

**Minutes**  
**Town Board Special Meeting**  
**Town of Paonia, Colorado**  
**July 30, 2018**

**RECORD OF PROCEEDINGS**

The Special Meeting of the Town Board of Trustees held Monday, July 30, 2018 was called to order at 6:30 PM by Mayor Charles Stewart, followed by the Pledge of Allegiance.

Trustees present were as follows:

Charles Stewart  
Mary Bachran  
Bill Bear  
Karen Budinger  
Sam Hart  
Barry Pennell

Town Staff present were as follows:

Ken Knight – Town Administrator  
Corinne Ferguson – Town Clerk

A quorum was present, and Mayor Stewart proceeded with the meeting.

**Approval of Agenda**

Motion by Trustee Bachran, supported by Trustee Hart to approve the agenda as presented.  
Motion carried unanimously.

**Unfinished Business**

**Continuation of Board of Trustees Decision – Edesia Warehouse – Edesia Community Kitchen Special Review**

Mayor Stewart noted the Board decision to continue the special review hearing from July 24, 2018. The hearing is closed, and this is an opportunity for the Board to finish deliberation and decision making regarding the special review requests. Trustee Bookout recused herself from discussion and voting at the last meeting and will not be in attendance today. Mary George and John Maddox were present on behalf of Edesia Warehouse.

A synopsis of discussion at the previous meeting was given and discussion ensued regarding the advantage of discussing each request individually.

Motion by Trustee Bachran, supported by Trustee Pennell to discuss restaurants, special events, and public/private schools as one (1) topic. Motion failed with two (2) ayes and three (3) nays.

Public/Private Schools:

Discussion ensued regarding:

- Special events
- Liquor licenses
- Classes vs. workshops

Motion by Trustee Pennell, supported by Trustee Hart to re-open hearing to establish the applicants intent regarding public/private schools. Motion carried unanimously.

The public hearing was opened at 6:16pm.

Mary George stated the school designation was requested due to relationship between Edesia,

Engage, and Technical College of the Rockies and is not intended for regular traditional classroom space.

The public hearing was closed at 6:17pm.

Motion by Trustee Bachran, supported by Trustee Hart to deny the request for use as a public/private school. Motion carried unanimously.

Restaurants:

Discussion ensued regarding:

- Definition of a restaurant
- Traffic
- Noise
- Odor
- Parking issues
- Municipal Code section 16-2-90
- Smoking area

Motion by Trustee Bachran, supported by Trustee Hart to approve restaurant use.

Motion to amend main motion by Trustee Budinger, supported by Trustee Hart to approve restaurant use with conditions. Motion carried unanimously.

Main amended motion to approve restaurant use with conditions carried unanimously.

Staff recommendations included in packet were discussed. Conditions discussed were:

- o Signs directing users of the warehouse, either clients or customers, to park only on warehouse grounds and warning that persons who park on Clark Ave. or within any of the surrounding residential neighborhoods may be ticketed or towed.
- o Lighting shall be focused onto the warehouse site and parking area and away from the surrounding residential neighborhoods and shielding for said lighting may need to be affixed to achieve this affect.
- o Noise shall be limited so as not to interfere with the surrounding residential neighborhoods. Any recorded or live music after 9:00 pm should not be evident within a neighboring building.
- o Odors shall be limited to the greatest extent possible.
- o Alcohol – Any use of alcohol will only be allowed with Special Event Permit approved by the Board of Trustees. There shall be prominent signs posted detailing where alcohol is and is not allowed – it shall be the responsibility of the operator of the warehouse that the holder of the Special Event Permit follow these restrictions. No alcohol will be allowed in the ‘front’ parking lot. No alcohol will be served after 10:00 pm without expressed written approval of the Board of Trustees, signs to this effect will be posted within the building.
- o The operators of the warehouse and accompanying businesses therein will endeavor to limit deliveries to between 7:00 am and 5:00 pm.
- o A designated Smoking Area be established away from the Parking Lot and ‘Main’ entrance to the building away from neighboring buildings and residences.
- o Other conditions as believed reasonable by the Planning Commission and/or the Board of Trustees.
- o Signs against loitering in the parking area.
- o Parking lot paving or dust control plan.

Motion by Trustee Budinger, supported by Trustee Bachran to approve restaurant use including the recommendation of conditions provided by Administrator Knight.

Motion to amend main motion by Trustee Pennell to discuss conditions one-by-one. Motion failed for lack of second.

Main motion to approve restaurant use including the recommendation of conditions provided by Administrator Knight failed with one (1) aye and four (4) nays.

Motion by Trustee Pennell, supported by Trustee Bachran to require signage identifying Edesia parking area. Motion carried unanimously.

Motion by Trustee Bear, supported by Trustee Budinger to limit parking on Edesia property and not along Clark Avenue. Motion carried with four (4) ayes and one (1) nay.

Motion by Trustee Bear, supported by Trustee Hart to require the applicant take action to pave or mitigate dust in parking lot. Motion carried with four (4) ayes and one (1) nay.

