

**MINUTES  
PARADISE TOWN COUNCIL  
SPECIAL MEETING – 6:00 PM – April 22, 2014**

**1. OPENING**

The special meeting of the Town Council of the Town of Paradise was called to order in the Town Council Chamber located at 5555 Skyway, Paradise, California at 6:00 pm by Mayor Scott Lotter who led the Pledge of Allegiance to the Flag of the United States of America.

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

**COUNCIL MEMBERS ABSENT** None.

**STAFF PRESENT:** Town Manager Lauren Gill, Town Clerk Joanna Gutierrez, Town Attorney Dwight Moore, Community Development Director Craig Baker, Acting Police Chief Steve Rowe, Assistant Town Clerk Dina Volenski, Building Official/Fire Marshal Anthony Lindsey and Assistant Planner Susan Hartman.

**2. PUBLIC HEARING**

Mayor Lotter announced that the Town Council would conduct the duly noticed public hearing for the Town Council to consider adopting an ordinance making findings and extending Ordinance No. 539 for an additional 10 months and 15 days in accordance with Government Code Section 65858. Ordinance No. 539 is an interim urgency ordinance of the Paradise Town Council that enacted a 45-day moratorium on the establishment of fences, gates or barriers within or across private access easements within the Town of Paradise. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3), the proposed ordinance extension is exempt from environmental review because there is no possibility that the extension of the moratorium will have a significant effect on the environment.

At the close of the hearing the Town Council will consider: (1) Waiving the reading of entire Ordinance No 541 and approve reading by title only; and, (2) Adopting Ordinance No. 541, An Ordinance Extending Interim Urgency Ordinance No. 539 Enacting a Moratorium on the Establishment of Fences, Gates or Barriers Within or Across Private Access Easements.

Community Development Director Craig Baker reported to Council that staff recommends adoption of the proposed ordinance to extend the moratorium in order to allow the Planning Commission time to consider Council’s direction for the Planning Commission to review and make recommendations for amendment to the Town’s zoning regulations relating to establishment of fences/gates/barriers in the access easements. The Planning Commission will consider the matter at their May 20, 2014 regular meeting.

Mayor Lotter opened the public hearing at 6:07 pm.

1. Max Barteau stated that he doesn't believe the proposed ordinance meets the statutory requirements for an urgency ordinance and asked Council to not adopt the proposed ordinance.
2. Jon Remalia stated that there was a gate on the easement when he purchased the property on Gregory Lane, that he was required by the Fire Department to widen the gate, and that there was a prior agreement between the parties to have the gate. He stated that he worked with Tony Lindsey to see that all requirements for the gate were met, that he doesn't believe there is any reason for the urgency ordinance, and that to develop his lot for the intended purpose the gate had to be widened. Mr. Remalia stated that the Bettises were in agreement in 2012 to widen the gate and asked Council to let the court deal with the changing of the gate.
3. Dana Bettis, property owner on Gregory Lane, stated that there was never a gate, that he put up a temporary gate to prevent vandalism, and there was never a gate in existence before this temporary gate was put up. Mr. Bettis stated that Jon (Remalia) has no title or ownership to his property, that it is wrong to allow anyone to build something on someone else's property and that there is no entitlement other than ingress and egress.

Mayor Lotter closed the public hearing at 6:15 p.m.

- 2a. **MOTION by Culleton, seconded by Jones**, (1) Waived the reading of entire Ordinance No. 541 and approved reading by title only; and, (2) Adopted Ordinance No. 541, An Ordinance Extending Interim Urgency Ordinance No. 539 Enacting a Moratorium on the Establishment of Fences, Gates or Barriers Within or Across Private Access Easements. Roll call vote was unanimous.

### **3. CLOSED SESSION**

At 6:16 p.m. Mayor Lotter announced that pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Lauren Gill, Gina Will and Crystal Peters, its designated representatives, regarding labor relations between the Town of Paradise and the Paradise Police Officers Association, Confidential Mid-Management Association, General Employees Unit, Police Mid-Management Unit and the Management Group.

Mayor Lotter reconvened the meeting at 6:42 p.m.

Attorney Moore requested that the Council consider taking formal action in order that the record clearly reflect that the proposed extension of urgency Ordinance No. 539 is exempt from environmental review, as stated on the agenda.

- 3a. **MOTION by Bolin, seconded by Culleton**, declared pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that the proposed ordinance extension proposed by Ordinance No. 541 is exempt from environmental review because there is

no possibility that the extension of the moratorium will have a significant effect on the environment. Roll call vote was unanimous.

Attorney Moore announced that no action was taken in closed session.

**4. ADJOURNMENT**

Mayor Lotter adjourned the special meeting at 6:42 p.m.

DATE APPROVED: May 13, 2014

By: \_\_\_\_\_/s/\_\_\_\_\_  
Scott Lotter, Mayor

\_\_\_\_\_/s/\_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk