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# TOWN OF JEROME, ARIZONA

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## MINUTES

**SPECIAL MEETING OF THE JEROME TOWN COUNCIL**  
**JEROME CIVIC CENTER - 600 CLARK STREET - COUNCIL CHAMBERS**  
**WEDNESDAY, MAY 18, 2016 AT 6:30 P.M.**

<b>ITEM #1:</b>	<p><b>CALL TO ORDER/ROLL CALL</b></p> <p>Mayor/Chairperson to call meeting to order. Town Clerk to call and record the roll.</p> <p><i>Mayor Currier called the meeting to order at 6:30 p.m.</i></p> <p><i>Town Manager/Clerk Candace Gallagher called roll. Present were Mayor Lew Currier, Vice Mayor Doug Freund, and Councilmembers Alex Barber, Abe Stewart and Frank Vander Horst.</i></p>
<b>ITEM #2:</b>	<p><b>EXECUTIVE SESSION: LITIGATION</b></p> <p>Council may go into Executive Session, pursuant to A.R.S. §38-431.03.A.3 and A.4, for the purpose of consultation with the Town Attorneys, who may participate telephonically, regarding litigation involving the Goldwater Institute.</p> <p><b>Motion:</b> <i>Upon motion by Vice Mayor Freund, seconded by Councilmember Vander Horst and unanimously approved, Council entered into executive session at 6:31 p.m.</i></p>
<b>ITEM #3:</b> <b>7:10</b>	<p><b>PUBLIC HEARING REGARDING LITIGATION</b></p> <p>Council will hear from the public regarding litigation with the Goldwater Institute involving short-term rentals. Council will listen to, but will not respond to, the public's comments.</p> <p><i>Mayor Currier opened the public hearing regarding litigation with the Goldwater Institute. "The public will be heard, and the Council will be silent," he said. "We will listen to your thoughts, but we're not going to get into back and forth. At the end of that, the Council will have their turn."</i></p> <p><i>The Mayor provided a brief history of the situation, from Michael Thompson obtaining a business license in 2011, to Mrs. Groseta appearing in 2012 before Council "with the same idea of turning what had been a family residence into a high turn-over rental." He said that, while the McDonald-Thompson property is on Company Hill, near or on the border of the commercial district, Mrs. Groseta's property is "tucked away in a quiet, single-family, residential neighborhood, far from the commercial district." And, while Mr. Thompson's neighbors, who were "used to the uptown hubbub and the noise and the magic," were relatively accepting of that, Mrs. Groseta's neighbors were much different – "they objected vigorously and appealed to the Town to stop this new use of the property." The opposition of the neighbors, he said, forced the Town to consider the situation and really look at it for the first time.</i></p> <p><i>"Jerome's Zoning ordinance," the Mayor said, "was drafted by professionals, with lawyers and zoning specialists supplied by NACOG and NAU; however, our zoning ordinance was drafted 45 years ago, and though it's been reviewed and updated since, some terms are so relatively new, recently coined, that they simply don't show up in it. Vacation rentals is a term like that. It has become a noun only in the last few years. In prior periods, the terms 'motel,' 'hotel,' 'rooming house,' 'boarding house' and 'bed and breakfast' came and went in the national lexicon. But definitions and concepts change. At this moment, even the word 'resident' and 'transient' are in flux. Some judges define them one way, some judges define them another way. So in came the lawyers to tell us what the words meant, what the zoning ordinance means, and what can or could or should be done to deal with this new shape shifter, 'vacation rental,' in front of us.</i></p>

"Several zoning administrators, the planning and zoning commission and, ultimately, the Town Council looked at the situation. We hired Sims Murray, who were well-respected in zoning and property use -- land use attorneys. We brought in Mr. Grady Gammage from Phoenix, who is a zoning specialist from ASU. Several members of the Council spoke to other attorneys. The proprietors of the vacation rentals sought their own legal advice. The DeConcini Law Firm got involved, and then the Goldwater Institute. But we're not alone -- other towns and cities all over the country were having the same discussion. Sedona and Scottsdale are noticeable in Arizona. New York City and San Francisco were trying to figure out what to do about it. Even Paris, France, got into the issue, not to mention dozens of tourist havens all around the country. Case law, which we looked at, was clearly mixed.

