

TOWN OF SAN ANSELMO
Minutes of the Town Council Meeting of February 26, 2002

Present: Breen, Chignell, Hodgens, Kilkus, Kroot
Absent: None

8:00 p.m.

- CALL TO ORDER.
- PLEDGE OF ALLEGIANCE

- ANNOUNCE ACTION TAKEN, IF ANY, IN CLOSED SESSION

Mayor Hodgens announced that no action was taken in closed session, but the Council will reconvene after this meeting, with any action taken announced at the next Council meeting.

- INTRODUCE NEW POLICE OFFICER GRADY JOSEPHS. Police Chief Chuck Maynard introduced and welcomed Grady Josephs to the San Anselmo Police Department as its newest officer.

- OPEN TIME FOR PUBLIC EXPRESSION.

Louise Mathews, Foothill Road requested that the Town get together with the dog owners group PRIDE to have a better surface, rather than mud, for dogs and their owners.

- COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS, QUESTIONS AND COMMENTS TO STAFF; STAFF MISCELLANEOUS ITEMS.

Councilmember Kroot acknowledged the Chefs on the Avenue Dinner scheduled for this Monday, March 4, 2002, to benefit the Town Hall Plaza project.

Breen asked for a report back from the staff on what the Town can do to support the Bicycle Coalition's decal program.

Chignell noted that the Measure G Monitoring Commission would meet on Tuesday, March 5 to discuss upcoming G projects, requests from residents on various streets and possible road impact fees.

Chignell said the Ross Valley Fire Board contract expires in 2005 and Mr. Berto, Sleepy Hollow representative, would like to renegotiate a new agreement with Sleepy Hollow paying based on assessed valuation, and other changes to consider are the voting structure, having the stations maintained by Ross Valley Fire, and negotiating capital money from Sleepy Hollow. He requested that staff look into the issues, particularly the assessed valuation item.

Mr. Berto said Sleepy Hollow would like to pay a higher contribution than they have in the past.

Mayor Hodgens noted that she and Councilmember Kilkus attended the Chamber's breakfast meeting recently and reported on the state of the town. Councilmember Kilkus provided some statistical information on local businesses to the Chamber, noting they are an important part of our community.

1. CONSENT AGENDA: ITEMS ON THE CONSENT AGENDA MAY BE REMOVED AND DISCUSSED SEPARATELY. DISCUSSION MAY TAKE PLACE AT THE END OF THE AGENDA. OTHERWISE, ALL THE ITEMS MAY BE APPROVED WITH ONE ACTION.

- (a) Approve minutes: February 12, 2002.
- (b) Acknowledge and file warrant Nos. 40823 – 41067 for the month of January 2002 in the amount of \$1,036,624.57.
- (c) Acknowledge and file the revenue and expenditure report for the period ending January 31, 2002.

1 (a)

- (d) Authorize the solicitation of bids for the demolition of an unfinished steel frame structure which was constructed without permits; 379 Oak Avenue, A/P 007-241-61, Theodore Posthuma. **CONTINUED TO THE MEETING OF MARCH 12, 2002.**
- (e) Appoint Thomas Bell Planning Director at an annual salary of \$100,000, beginning March 1, 2002.
- (f) Award contract for reconstruction of the Corporation Yard buildings to Charles O. Jones Inc. for \$729,747 and reallocate funds from the Capital Reconstruction Unprogrammed Projects budget and Capital Reconstruction Contingency Fund in the amount of \$85,935, and reserve \$30,000 in the General Fund Contingency budget for the project.

Item F was removed and continued to the March 12, 2002 meeting at Town Attorney Roth's request.

Councilmember Chignell removed item (e) from the consent agenda.

M/s, Breen/Kilkus, to approve consent agenda items (a), (b), (c), (d), and (f - continued to the meeting of March 12, 2002). Ayes: All.

M/s, Breen/Kilkus, to approve consent agenda item (e). Ayes: Breen, Hodgens, Kilkus, Kroot. Noes: Chignell.

