

Draft Fairfax Town Council Minutes
Special Meeting
Fairfax Women's Club
Wednesday, April 3, 2019

Mayor Coler called the **Special Meeting** to order at 6:00 p.m.

Roll Call:

Councilmembers present: Bruce Ackerman, Vice Mayor Renee Goddard, Peter Lacques, John Reed (arrived 6:14 pm), Mayor Barbara Coler.

Staff present: Michele Gardner, Town Clerk.

1. Interview three applicants and make appointments as appropriate to the Tree Advisory Committee- Town Clerk

The Council interviewed Mr. John Romaidis, Ms. Deborah Benson, and Ms. Kathy Flores for the three vacancies on the Tree Advisory Committee. The Council referred to their adopted appointment policy, which calls for each candidate to be appointed to a specific vacancy on the Tree Committee.

M/S Lacques/Goddard to appoint John Romaidis to the Tree Committee to fill the Planning Commission seat until such time as the Planning Commission appoints a Planning Commissioner to the seat.

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

M/S Lacques/Goddard to appoint Deborah Benson to the Tree Committee to fill the Parks and Recreation Commission seat on the until such time as PARC appoints a Commissioner to the seat.

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

M/S Lacques/Goddard to appoint Kathy Flores to the Tree Committee to fill the Open Space Committee seat until such time as the Committee appoints a Committee member to the seat.

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

2. Interview and appointment of applicant to the Parks and Recreation Commission- Town Clerk

The Council interviewed Ms. Dennise Abad.

M/S Ackerman/ Lacques, to appoint Dennise Abad to the Parks and Recreation Commission to fill an unexpired term to October 31, 2021.

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

The Special Meeting was adjourned at 6:50 p.m.

Draft Fairfax Town Council Minutes
Regular Meeting
Fairfax Women's Club
Wednesday, April 3, 2019

Mayor Coler called the **Regular Meeting** to order at 7:00 p.m.

Call to Order/Roll Call:

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

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Ben Berto, Planning Director

Approval of Meeting Agenda and Affidavit of Posting

M/S, Reed/Lacques, Motion to approve the Affidavit of Posting and the agenda as submitted.
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

Announcements

Mayor Coler made the announcements as they appeared on the agenda. Councilmember Goddard announced that the Ross Valley Fire Authority will be hosting a seminar called "Living with Fire" on Monday, April 29th between 6:00 p.m. and 8:00 p.m. at the Women's Club. She reminded everyone that April 22nd is Earth Day and Sustainable Fairfax will be hosting a Climate Talk at the Fairfax Library from 7:00 p.m. to 8:00 p.m.

Mayor Coler stated residents have expressed concern that it takes the Council too long to get to items that are of concern. In response, the Council is looking for ways to get to those items sooner, such as moving the Open Time for Public Expression part of the meeting to the end of the agenda. This will be done starting in May, for a trial period.

Open Time

Mr. Tom O'Neal, Dominga Avenue, remembered the Siegenthaler family, whose daughter passed one year ago today. He reminded drivers to be mindful of bicyclists and pedestrians.

Dr. Jody Timms, Fairfax representative to the Commission on Aging, reported the Aging Action Initiative Event was scheduled for April 30th at the Tiburon Lodge. The Age Friendly Fairfax forums have been very well attended. The May 24th forum will be on emergency preparedness for older adults. Speaking as a member of 350 Marin, she announced a demonstration in front of the Chase Bank to protest their funding the fossil fuel industry.

Mr. Michael Mackintosh was opposed to moving Open Time to the end of the agenda.

Mr. Rick Hammer, Bolinas Road, opposed reducing the amount of time people are allowed to speak during Open Time.

Ms. Debra Benson, Cascade Drive, was opposed to moving Open Time to the end of the meeting and suggested moving "hot topics" to the beginning instead and giving the Councilmembers time limits.

Mr. Richard Applebaum, Woodland Avenue, encouraged the Council to be proactive in terms of reducing the fuel load for fires.

Frank Egger, Meadow Way, was opposed to Open Time to the end of the agenda. He asked when an EIR consultant for the Wall Property would be retained.

Mr. Mark Bell, Dominga Avenue, requested more agenda copies be provided at meetings, and was opposed to Open Time to the end of the agenda.

Ms. Jessica Green, Ridgeway Avenue, was opposed to moving Open Time to the end of the agenda. Ms. Stephanie Hillman, Fairfax, was opposed to Open Time to the end of the agenda.

Mr. John Sergeant was opposed to moving Open Time to the end of the agenda. He supported Council for considering time limits for Councilmembers.

Ms. Valerie Hood asked the Council to from refrain from calling residents by name in case people did not want to be identified.

Mr. Jack Gescheidt, Redwood Road, was opposed to moving Open Time to the end of the meeting, and to reducing the amount of time people are allowed to speak.

Ms. Mallory Geithem, Willow Avenue, stated the public should be allowed to speak for three minutes during Open Time at the beginning of the meeting.

Wendy stated everyone wants to be heard, but it's complicated and meetings go to midnight.

Ms. Kathy Flores stated presentations should be shorter or scheduled for a Special Meeting.

Presentation

Marin Municipal Water District (MMWD) Update- MMWD staff

Mr. Charlie Duggan, Administrative Services Division Manager for MMWD, gave a PowerPoint presentation regarding their Proposition 218 rate increase request.

MMWD Boardmember Larry Bragman stated the rate increase would increase the budget for the watershed. They are looking at different financial strategies and the potential impacts to rate payers. He answered questions from the Council.

Mayor Coler opened the meeting to public comments.

Mr. Doug Kelly, representing the Coalition of Sensible Taxpayers, acknowledged there were infrastructure needs but the group was concerned about rates being based on meter size, exemptions, and the methodology of the Capital Maintenance Fee.

Mr. Michael Macintosh stated the proposal was not unreasonable, but the fee structure should be uniform, without carving some people out.

Mr. John Sergeant, Fairfax, stated it was the wrong time to implement a “pay as you go” system. He opposed placing the fee on the property tax bill instead of the water bill. He opposed basing the fee on meter size. He noted the issue of conservation is missing from the proposal.

Mr. Jason Morrison, Fairfax, stated that Americans typically underinvest in water infrastructure and sustainable watershed management. He supported the increase.

Mr. Mark Bell, Dominga Avenue, stated people who have been conserving water should pay a lower rate.

Mr. Bragman encouraged people to come to the MMWD meetings between now and May 28th, when the final decision would be made.

