



MINUTES OF WORK SESSION OF THE COMMON COUNCIL OF YOUNGTOWN, AZ

THURSDAY, July 16, 2009, TOWN CLUBHOUSE, 12033 CLUBHOUSE
SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 6:06 p.m.
2. Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Oglesby, Susan MacKay, and Judy Johnson.
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Chief of Police Kimberly Johnson, Public Works Manager Mark Hannah, Town Marshal Dan Connelly, Code Enforcement Officer Lora Isaacs, Court Administrator Petra Mendez, Court Clerk Diana Kutcher, Deputy Town Clerk Diane Cordova, and Town Clerk/Treasurer Letty Goldberg.
3. Business
 - A. Presentation and Discussion Re : The requirements of the International Property Maintenance Code , presented by Mr. Kelly Reynolds , and discussion regarding possible adoption of same by the Town. (ROBINSON /ISAACS).
Town Manager Robinson
 - Code Enforcement Officer Lora Isaacs will be joining us shortly.Mr. Reynolds of Kelly P. Reynolds and Associates, Inc., Building Code Consultants
 - The International Property Maintenance Code is concerned with the exterior maintenance of properties, such as cars up on blocks, grass not cut, etc.
 - Building codes establish as minimum level of health, safety and welfare.
 - Code Enforcement Officers have a duty to enforce the laws.
 - Principle of "plain view" - If a violation can be seen from the sidewalk or the alley, the Code Enforcement Officer can issue a citation. Responsibility of the owner and the occupants to control the condition of the property - cite both.
 - IPMC requires minimum housing standards, basic equipment and facilities , light and ventilation ratio of residents to square feet of living space . lead paint or other health issues.
 - Commercial property - a Certificate of Occupancy is required so property is inspected by the Building Safety Officer to determine that it will not be a public safety issue.
 - Demolition of unsafe property requires proper notification of the property owner. Town cannot just condemn the property without Due Process. Property owner has the right to appeal to the Board of Appeals.Code Enforcement Officer Isaacs
 - IPMC would give code enforcement another tool for keeping property maintained and residents protected.
 - El Mirage, Paradise Valley, Somerton and Maricopa are non-chartered cities or towns have all adopted the International Property Maintenance Code.
 - Youngtown is included in a special program , "MERS Initiative " to use a database that will let us identify bank-owned properties so that we can notify the banks directly of property maintenance issues and attach liens, if necessary, to recoup costs.Comments from Mayor and Council
 - Hoarding is an issue. It is a mental illness but it is difficult to deal with.
 - Town is facing code problems as are other towns.

- Which edition of the International Property Maintenance Code are we considering - 2006 or 2009?
- Tick infestations in a yard , if sprayed will just move to the next yard.
- Overcrowding - too many people in a residence is a problem.
- Large number of rentals with non-resident landlords are not being maintained . We are responding to what we are hearing from our residents.

- Current code doesn 't address number of people per square feet of residence.
- Code was written while this was still a retirement community, not families. We need authority to deal with this issue.

Comments from Staff

- Maricopa Association of Governments (MAG) has recommended that cities and towns adopt the 2009 International Building Codes in January .
- Town can budget for clean up of properties but it could be several years before the Town is reimbursed by the property owners.
- Lora Isaacs retired as Code Enforcement Manager for City of Peoria. Lora is Past President of the Arizona Code Officials Association and President of the National Code Officials Association.

Public Comments

- Older part of Youngtown has bungalows, very small homes. Too many residents in these homes immediately stress this community.
- Do I understand correctly that only so many people can live in so many square feet? I live in a three bedroom/two bath home with my husband and I wouldn't want more than one more person living there and I 'd have to like them a lot.
- Do code citations come from complaints or Code Enforcement Officer? Who does the clean up? The Town?

Mayor LeVault

- Council consensus is to return the 2009 International Property Maintenance Code to the September 3 Regular Meeting for further discussion and possible adoption.

B. Presentation and Discussion Re: Code Compliance/ Enforcement Program (ROBINSON).

Town Manager Robinson

- Lora Isaacs has been working part-time as Code Enforcement Officer since 2008. During that time we have seen an increase in foreclosures and an increase in rental properties.
- The Town purchased and is implementing a new database program that will allow us to have a foundation and history of building permits, code enforcement issues, and business licenses by property addresses .

Town Marshal Connelly

- Concern with comments made at last meeting when I was not present. Ask that concerns be addressed when I am present to provide Council answers.
- Youngtown Codes are antiquated. International Property Maintenance Code would be a move forward.
- Code enforcement is hazardous - six code officers were killed on the job last year.
- Normal process is to leave a notice. Action not taken by the property owner, we give a warning or a citation depending on the nature of the violation and if they have been noticed previously. A public safety issue would be a citation without a warning. A red sticker is a warning to clear the violation or receive a citation. We could book them into jail for a code violation.
- The prosecutor needs to be involved in recommending sentencing. Sentencing should be delayed to another Court date. Court should order that the violator fix the problem.