2. **APPROVE NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE PROPOSED REMOVAL OF ON-STREET PARKING IN FRONT OF RESIDENCES ON EASTBOUND SIR FRANCIS DRAKE BLVD. BETWEEN BUTTERFIELD ROAD AND SAIS AVENUE.**

Acting Planning Director Wight presented the staff report. The Town Attorney advised that an environmental review is necessary for this project, and staff has prepared a negative declaration of environmental impact. Council can approve the negative declaration, or amend the checklist and direct staff to prepare an amended report.

Chignell said he understands that agencies such as Golden Gate Transit would have to be contacted per code. He asked if the law requires a certainty regarding the impact or a probability. Town Attorney Roth said if the project may cause an environmental impact, then the process must be followed.

Chignell asked if staff received public comments on this issue. Wight said one comment was received but it was omitted from the packet in error. A comment was received from Victor Turkan, resident on Sir Francis Drake Blvd. He noted that there is a lot of West Marin traffic, and a traffic study should be in place before removing parking. Speed will go out of control without parking and noise is an issue. There will be more traffic congestion. He believes an Environmental Impact report (EIR) is needed. Wight said that when the parking was added on Drake in 1986, the Town approved a negative declaration.

Chignell said there is a letter from Drake High School officials asking that the parking remain 12 hours a day, from 6 p.m. to 6 a.m. Regarding the 1986 negative declaration, do we have copies of the checklist? Wight said no, but the minutes reflect the negative declaration.

Hodgens asked about noticing. Wight said a newspaper display ad was run. Hodgens asked Town Attorney Roth to clarify how Council should proceed. Can comment be restricted to the scope of the negative declaration of environmental impact? She would like to take public comment relevant to the scope of the negative declaration, plus any testimony on issues that weren't covered earlier.

Chignell said other members of the public have the right to speak on this issue if it is new information.

John Wright, High School Trustee, said their real concern is when there are events at the school, such as graduation, open house, etc. They need a lot of overflow parking at those times, and it would flow into the neighborhoods if this parking were eliminated. He

asked if the school could get special event parking on Drake Blvd. just when the event is in process. Their concern is limited to special events.

Kilkus said the number of parking spaces near Drake High isn't that many anyway. He would support opening up even more for special events.

Chignell noted that the school district is looking into moving the portables that are taking on site parking. Wright said they are also trying to reduce parking demand by encouraging carpooling.

Chignell said over 20 students' cars are now parked on Drake during the day. How would you deal with that? Wright said they have no plan.

Kilkus said the negative declaration shows that there are spaces available in the neighborhood that make up for the spaces lost on Drake Blvd.

Kroot asked if special red zone parking, such as is being requested, is done at any of the other high schools. Wright said it hasn't come up that he is aware of.

Police Chief Maynard said the Council can approve this type of street closure, but the Police Department would probably request some funds to support the extra time required. They want to support the special events at Drake. At night the situation is easier to control.

Theresa Allen, 14 San Francisco Blvd., suggested the kids bicycle to school. Are there plans for bike paths? Hodgins said there is a Safe Routes to Schools program that is intended to do just that.

Bill Franchini, Agatha Court, asked if the school has discussed the parking problem yet. Wright said there is a revised school policy on parking because they know it is a big issue.

Tom Frellman, 1427 Sir Francis Drake, is concerned about what permitting would be necessary for traffic control for residents who live on Drake and need to close a lane to have deliveries or workmen. Would there be a fee?

Joan Weinheimer, Sais Avenue, said anything that speeds traffic up on Drake is going to be a problem. She has no problem with special event parking for Drake High School.

Louise Mathews, Foothill Road, said special events are normally agendized at a Council meeting, would closure of parking be handled the same? She would like a limited number of events specified for the special closure.

Debbie, Sir Francis Drake Blvd, said she resents the fact that the high school portables have suddenly resulted in eliminating parking on Drake. Residents need those parking spaces. More work should be done with Drake High School to work this out.