Ms. Mallory Geitheim agreed with the comment made by Mr. Bell.

Ms. Valerie Hood, Fairfax, supported the increase, particularly for fire protection .

The Council thanked Mr. Duggan and Boardmember Bragman for the presentation.

Consent Calendar

1. Accept Financial Statements and Disbursement Reports February 2019- Finance Director
2. Approve minutes for the March 6 and 15, 2019 Town Council meetings- Town Clerk
3. Approve preliminary design and approve agreement with Fredric C. Divine Architects (FCDA) for structural engineering and architectural services in an amount not to exceed \$37,000 for the design for the Pavilion Seismic Retrofit project- Town Manager
4. Approve the establishment of a Citizen of the Year Award- Mayor Coler
5. Adopt Town Council Goals for 2019- Town Manager
6. Adopt a Resolution to purchase one police vehicle (pick-up truck) and one public works pick-up truck for an amount not to exceed \$79,587 and declare two outgoing vehicles as surplus- Town Manager
7. Receive 2018-19 Mid-Year Budget Review Report and approve mid-year budget adjustment for additional Town Attorney services needed (e.g., drafting cannabis and 5G ordinances and regulations)- Town Manager
8. Receive update regarding the Ross Valley Yellow Bus program and commit up to \$30,500 for Yellow School Bus service for Fiscal Year 2019-20- Town Manager
9. Approve change order to the contract with Maggiora & Ghilotti for the Parkade Improvement Project to include the repaving of Mono Avenue (Mono Alley) from Bolinas Road to Pacheco Avenue in a not-to-exceed amount of \$59,743- Public Works Director
10. Adopt Fair Housing Proclamation- Mayor Coler

11. Adopt a Resolution Approving the List of Projects Funded by SB1: The Road Repair and Accountability Act for Fiscal Year 2019-20- Town Manager

Mr. Mark Bell asked the Council to pull Consent Calendar item #7 for discussion.

Ms. Kathy Flores had a question about Consent Calendar item #9.

A resident had a question about the Parkade Rehabilitation Project.

Ms. Stephanie Hillman had a question about Consent Calendar item #5.

M/S, Ackerman/Reed, Motion to approve the Consent Calendar as submitted.

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

Public Hearings

12. Adopt a resolution approving a 19.85% service rate increase for Marin Sanitary Service (MSS) for the provision of solid waste (garbage) and recycling services due to increases in the amounts of garbage, recycling, and labor and fuel costs; exempt from the California Environmental Quality Act (CEQA) per 14 CCR 15061(b)(3)- Town Manager

Town Manager Toy presented a staff report.

Mr. Garth Shultz, representing R3 Consulting, gave a PowerPoint presentation. He noted that the market for plastic recycling was gone, and that people were generating more waste than ever.

Ms. Patty Garbarino, President of Marin Sanitary Service (MSS), stated R3 Consulting did a great job in its analysis. She regretted the increase but noted Fairfax has enjoyed lower rates than other cities in the MSS service area.

Mayor Coler opened the Public Hearing.

Mr. Michael Macintosh stated his interaction with MSS employees has always been pleasant and professional.

Ms. Mallory Geidheim had a question about the salary increases.

Mr. Mark Bell, Dominga Avenue, stated he did not remember his bill going down. He asked why they spent \$25,000 on a study.

Mayor Coler closed the Public Hearing.

Ms. Garbarino stated all employees received the same pay increase, but they were looking at possibility of "merit based" increases. She emphasized that with virtually no market for plastic recycling, MSS was focusing on educating the public to use less plastic.

Councilmember Goddard discussed the increases in diversion, and stated the educational bill inserts from MSS were excellent.

Councilmember Lacques, in response to a public comment, stated that the cost of the R3 Consulting was included as part of the Town's agreement with Marin Sanitary Service.

Mr. Joe Garbarino stated only three garbage companies in the Bay Area use dual stream. He noted there was no market for plastics.

M/S, Goddard/Lacques, Motion to adopt a resolution approving a 19.85% service rate increase for Marin Sanitary Service (MSS) for the provision of solid waste (garbage) and recycling services due to increases in the amounts of garbage, recycling, and labor and fuel costs.

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

13. Adopt a resolution approving the issuance of bonds by the California Municipal Finance Authority (CMFA) for the benefit of Mercy Housing California 84, L.P., to provide for the financing of the Bennett House Apartments Affordable Housing Project with *no financial obligation to the Town*; such adoption is solely for the purposes of satisfying the requirements of TEFRA, IRS Code and the California Government Code Section 6500; Exempt from CEQA per 14 CFR 15301- Town Manager

Town Manager Toy presented the staff report.

Mayor Coler opened the Public Hearing.

Mr. Jesse Ozanion, Project Manager for Mercy Housing, assigned to the Bennett House renovation, stated Rents will still be restricted to 30% of a tenant's income regardless of the renovations. The property will transfer to a new Mercy Limited Partner with Mercy Housing being the managing general partner. The current deed restrictions will remain in force for another 55 years. Community meetings started in July of last year. He answered questions from the Council.

Mr. Travis Cooper, CMFA, stated his firm would be issuing the bonds. He answered questions from the Council. He clarified that this is a private loan between a borrower and a bank. The IRS requires that a Public Hearing be held since it is an affordable housing project and that the Town approve CMFA as the issuer.

Mr. Frank Egger, Meadow Way, expressed concern for what would happen to the tenants during the renovations.

Ms. Valerie Hood, Dominga Avenue, was concerned that the Town would be financially liable.

Ms. Mallory Geithem agreed with Mr. Egger and Ms. Hood.

Mr. Michael Mackintosh supported renovating the building, but he had questions.

Ms. Jackie Hoffman, Fairfax, stated she was an employee of Mercy Housing. They have a deep commitment to provide affordable housing.

Mr. Ford Fish stated he is on the Mercy Housing Board and stated that this transaction was typical. The building had deficiencies that need to be fixed. He urged the Council to move forward.

Ms. Lisel Blash, Pacheco Avenue, stated the Town would not be losing anything by letting this go forward. She would like to see the complex stay affordable since locals live there.

Ms. Jessica Green had a question about the figures and whether or not Fairfax would be liable.

Mayor Coler closed the Public Hearing.

