

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
MAY 14, 2019**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on May 14, 2019, at 6:00 p.m. in the Town Hall meeting room.

STUDENT OF THE MONTH

The following students from Ross Montessori School were awarded a Certificate of Achievement from Mayor Richardson:

David Finley Frida Rojo

ROLL CALL:

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Erica Sparhawk
	Lani Kitching
	Ben Bohmfalk
	Marty Silverstein
	Luis Yllanes

Absent	Heather Henry
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Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Finance Director	Renaë Gustine
Town Attorney	Mark Hamilton
Public Works Director	Kevin Schorzman
Planning Director	Janet Buck

CONSENT AGENDA

- Accounts Payable totaling \$298,148.52
- BOT 4/16/2019 Work Session Minutes
- BOT 4/23/2019 Regular Meeting Minutes

- Liquor License Renewal – Izakaya Carbondale
- Revocable License Agreement/Modification of Premises – Senior Taco
- Ratification of History Colorado Structures of Merit Contract Amendment
- Fire Mitigation Contract – Nettle Creek Water Plant

Trustee Sparhawk made a motion to approve the Consent Agenda. Trustee Bohmfalk seconded the motion and it passed with:

6 yes votes: Richardson, Bohmfalk, Silverstein, Sparhawk, Kitching , Yllanes

PERSONS PRESENT NOT ON THE AGENDA

There was no one present who wished to address the Board.

TRUSTEE COMMENTS

Trustee Silverstein stated that last weekend was busy with the following events: Arbor Day, Senior Matters presentation on CBD's, Waste Diversion Day and First Friday. Senior Matters will be hosting a Spring Fling on May 20th at the Homestead Restaurant.

Trustee Silverstein stated that raising the age to purchase nicotine products has been successful. He would like the Board to revisit the issue and possibly consider implementing a licensing requirement or a tax and use the money to pay for programs combating nicotine addiction.

Trustee Silverstein stated that the first Summer Concert is scheduled for June.

Trustee Sparhawk told the Board that she attended the Chamber meeting last week; they are looking for volunteers for Ride the Rockies event on June 12-13.

Trustee Sparhawk stated that the Pride Parade was well attended and the Pride flag hanging at the front of Town Hall looked great. She's glad the Town participated in the event.

Trustee Sparhawk attended the Colorado Communities for Climate Action meeting. She has a legislative summary – a lot of progress was made on a number of bills. They are having a training in Frisco on May 23rd.

Trustee Sparhawk announced that there will be a celebration of Thomas Lawley's life on June 1st in Sopris Park.

Trustee Silverstein stated that there will be a celebration of the Humpty Dumpty sculpture at the library on May 30th.

Trustee Silverstein stated that the Carbondale Public Arts Commission Walk Around Town is June 6th.

Trustee Kitching stated that Senior Matters and the Carbondale Age Friendly Community Initiative will remain separate entities.

Trustee Kitching told the Board that the Aspen Valley Land Trust is developing a strategic plan and the community has been invited to provide input.

Trustee Kitching attended the Parks and Recreation Commission meeting where they discussed the Crystal River Restoration Plan and received a Red Hill trails progress update.

Trustee Kitching stated that KDNK is forming a Strategic Plan Commission.

Trustee Kitching stated that she has been approached by a few people wanting a stop sign installed at Second and Main Streets. Mayor Richardson explained that a stop sign at that location was removed a few years ago and the Town's position hasn't changed.

Trustee Bohmfalk stated that he attended a Coventure four week workshop.

Mayor Richardson congratulated Amy Kimberly for receiving the Governor's Creative Leadership Award.

Mayor Richardson received a lot of positive feedback on First Friday. He thanked staff for hanging the Pride flag on Town Hall.

Mayor Richardson stated that 5 Point Film Festival was a huge success and he thanked everyone who made it happen. He also thanked the Tree Board and volunteers who helped at Arbor Day.

Mayor Richardson encouraged the Trustees to attend the Colorado Municipal League Conference.

Mayor Richardson announced that residents can start signing up for trash service on June 3rd.

Mayor Richardson stated that a Housing Study Update has been scheduled on the May 21st work session. The Board also wants an update on waste hauling.

ATTORNEY'S COMMENTS

The attorney did not have any comments.

