MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
AUGUST 27, 2019

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on August 27, 2019, at 6:00 p.m. in the Town Hall meeting room.

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

Staff Present:

Town Manager
Jay Harrington

Town Clerk
Cathy Derby

Finance Director
Renae Gustine

Town Attorney
Tarn Udall

CONSENT AGENDA

- Accounts Payable totaling: $291,171.71
- BOT 8/13/2019 Regular Meeting Minutes
- Resolution No. 8, Series of 2019 – Supporting FMLD Grant for Radio Upgrade
- Liquor License Renewal – Phat Thai
- Resolution No. 9, Series of 2019 – Supporting FMLD Mini Grant – Shade Structure at Pickleball Courts
- Resolution No. 10, Series of 2019 – Amending Appendix A of the Municipal Code
- Retail Marijuana Store Renewal Application – High Q

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

6 yes votes: Richardson, Bohmfalk, Silverstein, Sparhawk, Kitching, Yllanes
PERSONS PRESENT NOT ON THE AGENDA

Kay Clark and Laurie Loeb of Carbondale addressed the Board. They are concerned with neighborhood noise and noise emanating from special events. They asked to be on a future agenda in order to review the criteria for noise levels. Laurie stated that the noise we are adhering to may not be the best thing. Trustee Yllanes stated that he is not willing to discuss noise levels at special events but he would be willing to discuss neighborhood noise. Mayor Richardson stated that he would like to have a discussion with Laurie, Kay and Jay. The Board did not schedule a time to discuss noise levels.

Joanne Teeple of Carbondale thanked Jay for removing the headless horseman. She told the Board that there appears to be a lack of regard for pedestrian safety and it was especially bad during Mountain Fair. Joanne would like the Trustees to address this issue. Jay noted that the police have been focusing on school safety. He agreed that it is time for crosswalk enforcement.

TRUSTEE COMMENTS

Mayor Richardson thanked all of the pickleball advocates for their work in getting the courts constructed. He noted that they had a groundbreaking ceremony a few weeks ago.

Mayor Richardson thanked KDNK, the Chamber, and town staff for their help with the Hoot and Cowboy Up! special events.

Mayor Richardson stated that he will be attending a listening session with Rep. Tipton on Thursday in Rifle. The topic is land management.

Trustee Silverstein reminded everyone to visit the Town’s website to vote for the Carbondale Public Arts Commission Best in Show sculpture.

Trustee Silverstein stated that he attended the CARE benefit. They raised more money than their target.

Trustee Yllanes voiced his dismay for the appointment of William Perry Pendley as the Director of the Bureau of Land Management. He believes it’s an assault on Colorado and the west.

Trustee Kitching told the Board that she attended the AARP Conference on August 21st.

ATTORNEY’S COMMENTS

The Attorney did not have any comments.
PUBLIC HEARING – VILLAGE LANE NORTH TOWNHOMES
Applicant: CBS Village Lane, LLC
Location: Lot A, A Re-Subdivision of Lots 2 & 4, Crystal Village Filing #3

John Leybourne stated that this is an application to re-subdivide Lot A, Crystal Village PUD into seven townhome units located in two buildings. Two of the units are deed restricted; one is an AMI Category 2 and the other is RO (owner occupied).

Planner Mark Chain, representing the applicant, told the Board that the developer agrees with the conditions and findings.

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 Kitching made a motion to approve the Village Lane North Townhomes Re-subdivision/Final Plat with the suggested findings and conditions listed below:

Findings:

The property is capable of accommodating structures devoted to the intended use of the land; is free from natural hazards such as flooding, falling rock, landslides and snowslides; is served by a street system providing safe and convenient access, and is provided with accessible utility installations; with all of the foregoing intended to promote the health, safety and welfare of the citizens of the town.

Conditions:

1. The condominium plat shall be in a form acceptable to and approved by town staff prior to recording. The plat shall be recorded with the Garfield County Clerk and Recorder within ninety (90) days of the date of approval.

2. The Applicant shall pay all Fire District and School impact fees prior to issuance of a Certificate of Occupancy.

3. All representations of the Applicant and Applicant’s representatives at the public hearing shall be considered conditions of approval.

4. The Applicant shall be responsible for all recording costs and shall pay all fees associated with this application to the Town, including any professional fees, as set forth in Section 1.30.030 of the Municipal Code.

Trustee Silverstein seconded the motion and it passed with:

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

Phi Filerman and Marty Treadway, representing CORE, were present at the meeting.