"During 2013, then Mayor Nikki Check and the Council at the time tried to upgrade the town zoning ordinance to find a compromise by creating ordinance 405. It took a year of repeated meetings and, in the end, neither side was satisfied. The ordinance barely passed the Council and was immediately challenged by the people and referred to the ballot. Ordinance 405 was struck down in the 2014 election by a 3 to 1 vote. The entire exercise cost the Town over \$50,000.

"A new zoning administrator came in, Al Sengstock, who took office in September 2014. He took the position that our original zoning ordinance prohibits vacation rentals in residential zones. The owners of the vacation rentals were advised that they would have to conform to our ordinance. The property owners, now represented by the Goldwater Institute, immediately appealed to the Board of Adjustment. A majority of the Board of Adjustment immediately declared a conflict of interest, saying they had publicly voiced opposition to the plaintiffs and it wouldn't be fair to try them, so it was determined that a quorum could not be seated. Because the issue was contested in so many venues and cities all over the country, and because of the due process problem that we had in our own Board of Adjustment, the Town allowed the rental owners to operate without penalty until the appeals could be heard, and the matter was then referred to the Superior Court.

"Now we come to the present. When I ran for Council this last time, I said I was not afraid of going to court on this matter. The defense of our laws and our codes was a normal function of government and normal expense in our business. It's as necessary as putting a cop on a beat and a fireman at a blaze. I still feel that way, but this is where that leads. This year, while both parties have been preparing for trial, our legal expenses on the matter have already passed \$10,000. Our attorneys are not milking the situation, they have taken pains to hold their fees and costs down. Unfortunately, we can't control the fees and costs of all other parties in this issue, and ... the way the law suit has been brought, should the Goldwater Institute prevail, they could ask the court to make the Town to pay their legal fees and expenses, as well as our own. Therefore, it could be argued that the Goldwater Institute has no fiscal constraints, because ultimately they expect us to pay all the bills.

"In addition to the litigation, The Goldwater Institute has also been lobbying both the legislature and the Governor directly on this issue of short-term vacation rentals, which brings us to today. Senate Bill 1350, which was just passed and signed by Governor Ducey, blew the main mast off of the good ship Jerome. We were prepared to go to Superior Court and defend our zoning ordinance. We believed that we had a good argument, good evidence, and that our legal crew was ready. Then, we learned that, just before the vote on SB1350, there were threats of withholding tax revenues from cities and towns unless the municipality agreed to prohibit banning vacation rentals, prior codes be damned. Up to this point, we had been helped by Sedona and Scottsdale, we had all been on the same team. Several other members of the League of Cities were also involved. At this threat, however, of taking away the revenues, the support vanished and the bill passed. As of January 1, 2017, when the new law takes effect, our main argument will have been rendered moot by the legislation. The Superior Court may now decline to hear any further arguments from us, or they may give a summary judgement against us. If we lose in Superior Court, the Town will be forced to pay not only our legal fees (and they may double once you're in court), but also all of the Goldwater Institute's legal fees. The law is written to favor the plaintiff, not the government. If we win, they don't have to pay ours, but if we lose we pay theirs. In this case, we could expect the Goldwater's fees to be substantial. If, by some unforeseen chance, we did prevail in Superior Court despite SB1350, we must assume that Goldwater would appeal, ultimately to the Supreme Court. The costs would be hundreds of thousands of dollars and it is not clear that, as a Town or as a community, we could afford such an expense. Finally, in six months, all of this would be even more futile, since, once 1350 kicks in next January, we

would be fighting the state of Arizona, not just the Goldwater Institute. And that would be disastrous. And that is where we sit tonight.

