License Year in which the Gross Revenues accrued and Licensor shall reimburse the License Fee to Licensee to the extent of such offset;

**Second**, to the extent the Gross Revenues exceed the License Fee, Gross Revenues shall be paid by Licensor to Licensee up to, but not in excess of, the costs incurred for maintaining, repairing and operating the Bank Improvements (but not the Canal Improvements) for the Lease Year in which the Gross Revenues were incurred (the "Operating Expenses"); and

**Third**, to the extent the Gross Revenues exceed the License Fee and the Operating Expenses for the applicable License Year, they shall be retained by Licensor.

Following receipt of the Notice, Licensee shall deliver, within thirty (30) days after the end of each License Year, an itemized statement of the Operating Expenses to Licensor. Within sixty (60) days after the end of each License Year, Licensor shall deliver to Licensee an itemized statement of the Gross Revenues and a check in an amount equal to the amount owed to Licensee pursuant to the foregoing provisions of this Section 10. The parties agree to keep books and records in accordance with a system of accounts and accounting practices consistently maintained on a year-to-year basis.

#### **SECTION 11. Existing Easements and Licenses:**

This License is subject to all existing encumbrances of record, including easements and licenses. Prior to or contemporaneously with the execution of this License, Licenser shall identify, by delivering to Licensee any applicable document, each encumbrance of which Licenser is aware; provided, however, that it shall be Licensee's obligation and responsibility to ascertain the rights of all third parties in the Licensed Property. Licenser consents only to the use of the Licensed Property for the purposes described herein. Nothing in this License shall be construed as Licenser's warranty, approval or consent regarding rights in the Licensed Property held by other parties except as may have been created by Licenser itself or created prior to Licenser's acquisition of its interest in the Property.

#### **SECTION 12. Indemnification:**

To the extent not prohibited by law, Licensee (indemnitor), its successors and assigns, shall indemnify, release, and hold harmless Licenser (indemnitee), Association and the United States of America, and the directors, officers, employees, agents, successors and assigns thereof, against and from any claim, demand, lawsuit or action of any kind for damages or loss, whether such damage or loss is to person or property, arising out of: (a) acts or omissions of Licensee, its agents, officers, directors, or employees; (b) Licensee's use or occupancy of the Licensed Property for the purposes contemplated by this License, including but not limited to claims by third parties who are invited or permitted onto the Licensed Property, either expressly or impliedly, by Licensee or by the nature of Licensee's development or other use of the Licensed Property pursuant to this License; (c) any liability-causing event attributable to the change from the canal wall and foundation as it existed on the date of this License, to the wall and foundation as it will exist when the Liner is completed, provided that such liability is not the result of Licenser's construction activity or Licenser's construction or design defects; or (d) Licensee's failure to comply with or fulfill its obligations established by this License or by law. Such obligation to indemnify shall extend to and encompass all costs incurred by Licenser in defending against such claims, demands, lawsuits or actions, including but not limited to attorney, witness and expert witness fees, and any other litigation related expenses. Licensee's obligation pursuant to this Section 12 shall not extend to liability attributable to the negligence or willful action of Licenser, its directors, officers, employees, agents, successors or assigns.

#### **SECTION 13. Insurance:**

Without limiting any liabilities or any other obligations of Licensee, Licensee shall provide and maintain, with forms and insurers acceptable to Licenser, and until all obligations under the License are satisfied, the minimum insurance coverages, as follows:

13.1 Worker's compensation insurance to cover obligations imposed by applicable federal and state statutes and employer's liability insurance with a minimum limit of One Million and No/100 Dollars (\$1,000,000.00).

13.2 Commercial general liability insurance with a minimum combined single limit of One Million and No/100 Dollars (\$1,000,000.00) each occurrence. The policy shall include coverage for bodily injury liability, property damage liability, personal injury liability, contractual liability for liability assumed under this License, owner's and contractor's protective liability and broad form property damage. The policy shall contain a severability of interests provision.

