

Fairfax Town Council Minutes  
Regular Meeting  
Fairfax Women's Club  
Wednesday, September 1, 2010

The regular meeting was preceded by a special meeting closed session regarding: Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Pending Litigation, Marin Superior Court No. CV 086177, Town of Fairfax v. John and Marlia Berg; and Conference with Legal Counsel – initiation of litigation (one potential case) pursuant to Govt. Code Section 54956.9 (c)

Call to Order/Roll Call:

**COUNCILMEMBERS PRESENT:** Larry Bragman  
Pam Hartwell-Herrero  
John Reed  
Lew Tremaine  
David Weinsoff

**STAFF MEMBERS PRESENT:** Michael Rock, Town Manager  
Jim Moore, Planning Director  
Jim Karpiak, Town Attorney  
Kathy Wilkie, Public Works Director  
Chris Morin, Chief of Police  
Laurie Ireland-Ashley, Finance Director  
Mark Lockaby, Building Official  
Judy Anderson, Town Clerk

Mayor Tremaine called the meeting to order at 7:35 pm.

Approval of Agenda and Affidavit of Posting

M/S, Bragman/Weinsoff, Motion to approve the agenda and the affidavit of posting with the item regarding the authorization for the release of plans and specifications for a Slurry Seal Project on Sir Francis Drake Blvd. to be continued to the October 6<sup>th</sup> agenda, the item adopting Town Council Member and Town Manager job specifications to be heard at the end of the agenda, and with the item regarding the General Plan to be heard after the consideration of the smoking ordinance.

AYES: All

Announcement of Closed Session Action

Mayor Tremaine announced that the Council had conferred with legal counsel regarding pending litigation, Fairfax v Berg, and regarding the possible initiation of litigation, but that no action had been taken.

Announcements

Mayor Tremaine made the announcements as printed on the agenda.

Open Time for Public Expression

Chris Rudy, Marin Trail Stewards, described this new organization in Marin representing all trail user groups in the County; explained that the organization's goal was to reduce conflicts between users and to create sustainable trails; that they were an environmentally oriented group; that their Web site was hosted by sharetheroad.org; that they would be working with the County on the 680 trail plan; requested that they be

placed on a future Council agenda; asked for the Council's support; and stated that a benefit to Fairfax residents would be the connectivity to the Terra Linda Open Space preserve and other open space without going through Sleepy Hollow.

Mayor Tremaine asked that the Marin Trail Stewards make a presentation at the October meeting along with the Bicycle Coalition.

Councilmember Weinsoff noted that it was a contentious issue and that the Marin Board of Supervisors had held hearings on the project that had been lengthy and boisterous.

Dana Rosay, San Francisco resident, described an organization he was forming dealing with disease prevention; noted that the highest breast cancer rate in the world had been in Marin due to the prevalent use of estrogen therapy; noted that most diseases were preventable; and left some flyers about his organization for distribution.

Darren Foty, San Rafael, stated that he wanted to speak to the proposed marijuana dispensary ban and Mayor Tremaine asked that he speak when the item was heard later on the agenda.

#### Presentation by Ross Valley School Superintendent Eileen Rohan regarding the school bond on the November 2, 2010 ballot

Newly appointed Ross Valley Superintendent Eileen Rohan, related her background in education and how best to meet student needs; stated that the anticipated increased enrollment in the district would require increased classroom space; that the Board had placed a bond measure on the November ballot to build more classrooms; and asked for the Council's support for the bond.

Mayor Tremaine announced that he was the co-chair of the bond measure campaign; that he would place a resolution in support of the bond measure on the next Council meeting agenda for consideration; that the space problem was real; that he encouraged everyone to vote for the measure; and stated that it was always wise to look at how we were teaching our children.

#### Presentation by Dave Cort, San Geronimo Valley Community Center about the Marin Food Bank

Dave Cort, Executive Director, Marin Food Bank Program, San Geronimo Valley Community Center, introduced Joseph, who worked at the Food Bank. Mr. Cort stated that they didn't have a food bank site in Ross Valley; that the majority of Ross Valley residents went to San Geronimo for services; that the number using their services had increased by 400%; that he was proud of how they had been able to respond; that over 20% of the Senior lunch program participants were from Fairfax; and that they might be merging with the San Francisco Food Bank.

Joseph stated that he had started running out of food when the recession started; that they had to turn people away who weren't from the Valley; that they had negotiated with the Food Bank to get more food to be able to serve Ross Valley and Fairfax; that they had started the senior lunch with food from Good Earth; that 21% of the seniors and 29% of their clients were from Fairfax; and he distributed a flyer with statistics regarding services provided.

