

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
JUNE 9, 2020
VIRTUAL MEETING VIA ZOOM**

Mayor Dan Richardson called the Board of Trustees virtual Regular Meeting to order on June 9, 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 Trustees Absent	Grace Jardine
	Diego Valdez

Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Town Attorney	Mark Hamilton

COMMUNITY HERO AWARD

Mayor Richardson presented the Community Hero Award to Thunder River Theatre and Amy Kimberly for all of their support and community outreach during the COVID-19 pandemic.

CONSENT AGENDA

- Accounts Payable totaling \$562,824.85
- Board of Trustees 5-19-2020 Special Meeting Minutes
- Board of Trustees 5-26-2020 Regular Meeting Minutes
- Liquor License Renewal – Senor Taco Show
- Tobacco License Renewal – Sopris Liquor & Wine
- Roaring Fork Water Treatment Plant Agreement

Trustee Yllanes 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

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

TRUSTEE COMMENTS

Trustee Silverstein informed the Board that the second Sunday Concert in the Park will not be held in Sopris Park. Instead the concert will be streamed from Steve's Guitars on June 21st. Donations are being accepted so they can buy the musicians gift cards.

Trustee Kitching complimented the Camber, the COVID-19 Task Force and Town staff for their responsiveness and the quality of information they have provided during the pandemic. Trustee Kitching clarified that Senior Matters and Carbondale Age Friendly Communities Initiative are two independent groups with no direct ties to one another. Trustee Kitching stated that Ruedi opened on June 1st.

Trustee Sparhawk told the Board that she was elected president of Colorado Communities for Climate Action. She stated that they have a really good executive team. At the last meeting they approved their Policy Statement which is very similar to last year's. She asked that the Policy Statement be scheduled on a future agenda.

Trustee Bohmfalk stated that he attended the Bike/Pedestrian/Trails (BPT) Commission meeting where they looked at a development proposal, and they talked about a concern with an easement on Wheel Circle that connects to the Rio Grande Trail. BPT feels that a legal interpretation of the plat is necessary. They also discussed a proposal to open up streets to bikes/pedestrians due to the social distancing requirements during COVID-19. Their idea is to convert streets to one way streets (excluding Main Street) or eliminate parking to make the streets wider. Trustee Bohmfalk asked the Board for direction on this matter.

Mayor Richardson stated that he doesn't believe that there is a problem and asked what problem is the BPT trying to fix. The Board agreed with Mayor Richardson that they are not aware of any problems with the streets and social distancing.

Mayor Richardson stated that the COVID-19 Task Force met and they have decided to go dormant. However, resources are still available. Mayor Richardson told the Board that the Village Smithy has re-opened so he was able hold his Coffee with the Mayor meeting. Mayor Richardson stated that he participated in phone calls with legislators on RFTA matters, the Land Water Conservation Fund, and funding the Greater Outdoors Act. Mayor Richardson told the Board that next week's meeting is a joint meeting with the Garfield County Commissioners. Agenda items include a COVID-19 update, Red Hill construction update, and Garfield County's budget for the next two years. Mayor Richardson stated that at the last meeting the Board agreed to keep Zoom Chat functional but it should be used for logistical questions only. Mayor Richardson stated that Kirk Wilson has joined the police department. He said nationally police attention is

not all positive but our police embody community policing. Our police are amazing and we are privileged to have such a fine police force. Mayor Richardson told the Board that he has received several requests for the Town to take President Obama's Commit to Action Pledge. The Board agreed that now is the ideal time for Kirk to review the police department's policies. Kirk has proposed to launch a Carbondale Citizen Police Academy. The Board agreed to support President Obama's pledge and requested that police policies be added to a future agenda.

ATTORNEY COMMENTS

Mark told the Board that a lot of land use applications will be coming before the Board in the near future.

PUBLIC HEARING – TRANSFER OF LIQUOR LICENSE – BRASS ANVIL

Applicant: Hippies and Cowboys, LLC

Location: 348 Main Street

Applicant Ryan Sweeney was present for the public hearing.

