

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
NOVEMBER 14, 2017**

**STUDENT OF THE MONTH**

Students from Carbondale Community School, Carbondale Middle School and Ross Montessori School were in attendance to receive the "Student of the Month" award. The following students were awarded a Certificate of Achievement from Mayor Dan Richardson:

Lexy Sanchez	Luna Segal
Sam Schoon	Cassandra Delgado
Aden Berry	Ellie Urfrig

**CALL TO ORDER:**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on November 14, 2017, at 6:06 p.m. in the Town Hall meeting room.

**ROLL CALL:**

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Heather Henry
	Ben Bohmfalk
	Marty Silverstein
	Erica Sparhawk
	Frosty Merriott
	Luis Yllanes

Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Town Attorney	Mark Hamilton
Finance Director	Renae Gustine
Planning Director	Janet Buck
Planner	John Leybourne
Intern	Angie Sprang

**CONSENT AGENDA**

- Accounts Payable totaling \$285,983.52

- BOT 10/17/17 Work Session Minutes
- BOT 10/24/17 Regular Meeting Minutes
- Resolution No. 13, Series of 2017 – Adopting Natural Hazard Mitigation Plan
- CMED, LLC – Retail Store, Medical Dispensary, Retail and Medical Cultivation Renewal Applications
- Liquor License Renewal – The Pig
- Liquor License Renewal – Thunder River Theatre
- Recommendation for Appointment – Public Arts Commission
- Recommendation for Appointment – Environmental Board
- Recommendation for Appointment – Historic Preservation Commission

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

*7 yes votes: Bohmfalk, Silverstein, Sparhawk, Richardson, Henry, Merriott, Yllanes*

#### **PERSONS PRESENT NOT ON THE AGENDA**

Terry Kirk, Main Street, stated that the Town use to run Town vans from the hotels to downtown. He asked the Board to consider reinstating the van shuttle. Jay explained it stopped because insurance was problematic and there was also a manpower issue.

Terry also stated that the Town lacks a wayfinding sign on Highway 82.

Katie Marshall, Crystal Bluff Loop, informed the Board that a group of citizens are trying to buy the Humpty Dumpty statue located in front of the library. They have set up a Go Fund Me account and have raised \$4,000 of the \$6,000 purchase price. They have also set up an account at Alpine Bank. Katie would like the Town to put fundraising information on the Town website.

#### **TRUSTEE COMMENTS**

Trustee Sparhawk informed the Board that the Parks and Recreation Commission is scheduled on the BOT November 21<sup>st</sup> work session. They would like to discuss fundraising and community outreach.

Trustee Sparhawk attended the Third Street Center Board meeting. They have seen an increase in rentals due to the gym renovation.

Trustee Silverstein stated that a local business that did an expansion commented on how easy it was to deal with the Planning & Zoning Commission.

Trustee Silverstein informed the Board that a citizen asked him if the Town could string lights across Main Street similar to Larimer Square in Denver. The person said they would sponsor the project at no cost to the Town. Jay noted that the Town does not own the buildings where the lights would need to be anchored.

Trustee Bohmfalk stated that he attended the Bike/Pedestrian/Trails Commission meeting. Kevin Schorzman attended and clarified the Capital Improvement budget items.

Mayor Richardson stated that he attended the RFTA Board meeting. They discussed the update on the Integrated Transportation System Plan (ITSP). They also adopted the 2018 Budget which includes \$100,000 for recycling. Also, RFTA has entered in to an IGA with the City of Glenwood Springs to allow for the continuation of the 8<sup>th</sup> Street detour.

Mayor Richardson stated that Glen-X is starting a community discussion series. The first discussion on economic development has been scheduled for November 30<sup>th</sup> at 6:00 p.m. at the Third Street Center.

Mayor Richardson noted that the leaf recycling was a success.

Trustee Henry stated that the Roaring Fork Regional Housing Authority Committee received two responses to the Affordable Housing Need Assessment RFP. They are finalizing securing money including \$25,000 from CHAFA.

### **ATTORNEY'S REPORT**

The attorney did not have a report.