Discussion ensued between Councilmembers on whether to limit speakers on this topic. Kroot said he hopes people who want to speak are allowed to speak on this issue. Chignell asked that the public be allowed to speak on this item. A motion was made to have a two minute timeframe but was withdrawn after discussion, noting that the presiding officer has the discretion to cut people off who go on too long.

Heidi Jaeger, Sir Francis Drake Blvd., said she believes removing the traffic barrier will increase noise. No environmental review has been done. It would also increase speed and exhaust. Impact would be significant. She urged Council to do an environmental review.

Victor Turkan, Sir Francis Drake Blvd., said in 1986 no EIR was done, nor a study on traffic patterns. Has the town looked at the traffic increases and done noise studies? Safeway has large truck deliveries at all hours, and buses frequently go by at all speeds. A study should be done.

Tom Frellman, Sir Francis Drake Blvd., has a problem with hazardous materials, such as gas delivery trucks, causing an accident and spill. Speed increases likelihood of that. Does the Fire Department have a plan in place to deal with something like this? Noise and aesthetics are also problems environmentally. With more speed and traffic, it is less likely that people are going to walk, bike, etc. It degrades the character of the area on Drake.

Stephanie Roth, Woodland Avenue, said an element was missing in the environmental report and that is fostering community, working with our neighbors. She believes there are ways the problems of noise and vibrations can be addressed.

Lars Janson, Sir Francis Drake Blvd., said the Butterfield intersection project has caused more brake squealing. Speed is a problem on Drake and it is dangerous for pedestrians.

Louise Mathews, Foothill Road, said in 1997 an EIR was done for the Chevron station. There are no impacts on the Evaluation of Environmental Impacts, but she feels there is a lot of impact. She would like the Council to ask the staff to go back over it.

Dave Hunter, Oak Knoll Avenue, property owner on Sir Francis Drake Blvd., said traffic cutting through has a tremendous impact on his neighborhood. This is difficult for people who live on Drake. He urged Council not to remove the parking.

Delores Scott, Sir Francis Drake Blvd., noted the students are going to try to park in the neighborhoods. Couldn't they still have their parking with prominent merge signs?

Elizabeth Welter, Sir Francis Drake Blvd., asked about accidents due to parked cars and speed.

Chief Maynard said they are about the same; neither is a big impact. The failure to yield is the main cause of accidents, so it's difficult to reduce. Speed and parked vehicles are a minor cause. A traffic study is going to be done to find out how we can facilitate traffic more safely. Funds are committed to enhance current crosswalks, and perhaps the study will bring in new good ideas. They are working to try to address all the issues that have been brought up today.

Town Attorney Roth noted that staff didn't consult public agencies. Wight said she didn't feel it would have any impact on the bus district.

Adele Ghio, Woodside Drive, during peak flow times, it can take upward of 40 minutes to go from Sleepy Hollow to downtown San Anselmo.

M/s, Breen/Kilkus, to adopt the negative declaration as proposed by staff. Vote after discussion: Ayes: Breen, Hodgens, Kilkus. Noes: Kroot, Chignell. (The decision to remove parking on Sir Francis Drake Blvd. between Butterfield Road and Sais had been voted on at an earlier meeting, subject to the approval of the negative declaration of environmental impact.)

Discussion of motion:

Kroot said he believes there are significant impacts not addressed. Many complaints have been received about student parking in the Agatha / Saunders area. That situation will worsen if parking is removed. People who live on Drake will suffer. It will make Drake less safe for pedestrians. This action conflicts with our policy to slow people down. It will increase noise. A lot can be done to make Drake safer. This is the first time we've had a real reading on the community; most speakers tonight said don't remove the parking. We are hearing the community tonight.