M/S, Lacques/Ackerman, Motion to adopt a resolution approving the issuance of bonds by the California Municipal Finance Authority (CMFA) for the benefit of Mercy Housing California 84, L.P., to provide for the Financing of the Bennett House Apartments Affordable Housing Project with *no financial obligation to the Town*; such adoption is solely for the purposes of satisfying the requirements of TEFRA, IRS Code and the California Government Code Section 6500.

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

The Council took a 5-minute break at 9:30 p.m.

14. Consider a resolution granting a driveway width variance per Town Code Section 12.12.090, to construct a 33-foot-wide driveway that exceeds the 20-foot-wide driveway limit, to allow construction of a single-family residence at 251 Scenic Avenue (Assessor's Parcel No. 002-121-50); CEQA categorically exempt per Section 15303(a)- Planning Director

Planning Director Berto presented the staff report.

Mayor Coler opened the Public Hearing.

Mr. Rick Hamer, Bolinas Road, stated the site might not be appropriate for a 2,100 square foot improvement.

Mayor Coler closed the Public Hearing.

M/S, Goddard/Reed, Motion to adopt a resolution granting a variance for an over-width driveway at 215 Scenic Road to allow for a 33-foot-wide driveway that exceeds the permitted 20-foot-wide driveway width by 13 feet.

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

15. Introduce and read by title only an ordinance amending Chapters 17.008, 17.016, and 17.136, to reduce the allowable home size from 5,000 square feet to 3,500 square feet; CEQA exempt per CEQA Guidelines Sections 15060(c)(2), 15061(b)(3), and 15302- Planning Director

Planning Director Berto presented the staff report.

Mayor Coler opened the Public Hearing.

Ms. Marianne Query, Cascade Drive, asked why a limit was being considered, when there were already regulations in place to address the issue.

A resident stated she supported having a limit. The Town did not need more houses and people.

Gabriel stated he was in favor of accessory dwelling units on single-family properties and concerned that a cap on the square footage of all structures could directly impact families.

Stephan stated people who build a 5,000-square foot house have enough money to pay taxes. People should be free to build as big as they want.

Mayor Coler closed the Public Hearing.

Mayor Coler stated she would like to continue this item.

M/S, Goddard/Reed, Motion to continue this item to the April 23rd Special Meeting.
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

Mayor Coler noted it was 10:00 p.m. and time to review the agenda.

M/S, Ackerman/Goddard, Motion to keep the agenda as is and not continue any more items.
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

Regular Agenda

16. Introduce and read by title only an ordinance adding Chapter 5.55, Entitled "Mandatory Mediation for Rental Increases" to Fairfax Municipal Code Title 5, Requiring Mediation for Rental Increased Exceeding Five Percent; exempt from CEQA pursuant to Section 15061(b)(3), of the CEQA Guidelines- Mayor Coler, Town Manager

Town Manager Toy presented the staff report and answered questions from the Council.

Mayor Coler opened the meeting to public comments.

Ms. Leelee Thomas, County of Marin Community Development Agency, stated the County had adopted a similar ordinance in December 2017. She answered questions from the Council.

Mr. Rick Hamer, Bolinas Road, stated he supported the proposal but did not like the "teeth."

Ms. Sammi Miracle read a statement from Ms. Patti Breitman of the Marin Organizing Committee in support of the ordinance. She urged the Council to support renter protections and adopt the ordinance.

Mr. David Levin, attorney with Legal Aid of Marin, thanked the staff for their work on this important issue and urged the Council to adopt the ordinance.

Ms. Casey Epps, attorney with Fair Housing Advocates and Boardmember of the Marin Environmental Housing Collaborative, applauded the Council for considering this necessary rental protection for the most vulnerable residents in Marin. The ordinance will provide an opportunity for landlords and tenants to come together to participate and will not take away any control for landlords.

Ms. Meredith Parnell, San Anselmo, representing Marin Kids, supported the ordinance, adding that housing stability is a critical component to a child's health.

Mr. Romeo Arieta, CEO of the Marin Association of Realtors, stated their organization supported best policies supported by data. They were concerned that additional regulations on landlords may discourage them from investing in more property or encourage current landlords to leave the market.

Ms. Lisel Blash, Pacheco Avenue, thanked the Council for considering this ordinance that would allow people of low and moderate income to continue to live in Fairfax.

Wendy, Fairfax, stated she supported the ordinance, although it did not provide enough protection. She urged the Council to find a way to educate landlords and tenants.

Mr. Bob Kahn, Bothin Road, supported the ordinance and thanked Fairfax for doing the right thing.

Mayor Coler closed the meeting to public comments.

M/S, Reed/Goddard, Motion to Introduce and read by title only an ordinance of the Town Council of the Town of Fairfax adding Chapter 5.55, Entitled "Mandatory Mediation for Rental Increases" to Fairfax Municipal Code Title 5, Requiring Mediation for Rental Increases Exceeding Five Percent with the changes in the supplement.

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

17. Second reading by title only and adoption of an Ordinance of the Town of Fairfax Adding Chapter 5.54 entitled "Just Cause Evictions" to Fairfax Municipal Code Title 5, Requiring Cause to Terminate a Residential Tenancy; Exempt from CEQA pursuant to Section 15061(b)(3)- Mayor Coler, Town Manager

Town Manager Toy presented the staff report.

Mayor Coler opened the meeting to public comments.

Mr. Rick Hamer, Bolinas Road, referred to Section 5.54.040(A)(1) and asked for clarification. He was concerned that a tenant could be displaced.

A resident read a letter on behalf of Ms. Francie Salle supporting the ordinance.

Mr. Romeo Arieta, CEO of the Marin Association of Realtors, stated Just Cause did not increase housing inventory; it did the opposite. He asked the Council to review the ordinance in one year if it passed.

Ms. Casey Epps, attorney with Fair Housing Advocates and Boardmember with the Marin Environmental Housing Collaborative, supported the ordinance. She discussed unlawful evictions she had been involved with during her career.

Mayor Coler closed the meeting to public comments.

M/S, Lacques/Reed, Motion to waive second reading and read by title only and adopt an Ordinance of the Town of Fairfax Adding Chapter 5.54 entitled "Just Cause Evictions" to Fairfax Municipal Code Title 5, Requiring Cause to Terminate a Residential Tenancy with the edit noted by Mayor Coler.

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

M/S, Reed/Lacques, Motion to suspend the 11:30 p.m. rule

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

18. Discuss/consider the renewal of the existing Special Municipal Services Tax of \$195 per Business occupancy and dwelling unit (Measure J)- Town Manager

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

Mayor Coler opened the meeting to public comments.

