



**CITY OF SCOTTSDALE
NEIGHBORHOOD ADVISORY COMMISSION
REGULAR MEETING
MINUTES**

WEDNESDAY, OCTOBER 23, 2019

**COMMUNITY DESIGN STUDIO
7506 E. INDIAN SCHOOL ROAD
SCOTTSDALE, AZ 85251**

PRESENT: Jennifer Fabiano, Chair
Carol Miraldi, Vice Chair
William James, Commissioner
Amanda Nash, Commissioner
Rachel Putman, Commissioner

ABSENT: Ross Cromarty, Commissioner
Joe Meli, Commissioner

STAFF: Brandon McMahon, Associate Planner
Raun Keagy, Planning Area Director
Kelly Corsette, Communications and Public Affairs Director
Taylor Reynolds, Project Coordination Liaison
Holly Walter, Public Affairs Supervisor

GUESTS: Robert Intemann

Call to Order/Roll Call

The meeting of the Neighborhood Advisory Commission was called to order at 5:00 p.m. A formal roll call was conducted, confirming members present as stated above.

Public Comment

There were no public comments.

1. Approve Draft Summary Meeting Minutes September 25, 2019

Chair Fabiano called for comments and/or corrections. There were none.

VICE CHAIR MIRALDI MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 25, 2019 MEETING AS PRESENTED. COMMISSIONER JAMES SECONDED THE MOTION, WHICH CARRIED 5-0 WITH CHAIR FABIANO, VICE CHAIR MIRALDI, AND COMMISSIONERS JAMES, NASH AND PUTMAN VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

2. Scottsdale Ordinance Update: Nuisance Parties and Unruly Gatherings & Vacation Rentals

Raun Keagy, Planning Area Director, stated that the City Council recently passed two ordinances which assist with enforcement. Ordinance 4417, the party nuisance ordinance, is designed to hold property owners and short-term rental property owners responsible for activities on their properties. The ordinance is applicable citywide on every property. When the City of Tempe adopted a similar ordinance in 2014, their calls for service to the police department were reduced by over 40 percent. This is likely as a result of service fees assessed by the police department to the property owner for repeated visits to a property for the same complaint. Tempe's fees were \$500 first offense, \$1,000 second offense and \$1,500 on the third. Scottsdale's fees are set at \$1,000, \$1,250 and \$2,500 respectively. At City Council's direction, the fees are assessed if the same offense occurs within 180 days. After 180 days, the time period resets. The ordinance also allows police to issue civil citations for the nuisance party.

Ordinance 4416 specifically addresses short-term rentals. It specifically prohibits use of short-term rentals as an event center (party house or wedding venue). The ordinance also requires that all short-term property owners and operators provide emergency contact information and a contact for responding to complaints. Some of the information will be available on a searchable database. Management companies for the properties will be included in the contact database. All short-term rental property owners must have a transaction privilege tax license number on all advertisements. This guarantees that they are paying the required taxes.

In response to a question from Commissioner James, Mr. Keagy stated that Airbnb does not currently police properties in terms of requiring them to provide tax license numbers. Shorter term rental properties must be registered with Maricopa County.

Chair Fabiano asked about the reasoning for including weddings in the ordinance applicable to short-term rentals. Mr. Keagy said that negative impacts include traffic, music and loud party aspects.

Mr. Keagy said it was encouraging that once the new ordinance was announced, short-term rental property owners began calling to provide the necessary information.

In response to a question from Commissioner James, Mr. Keagy stated that notifications will be issued via press release and direct contact.

Commissioner Putman suggested putting the information on Nextdoor, as individuals often use this platform to complain about short-term rentals.

Commissioner Putman inquired as to how the information collected will be validated. Mr. Keagy stated that when filling out the registration information, the address is cross-referenced for accuracy in the system. Not all phone numbers will be verified, but they will be spot-checked.

In response to a question from Commissioner Nash, Mr. Keagy stated that short-term rentals are defined as less than 30 days in the zoning ordinance.

Member of the public, Robert Intemann, requested to speak and read a statement into the record. He had visited the City's website to determine whether he could rent out a room of his home for Airbnb. The information he reviewed stated that renting a single room is prohibited and that only an entire home may be rented. As such, he questioned why there are numerous such listings available today, including at least 50 in southern Scottsdale. These are listed as, "room in house, room in apartment, room in a townhome, guest quarters and guest suites." The listings include no disclosures, no address and no owner's last names. Some have been renting for years. He found three such rentals in his area, including guest quarters or converted garages/carports. He reported them to the code enforcement department as a zoning violation. In each case, the property was inspected and the space rented. Officials indicated to him that there were no violations noted. He suggested that Scottsdale do what other cities have done. This includes that all vacation rentals have a business or vacation rental license with zoning approval.

Chair Fabiano asked Mr. Keagy for clarification on the code in reference to renting a room. Mr. Keagy stated that the City is not permitted to require a license or permit. The State of Arizona preempted cities from having these requirements. HOAs and deed restrictions are free to prohibit short-term rentals. In terms of Mr. Intemann's comments, the ordinance states that all dwelling units and any accessory guest houses must be rented or offered for rent together and may not be offered for rent independently from another. Portions of a property, such as a single bedroom, cannot be rented or offered for rent. The entire property must be rented. Mr. Keagy stated that in his opinion, this aspect is not enforceable. The City has always allowed homeowners to rent bedrooms out of their homes. He spoke with the director of the department today and also spoke with the Deputy City Attorney. They will meet with the City Attorney to determine whether or not this portion of the ordinance should be included. They will either take that out of the frequently asked question section or perhaps it will remain and be affirmed as prohibited. Enforcement of this specific provision is difficult.