Breen said prior to 1986, traffic was really backed up on Drake. If we want to pull up bridges, we could restrict Drake to just two lanes, but people are wedded to their cars. The Town is putting out a lot of money to improve Drake. This is the best way to save lives on Drake. Drake is the only east-west road through the County. It isn't just our community that uses Drake. When the study is complete, we'll be able to document the incredible volume of traffic that uses our streets. But we can't wait for the study to do something.

Chignell urged the Council to not approve the negative declaration. The two Police Chiefs involved historically have done the studies and they show the parked cars have not caused the fatalities on Drake. In 1986 a tradeoff was agreed upon; Drake was expanded to four lanes, and the tradeoff was to allow the parking on the east side. Former Councilmembers Cordingly and Sharp remember that tradeoff. Chignell was on the Council as well; it was a commitment made to the residents on Drake. Having no parking from 6 a.m. to 9 a.m. deals with the commute hours. Drake is an arterial, but it is also a neighborhood. The zoning is single family. Eliminating parking means no guests, no deliveries, etc. for those residents. Cars must park in other neighborhoods. Berlin, Agatha, Park, and Calumet are already inundated by automobiles. Drake parking will move further into the neighborhoods. The Public Resources Code is explicit on contacting other agencies. Drake is an arterial street and various agencies that would be affected should be consulted. At a minimum staff should check with Golden Gate Transit and other agencies affected before removing parking. The evaluation is flawed because it will have an environmental impact on the people on Drake Blvd. There are numerous events at Drake High School and removing parking will really impact them.

Kilkus said he sympathizes with the residents, but this issue has had almost universal support from other residents who don't live on Drake. Reading the community isn't just based on who is here tonight. The pedestrians killed recently were not parking related. Some issues are beyond the scope of the issue tonight, like getting people to ride bikes. He doesn't believe parking on Drake increases safety, and removing it doesn't increase traffic. Random parking doesn't foster community. We need thorough studies to see what can be done to increase safety, but we don't have to wait to remove parking. He'd like to see it named a Drake safety corridor. Money should be allocated for a public relations campaign to slow people down. He supports the negative declaration.

Kroot said this isn't the way to go. We should wait until the study is done and see what the people say who are the experts. Parking can be made safer with signage, painting, etc.

Hodgens said she understands the concerns of resident on Drake. Unless we try to divert Sonoma traffic, we have no control over the traffic. If gas stations or Safeway is breaking agreements, Council should address that. Drake is a difficult artery and the negative declaration is appropriate.

3. APPEAL OF PLANNING COMMISSION APPROVAL OF V-0140 AND DR-0136 FOR 24 KNOLL ROAD, A/P 6-115-05, DESIGN REVIEW OF A NEW 2,777 SQUARE FOOT TWO-STORY SINGLE FAMILY DWELLING AND A SETBACK VARIANCE FOR A PEDESTRIAN BRIDGE TO BE WITHIN 0 FEET OF THE FRONT PROPERTY LINE, ON PROPERTY LOCATED WITHIN THE R-1 ZONING DISTRICT ABOVE 150 FOOT MSL. 24 KNOLL ROAD, A/P 6-115-05, APPLICANT: STEVEN ATWATER. APPELLANTS: HERMAN AND LUJZA MEHLING.

Acting Planning Director Wight presented the staff report. There was a tie vote on this item on February 12, so the item was continued so that all five Councilmembers could be present. The applicant has agreed to build a new fence between the properties, install new landscaping on the property, all at applicant's cost. The applicant was not able to reduce the size of the dwelling.

Steven Atwater, Applicant, said progress has been made on several fronts. They have diminished the privacy concerns with fencing and landscaping. However, the appellants still feel the house is too big or too invasive. Since the Planning Commission meeting he has made significant changes to the design at the Mehling's request, resulting in several compromises on his part. He hopes the magnitude of these concessions is appreciated. He is prepared to do more tonight and passed a document out to Council outlining his offer to the Mehlings. Among other things, he has agreed to move the structure five feet toward Knoll Road, two feet away from the Mehlings and two feet lower. He passed out an arborists report that says the five feet toward Knoll is as far as he can go due to the root structure of a tree. He gave the rationale for the movement of the house those distances. He conditions this offer on the withdrawal of the appeal and several other

things. He feels the house will be an asset to the neighborhood.