"The Council knows many of you are not happy with this turn of events, and neither am I. However, I must tell you that Goldwater has now offered to dismiss the case if the Town agrees to not enforce the existing ordinance for the rest of this year, until the new law takes effect. They are the plaintiffs, and they have that option -- they can drop the case. The operators will continue their rentals, the Town will be free to return to its focus on more rewarding expenses, such as infrastructure. Sedona and Scottsdale, our main allies, have left the battlefield. So now, I will open it up to the people."

Brice Wood, a Jerome resident, read a prepared letter from himself and his wife, Carol Yacht. The letter read:

"We are homeowners in a single family residential zone and would like to weigh in on the vacation rental litigation. We think a court of law will affirm the Jerome zoning ordinance as it relates to short-term vacation rentals. Mr. Sengstock, the zoning administrator, appropriately interpreted Jerome's zoning ordinance in regard to short-term vacation rentals. He said, 'Our single family residential zones exclude them.' We're aware that SB1350 has passed and it may seem like we're no longer able to object to short-term lodging within our single-family residential areas. We do not agree for these reasons:

"1) SB1350, section 9-500.38, addresses limitations on regulations of vacation rentals and short-term rentals. One of those limitations is the protection of welfare. The welfare of our community is at stake. If we ignore our community, we do so at the risk of losing everything we have. We are a small community of approximately 400 residents, we depend on volunteers to serve on Town Council, the boards and commissions, volunteer fire department, Historical Society, Humane Society and our library. Short term vacation rentals replace full-time residents. Without a population large enough to volunteer for these positions, if we cannot sustain the Town Council, commissions and boards, we will cease to exist. Our welfare is at stake and we could lose our status as a town.

"2) The Zoning Administrator's interpretation, which is in the plain language of the ordinance, says that we conditionally permit short-term lodging in the commercial zone for boarding houses and other lodging establishments. The only exceptions are B & B's, which require an onsite resident within the single family zone.

"3) Our ordinance is more than 40 years old and these requirements have been in place a long time before SB1350. Almost four years ago, on August 14, 2012, a letter from Jerome's Zoning Administrator, Bill Jensen, was sent to a vacation rental owner. It said they could not operate within the single family residential zone. We encourage you to let a court of law decide the Goldwater Institute's appeal of Mr. Sengstock's April 1, 2015 interpretation of the Jerome zoning ordinance."

Doree Christensen, a Jerome resident, also read aloud a letter:

"It seems to me that this whole situation revolves around the welfare of not just one person or one group of people, but of community in general, our community here in Jerome.

"Inappropriate zoning puts great stress on neighbors. We've made compromises already in our zoning residential areas for people who want commerce in their home spaces. We've said yes to Bed and Breakfasts, etc., and have drawn the line simply where there is no responsible resident oversight of that commercial activity.

"Commercial activity is placed in commercial zones. It is the primary use of those zones. Residential activity still exists in those zones, but with secondary status. The reverse is true for residential zones, where the primary activity is residential with a special permit for secondary commercial activity. This is based on values: the value of money making in the one area, and the values of living in peace and security and neighborly relationship in the other. These values, the balance of these values, make for the welfare and well-being of our community. People who want primary commercial activity have a place to go. People who want peace and quiet and the respite and recreation associated with the familiarity of neighbors and home have a place to go. There is already overlap in our zoning, but with priorities for our values guiding it. Little pockets of unsupervised, unmitigated commercial activity in our residential areas would and do upset this balance which allows our community as a whole to thrive. It negates the core values and needs of residential neighbors.

"This balance, this support of all of us with our different needs in our community, is what is at stake, I believe, and I think it is worth defending.

"As an afterthought, I'd just like to note that because our residential areas are so small, inappropriate zoning pockets put much greater stress, relatively speaking, on our community than they would in a much bigger residential area. And because our town is so small, any kind of transient activity placed in commercial zones still gives visitors a feel for "living" in Jerome, thus satisfying their needs for a "live-in-town" experience."