Mr. Rick Hamer stated the impact on emergency services is greater for larger businesses and dwellings and they should pay more.

Mayor Coler closed the meeting to public comments.

Mayor Coler stated the Council would be discussing this issue again in the future. Staff would come back to the Council with information on options.

19. Introduce and read by title only an Ordinance entitled “An Ordinance of the Town Council of the Town of Fairfax Amending Fairfax Municipal Code, Chapter 1.12 Regarding the Abatement of Public Nuisances” to update and clarify the Town’s nuisance abatement procedures and cost recovery provisions; CEQA Categorically exempt per Section 15301, 15305, and 15308- Town Manager

Town Attorney Coleson presented the staff report. She noted a typographical error in Section 1.12.060 of the Ordinance.

Mayor Coler opened the meeting to public comments.

There were no comments.

Mayor Coler closed the meeting to public comments.

Councilmember Lacques suggested the following amendments: 1) In Section 1.12.060, “Initial Staff Investigation”, should provide that staff reach out to the property owner; 2) Section 1.12.070, “Method of Service”, should include that notice be mailed to and posted at the physical address.

Mayor Coler presented her suggested amendments.

M/S, Lacques/Reed, Motion to Introduce and read by title only an Ordinance entitled “An Ordinance of the Town Council of the Town of Fairfax Amending Fairfax Municipal Code, Chapter 1.12 Regarding the Abatement of Public Nuisances” to update and clarify the Town’s nuisance abatement procedures and cost recovery provisions with the amendments suggested by Councilmember Lacques and Mayor Coler.

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

Council Reports and Comments

Councilmember Ackerman reported he attended the climate conversation meetings; the MCCMC meeting; several Flood Zone 9 meetings; a Mosquito Abatement Board meeting; the Town Council Retreat.

Councilmember Reed reported he attended a Ross Valley Fire Board meeting; the Council Retreat; a meeting sponsored by Marin Commutes.org; the MCCMC meeting; a Transportation Authority of Marin (TAM) meeting.

Councilmember Goddard reported she met with a County Fire representative regarding fire safety in the Cascades; met with a representative of R3; attended the newly formed General Plan Advisory Committee (GPAC) meeting; helped with the Brewfest; worked with some Drake High School students about composting; attended several climate talks at the Fairfax Library; the MCCMC meeting; two Fire Wise meeting; the Fair Housing Conference; an LTF meeting; a Zero Waste Marin meeting; the Council Retreat.

Mayor Coler reported she attended a Community Media Center of Marin Board meeting; the Council Retreat; volunteered for Meals on Wheels; a “Get Ready Together Marin” meeting; the Age Friendly Breakfast; met with County representatives regarding the Mandatory Mediation issue; the Marin Clean Energy Board meeting; the MCCMC Legislative Committee meeting; the MCCMC meeting and got to meet the Major Crimes Task Force drug sniffing dog named Max who came from Ireland! People can relax- Max is a Springer Spaniel who only sniffs on command.

Town Manager's Report

Town Manager Toy reported the work on the Forrest Terrace steps had started. The FHWA and CalTrans have officially approved the Forrest Avenue funding and the Town should see reimbursement in a few weeks in the amount of around \$300,000. The Parkade project is moving along with the irrigation and curb ramp work scheduled for this week. The project should be completed by the end of April.

M/S, Goddard/Reed, Motion to adjourn the meeting at 12:15 a.m. in memory of Iva Joe Collins and Marie Siegenthaler.

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

Respectfully submitted,
Toni DeFrancis,
Recording Secretary

Draft Fairfax Town Council Minutes
Special Meeting
Fairfax Women's Club
Tuesday, April 23, 2019

Mayor Coler called the Special Meeting to order at 6:30 p.m.

Call to Order/Roll Call/Pledge of Allegiance:

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

STAFF MEMBERS PRESENT: Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Ben Berto, Planning Director
Gail Karish, BBK Attorneys

Approval of Meeting Agenda and Affidavit of Posting

M/S, Goddard/Reed, Motion to approve the Agenda and the Affidavit of Posting.

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

Regular Agenda

1. Introduce an ordinance to consolidate Titles 19 & 20 ("Telecommunications") of the Fairfax Town Code into a revised Title 19 which establishes uniform and comprehensive regulations for wireless telecommunication facilities (e.g. 5-G) including the regulation of the installation, operation and maintenance of wireless telecommunications within the Town on private property and within the Town's public rights-of-way; CEQA exempt per Section 15060(c)(2), 15378, 15061(b)(3), 15305, and 15303- Town Manager

Town Manager Toy presented the staff report.

Attorney Karish presented a report that included the status of the two appeals to the Ninth District Court and the recent ruling by the State Supreme Court. She answered questions from the Council.

Mayor Coler opened the meeting to public comments.

Dr. Julie Ann Griffith, founder of the Energy Health Center, stated she was a neurologist and she wanted to raise awareness and caution about installing 5G. More research was needed regarding health effects.

Mr. Andy Peri, speaking on behalf of 5G Free Marin, distributed a document that listed the group's recommended changes to the ordinance.

Ms. Roberta Anthes, Snowden Lane, thanked the Council and staff for strengthening the ordinance. She recommended a few more modifications.

Mr. Matt Landman stated he did not consent to the radiation levels associated with 5G.

Ms. Kia Bosey, Sir Francis Drake Boulevard, stated nothing about 5G was a win.

Ms. Kim Cosmick read a letter from Jess Lerner about additional changes that need to be made to the ordinance pertaining to setbacks, zoning, public notification, and monitoring by an independent expert.

Ms. Vicki Seavers stated she worked for the EMF Safety Network. She discussed legislation that addressed 5G.

Ms. Valerie Hood, representing Save Fairfax, urged the Council to join forces with other cities to fight the implementation of 5G. She asked about the status of fiber optics.

Dr. Michelle Perro stated children were more sensitive to EMFs. She asked the Council to slow down and reconsider this issue.

Dr. Jacqueline Chan thanked the Council for the changes made to the ordinance. She asked the Council to demand the safety data from the FCC.

Mr. Robert Ernst, San Rafael, stated 5G should be viewed in a questionable and negative light.

Mr. Marshall Rothman, managing partner for the group that owns the Wall property, stated he had rejected proposals to install cell towers on the Wall property.

Mr. Leonard Holden, San Rafael, stated constant high levels of EMF exposure distorted DNA irreversibly.