### **PUBLIC HEARING – STEIN – MAJOR SITE PLAN REVIEW**

Applicant: Ronald B. Stein, Stein Properties, L.P.

Location: 1201 Colorado Avenue

Janet Buck explained that this is an application for a Major Site Plan Review to allow a mixed-use development.

The Planning Commission considered this item at its September 14, 2017 meeting and unanimously recommended approval.

The property is located at the northeast corner of Highway 133 and Main Street. It is zoned Mixed-Use. One mixed-use building is proposed on the property. The portion of the building along the highway includes 2,100 sq. ft. of commercial on the lower floor with residential apartments on the second and third floor. Behind that is the portion of the building which is entirely residential. There would be 18 residential units in all.

The building and site plan meet the UDC site and development standards. It also meets all of the zone district parameters.

The site plan shows a 9 ft. wide bicycle/pedestrian trail on the east side of the property between Main and Colorado. This will be a good corridor so people getting off at the bus stop can go north. It is important that this pathway be well lit.

There is a proposed 10 ft. wide trail along Colorado Avenue, an existing 10 ft. wide trail along Highway 133, and an existing 5 ft. wide sidewalk along Main Street.

Four deed restricted residential units would be provided which complies with the Town's affordable housing code.

This development includes some public improvements. If the development is approved, the applicant would need to submit more detailed engineering plans. Staff would then bring back a development improvements agreement, as well as an ordinance for the Board's consideration.

Staff recommends approval of the Major Site Plan Review, including the Conditional Use for multi-family buildings on the ground floor, with the conditions and findings in the Staff report.

The applicant's architect, Raul Gawrys, gave an overview of the project.

Discussion ensued.

Mayor Richardson asked if RFTA approved the bus stop location. Raul responded that they have had a few discussions. Mayor Richardson stated that if the Board approves this project he would like to make RFTA's approval of the bus stop a condition of approval.

Mayor Richardson asked how will the landscape be maintained? They will have a residential and a commercial Homeowner's Association.

Mayor Richardson asked if they will have bear proof containers – they will.

Trustee Bohmfalk stated that the project previously fronted Main Street but it has been changed to Colorado. He asked Raul how will you address Main Street. Trustee Bohmfalk wants to make sure that the back building isn't facing Main Street. Raul explained that they changed the orientation because the UDC states the building should be oriented to achieve the best solar access. The re-design also increased the green space, and created better views.

Mayor Richard opened the meeting to public comment.

Terry Kirk, Main Street, stated he owns the property located closest to the development. Terry stated that this design is much better than the original project. He noted that the parking structure on the Main Street side looks like a “dead box”.

Zane Kessler, 10<sup>th</sup> Street, stated that this design is a huge improvement over the initial proposal. He noted that he would like continuity of sidewalks on Colorado Avenue.

Mayor Richardson closed the public hearing.

Mayor Richardson asked Raul if there has been any discussions on connectivity and lighting. Raul responded that the Bike/Pedestrian/Trails Commission suggested the trail be feathered. Janet noted that there isn't a sidewalk in front of Crystal Spas.

Trustee Henry stated that the Juniper bushes bother her – she would prefer that deciduous trees be planted.

Trustee Bohmfalk commented that this is a great site plan. He is concerned that the project is turning its back to Main Street. He loves the connectivity and the plaza.

Trustee Yllanes made a motion to approve the Major Site Plan Review for 1201 Colorado Avenue with the conditions and findings included in the Staff report, with the following additional conditions: 1) RFTA must approve the bus stop location, 2) Juniper bushes will be replaced with landscaping which creates less of a separation aspect, i.e., deciduous trees, iron rod fence, and 3) consider changes in treatment of south side of garage so it is less monolithic, i.e., change of materials, straight roof, etc. Trustee Henry seconded the motion and it passed with:

*7 yes votes: Silverstein, Richardson, Henry, Bohmfalk, Merriott, Yllanes, Sparhawk*

**CONTINUED PUBLIC HEARING – LAUGHING DOG – RESOLUTION NO. 14,  
SERIES OF 2017 – RETAIL AND MEDICAL MARIJUANA INFUSED PRODUCT  
FACILITY SPECIAL USE PERMIT STIPULATION AND AGREEMENT**

Trustee Merriott, received a notice for the public hearing because he owns a property located within 300 feet. He recused himself and left the meeting.