Steven Cheifetz, a resident of Jerome, spoke. He began by thanking Council for giving the public the opportunity to speak. He thanked the Mayor for his summary, and said that he

believes that these are legitimate issues.

Mr. Chiefetz said that he has been practicing law in the City of Phoenix, and they have limited short term rentals, as do a lot of municipalities. He said that he shares the concern of many regarding the overreach of the legislature and this bill, and its efforts to interfere with how we live our lives here, and finds the difficulties we face with the legislature disheartening.

"At the same time," he said, "the one thing you learn about litigation is that it takes on a life of its own." There is significant risk and significant expense involved, he said. "It's like democracy and is not necessarily a great way to resolve things, and it is not always fair. It's not a great way to resolve battles of principal -- it becomes something of dollars and cents and managing risk." Mr. Chiefetz said that his concern is regarding the risk that Jerome is taking. "Obviously, there is a lot of emotion involved," he said. "I understand how we got here, and I have been fearful of where this case is going. The people involved are very principled and it makes me proud to be a part of this town."

He went on to say that, given the difficult fight and the new statute, he doesn't see that there is much of a battle to be fought. "This Town doesn't have the luxury of taking on a battle like this," he said. "This town is not overflowing with money. ... We don't have the money to maintain the infrastructure and when things start crumbling, we have to fence it off because we can't fix it." He said that he has significant concerns about spending money pursuing this type of litigation. "With the uncertain outcome and with the new bill, I believe it is foolhardy to continue to pursue it, no matter how valuable we think the cause is. The Town doesn't have the luxury to take this kind of risk."

Mr. Chiefetz asked the Town Council to "put aside the emotions, and recognize the pledges you made to the Town," and added "but I don't think you can even do that anymore, with what the legislature has done to you." Hopefully, he said, there will be an opportunity to fight another day. He said that he knows that many in the state oppose this over-reaching law. "We will see how it plays out, because there will be unintended consequences, and that will lead the legislature to maybe repeal this law someday. In the meantime, given the money we're spending, there are better areas where we can spend that money." He recommended that the Town accept the settlement offer.

Jane Moore, a resident in the Gulch, said that, in light of what has been said here, she totally understands the dilemma. "There is always money involved," she said, and warned the Council to "be prepared to spend a lot of money to upgrade the sewer plant, the water system, the roads, and the sidewalks to expand commercial activities into the rest of the Town." She then read a letter aloud:

*"(As a preface to this letter, I have 12 years of experience as a town council member, including serving as the Water and Sewer Commissioner prior to the town's having a town manager, so I am quite familiar with most of the town's infrastructure problems.)*

*"Regarding the issue of Vacation Rentals/VRS, the lawsuit, and SB 1350... I believe the town of Jerome continues to have much at stake. The health, safety and welfare of our community is being severely challenged by allowing VRs anywhere and everywhere in town.*

*"I believe our Zoning Ordinance has wisely prohibited strictly commercial activities in our residential neighborhoods, while allowing them with a CUP in the commercial zone. (The Council is aware of which sections of the ordinance, as well as the General Plan.) There are good and valid reasons (involving the health, safety and welfare of the town) for communities to have zoning ordinances which enable proper, appropriate planning.*

*"Jerome is very small, unique, and easily negatively impacted. There are many limiting factors which bring into question allowing transient lodging in residential neighborhoods. Our water and sewer infrastructure continues to be very fragile, a factor which visitors are totally unaware of, as well as many having no regard for. Our water and sewer capacities are frequently at their limits, with very little that can be done to mitigate that. This is absolutely a health, safety, and welfare concern for our town. Issues with both have been documented on numerous occasions.*