Aurora, Fairfax, supported the recommended changes to the ordinance. She discussed an alternative technology.

Ms. Janet Fitzgerald, Canyon Road, was concerned about the FCC usurping local authority. There should be a moratorium on 5G until it can be proven to be safe.

A woman agreed with the idea of a moratorium. She stated the cyber-security issue in the ordinance needed to be clarified.

Ms. Kim Hahn, San Rafael, stated she would like the Council to stand up to the FCC.

Mr. Richard Applebaum, Wood Lane, stated the best strategy is to create an ordinance that "pushed the envelope."

Wendy stated 5G did not make the world better. She discussed the "precautionary principle."

A woman stated she could not tolerate 5G; she already suffered from the effects of EMFs.

Mayor Coler closed the meeting to public comments.

Councilmember Lacques asked if the application permit checklist could be done administratively. Town Manager Toy stated yes. Councilmember Lacques asked staff to look into requiring that public notices be sent to residents within 1,000 feet. He had a question about Federal preemptive issues regarding cyber-security.

Councilmember Goddard asked if a new pole could be erected. Attorney Karish stated “yes, by exception only”.

Mayor Coler stated she would like to see the following: 1) Insurance requirements for the carriers (after the Indemnification section); 2) Adding a definition of “telecommunications facility”; 3) In the chart on Page 9 of Exhibit “A” she would like to see the addition of “OA” (Open Space); 4) A prohibition of wireless telecommunications facilities on ridgelines and new roads in the Open Space; 5) On page 14, (D), she would like the order of preference to be as follows: CH, CS, CC; 6) Exhibit “A”, page 15, (H), “Accessory Equipment”, she would like the words “where possible” deleted and the following words added: “...unless it is an antennae or an electric meter...” and “The applicant shall bear the burden to provide evidence to support allowance of any addition equipment above ground to the Zoning Administrator”. She also had several minor edits.

Councilmember Ackerman stated he would like to see a buffer zone of 200 feet from all residences and 300 feet from day care centers, schools, and playgrounds. Councilmembers Goddard and Reed agreed. Councilmember Ackerman stated the language “testing at the maximum frequencies” should be replaced by “at all relevant frequencies being used”. He was not in favor of the suggested prohibition regarding decorative light poles. He agreed with the use of just “and” (not “and/or”) with respect to story poles. Public notification should be the standard that is used and not 1,000 feet.

Councilmember Reed stated a 300-foot radius is fine and he agreed with the removal of the word “or” with respect to the story poles. He agreed with the wording “all relevant frequencies”. He asked staff to work on a solution regarding distances from a residence. They need to keep antennas away from areas where children play (playgrounds, ballfields, etc.). He supported the findings cited in the Larkspur Ordinance.

Councilmember Goddard stated she would like the recommendations presented by 5G Free Marin incorporated into the ordinance. She would like to add language regarding the promotion of health and safety in the Purpose Section.

The Council discussed testing and monitoring facilities.

Councilmember Lacques stated he supported almost all of the points brought up by 5G Free Marin. He supported the decorative light pole restriction; precluding facilities in the PD Zone; the 300-foot radius for public notification; wanted to delete the language regarding “security”. He had some minor edits of the findings.

Mayor Coler supported the changes suggested by Councilmember Lacques. The 300-foot buffer zone was fine. She suggested a 50-foot buffer for residential and eliminating the listed species. She has a problem with the decorative light poles; they are all over downtown and the telecomm company could ask for a new pole. She liked the idea of requiring a replacement pole and a 300-foot radius for public notification. She was not in favor of waiving all the fee requirements; it should be on a case-by-case basis. She was not in favor of removing the PD Zone from consideration. Independent experts should do the monitoring.

Town Manager Toy stated staff would bring the revised ordinance, the application, the checklist, and the notification process to the Council in June.

The Council took a 10-minute break at 9:50 p.m.

2. Consider introduction and read by title only an ordinance entitled “An Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.008 (“Definitions”), Chapter

17.016 ("Nonconforming Uses and Structures"), and Chapter 17.136 ("Floor Area"), of The Fairfax Municipal Code, Title 17 ("Zoning"), to Limit Maximum Floor Area for Single-Family Residential and Duplex Properties and to Revise the Standard for Determining Whether a Legal Non-Conforming Structure is More than 50% Destroyed". CEQA Exempt Per Sections 15060(C)(2), 15061(b)(3), and 15302- Planning Director

Planning Director Berto presented the staff report and gave a PowerPoint presentation. He discussed the Planning Commission's recommendations. He answered questions from the Council.

Town Attorney Coleson asked the Council if they would like to include accessory dwelling units (ADUs) in the 3,500 square foot calculation. State law required ministerial, and not discretionary, approval of ADU's.

Councilmember Ackerman stated he would like to include the ADU in the 3,500-square-foot limitation. Councilmember Lacques agreed.

Councilmember Goddard stated she did not want to count the ADU in the 3,500-square-foot limitation. Councilmember Reed and Mayor Coler agreed.

Mayor Coler opened the meeting to public comments.

Mr. Marshall Rothman, managing partner of the owners of the Wall property, stated he was concerned about the proposal because he had seen no evidence that the reduction is needed. He was concerned about restricting private property rights.

Mr. Matthew Querry, Cascade Drive, stated the community needs to make sure there is enough housing for teachers, local workers, etc. He did not support including an ADU in the 3,500 square foot limitation.

Ms. Mallory Geitheim stated a 3,500 square-foot-house was not small.

Mayor Coler closed the meeting to public comments.

Town Manager Toy asked the Council to comment on the 50% remodel provision with respect to non-conformities and the requirement to meet current codes.

Mayor Coler stated this provision made sense. Building code requirements must be met but there could be flexibility with respect to Planning requirements.

Councilmember Reed did not support this provision, due to the high number of non-conforming houses in Fairfax.

Councilmember Goddard stated there was a difference between a voluntary 50% rebuild and one that is the result of a disaster. She was concerned that requiring conformance after a disaster scenario would be punitive.

Councilmember Lacques stated he supported allowing a structure over 3,500 square feet to be rebuilt, but not to the non-conforming status. It would be like an extra privilege. Larger houses and smaller houses should be treated the same with respect to conformity.

Town Attorney Coleson asked if the Council supported a rebuild of a larger than 3,500 square foot house that was destroyed by a disaster if the nonconformities are addressed.

Councilmember Lacques stated this is addressed in Section 17.136.040 if the following language is added: "...shall not be deemed a legal non-conforming structure *solely based on floor area....*". They would not be able to rebuild it to the former non-conforming status.

Planning Director Berto stated staff would come back with revised language for Section 17.016.070 (B)(1) and (2) (calamity-induced demolition vs. a voluntary one).

Planning Director Berto asked for comments on the preferred basis for determining a 50% trigger- the cost of replacement vs. the floor area recommendation. Staff was recommending eliminating the cost basis. The Council supported the staff recommendation.

Mayor Coler noted several typographical errors.

After a brief discussion, it was the consensus of the Council to not count an ADU in the 3,500 square-foot limitation.

M/S, Reed/Ackerman, Motion to continue this item to the May 1st meeting.
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

M/S, Reed/Lacques, Motion to adjourn the meeting at 11:30 p.m.
AYES: Ackerman, Goddard, Lacques, Reed, Mayor Coler

Respectfully submitted,

Toni DeFrancis
Recording Secretary

DRAFT Fairfax Town Council Minutes
Regular and Special Meetings
Fairfax Women's Club
Wednesday, **May 1, 2019**

The Regular meeting was preceded by a Closed Session from 5:45 p.m. to 7:00 p.m.

Conference with Real Property Negotiators

Government Code Section 54956.8: Property: APN 001-160-09 (portion of 18.45 acres)

Negotiating parties: Marin Open Space Trust; Marshall Rothman, Managing Partner, Timberstone 4038T, LLC

For Town: Town Attorney and Town Manager

Closed Session Topic/Under Negotiations: Price and Terms

Mayor Coler called the Special Meeting to order at 7:00 p.m.

Approval of Special Meeting Agenda and Affidavit of Posting

M/S, Goddard/Reed, Motion to approve the affidavit of posting and the Special Meeting agenda as submitted.

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

Adopt a Resolution of the Town Council of the Town of Fairfax in Support of Team Marines Efforts to Eliminate Plastic Straws in the Town for the Protection of our Waterways

Councilmember Goddard introduced the members of Team Marine and read the Resolution.

M/S, Goddard/Lacques, Motion to Adopt a Resolution of the Town Council of the Town of Fairfax in Support of Team Marines Efforts to Eliminate Plastic Straws in the Town for the Protection of our Waterways

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

Mayor Coler called the Regular meeting to order at 7:15 p.m.

Call to Order/Roll Call:

COUNCILMEMBERS PRESENT:

Bruce Ackerman
Barbara Coler
Renee Goddard
Peter Lacques
John Reed

STAFF MEMBERS PRESENT:

Garrett Toy, Town Manager
Michele Gardner, Town Clerk
Janet Coleson, Town Attorney
Amanda Charne, Assistant Town Attorney
Ben Berto, Planning Director

Announcement of Closed Session Action

Mayor Coler announced that typically the Town Council would not comment on Closed Session

items. However, due to significant public interest in the matter the Council will share its direction on the topic. First, it should be noted that the Closed Session is listed so staff has an opportunity to discuss with the entire Council the item listed. Otherwise the Brown Act prohibits staff from discussing with Councilmembers individually their thoughts regarding the issue. Thus, the Town Council is being transparent in its consideration of this matter. With regard to the Closed Session, the Council did discuss a conceptual verbal proposal from the managing partner of the Marinda Heights Property (a.k.a. the Wall Property) to purchase 10 acres of an existing 18-acre parcel west of Ridgeway for \$500,000. The Council has decided not to further explore the conceptual proposal regarding the Marinda Heights Property at this time. Public comment on Closed Session items is listed and received prior to the Closed Session. We received none. There will be no further discussion of this issue at this meeting. Please note that with regard to the Marina Heights Development application Councilmembers cannot opine on the merits of the application until it is brought to the Council for consideration after a recommendation from the Planning Commission. The Request for Proposal for the Environmental Impact Report consultant has not yet been issued so it will be quite some time before the Planning Commission and Council consider the application.

Approval of Regular Meeting Agenda and Affidavit of Posting

M/S, Lacques/Ackerman, Motion to approve the affidavit of posting and the agenda as submitted.

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

Announcements

Mayor Coler made the announcements as they appeared on the agenda. Councilmember Goddard announced the Fairfax Farmers Market opened today and will be open every Wednesday evening in Bolinas Park until the month of September.

Open Time

Mr. Tom O'Neal expressed concern about the recent pedestrian death in Sleepy Hollow. He asked drivers to slow down and pay attention.

Ms. Bonnie Cohen, Live Oak Avenue, discussed the Grand Jury Report on Wildfire Preparedness. She asked the Town to do more to prepare for a wildfire.

Mr. Ted Pugh, Acacia Road, read from a statement regarding his residential building project, and his issues with it.

Ms. Shelley Hamilton, Canyon Road, thanked the Council for their work in supporting the Town of Fairfax, and presented them each with flowers.

Ms. Lisel Blash, thanked the Council for their good work, noting the current Parkade and Mono Alley improvement projects.

Yvonne Roberts, Scenic Road, expressed gratitude for various accomplishments of the Council.

Shelby LaMotte, Manor Road, thanked the Council and stated she wished to bring positivity to the public process.

Rebekkah Collins, Monte Vista, expressed appreciation for the Council and staff, and noted the Town often served as a model for other jurisdictions to follow

Kiki La Porta, Glenn Drive, thanked the Council, noting the number of hours they volunteered. David Haskell, Glenn Drive, thanked the Council for upholding the Town's shared values.

Lena Maria Estrella, Muriel Place, thanked the council for acting with integrity and passion.

Mark Vendetti, Muriel Place, agreed with the former speakers, and thanked the Council for their courage and grit.

Ms. Cindy Swift, Madrone road, asked for an update on the Parkade bus stop structure.

Jody Timms, Cascade Drive, thanked staff and the Council. As Fairfax representative to the Commission on Aging, she gave an update on the commission activities and noted this was Older Adult Month. She also discussed the activities of Age Friendly Fairfax. She

Monty Stephens, Fairfax, expressed support for the Council and Town Manager, and echoed the former speakers.

Ms. Kiki LaPorta and Mr. David Haskell, representing the Climate Action Committee, gave an update and presented the Council with the Annual Action Plan.

Mr. Victor Harris, Willow Avenue, made a comment on the Closed Session item and the traffic burden that the Marinda Height Project would cause.

Mr. Richard Applebaum, Woodland Avenue, stated his concern with the Town's fuel load.