Cathy told the Board that the Brass Anvil has applied for a Transfer of a Liquor License. The Board received three letters from citizens concerned about noise levels from Roosters, the former owner, and that the noise could possibly continue with the new restaurant.

Ryan stated that the noise concerns were related to the prior tenant – they were partying late in to the night. The noise concerns are not related to the current space. Mayor Richardson inquired about the speakers that were installed on the patio. Ryan stated that the speakers are better quality. Ryan said it's not conducive to have loud music in a high end restaurant. He wants his guests to feel comfortable and he is trying to create a nice community gathering place.

Mayor Richardson opened the public hearing.

Kay Clarke, Rebecca Young, Tom Berthiaume & Cheryl Kachenmeister and Melissa Sumera submitted letters expressing concern for potential noise. The letters are in the back of these minutes

Melissa Sumera, works in an office close to the restaurant. She previously sent the Board a letter about her concerns with the noise level at Roosters. This summer the office will have their windows open because they are not using the air conditioner. She will let Ryan know if the office has issues with the noise level.

Amy Charters stated that she supports Ryan and his business. The community needs to keep in mind that this is a mixed use area. She is disappointed with the reactions that Ryan has already received and he hasn't opened yet. The community needs to give the restaurant a fighting chance. She feels people are overreacting.

Mayor Richardson responded that the concerns are well founded because there have been a lot of noise complaints in the general area. Ryan stated that he will be very conscious of the noise level.

Mayor Richardson closed the public hearing.

Trustee Bohmfalk made a motion to approve Brass Anvil's Transfer of Liquor License Application. Trustee Yllanes seconded the motion and it passed with:

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

SBA – ECONOMIC INJURY DISASTER LOAN APPLICATION – THIRD STREET CENTER

Colin Laird, Executive Director of the Third Street Center, participated in the discussion.

Colin explained that the Third Street Center applied for and received approval of a \$150,000 Small Business Administration disaster loan. The loan is payable over 30 years at \$650 per month. The Third Street Center can use some of the money to get their sewer line fixed. Although the Town is not taking out a loan the Board must approve of the loan because the Town is on the mortgage.

Discussion ensued.

Trustee Henry asked how much rental income has been lost due to COVID-19. Colin answered that they are projecting significant losses over the next six months. She asked if The Third Street Center is working with tenants who are unable to pay their rent. Colin responded yes, they are being very flexible with the tenants. Several non-profits have accepted PPE which will soon be ending. Alpine Bank put the Third Street Center in a loan deferral program and they are going to ask for an extension.

Trustee Silverstein stated that the Third Street Center does great work and the tenants couldn't ask for a better landlord.

Jay informed the Board that the Town will be receiving \$590,000 in federal funding due to COVID-19. The Town has \$70,000 - \$100,000 in reimbursable expenses. We may be able to find opportunities to give non-profits, including the Third Street Center, some of the funding.

Sewer Project

Colin explained that the Third Street Center applied for a FMLD grant to fund the sewer repair but they were not successful. They had received an excellent bid for the project. They would like to move forward in repairing the sewer line in phases. Phase 1 would cost \$53,000 which is the total of the match the Town and Third Street Center originally contributed to the FMLD proposal.

Trustee Sparhawk made a motion to approve the Third Street Center accepting a SBA Economic Injury Disaster Loan of \$150,000 to help the organization weather the fallout of the COVID-19 pandemic. Trustee Silverstein seconded the motion and it passed with:

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

COVID-19 UPDATE

Jay gave an update on COVID -19. Key points include:

- The Board received a first quarter financial report – the Town is trending well financially
- The Recreation Center had a soft opening – there has not been much usage
- The pool will be opening on June 23rd however, it will be different than previous summers
- Town Hall lobby is open – meetings are by appointment
- The barricades for Main Street restaurants will be put up on June 11th - feedback has been on-going both pro and con
- The ballfields are open for pick-up games
- Staff is accepting reservations for the picnic shelters to accommodate kid camps
- Restroom cleaning is challenging
- Currently 25 people may gather for a social event – 50 people may gather if it's an organized recreation event
- VRBO's have re-opened

Discussion ensued on making Main Street one way between 3rd and 4th Streets so restaurants/bars can offer dining in the Town's Right-of-Way.