13.3 Comprehensive automobile liability insurance with a combined single limit for bodily injury and property damage of not less than One Million and No/100 Dollars (\$1,000,000.00) each occurrence with respect to Licensee's vehicle, whether owned, hired or non-owned, assigned to or used in the performance of the work.

13.4 The policies required by Sections 13.2 and 13.3 hereof shall be endorsed to include Licensor, members of its governing bodies, its officers, agents and employees as additional insureds and shall stipulate that the insurance afforded for Licensor, members of its governing bodies, its officers, agents and employees shall be primary insurance and that any insurance carried by Licensor, members of its governing bodies, its officers, agents or employees shall be excess and not contributory insurance.

13.5 Licensee and its insurers providing the required coverages shall waive all rights of subrogation against Licensor and members of its governing bodies, its officers, agents and employees.

13.6 Prior to commencing any work, Licensee shall furnish Licensor with Certificates of Insurance as evidence that policies providing the required coverages, conditions and limits are in full force and effect. Such certificates shall provide that not less than thirty (30) days advance notice of cancellation, termination, or alteration shall be sent directly to Licensor addressed as follows:

Salt River Project  
Land Management CRF207  
P.O. Box 52025  
Phoenix, Arizona 85072-2025

13.7 In lieu of providing for all or any specified insurance coverage by policy, Licensee shall have the option to self-insure the minimum limits set forth above by providing to Licensor, for its approval, evidence of Licensee's financial ability to self-insure. By execution of this License with the City of Scottsdale, as Licensee, Licensor has approved and hereby consents to the applicability of Licensee's self-insurance retention coverage.

#### **SECTION 14. Construction:**

14.1 Prior to making any installations on the Licensed Property, Licensee shall submit to Licensor for its approval a detailed design and plan showing the location of any such installa-

tions. If, within thirty (30) days after Licensee's request for such approval, Licensor has not denied such request in writing, such approval shall be deemed granted. All construction on the Licensed Property shall be performed in accordance with plans and specifications approved by Licensor. At least ten (10) days prior to the beginning of any construction on the Licensed Property, Licensee shall give Licensor notice of the date that construction will begin and a schedule listing all construction activities and the dates when such construction activities will be performed. Licensee shall give Licensor written notice of all changes in the schedule and delays in construction immediately upon it being reasonably foreseeable that such change or delay will occur.

14.2 Licensee shall contact Licensor's Northside Watermaster a minimum of 72 hours in advance of start of construction to obtain a construction clearance. Phone number: 236-5734. NOTE: A CONSTRUCTION CLEARANCE DOES NOT ASSURE A DRYUP.

14.3 Licensee's Bank Improvements constructed, installed, operated and maintained on the Licensed Property shall not interfere with Licensor's use of Licensor's existing or any future irrigation or electric facilities on or adjacent to the Licensed Property.

14.4 Licensor may request Licensee to alter the scheduling of construction undertaken pursuant to Section 14.1 but only when and to the extent necessary to prevent any material interference with Licensor's use of the Licensed Property.

14.5 Licensee shall bear the entire cost of relocating, replacing, or reconstructing the Bank Improvements as a consequence of the following: (i) subject to the provisions of Section 14.6 of this License, any legislative enactment by a governmental entity having competent authority which requires such modification, replacement or reconstruction; (ii) any determination or order by a court of competent jurisdiction which determines that any of the Bank Improvements are hazardous, violative of law (including environmental protection laws) or which otherwise orders that the improvements must be modified, replaced or reconstructed; (iii) subject to the provisions of Section 14.6, any modification of the Licensed Property required or mandated by either Licensor or a court or governmental entity with competent jurisdiction; or (iv) U.S.A. recapture of the Licensed Property pursuant to the Federal Reclamation Law or related agreements, unless otherwise agreed by U.S.A. Unless otherwise agreed by Licensor and Licensee, Licensee shall restore the Licensed Property to its original condition at its own expense.