Mr. Frank Egger, Meadow Way, asked about the Environmental Impact Report (EIR) process for the proposed Wall Property development.

Ms. Wendy Botwin, Fairfax, thanked the Fairfax Police Department for their help in a recent incident with an injured animal.

Mr. Mark Bell, Dominga Avenue, expressed concern with the cost of hiring a consultant to look at the new Sanitation Fees and attorney fees for the 5G issue.

Mr. Michael Macintosh discussed the possible acquisition of the Wall property and Brown Act regulations pertaining to closed session.

Mayor Coler closed the public comments and made a brief statement about the Marin Telecommunications Agency (MTA), a Joint Powers Agency that represents nine Marin cities and towns plus the County of Marin. It does not have jurisdiction over cellular facilities.

Consent Calendar

1. Accept Financial Statements and Disbursement Reports March 2019- Finance Director
2. Receive Treasurer's Report as of March 31, 2019- Finance Director
3. Proclamation Recognizing Kids to Parks Day on May 19, 2019- Town Clerk
4. Reappoint Chris Borjian to full term on the Parks and Recreation Commission- Town Clerk
5. Approve joining the Mayors Climate Network- Mayor Coler

6. Receive Marin Sanitary Service 2018 Annual Report- Town Clerk
7. Receive report on the schedule for the Fiscal Year 2019/20 Proposed Operating and Capital Improvement Budget- Town Manager, Finance Director
8. Approve request from Drawdown Marin to use the Town logo on their homepage- Assistant Planner
9. Authorize the Town Manager to negotiate and execute agreements with Tyler Technologies, Inc. for Tyler InCode accounting software as a cloud-based service (SaaS), in an amount not to exceed \$100,000- Finance Director
10. Receive written report on Councilmember's assignments, committees, and activities in April- Town Clerk
11. Authorize the Town Manager to prepare and submit the Fiscal Year 2019/20 work plan to Marin County for the use of the Town's Measure A Park Funds- Town Manager
12. Authorize Vice Mayor to send a letter supporting the Marin Transit staff proposal to increase Annual supplemental funds by \$30,000 for the Ross Valley Yellow School Bus Program- Town Manager

Councilmember Goddard had a question about Consent Calendar item #5.

M/S, Reed/Lacques, Motion to approve the Consent Calendar as submitted.

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

Presentation

The damage caused by the production and consumption of single use plastics and disposable foodware- Perri Russell, Sustainable Fairfax Intern, Drake High School

Ms. Peri Russell gave a PowerPoint presentation, and requested the Town adopt an ordinance.

Mayor Coler stated this issue would be placed on the June agenda. She thanked Ms. Russell for her good work.

Regular Agenda

13. Discuss regulations pertaining to certain commercial cannabis uses including store-front retail and delivery-only businesses, non-commercial cannabis cultivation, cannabis business permit process, and scoring criteria for applications- Planning Director

Planning Director Berto presented the staff report and gave a PowerPoint presentation. He answered questions from the Council.

Mayor Coler opened the meeting to public comments.

An individual stated he was interested in freedom in general, and supported more legal options.

Ms. Chris Wellish stated she used cannabinoids medical purposes. She supported requiring all dispensaries to go through the permit process.

Chelsea, San Geronimo stated she submitted an application for a new medical cannabis facility

in the buffer zone and discussed her business model.

Ms. Deb Nelson, Spruce Road, supported the 600-foot buffer zone and would include Contratti Ballfield in this zone. She supported one, and not three, storefronts, and regulation of potency.

Mr. Patrick Fosano, San Anselmo, stated cannabis merchants want to help people.

Ms. Jasmine Garrity discussed cannabis regulations to protect youth, including product regulation.

Ms. Julia Rose was concerned that vaping pods and edible cannabis products attracted young people.

Mr. Sebastian Meyer, Mill Valley, advocated for youth with substance abuse problems. He was opposed to a retail storefront in Fairfax.

Ms. Fiona Core, Drake High School student, was concerned that a storefront in Fairfax would increase teen drug use.

Ms. Patrice Bryan, Fairfax, stated cannabis was an alternative to opioids to address pain. She was concerned that allowing only one dispensary created a monopoly, with negative results.

Mr. Mike Zelesky, owner of the TLC tutoring center on Sir Francis Drake Boulevard, stated it should be in the buffer zone. Three dispensaries were too many.

Mr. Thor Lowengard, White Hill Middle School student, stated a retail storefront would create the potential for more kids to use pot.

Ms. Annie Lowengard, Fernwood Drive, recognized the medical benefits of cannabis, but also had concerns with kids using drugs. She was opposed to a retail store front.

Ms. Bridget Clark agreed with the comments made by Mr. Zelesky. She discussed the need for more education.

Ms. Monica Hooley, Fairfax, stated high potency THC was a risk to mental health.

Mr. David Finnane, school principal, opposed recreational storefronts. He stated the existing medical dispensary and delivery were adequate for medical use.

Mr. Sierra Salin agreed with the previous speaker.

Mr. Lew Tremaine, representing Marin Alliance, stated a cannabis storefront should be a second-floor facility and out of sight, and signage was an issue.

Mr. Mark Bell, Domina Avenue, stated he did not see a connection between a storefront and teen drug abuse.

Mr. Charlie Hickox, Manor Road, stated he did not want somebody delivering pot to his house; he should be able to go to a storefront.

Mr. Roger Marsden, Porteous Avenue, stated discretion and quality of product was important.

Mr. Michael Macintosh was concerned the Town could assume some liability without regulations for buildings that had multiple units.

Ms. Kelsey Fernandez stated the issue was whether the Town needed a recreational cannabis storefront considering the existing issues such as youth drug use and traffic.

Mr. Don Carney, Mountain View Road, stated the THC content of today's marijuana can trigger a psychotic break and was highly addictive. A storefront tells young people that marijuana use is normative.

Mayor Coler closed the meeting to public comments.

The Council took a 10-minute break at 9:40 p.m.

Councilmember Lacques referred to cultivation and supported six plants for recreational, and ten plants for medical. He referred to retail and stated he was concerned about the traffic it would create. Impacts from a delivery business would be minimal. He would like to phase out medical and allow up to two delivery businesses in Town in the Limited Commercial (CL), Central Commercial (CC), and Highway Commercial (CH) Zones. A buffer zone for a delivery-only business could be 300 feet. There should be a dedicated parking space and minimal signage. He would like to talk about how to limit THC levels at another meeting. The existing medical dispensary should not have to go through the application process.