Hannah Doress, Fairfax resident, stated that many Fairfax residents used the services; that she had received positive feedback from those who had used the services; and announced an annual fund raising gala on September 11<sup>th</sup> to benefit the Food Bank.

Mr. Cort described the next steps and noted that the current funding was almost 100% from San Geronimo Valley residents; stated that he would like to explore possible funding sources through the Town; that he welcomed any ideas for funding; that they were considering sending a mailer to Fairfax residents; that Fairfax businesses did contribute to the program; that there was an opportunity to establish a satellite food

bank in Fairfax; and stated that Supervisor Brown was aware of their efforts.

Mayor Tremaine reported that he had met with Supervisor Brown and his aide along with the Marin and San Francisco Food Bank representatives about setting up a satellite food distribution site in Fairfax.

Councilmember Weinsoff suggested that Mr. Cort approach Community Action Marin for financial support and noted that he sat on the board of that agency.

Yvette Wakefield, Main Court, Fairfax, stated that the economic problems were not due to lack of money but because of a few wealthy powerful people.

Lydia Kindheart, Bolinas Road, suggested that the people be empowered to grow their own food; that there could be a program to show people how to grow their own food; that existing food that wasn't used could also be harvested; and offered to contribute to any such efforts.

Presentation by Rosalind Peterson, "Geoengineering-Weather Modification-Agriculture and Human Health"

Rosalind Peterson, Redwood Valley, stated that she had made a presentation at the United Nations Climate Change conference; that she had left a large binder of information with the Town for reference; described water tests around California using statistics from the State Department of Health; noted that she had previously served as a certified crop loss adjuster; stated that jet streams lasted up to 24 hours; showed photos of military airplanes in Mendocino County; stated that persistent jet contrails created man-made clouds that blocked the sunlight to the earth; that water vapor was a greenhouse gas that made other greenhouse gases worse; that when the trails started to cover the skies they turned into man-made clouds or white haze; showed a photo of two jet streams that covered the whole sky; showed other man-made clouds; stated that the clouds sometimes had colors with the auroras from government testing in the upper atmosphere; showed man-made clouds that affected crop production by not allowing enough sunlight to hit the earth and plants and caused a lack of vitamin D; that skies across the State were beginning to be affected; that ultraviolet and infrared radiation increased the radiation levels being recorded across the U.S.; that there was also some geo-engineering going on with the clouds; that direct sunlight acted as a disinfectant; that such pollution caused acid rain; and that atmospheric testing could happen without notice and without permissions.

Mayor Tremaine stated that he had been watching it happen for years; that if you stood and watched you could see the jet trail separate with part going away in seconds, and part not going away and making the sky white; that what you could see separate from the jet trail was actually aluminum dust; that this was a government solution to the depletion of the ozone; that at times, when the ultraviolet levels were high, drinking water was affected; and that the blue skies were being taken away and we were being manipulated.

Tony Yudice, Forrest Terrace, stated that he had observed it for the last ten years; had seen it in Mexico and in Oregon; that the public was becoming aware of it; that there was a state of fear and mental distress because of the constant exposure; that he had over 700 photos of the skies over Fairfax; and that it posed a risk to everyone in the community, including the children.

Valeri Hood, Dominga Ave., stated that when she started working on the Stop the Spray campaign, she started noticing the sky over Fairfax; that she consulted California Skywatch and other web sites and read literature on the topic; that other countries were objecting to the actions of the US government that contributed to the problem; that when she first talked about the issue, people acted like she was crazy; that she could tell it was happening in Fairfax recently by the burning feeling on her skin; that it made her not want to be outdoors; and that it caused acidity and memory loss problems.

Yvette Wakefield, Main Court, stated that she had been aware for years and that it had gotten worse; that the entire sky was covered more often; that she was 64-years-old and got her blood tested every six

months; that for the first time she had a vitamin D deficiency; and that such deficiencies had become more common.

In response to a question, Ms. Peterson stated that the reasons for the pollution in the sky were myriad and that the military needed to have chemicals in the air for their communication systems.

Jenny Mehocavic, San Rafael resident, stated that she had personal experience with weather events; that she had become ill in May; that her blood barium content was 27 times higher than normal with the next test showing content 25 times higher; and that there was barium inside and outside her home.

Coral Honeycosta, Alder Court, asked what could be done about the problem.

