

**MINUTES
CARBONDALE BOARD OF TRUSTEES
SPECIAL MEETING
MAY 19, 2020
VIRTUAL MEETING VIA ZOOM**

Mayor Dan Richardson called the Board of Trustees virtual Special Meeting to order on May 19, 2020, at 6:00 p.m.

ROLL CALL:

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Marty Silverstein
	Ben Bohmfalk
	Lani Kitching
	Luis Yllanes
	Erica Sparhawk
	Heather Henry
Student Trustee	Diego Valdez
Absent	Grace Jardine
Staff Present:	
Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Town Attorney	Mark Hamilton

COMMUNITY HERO AWARD

Mayor Richardson presented the first Community Hero Award to the Employees of City Market.

CONSENT AGENDA

- Accounts Payable totaling \$334,071.38
- BOT 4/21/2020 Work Session Minutes
- BOT 4/28/2020 Regular Meeting Minutes
- Liquor License Renewal – Izakaya
- Liquor License Renewal – RVR Master Association
- Report of Name Change – Patina Bar & Grille
- Memorandum of Understanding – Art Park Grant
- Recommendation for Appointment – Bike/Pedestrian/Trails Commission

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

7 yes votes: Richardson, Yllanes, Silverstein, Bohmfalk, Kitching, Henry, Sparhawk

PERSONS PRESENT NOT ON THE AGENDA

Mike Mines stated that due to COVID-19 the town may experience negative financial impacts and may not be able to undertake the re-engineering of 8th Street. He asked the Board to consider reexamining the 8th Street public pedestrian Right-Of-Way that is currently not being used. The access point is close to the bike path. Jay replied that he looked at the easement and it is not dedicated for public use. It will take legal action to get it dedicated. Trustee Bohmfalk stated that he would be willing to help move it forward to the Bike/Pedestrian/Trails Commission.

TRUSTEE COMMENTS

Trustee Kitching stated that the Ruedi Water and Power Authority was awarded a grant for operational improvements (security gates, ramp improvements). She informed the public that the Ruedi boat ramp is closed at least until June 1st. Trustee Kitching attended a virtual Garfield County Economic Development meeting. They discussed the impacts the COVID-19 lockdown is having on businesses. The County Economic Recovery Team is developing strategies for businesses when they re-open. Trustee Kitching would like the Board to consider placing a PIF on plastics at a future meeting. She would also like the Board to consider enacting an incremental revenue use fee at the Carbondale boat ramp.

Trustee Sparhawk stated that she attended a Carbondale Communities for Climate Action (CC4CA) meeting. They voted on the preliminary approval of the draft Policy Statement which is similar to past years. She will circulate the Policy Statement to the Board and she asked that it be placed on a future agenda. Trustee Sparhawk attended the Chamber Board meeting. She thanked Coventure, the Creative District, and the Chamber for the work they did on the Main Street business survey.

Trustee Yllanes attended the Parks and Recreation Commission meeting; they discussed Red Hill realignment updates. Trustee Yllanes stated that the pool survey is still underway and he encouraged everyone to participate. Trustee Yllanes thanked the businesses who assisted with plant sales throughout town.

Trustee Silverstein stated that the Carbondale Public Arts Commission (CPAC) has cancelled the Art Walk Around Town. CPAC is surveying the artists who currently are displaying their sculptures in town to see if they want to leave them here for another year. Trustee Silverstein stated that the Arbor Day celebration, where they plant 100 trees, was canceled. Summer Music in the Park has also been canceled – however, they may be able to broadcast from Steve's Guitars.

Trustee Henry attended a Manaus Affordable Housing meeting. They are using a user based approach to affordable housing. They would like to work with the valley-wide housing coalition. Jon Rubin Fox is working on a Memorandum of Understanding with the valley jurisdictions. Trustee Henry said the Environmental Board will be holding their first virtual meeting tomorrow.

Mayor Richardson noted that all advisory board meeting are being broadcast on YouTube.

Trustee Bohmfalk attended the Garfield Clean Energy meeting. The main topic of discussion was pursuing a public/private partnership for a GIS mapping product. Trustee Bohmfalk stated that he attended the Coventure Board meeting. They are helping businesses during the COVID-19 crisis. They are exploring what services they can provide and they have opened up their upstairs offices. Trustee Bohmfalk also attended the Bike/Pedestrian/Trails Commission meeting. They discussed bike etiquette to prevent conflict. Because traffic has been greatly reduced they have had the opportunity to rethink mobility.

Student Trustee Valdez informed the Board that there will be a car parade and graduation ceremony at the high school on May 30th.