Councilmember Ackerman agreed with most of the comments made by Councilmember Lacques. He supported up to two business locations in Town in any combination except for adult-use storefront at this time. Ten plants for medical use was reasonable.

Councilmember Reed supported six plants and perhaps more for medical with a note from a physician. He did not support lumping in duplexes and triplexes with multi-unit apartment buildings. He supported the model of adult-use recreational delivery and would support up to three. He is not good with walk-in recreational but supports walk-in medical in conjunction with delivery (up to two or three). He would support 200-foot buffer zone for delivery. He would like to limit the products that are available. He would support a buffer around the tutoring center.

Councilmember Goddard stated she opposed having a recreational storefront in town. She agreed with Councilmember Lacques' comments about cultivation. She supported a 600-foot buffer from schools; 200-300feet for delivery. The existing medical dispensary should go through the application process. She supported one medical dispensary with a combination recreational delivery and one other business that would only be recreational delivery. She supported looking at a buffer around the tutoring center.

Mayor Coler supported the earlier Council decision to eliminate certain categories. She supported the recommendation of the Commission (only medical retail, adult-use retail, and delivery uses) in combination. She supported two potential locations and would allow the continuation of the existing medical dispensary with adult-use retail delivery. She supported six mature plants and six total outdoor per property for multi-family. She supported the 200-foot buffer from schools/day care centers and the 600-foot buffer for retail and 200 or 300 for retail/delivery. She supported a dedicated parking space for delivery businesses.

Mayor Coler asked staff to bring a draft Ordinance to the Council in June.

Mayor Coler stated she would like to continue the Councilmember Reports hear items #15 and #16 prior to #14.

15. Second reading by title only and adoption of an Ordinance adding Chapter 5.55, Entitled "Mandatory Mediation for Rental Increases" to Fairfax Municipal Code Title 5, Requiring

Mediation for Rental Increases Exceeding Five Percent- Town Manager

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

Mayor Coler opened the meeting to public comments.

Mr. David Levin, attorney for Legal Aid of Marin, discussed the housing crisis and supported the ordinance.

Mr. Michael Macintosh stated he looked at this differently as a landlord. He found the ordinance was disproportional. "Rent" should be defined to exclude all the utilities that a landlord pays.

Mr. Richard Applebaum stated he was sympathetic to the renter mentality and affordability issues but understood Mr. Macintosh's concerns.

Ms. Lisel Blash, Pacheco Avenue, stated the ordinance was not about rent control; it was about mediation requested by the tenant or landlord.

Wendy stated this was a minor protection for renters; more were needed.

Mayor Coler closed the meeting to public comments.

M/S, Goddard/Ackerman, Motion to read by title only and adopt an Ordinance adding Chapter 5.55, Entitled "Mandatory Mediation for Rental Increases" to Fairfax Municipal Code Title 5, Requiring Mediation for Rental Increases Exceeding Five Percent.

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

16. Second reading by title only and adoption of an Ordinance entitled "An Ordinance of the Town Council of the Town of Fairfax Amending Fairfax Municipal Code, Chapter 1.12 Regarding the Abatement of Public Nuisances" to update and clarify the Town's nuisance abatement procedures and cost recovery provisions- Town Manager

Town Manager Toy presented the staff report.

Mayor Coler opened the meeting to public comments.

Mr. Michael Macintosh asked for better definitions.

Mayor Coler closed the meeting to public comments.

M/S, Lacques/Reed, Motion to read by title only and adopt an Ordinance entitled "An Ordinance of the Town Council of the Town of Fairfax Amending Fairfax Municipal Code , Chapter 1.12 Regarding the Abatement of Public Nuisances" to update and clarify the Town's nuisance abatement procedures and cost recovery provisions

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

14. Discuss/consider the renewal of the existing Special Municipal Services Tax of \$195 per business occupancy and dwelling unit- Town Manager

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

Mayor Coler opened the meeting to public comments.

Mr. Michael Macintosh stated this tax was putting the burden on the people who could least afford it and asking them to subsidize the larger footprints.

Mr. Richard Applebaum asked if the original intention was for this tax to renew forever.

Mayor Coler closed the meeting to public comments.

The Council discussed extending the tax for 11 years (to November 2030) with a \$5 per year increase. Town Manager Toy stated staff would bring this back to the Council in June.

M/S, Reed/Lacques, Motion to waive the 11:30 rule.

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

17. Introduce and read by title only an ordinance entitled "An Ordinance of the Town Council of The Town of Fairfax Amending Chapter 17.008 ("Definitions"), Chapter 17.016 ("Nonconforming Uses and Structures") and Chapter 17.136 ("Floor Area") of the Fairfax Municipal Code, Title 17 ("Zoning") to Limit Maximum Floor Area for Single Family Residential and Duplex Properties and to Revise the Standard for Determining Whether a Legal Nonconforming Structure is More than 50% Destroyed- Planning Director

Planning Director Berto presented the staff report and noted several corrections to the proposed ordinance. He answered questions from the Council

Mayor Coler opened the meeting to public comments.

Mr. Michael Macintosh stated limitations on houses should be done on a case-by-case basis.

Mayor Coler closed the meeting to public comments.

M/S, Ackerman/Goddard, Motion to Introduce and read by title only an ordinance entitled "An Ordinance of the Town Council of the Town of Fairfax Amending Chapter 17.008 ("Definitions"), Chapter 17.016 ("Nonconforming Uses and Structures") and Chapter 17.136 ("Floor Area") of the Fairfax Municipal Code, Title 17 ("Zoning") to Limit Maximum Floor Area for Single Family Residential and Duplex Properties and to Revise the Standard for Determining Whether a Legal Nonconforming Structure is More than 50% Destroyed including the supplement presented by staff.

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

Council Reports and Comments

Mayor Coler noted this item has been continued.

Town Manager's Report

Town Manager Toy announced the Ribbon-Cutting Ceremony for the Parkade next Friday. The bus shelter will be installed on Broadway next week. He is contacting the contractor for the Sir Francis Drake Boulevard bus stop. The rapid flashing beacons and the handrails are on order. One additional charging station has been added to the Parkade, funded through a grant.

M/S, Coler/Reed, Motion to adjourn the meeting at 12:15 a.m. in memory of Ms. Carolyn Allen and her dog who were struck and killed by a vehicle on Butterfield Road.

Respectfully submitted,
Toni DeFrancis, Recording Secretary