

Minutes of Regular Town Council Meeting - January 25, 1983

The Council met at 7:30 P.M. in pre-session to interview applicants for the Planning Commission vacancy: Joyce DeMartini, Alan M. Mayer, James O'Rourke, Antone Sousa and Joan Trombley.

At 8:10 P.M. Mayor Buckle convened the regular meeting with Councilmembers Toal, Capurro, Wooliever and Ollinger present.

2. OPEN TIME FOR PUBLIC DISCUSSION

None

3. APPOINTMENTS

Planning Commission - on a roll call Joyce DeMartini received 2 votes, Antone Sousa 2 votes and James O'Rourke 1 vote. Thereafter, Antone Sousa was appointed to the balance of a term on the Planning Commission to August, 1983 by unanimous vote.

4. PUBLIC HEARING - NUISANCE ABATEMENT, PLUGGED CULVERT, CHERNEWOOD SITE

Director of Public Works reported slow but sure progress being made. An unsuitable riser had been installed, but it is being replaced. Continued to next meeting for further report.

5. PUBLIC HEARING: NUISANCE ABATEMENT, MURAL ON FRONT WALL OF COMMERCIAL BUILDING AT #2 RED HILL AVE.

Randy Heubach, attorney representing Adam Morgan, requested scheduling next month of reconsideration of prior action.

There was no motion to reconsider and public hearing was opened on the nuisance abatement proceeding. George Davison, Bill Saks, David Faw, Dan Thomas, Larry Stack and Adam Morgan were duly sworn as witnesses and testified. Davison testified that pursuant to the Council action on December 28, 1982 in upholding the appeal against retention of the mural on the building at #2 Red Hill Avenue, he had directed Adam Morgan to remove the mural by no later than January 7th - such not being accomplished, notice of this nuisance abatement hearing was given. Other sworn witnesses testified as to objections to retention of the mural. There was no testimony in support of retention.

During Council discussion concern was expressed as to possible damage to the mural if it becomes necessary for Town staff to remove by reason of Mr. Morgan's continued refusal to obey the Council's order. Town Attorney advised that if all due care and caution are exercised in removing the mural and some damage does occur, this risk must be assumed by Mr. Morgan.

M/S Capurro, Toal to adopt Resolution No. 1933 declaring the mural affixed to the building at #2 Red Hill Avenue to be a public nuisance, finding that said mural is being retained in violation of the provisions of Chapter 7, Title 9 of the San Anselmo Municipal Code, directing that the owner of the business at #2 Red Hill abate said nuisance by removing said mural, and upon his failure to comply by February 1, 1983, directing staff to cause its removal and storage for safekeeping, and the cost thereof to the Town made a lien on said property. Motion passed with four ayes, Mayor Buckle voting no on the basis of his disapproval of Town going onto private property.

6. PUBLIC HEARING: PLANNING COMMISSION RECOMMENDING AMENDMENT OF ZONING ORDINANCE AS TO PARKING SPACE SIZE

Public hearing was opened with no public input.

M/S Toal, Wooliever to waive reading of ordinance. Motion passed by unanimous vote.

M/S Toal, Wooliever to introduce an ordinance amending Chapter 3 of Title 10 of the San Anselmo Municipal Code Clarifying Parking Space Requirements and Revising the Definition of "Parking Space". Motion passed by unanimous vote.

7. ADMINISTRATOR SUBMITTING MIDYEAR FINANCIAL REPORT

Council accepted the Administrator's report.

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

Toal announced that Viacom's Channel 31 was now in business and that the matter of the GGBHD directorship appointment would be discussed at the January 26 MCCMC meeting.

Buckle advised that he voted incorrectly on the item on the January 11th agenda authorizing

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issuance of Request for Proposals on the affordable housing site feasibility study as his vote was not consistent with his prior stand on this subject.

9. CONSENT AGENDA

M/S Toal, Capurro to pass consent agenda. Ayes all, with Buckle abstaining as to approval of minutes of the January 18th meeting.

- a. Approved minutes of meetings of January 11 and January 18, 1983.
- b. Approved warrant register for 1/1-15/83.
- c. Accepted information report on filings with Tax Equity Board.

LIBBY HANSON
Secretary to Council