14.6 Licensor shall not exercise its right to require relocation of the Bank Improvements in an unreasonable or arbitrary manner. Except as otherwise provided herein, Licensor may remove, replace, reconstruct or modify or require the removal, replacement, reconstruction or modification of the Bank Improvements only for reasons related to Licensor's operation and maintenance responsibilities and only after reasonable notice to Licensee. Such removal, replacement, reconstruction or modification shall be undertaken in a manner so as to cause the minimum damage to the Bank Improvements as is necessary to accomplish Licensor's operational objective. If the need for removal of the Bank Improvements was known by

Licensor at the time of Licensor's approval of the plans for such improvements, Licensor shall compensate Licensee for the value of the Bank Improvements removed or the cost to restore the improvements if restoration is permitted by Licensor.

**SECTION 15. Permits, Statutes and Codes:**

Licensee shall comply with all requirements of all statutes, acts, ordinances, regulations, codes, and standards of legally constituted authorities with jurisdiction applicable to Licensee's use of the Licensed Property. Licensee shall obtain or cause to be obtained at its expense, all permits, approvals and authorizations required by Licensee's actions pursuant to this License.

**SECTION 16. Licensor's Right to Inspect:**

16.1 Licensor may enter any part of the Licensed Property at all reasonable times to make an inspection thereof. During any construction by Licensee, Licensor may inspect all trenching, backfilling and other related items and require conformance with all requirements and specifications established by Licensor.

16.2 Licensee shall release Licensor, Association and the U.S.A. from any claims for damages arising out of any reasonable or unforeseeable delay caused by Licensor in permitting or inspecting any work on the Licensed Premises, unless such delay is caused by Licensor's negligence or willful misconduct. The provisions of this Section shall survive termination of this License.

**SECTION 17. Service of Notice:**

All notices and demands required or permitted by this License shall be in writing and shall be deemed to have been given properly when (i) sent by certified mail (postage fully prepaid) to the respective address below or to such other address furnished by either party to the other pursuant to this section; or (ii) delivered personally to the parties hereto.

**Notices to Licensor**

Attn: Douglas W. Milligan, CRF-210  
SALT RIVER PROJECT  
Property Management Division  
P.O. Box 52025  
Phoenix, AZ 85072-2025

**Notices to Licensee**

Attn: Richard W. Bowers, City Manager  
CITY OF SCOTTSDALE  
3939 Civic Center Boulevard  
Scottsdale, Arizona 85251

**SECTION 18. Waiver:**

No waiver by either party of any breach of any of the covenants or conditions of this License which are to be performed by the other party shall be construed as a waiver of any succeeding breach of the same or any other covenant or conditions.

**SECTION 19. Attorneys' Fees Upon Default:**

If either party brings or defends any legal action, suit or proceeding based on rights or obligations arising from this License, the successful party shall be entitled to recover reasonable litigation expenses, court costs and reasonable attorneys' fees, as determined by a court, in any such action, suit or proceeding. The foregoing shall not in any way limit or restrict any other right or remedy at law or equity otherwise available to such party.

**SECTION 20. Force Majeure:**

If either party is rendered unable, wholly or in part, by force majeure to carry out its obligations under this License, other than the obligation of Licensee to make payments of amounts due hereunder, then the obligations of both Licensee and Licensor, so far as they are affected by such force majeure, shall be suspended during the continuance of any inability so caused, but for no longer period, and such cause shall so far as possible be remedied within a reasonable time. The term "force majeure" as employed in this License shall mean acts of God, strikes, lockouts, or other industrial disturbances, acts of public enemies, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, interruptions by government not due to the fault of the parties, civil disturbances, explosions, or unforeseeable action or nonaction by governmental bodies in approving the applications for approvals or permits or any material change in circumstances arising out of legislation, regulation or litigation. Nothing in this Section shall require Licensor to settle a strike.

**SECTION 21. Entire Agreement; Changes After Execution:**

This License, including its specified addenda and exhibits, if any, constitutes the entire agreement between the parties, and any amendment hereto must be in writing, signed by both parties.