Phi presented the 2019 Carbondale Update. Key points include:

CORE has supported the Town of Carbondale’s progress towards its Climate Action Plan goals through:

Inspiration – they consider themselves as an innovative leader having broken ground with the nation’s first carbon mitigation fee, Colorado’s first energy project and one of the earliest solar rebate programs in the U.S. Inspiring project in Carbondale include: ACES near net zero farm house, partnered with ACES and GreenLine Architects, 3 job site trainings, several net zero homes.

Outreach and Engagement – they hosted Roaring Stories and Imagine Climate. They also sponsored Five Point Film Festival, Dandelion Day, KDNK’s HOOT and CLEER’s Electric Vehicle Sales Event.

Addressing Cost Barriers – CORE’s rebates, grants, and assistance to obtain additional funding has helped Carbondale address the cost barriers to installing higher efficiency technologies and taking on innovative projects. In Carbondale CORE has awarded $65,221 in rebates and $101,400 in grants.

Technical Assistance and Resources – CORE has provided technical assistance and resources to support Carbondale’s goals through: home assessments, technical assistance and staff and contracted expertise to support Carbondale’s code efforts.

Collaboration and Community Support – CORE has partnered and collaborated with other Carbondale organizations including: an employee serves on the Carbondale Environmental Board, CLEER, Alya Howe and Writ Large, ACES, Solar Rollers and KDNK.

Discussion ensued.

Mayor Richardson stated that CORE continues to do great work, he appreciates their efforts and level of expertise. CORE just celebrated their 25th anniversary. They have revolutionized clean energy in the valley. They are the perfect entity to start a new energy revolution.

Marty noted that they are completing a year-long strategic planning process. He noted that it’s important for municipalities to take the lead for accomplishing net zero. They can enforce mandates, enact net zero legislation, require new homes to install solar, etc. He encouraged the Town to get to net zero via energy codes as soon as possible.
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Trustee Bohmfalk asked CORE if they could give the town a road map as to how to get to next zero.

**ORDINANCE NO. 13, SERIES OF 2019 – ESTABLISHING LICENSING FOR SALE OF NICOTINE PRODUCTS AND REGULATING THE SALE OF TOBACCO PRODUCTS**

Mayor Richardson asked Tarn to give a summary on what the Ordinance accomplishes. Tarn stated it creates a licensing requirement, it identifies the town clerk as the licensing authority, sets fees for licensing, prohibits flavored tobacco, gives the police discretion for compliance checks, she noted that the definitions are a broad as possible but they are still quite comprehensive.

Mayor Richardson stated that last year the Board raised the age to buy and possess tobacco to 21. It was a good first step but it wasn’t enough.

Mayor Richardson opened the meeting to public comment.

Brian Fojitik, a representative of the National Association of Tobacco Outlets, stated they have 64,000 stores throughout the country. He feels that licensing is a good step and the fees are reasonable. He believes this ordinance is driven by youth vaping. He is the father of three, and is a former smoker. The products are vastly different, are consumed in different ways, and the health impacts are also vastly different. FDA data states that 85-90% of youth who access e-cigarettes don’t get them from a retail store, they get them from social sources. Youth usage of cigarettes is declining due to e-cigarettes. As drafted the ordinance inconveniences older people who smoke pipes. Smokeless tobacco is 99% safer than smoking. Brian claims that E-cigarettes are the most popular tool used to help people quit smoking.

Laurie Knaus, stated that she has three kids, two of them are in Carbondale schools. She supports the flavor ban and licensing. Vaping has become a national issue. We have the control over what we do in our town. Kids have the opportunity to get products from family members. The health of our youth is very important.

Anna Cole, has three kids and works for the school district. The ban will send a message to the kids. Kids don’t understand the health risks of vaping. The marketing of flavors makes it compelling and hard to understand. She supports the flavor ban and licensing. She believes the ban will help the kids see the risks involved in vaping.

Lynn Bair, Principal of Roaring Fork High School, stated that she appreciates the Town raising the age to purchase and possess tobacco to 21. Kids believe that vaping is safe and educators are dealing with how to teach them that it’s not. She encouraged the Board to adopt strong measure to get e-cigarettes out of our schools and town.

Rob Stein, RE-1 Superintendent, thanked the Board for taking on this issue. Vaping is an epidemic and in Garfield County kids are vaping at a much higher rate than the State average. There is an argument that vaping helps people quit smoking but in reality it’s
addictive. He suggested that if the town passes a tax on cigarettes that the revenue should be used for programs that help people cease addiction.

