



**APPEALS BOARD FOR THE PROPERTY MAINTENANCE CODE
OCTOBER 20, 2021 @ 5:30pm
CITY OF BISBEE COUNCIL CHAMBERS
915 S. TOVREAVILLE ROAD BISBEE, AZ 85603**

MINUTES

5:31PM CALL TO ORDER

Roll Call - Board Members

	Present	Absent	Excused
Al Anderson, Vice Chair	X		
Todd Conklin, Secretary	----	-----	X
John Crow	X		
Jon Sky	X		
Brian Hope	X		
Joe Ward, Code Official an ex-officio member	X		
Ken Budge, Council Liaison to Board	X		
Doug Taylor, Staff Liaison	X		
Joe Estes, City Attorney	X		

**MOTION: Mr. Anderson moved to enter into Executive Session
SECOND: Mr. Hope MOTION PASSED: UNANIMOUSLY**

**MOTION: Mr. Sky moved to come out of into Executive Session
SECOND: Mr. Hope MOTION PASSED: UNANIMOUSLY**

NEW BUSINESS

Item 1. Appeal regarding corrective order and findings dated September 20, 2021 – Notice of Violation, 2012 International Property Maintenance Section 108 “Dangerous Structure or Premises & Section 604 Electrical Facilities; 604.1 Facilities Required/ Section 605 Electrical Equipment, for the Property located at 505 Brophy Avenue. Property is unsafe and unfit for human occupancy.

A. Call of the Application.

Mr. Anderson called for the application

B. Housekeeping items- Which documents accepted and time frames

Mr. Anderson set a time limit of 15 minutes for the appellant to speak

C. Summarization of the issues and relevant data by city Planning staff.

Mr. Ward stated that there had been a lot of complaints for 505 Brophy Avenue over a long period of time.

Mr. Ward said that Mr. Staley would clean it up at different times and then he would get more lax over time, which in turn the City would receive more complaints.

The issue was that it was unfit for habitation by any standard.

Mr. Ward stated all the issues for the corrective order. He stated that the sanitary conditions of 505 Brophy Avenue were much better and that all the utilities are on for the home and functioning. The house still has a serious odor about it. There are ways that Mr. Staley can go about tackling that issue, Mr. Ward would be recommending that he do something more than what he has done.

The house doesn't meet any of the standards for habitability. Mr. Staley is making vast improvements so far.

Mr. Taylor reiterated that the Board was only looking at the corrective order.

**D. Presentation by the Appellant and witnesses.
There were no witnesses to speak.**

Mr. Staley, the Appellant stated that he came here tonight to confirm that the system works, the Bisbee building department headed up by Mr. Ward has gotten his undivided attention.

On September 20th he received a corrective order from Mr. Ward who was concerned that there was not a proper supply of electricity to his home. He stated that he has complied with the order.

Early in September he received notice from Arizona Public Service citing an outdated electrical system panel that needed to be switched out with a new electrical panel.

Mr. Ward has verified that the utilities are working and at this time he would like to move forward. He spoke with Mr. Ward and was told that as long as the proper permits were purchased the renovation should absolutely continue.

A corrective order was properly issued and he has happily complied. It was a welcome relief to talk to the Board about this.

Mr. Staley thanked the Board for their service and any decisions made should be based on reality. Internet bullying and biases should not play a role. He has responded to the order and that has been confirmed by the city official who issued the order.

Mr. Staley said that he has leased another place to live until he can get his home up to code.

**E. Final closing remarks by Appellant.
There were no final closing remarks by Appellant.**

**F. Discussion of the issues among the Board members.
Mr. Anderson stated that an order was issued, and the appellant has made a lot of effort in addressing the corrective notice, but there was still some more stuff to be done.**

The Board members asked Mr. Ward questions regarding the corrective order and the work that needs to be done.

Mr. Ward answered their questions and stated the work that needs to be done.

Mr. Hope asked Mr. Ward what kind of time line would be appropriate.

Mr. Ward stated that it would take six (6) months, without bringing in a bunch of contractors.

Mr. Ward said that he would really like to see that there was occupancy of the house and would recommend that every 30days (month) there be an inspection of the premises to verify that substantial progress was being made and that it stays on track.

Mr. Sky asked if the Board should ask Mr. Staley if this was a reasonable amount of time.

Mr. Staley said that he was making an effort and in his opinion he should be able to purchase permits and do the work and as each permit is completed go to the next permit.

The Board continued to ask Mr. Staley questions regarding the timeline.

Mr. Staley didn't think that he should be under pressure of a timeline. He should be allowed to buy the permits and do the work his self as quickly as he can.

G. Call for motion and decision by the Board.

MOTION: Mr. Anderson made the following motion:

- Moved to Direct Joe Ward to do a complete scope of work and all the infractions that he wants to see corrected for this house to allow this house to be habitable.
- A minimum of six (6) months be given to Mr. Staley and if Mr. Staley needs more time as it progresses.
- Mr. Ward be allowed to go in minimally every thirty (30) days and do a progress report and inspections to make sure that Mr. Staley was continually moving forward.
- The house was to remain uninhabited until all the items that were discussed are completely addressed in order to get a certificate of occupancy.

SECOND: Mr. Sky

MOTION PASSED: UNANIMOUSLY

Adjournment: 6:19PM

Mr. Anderson motioned to adjourn.

Mr. Sky seconded.

Pursuant to A.R.S. § 38-431.03(A)(3), the Board may vote to enter executive session at any point during this meeting for discussion or consultation for legal advice with its attorney(s).