**SECTION 22. Water Damage:**

Except when the result of the negligence or willful act or omission of Licensor or its directors, officers, employees, agents or assigns, neither Licensor, Association nor the U.S.A. shall be liable for any loss sustained by Licensee, its officers, employees, agents or invitees on the Licensed Property because of water damage resulting from any source whatsoever, including, but not limited to, flood, drainage or run-off, irrespective of any prior knowledge by Licensor of the possibility of such flood, drainage or run-off arising from or in connection with the operation or maintenance of any Salt River Reclamation Project dam, canal or other facility for purposes of flood control.

**SECTION 23. Transactional Conflict of Interest**

The parties hereto acknowledge that this License is subject to the cancellation provisions of A.R.S. § 38-511.

**SECTION 24. Approvals**

Each party agrees that if any consent or approval shall be required of such party, such consent or approval shall not be unreasonably withheld.

...  
...  
...

IN WITNESS WHEREOF, the parties hereto have executed this License this 6<sup>th</sup> day of December, 1994.

*Done January 95*

LICENSOR:

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT  
AND POWER DISTRICT

By: *Douglas W. Mulligan*  
Its: *Land Agent*

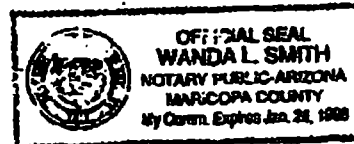
STATE OF ARIZONA     )  
                                  ) ss.  
County of Maricopa     )

On this 6<sup>th</sup> day of <sup>*WLS*</sup>~~December~~ <sup>*WLS*</sup>~~1994~~ <sup>*95*</sup>, the foregoing instrument was acknowledged before me by *Douglas W. Mulligan*, a *Land Agent* of the Land Department, SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT DISTRICT, an agricultural improvement district organized and existing under the laws of the State of Arizona ("SRP"), on behalf of SRP.

*Wanda L. Smith*  
Notary Public

My Commission Expires:

*JAN. 26, 1998*



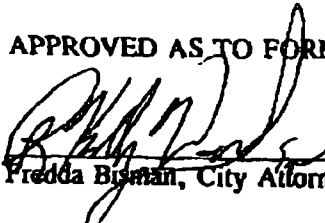
LICENSEE:

CITY OF SCOTTSDALE, ARIZONA, an Arizona  
municipal corporation

By: *[Signature]*  
Its: \_\_\_\_\_



APPROVED AS TO FORM:

  
Fredda Bisman, City Attorney

ATTEST:

  
Sonia Robertson, City Clerk

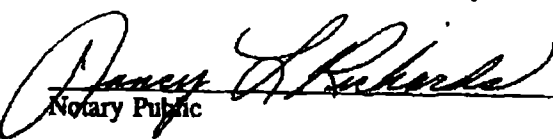
STATE OF ARIZONA )

) ss.