*"Our topography is very challenging, especially in inclement weather. Our streets and sidewalks are narrow, in disrepair in many areas, and oftentimes dangerous... another factor visitors are unaware of. Some are unpaved and steep with no sidewalks, with few places to turn around. (Some visitors have gotten stuck or gone over edges... again, a health, safety, and welfare concern.) There is very limited parking for even the residents, let alone many visitors. There is documentation of issues with these also.*

*"It has been said that some of the problems surrounding VRs can be dealt with as "nuisance" issues, i.e. noise, illegal parking, trash, speeding, etc. Our small police department (as well as fire dept. emergency calls) is already overburdened by the thousands of tourists who visit daily... an obvious*

health, safety, and welfare issue. There is absolutely no way any taxes obtained from VRs would allow for increasing these departments, so the burden would be shouldered by residents.

"Our topography, area and infrastructure is extremely limiting. We cannot expand and build new housing or roads, nor do too much to provide more water or sewer facilities as other communities can, which again challenges the health, safety, and welfare of our town. Allowing commercial uses and increasing demands on our infrastructure by visitors who do not understand these limitations is a burden to this small and unique town.

"We are, and always have been, a "sharing" community, inviting people here to share the town's history. We DO allow for places for visitors to stay in both the commercial zone and with B&B permits in residential zones. With a B&B, there is a resident living in the home to explain the idiosyncrasies of living here. Our small town has just about reached its capacity in almost every aspect of its existence. We absolutely must be allowed to manage what we have and be able to plan for the town's health, safety and welfare without having the burden of potential commercial transient lodging facilities in each and every building in town.

"SB 1350 is an overreach of state government which will make it nearly impossible for many communities to safely plan for their futures. Jerome is an extremely vulnerable and unique case of why this cannot happen here.

"I hope you will take these very real limitations into account when considering this Vacation Rental issue at hand. Again, the health, safety, and welfare of our very small, historic and unique community is at stake. We MUST be able to plan for the future with these limitations in mind to avoid catastrophe.

Mairi Ross, a Jerome resident spoke. "We all have a lot of strong feelings about Jerome," she said. She expressed appreciation for Ms. Moore's comments and added, "we all believe this overreach by the state government is appalling." Ms. Ross went on to say, "It seems to me that we have to look at our strategy, and the strategy now is what to do about this State law, because that's what we're dealing with. ... Based on what Mr. Cheifetz said, I believe we should abandon this particular lawsuit, because that is not what the problem is. The problem is this State law. Our resources should go towards our health and safety and what kind of ordinance we may be able to pass that will protect this community in the context of this state law."

Suzy Mound, a Jerome resident spoke. She said that she has documented "some of the parking nightmares that we've encountered on Center Street due to the vacation rental at 5<sup>th</sup> and Center." Center Street is a two-way single lane road, she said, and "on multiple occasions there are between three and six cars trying to squeeze in to a parking pad that was approved for two spaces." She provided photographs, which are included at the end of these minutes, and said that there is "no way that an emergency vehicle could access their homes because of the excessive vehicle parking at the vacation rental," noting that this constitutes a health and safety issue. "Parking on the street is public parking, and as neighbors, we know how to navigate and leave enough space for emergency vehicles," she said. "Vacation renters do not know this."

Ms. Mound went on to say, "We have all witnessed our neighborhood become crazy with the extra traffic. I have witnessed the deterioration of Center Street. It has created a lot more traffic in our neighborhood. It's sad that the Town has been put in this spot because some people want to profit off the residential area in Jerome. Shame on those people for putting the Town and residents in this position." Ms. Mound added that she believes that, if the Goldwater Institute had been confident that they would prevail in the lawsuit, they would not have written SB1350 and lobbied for it.

Michael Thompson, a resident and vacation rental owner, spoke. He pointed out that they supply their own parking at their rental, and he escorts people up there. He added that the GPS constantly refers people to come up Verde Avenue, which creates problems, and he asked Council to correct that.