Janet's staff report explained that on October 10, 2017, the Board held a public hearing to consider revocation of Laughing Dog's Special Use Permit for a Retail and Medical Marijuana Infused Product Manufacturing Facility due to numerous odor complaints.

At the meeting the Board considered evidence from Town staff, Town police, the permit holder (Steve Garcia) and various other individuals. The Board then directed the Town prosecutor and Mr. Garcia to explore whether stipulated conditions might be agreed to in lieu of the Town taking further action concerning revocation.

Since that time, the Town prosecutor and Mr. Garcia negotiated a list of additional conditions which would be attached to the Special Use Permit.

Mr. Garcia has executed the Stipulation & Agreement and he stated that all of the conditions have been completed. Mr. Garcia added that the building official visited the premises today and did not smell any odor.

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

Trustee Sparhawk made a motion to approve Resolution No. 14, Series of 2017, adopting the additional terms and conditions of the Special Use Permit. Trustee Silverstein seconded the motion and it passed with:

*6 yes votes: Yllanes, Henry, Bohmfalk, Richardson, Sparhawk, Silverstein*

#### **RETAIL AND MEDICAL MARIJUANA INFUSED PRODUCT LICENSE RENEWAL APPLICATIONS – LAUGHING DOG**

The staff memo explained that although late, staff deemed the renewal applications complete on October 30<sup>th</sup>. All fees have been paid and staff recommends approval.

Trustee Yllanes made a motion to approve the Laughing Dog Group's Retail and Medical Marijuana Infused Products Renewal Applications. Trustee Sparhawk seconded the motion and it passed with:

*6 yes votes: Bohmfalk, Richardson, Henry, Silverstein, Yllanes, Sparhawk*

Trustee Merriott returned to the meeting.

#### **ORDINANCE NO. 18, SERIES OF 2017 – REMOVING RETAIL MARIJUANA STORE CAPS, CLARIFYING LICENSE RENEWAL, SIGNAGE AND ADVERTISING REQUIREMENTS**

At the September 19, 2017, BOT work session staff proposed a number of changes to the retail and medical marijuana sections of the Municipal Code. After discussing the proposed changes the Board directed staff to draft an ordinance for consideration at a future meeting.

Ordinance No. 18, if approved, would make the following changes to the Municipal Code:

1. All licenses will be required to remain active during the transfer of license process.

2. Marijuana infused product facilities that want to change their type of extraction process must apply for a Modification of Premises as well as a new Special Use Permit.
3. If the licensee does not begin operation within six (6) months of the date of the license the license will be revoked unless a satisfactory explanation is provided to the town clerk.
4. The current cap (5) of retail marijuana stores would be eliminated.
5. Signage – restricts signage to only the name of the establishment, address, location and type of establishment. No logos or other symbols are allowed on the signage.
6. Advertising – restricts the use of billboards, hand pamphlets, portable signs, signage affixed to vehicles and the use of leaflets left on cars or posted on public or private property.

Discussion ensued.

The majority of the Board felt that restricting signage levels the playing field and takes the “low key” approach.

Trustee Bohmfalk suggested that the following sentence in Section 6-4-130 and 6-5-170 be amended to read: “any application for a proposed modification of the licensed premises which seeks to increase facility size, increase or enhance production of marijuana, or **change extraction method** shall be subject to a new review and approval. The Board agreed.

The Board discussed eliminating the retail marijuana store cap. Cathy noted that although five (5) licenses were issued there has never been a time when all five were operational. Jay noted a major reason for implementing the cap was the Town could not administratively manage more than five stores. Trustee Silverstein stated he believes the market will take care of itself.

Trustee Henry made a motion to approve Ordinance No. 18, Series of 2017 with the amendment noted above. Trustee Silverstein seconded the motion and it passed with:

*7 yes votes: Merriott, Bohmfalk, Henry, Silverstein, Sparhawk, Yllanes, Richardson*

### **CHAMBER OF COMMERCE – ECONOMIC DEVELOPMENT REQUEST FOR FUNDING**

Chamber Executive Director Andrea Stewart was present at the meeting.

