



**Town Council
SPECIAL MEETING
Monday, May 18, 2020
ON-LINE MEETING**

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Times listed are approximate and are subject to change.*

MEETING REGISTRATION

1. Register in advance for this meeting:

[ACCESS THE ON-LINE MEETING HERE](#)

After registering, you will receive a confirmation email containing information about joining the meeting.

Please note: All participants are automatically muted. In order to be called upon and unmuted you will need to use the "raise hand"

All votes will be by roll call. When it's your turn to speak, the moderator will unmute your line and you will have two (2) minutes for public comment.

For technical difficulties please email bill.shrum@townofeagle.org and we will do our best to assist you.

CALL TO ORDER - 4:00 PM

ROLL CALL

ADOPTION OF AGENDA

PUBLIC COMMENT *Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to three (3) minutes per person per topic unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their full name and address for the record.*

BUSINESS ITEMS *Items and / or Public Hearings are listed under Business may be old or new and may require review or action by the council.*

1. Ordinance 16, Series 2020 "An Emergency Ordinance of The Town Council of the Town of Eagle, Colorado Amending Section 9.15.060 of the Eagle Town Code to Allow Consumption of Alcoholic Beverages in Designated Public Places"

ADJOURN - 4:30 PM

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019



To: Mayor and Board of Trustees

From: Brandy Reitter, Town Manager

Date: May 18, 2020

Agenda Item: Ordinance No. 16, Series 2016, "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 9.15.060 of the Eagle Town Code to Allow Consumption of Alcoholic Beverages in Designated Public Places"

REQUEST:

Staff requests that the Town Council review an ordinance amending the Eagle Town Code to give the Town Manager the ability to design public places for the consumption of alcoholic beverages. The request also includes a letter to the Eagle Board of County Commissioners requesting relief for businesses in the Town of Eagle from certain provisions in the public health orders.

INTRODUCTION:

The Town Council discussed support for businesses in Eagle during this challenging time on May 12. Part of the discussion included drafting a letter to Eagle County endorsing flexibility in revised public health orders to encourage outdoor dining for restaurants. Later in the week, the Town Council requested an emergency council meeting to review an ordinance to expand the ability to designate other public spaces as open container areas. That ordinance and letter are included with this memo.

ANALYSIS:

The Town's existing process for allowing consumption in parks and right-of-way is below:

- Town does permit wine and beer in parks excluding Brush Creek Park
- Town allows for dining on sidewalks if the space allows for proper access
- Liquor licenses establishments can modify their premise to serve alcohol on sidewalks permitted by the Town
- Dining in the Town right of way is permitted through the special event or temporary use process

Ordinance No. 16 allows for the following:

- Allows the Town Manager to designate other public areas for consumption
- Install signage indicating the designation

For the Town to have the ability to establish an open consumption area for dining that allows licensed establishments to serve, the State of Colorado must amend their liquor laws. That conversation is ongoing, and staff is advocating for those changes.

COMMUNITY INPUT:

Community input is not required.

BUDGET / STAFF IMPACT:

This proposal does not have an impact on staffing or budget resources since it is a policy that is already in place.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This proposal aligns with existing liquor licensing standards already in place.

RECOMMENDED ACTION OR PROPOSED MOTION:

There are two actions:

1. Motion to **approve** or **deny** the adoption of Ordinance No. 16, Series 2020, "An Emergency Ordinance of the Town of Eagle, Colorado Amending Section 9.15.060 of the Eagle Town Code to Allow Consumption of Alcoholic Beverages in Designated Public Places."
2. Motion to **approve** a letter of support for outdoor patio dining to send to the Eagle Board of County Commissioners.

ATTACHMENTS:

- Ordinance No. 16
- Letter of Support

TOWN OF EAGLE, COLORADO
ORDINANCE NO. 16
(Series of 2020)

AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EAGLE,
COLORADO AMENDING SECTION 9.15.060 OF THE EAGLE TOWN CODE TO ALLOW
CONSUMPTION OF ALCOHOLIC BEVERAGES IN DESIGNATED PUBLIC PLACES

WHEREAS, on March 10, 2020, the Governor of the State of Colorado recognized the COVID-19 pandemic and declared a state of emergency;

WHEREAS, on March 15, 2020, the Mayor declared a disaster emergency in and for the Town of Eagle, Colorado, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, which declaration was thereafter continued by the Town Council;