SPECIAL EVENT LIQUOR LICENSE – RIDE THE ROCKIES

Ride the Rockies has applied for a Special Event Liquor License for an event to be held at the 4th Street plaza. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

Trustee Sparhawk made a motion to approve Ride the Rockies' Special Event Liquor License. Trustee Silverstein seconded the motion and it passed with:

6 yes votes: Kitching, Yllanes, Bohmfalk, Sparhawk, Richardson, Silverstein

SPECIAL EVENT LIQUOR LICENSE – CARBONDALE CLAY CENTER

Carbondale Clay Center has applied for four Special Event Liquor Licenses for the summer First Fridays. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

Trustee Sparhawk made a motion to approve Carbondale Clay Center's' Special Event Liquor Licenses. Trustee Yllanes seconded the motion and it passed with:

6 yes votes: Bohmfalk, Silverstein, Yllanes, Sparhawk, Richardson, Kitching

**CONTINUED PUBLIC HEARING – P&C EXPRESS AND DURANGO ALTERNATIVES
NEW MEDICAL MARIJUANA CULTIVATION LICENSE APPLICATIONS**

Staff explained that the applicant has not identified a local agent and therefore requests that the Board continue the public hearing to June 11, 2019

Trustee Silverstein made a motion to continue the public hearing for P&C Express and Durango Alternatives New Medical Marijuana Cultivation License Applications to June 11, 2019. Trustee Kitching seconded the motion and it passed with:

6 yes votes: Silverstein, Yllanes, Sparhawk, Richardson, Kitching, Bohmfalk

**RESOLUTION NO. 6, SERIES OF 2019 – AMENDING APPENDIX A IN THE
CARBONDALE MUNICIPAL CODE**

Jay explained that normally staff makes amendments to Appendix A, the fee schedule in the Municipal Code, at the end of the year. However, new trash hauling fees and small cell facility fees need to be added immediately.

Trustee Sparhawk made a motion to approve Resolution No. 6, Series of 2019 Amending Appendix A in the Carbondale Municipal Code. Trustee Kitching seconded the motion and it passed with:

6 yes votes: Yllanes, Sparhawk, Richardson, Kitching, Bohmfalk, Silverstein

ORDINANCE NO. 10, SERIES OF 2019 – REVISING RETAIL AND MEDICAL MARIJUANA LICENSING RENEWAL REQUIREMENTS, SIGNS AND ADVERTISING

Jay explained that typically staff does a "clean up" ordinance on marijuana issues once a year. Ordinance 10 addresses two items: signage and license renewals. The signage language involves removing symbolism language based on the Tumbleweed litigation. The sign size restriction still exists and symbols are counted in the sign's allowable square footage.

Ordinance No. 15, Series of 2016 has a "use it or lose it" clause. It states that upon renewal, if a licensed premises was non-operational for the immediately preceding year, a renewal license shall not be granted. Staff has requested that a clause be added that states if a facility is clearly showing intent to open but has not done so by their expiration date that staff may recommend approval of the license renewal.

EXECUTIVE SESSION

At 6:45 p.m. Trustee Bohmfalk made a motion to go into an Executive Session to discuss a potential real property acquisition pursuant to C.R.S. Section 24-6-402(4)(a) to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest. Trustee Sparhawk seconded the motion and it passed with:

6 yes votes: Sparhawk, Richardson, Kitching, Bohmfalk, Silverstein, Yllanes

At 7:34 p.m. Trustee Kitching made a motion to adjourn the Executive Session and return to the regular meeting. Trustee Silverstein seconded the motion and it passed with:

6 yes votes: Richardson, Kitching, Bohmfalk, Silverstein, Yllanes, Sparhawk

CONTRACT TO BUY REAL ESTATE

Trustee Bohmfalk made a motion to authorize the Mayor to sign a contract to purchase a home located at 417 North 8th Street, Carbondale, Colorado. Trustee Silverstein seconded the motion and it passed with:

6 yes votes: Kitching, Bohmfalk, Silverstein, Yllanes, Sparhawk, Richardson

ENVIRONMENTAL BOARD (Eboard) PLASTIC BAG BAN EXPANSION

The Trustees and Environmental Board engaged in a discussion on expanding the plastic bag ban. The following points were made:

The Eboard received over 400 positive responses to a survey they did on expanding the plastic bag ban. They also collected 120 signatures supporting a plastic bag ban expansion at Dandelion Day.

The Trustees asked how much business outreach had been done. The Eboard talked to ACE, the COOP and Sopris Wine and Liquor. And they talked to some restaurants about banning plastic straws. The majority of restaurants are doing away with straws.

Trustee Bohmfalk agreed that there is a plastic problem. He asked the Eboard for research on the effectiveness of an expanded bag ban. The research that he has read concluded that actions make us feel good but they have unintended consequences. He doesn't believe an expanded plastic bag ban is the best way to get rid of plastic.