Mr. Thompson went on to say that, before this situation began, they had conversations with all of their neighbors, and "everyone was okay with it." "I am an 'old Jeromie,'" he said, "and I would not do anything ever to jeopardize this town. The type of people that stay at our house are artists and writers. I ask our renters to respect the house and the neighborhood. If I have to show up in the middle of the night, they will be evicted." Mr. Thompson added that "it is all about management – we live here in Jerome." He pointed out that they were approved by the Town to do this, and were granted business licenses for several years. He feels it is unfair that they were approved repeatedly "and then all of a sudden we're not." He spoke of his unsuccessful attempts to arrange a meeting with Mr. Sengstock prior to receiving a second letter from him, "threatening me."

Jay Kinsella, a resident and member of the Historical Society, spoke. He told Council, "You are in a hell of a position. The worst part of this is the big boys pulled the carpet out from under your feet and there is nothing you can do about it." Mr. Kinsella said, "the taxpayers of Jerome invested in this suit," and noted that people are under the false impression that the Town's insurance covers everything, "but it doesn't work like that." "A person has to weigh out whether you're going to win or lose," he said. "I hate to say it, but you guys are going to lose," adding that "big government should not involved in small government."

Mr. Kinsella said that he has had family members stay at two of the vacation rentals on Company Hill. They spent a lot of money while they were in Town. "Vacation rentals are not cheap to stay in," he said. "That tends to weed out the riff-raff. Every once in a while that happens, but this town lacks honest communication. It's so easy to go up to your neighbor and say 'you park terrible.' Simple communication. Unfortunately, everybody draws out the big guns, attorneys get hired. Again, my feeling is our revenue is based on the tourists. We'd like to see the tourists in the commercial zones. In theory, that would be the best thing. Unfortunately, there is nowhere for them to park."

Mr. Kinsella closed his comments by saying, "You need to pick and choose your battles, and you have to be strong enough as a human to say 'we tried, we failed and there are other things to do.'"

Scott Owen, a Jerome resident spoke. He said that he has heard "some very high emotion here tonight" and is frightened by that. He asked if anyone has ever figured out how many people actually go to the vacation rentals each week. "Is it 20 or 30?" he asked. "How many people come here as a tourist on the weekend? Is it 2,000 or 3,000? We are faced with bankruptcy in order to rid ourselves of 20 to 30 people. Really."

Margie Hardie, a Jerome resident spoke. "I voted for anybody up here who said they were opposed to vacation rentals," she said. "I don't think that's changed, but there are other issues now."

Ms. Hardie said that she sees three issues. "1) Vacation rentals - yes or no. We said no. ... 2) Money. ... It's the main factor that is pushing this whole thing. For example, can we pay to move on with this law suit and not bankrupt the Town, and keep it better than it is now because there are more tourists all the time and more money needed for the impact on the Town? Is there a cap put on this lawsuit? And has anyone thought of a revenue source to pay for this law suit?" She said that she had heard of a large general fund balance that the Town has, which she feels could possibly be used to back a bond to pay for the lawsuit.

She went on to say that she believes that we have a safety and health issue, and added that she fell and hurt her knee. She talked about a tourist possibly falling and hurting themselves and suing the Town. She said that she looks on SB1350 as an unfunded mandate. "Jerome's expenses will increase," she said, "and it will have an impact on our future housing sales."

Nikki Bagley, a Jerome homeowner and former Mayor, spoke. "I want to say openly that I opposed SB1350," she said. "I spent two years trying to come up with ways to prevent this. Unfortunately, I have to recommend to the Council to consider what the best avenue for achieving success with this issue might be. I don't believe that litigation is unfounded. Mr. Thompson was not trying to sneak anything under the Town radar, and several others have invested funds during the time when the interpretation of the Town code was vague. That in and of itself weighs against the potential success that we could have in this litigation." Ms. Bagley said that she does see "a potential favorable avenue to go through, whether SB1350 stands or not." "We do have health and safety issues," she said, "and we do have an opportunity to elect a different legislature. A quick look at where we've been and how we could fit something into Jerome's future is probably the best way to go."

