



**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARIZED MINUTES**

**DECEMBER 16, 2010**

**CALL TO ORDER**

Mayor LeMarr called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, December 16, 2010 at 4:05 PM.

**COUNCIL MEMBERS PRESENT**

Mayor Scott P. LeMarr  
Vice Mayor Mary Hamway  
Council Member Michael Collins  
Council Member Paul E. Dembow  
Council Member Pam Kirby  
Council Member Vernon B. Parker  
Council Member Lisa Trueblood

**STAFF MEMBERS PRESENT**

Town Manager James C. Bacon, Jr.  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Public Works Director Andrew Cooper  
Budget & Finance Director David Andrews  
Community Development Director Eva Cutro  
Building Safety Manager Robert Lee  
Planner George Burton  
Police Chief John Bennett  
Human Resources Manager Jinnett Hancock  
Code Enforcement Officer Tina Brindley  
Plans Examiner Russ Louman

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**Discussion of Distressed Properties**

Responding to a question from Council about Mountain Shadows, Mr. Bacon stated that this presentation would focus on residential distressed properties and what, if any, code changes should be made. Mountain Shadows, on the other hand, is not governed by its SUP and development agreement rather than the Town Code. He did mention that the Mountain Shadows' owner was directed to take more extensive measures to secure the site. They

responded by taking bids to re-enforce to fence and board-up unsecured buildings. However, the Town-imposed deadline to complete the work has past so they were cited today.

Ms. Cutro said at the beginning of the year, the Town noticed an increased number of distressed properties. In May, a report was provided to Council highlighting 20 properties scattered throughout the Town that were being targeted by the Code Enforcement unit. Since that time, progress has been made in resolving most of the violations. Over one-third have been sold or construction has restarted. Eleven have been secured. Seven pools have been drained, covered, or maintained. Only one property has no change in status; however, it is secure and for sale.

She said there are three categories of distressed properties. The first category is unfinished construction. This category includes construction fencing, damage to structures from the elements, scraped lots, damaged, weeds, green water in pools, litter and debris, boxed trees and other dying landscaping, open pits and pools, dumpsters and portable toilets that are often left behind.

The second category is temporary construction structures, such as dumpsters, portable toilets, and construction trailers. These structures are allowed on-site if a building permit is issued and a site plan is provided showing the location. However, many lots have expired building permits but the structures remain. They are unsightly, invite vandalism, and often the dumpsters overflow with trash.

The third category is unoccupied homes. Violations include unsecured homes; open pits and pools; dying landscaping; weeds; litter and debris; and green water in pools. There is also a greater concern for theft, damage, and fire with these vacant properties.

She said there are many challenges to code enforcement including:

- Owners cannot be located
- Owners have no money to perform the required corrections
- Staff cannot legally gain access to all portions of the site
- Abatement may have procedural and cost limitations

Staff asked for Council guidance on what actions are appropriate to cure violations. There are a number of possible actions to cure or alleviate all three categories of violations but the remedies would require access to the sites, cost money, and may expose the Town to litigation.

Responding to a question from Council, Mr. Bacon stated his preference is to fill or demolish pools regardless of economy. Moreover, he suggested the Town develop a permit system for temporary construction structures. He said an unfinished home is a much bigger problem without a clear solution.

Mr. Miller stated that there is a process in the International Property Maintenance Code, which if followed and documented precisely, can be used to abate these violations or condemn the

property. This requires a court process so can be costly. He noted that Scottsdale budgets funds to abate properties and recoups the cost by way of properties liens.

Council agreed that securing pools was a priority. They asked staff to rank other hazards and determine the likelihood of the property owner or the bank curing the problem before the Town spends money. Council also asked staff to investigate the possibility of requiring refundable cash bonds to cover “construction activity” based on a percentage of the building permit.

### **Discussion of Noise Ordinance**

Mr. Bacon explained that noise and the measurement of noise levels is a growing concern among residents and the resort community. He noted that nuisance noise concerns have been raised during some of the initial meetings of both the Visioning Committee and General Plan Advisory Committee. Earlier in 2010, staff presented a report to Council about the noise code and suggested changes. He said normally topics like the noise code are considered by the Town Council exclusively since it does not deal with the Zoning Ordinance. However, because the noise code is somewhat tied to land uses that exist in the Town, i.e. resorts and churches, the Planning Commission could be enlisted to help review the noise code provisions and fully vet resident input. He suggested that the noise code could be reviewed similar to the process used for the NewPath Special Use Permit. He reasoned that because noise is different in different parts of Town, the Planning Commission could be utilized for analyzing the multitude of variables.

Council agreed that the topic requires much study and must include comprehensive input from residential and commercial property owners. Council directed staff to develop a draft Statement of Direction on noise for Council consideration in January. The Statement would be forwarded to the Planning Commission. The Statement should provide clear direction on the parameters of the Commissions analysis. After the Commission has had time to study the issue and develop a framework for moving forward, it was suggested that a joint meeting be held between the Council and Commission. When a consensus is reached by the bodies, the Commission will hold more public meetings with input from the Town’s noise consultant and police department to develop a draft ordinance for Council consideration.

**Motion and vote** – Council Kirby moved to go into executive session at 5:08 p.m. Councilmember Trueblood seconded the motion which passed by a vote of 7-0.

### **EXECUTIVE SESSION**

Town Manager and Town Attorney Performance Evaluation Process as authorized by A.R.S. §38-431.03.A.1.

**ADJOURNMENT**

**Motion and vote** – Vice Mayor Hamway moved to adjourn. Council Member Dembow seconded the motion which passed by a vote of 7-0.

Mayor LeMarr adjourned the meeting at 5:26 p.m.

  
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Scott P. LeMarr, Mayor

ATTEST:

  
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Duncan Miller, Town Clerk