

DRAFT Minutes
Neighborhood Advisory Commission
December 1, 2021



Minutes of the Neighborhood Advisory Commission (NAC) held on Wednesday, December 1, 2021, virtual meeting using Microsoft Teams platform

(MEMBERS) Present: Hannah Moulton Belec, Maureen Eastty, Jana Lynn Granillo, Diane Harden, Barb Harris, Matt Heil, Linda Knutson, Melanie Larimer, Mark Rude, Daniel Schugurensky, Joel Stern, Nicholas Weller

(MEMBERS) Absent: Christopher McCabe, Michael McLendon

City Staff: Judi Bauman, City Attorney; Ryan Levesque, Deputy Community Development Director – Planning; Carla Reece, City Clerk; Elizabeth Thomas, Neighborhood Services Specialist; Shauna Warner, Neighborhood Services Manager

Guests: None

Agenda Item 1 – Call to Order

The meeting was called to order at 5:31 p.m. by Chair Hannah Moulton Belec

Agenda Item 2 – Attendance Roll Call

Present: Hannah Moulton Belec, Maureen Eastty, Jana Lynn Granillo, Diane Harden, Barb Harris, Matt Heil, Linda Knutson, Melanie Larimer, Daniel Schugurensky, Joel Stern, Nicholas Weller

Absent: Christopher McCabe, Michael McLendon, Mark Rude

Agenda Item 3 – Public Comment

None

Agenda Item 4 – Review and Approval of Meeting Minutes: November 3, 2021

Motion: Commissioner Stern made a motion to approve the November 3 minutes as presented.

Second: Commissioner Harris

Result: Approved by a 11-0 vote of those present at the time vote was taken.

Commission Member Ayes: Hannah Moulton Belec, Maureen Eastty, Jana Lynn Granillo, Diane Harden, Barb Harris, Matt Heil, Linda Knutson, Melanie Larimer, Daniel Schugurensky, Joel Stern, Nicholas Weller

Absent: Christopher McCabe, Michael McLendon, Mark Rude*

*Commissioner Rude arrived in meeting shortly after minutes vote was taken.

Agenda Item 5 – Home Occupations Section 3-412 of the City Zoning and Development Code – salons update

Ryan Levesque, Deputy Community Development Director – Planning, shared that the current Zoning and Development Code was adopted and implemented in 2005. The Code includes rules governing home businesses intended to minimize impacts to neighbors and the neighborhood, while providing some opportunity to run a business from home. Throughout the covid pandemic, many office workers transitioned to working from home and inquiries about other types of work being done as a home occupation were received.

The Community Development Department received one request specific to allowing a hair salon as a home occupation, a use that was expressly prohibited. Staff thought it appropriate to pursue a more general conversation about home occupations and hair salons in particular, to help determine if there was cause to initiate the change, or other changes more broadly.

During the September 2, 2020 Neighborhood Advisory Commission meeting, NAC members received a presentation about potential changes to the Home Occupations section of the City Zoning and Development Code. Members posed questions, offered feedback and then voted 9 to 2 for recommending approval for the code text change. The proposed ordinance changes, including NAC's summarized input, then went before the Development Review Commission (October 27, 2020 meeting) where members voted to approve it 7-0. Subsequently, the direction preferred by City Council was to not pursue a formal code change request but instead to implement the proposed changes through a one-year Pilot Program.

It is nearing one year since the adoption of the Pilot Program, there are five* known Barber Shops/Beauty Salons operating out of homes in Tempe (one is temporarily closed) and there have been no known/associated complaints received through Code Compliance. Current options are to: extend the program, move forward with ordinance adoption changes, or sunset the program.

Ryan requested member feedback. Commissioner questions and comments included: Reached out to Nando Garcia, applicant, following the September 2020 NAC meeting and have become a regular, monthly customer. The salon is well run and following what was discussed and agreed upon. I have spoken with adjacent neighbors too, none have expressed any concerns.

How do we enforce sales tax collection?

A: This type of business is providing a service and most salons do not have a sales tax license unless they are selling products.

In general, don't see difference between remote workers today and someone working out of their house in this capacity.

Does the need still exist? Where I live is more dense and lots of renters and parking challenges already. I'm in support of another year as a Pilot Program.

Were there parking rules with the Pilot Program?

A: Typically, only one guest/visitor per site. *For the purposes of the exemption in the code allowing the Pilot Program, the prohibition was lifted.* Additional stylist chairs might trigger a use permit process.