The EBoard asked the Trustees for a commitment to do something (about plastic). They would like to hire someone to help with outreach. They would be paid from the Bag Fund.

The Board agreed that we need to focus our efforts on something more powerful than a expanded bag ban. We should spend another year, think it though, and maybe come up with something bigger. The Board supports a more comprehensive solution – it needs to be something with a higher impact. We should engage with experts in the field.

Students from Colorado Rocky Mountain School addressed the Board.

Dartike stated the ban is a step along the way – we need to take baby steps.

Eli stated it's hard for individuals to accept a comprehensive ban; we need to take small steps. Carbondale is a pioneer for change that we want to see in this valley.

Eliand stated that a bag ban won't do a lot but it will make people think. It's the first step to do something even if it's small.

The Eboard stated that they will be talking to an environmental consultant next week.

The Board agreed that no matter what we do there has to be a tremendous amount of community outreach.

**ORDINANCE NO. 9, SERIES OF 2019 – TOWN CENTER SUBDIVISION
IMPROVEMENTS AGREEMENT AMENDMENT**

Janet explained that this a public hearing to consider a Major Plat Amendment for Town Center Filing No. 1 and 2. The purpose of the Major Plat Amendment is to reflect that Tract A (the pedestrian walkway which extends through the middle of Town Center (the Promenade)). It would no longer be a Master Common Area owned and maintained by

the Town Center Owners Association. Instead, Pickwick Holdings, LLC would be the owner of Tract A and would be responsible for maintenance and repair of the pedestrian walkway. The Association met and 82% (two of the owners did not participate) of the owners agreed to terminate the common interest community, and the Declaration of Covenants for the subdivision.

The Major Plat Amendment also places a perpetual non-exclusive pedestrian easement on Tract A to allow the public use of the walkway. The amended SIA allows individual owners located along Tract A to request a license from Pickwick Holdings, LLC to allow encroachments such as table or signs so long as they do not interfere with the flow of pedestrian traffic on Tract A. Previously the Association approved such licenses.

Finally, the SIA includes an amendment which eliminates the design standards which had been included in the SIA to eliminate overlapping standards. They will now consult the Unified Development Code for design standards.

Mayor Richardson opened the public hearing.

Steve Novy, of Greenline Architects, stated that this is about the sale of a large area of Carbondale. If the design guidelines are eliminated they will have to depend upon the UDC. They are transferring ownership of a collectively owned piece of property. He is opposed to the amendment.

Corey Simpson, Thunder River Theater, stated that their attorney didn't have concerns. Corey wants to know about the license process.

Charlie Lesner, Backbone Media, stated that he echoes Steve's sentiments. He wants more dialogue.

Mayor Richardson closed the public hearing.

The Board expressed concern as to how the licenses would be granted. They agreed that language should be added to the amendment which states that Pickwick Holdings, LLC won't unreasonably withhold licenses for customary private uses of town sidewalks.

Trustee Sparhawk made a motion to approve Ordinance No. 9, Series of 2019 with the amendment noted above, the amendment to the Town Center SIA and the Major Plat Amendment for Town Center with the following conditions and findings:

1. All representations of the Applicant and Applicant's representatives at the Public Hearing shall be considered conditions of approval of this Major Plat Amendment.
2. The Plat shall be in a form acceptable to and approved by Town Staff and the Town Attorney prior to recording. Applicant shall execute and record the plat

3. with the Garfield County Clerk and Recorder within three (3) months of approval by the Board.
4. The applicant shall be responsible for the costs of recordation of the approval documents.

Final Plat Findings

1. The final plat conforms to the approved preliminary plat as all property descriptions, dedications, easements, descriptions of limited common elements and every other matter as set forth on the Town Center Filing No. 1 Final Plat and the Town Center Filing No. 2 Final Plat remain in effect as shown on the recorded plats; and the Plat for the Major Amendment incorporates all recommended modifications attached to the approval of the preliminary plat;
2. The development will substantially comply with all requirements of this Code; and
3. The development will comply with the applicable technical standards and specifications adopted by the Town.

Trustee Silverstein seconded the motion and it passed with:

6 yes votes: Bohmfalk, Silverstein, Yllanes, Sparhawk, Richardson, Kitching

ADJOURNMENT

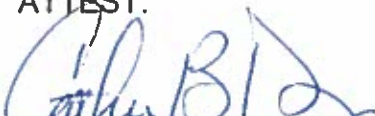
The May 14, 2019, regular meeting adjourned at 9:25 p.m. The next scheduled meeting will be held on May 28, 2019, at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk

