

MAYOR'S AD HOC COMMITTEE ON
STRUCTURED SOBER LIVING HOMES
WEDNESDAY APRIL 27, 2016
PRESCOTT, ARIZONA

MINUTES OF THE MEETING OF THE CITY OF PRESCOTT'S MAYOR'S AD HOC COMMITTEE ON STRUCTURED SOBER LIVING HOMES HELD ON WEDNESDAY APRIL 27, 2016, in the COUNCIL CHAMBERS, located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

A. Call to order.

Meeting was called to order by Glenn Martin, Chairman, at 5:00 p.m.

Roll call.

COMMITTEE MEMBERS PRESENT:

ABSENT:

Glenn Martin, Chair man
Constance Cantelme, Member
Phil Goode, Member
Sue Jordan, Member
Tom Montague, Member
Lauren Newington, Member
Jeri Smith-Fornara, Member

B. Approve March 10, 2016, minutes

Chairman Martin asked if there were any questions or changes to the minutes of March 10, 2016. Hearing none the committee approved the minutes as presented.

Member Cantelme read information on the purpose of the committee.

C. Presentation by Legal Department and Planning Division on the legal basis of regulation of Sober Living Homes

George Worley, Planning Manager Community Development Department, gave a powerpoint presentation. The purpose of the presentation was to provide foundational background of where they were today and reference acting ordinances.

Member Cantelme questioned the timeline before 2013 of the City becoming alarmed of the amount and the alarming rate.

Mr. Worley responded there was an issue with some group homes as early as 2005 when the land development zoning code was adopted. At the time of activation a local Fair Housing Group threatened to sue. He said the Planning Development was informed of a similar ordinance in a nearby community that had won a very large settlement. The City then withheld activation of the distance separation part of the requirements.

Member Cantelme asked about the records kept in reference to disturbances. Mr. Worley stated that the Fire and Police records would have been kept.

Member Smith-Fornara mentioned that 45 years ago the Prescott House and Pia's Place were in Prescott under the radar. She stated that has lived in the same neighborhood for 61 years and there had been rehab homes in the single family residential neighborhoods.

Jon Paladini, City Attorney, presented information on the legal basis of regulation of Sober Living Homes. He said that 1% of calls at the City's communication center were calls to community residences. He thought it was important to come up with real solutions for the real problems, but to be cautious going forward.

Member Goode, said the City currently had only one Code Enforcement Officer. He asked if that might be dangerous because there was not enough code enforcement to have an average that could be justified.

Mr. Paladini did not make comments in regards to management or budget decisions on code enforcement, but said when complaint comes in Michael Fleming, Code Enforcement Office, does an investigation with appropriate action. The job was to get compliance not to give people tickets. He said voluntary compliance was a better result than forcing someone to do something they did not want to do.

Member Smith-Fornara shared that citizens had called her and expressed that the City needed another code enforcement officer, and she said she agreed.

Member Cantelme asked for clarification on the 800 foot limit. Mr. Paladini explained that it was from the property line. He said they measure from the nearest point to the nearest point of the community residence, within 800 feet to an existing residence.

Member Cantelme asked about a circumstance of all members of a home using drugs and if the home would fall out of the protected Fair Housing Act. Mr. Paladini said it was not the home that was protected, it would be the individuals. He said in that circumstance the individuals would no longer be protected.

Member Newington asked if the calls for service to the residence would be public record. Mr. Paladini said, yes that the breakdown of calls for service were public record.

Member Newington said she would like the calls for service included in the agenda packets every month for committee members.

Mr. Worley continued with the powerpoint presentation on Building/Fire Safety inspections.

Member Newington asked why code violations with fines or closures were not mandatory. Mr. Worley said they tried to seek compliance with code rather than penalty. He said the first option would be to let them fix the problem and if they fail it would turn over to prosecution. Mr. Worley talked about the explanation of "Grandfathered" in homes and application trends.

Mr. Worley shared that in FIX magazine, Prescott rated number 9 in the top cities for drug/alcohol rehabilitation locations. Member Goode referred to the statistics, and asked what they could conclude was that most of the homes were operating without ever applying. Mr. Worley said that most of the homes were grandfathered in and they were not required to apply.

Member Newington thought it would be discriminatory with a population of 40,000 to set a cap. Mr. Paladini agreed. Member Jordon thought eventually with resources it starts to diminish the return.

Member Cantelme asked if HUD had regulations to determine if there was a clustering problem. She wondered when a neighborhood ceased being a neighborhood, if it no longer was occupied by homeowners. Mr. Paladini shared that the investigators were shocked with the clustering in Prescott.

Member Cantelme asked if a percentage had been established for a neighborhood and could not contain more of these homes. Mr. Paladini said there was not a specific percentage.

Chairman Martin said that Mr. Paladini was asked to go over the laws of what was discriminatory and what was not in order to help clarify questions going on in the community. He said they were not there to be discriminatory against a class of people. He said City was going to follow the Law.

D. Old Business

1. Primary Tax Question
2. Exit Strategy

Chair Martin said at the last meeting Margaret, a citizen, asked for the definition of a recovery home. He said there was a list of definitions located at the back of the room of the definitions.