- During Code discussion a year ago, it was decided one warning then citation. Enforcement with discretion. Some residents are not physically capable or monetarily capable of taking care of their properties.
- We need to work smarter and not harder.

Lora Isaacs

- New software will allow us to track violations and the number of visits we make to the property and create custom-designed reports of the information that we want or need.

Comments from Mayor and Council

- Rapid change in demographics - as many families as there are retirees. Estimates are that the Town is 30% rentals. We are in the middle of one of the fastest growing metropolises in the country.
- Lora, thank you for putting this together. We know you did a sweep of 40 properties and you sent letters/notices. One property is still in violation.
- How do we know that a complaint is already being worked on?
- We will never have 100% compliance.
- We do what we can to help people and not add to their burdens.
- The minutes of the last meeting don't reflect what was said.
- Operate as a team. Intention not to personally attack any staff members. Code enforcement needs to be aggressive.
- The solution isn't more money, it is to do the best we can with the resources we have.

Public Comments

- Town doesn't look great but it does look better. The Face of Youngtown Committee spent a year dealing with Code. I didn't want to look at Code. A warning and then get cited was starting to make a difference. Face of Youngtown and Unity in Community (nee Community Outreach) were helping residents who qualified for assistance.
- Lora, you are doing a great job but don't count on volunteers for your program as the Town no longer has a Volunteer Coordinator to do background checks.
- Dan Connelly, you do a good job but you have too many hats. You would need more time to do your jobs.
- My opinion is that two people doing code compliance that is what they should be doing. Court may be part of the problem. Maybe it is time for mandatory fines. There should be a work program where violators have to clean up other people's property. Town newsletter should show who was cited. Other papers do that.

Marshal Connelly

- The Village Reporter is not a newspaper, it is the Town organ for dispensing information about the Town. We don't have money to put out a newsletter. The publisher takes care of its publication, we supply the information content.

C. Discussion Re: Proposed revision of the Court Administrative Fees Schedule (MENDEZ/KUCHER).

Court Administrator Mendez

- The Court fee schedule has not been updated since it was created by ordinance and resolution in 2004. Updating the fee schedule will give us an opportunity to recover some of the costs for the services we provide. Some of the new fees include such things as expert witness fees, a non-compliance fee (then we have to track someone down to get them to pay the fees they owe, jury cancellation fee, community service fees, and deferred prosecution fee, We visited Surprise, Avondale and El Mirage to view their fee schedule and we are in the middle.
- Fees collected would be Court revenue not Court Enhancement fees.
- Court has been undergoing its Operational Review by the Court Administration. We had requested the review some time ago.

Mayor LeVault

- Consensus of Council is bringing this item back at the next regular Council Meeting on September 3rd. Most of Council will be attending the League of

Arizona Cities & Towns Conference September 1 through 4. We will have to hold a Special Council Meeting on September 10 and consider this item and the 2009 International Property Maintenance Code.

D. Presentation and Discussion Re: Voice of Youngtown (VOYT) , business community (ROBINSON).

Town Manager Robinson

- VOYT or Voice of Youngtown, new Youngtown business group, is continuing to meet on the first and third Wednesday. No officers selected yet .
- Larry Ornelius, owner of Sun City Sun Control/ National Glass expressed concern with signage. Councilmember Mello and Building Safety Officer John Stigsell are working on a new sign ordinance. When ready, ordinance will go out to the business community for comments.
- Jon Forsythe reported that the group would like a liaison for communication with the Town and some staff assistance with agendas, copies , etc. Deputy Town Clerk Diane Cordova will act as liaison with the group.
- VOYT is planning a business fair.

Vice Mayor Duran

- Took my vehicle in for repair and the business owner was complaining about high sales tax and having to remove a banner.

Town Manager Robinson

- Code only allows banners in C-2 and those are restricted to a grand opening banner for 30 days when it is a new business, new owner, or re-opening. Other banners are allowed for 10 days, three times in a full year. Businesses must obtain a no-fee permit before putting up their banner. Pennants are not allowed in C-1 or C-2.

Councilmember Mello

- Other cities restrict banners and pennants . Phoenix charges \$75 for a grand opening banner that is up for 10-14 days.

Councilmember Chittenden

- I agree that Diane Cordova should serve as liaison to VOYT .

Regular Council Meeting : Thursday, July 16, 2009 immediately following Work Session.

Adjournment.

Motion to adjourn - Councilmember MacKay

Second - Councilmember Mello

Meeting adjourned at 8:27 p.m.

/s/ Michael LeVault _____

Michael LeVault, Mayor

Attest:

/s/ Letty Goldberg _____

Letty Goldberg, Town Clerk

Minutes approved at the October 1, 2009 Regular Meeting.