



CITY COUNCIL STUDY SESSION MEETING

STUDY SESSION MINUTES

TUESDAY, JULY 26, 2022, 1:00 PM

201 S. Cortez Street
Prescott, AZ 86303
Council Chambers

Phil Goode, Mayor

Cathey Rusing, Mayor Pro Tem

Brandon Montoya, Councilman

Eric Moore, Councilman

Vacant Seat

Steve Sischka, Councilman

Clark Tenney, Councilman

MINUTES OF THE STUDY SESSION OF THE PRESCOTT CITY COUNCIL STUDY SESSION HELD
ON JULY 26, 2022, IN THE 201 S. CORTEZ STREET PRESCOTT, AZ 86303 COUNCIL CHAMBERS.

1. CALL TO ORDER

Mayor Goode called the meeting to order at 1:00 p.m.

2. ROLL CALL

Phil Goode	Mayor
Cathey Rusing	Mayor Pro Tem
Brandon Montoya	Councilman
Eric Moore	Councilman
Steve Sischka	Councilman
Clark Tenney	Councilman

3. DISCUSSION

A. Presentation and Discussion Regarding Abatement Procedures For Dilapidated & Unsafe Structures in the City of Prescott.

Chief Building Official Ryan Greene provided a presentation to Council regarding abatement procedures in the City of Prescott. Condemned structure is a property or building local authorities have closed, seized or placed restrictions on for various reasons, including public safety and public health in accordance with local ordinance. Structures do not have to be destroyed and are condemned based on either public nuisance or unsafe/unsanitary conditions.

Unsafe/Unsanitary – would reflect changes or improvements that need to be addressed but aren't affecting the community at large

Public nuisance – violations or safety hazards begin affecting the local community.

Mayor Goode asked if the property owner has the opportunity to repair or address issues to get the structure to livable space.

Mr. Greene confirmed and added that approximately 85% of the structures that would fit into these categories could be addressed and fixed rather quickly. If it gets to a point where the owner is not addressing the issues that is generally when it gets to the public nuisance stage.

Damage Assessment Report (DAR) and Initial Evaluation is used to address the structure, this form is also used by FEMA and parallels with Code Violations. Once a complaint is received the building department visits the site to complete a DAR to determine if the structure is capable of habitability. Report consists of three possible outcomes:

- * Deemed unsafe for occupancy
- * Portion of the building is deemed unsafe to occupy (an example is decks on a home)
- * Full habitability is granted

Councilman Moore asked who reports these types of issues.

Mr. Greene responded that staff receives 6-7 contacts per week regarding concerns. For example a citizen sees a deck is about to fall down and it appears unsafe, may not come in as a complaint and a resident could contact the city to come out and look if they are concerned that something is going on and then staff can work with them to address the issues.

The results of the DAR will outline if the structure requires a permit to be obtained, if the repair requires a licensed registrant or contractor, if the structure needs to be boarded up until repaired or if the structure needs to be removed or demolished within a specific timeframe.

Current code is 3-4-1 Abatement of Public Nuisances. Staff will push that the work is completed within 90 days, but sometimes that simply isn't enough and so will work with the owner to ensure that substantial compliance moving forward is adhered to and give extensions in 90 day increments. Section

F addresses if an owner fails, neglects or refuses to comply with the stipulations highlighted in the violation notice by the Building Official, the Council may order the owner of the building to be prosecuted and may order proceeding with work specified in the notice. Statement of cost is transmitted to the Council who shall cause the same to be paid and levied as a special assessment against the property. Section I is a common provision.

Current Updates to the Abatement Process:

- * Code enforcement personnel is under the direction of the community development department
- * Community development has moved to a more mobile and paperless tracking system
- * Implementation of cross-departmental enforcement
- * Actively pursuing complaints and recording both founded and unfounded violations
- * When responding to a complaint the inspector not only investigates the specific site for safety hazards but also the community/block

Barriers/Obstacles:

- * Difficult to track
- * Owner may be unreachable
- * Boarding or securing of unsafe structures
- * Cases develop quickly
- * Current code is vague – doesn't clearly define a condemnation or specific department processes and procedures

Mr. Greene stated that this discussion stemmed from a house fire at Granite Creek. This was an abandoned home that had been condemned for three years, was getting broken into repeatedly and was an ongoing issue. Didn't lose any other structures but if it would have been located anywhere else it could have been catastrophic so changes need to be made.

Future Policy Implementations & Adoptions:

- * Hearing Officer Process – cases are handled more efficiently and effectively, will implement more enforcement and compliance tactics, offers cross-jurisdictional continuity
- * International Property Maintenance Code (IPMC) – addresses more violation types than just condemned structures, provides more detailed guideline of what constitutes a condemnation ruling, consistent with the city of Prescott's current adopted set of construction codes, inspectors and investigators can become IPMC certified. This is internationally adopted and would eliminate the need for more robust code changes, pursues remediation over condemnation which he is a proponent for.

City Attorney Joseph Young added that a hearing officer process is important and much more effective. Currently these would come into the City Attorney's office and then go to Court where the city loses control and efficiency, this process would eliminate that. Has asked his staff to update the documents that would allow for this and help make the process more effective.

Mayor Goode asked staff to specifically address how this process would work.

Mr. Young stated that the toughest issue would be determining who the hearing officer would be, it is best when this is administrative. He would like to see if the Yavapai County or Prescott Valley Hearing Officer has extra capacity because that regional cooperation would make sense.

Mayor Goode concurred, it would be beneficial to contact the other Hearing Officers and replicate the design for ours.

Mr. Greene said he can also reach out to the Yavapai County Building Official for their input on how their process works as well.

Mayor Pro Tem Rusing stated that Council is not trying to be heavy handed, this community is old and there are many buildings that could fit into the category but we need teeth in the code to address property owners that abuse the situations. Must take public safety seriously, she is in favor of tuning up this code.

Mr. Greene continued with Preventing Dilapidation in the City:

- * Seek to utilize the minor home repair program more frequently
- * Provide more literature and home maintenance workshops for the public
- * Annual inspections for the jurisdiction's larger industrial businesses and facilities
- * Seek to achieve remediation over condemnation if technically feasible
- * Take a more proactive and educational approach to code enforcement

Mayor Goode commented that he agrees with this approach, for example with the Dexter neighborhood cleanup many participated in that and the neighborhood was in much better condition which was helpful for the area and more affordable housing. Would like to survey some of the other hearing officer programs in surrounding communities to adopt ours in a similar manner and look into IPMC further as well.

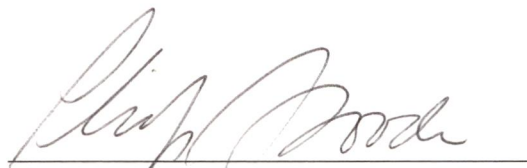
Mayor Pro Tem Rusing asked about staff's work with the Granite Creek property prior to the fire.

Mr. Greene responded that staff had been trying to get in touch with the owner for three years before the fire took place but had been unsuccessful.

This item was for discussion only, no formal action was taken.

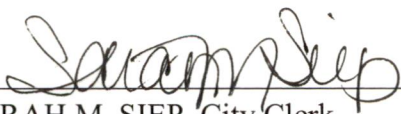
4. ADJOURNMENT

There being no further business to discuss, Mayor Goode adjourned the meeting at 1:40 p.m.



PHILIP R. GOODE, Mayor

ATTEST:


SARAH M. SIEP, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council Study Session of the City of Prescott, Arizona held on July 26, 2022. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 10 day of August, 2022.

AFFIX
CITY
SEAL




Sarah M. Siep, City Clerk