Mayor Richardson opened the meeting to public comment.

Sally Norwood, owner of Main Street Gallery & The Framer, submitted a letter suggesting Main Street be closed from Friday at 5 pm through Sunday evenings.

Julie Ivansco, owner of Sawyer's Closet, stated that she is concerned with making Main Street one way because it is going to hurt her business. The street won't have normal parking and she needs a loading zone. She suggested that the street should be open during retailer hours and then close the street when the shops close. She is concerned that the barricades will create clutter and it won't look nice.

Amy Charters, owns Lulubelle, stated that she has seen a diagram of the street and shed doesn't feel it's safe – there are too many moving pieces. She was told that it would be too hard for the restaurants to move their tables everyday, but it will also be hard for the retailers to move their merchandise every day. She doesn't feel that this is an equitable proposition. Parking spaces are going to be consumed by patios. She feels the Town can make a compromise – close the street entirely at 4:00 p.m. every day, don't make it confusing.

Andreas Fischbacher, owner of Allegria, favors a total closure of the street at 4:00 p.m., or try a couple of different routes until we find the perfect fit. Downtown should be vibrant, fun and different.

Amy Kimberly stated that several communities are looking at this same plan. She believes it would create a good balance for retail and restaurants. DHM is on board with the concept to create ambiance and give the street vibrancy. It would be difficult for restaurants to set up and break down every night. Amy encouraged the Town to give the idea a try.

Chase Engel, owner of Batch, stated that he fully supports some sort of closure to increase capacity and create a vibrant scene. It's a necessity business wise since restaurants are only allowed to operate at 50% capacity. You have to do something to get people to come to restaurants. People need a place where they feel safe to get together. Outside is the place. He supports a full street closure but he's not sure if it's possible. We need to create a reason for people to visit businesses but it's important to make it work for all businesses.

Mark Fischer, owner of Phat Thai, stated that it's going to be difficult to please everyone. He is uncertain how the street will look. Phat Thai has the flexibility to set up and take down their furniture. He stated that he will be a good neighbor. People are more inclined to sit outside so the plan will increase his capacity and will help his business.

Lari Goode, owner of Phat Thai, stated that on Friday she turned away eight tables because they only wanted to sit outside. Outside seating is very important.

Trustee Silverstein stated that we need to help all businesses.

Mayor Richardson stated he feels like this is an appropriate balance. It seems to be the best approach at this time; we can learn and change. He likes the current plan and feels it will be an inviting space.

Trustee Bohmfalk stated that he is surprised that retail businesses are not excited about the outdoor space. He think we should give it a try. He asked if there is a plan for bikes. Jay said bikes will need to follow the rules of the road. Bike racks will be placed on Main Street

Niki Denton asked about accommodations for people with limited mobility. Jay said the sidewalks are open and the Town has purchased additional handicap ramps.

Amy Charters stated that she understands people don't want to be inside. The loss of revenue for offices and retail is not quantifiable. She suggested that the Board put a parameter on how long we test the closure. She is not comfortable leaving it open-ended.

Trustee Silverstein suggested re-evaluating the set up in two weeks. Mayor Richardson replied that we are making a big investment and he thinks that only giving it two weeks is not enough time. He encouraged Amy and Julie to ask their customers how the set up is impacting them. He thinks that putting a specific date on re-visiting the design is asking too much. He asked everyone to trust the Town.

Chase Engel stated that he is making a significant investment in furniture etc. and two weeks won't work. He applied for a 120 day modification. Any business who needs to use the outdoors should be allowed to do so. We have to be creative, work together and make the downtown vibrant.

The Board agreed to proceed with the current plan.

Jay asked the Board if street art on the concrete would be permissible. The Board replied yes.