A Berkeley resident read a statement about the issue, talked about the haze; stated that white haze was everywhere when she rode her bike in Berkeley; that she remembered when you could see forever after a rain; that you could see the haze by looking up at the sky; that geoengineering was being used to stop global warming; asked about the science of the issue; stated that she was a professional landscaper who was outside all day; that she had been involved in the Stop the Spray campaign; that she was glad that the issue was coming into the public eye; that Sudden Oak Death and other fungal issues were related; that she could do things for her own health but it was on such a scale that it was out of control; thanked the Council for hearing the topic; and suggested that more research be done.

#### Presentation of the Annual Report from the Open Space Committee, Mimi Newton

Mimi Newton, Mono Ave., Open Space Chair, expressed excitement about their new Web site; reported on the acquisition of a parcel for back taxes; described the Committee's work on the General Plan and on criteria for purchasing open space; and expressed gratitude to three former members, two who were present, Jane Richardson Mack and Niccolo Caldararo, and to a third, Denise Ferry, who couldn't attend.

#### Interview and appointment of applicant(s) for the Open Space Committee to complete an unexpired term to June 30, 2012 or for a full four-year term to August 31, 2014 – Town Clerk

Linda Novy was the only applicant interviewed to serve on the Open Space Committee.

M/S, Weinsoff/Hartwell-Herrero, Motion to appoint Linda Novy to complete an unexpired term on the Open Space Committee to June 30, 2012.

AYES: All

#### Interview and appointment of candidate(s) to serve on the Volunteer Board for an unexpired term to August 31, 2011 or to September 30, 2012 – Town Clerk

Merrell Maschino was the only candidate interviewed to serve on the Volunteer Board.

M/S, Reed/Hartwell-Herrero, Motion to appoint Merrell Maschino to complete an unexpired term on the Volunteer Board to August 31, 2011.

AYES: All

#### Council Reports and Comments

Mayor Tremaine reported on a meeting of the Marin Energy Authority's Technical Committee with PG&E to discuss their Smart Meter program.

Councilmember Hartwell-Herrero reported that the Youth Commission would be meeting again soon; that

she was working on a budget with Camille Esposito, the FOCAS Coordinator, for youth programs; and that she had made a presentation to the Chamber the previous evening about the Cittaslow city designation and the Cittaslow concept.

Councilmember Reed reported on meetings he attended about the fire grant and chipper days for the residents of the Town and reported that he had attended a planning meeting of Safe Routes to School for the international walk to school day set for October 6<sup>th</sup> and invited the Council Members to join the walk.

#### Town Manager Report

Town Manager Rock reported on the survey done on the PCB issue at Fair-Anselm and stated that the next step would be to agree on a protocol for testing; reported that a meeting with PG&E had been set for September 15<sup>th</sup> to provide an opportunity for the public to ask questions and express their concerns about Smart Meters with a second meeting to follow to allow PG&E to answer the questions raised, possibly on September 29<sup>th</sup>.

#### CONSENT CALENDAR

**Approval of Town Council minutes of August 4, 2010 – Town Clerk**

**Adoption of a Resolution of the Town Council of the Town of Fairfax naming the stage in Bolinas Park “Arlen Philpott Stage” in honor of his musical contributions to the community – Weinsoff**

**Award of bid for Tennis Court Bank Stabilization Project and Peri Park Pedestrian Bridge Replacement – Public Works**

**Adoption of a Resolution of the Town Council of the Town of Fairfax amending Resolution No. 09-79 to add the Vice Mayor to the membership of the Finance Committee – Town Manager**

**Proclamation declaring September 2010 as Prostate Cancer Awareness Month in Fairfax – Town Clerk**

**Adoption of a Resolution of the Town Council of the Town of Fairfax Authorizing Temporary Closure of a portion of Glen Drive for a bike race fund raiser on Saturday, October 16, 2010, from 8 am to 5 pm – Town Clerk**

M/S, Weinsoff/Reed, Motion to adopt the Consent Calendar.

AYES: All

Councilmember Weinsoff presented the resolution honoring Arlen Philpott to his daughter, Maria Kennedy, who received it on behalf of her father.

Mayor Tremaine adjourned the meeting for a break from 9:25 to 9:35 p.m.

Discussion/Consideration of the Adoption of a Resolution of the Town Council of the Town of Fairfax adopting a revised Master Fee Schedule – Finance

Finance Director Ireland-Ashley presented the staff report including a description of the comparison of the proposed fees with and without overhead costs included in the calculations.