What about apartments? How do they address separate entry?

A: Not sure. Arizona State Board of Cosmetology oversees and licenses Barber Shops and Beauty Salons and requires a salon chair, sink and side entry.

Live work units allow for a variety of businesses including uses like this on the first floor with living quarters above.

Motion: Commissioner Heil made a motion to support extending the Pilot Program permanently.

Second: Commissioner Harris

Result: Approved by a 11-1 vote of those present at the time vote was taken.

Commission Member Ayes: Hannah Moulton Belec, Maureen Eastty, Diane Harden, Barb Harris, Matt Heil, Linda Knutson, Melanie Larimer, Mark Rude, Daniel Schugurensky, Joel Stern, Nicholas Weller

Commission Member No: Jana Lynn Granillo,

Absent: Christopher McCabe, Michael McLendon

Agenda Item 6 – Recommended changes to Campaign Finance Code

City Attorney Judi Bauman and City Clerk Carla Reece provided an overview of the proposed amendments to Tempe City Code, Chapter 13, regarding elections.

Recommended changes are as follows:

Campaign Finance-Article II Div. 2

- Campaign finance violations will require signed, written complaints (omits notary requirement)
- The penalty of first violation (up to \$200) may be waived for compliance within cure period
- Penalties for second and all subsequent violations (up to \$500) OR three times the amount in violation (staggered penalties rather than finite penalties mirroring State Law)

Disclosure Obligations – Article II Div. 3

- Define major contribution to exclude contributions exempt under State Law
- Require disclosure of the name of the candidate or ballot measure to which the expenditure was made and whether the expenditure was in support of or opposition to the candidate or ballot measure; the communication medium and description of what was purchased with the expenditure; and date the expenditure was made

Clarifying Edits

- Clarify that Maricopa County controls designation of ballot centers
- Authorize City Clerk to approve changes in case of emergency (coordinate with Maricopa County to change ballot center locations)
- Apply gender neutral pronouns throughout
- Reference ballot centers instead of polling places

Commission members had a number of comments and questions:

- What instigated changes?

The existing requirements have been in place for a number of years. City of Phoenix made some similar changes, we took this opportunity to compare and review our Code. Important to have an accessible, transparent process and to use similar language at the state and local levels - when it makes sense to do so.

- What is change on penalties?

The first penalty is lower and not meant to be punitive. The city will issue a notice and provide opportunity to cure or resolve situation understanding the candidate or campaign manager may not have had a sophisticated campaign in the past. For additional violations, fines up to \$500 or three times the amount in violation if not cured or if some type of action is not taken.

- How many complaints last cycle?

Two to three formal and 2-3 anonymous, all were looked into and all were cured or found that there was not a violation per code.

- Still having trouble understanding major contributions, can you provide an example?

Alignment of city code with State Law. For example, bookkeeping fees used to need to be noted as an expense. It still can be but no longer has to be. Change from \$50.00 and over contributions to \$100 and over contributions without donor having to disclose their name and occupation. This will be more applicable to future elections as many donors have already donated for current campaigns.

- Changes look great but really disappointed there was not consensus regarding loopholes. Who is maxing out? People with money and influence are making out. Our city limits are really low compared to others. Difference between state and city, don't want to be challenged as Vermont was. Could favor incumbents or those who personally fund their campaigns. Can see it both ways. Local candidate limits are lower than legislative or state candidates likely because they can fundraise amongst a larger population.

Agenda Item 7 - STEP Update

At the October 6, NAC meeting, Commissioner Knutson and other members gave feedback, which included expressing concerns over some of the static content as well as some of the proposed revisions to the document now renamed as the Neighborhood Traffic Calming Manual. Commissioner Knutson then attended the October 21 Tempe City Council Issue Review Session to speak in-person and emphasize her remaining concerns about the document as presented from a downtown resident perspective with personal traffic calming processes experience.

At that Council Issue Review Session, the following guidance was provided -

- Revisit the top tier's 100% approval threshold required for those adjacent to a device. There was much Council discussion about the acceptable range with somewhere in the range of 65% to 75% advised.
- Continue to look deeper and benchmark against peer Town and Gown cities like Boulder/Colorado, Madison/Wisconsin, Flagstaff/Arizona and Austin/Texas

- Respecting that all voices need to be heard, clarify “may sign” language regarding renter and/or owner situations to provide clear direction and understanding.
- Consider the Neighborhood Traffic Calming Manual as a living/working document. Need to establish resident trust. Report back between December and February about staff and public experiences using the manual with current traffic calming projects.