Mayor Richardson thanked staff for their work on the ditches and noted that the capital projects are almost finished. Mayor Richardson thanked all of the volunteers helping with the COVID-19 crisis. Mayor Richardson attended an emergency RFTA meeting where they discussed ramping service back up. They will allow nine people per bus. Sneeze guards have been installed to protect the drivers. RFTA has taken a huge financial hit as a result of the pandemic. They also adopted a Memorandum of Understanding for the Art Park. Mayor Richardson thanked the Recreation Department staff, the Chamber, Carbondale Arts and the Carbondale Middle School staff and students for their efforts with organizing First Friday. Mayor Richardson stated that the COVID-19 Task Force continues to meet and they hope to transition in to a dormant phase. They are responsible for the "Mask On" campaign. Mayor Richardson met with Roaring Fork Family Practitioners. They are testing strategies and noted that as testing increases quarantine will increase. They said that it is important to address loneliness.

ATTORNEY COMMENTS

Mark stated that he has been working on the mask ordinance and preliminary regulations for liquor license modifications on Main Street.

PUBLIC HEARING – TRANSFER OF LIQUOR LICENSE APPLICATION – LANDMARK CAFE

Applicant: Landmark Cafe, LLC

Location: 689 Main Street

Cathy explained that the Landmark Cafe has been operating under the Way Home's liquor license and they desire to transfer the license to the Landmark Cafe, LLC.

Mayor Richardson opened the public hearing. There was no one present who wished to address the Board so Mayor Richardson closed the public hearing.

Trustee Silverstein made a motion to approve Landmark Cafe's Transfer of Liquor License Application. Trustee Sparhawk seconded the motion and it passed with:

7 yes votes: Sparhawk, Henry, Yllanes, Richardson, Kitching, Silverstein, Bohmfalk

APPOINTMENT OF MAYOR PRO TEM

Trustee Silverstein made a motion to appoint Trustee Bohmfalk as the next Mayor Pro Tem. Trustee Sparhawk seconded the motion and it passed with:

7 yes votes: Silverstein, Richardson, Henry, Bohmfalk, Kitching, Yllanes, Sparhawk

APPOINTMENTS TO ADVISORY BOARDS AND COMMISSIONS

The Board discussed if they should change appointments to the advisory Boards. The Board agreed to appoint Trustee Yllanes to the Public Arts Commission, Trustee Kitching to Senior Matters, and Trustee Silverstein will be the Chamber alternate.

COVID-19 UPDATE

Jay gave an update on COVID-19. The County Health Department continues to look at the State health department order. Garfield County sent a variance to the State Health Department and should receive a response in 5-7 days. Jay is waiting to see how the variance will impact town facilities. The model appears that contained spaces will require reservations. A common consumption area probably won't be allowed. There have been no major changes at town hall – it is still locked off to the public and customers need to make an appointment. The Governor's next health order is May 25th. Next week staff will have the sales tax report for April. We are exploring ways to help local businesses (restaurants/businesses expanding in to the street). The government is giving \$275 million to local governments to relieve the financial impacts of the virus. The Town has applied for a FEMA reimbursement for COVID-19 expenditures.

RE-VISIT COVID-19 FINANCIAL CONTRIBUTIONS

Trustee Bohmfalk stated that other towns are doing proactive cuts but Carbondale is taking a wait and see approach. Jay replied that sales tax revenue is up 7% in the first quarter. Some business revenue is significantly up, while other business revenue is down. Jay noted that we never added the staff back that was laid off during the 2008 recession.

Trustee Bohmfalk said if we donate more money to non-profits he wants to donate to organizations with the biggest impact. Mayor Richardson stated that he would like to see April's sales tax report before making any decisions. The Board agreed to discuss this item at the May 26th meeting.

POSSIBLE EMERGENCY ORDINANCE NO. 5, SERIES OF 2020 – LIMITED FACE MASK ORDER

Jay informed the Board that an emergency ordinance requires at least a 5 (yes) - 2 (no) vote. Ordinance 5 is limited in scope – it requires a person wear a mask when entering a public business/building. Mayor Richardson stated that many people have contacted him and most are in favor of requiring a mask. Most municipalities in the Roaring Fork valley require masks. It's a complicated emotional issue.

Trustee Sparhawk asked Jay what is the enforcement component? Jay responded that there is a graduated fine schedule. We expect that the police will issue warnings rather than citations.

Trustee Silverstein asked if the mandate will apply to the library. Mark replied yes, it will apply to indoor places where the public is present.

Mayor Richardson opened the meeting to public comment.

Tamara Haynes Norton stated she is in favor of the ordinance. She represents two businesses on Main St. It's an important safety measure. Masks can prevent 75% of transmission. She wants her employees to be safe.

Judy Blanchard supports the measure. She is concerned with violent reactions of people who are asked to wear masks.