Vice Mayor Bragman explained that he had asked for the fees to be presented without the overhead costs included because of the large increase in fees that would result from using the fully burdened costs. He stated that the overhead costs, not fully burdened, seemed more fair and provided a way to moderate the proposed increases in the fees to be charged by the Town.

Town Manager Rock explained that the fully burdened costs were used by other jurisdictions and were allowed by Prop 218.

Councilmember Hartwell-Herrero expressed support for the use of the lesser amounts.

Councilmember Reed expressed concern about the increased planning and building fees keeping people from obtaining permits for work done; that he didn't want to gauge people; that it was a big change; that we were in a difficult economic position but that he wanted to be realistic; and that he would rather save in other areas than raise the fees so high.

Mayor Tremaine opened the public hearing.

Mark Bell, Dominga Ave., stated that he was glad that he was done with his house; that he already paid for some of the services provided by the Town with his taxes; and that he was against the inclusion of indirect costs in the fees.

Mayor Tremaine closed the public hearing.

Town Attorney Karpiak suggested that the item be continued to the next meeting in order to meet the noticing requirements with the new fees proposed.

Town Manager Rock suggested that there be a 30-day grace period before the resolution went into effect to allow time to give the public notice of the new fees.

There was a consensus of Council to use only direct costs in the fee schedule and to continue the public hearing to the October 6<sup>th</sup> Council meeting.

Adoption of Ordinance No. 753 of the Town Council of the Town of Fairfax as an urgency measure establishing a temporary moratorium on the establishment of Marijuana Dispensaries within the Town of Fairfax and declaring the urgency thereof – Tremaine

Mayor Tremaine explained the reasons he brought the urgency ordinance forward and stated that the ordinance would prohibit the Town from accepting any applications for marijuana dispensaries until the moratorium expired.

Town Manager Rock noted that how dispensaries were regulated and taxed might be determined by the results of State Proposition 19 vote in November.

Vice Mayor Bragman stated that he hoped that the proposition passed, that he supported the moratorium until after the election, and that it was timely and a good idea.

Councilmember Reed stated that the moratorium made sense and would give the Town the opportunity to review the process and the desired locations of such businesses.

Councilmember Hartwell-Herrero asked if Proposition 19 would go into effect immediately upon passage.

Mayor Tremaine opened the public hearing.

Darren Foti, stated that people with serious medical conditions deserved options, that the Town was setting up a monopoly by setting up a moratorium; that others needed to be able to open a business in fair competition; reported that he had been involved in an altercation at Marin Marijuana Alliance and described how he was unfairly treated there; that he had received a letter from Vice Mayor Bragman representing Marin Alliance with incorrect information about the incident; that a business providing a service to the

community should have professionally calibrated scales and conduct their business more fairly; quoted Lynette Shaw from an article in the paper where she claimed that he was conducting a hate campaign against her; and asked that people's health issues be addressed.

Pam Meigs, Cypress Drive, Planning Commissioner, stated that the Commission had heard many hours of testimony and spent a great deal of time processing the applications for medical marijuana dispensaries and thanked the Council for taking the process over because she believed it was more appropriate for elected official to be deciding the issue. She also stated that she would like to have another dispensary in town so that Marin Alliance didn't have a monopoly.

Scott Candell, Civic Center Drive, stated that he represented one of the applicants who was denied at the Planning Commission meeting; that the applicant was unable to provide the required parking for the dispensary; that the Commission agreed that it wasn't a good thing to have a monopoly; that Proposition 19 was for the recreational use of marijuana and had nothing to do with patients growing marijuana for their own use; that Marin Alliance had a good reputation but that some people weren't happy with it and didn't have an alternative; quoted a recent case against Anaheim where a ban was challenged and where the court determined that it wasn't legal to criminalize the distribution of marijuana done through a collective; questioned the urgency of the ordinance since a dispensary had been in operation for thirteen years; and stated that there wasn't a problem that warranted such an ordinance.

Megan, San Rafael, stated that there was a link to the Anaheim case in the literature that she had distributed; that Prop 19 was about recreational users, not medical marijuana; urged the Council to reconsider the ban and support free enterprise; and stated that she was an advocate for safe options to the only dispensary available; that she was a medical marijuana patient; and urged the Council to be open to new marijuana dispensaries to provide an alternative safe option for patients.