Town Attorney Roth said this change would be moving the house into the setback and would require a variance. Council could keep the matter, but it would have to be noticed and continued to next meeting. It cannot be approved tonight, but Council could get a read on the matter.

Kilkus noted that Council could still accept the project as it was presented last time. Town Attorney Roth answered affirmatively.

Jim McDonald, Architect, said moving the house allowed them to lower the house two feet. It doesn't require a variance for the garage and part of the porch.

Herman Mehling, Appellant, said the house has not been reduced in size. They don't feel they have the expertise to adequately evaluate the plan. None of neighbors have even seen the plan; even the neighbors who will be most affected. To his knowledge the neighbors weren't asked for input, although the Planning Commission suggested it. Mehling offered to pay half of architect's fees if they could reach an agreement. Mr. Atwater is inflexible about reducing the size of the house. The house is out of proportion to other houses in the neighborhood. The project will require a lot of cutting into the slope. The size issue is central to the Mehlings. Atwater says we delayed his project by two years. If they'd contacted the neighbors early on all this trouble could have been reduced. He will not withdraw the appeal.

Luzja Mehling, Appellant, said it is a nice house but the site is just too small. It will affect air movement in their back yard because the house goes so far back. What Mr. Atwater offered may not be worth what they will have to put up with. The list of comparable houses in the neighborhood uses houses that aren't really comparable. She didn't receive tonight's staff report even though she was listed on the copies.

Tricia King, Knoll Road, said size is a central issue and all of the neighbor's feel that way. The new design puts the house two feet closer to their house. It's closer to the oak tree, and closer to the corner of their house that has slipped 3 inches. She feels that all the offers are skirting around the issue of size.

Todd Wethnow, 38 Knoll Road, said they would like to see new story poles. They are concerned with the height of the project. They are also concerned with heavy machinery and worried about their Mt. Tam view.

Louise Mathews, Foothill Road, said Council has said a regulation is anything the Town Council approves. She wouldn't like to see Mr. Atwater's plan not go back to the Planning Commission if a variance is needed. The Planning Commission is having a workshop on contiguous lots. Will that discussion have an effect on this project?

Hodgens said a Council subcommittee (Kroot and Chignell) worked on this with the neighbors.

Kroot said they met with the applicant and appellant on Sunday and it seemed as if we were really close to an agreement. They had discussed moving the house downward ten feet, but found a conflict with the trees.

Chignell said he was hopeful that they could reach an agreement. Mr. Atwater has been extremely gracious with his offers. He thought the Mehlings were moving in the direction of compromise but it didn't work out.

Kilkus said it is difficult to agree to have something where nothing was there before. Based on staff reports, he would approve project as it was before.

Chignell said it appears the Mehlings are stuck in place. This is time and money for Mr. Atwater; the Planning Commission has already directed a downsizing of the project, but it was approved by a scant vote. Atwater has made many compromises but the Kings, the residents most affected, haven't seen it yet. We have to make every effort to see if we can compromise and resolve. Why not continue the matter to let the Kings see the plans

and determine if the change affects them. The alternative is that the Mehlings would be involved in litigation. We should continue to try to work this out. It would be tough to diminish the size of the house.

Breen said he is a strong advocate of compromise. Because of San Anselmo's unique topography, everything is unique. It is ironic that that the property was considered for purchase by the neighbors now trying to control the development. We couldn't approve anything tonight even if the Mehling's had accepted the compromise. If he were to vote tonight, he would uphold the Planning Commission and uphold the original proposal. He hopes that a compromise can be worked out in the next few weeks. He would like to see the two parties work this out. He hopes it will come back March 12.

