

Fairfax Town Council Minutes
Special Meeting
Fairfax Women's Club, 46 Park Road
Monday, September 26, 2018

Call to Order/Roll Call:

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

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk

Mayor Lacques called the meeting to order at 4:50 p.m.

Approval of Agenda and Affidavit of Posting

M/S, Goddard/Coler to approve the agenda and affidavit of posting.

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

Regular Agenda

1. Introduce and adopt an Urgency Ordinance of the Town of Fairfax amending Title 19 ('Telecommunications') of the Fairfax Municipal Code to establish new, comprehensive regulations for wireless telecommunications facilities including the regulation of the installation, operation and maintenance of wireless telecommunications within the Town on private property and within the Town right of way; CEQA exempt Section 15060(c)(2), Section 15378, Section 15061(b)(3), Section 15305, and Section 15303.

Town Manager Garrett Toy presented a staff report. He answered questions from the Council.

Mayor Lacques opened the public comment at 5:15 p.m.

Frank Egger, Meadow Way, had questions about the Town Attorney's firm involvement with the FCC. He discussed the Town's existing Smart meter regulations.

Town Manager Toy clarified that the Town Attorney's firm, Best Best & Krieger, is leading a coalition challenging the FCC.

Alexander Binik, Fairfax, submitted written comments to the Town Clerk, which included suggested language regarding collocation, undergrounding, location, and permit fees.

Roberta Anthes, Snowden Lane, supported leaving Chapter 19 intact to retain Smart meter regulations. She supported the urgency ordinance and fighting the FCC.

Jess Lerner, Fairfax, submitted a petition and letter to the Town Clerk. She supported the comments of Mr. Egger and Ms. Anthes. She requested additional setbacks.

Paige Hudson, Mill Valley, was concerned about fire hazard posed by the equipment, and the impact on property values.

Sean Schertell, Fairfax, stated that policy should be based on scientifically supported facts. He noted the people who are not concerned do not come to meetings.

Andy Peri, Cascade neighborhood, requested the Town Council push back against the federal and state agencies taking away local control. He supported adding setbacks and distance between the antennas.

Katrin Petersen, Lagunitas, supported limiting the bandwidth and increasing the distance between poles.

Kim Hann, Marin County, stated fiberoptic was the alternative to 5G.

Robert Ernst, supported fiberoptic and expressed concern regarding 5G's impact on health.

Mallory Geitheim, Fairfax, supported the Town joining with other towns to challenge this FCC.

Lea Wildflower, Fairfax, was concerned about how the regulations applied to mixed use areas.

Man, was concerned that corporations were taking over the government.

Richard Appelbaum, Woodland, supported the ordinance with the amendments requested by previous speakers.

Janet Fitzgerald, Fairfax, had health, safety, and fire concerns. She supported the challenge to the FCC.

Wendy, Fairfax, supported adopting the "precautionary principal." She suggested the ADA might be violated by the 5G rollout.

Douglas Martin, San Anselmo, had fire safety concerns.

Woman, opposed the 5G rollout.

Joseph Odom, supported leaving Chapter 19 intact. He opposed following Mill Valley's ordinance.

Woman, had safety concerns and requested the Town follow Mill Valley and Sebastopol.

The Mayor closed public comment and brought the issue back to the Council for discussion.

The Council reviewed the chart prepared by the Mayor of proposed amendments to the ordinance, distributed as a supplement to the packet, and agreed to the following amendments:

Mayor Lacques referred to the chart, page 10, and proposed adding "for placements on utility, the expert will confirm it meets CPUC standards." He also proposed amending the appeal process so that appeals would be heard the Town Council, unless there were only 10 days left, in which case an appeal could be heard by the Town Manager.

Vice Mayor Coler referred to the chart, and on page 21, line 693, proposed adding “and will not incommode the public use and would not harm the public safety.”

M/S Coler/Ackerman to introduce and adopt by title only “an Urgency Ordinance of the Town of Fairfax repealing and replacing Title 19 (“Telecommunications”) of the Fairfax Municipal Code to Establish New Regulations for Wireless Telecommunication Facilities” with the amendments contained in the supplement and as amended by the Town Council this evening.
AYES: Ackerman, Coler, Goddard, Reed, Mayor Lacques

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Michele Gardner
Town Clerk