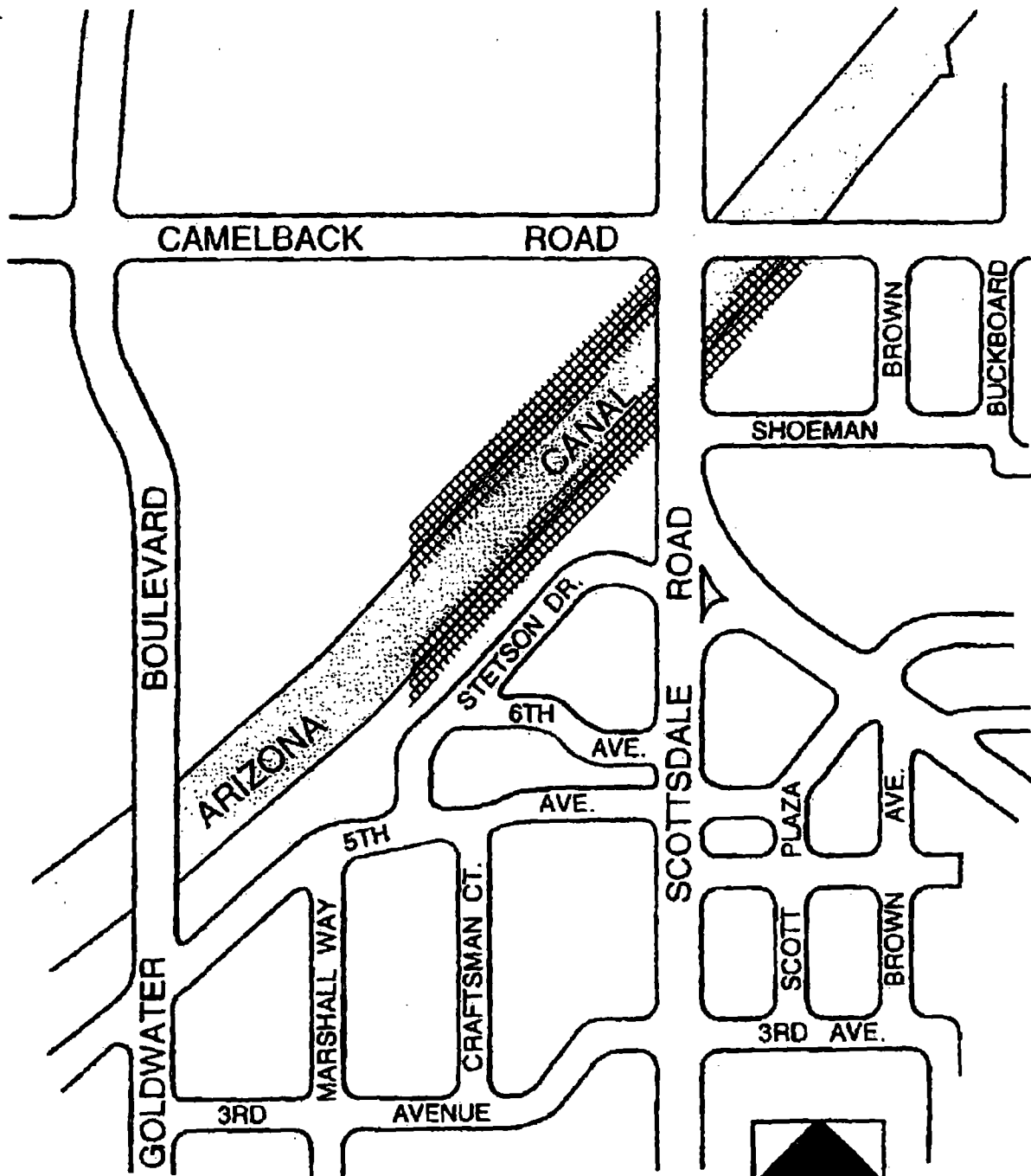
County of Maricopa

On this 7th day of January, 1995, the foregoing instrument was acknowledged before me by Herbert R. Drinkwater the Mayor of the City of Scottsdale, an Arizona municipal corporation, on behalf of the corporation.

My Commission Expires.