Peter Garner, Spruce Road, stated that he was a terminally ill medical marijuana patient; that Proposition 19 would affect things; that not everyone was happy with Marin Alliance; that more dispensaries were needed; that there were over 600 strains of marijuana; that different conditions and different people reacted differently to the medical properties of the various strains; that there needed to be competition; that he understood the idea behind the moratorium; and asked what would happen to the existing delivery services.

Patrick Troll, Olema Rd., stated that a dispensary opened near his property in San Francisco and that a criminal element was introduced to the neighborhood there and that he supported the moratorium.

Mayor Tremaine closed the public hearing.

Mayor Tremaine stated that it wasn't a "ban" of medical marijuana dispensaries; there there would be drastic changes to existing dispensaries if Prop 19 passed; that he was not suggesting that the Town protect a monopoly; that if Prop 19 failed with Fairfax as one of only a few communities who welcomed dispensaries, that they needed to figure out what was and wasn't appropriate in the community; and that the Council was taking a "time-out" to get all the information needed to develop a policy.

Town Attorney Karpiak stated that the proposed ordinance spoke to several reasons for an urgency ordinance and that no standard existed for the Planning Commission to use to consider applications for dispensaries.

Vice Mayor Bragman ascertained that there were no pending applications and that the two unsuccessful applicants had not filed appeals of their denials. He noted that the Town was facing significant costs in processing such applications because they were very time consuming for the staff; that there was a critical juncture moving forward with Prop 19; that there was wisdom in taking some time out; and that he supported the temporary pause.

Councilmember Reed referred to the staff report that indicated that there were serious questions raised

about zoning for dispensaries in the Planning Commission use permit hearings and suggested that the Town should get to work during the moratorium to explore the issues.

Councilmember Hartwell-Herrero, stated that she was not clear about the urgency; that they needed criteria; that no applications were pending; and that the lines between dispensaries and personal use were blurred.

Councilmember Weinsoff suggested that perhaps they should adopt the ordinance and bring it back at the next meeting with some questions answered.

Vice Mayor Bragman suggested that it be introduced as a regular ordinance.

Mayor Tremaine stated that, through the use permit process at the Planning Commission, it was determined that there were no standards in place; that during the moratorium, standards could be developed; that the line between medical marijuana and recreational use was not blurred to him; and that they needed to move cautiously as a community that had supported medical marijuana, but with careful thought.

Weinsoff/Tremaine, Motion to approve the 45-day moratorium to be heard again in October at an earlier hour.

Discussion:

Vice Mayor Bragman expressed concern that they were stigmatizing the dispensaries; that Prop 19 allowed the possession of small amounts of marijuana; that he wasn't convinced that an urgency ordinance was necessary; and that he would prefer to introduce the ordinance with a second reading and adoption at a subsequent meeting.

Town Attorney Karpiak stated that the ordinance would have the same effect if it was not done as an urgency ordinance, but would not go into effect until thirty days after the second reading and adoption.

Councilmember Weinsoff withdrew his motion and Mayor Tremaine withdrew his second to the motion.

M/S, Weinsoff/Reed, Motion to waive further reading of Ordinance No. 753, An Ordinance of the Town Council of the Town of Fairfax establishing a temporary moratorium on the establishment of Marijuana Dispensaries within the Town of Fairfax.

AYES: All

M/S, Weinsoff/Reed, Motion to introduce Ordinance No. 753, An Ordinance of the Town Council of the Town of Fairfax establishing a temporary moratorium on the establishment of Marijuana Dispensaries within the Town of Fairfax.

Roll Call Vote:

Bragman: AYE      Hartwell-Herrero: NO      Reed: AYE      Tremaine: AYE      Weinsoff:  
AYE

Introduction and First Reading of Ordinance No. 754, an Ordinance of the Town Council of the Town of Fairfax amending the Town's smoking ordinance to provide Clean Indoor Air and Health Protection including the Regulation of the Exposure to Smoke in Multi-Unit Apartment Buildings – *Bragman*

Vice Mayor Bragman presented a report. He stated that the amendment to the smoking ordinance had been prompted by a desire to protect tenants in apartment building from exposure to secondhand smoke; that two community meetings about a proposed ordinance had been held; that the negative health effects of

secondhand smoke were well established; that millions of dollars in fire damage and other costs were due to smoking in apartments; that the rights of the secondhand smoke victim outweighed the rights of the smoker; and stated that the Town needed to lead by example.