Motion by Trustee Hart, supported by Trustee Bachran to require no loitering signs be placed in parking area. Motion carried unanimously.

Motion by Trustee Bachran, supported by Trustee Hart to direct lighting at warehouse on property and away from the surrounding areas, specifically the residential neighborhood. Motion carried unanimously.

Motion by Trustee Bachran, supported by Trustee Hart that noise be limited so not to interfere with neighbors or be heard in neighboring buildings after 9pm. Motion carried unanimously.

Noise as a nuisance ordinance was discussed.

Motion by Trustee Bear, supported by Trustee Budinger to require odors be limited/mitigated as much as possible. Motion carried with four (4) ayes and one (1) nay.

Motion by Trustee Bear, supported by Trustee Hart that no alcohol be permitted outside of the warehouse.

Motion to amend main motion by Trustee Bachran, supported by Trustee Hart that no alcohol be permitted outside of the warehouse and seating area. Motion to amend was a roll call tie vote.

Aye – Trustees Hart, Bachran  
Nay – Trustees Pennell, Bear  
Abstain – Trustee Budinger

Mayor Stewart broke tie with a nay vote. Motion to amend failed.

Main motion of no alcohol be permitted outside of the warehouse carried with four (4) ayes and one (1) nay.

Motion by Trustee Pennell, supported by Trustee Hart to restrict restaurant use from Thursday through Sunday, 7am to 9pm. Motion carried unanimously.

Motion by Trustee Hart, supported by Trustee Budinger to require a designated smoking area away from the residential neighborhood. Motion carried unanimously.

Motion by Trustee Bear, supported by Trustee Pennell to require the warehouse include provisions for handicapped access as required by the building code and other Town ordinances. Motion carried unanimously.

Motion by Trustee Pennell, supported by Trustee Bachran to approve the use of the warehouse for special events seven (7) days a week, 7am to 9pm.

Motion by Trustee Bear, supported by Trustee Hart to re-open the public hearing to ask a specific question regarding special events only. Motion carried unanimously.

The public hearing was opened at 7:23pm.

Ms. George stated the special events are for non-profit fundraising and are on a limited basis.

The public hearing was closed at 7:25pm.

The motion was re-stated for discussion. Motion by Trustee Pennell, supported by Trustee

Bachran to approve the use of the warehouse for special events seven (7) days a week, 7am to 9pm.

Motion to amend main motion by Trustee Bachran, supported by Trustee Hart to limit special events to once per week.

Motion to amend amendment by Trustee Budinger, supported by Trustee Bachran to limit special events to five times per month. Amended amendment carried with three (3) ayes and two (2) nays.

Main amended motion to approve the use of the warehouse for special events seven (7) days a week from 7am to 9pm up to five times per month carried with four (4) ayes and one (1) nay.

Retail Business:

Discussion ensued regarding:

- Business hours
- Sales taxes

Motion by Trustee Bachran, supported by Trustee Hart to approve retail sales.

Motion to amend main motion by Trustee Bear to limit to 8am to 5:30pm. Motion failed for lack of second.

Motion to amend main motion by Trustee Pennell, supported by Trustee Bachran to limit hours 7am to 9pm, seven (7) days a week. Motion carried with three (3) ayes and two (2) nays.

Main amended motion carried with three (3) ayes and two (2) nays.

Motion by Trustee Budinger, supported by Trustee Hart to permit wholesale use. Motion carried unanimously.

Motion by Trustee Bachran, supported by Trustee Budinger to approve class use.

Discussion ensued regarding classroom use and workshops.

Motion carried with four (4) ayes and one (1) nay.

Discussion ensued regarding insurance for property and businesses.

Motion by Trustee Budinger, supported by Trustee Bachran to open hearing for question specific to insurance. Motion carried unanimously.

The public hearing was opened at 7:50pm.

Ms. George provided an overview of the type of insurance Edesia carried.

The public hearing was closed at 7:51pm.

Motion by Trustee Budinger, supported by Trustee Hart to require general liability insurance be provided annually for Edesia Warehouse and the businesses using the location, insurance amount to be determined by the Town Administrator. Motion carried unanimously.

Motion by Trustee Bear, to implement storm water drainage requirements in section 16-4-50(d) in the municipal code. Motion failed for lack of second.

Motion by Trustee Bear, supported by Trustee Bachran that the applicant provide documentation showing they are compliant with fire code and fire department recommendations. Motion carried unanimously.

Discussion ensued regarding enforcement and review procedures.

Motion by Trustee Budinger, supported by Trustee Hart to set a Board review for six (6) months. Motion carried unanimously.

Motion by Trustee Bachran, supported by Trustee Hart to require Edesia supply a calendar of event to Town staff each month. Motion carried unanimously.

**Adjournment**

Motion by Trustee Hart, supported by Trustee Bachran to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:15pm.

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s/s  
J. Corinne Ferguson, Town Clerk

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s/s  
Charles Stewart, Mayor