  
Nancy L. Richards  
Notary Public

10-28-97  
0100936.fla



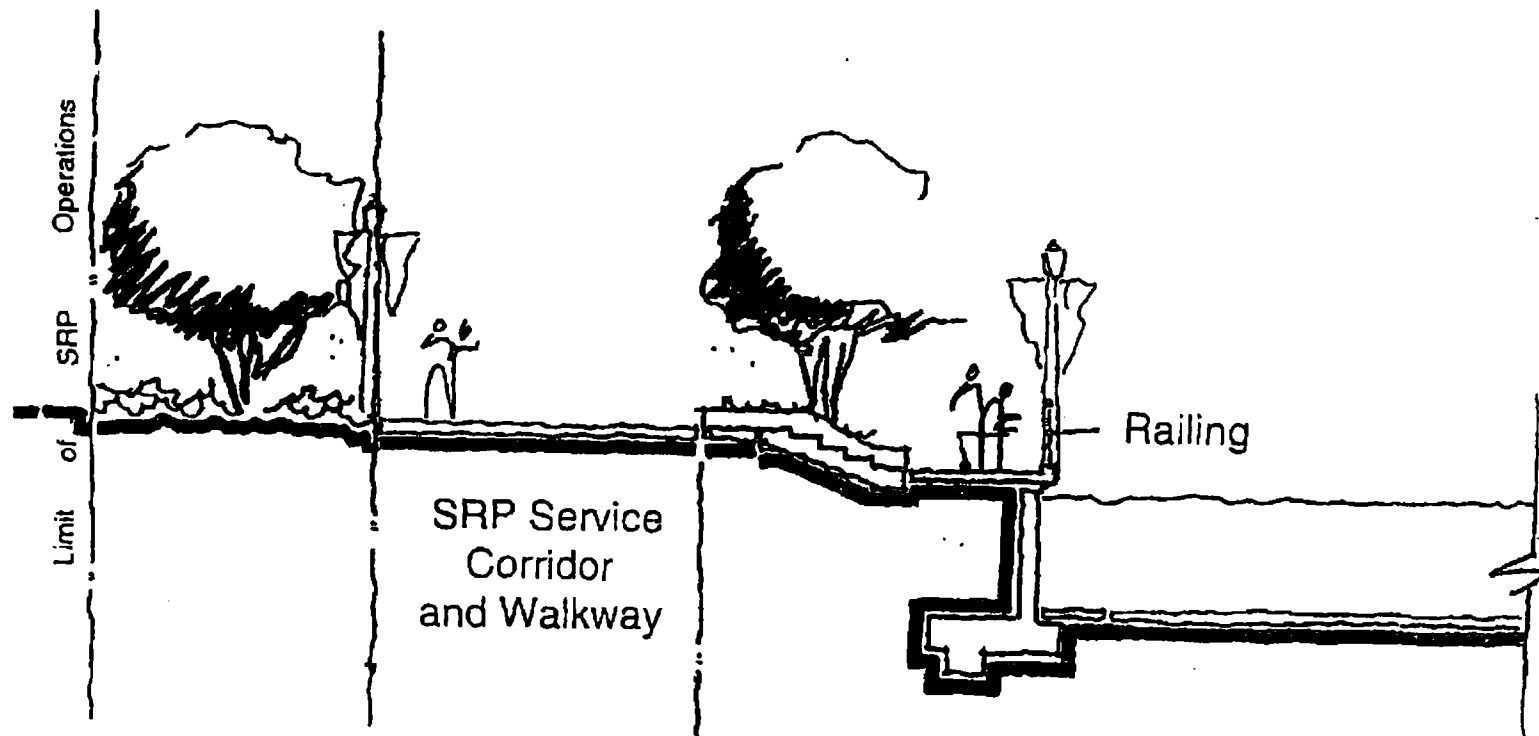
 Licensed Property



## Licensed Property

EXHIBIT A

EXHIBIT B



Not to Scale

# Arizona Canal

Typical Improvements/  
Both Sides

## **EXHIBIT 4**

**From:** Veronica Graffius [<mailto:vgraffius@calvincharlesgallery.com>]  
**Sent:** Thursday, September 17, 2015 12:33 PM  
**To:** Mayor Jim Lane; Vice-Mayor Linda Millhaven; Councilwoman Suzanne Klapp; Councilwoman Virginia Korte; Kathy Littlefield; Guy Phillips; David N. Smith; Fritz Behring  
**Cc:** Stockwell, Brent; [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov); Teresa Lewis; 'Jane Phillips'; Holly R Bohling; Carri Baca; Cyndy Carstens; French Thompson; Paul Eubanks; Trey Brennen  
**Subject:** ARTISAN MARKETS PERMITS  
**Importance:** High

Dear City Council and Mr. Behring,

I would like to inform you that the hard copy of this packet was delivered to you yesterday.

Thank you for your consideration in advance.