MISCELLANEOUS

Jay commented on the Waste Audit Report. The report stated that the community is aggressively recycling. Also, a record number of waste was collected in the past two months. Jay said it was probably due to everyone cleaning while in quarantine. People are also composting. The Saturday yard waste program has been well received.

ADJOURNMENT

The June 9, 2020, regular meeting adjourned at 8:00 p.m. The next regularly scheduled meeting will be held virtually on June 23, 2020, at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk



Cathy Derby

From: Main Street Gallery <mainstreet399@gmail.com>
Sent: Tuesday, June 09, 2020 3:09 PM
To: Cathy Derby
Subject: Main Street closure

Hello Cathy,

I am writing to give you comments for this evening's trustee meeting regarding what to do with the 300 block of Main Street in an effort to provide space for restaurant seating.

I would like to promote the idea of full closure of the 300 block of Main Street starting at Fridays at 5 PM through Sunday evenings. That would give a very pleasant way to space tables, without traffic going by with its noise and fumes.

This plan does not cause problems for the retail businesses in that block trying to do provide the best access for our customers Monday through Friday.

Or, possibly close Main Street every evening for restaurants to use, but leave traffic going both directions during the daytime Monday-Friday.

Thank you for the opportunity to give these comments.

Respectfully,

Sally Norwood
Main Street Gallery and The Framer

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Main Street Gallery & The Framer
399 Main Street
Carbondale, CO. 81623
(970) 963-3775



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June 8, 2020

Carbondale Board of Trustees
c/o Cathy Derby, Town Clerk
511 Colorado Ave.
Carbondale, CO 81623

RE: Public Hearing for Liquor License "Brass Anvil"

Dear Mayor Dan and Trustees:

While we are happy to add a new and vibrant restaurant to the downtown community, especially one supporting and serving local beef raised on conserved land, I write today to express some concerns about noise impacts to our business and others located in the Ensign Building at 320 Main Street.

In the past, the outdoor dining area noise levels have impacted our building. The AVL T offices are located directly across from the patio on the second floor. Our concern in watching the new restaurant setup over the last few weeks, is the density of outdoor seating (much higher than Ella, Town, or Roosters), and the installation of the four new large speakers mounted against the building, aimed directly toward our building.

We are hopeful that noise levels can be addressed as part of the liquor license review process. I know that our residential neighbors have endured a lot of late-night noise from previous tenants. We hope that their concerns will also be addressed.

In speaking for our business and many others within our building operating during regular business hours of 8am-5pm, we would ask that outdoor music be limited to after this timeframe.

In the time of Covid-19, seating fewer diners or seating diners more spaced out on the patio will likely more closely mimic the patron levels we are used to seeing in the past. The noise from even these lower numbers, will be more impactful to our business as we are relying on opening the windows facing the patio and limiting air conditioning use, as current research does not definitively rule out the role of HVAC systems in cases of possible transference. Adding additional levels of noise will have high impact to our ability to be productive within our space.

We appreciate our neighbor's efforts to educate Ryan and the team at Brass Anvil to the issues we have all experienced in the past. We hope they will be conscientious neighbors and we look forward to supporting their efforts to become a successful part of our community.

Thank you for the consideration of our concerns in your deliberation on this issue.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Sumera".

Melissa Sumera
Operations Director

Note: Aspen Valley Land Trust has been an owner in the Ensign Building since its construction in 2001, I personally have worked in the building for 14 years and also serve as the Board Secretary for the 320 Main Street Homeowners Association.

June 8, 2020

Carbondale Board of Trustees
c/o Cathy Derby, Town Clerk
511 Colorado Avenue
Carbondale, CO 81623

RE: Public Hearing for Liquor License "Hippies & Cowboys"

Dear Mayor Dan and Trustees:

It is indeed good news that Brass Anvil is soon to open, and we welcome Ryan and his staff to the neighborhood.

There is, however, some context to consider: last summer our little pocket of businesses and residences suffered nuisance level music from two separate sources. One source was a homeowner with whom the Trustees and Mayor are quite familiar. The second source was the previous tenant at 348 Main Street, Roosters.