WHEREAS, the emergency conditions caused by the COVID-19 pandemic, as defined by C.R.S. § 24-33.5-702, persist and require additional and sustained action by the Town;

WHEREAS, pursuant to C.R.S. § 44-3-901(1)(i)(VII), the Town Council may, by ordinance, allow for consumption of alcoholic beverages in any public place other than a public right-of-way; and

WHEREAS, allowing consumption of alcoholic beverages in designated public places in the Town would provide relief to restaurants and other liquor-licensed establishments impacted by the COVID-19 pandemic.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. Section 9.15.060.C. of the Eagle Municipal Code is hereby repealed in its entirety and reenacted as follows:

9.15.060. Possession of open alcoholic or fermented malt beverage container prohibited.

* * *

C. Nothing in this Section shall prohibit the consumption of alcohol beverages in those public places in the Town designated in writing by the Town Manager from time to time, other than public rights-of-way, subject to the following restrictions:

1. No alcohol beverage shall be consumed in any parking lot or inside a motor vehicle.

2. No alcohol beverage shall be possessed or consumed in any park when the park is closed, or between the hours of 11:00 p.m. and 7:00 a.m.

3. Any law enforcement officer or Town official, including without limitation the Town Manager, Town Clerk and Town Special Event Coordinator, may order any individual to remove alcoholic beverages from the public place at any time, for any reason.

4. The Town Manager shall cause appropriate signage to be erected in such public places.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the public health, safety and welfare.

Section 4. Emergency Declaration. Pursuant to § 6.04 of the Eagle Town Charter, the Town Council hereby finds and declares that this ordinance is necessary for the immediate preservation of the public health, safety and welfare, to ameliorate the negative effects of the COVID-19 pandemic on restaurants and other liquor-licensed establishments in the Town.

Section 5. Effective Date. This ordinance shall be effective immediately upon adoption.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED ON MAY 18, 2020.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



May 18, 2020

Eagle County - Board of County Commissioners (BoCC)
500 Broadway, PO Box 850
Eagle, CO 81631

Dear Commissioners Kathy Chandler-Henry, Matt Scherr, and Jeanie McQueeney,

The leadership that Eagle County staff, and Commissioners has demonstrated in response to COVID-19 is incredible. During these challenging times that have required significant resources from all jurisdictions, collaboration, unity, and creativity has carried our communities forward.

The Town of Eagle appreciates and supports the actions taken by Eagle County and the State of Colorado to protect our community. We understand that decisions are made on data that supports these actions. So far, the community has done a wonderful job making sure that it does its part to improve our public health data and outcomes. So well, that we can look at easing some of the restrictions in place.

We all know that our community has and will continue to be negatively impacted by COVID-19. This is especially the case for our local businesses that include restaurants, bars, retail, and lodging establishments. As policymakers we have a unique opportunity in times of crisis to think outside of the box while keeping our public safe, so that we can try to mitigate those negatively impacted. The Town of Eagle wants to express our support in coming up with solutions that strike a balance to offset these impacts.

As we look at easing public health restrictions that strike a balance, with safety in mind, the Town would like to see Eagle County support the following solutions:

1. Allow restaurants, bars and retail establishments to operate using on premise outdoor locations if they follow safety protocols
2. Allow restaurants, bars and retail establishments to operate in off premise outdoor locations with permission from the property owner if they follow safety protocols
3. Provide relief from regulations, fees and administrative processes as appropriate, to reduce the time and costs for businesses to reopen if they follow safety protocols
4. Advocate to Governor Polis and his administration on behalf of licensed establishments, to relax liquor regulations that impede the ability to serve alcohol in off premise locations designated by the local licensing authority

The Town Council thinks that these measures would help our businesses, support the existing public health orders, improve economic conditions, and will have a positive impact on mental health. As always, we support our partners and feel that the efforts to keep everyone safe is working. The Town of Eagle is supportive of the next steps to take care of our residents, businesses and community.

Sincerely,

Scott Turnipseed, Mayor
Town of Eagle, Colorado
Scott.Turnipseed@townofeagle.org

Cc: Jeff Shroll, County Manager, Eagle County
Heath Harmon, Director, Eagle County Department of Public Health and Environment
Jill Ryan, Executive Director, Colorado Department of Public Health and Environment