Commission members discussed how items come before the group (both from member input and from staff requests), what the process is when something like the STEP Manual Update is brought before the group and how the input or feedback is shared with Council. For staff requesting an agenda item, Chair Moulton Belec typically requests clarification of what the ask is and when the Commission as a whole takes formal action, the NAC meeting date with support or approval (when applicable) is noted in the later staff presentations to Council. The meeting minutes capture results of any Commission vote taken and highlight individual commissioner questions and comments.

Chair Moulton Belec emphasized that it’s helpful (and ensures input is shared in the spirit intended) when members can attend Council meetings to speak to issues and items they are especially passionate about. Other options mentioned included drafting a letter or memo from NAC to Council and helping by pushing information learned through NAC meetings out to neighbors.

Shauna agreed to confirm next steps for Neighborhood Traffic Calming Manual and Council schedule. Commissioner Knutson offered to share her downtown neighborhood areas traffic calming plan with those interested.

Agenda Item 8 – Review and discussion of NAC Annual Report

There was brief discussion and agreement to include the NAC Maryanne Corder Neighborhood Grants Survey in next year’s report after survey results are in. The goals listed in the Annual Report were affirmed and there was agreement to insert the two NAC media mentions.

Motion: Commissioner Weller made a motion to approve the Annual Report with the media mentions insertions.

Second: Commissioner Harris

Result: Approved by a 12-0 vote of those present at the time of the vote.

Commission Member Ayes: Hannah Moulton Belec, Maureen Eastty, Jana Lynn Granillo, Diane Harden, Barb Harris, Matt Heil, Linda Knutson, Melanie Larimer, Mark Rude, Daniel Schugurensky, Joel Stern, Nicholas Weller

Absent: Christopher McCabe, Michael McLendon

Agenda Item 9 – State of the Neighborhoods & Awards 2022

There was group review of proposed category names and criteria. The Chuck Malpede Award criteria specific to years of involvement was changed from 15 years to ten (previously was 3). This award is being broadened and will both celebrate longevity and be applicable to all award categories allowing a NA, HOA, individual or beautiful

space the opportunity to win. Chair Hannah Moulton Belec noted that NAC does not have to select a winner for each category, it will depend on the nominations pool.

Promotion of the neighborhood award nominations being open, all categories with emphasis on the new ones and the February 15 deadline for submissions will be through varied Neighborhood Services and Communications and Media Relations outreach channels as well as through NAC member personal contacts and NAC opt in list messages and reminders.

Agenda Item 10 – Communication and Grants Working Group Updates

The November Communications and Grants Working Group meeting notes were included in the meeting packet materials and highlights were briefly shared. Commissioner Harris is using NAC's editorial calendar and pitching storytelling ideas about neighborhood awards nominations and the 2022-2023 Maryanne Corder Neighborhood grants applications opening and other timely topic related suggestions from NAC members directly to Nikki Ripley, Communications/Media Relations Manager.

Agenda Item 11 – Nominations for Chair and Vice Chair

Members offered support for and nominations for Hannah Moulton Belec as Chair and Melanie Larimer as Vice Chair as noted below:

Motion: Commissioner Harden

Second: Commissioner Jana Lynn Granillo

Chair Moulton Belec and Vice Chair Larimer both expressed a willingness to continue serving in their respective roles while also encouraging any interested members to step up. Additional nominations, if any, are welcome and will be taken at the January 5, 2022 meeting before the election takes place. The election per commission ordinance must be held at the first meeting of the new year.

Agenda Item 12 – Recognition of outgoing members

Commissioners Heil, McLendon and Yates were thanked for their time and service to the Neighborhood Advisory Commission and will be invited to join the NAC Alumni Facebook Group.

Agenda Item 13 – Joint meeting planning – Sustainability Commission and NAC

Staff is forwarding out a google poll to members to verify their availability for meeting scheduling January through March. This poll includes a joint Sustainability and Neighborhood Advisory Commission meeting tentatively planned for Tuesday, January 10 beginning at 4:30 pm - pending confirmation of NAC's needed quorum of eight.

Agenda Item 14 – Proposed Future Agenda Items

See December meeting packet memo.

Agenda Item 15 – Adjournment

Meeting was adjourned at 7:04 p.m.

Prepared by: Elizabeth Thomas