

**MINUTES
PARADISE TOWN COUNCIL
SPECIAL MEETING – 9:00 AM – December 14, 2012**

1. OPENING

Mayor Culleton called the special meeting of the Town Council to order at 9:00 am in the Town Hall Council Chamber at 5555 Skyway, Paradise, California and led the Pledge of Allegiance to the Flag of the United States of America.

COUNCIL MEMBERS PRESENT: Greg Bolin, Steve “Woody” Culleton, Scott Lotter, John J. Rawlings and Tim Titus, Mayor.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Manager Charles L. Rough, Jr., Town Clerk Joanna Gutierrez, Town Attorney Dwight L. Moore, and Assistant Town Manager Lauren Gill.

Council concurred to discuss item 3a prior to adjourning to closed session.

3. COUNCIL CONSIDERATION

Attorney Moore reported to Council that the purpose of the proposed ordinance relating to amendments to the Town’s public nuisance abatement regulations is to provide for the Town of Paradise an ability to use injunctive relief to have a court order issued to cease violation of the Town’s municipal code. He stated that this is the only mechanism that could actually stop someone from violating the Paradise Municipal Code, and explained that although the Town can assess fines for violations, the current code does not provide an ability to stop an unlawful activity. This proposed ordinance would also allow a prevailing party to recover attorney’s fees.

Mayor Titus opened the matter for public comment.

1. Fred Aldred asked if this ordinance would apply to everything in the Paradise Municipal Code.

Attorney Moore stated that this would be applied towards what constitutes a public nuisance and would not be an action that the Town would take lightly.

2. Ward Habriel stated he objects to this ordinance being proposed at a special meeting and thinks it should be tabled for consideration at a regular meeting for a greater audience of property owners; that the town is full of volunteers but there is nothing in the code that allows volunteer labor; that he thinks the \$2,500 fine seems extreme and that treble damages language seems over-powerful.
3. Loren Harvey stated that he thinks this issue should have had a 72-hour notice, that there was not 48-hours in which to request a hearing assistance device, and discussed his own issue with a fence on his property that allegedly violates the Town code for which he had had to hire an attorney and that he thinks the action was initiated by the code enforcement officer.

Thereafter, the Town Attorney recommended deleting the proposed provision in the ordinance relating to the \$2,500 fine.

- 3a.** Council concurred to amend the proposed ordinance by striking proposed paragraph B from Section 8.04.020.1, eliminating reference to a court imposed monetary civil penalty, and relabeling paragraph C as B.

MOTION by Lotter, seconded by Rawlings, (1) Waived the first reading of entire Ordinance No. 527 and approved reading by title only; (2) Introduced Ordinance No. 527, An Ordinance Amending Paradise Municipal Code Section 8.04.010; and Adding New Sections 8.04.020.1, 8.04.020.2, 8.04.020.3, 8.04.020.4 and 8.04.150 to the Paradise Municipal Code Relating to Public Nuisance Abatement. **Roll call vote was unanimous.**

2. CLOSED SESSION

At 9:45 am Mayor Titus announced that the Town Council would adjourn to hold closed session for the following matters:

2a. Pursuant to Government Code Section 54957(b), the Town Council will hold a closed session to consider the appointment of Interim Town Manager.

2b. Pursuant to Government Code sections 54956.9(b) and 54956.95, the Town Council will hold closed session to consider the liability claim of Rebecca Hayashida against the Town of Paradise.

4. ADJOURNMENT

Vice Mayor Lotter reconvened the special meeting at 11:45 am as Mayor Titus exited the closed session at 11:10 am. Vice Mayor Lotter announced that the Town Council met in closed session and agreed to appoint Lauren Gill as Interim Town Manager.

- 2a. **MOTION by Bolin, seconded by Culleton,** appointed Lauren Gill to serve as Interim Town Manager effective January 1, 2013 through June 30, 2013. Roll call vote was unanimous; Mayor Titus absent and not voting.

2b. No action; direction given.

Vice Mayor Lotter adjourned the special Council Meeting at 11:50 am.

DATE APPROVED: January 8, 2013

By: _____/s/_____
Tim Titus, Mayor

_____/s/_____
Joanna Gutierrez, CMC, Town Clerk