Jonathan Godes, Mayor of Glenwood Springs, thanked the Board for bringing the vaping epidemic to his attention. Mayor Godes stated that the Glenwood Springs City Council recently passed legislation that raised the age to purchase cigarettes to 21, established licensing procedures, did a full flavor ban, and a cigarette tax question will be on the November ballot. He noted that the flavor ban was hard because he believes adults should be able to do what they want to do. The FDA has not allowed vaping companies to call their e-cigarettes cessation devices. Vaping is a crisis and now is the appropriate time to overreact and go further than what you are comfortable with.

Carrie Godes, employee of Garfield County Public Health, stated that as a region we are all on the same page – we want to end the vaping epidemic. We were making huge gains in tobacco cessation and then vaping came along. It’s a true epidemic. Garfield County kids are vaping at a percentage of three times higher than the national average. Most youth started using tobacco with flavors and there are 15, 500 flavors. We need to stop our kids from getting addicted. There is no safe amount of nicotine. Carrie thanked the Board for their leadership. She supports banning flavors and establishing licensing requirements.

Risa Turetsky, works for Pitkin County Public Health, stated that it is great to see a regional effort. The counties are starting to fill the gaps. Eagle County is proposing to put a $4 per pack of cigarettes tax question on the November ballot. Addiction happens when people are very young. 80% of the people who use e-cigarettes started because of the flavors. She suggests the ordinance prohibit discounts, restrict coupons, and require retailer education. Jay responded that the ordinance doesn’t include prohibiting discounts because the town won’t be able to enforce it. Trustee Sparhawk suggested that education should be required if a retailer fails a compliance check.

Chad Knaus, M.D., stated that vaping is a public health nightmare, an epidemic. Every day doctors see patients suffering from nicotine addiction and the illnesses it causes. Limiting access is a huge component and it is supported by the American Society of Peditrics.

Matthew of Carbondale, stated that he is against the flavor ban. Yes, vaping is a problem and he believes underage smoking should be stopped. E-cigarettes help people stop smoking. He believes that there is a severe lack of younger generation voices – they aren’t listened to. The flavor ban will not curb vaping as much as people think.

Mayor Richardson addressed Matthew and agreed that youth are underrepresented. He values Matthew’s courage to speak tonight.

Mayor Richardson told Brian that a colleague of Brian’s sent the Mayor a letter discouraging a menthol ban. The Mayor disagrees, it’s not a safe product. He doesn’t
trust the e-cigarette company research or their intentions, he trusts the local data. With respect to the flavor ban, it’s OK forcing older people to go to other places to get flavored tobacco. We are creating an inconvenience and that’s OK if we can curb the epidemic.

Trustee Silverstein stated that we are not naïve that this will stop people from obtaining tobacco products. It’s important to go down the path to make it more difficult and make a statement as a town that vaping is not acceptable. We can control what messages we want to send to our kids. It’s another step in the progression we started last year.

Trustee Sparhawk thanked everyone for coming. She noted that Laurie Knaus brought the vaping problem to her attention. Trustee Sparhawk is thrilled that Glenwood Springs took such quick action because until recently they were silent on this issue. The ban sends a strong message to both parents and our youth. State and National polices usually start at the local level. She is excited that we are moving forward.

Trustee Kitching stated that vaping is a genuine public health concern that impacts families. She supports the ordinance.

Trustee Bohmfalk stated that he agrees with banning flavors. He said the next step we should address is kids aren’t buying it, they are getting it from somewhere else and it shouldn’t be ignored.

Mayor Richardson stated that the FDA shirked their responsibility. If they had evaluated and tested these products before allowing them to go to market we wouldn’t have this problem. Vaping is not safe, it hasn’t been tested and it’s unethical to continue to allow our youth to be contaminated by these products.

Trustee Sparhawk made a motion to pass Ordinance 12, Series of 2019 amending Chapter 6 of the Municipal Code of the Town of Carbondale to establish licensing requirements for the retail sale of tobacco products and further regulating the sale of tobacco products, amending Chapter 6, Article 7, regarding suspension, revocation, or nonrenewal of certain license, and amending Chapter 10, Article 6 regarding the minimum age for the purchase, possession, and consumption of tobacco products and the minimum age for the purchase, possession, and consumption of electronic smoking devices and related substances. Trustee Yllanes seconded the motion and it passed with:

6 yes votes: Silverstein, Richardson, Bohmfalk, Kitching, Yllanes, Sparhawk
TOWN MANAGER'S ANNUAL EVALUATION

The town manager received a favorable evaluation.

ADJOURNMENT

The August 27, 2019, regular meeting adjourned at 9:00 p.m. The next scheduled meeting will be held on September 10, 2019 at 6:00 p.m.

APPROVED AND ACCEPTED

Dan Richardson, Mayor

ATTEST:

Cathy Derby, Town Clerk