Jane Moore stated once again, "you will have to spend more money on infrastructure if commercial activities are expanding into the Town."

Mayor Currier closed the public hearing at this time.

<p><b>ITEM #4:</b> <b>8:09</b></p>	<p><b>LITIGATION WITH GOLDWATER INSTITUTE</b></p> <p>Council will discuss, and may take action, regarding litigation with the Goldwater Institute involving short-term rentals.</p> <p>Mayor Currier asked if anyone on council wished to make a statement.</p> <p>Vice Mayor Freund said that he was hoping that continuing our lawsuit would provide a</p>
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	<p>positive ruling on whether or not vacation rental use is an existing property right, in terms of Prop 207, the Private Property Rights Protection Act. If we could just confirm that vacation rentals aren't an existing use, he said, that would be useful to us going further as we regulate vacation rentals under SB1350, but he doesn't see that is really going to work.</p> <p>The Town Council, he went on to say, does have the responsibility to defend the health, safety and welfare of the citizens. "Vacation rentals pose a very serious threat to that," he said, "but it is subtle and long term in my estimation. The proliferation of unregulated lodging businesses in Jerome's tiny residential zones poses a threat to Jerome's health, safety and welfare - a threat to the very survival of the Town as a living community."</p> <p>Mr. Freund noted that Jerome is dependent upon its residents to fill many volunteer positions. "If previously protected residentially-zoned property can be snapped up by investors and converted into lodging businesses," he said, "the town will no longer have a robust base of residents and volunteers. Jerome's community will eventually wither and the future of a widely cherished and nationally important historic site will be in doubt. An irony in this, one of the reasons why vacation rentals have become so popular is that they generate more money. They're profitable. If these businesses replace our residents, we should consider how much our residents are worth." He said that he "did the math," and concluded that each resident is "worth a couple of thousand a year" to the Town. "If we had to replace all of those residents with paid employees," he said, "we would be spending more, and where would property taxes have to go to pay for all of that? The people who have the vacation rentals will no longer have free volunteered labor. The profits may go away, as so does Jerome."</p> <p>Mayor Currier said, "I believe we are way outweighed. We are all in agreement that we don't like vacation rentals, but we're fighting people too big for our league, and I don't think we have a chance. Several people have said it. Our opponents at the moment are big, but when 1350 kicks in, we've got the whole state to fight. I believe we should accept the offer if we can." He added that it is not clear at this time if we will get agreement from Goldwater. "We should at least try and settle this thing," he said. "Maybe in the future, if legislation changes, if our cohorts in Scottsdale and Sedona can find the will and the financing, maybe we can address this again. But at the moment, I believe our best bet is to walk away and say 'we gave it a good shot.'"</p> <p><b>Motion:</b> Mayor Currier made a motion <b>to direct the Town attorney to enter into an agreement with the Goldwater Institute, if possible, to dismiss the pending lawsuit with each party bearing their own fees, and to maintain the status quo regarding non-enforcement of the zoning ordinance relative to vacation rentals in the residential districts through the end of 2016.</b></p> <p>The motion was seconded by Councilmember Vander Horst, and Mayor Currier called the question.</p> <p>The <b>motion passed, 3-2.</b></p>
<p><b>ITEM #5:</b></p>	<p><b>ADJOURNMENT</b></p> <p>Upon <b>motion</b> by Councilmember Vander Horst, seconded by Councilmember Barber and unanimously approved, the <b>meeting was adjourned at 8:17 p.m.</b></p>

Edited by Town Manager/Clerk Candace Gallagher from minutes taken and transcribed by Deputy Town Clerk Joni Savage.

APPROVE:

ATTEST:

\_\_\_\_\_  
Lew Currier, Mayor

\_\_\_\_\_  
Candace B. Gallagher, CMC, Town Manager/Clerk

Date: \_\_\_\_\_