Veronica Graffius,  
SGA President

**Packet of this letter and 2 attachments HAND DELIVERED TO CITY COUNCIL on 9/16/2015**

**To: Fritz Behring, Mayor Lane & Scottsdale City Council**  
**From: Scottsdale Gallery Association**

Sep 16 2015

**RE: Artisan Market Permits**

**Artisan Markets, a business venture that is permitted by the City of Scottsdale as an "Event" has had 3 major complaints filed against it during the past 4 years by a substantial and organized group of local downtown merchants.**

**Here is the history:**

**June 2012:** A well organized petition with 87 signatures from merchants on 5<sup>th</sup> Ave, Marshall Way, Main Street, 1<sup>st</sup> Ave, & Brown Ave was submitted to the City titled "DO NOT APPROVE Artisan Markets Craft Fair Thursday and Sundays on the South Bridge". (SEE ATTACHED 14 page Document)

***Results:*** Tourism & Events staff ("Staff") analyzed overwhelming merchants' complaint and dismissed it and noted that Artisan Market would make improvements to address complaints. 2012-2013 permit was issued.

**March 2014:** A well organized petition with 33 signatures from merchants on 5<sup>th</sup> Ave, Marshall Way, and Stetson Drive was submitted to the City to restrict Artisan Markets in their use of the Waterfront bridge. (SEE ATTACHED 10 page Document)

***Results:*** Staff dismissed well organized and justified merchants' complaint and asked that Artisan Market get "support" signatures based on promised improvements to

*address complaints. While Ms. Thacker (owner of Artisan Markets) obtained 37 support signatures, one third were from food/beverage businesses that benefit by foot traffic and are not affected by the show's merchandise. More over, only 5 of the opposed merchants were convinced to sign her support document, implying that 28 merchants were still against the show. 2014-2015 permit was issued.*

**July 2015:** A well organized meeting was held by the Scottsdale Gallery Association (SGA) and attended by 40+ stakeholders and city staff & officials to oppose the permitting of Artisan Markets and limit the over permitting of other art related events in Scottsdale. A formal "Artisan Markets Letter of Opposition" was delivered by the SGA to the City on July 30<sup>th</sup>.

**Results:** *Staff dismissed the well organized and justified merchants' complaint under the guise that most immediate businesses on 5<sup>th</sup> Ave etc were supportive of the show and the opposition only came from further away. Promises were made again for Artisan Markets to improve their show by helping the art galleries. 2015-2016 permit was issued.*

**August 2015:** A Citizen Petition with more than 200 signatures, mostly from downtown merchants, was submitted to the City Council to limit the number of art events, reserve Thursday nights for the tradition galleries ArtWalk (ie: no Artisan Markets show on Thursdays), etc...

**September 6<sup>th</sup> 2015:** A petition unanimously signed by the SGA board representing 36 galleries was submitted to City Council on Sept 8<sup>th</sup> to RESCIND the Artisan Markets permit for 2015-2016.

**Special Notes:** Not until very recently did the SGA discover the 2012 & 2014 merchants petitions against Artisan Markets, and was therefore not aware of their existence while voicing their opposition regarding Artisan Markets to Staff in July of 2015. This key information of the prior and immediate merchants' opposition was **withheld** and **not disclosed** by Staff, and therefore the "analysis" done by Cheryl Sumners in her letter of Aug 5 2015 denying the existence of opposition by local merchants was **inaccurate** and **misleading**.

**Had this key information been properly disclosed and taken into consideration, it would not have allowed for the permitting of the 2015-16 show to be reasonably justified.**

**Summary:**

Artisan Markets has had three (3) overwhelming and substantial organized oppositions from local downtown merchants during the recent four (4) years. Each time Staff has analyzed the complaints by **marginalizing the complainers, adding weight to the supporters** of the show,

and made promises of improvements by the show producer. At the present, however, the majority of the downtown merchants are still in strong opposition of Artisan Markets and certain other events. They are extremely frustrated that the City does not help them and does not have their best interest at heart as evidenced by a **systematic and persistent pattern of event-biased decisions as put forth in this document that are undermining the merchandise-based brick & mortar retail businesses in downtown Scottsdale.**

**Concerns:**

Gaining the knowledge of the history of the Special Event Permit approval for the Artisan Markets by the Special Events Committee staff, there is absolutely **no confidence** by the majority of merchants that the currently assigned Tourism and Events City Staff will be **unbiased** in their re-write of the Special Events Ordinance and are not trusted to take the merchant's and art galleries' requested considerations to properly frame the new Special Events Ordinance.