Commissioner Putman addressed the issue of being forced to pay rental tax on a room that may be rented out to a family member. Mr. Keagy clarified that rental to a qualified family member will not require taxes to be paid. Taxes are assessed when the rental is solely for short-term rentals to non-family members.

Commissioner James commented that some owners of short-term rentals may view the nuisance fees as merely the cost of business and that fees alone may not prevent the issues from continuing. He inquired whether excessive cases can be

considered a public nuisance and be shut down. Mr. Keagy stated that there is a provision in the ordinance that if a property is regularly used in the commission of a crime, it can be deemed uninhabitable and shut down by the City. This has never happened in his 28 years with the City. The ordinances include provisions for civil offenses. The Arizona Department of Revenue uses as sliding scale in its ordinance, which allow them to assess much higher fees for offenses, up to 50 percent of revenues.

3. Scottsdale Census 2020

Holly Walter, Public Affairs Supervisor, stated that Census day is April 1, 2020. Staff is working to prepare messaging to ensure that every resident of the City is counted. They are forming the Complete Count Committee, comprised of local influencers, religious groups, neighborhoods, schools and business community members. An invitation will be sent out from Mayor Lane to stakeholders. A breakfast will be held on November 13th at the Community Design Studio. The Complete Count Committee will help promote the census through locally-based, targeted outreach efforts. It promotes cooperative efforts between the City and the Census Bureau. A variety of census events, rallies and promotions will take place.

The Committee will also assist in the recruiting of census workers. An advertising campaign will begin with MAG in early 2020. The primary goal is to have residents respond to the census online, with residents receiving an invitation to do so in early March, 2020. Later in March, reminder letters will be sent, followed by a postcard. If there has been no response by early April, they will be provided with a paper questionnaire and a final reminder near the end of April. If there is still no response, a census worker will follow up to obtain the information. The City website will include all relevant information. Outreach will be conducted through events as well as newsletters and social media campaign.

In response to a question from Chair Fabiano, Ms. Walter stated that the importance of the census is that it determines the City's congressional delegation as well as funding allocation to the City. Taylor Reynolds, Project Coordination Liaison stated that the census count determines how the State's shared revenue is distributed among cities.

In response to a question from Commissioner Putman regarding the time needed to fill out the form, Mr. Reynolds stated that it has been streamlined and should be a quick process.

4. Non-Major Amendment to Scottsdale General Plan 2001

Taylor Reynolds, Project Coordination Liaison, stated that the General Plan is a legal document that establishes the long-term vision and goals for the City in terms of development, design character, economic vitality, tourism, mobility and a variety of other aspects. Goals are implemented through private sector actions, development proposals, City boards and commissions and decisions made by City Council. General plans are effective for up to ten years in terms of state statute requirements. Every ten years, the City is required to update its General Plan.

This includes enhanced public outreach followed by a recommendation from the Planning Commission, which goes to City Council and then must be ratified by popular vote. The current General Plan was adopted in 2001 by City Council and ratified in the special election on March 12, 2002. An update to the General Plan was undertaken in 2011. This involved a working group, consisting of one person from every board and commission. The changes added State statute requirements. This includes the addition of an energy element and a neighborhood preservation and revitalization element.

City Council adopted the plan in 2011, however, when it went to public vote the next spring, it was not ratified. This means that the City is still running under the 2001 General Plan and still does not have the newly required state statute mandated elements. It is not uncommon for cities to fail to approve General Plans. Another update was attempted from 2012 to 2014, during which time a Council-appointed 25-member task force updated the plan. The new state statute required elements were included. Council decided that instead of moving forward to adopting the plan and moving it to the next election, they would instead direct staff to add the state statute requirements lacking in the General Plan and move forward for the time being.

As such, the two elements, energy element and a neighborhood preservation and revitalization element are to be added to the 2001 plan. Another requirement is inclusion of information regarding mining aggregates. Other content for update includes addition of a conservation, rehabilitation and redevelopment element, a bicycling element and some non-substantive content updates. The changes do not constitute a full update of the plan. As a non-major amendment, it would go to City Council for approval. The General Plan would then meet the state statute requirements for the new elements. A full update will then go to City Council and be ratified via vote potentially in 2021. Staff has held public outreach regarding the non-major amendment. There was an update and discussion at the Planning Commission meeting in September. On October 16th, the Planning Commission recommended moving forward to City Council. It will be brought to City Council in November for possible action.

5. NAC Meeting Dates in November and December, 2019

Discussion ensued on the Commission's upcoming schedule.

COMMISSIONER NASH MOVED TO MOVE THE NOVEMBER MEETING DATE TO NOVEMBER 25TH AND TO CANCEL THE DECEMBER MEETING. VICE CHAIR MIRALDI SECONDED THE MOTION, WHICH CARRIED 5-0 WITH CHAIR FABIANO, VICE CHAIR MIRALDI, AND COMMISSIONERS JAMES, NASH AND PUTMAN VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

6. Staff Updates

Mr. Reynolds stated that nominations are tentatively set for Vice Chair Miraldi to begin her second term. Nominations are due November 12th with interviews and appointments on December 4th. The same dates apply to Commissioner Meli, who will remain on the Commission until these dates pass.

Mr. Reynolds thanked Commissioners Nash and James for participating in the recent G.A.I.N. events. Staff will have a follow up discussion on this item.

The Neighborhood Enhancement Grant Project at the Via Linda Senior Center approved by the Commission is planned for Friday, November 22nd.

Mr. Reynolds provided Commissioners with Spirit Award handouts.

7. Adjournment

With no further business to discuss, being duly moved by Commissioner James and seconded by Vice-Chair Miraldi, the meeting adjourned at 6:19 p.m.

AYES: Chair Fabiano, Vice-Chair Miraldi, Commissioners James, Nash and Putman

NAYS: None

eScribers, LLC