Jim MacDonald, Architect, said it was agreed that it would wait for a 2-2 vote because Mr. Breen was absent. Will Breen be here March 12? Breen said he would if his plane is on time.

Kroot said he feels the architect has done a good job; it is essentially a one-story house because of the lot slope. It's not an out of scale home. He believes there would be something gained to push the house forward. We could notice the change so the neighbors could see the plans. He would like the approval to stay at the Council level and notice for a possible variance on March 12. He would want to include a privacy fence and the screening, with the house moved as proposed tonight. The uphill neighbor is of less concern because it is farther away. The greater impact is on the Mehlings.

Kilkus said the Mehlings only care about a decrease in size. Continuing this item is pointless as far as he can see. He would like to vote tonight.

Chignell said the Mehlings have come a long way, and a compromise can be reached. A continuance is far superior to litigating the matter.

Town Attorney Roth said there should be an indemnity clause to the effect that if there is a suit the Atwater's are going to have to defend it.

Hodgens said she was concerned about size before, and she was quite pleased with the new offer. She is disappointed that there is still an issue of reducing size. She agrees with Kroot that there is no way to reduce the size. She would like to see an agreement to notice the new design and bring it back for a public hearing for a variance, and see if there can be an agreement between the neighbors that this project move forward.

M/s, Chignell/Breen, to continue this item to the meeting of March 12, 2002, directing staff to notice the variance to the neighbors; the item to stay with the Town Council for approval, rather than going back to the Planning Commission; Councilmembers Kroot and Chignell to continue to work with the parties on a compromise. Ayes: All.

4. CONCLUDE PUBLIC HEARING AND APPROVE RESOLUTION DECLARING THE PROPERTY AT 125 REDWOOD, A/P NO. 007-083-03, TO BE A PUBLIC NUISANCE AND ORDERING THE STRUCTURE ILLEGALLY MODIFIED TO SERVE AS A RESIDENTIAL SECOND UNIT WITHOUT PERMITS BE RESTORED TO A STORAGE FACILITY.

Town Attorney Roth noted the Council has received the proposed resolution, noting there is nothing further to provide. He recommended the public hearing be closed. He recommends administrative penalties be imposed up to a specified amount as determined by the Council, provided the Council goes through the steps outlined in the resolution. The building should be restored to a storage facility within 15 days after notice by mail, or administrative penalties will take effect. Lacking compliance, Town Attorney Roth would commence a legal action in court to abate the public nuisance, similar to what was done successfully on the Posthuma property. The resolution would go into effect unless they bring a legal action and obtain a stay from the court. The property owner should be given an opportunity to challenge the resolution, which was done by today's letter from her attorney, and he should be given an opportunity to present further information.

Leonard Rifkind, Attorney for Pat Johnstone, said the point of his letter was to raise the

property owner's objections. He noted for the record his written objections; he is concerned that the notice served on the property owner (original and supplemental) describes what the hearing is to be about: a nuisance abatement of an alleged second unit. The Resolution says: abate it back to a storage unit. This seems too broad. Do we apply the '86 or '96 ordinance? The '96 ordinance is more restrictive. The resolution goes too far in abatement. We would have to seek judicial relief. Regarding the penalties and the seven factors, this assumes there is a public nuisance, which he does not agree. There is a critical housing shortage in this County. This is the wrong message to not let Ms Johnstone to continue to reside in this building. He asked that there be a spirit of compromise.

Town Attorney Roth noted a number of permit violations on the property, which were developed from the evidence which is justification for the order restoring the illegal structure to a storage facility. If Mr. Rifkind believes he has not received adequate notice, this hearing can be continued for further hearing. He said judicial action must be taken within 30 days.

Attorney Rifkind said he did not wish a continuance; his understanding was that the hearing was to decide if there was a second unit. Ms Johnstone refused the inspection because they need additional time to address the violations.

In response to Councilmember Kilkus, Roth said the Town had been lenient before because the permission to live in the facility was for Ms Johnstone's ill mother, who is no longer alive. Mr. Roth reiterated there are numerous code violations. The second units allowed in that neighborhood are at maximum density.