Eaden Shantay said it's a difficult time in the hospitality industry. His business is dependent on social interaction. Regulations make doing business difficult. He is against mandatory mask wearing for medical freedom reasons. He supports the right to choose how people want to take care of themselves.

Niki Delson stated that older adults are more comfortable if everyone is wearing a mask. If the Board passes the ordinance people shouldn't be worried about purchasing masks, as the Carbondale Age Friendly Communities Initiative has a grant and will be distributing them.

Tim White said putting a mask on thinking it will keep out the virus is like putting up a chain link fence to keep out mosquitoes. Tim is against masks.

Holly stated that City Market has been exceptional during the pandemic - 90% of the people in the market had masks on. She feels uncomfortable telling people to put a mask on. Masks are sensible and show respect for others – it's a small thing to ask.

Joani Matranga is in favor of masks. In the older population case studies show that the chance of infection increases in an indoor environment. The CDC recommends wearing masks indoors, and in close spaces. If we open up businesses asymptomatic people don't know that they are sick and a mask will help prevent the spread of the virus.

Aly Sanguiliy said that public safety is the biggest reason to mandate masks. She wants to protect employees.

Nikola said that requiring anyone to wear a mask against their will is a violation of their rights and the Town will be liable for the damages that result. The Board doesn't supersede individual rights.

Kelly Slivka stated that there is a critical difference between a face mask and a surgical mask. Surgical masks prevent the spread of the virus, a cloth mask doesn't. The Board needs to respect due process. This is a limited discussion, it's not how things should have been done. We need an analysis. This is not promoting community justice.

Jerome Dayton is in favor of wearing masks. High grade cloth masks have been shown to be effective. People are asymptomatic for five days putting everyone at risk. Wearing a mask is common sense. Businesses shouldn't have the onus to require people to wear masks. We should have a law to protect the public's health.

Sydney Schalit favors wearing a mask. It's as simple no shirt, no shoes, no service. Masks protect businesses and employees. Yes, it's a lifestyle adjustment but the reason is to protect others. We are easing in to re-opening and a mask is a critical component.

Becky Moller stated that whichever way is decided everybody needs to be in agreement. It's frustrating bringing violations to the Town's attention and they don't enforce them. The Town needs to make sure it enforces violations.

Brittany Biebl is comfortable in communities with a mandatory mask rule. Masks help us interact more. She want people to protect her. The Town needs to support community front line workers, they shouldn't have to fight to keep each other safe.

Judy Haynes live in Glenwood Springs and they wear masks as a community. We want to protect employees and others. It's a very contagious virus. When you wear a mask you are protecting those around you – it's your responsibility to others. She looks forward to businesses reopening – she urged people to be cautious and thoughtful.

Mayor Richardson closed the public comment.

Discussion ensued.

Mayor Richardson stated that he supports everyone wearing masks in public. The safer we are the more life can open up. We must take mandatory actions seriously. He concurs that masks are beneficial but he asked is requiring them beneficial. Requiring people to wear masks may not result in more people wearing masks. He is concerned that enforcement will fall on businesses. Mayor Richardson is against requiring people to wear masks. Voting against the ordinance doesn't mean he doesn't support

business, he just supports a difference approach. Regardless, we need to respect what is passed and be kind.

The remainder of the Board agreed that masks should be required in public buildings/business for the following reasons:

- The Town is following Garfield County and the State's recommendation
- The ability for businesses to reopen will be easier if there is a community safety perception
- There has been overwhelming support for masks – they make people feel safe
- Consistency valley-wide makes the most sense and it doesn't feel right being the only community who is not requiring masks

Trustee Bohmfalk made a motion to approve Ordinance No. 5, Series of 2020 requiring face masks during the COVID-19 pandemic. Trustee Yllanes seconded the motion and it passed with:

6 yes votes: Sparhawk, Bohmfalk, Kitching, Henry, Silverstein, Yllanes
1 no vote: Richardson

DISCUSSION ON CLOSING MAIN STREET TO EXTENDBUSINESSES AND RESTAURANT SEATING

Jay stated that the Chamber, Coventure and the Creative District created and sent out a survey to businesses asking them what they need to thrive during the COVID-19 crisis. The survey results revealed that there is no consensus as to what businesses want. The State has issued guidelines for restaurant modification of premises. They are allowing restaurants to expand outside but the area must be contiguous to the restaurant. Common consumption areas will not be allowed.

The Board supports a Main Street closure and cautioned that businesses should be treated equitably.


ADJOURNMENT

The May 19, 2020, regular meeting adjourned at 9:16 p.m. The next regularly scheduled meeting will be held virtually on May 26, 2020, at 6:00 p.m.

APPROVED AND ACCEPTED


Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk

