

Fairfax Town Council Minutes  
Special Meeting  
Fairfax Women's Club  
Wednesday, August 15, 2018

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Bruce Ackerman  
Barbara Coler  
Renee Goddard  
Peter Lacques  
John Reed

**STAFF MEMBERS PRESENT:** Garrett Toy, Town Manager  
Janet Coleson, Town Attorney  
Amanda Charne, Assistant Town Attorney  
Ben Berto, Planning Director

Mayor Lacques called the Special meeting to order at 7:06 p.m.

Approval of Agenda and Affidavit of Posting

M/S, Coler/Reed, Motion to approve the agenda.

AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Consent Calendar

Councilmember Ackerman referred to item #1 and acknowledged the concerns about privacy.

Mr. David Haskell, Glenn Drive, referred to item #1 and discussed the importance of getting organics out of the landfill, and stated the money could be spent on a broad education program.

1. Postpone the "lid-flip" audit of residential solid waste carts and revise the program to address community concerns- Town Manager
2. Direct the Town Attorney to Prepare an Impartial Analysis for the Ballot Measure to Renew and Increase the Paramedic Service Tax in Ross Valley- Town Manager

M/S, Coler/Goddard, Motion to approve the Consent Calendar.

AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Regular Agenda

3. Discuss/consideration of Local Cannabis Regulatory Options and Provide Direction to the Planning Commission- Planning Director, Town Manager

Town Manager Toy presented the staff report and gave a PowerPoint presentation. He answered questions from the Council.

Assistant Town Attorney Charne answered questions from the Council regarding microbusinesses, enforcement agencies, compliance inspections, and local regulations.

Mayor Lacques opened the meeting to public comments.

Mr. Dan Vogel, Fairfax, has worked over fifty years trying to change the cannabis laws. He is glad people have an alternative to much more destructive recreational substances.

Mr. David Dunn, Wood Lane, stated Fairfax is the epicenter of the pot movement. He was upset that alcohol is “running in the streets of Fairfax” and being supported by the Town.

Reverend Peter Romanowsky stated needed medical marijuana for a back injury.

Mr. David Haskell, Glenn Drive, stated medical marijuana revenues have been badly impacted by the passage of recreational marijuana laws. Cultivation and distribution networks should be kept local. Over 76% of the people in the community voted for legalization of recreational marijuana. It should be available in Fairfax.

Mr. Sierra Salin stated the terms “drugs and alcohol” was skewed. Alcohol is a drug. Marijuana is good medicine for a lot of people. It is about education.

Mr. Doug Harning, Mono Avenue, stated he has all the paperwork filled out to submit to the State for medical and recreational delivery. He is waiting for the Council to make up its mind.

Mr. David Finanne, Principal of Bayside MLK in Marin City, noted that the Coalition Connection was not an out-of-town group. Their work began because of the data on marijuana and alcohol use in the local high schools. He supported medical marijuana and the delivery of recreational marijuana, and opposed storefronts.

Mr. Andone Panici, Frustuck Avenue, supported medical and recreational marijuana, and education around them.

Mr. Larry Lauter, Deer Park, stated he supported retail outlets, perhaps two for competition, and one fundraising event per year.

Mr. Chris Hargess, Baywood Court, supported medical and delivery but not retail. He stated decisions should be made based on the interests and needs of the minority as well as the majority.

Mr. George Bianchini, San Geronimo, stated he held three cannabis licenses. He noted the State set the rules for aspects such as THC levels, and that the difference between medical and recreational marijuana was sales tax.

Ms. Lori Dubin, founder of the non-profit parenting program Be the Influence, stated they sought to reduce marijuana, alcohol, and other drug use among teens through strategies such as restricting youth access to substances and changing community norms around substance use. Teen substance use in Marin is the highest in the State.

Mr. Ian Sethry, Fairfax, had concerns about the impact of recreational retail stores on the Town and its retail landscape.

Ms. Janet Jacobs, San Anselmo, opposed the sale of recreational cannabis in Marin County, based on concerns about its negative impact on kids.

Mr. Paul Maldonado, Inyo Avenue, has had a medical marijuana card since 2000. He supported three dispensaries for competition, with one medical and two others either adult use or medical.

Mr. Larry Bragman, Fairfax, stated he had represented the Marin Alliance and patients arrested for possessing or using medical marijuana. He supported medical marijuana but stated was concerned we would lose it due to current market conditions. He suggested Adult use be rolled out by going through existing medical dispensaries.

Mr. George Picarena, Fairfax, stated fewer dispensaries would be healthier for the community. He did not want to see teens using drugs and alcohols.

Mr. Mark Wallace, Fairfax, stated he was in favor of legalization, de-stigmatization, and normalization of healthy cannabis use among adults. He supported education and careful planning and control to limit the harm the excess use that does occur, noting use by Ross Valley youth is very high.

Dr. Richard Rubin, Fairfax, retired Doctor of Public Health, supported more than one retail business in Fairfax, and noted that research has not found anything terrible about marijuana usage.

Ms. Lisa Tabb, Fairfax, was concerned that having several pot stores in town would add to the normalization of cannabis use and negatively impact youth.

Ms. Lynette Shaw, Fairfax, stated she invented the licensed dispensary in Fairfax and fought the Federal Government for nineteen years. Teen use spiked when her business was closed for five years. She has lost 75% of her patients since the legalization of recreational marijuana. Her business needs the option to sell recreational marijuana in order to survive.

Mr. Dave Brown, who works as security at the Marin Alliance, stated he uses medical marijuana to help him deal with some health issues. Denying medication is discrimination against the handicapped.

Ms. Patrice Bryan, Fairfax, supported adult use of cannabis and a second dispensary in town. She encouraged the Council to be open to education around cannabis.

Mr. Lew Tremaine, Sir Francis Drake Boulevard, was concerned that the lack of adult use sales was killing the medicinal marijuana industry and enabling a black market, which he cautioned was bad for kids. He urged the Council to get this issue to the Planning Commission quickly.

Ms. Kelsey Fernandez, Ross Valley, stated that in the states of Colorado, Washington, and Oregon, youth use did not go down after the legalization of cannabis. She was concerned that marijuana use in Marin County is higher than the State average, and products with high THC levels are harmful to youth.

Mr. Claire Firestone, Petaluma, supported the delivery-only model and use of a Request for Proposal process.

Ms. Marge Paradise, Oak Manor, supported medical marijuana and delivery but not storefronts. She stated four dispensaries was too many for Fairfax. She had experienced long lines, a lack of parking, and not enough security when she went to a Berkeley dispensary.

Mr. Charlie Hickox, Manor Road, supported two cannabis retail storefronts.

Ms. Jasmine Garrity, Park Road, supported medical and delivery but not storefronts. She asked about: hazardous waste sites for microbusinesses; buffer zones different from State law; policies for delivery drivers and the retail sellers; and regulation of personal cultivation.

Ms. Betsy Kelly, Hickory Road, supported delivery but not storefronts. She was concerned about the impact on preschool-age children.

Mr. John Bush, Fairfax, supported recreational storefronts, and stated marijuana should not be seen differently than alcohol.

Mr. Vincent Damico, Fairfax, opposed recreational storefronts in Fairfax.

Mr. Don Carney, Director of the Marin County Youth Court, stated the black market would compete with the legal market. He noted that kids under 21 get alcohol. He supported moving incrementally with delivery as the first step. He supported permitting the Marin Alliance to sell medical, recreational, and do deliveries.

Ms. Debra London, Fairfax, stated five years ago she would have supported storefronts, but now her sons are in high school. She supported delivery and medical with regulations. She opposed storefronts.

Ms. Linda Mariscel, Fairfax, opposed storefronts. She supported medical use of marijuana.

Ms. Bridget Clark, San Anselmo, supported delivery but not events. She had concerns about youth and unintentional and unwanted exposure to cannabis.

Ms. Pam Meigs, Cypress Drive, supported medical and delivery.

Mr. Tyler Snow, Bolinas Road, supported retail recreational with mindful education and regulation.

Ms. Chelsea Healey, Fairfax, supported the legalization of all drugs, noting that cannabis is less harmful than alcohol.

Mr. Steven Keese, Cypress Drive, supported retail medical and recreational because it could be controlled.

The Council took a 10-minute break at 9:16 p.m.

The Council discussed the following issues as outlined in the staff report: 1) Eliminated categories of uses; 2) Commercial medical retailers; 3) Cannabis Temporary Events; 4) Personal/medical cultivation; 5) Cannabis Deliveries (outside retailers); 6) Microbusinesses; 7) Non-medical cannabis retailers; 8) Limit the number of retailers; 9) Buffer zones/locations; 10) Standards; 11) Tax revenues.

The Council took a straw poll of its members on some of the above 11 issues. The Council unanimously supported the elimination of certain categories of use: manufacturing, distribution, commercial cultivation, and cannabis testing laboratories. The Council also unanimously supported continuing to allow medical cannabis dispensaries. The Council was split 3 (Lacques, Goddard, Ackerman) to 2 (Coler, Reed) in support of banning temporary cannabis events. All the Council supported establishing a new a six (6) plant limit for personal or medical cannabis cultivation whether grown indoors or outdoors. The Council also unanimously supported banning cannabis micro-businesses. The Council also supported the concept of modifying the existing medical marijuana dispensary code to accommodate adult-use, but that discussion regarding the specific standards should be deferred until the Council has decided on the other policy issues. Similarly, the Council agreed the discussion regarding cannabis tax revenues should be deferred until there is a cannabis ordinance developed for Council review. No consensus was reached on the other issues.

Below is a summary of each Councilmember's comments regarding the other issues.

Councilmember Goddard stated she supported review of the use permit for Marin Alliance to perhaps allow delivery of non-medical marijuana. She supported the concept of local delivery for medical and non-medical marijuana. She was not in favor of recreational storefronts but would support one medical dispensary.

Councilmember Reed stated he supported review of the use permit for Marin Alliance to allow for recreational deliveries. He supported combining medical and recreational storefronts with a limit of two, if they were very low profile. Delivery was a good way to start.

Councilmember Ackerman stated the issue of impacts to youth was important, wants to move slowly and be careful. He supported the idea of looking at the use permit for Marin Alliance to allow delivery and perhaps, eventually, a storefront. He was concerned about creating a monopoly.

Vice Mayor Coler stated she could support two to three retail storefronts in Fairfax with a mix of medical and recreational. She could also support separate delivery operations (three or so) and potentially one cannabis event. She had concerns about the mailer sent out by the Coalition Connection.

Mayor Lacques did not support the idea of a microbusiness or testing facilities in Fairfax. He supported up to two retail establishments, whether medical or recreational, extremely well regulated. The regulatory standards would be the same for recreational and medical. He was in favor of delivery, either medical or recreational.

Mayor Lacques stated the Council had enough input to send this issue to the Planning Commission.

M/S, Coler/Reed, Motion to adjourn the meeting at 12:05 a.m.  
AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

Respectfully submitted,

Toni DeFrancis  
Recording Secretary