

**Sam Hughes Neighborhood Association board meeting  
Tuesday November 19, 2013  
Himmel Park Library large meeting room**

**Board members present:** John O'Dowd (President), Rick Bell (Vice President), Carolyn Classen (Secretary), Bill Craig, Mary Durham-Pflibsen, Jim Head (Treasurer), Gail Schuessler, John Wilder

**Board members absent:** LuAnn Barr, Janett Carbahal

**Guests:** Denice Blake, Mike Finkelstein, David Fossdell, Elizabeth Kelley, Mark Mayer, Molly McKasson, Heather Ross

President John O'Dowd called the meeting to order at 7:00 p.m.

**Call to order/Roll Call/Introduction of Guests**

Guests were invited to introduce themselves and speak to the board if they weren't already on the agenda. Heather Ross introduced herself as a Himmel Park Branch librarian. She plans to attend SHNA meetings to serve as a liaison between the library and the SHNA Board. Other guests introduced themselves and indicated that they would be speaking later in the meeting.

Motion by Rick Bell to amend Agenda - call to move scheduled presentations and discussion to top of agenda. 2nd by Mary. Motion passed unanimously.

**Presentations of Current Issues/Events:**

**Speaker: Mike Finkelstein- owner and developer of property at 3035 E 5th St.**

Mr. Finkelstein presented development plans for the property he has owned for 8 years at the northwest corner of 5th St. and Country Club. The property was developed into a church campus in the 1940's with completion in 1949. The original legal definition of the underlying plat is 12 residential lots zoned R-1. When the church was constructed, the City of Tucson gave up the alleyways on the property in exchange for the taper at the corner of 5th and Country Club for the purpose of future Country Club widening.

The developers face two major challenges:

1. The City of Tucson stipulated that future development cannot create additional curb cuts on Country Club. The development plans will comply with this restriction.

2. The alley provided drainage for the property, with the low spot being along Country Club. The city has reserved drainage rights across the property. The development of the parcel will incorporate a 3-foot grade to divert water flow to a pair of underground pipes rather than over the ground. Additionally, the redevelopment will reduce the paved/impervious area by 35 percent, so more rainfall can sink into the ground, reducing the amount of water flowing over the property.

Mr. Finklestein displayed a map and explained that the original property configuration for the underlying R-1 sizes do not comply with current R-1 standards. Due to this and the challenges listed above, a new layout is planned as indicated on the drawing he displayed at the meeting. The property has been reconfigured into 12 lots of 7,000+square feet, arranged in 3 rows of 4 lots, with 3 private drives with sidewalks and parking between the rows. They intend to incorporate Sam Hughes neighborhood architectural style and layout, with garages at the side or in back of each home. Homes will be no more than 25 feet high as per current R-1 zoning regulations. The homes may be one or two story; however, current demographics suggest that most buyers in this price range, with starting prices in the mid-\$600's, will prefer single story homes. The goal is to minimize the number of 2-story homes in the new development. In response to a board member question, Mr Finklestein noted that there are no basements planned for the homes. The development will not be gated. All existing perimeter trees will be maintained, and mature trees within the perimeter will be relocated if needed. The goal is to have a perimeter wall and dense landscaping. Six-foot walls will separate the individual yards. Lot sizes will range from 7,022 to 7,079 ft<sup>2</sup>, with home sizes a minimum of 2,500 square feet. 15.5 ft<sup>2</sup> of each lot will be dedicated to easements for private drives, sidewalks and parking.

No variances are required for the plans outlined. All development is compliant with R-1 zoning. The SHNA Board is being updated as a courtesy. The developers are looking for a cohesive style with the rest of the neighborhood. Each home will be a custom design based upon 3 or 4 energy efficient base plans. Mr. O'Dowd thanked Mr. Finklestein for the presentation, noting that the new plans are much more compatible with the neighborhood than previous plans for this property.

**Speaker: Libby (Elizabeth) Kelly of Neighbors for Safer Wireless Technology (NSWT)**

Ms. Kelly spoke about her non-profit organization, Neighbors for Safer Wireless Technology (NSWT), which heightens awareness of proposed cell towers and antenna arrays within neighborhoods. She provided information about the federal Telecommunication Act of 1996, which stipulates that cities and counties cannot take resident safety from exposure to radiofrequency into account as a basis to deny

placement of cell towers or antenna arrays. Any denial of a request must be based on other factors such as property devaluation, risk of property damage due to lightening, or other factors unrelated to human exposure. There are currently around 300 cell phone towers and antenna arrays approved in the city of Tucson. 43 of these required exception reviews for variance by the City of Tucson. Ultimately, 2 were denied for being too intrusive. In one of these cases, a variance was requested to place a 65-foot tower in a neighborhood. 300 residents joined NSWTT and turned out to speak against granting the variance, which was denied by Mayor and Council.

AT&T plans to place cell towers every half-mile throughout Tucson, including residential neighborhoods. The Sam Hughes neighborhood already has 2, one which is located at Broadway and Country Club, and another across from the Himmel Park Library.

Ms. Kelly cited research regarding the radiation field of cell towers; however, the law only requires notification of residents within 300 feet.

AT&T has filed a lawsuit against the City of Tucson challenging the grounds for denial of cell phone towers. Taxpayer dollars are being used to defend against the lawsuit. Mayor and Council have been asked for the following:

- To review the administrative process for review of cell phone tower applications for consistency
- To ensure a radio frequency expert reviews applications to understand and evaluate technical information provided on the applications; and
- To look at the right-of-way and give due consideration to all aspects of the review

Ms. Kelly concluded by asking the SHNA Board to consider how they might get involved. The FCC is proposing revisions to the 1996 law that would increase existing tower height by 20 feet. This will likely impact environmentally sensitive or historic areas. The higher antennas correspond with the incoming 4<sup>th</sup> generation of wireless broadband internet. Ms. Kelly stated that this will impact all of us and asked the SHNA Board to consider how our neighborhood can get involved.

David Fossdel introduced himself as a resident of the Cabrini Neighborhood, bordered by Country Club, Glenn, Palo Verde and Fort Lowell. NSWTT helped mobilize his neighborhood when a variance for an antenna was requested in their area. They tested and determined that there was no problem with current reception, and many neighbors turned out to oppose the variance. Mr. Fossdel stated that new satellite

technology will alleviate the need for cellular towers and antennas in the future. We need to consider what happens when the existing equipment becomes obsolete. Neighbors should be involved now. He also noted that the zoning examiner was very fair. Although the health impact cannot be considered as grounds for denying a variance, but decreased property values, lightening hazards, etc. can be looked at. Mayor and Council usually support the recommendation of the zoning examiner.

Molly McKasson introduced herself and noted that the proliferation of cell phone antennas and towers will be a long and difficult race to win. She expressed concern about the health effects and suggested a coalition of inner city neighborhoods be formed to make a stand. She stated that neighborhoods need to get involved so the city doesn't back down in the face of the AT&T lawsuit. Molly stated that she and the NSWT are here to help.

John O'Dowd noted that the University of AZ has plans to place a tower at 6th St. and Campbell to improve reception in AZ stadium. Although the SHNA has no jurisdiction over state property, he asked Libby to look into this new tower.

Carolyn Classen asked what the grounds were for the suit. Libby responded that the cell phone companies say they have a right to the best solution and to be pre-emptive. The telecommunication industry has a huge lobby. There is now more pushback from local groups.

John O'Dowd thanked Libby, Dave and Molly, and noted that we need to stay involved for health and aesthetics. Rick Bell asked them to come back to us if there is a way we can help.

Jim Head noted that data so far is scarce to support that exposure to cell towers leads to cancer. He stated that there is no statistically correlated relation to human health in recent studies involving large numbers of people. Further citing the American Cancer Society and the National Cancer institute of the National Institutes of Health statements on the matter, Dr. Head concluded that the presenter's comments linking cell phone exposure to cancer was nonsense. There was further discussion between the board members and guests

**Speaker: Mark Mayer, Scenic Arizona:**

Mr. Mayer is representing Scenic Arizona (SA) and its director, Kathy McLaughlin who is a Sam Hughes Resident. SA ensures that billboard regulations are followed. They have reduced the number of billboards as close as Speedway and Broadway, and throughout the city and state. Current activities include:

- Currently dealing with revisions to Tucson's sign code related to electronic signs
- Filed a lawsuit against the Phoenix Board of Adjustment and a major billboard company. SA prevailed, resulting in establishment of billboard policy in Phoenix and Yuma. 80% of our AZ highways are free of electronic billboards.

Scenic Arizona recently lost their 501-c-3 non-profit status due to a change in the law for filing. They did not receive notification of the change, and as a result, missed the deadline and their 501-c-3 status was revoked. Their application for reinstatement won't be reviewed until 2015. Contributions made by donors to SA won't be tax deductible until their 501-c-3 status is reinstated.

Since our neighborhood benefits from the work done by Scenic Arizona, Mr. Mayer asked if the SHNA, as a 501-c-3 organization, might accept donations from neighbors earmarked for Scenic Arizona and then transfer the funds to them. We are not talking about a large amount of money, probably \$500-\$1500.

Jim Head stated that we have a \$500 budget line for legal services, and the board might consider using part of that budget to confer with an attorney to ensure the legality of collecting funds on behalf of Scenic Arizona. Jim moved to spend up to \$500 to seek legal advice on this matter. The motion was tabled to later in the meeting with other action items.

**Speaker: Denice Blake, Sam Hughes Home Tour Committee and Himmel Park Beautification Project (HPBP)**

Ms. Blake provided an update of how the \$4,700 in home tour proceeds which have been committed for landscaping improvement around the Himmel Park Library will be used. The project has started. Martha Livingston from the University of AZ Landscape Architecture College is providing student designers free of charge. The Himmel Park Beautification Project committee will review the plans, get input from Councilman Kozachik and other members of the community, and will select a design to implement. Mr. Shapiro, the owner of Falora, has offered financial assistance as well. Falora is a restaurant at Broadway Village.