Mayor Tremaine stated that he saw it as an overreach of government; that the bulk of the people who were harmed in the statistics were those who lived with a smoker; that he doubted that smoke that filtered through walls or ventilation systems would be as harmful as stated in this ordinance; that it was more damaging to walk around during rush hour; that he was willing to take a look at the ordinance, but, as it was drafted was not acceptable to him; and that it would negatively affect the downtown businesses.

Councilmember Reed noted that the condominium section allowed them to vote to ban smoking in all the condos.

Vice Mayor Bragman suggested that he review the ordinance informally with the Mayor and place the ordinance on a future agenda for introduction.

Mayor Tremaine opened the discussion to the public.

Mark Bell, Dominga Ave., stated that 20 feet from a doorway could become 20 feet from the road and asked where the regulation would stop.

Bob Curry, Marin County Health and Human Services, Drug, Alcohol and Tobacco Program, stated that he wanted to work with the Town to draft an ordinance that suited Fairfax and would assist in any way possible.

Pam Granger, Vice Chair of Smoke-Free Marin Coalition, a resource for Marin for over 20 years and an employee of American Lung Association; stated that she could help with public education and with the wording of the ordinance and some technical changes. She stated her opinion that the Town was going in the right direction.

Lydia Kindheart, downtown business owner, stated that there was a difference between businesses where you could walk away and apartments where you live.

Elizabeth Emerson, Marin County tobacco related disease control program consultant, stated that there were two sections in the Housing Element workbook used by Marin cities that pertained to smoke-free areas in multi-unit housing that supported the ordinance.

Peter Gardner, stated that, according to the World Health Organization, tobacco killed more people than all other drugs combined. He further stated that he hadn't read the ordinance, but thought it would be a nightmare to try to enforce no smoking in apartment buildings.

Vice Mayor Bragman stated that a similar ordinance was already in effect in other jurisdictions and that enforcement hadn't been a problem.

There was a consensus of the Council to continue the item.

Review and discussion of the Conservation and Housing Elements and report on the status of the Fairfax General Plan – Planning

Planning and Building Services Director Moore presented the staff report.

Authorization for the Town Manager to sign an agreement with Muni Services to process Fairfax business licenses - Finance

Mayor Tremaine requested that Muni Services be informed that the collection of fees from the realty

community would change according to the amendment to be made to the Master Fee Schedule.

Finance Director Ireland-Ashley presented the staff report and noted that the way the fees were collected for realtors would change and that only the brokers would be charged and not the individual realtors, to be based on a percentage of the sales in Fairfax.

Bill McKean, president of Marin Association of Realtors, requested that the Town direct Muni Services to collect business license fees from brokers not realtors, and expressed his willingness to work with the Town on updating the old ordinance.

Mark Bell, Dominga Ave., ascertained that any problems with a business license would be handled by Finance Director Ireland-Ashley.

Representatives of Muni Services were present.

Vice Mayor Bragman stated that he wanted to see something about the confidentiality of the information in the contract and that he wanted the residents to know that their data was secure and that their privacy would be protected.

Town Attorney Karpiak stated that the confidentiality aspect was covered by government code but that the contract could be more explicit on the issue.

There was a consensus of the Council that the language in the contract be modified to specifically address the privacy issue.

Town Manager Rock stated that he would review the entire ordinance business license ordinance to make sure that any antiquated terms were addressed.

It was agreed that, upon termination of the contract, that the data would be provided to the Town in an acceptable format.

Councilmember Weinsoff suggested that the agreement be amended as requested and returned to the Council for their consideration at the September 11<sup>th</sup> meeting. There was a consensus of the Council to continue the item to September 11<sup>th</sup>.

#### Appeal of Penalty Fees for work done without permits at 31 Bolinas Road - Planning

Planning and Building Services Director Moore presented the staff report that included a recommendation to reduce the penalty to twice the fee rather than assessing the required triple fees for work done without permits. In this case, work had been done on a commercial building without the required Design Review Board approval.

Lydia Kindheart, owner of Lydia's Lovin Foods and appellant, stated that it would be a hardship for her to pay triple fees; that she didn't own the building; and that she didn't know that design review was required for the work she had done.

M/S, Weinsoff/Hartwell-Herrero, Motion to waive all penalty fees.

AYES: All

M/S, Weinsoff/Hartwell-Herrero, Motion to continue the items not heard to the meeting of September 11<sup>th</sup>.

AYES: All

The meeting was adjourned at 11:40 p.m. to a Strategic Planning Meeting on Saturday, September 11, 2020, 9 a.m. to Noon.

Respectfully submitted,

Judy Anderson, Town Clerk