For the most part, Roosters operated at acceptable sound levels, even with a large and active patio. Occasionally, however, Roosters had "DJ nights" that delivered ear-splitting sound levels and thumping bass notes, produced by auxiliary speakers brought by DJ subcontractors. This lasted until 2:00am. Other times, Roosters staff partied loudly (shouting, arguing, etc.) on the patio until well past 2:00am.

Our area is dense with homes, ADUs and small businesses. Our bedroom, for instance is maybe 20 yards from the patio area. Other homes are within 40 yards. The very near-by businesses include attorneys, non-profits, engineers, architects, family therapists, a hair salon, a Juicery, an Art Gallery and a clothing boutique. Some businesses operate only during the day, others have evening hours too. These homeowners and businesses reasonably hope and expect to have noise levels that are liveable, and do not hinder business operations. They are enthusiastic city people, but also have real life experience with intolerable noise.

So, it is with this history and background in mind, that we ask that Brass Anvil operate at reasonable sound levels at all times, and to communicate this commitment to all staff and subcontractors. The four large patio speakers are certainly capable of producing unreasonable sound levels, and it is entirely a matter of responsible ownership and diligent management that will keep our area liveable.

And for the record, we prefer steaks medium rare and well rested.

Regards,

Tom Berthiaume & Cheryl Kachenmeister
320 Main Street, Suite 300
Carbondale, CO 81623a

Rebecca Young
323 Garfield Avenue, Carbondale
beyoung49@gmail.com

June 8, 2020

Carbondale Board of Trustees
c/o Cathy Derby, Town Clerk
511 Colorado Avenue
Carbondale, CO 81623

RE: Public Hearing for Liquor License "Hippies & Cowboys"

Dear Mayor and Trustees:

I am happy to see another establishment open at 348 Main and hope for their success.

The restaurants operated in this building during my 40 years on Garfield Avenue have varied in their effects. Roosters, Town, Ella, Hestia, Ship of Fools, Hurricane, the Steak House – each had a different ambiance. Some were known for excellent cuisine and were good places to take your mother on Mothers Day. Others, like the Hurricane and Roosters were loud and disruptive, fraying the residents' nerves.

The noise problems on our block last summer left us apprehensive about the potential for a repeat summer. Many of us were not able to enjoy our homes and yards for many months. At this time, Main Street restaurants are expanding into the street as a response to COVID-19 social distancing requirements. In order for all of these establishments to create pleasant environments for their patrons and for the neighborhood, all would need to be mindful of noise levels, as the businesses are very close to one another. Ideally, the town would take a comprehensive look at what is being created.

Of specific concern in regard to Hippies and Cowboys are the four large speakers installed on the patio. They look like they could pack a decibel wallop, and our homes are just feet away from them. They are also quite close to the street, where other restaurants will be seating customers. Thoughtful and proactive agreements regarding amplified outdoor music and volume levels would seem appropriate as the business opens.

I think experience has shown us that addressing concerns at the outset is much more energy effective than repeated complaints after the fact.

I wish the new Hippies and Cowboys business well and hope we can all be good neighbors to one another.

Sincerely,

Rebecca Young

Kay Clarke
75 S Third St., Carbondale
kbird@blackfoot.net

June 7, 2020

Carbondale Board of Trustees
c/o Cathy Derby, Town Clerk
511 Colorado Avenue
Carbondale, CO 81623

RE: Public Hearing for Liquor License "Hippies & Cowboys"

Dear Mayor Dan and Trustees:

It is good that the former "Ship of Fools" venue, last called Rooster, is about to reopen. I have seen correspondence with Ryan Sweeney and appreciate his words about being a good neighbor.

I support this liquor license and ask you to remind the new licensee that this neighborhood welcomes them so long as they are good neighbors. Living on a commercial alley, I expect the normal sounds of commerce. And have grown to deeply appreciate those who can keep it mellow and fun and respectful.

The name "Hippies & Cowboys" offers hope.

Sincerely,

Kay Clarke
A Good Neighbor