Chair Martin introduced Michael Fleming, Code Enforcement Officer, and asked him to address the Primary Tax Question.

Mr. Fleming said that information received from the Yavapai County Assessors' Office stated that the County did not assess residential property taxes on rentals. He said the City did charge for residential rentals, it was checked in Tax and Licensing to see if the appropriate tax was being paid.

Chair Martin thought at the last meeting it was presented that there were several homes on a street that were in fact community residences. Mr. Fleming said there were three homes aligned on County Park that were in fact single family residential.

Member Goode asked how many complaints Mr. Fleming responded to in a month and if there was a backlog. Mr. Fleming said there were currently six or seven cases that were pending to be investigated and he receives 30 per month.

Chair Martin moved to the Exit Strategy item and stated there were Sober Living home representatives in attendance to explain the exit strategies. He first asked Mary Beth Hrin to come speak on an issue of two gentlemen that were removed from a sober living home.

Ms. Hrin read two letters written by a Vincent Ramsey and Christopher Watson who now reside in New York.

Member Cantelme asked Ms. Hrin if she thought facility owners would be willing to meet with committee members, if they would be open to suggestions on exit strategies. Ms. Hrin thought the good ones already had an exit strategy in place.

Peter Thomas, Chapter 5 NARA Representative, provided the committee with a copy of the Exit Strategy Policies and Procedures for Chapter 5. He said they have stringent policies for someone leaving.

Chair Martin asked if someone could be charged a flight fee at the introduction of the program. Mr. Thomas said they were not allowed to do that because the individual was being offered something of value, in order to be able to bill the insurance for the medical services.

Member Goode asked if the City could include in the ordinance a defined exit plan causing sober living homes to comply with a regulation within the City. Mr.

Paladini said currently because of the Planning and Zoning authority the answer was, no.

Member Cantelme asked what the percentage of clients who fail out of program, but stay in the community. She also asked if there was a problem client was there a duty to report them to police department. Mr. Thomas said if there was a danger to themselves or others they were to report it to the police. If the person was not of danger they were bound by confidentiality to not report it unless they were on probation.

Susan Padilla, AZRAH representative, addressed the Committee. She said that there was currently not an exit strategy in place with the policy and procedures for the members but they would incorporate all of House Bill 2107 into the requirements and they wanted to comply. She said they wanted to start a Northern Committee and work with the City to sift through the good and the bad. She said house owners wanted to work with the City and be a part of the solution.

Member Goode asked how many members they had in the Prescott area. Ms. Padilla responded, four or five. She said she received a list of registered homes and stated AZRAH gears towards more of the sober living homes and the list consisted more of treatment homes. There was further discussion of homes joining AZRAH and the length of the process.

E. New Business

1. Commercial Vehicle/CDL Question

Brian Dever, Prescott Police Department Sergeant, presented information on the commercial vehicle/CDL question. He said they were not required to have a CDL. To have a CDL the vehicle was to be designed for 16 passengers. The vans here were designed for 14 passengers. He said the gross vehicle weight for a commercial vehicle was at 26,001 lbs. The vans here were under the gross vehicle weight to be commercial. A discussion took place with regards to accidents with the vans and/or drug testing being done on drivers.

Andy Reinhardt, Prescott Police Department Deputy Chief, said he did not believe there was a large percentage of van accidents compared to other accidents. He mentioned there was nothing in the statutes for mandatory drug testing since they were not CDL drivers.

F. Public Comment

Steve Lumbert, citizen, addressed the Committee. He stated he was a resident for two and a half years on South Washington. He said for the first six months

there were no issues with neighbors, except for trash. The past year he had noticed a change in tenants being more transient, more police presence, and noise. He asked what recourse he had. Mr. Paladini shared information with the resident.

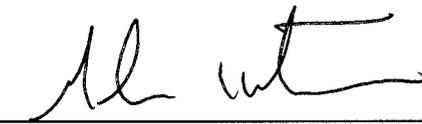
Terry Alaman, citizen, addressed the Council. She stated she was a Prescott resident for 11 years. She said family and friends were active in making dinners for women's shelters, Project Aware. She wanted to help people overcome their addictions, but had a problem with those that abused the system. She wondered if there was something in the plans to gather statistical data on their operations, management, crimes being committed, etc. to determine what homes were doing their job.

Prescott Resident (name not disclosed), addressed the Committee. She was interested in FI cards and the individual's criminal histories. She had tried to do the crime stats with CJIS, UCR, FBI system. Chair Martin asked if that information was public record. Deputy Chief Reinhardt said that all the crime stats were public record and the information could be obtained from the Police Department, Records Section.

G. Next Meeting

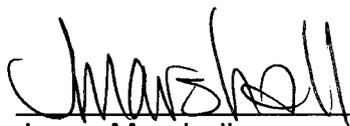
Glenn Martin, Chair, stated that the next meeting was scheduled for May 11, 2016, at 5:00 p.m.

H. Meeting adjourned at 7:05 p.m.



Glenn Martin, Chairman

Attest:



Joyce Marshall,
Police Records Supervisor