In response to Kroot, Roth said his understanding is that if Mr. Rifkind is going to allow inspection, then we can continue this item, but he doesn't get that impression. Rifkind clearly said they would allow a full inspection of the property if she can stay in the structure.

Louise Mathews, Foothill Road, questioned the statements in the staff report, and the procedures.

The public hearing was closed.

M/s Chignell/Breen, to adopt Resolution No. 3588 based on evidence that there is an illegal 2nd unit at 125 Redwood Road; there has been unpermitted work done at the storage structure; the evidence shows illegal modification of the storage structure to serve as 2nd unit, and the evidence is outlined in the staff report; that there shall be fine of \$100 day for each day the public nuisance occurs, as follows: if the restoration is not commenced within the fifteen days referred to or completed within the thirty days thereafter referred to, administrative penalties in the amount of \$100 per day for each day that the public nuisance occurs shall be imposed, not to exceed \$100,000; there have not been good faith efforts to either abate or ameliorate its effects; the period of time has been excessive--involving many, many years and much ongoing negotiation; that the nature or frequency has been continual because it has been in existence for a long time with periods of larger nuisances, based on complaints of neighbors; regarding the ease with which public nuisance has been abated: at each stage the owner was never willing to do anything; it could have been easy, but now it is more difficult; the Council is imposing \$100/day fine versus \$1,000/day as there is concern about the economic impact; the impact to the neighborhood has been significant based on complaints and letters received; there have been ample opportunities for the applicant to comply; the facts therefore justify penalties of \$100/day. Ayes: All.

5. DISCUSSION CONCERNING A POTENTIAL URGENCY ORDINANCE OR AMENDMENTS TO PRESENT TELECOMMUNICATIONS ORDINANCE.

Councilmember Chignell said it is his hope that the Council will give staff direction to come back with amendments to the present Telecommunications Ordinance. He said there are a number of provisions in other communities that can be incorporated into our ordinance. If there are substantial changes proposed to the Ordinance, not necessarily regarding health and safety, we have a right to have a moratorium for a finite period of

time. Changes he would like to see include language from Fairfax and Santa Cruz, such as an updated facilities plan for the town; a written description of type of technology; a list of carrier's facility sites; peer review costs by the carrier for various issues; more detailed technical information; carriers required to post financial security; obsolete antenna sites removed; better noticing of neighborhoods; indemnity agreements with carriers; duration of permit length; no facilities near child care facilities or schools. Basically, he would like to see better third party review, more notification to residents, and more protection for the public. The only way to go through this thoroughly is to have a moratorium. There are a significant number of persons in our community who have signed petitions.

Kilkus noted that many of the items mentioned are addressed in the current 30-page checklist, to which Chignell agreed but said they would be more effectively added to our ordinance.

Cindy Goefft, 51 Austin Avenue, said she is interested in a moratorium and ordinance amendments, noting there are 50 antennas proposed now. She suggested there be a meeting that includes the citizens and new Planning Director so he has an understanding of the community's concerns.

Kroot said he feels the current ordinance was hurried through before we received so many applications. He supports the moratorium.

Hodgens suggested this be resolved expeditiously without a lengthy moratorium.

Chignell said he feels 6 months is reasonable.

M/s, Chignell, Breen, to direct the Town Attorney to prepare a moratorium on wireless telecommunications facilities to be brought back to the meeting of March 12 or March 26, if that cannot be done. The intent is to have a six-month moratorium. Ayes: Breen, Chignell, Hodgens, Kroot. Noes: Kilkus.

6. APPOINT REPRESENTATIVE TO THE MARINMAP STEERING COMMITTEE.

M/s, Breen/Kroot, to appoint Kilkus as the representative to the MarinMap Steering Committee.

7. ADJOURN.

The meeting was adjourned at 11:56 p.m.

Debra Stutsman