Andrea gave a brief presentation of all of the facets the Chamber is involved in including, but not limited to: First Friday, Tourism Council, special events, marketing the Town.

Trustee Henry asked Andrea what can we do to bring more businesses to Carbondale. Andrea responded she believes we should reach out more to the Latino community, and assist with spouse shadowing (when a couple moves here because one spouse gets a job and the other doesn't have one). Trustee Merriott noted that the Chamber advertises in national magazines. Trustee Yllanes commended the Chamber on their web site and social media presence.

The Board agreed to allocate \$20,000 from the 2018 budget to the Chamber for Economic Development.

### **ALLOCATION OF MARIJUANA TAX REVENUE**

Kelsie Goodman, Roaring Fork High School (RFHS) Vice Principal, was present at the meeting.

Jay explained that in May RFHS administrators came before the Board to request \$30,000 from marijuana tax revenue to fund the RFHS Mental Health Counselor. At that time, Trustee Bohmfalk asked if it would be possible to approve annual funding without the administrators having to return every year.

The Board agreed to fund the Mental Health Counselor for three years at \$30,000 per year. However, the Board would like the School District to develop a funding source and make a contribution within two years. The Board requested an annual report be provided after the end of the school year.

### **2018 COMMUNITY REQUESTS**

Prior to the meeting the Board submitted their allocations for Community Requests to Renae. Renae compiled the list and averaged the allocations. The Board agreed that the allocations were sufficient.

Trustee Bohmfalk asked that the grant criteria be reviewed in July; the Board agreed.

### **WASTE HAULING DISCUSSION**

Staff's memo explained that Trustee Bohmfalk has been investigating various approaches to managing our waste stream. The Town has been invited to the Pitkin County Waste & Recycling Ordinance Steering Committee on 11/29. The Committee is trying to craft a model ordinance that can be implemented by each jurisdiction in the valley so the haulers will have continuity and follow similar guidelines.

Trustee Bohmfalk volunteered to attend the meeting.

Mayor Richardson opened the meeting to public comment.



Hunt Walker, Village Lane, stated that he supports Trustee Bohmfalk's idea. He is concerned that there are multiple trucks on the road. We need to reduce the number of trash companies. He suggested the Town look at a single hauler so we can reduce the impacts to our roads.

Courtney Haring of Waste Management stated that she would like to attend the meeting.

### **CARBONDALE TO CRESTED BUTTE TRAIL STATEMENTS**

The Board reviewed the Carbondale to Crested Butte Trail statement Mayor Richardson drafted from members of the Board's comments.

The Trustees agreed to strike all of Trustee Henry's "Additional Feedback" comments on page 3.

Discussion ensued and Trustees Silverstein, Merriott and Henry stated that they would prefer the no trail option. As a result, the Board agreed to change the first sentence in paragraph 2 from "We, the Carbondale Board of Trustees, strongly support the construction of a non-motorized trail to connect Carbondale to Crested Butte" to "**The majority of the Carbondale Board of Trustees, (omit the word strongly)** support the construction of a non-motorized trail to connect Carbondale to Crested Butte.

Trustees Silverstein and Merriott's comments will be added at the end of document.

### **ADJOURNMENT**

The November 14, 2017, regular meeting adjourned at 9:50 p.m. The next regularly scheduled meeting will be held on November 28, 2017, at 6:00 p.m.

APPROVED AND ACCEPTED

\_\_\_\_\_  
Dan Richardson, Mayor

ATTEST:

\_\_\_\_\_  
Cathy Derby, Town Clerk

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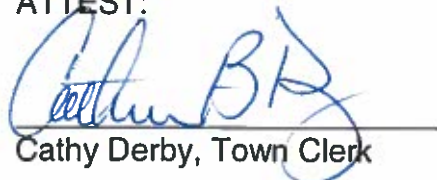
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APPROVED AND ACCEPTED



Frosty Merriott, Mayor Pro Tem

ATTEST:



Cathy Derby, Town Clerk

