

Minutes of Regular Town Council Meeting August 9, 1977

In pre-session at 7:45 P.M. Council interviewed Planning Commission applicant Larry Wylie.

Mayor Toal convened the regular meeting at 8 P.M. with Councilmen Reed, Colteaux, Signorelli and Capurro present.

2. OPEN TIME FOR PUBLIC DISCUSSION

The Administrator announced that the Historical Commission has mounted a collection of old photographs on the walls of the library for public viewing through September, and that in conjunction with County Fair Day it will have displays in store windows in the downtown area and will be conducting a walking tour of the Seminary area in the afternoon.

3. NOMINATIONS AND APPOINTMENTS

a. Planning Commission

The result of a roll call vote was: Councilmen Reed and Capurro - Oliver Harle; Councilmen Colteaux and Mayor Toal - Audrey Fatooh; Councilman Signorelli - Larry Wylie. On a second roll call vote Councilman Signorelli voted for Oliver Harle.

M/S Capurro, Signorelli to make the appointment of Oliver Harle to a term on the Planning Commission to August 18, 1981 unanimous. Passed unanimously.

b. Parks & Recreation Commission

Nancy Oswald was by unanimous vote appointed to the Parks & Recreation Commission for the balance of a term to July 15, 1980.

c. Library Advisory Board

Mayor Toal announced that C. Richard Shaffer had withdrawn his tendered resignation.

d. Historical Commission

Applications still open for two vacancies for terms to 9-14-80.

4. APPEAL FROM GRANT OF USE PERMIT TO SHIBUI GARDENS FOR HOT TUB SPA, 19 TAMALPAIS AVE. (U-487)

Myron Greenberg, 70 Tamalpais Avenue, presented his appeal as a resident of the neighborhood on the grounds that this use would be detrimental and injurious to the property and welfare of the neighborhood. Use permit applicants informed Council of the proposed method of operation. Several members of the audience spoke in favor of the use. After Council consideration and discussion,

M/S Colteaux, Signorelli to uphold the appeal for the purpose of adding conditions, thus to allow the use permit on the conditions imposed by the Planning Commission with the following additional conditions:

- 1. That the use be reviewed automatically in six months and at any time within the six months upon motion of the Police Chief or his representative.
- 2. That prior to issuance of use permit applicant submit a list of rules and regulations for operation to specifically include:
 - a. Enforcement of the policy of private reservation only.
 - b. Each tub to be screened and private in its operation.
 - c. Users shall be a minimum age of eighteen years, or be accompanied by parent or guardian.

Passed unanimously.

ADDED ITEM - Max Holsinger appeared and Council was advised that the Planning Commission had approved the tentative subdivision map with exception of 2 water meters, which are unobtainable at this time.

M/S Colteaux, Signorelli to agenda this item August 23 for proper public hearing and to indicate our understanding that this hearing is required to conform the engineering plans with the plans previously approved. Motion passed on a 4 - 1 vote with Mayor Toal abstaining.

5. ORDINANCE CONSOLIDATING AND SIMPLIFYING NUISANCE ABATEMENT PROCEDURES

M/S Capurro, Signorelli to adopt ordinance No. 738 authorizing penalties and the abatement of nuisances and making the expense of abatement a lien against the property on

which a nuisance is maintained and a personal obligation of the property owner. Passed unanimously.

6. ADMINISTRATOR REPORT STATUS OF ATTEMPTS TO RESTORE TOWN HALL RECONSTRUCTION FUNDING.

The Administrator reported that the Board of Supervisors will consider reallocation of the Marin County targeted EDA-LPW funds at its August 16 meeting and a request has been submitted to endorse over to San Anselmo, Fairfax and Mill Valley the funds previously allocated and taken away to be used for the Novato project. Failing favorable action, the only alternative for pursuing restoration of the funds would be to file suit against EDA. Council granted permission to explore with the Town Attorney the merits of such an action, subject to return to Council for specific litigation authorization.

7. STREET LIGHTING COSTS

M/S Reed, Capurro to direct a general reduction of street lighting levels aimed at reducing costs by approximately \$8,500, and to instruct staff to further explore with P.G.&E changes to lower energy use lights at a reasonable cost. Passed unanimously.

8. ORDINANCE AMENDING PERS CONTRACT AS TO MILITARY SERVICE CREDIT.

M/S Colteaux, Capurro to waive reading. Passed unanimously.

M/S Capurro, Reed to introduce an ordinance amending contract with PERS as to military service credit. Passed unanimously.

9. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, COMMENTS AND DIRECTIONS TO STAFF

Councilman Colteaux requested that this item be moved up on future agendas.

Councilman Signorelli expressed concern at debris build-up in San Anselmo creeks and requested stress this year on early and thorough inspection and cleanup.

Councilman Reed expressed concern at staff interpretation on a second unit application as to waiver of ordinance provisions for 12 months pending owner establishing residence on site. Staff to seek advice from Town Attorney.

10. CONSENT AGENDA

M/S Signorelli, Reed to pass consent agenda.

- a. Approved minutes of July 26 and August 2, 1977.
- b. Approved warrant register for July 16-31, 1977.
- c. Adopted Resolution No. 1724 accepting quitclaim deed from Sunny Hills Services.

Adjourned at 10 P.M. to August 23, 1977 at 8:00 P.M.

Libby Hanson
Deputy Town Clerk