Ms. Blake asked how we channel the funding when people donate to ensure it is used for the Himmel Park project? Jim Head noted that our budget includes a commitment to the project, so it is essentially reserved for this purpose. We will change the commitment to read "Himmel Park Beautification Project". Donors can write checks to the SHNA and designate on the memo line that the funding is for the HPBP.

Ms. Blake noted that the HPBP committee is planning a fundraiser this spring. There was discussion about doing the fundraiser in conjunction with the upcoming garden tour. The next SHNA newsletter is scheduled to go out in March, so details will need to be finalized by then in order to be included. Ms. Blake noted that there would be a meeting on Friday, 11/22 at the Himmel Park Library meeting room to review plans submitted by the UA students.

#### **Adoption of Minutes of Prior Month Meetings:**

**September, 2013 Minutes-** Rick Bell moved to approve the September minutes with second by Mary Durham. Motion passed unanimously

**October, 2013 Minutes-** It was noted that Seth's name should be added as the minute-taker. There was discussion as to who made and seconded various motions and Jim Head noted the changes. Mary noted some formatting and grammatical corrections that she will forward to Jim for inclusion in the final version. Rick moved to approve the minutes with the noted changes. Jim Head seconded. Motion passed unanimously.

#### **TREASURERS REPORT**

Treasurer Jim Head provided a written report. There is still some confusion as to whether the Spring or the Fall Newsletter was paid for by the City of Tucson, or perhaps both were paid by the city as the city fiscal year ended in June, which falls between the last two newsletters. Rick Bell and Gail Schuesller will investigate.

Dr. Head stated that there are no major changes to the budget since our last meeting. Checks were disbursed to Maxine for clerical services and to Shakespeare in the Park for the sponsorship approved earlier in the year.

There was a question regarding the \$5K committed to the Tucson Historic Preservation Foundation earlier in the year. What is the status of the project to file an application to get the Broadway Sunshine Mile on the Historic Registry? We have not paid out this commitment yet. John O'Dowd will contact Demion Clinco for an update. This is a tactic in the fight to preserve Broadway.

Ms. Blake had referenced a \$10K grant earlier in the meeting, which she thought was awarded several years ago for the water tower. Board members asked what happened to that grant? If we received the grant, the funds are included in the \$34K impounded for the water tower project. It's possible that the funding was never received because we were unable to provide matching funds at the time it was awarded. Dr. Head will review past SHNA Board minutes to determine what happened.

As the board reviewed the financial statement, Rick Bell requested a correction in how dues received are noted on the financial statement. Mr. Bell noted that dues paid in 2012 on behalf of 2013 memberships should be included as 2012 revenue. This year we will have two membership lines: 2013 dues paid in 2013, and 2014 dues paid in 2013. Both will count as 2013 revenue. This is consistent with how we've recognized our revenue in previous years. Dr. Head will make the revision.

The Board also discussed the classification of newsletter expenses. Expenditures related to newsletter production (e.g. proofing and formatting) should be classified as clerical services. Expenditures for printing and postage should be classified as newsletter expense.

Dr. Head noted that he will create a new line item for the Himmel Park Beautification Project on the SHNA Board Financial Statement. Previously, this has been included as a subcategory of the Neighborhood Capital Improvements funds.

Finally, Dr. Head noted that we need to update all SHNA bank accounts to remove our previous treasurer as signer and add himself as current treasurer. After brief discussion, Dr. Head moved to update all SHNA bank accounts to remove the prior treasurer and add himself as signer. The motion was seconded by Rick Bell and passed unanimously.

### **Discussion & Action Items:**

#### **Water Tower Update:**

Rick Bell noted that the water tower renovation is a key part of our upcoming Garden Tour. John O'Dowd stated that the city is controlling the timeline for the water tower renovation, not the architect, Bob Vint. The Board discussed the need for frequent and substantive communication from the City (Jonathan Mabry) or the architect. Rick Bell, Jim Head, Bill Craig and John O'Dowd will work together to follow up.

#### **Scenic Arizona:**

The board discussed the request by Mark Mayer earlier in the meeting to support Scenic Arizona. The board members present were generally supportive of Scenic Arizona and appreciative of all this group has done for the beautification of Broadway and Speedway, as well as the rest of the city and state. There is interest in supporting Scenic Arizona, but further discussion and legal counsel will be required to ensure that we support them within legal guidelines. Due to time constraint, Bill

Craig moved to table this discussion until the next SHNA Board meeting. John Wilder seconded the motion, with passed unanimously.

**Annual Meeting:**

Rick Bell announced that the SHNA annual meeting will be held on January 21, 2014. He has reserved space at Sam Hughes Elementary School and the Mansfeld Band will provide entertainment. The postcards have been mailed, indicating that the meeting topic is to be determined. We will discuss further at our next Board Meeting. Mr. Bell also reminded us that the spring garden tour is scheduled for April 6, 2013.

**Adjournment:**

At 9:20 pm, Rick Bell moved to adjourn the meeting. The motion was seconded by Jim Head and passed unanimously.

**Minutes taken and recorded by Mary Durham-Pflibsen**