



TOWN COUNCIL STUDY SESSION AGENDA
May 8, 2023
5:00 PM

I. Study Session Items

1. Parker Chamber of Commerce Quarterly Report - T.J. Sullivan - 20 minutes
2. Youth Commission Report - Iris Pixler/Sullivan - 45 minutes
3. Downtown Business Alliance BID - PUMA/DBA - 30 minutes
4. Liquor Code Amendments - Hoffmann/Vanderpool - 30 minutes

II. Staff Updates

III. Town Council Updates/Items



MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Cheri Sullivan, Community Relations Liaison
DATE: May 8, 2023
SUBJECT: Youth Commission Report

ISSUE:

Provide an update of the short and long term accomplishments and goals of the newly formed Youth Commission.

FISCAL/BUDGET IMPACT:

All items in the update utilize the existing budget.

BACKGROUND:

Approved by the Parker Town Council on May 16, 2022, the Youth Commission provides an opportunity for students to learn more about their local government, participate in the process, and represent and articulate the needs of our community's young citizens.

This Commission consists of nine members, initially appointed with staggered terms so that five were appointed for two-year terms and four were appointed for one-year terms (2022/2023). Hereafter, Commissioners will be appointed to two-year terms. While preference was given to Parker residents, any Douglas County student in grades 9 through 12 with strong ties to Parker (attend school, work, etc.) was also considered for membership.

Current members include:

- Iris Pixler - Chair
- Amara Fantl - Vice Chair
- Sarah Goudjil - Secretary
- Aarav Varma - Treasurer
- Carson Flowers
- Joey Jung
- Noor Reslan
- Brayden Parsons
- Landon Schnell.

RECOMMENDATION:

No direction is needed at this time.

REQUESTED DIRECTION:

No action is needed at this time.

ATTACHMENT:

None



MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Kristin Hoffmann, Town Attorney
Chris Vanderpool, Town Clerk
DATE: May 8, 2023
SUBJECT: Liquor Code Amendments

ISSUE:

Recommended revisions to the Parker Municipal Code regarding liquor licensing matters related to Proposition 125 and administrative approval of temporary liquor sales rooms.

FISCAL/BUDGET IMPACT:

None.

BACKGROUND:

At the February and March Special Licensing Authority meetings, the Licensing Authority made two recommendations to the Town Council for revisions to the Parker Municipal Code regarding liquor licensing matters.

The first recommendation of the Authority is to revise the Parker Municipal Code to conform to the language approved in November of 2022 by the statewide approval of Proposition 125. The effect of Proposition 125 was to automatically convert fermented malt beverage off-premise retail licenses to fermented malt beverage and wine retailer licenses (allowing the sale of wine by licensees that previously were only authorized to sell fermented malt beverages). The Authority is recommending a change to reference this new nomenclature of fermented malt beverage and wine retailer license, consistent with the new language originating from the approval of Proposition 125.

The second recommendation of the Authority is to add the approval of temporary liquor sales rooms to those categories of licensing functions that may be administratively approved by the Town Clerk's Office. Pursuant to state liquor regulation, an entity seeking approval of a temporary salesroom (which is a State of Colorado approval/permit) is still required to seek the consent of the local licensing authority. However, this consent by the Town as the local licensing authority is limited to the following:

1. Whether the temporary sales room "...would impact traffic, noise, or other neighborhood concerns...";
2. Whether the temporary sales room would result in a violation of the Colorado liquor code or the laws of the local government; or
3. Issuance of the permit would violate local zoning laws.

The form provided for the Town's consideration merely contains a space for a "Licensing

Authority Signature" that provides that the Town either objects or does not object to the temporary sales room. In addition, the time for seeking consent of a temporary sales room is ten (10) business days for events lasting three (3) consecutive days or less.

Therefore, the Authority recommends this category of permit be added to Section 5.02.180 of the Parker Municipal Code, allowing for administrative approval by the Town Clerk's Office. The authorization for administrative approval still allows the Town Clerk to place the matter on the agenda for Authority approval, if the Town Clerk's Office has any concerns with the application.

RECOMMENDATION:

Staff recommends Town Council authorization to proceed to the regular agenda with an ordinance as discussed.

REQUESTED DIRECTION:

Town Council direction on whether to move forward with an ordinance to approve revisions to the liquor licensing provisions of the Parker Municipal Code.

ATTACHMENT:

1. Proposed ordinance

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ORDINANCE NO. ____[#]____, Series of 2023

TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 5.02 OF THE PARKER MUNICIPAL CODE TO CONFORM TO RECENT CHANGES TO STATE LAW REGARDING THE SALE OF WINE AND ALLOWING FOR ADMINISTRATIVE APPROVAL OF TEMPORARY SALES ROOMS

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 5.02.180, Subsection (b), of the Parker Municipal Code is hereby amended by the addition thereto of a new Subsection (6) as follows:

5.02.180 Administrative approval of certain applications.

* * *

(b) The Town Clerk is further authorized to administratively approve the following applications:

* * *

(4) Communal outdoor dining area applications; **and**

(5) Festival permits; **and**

(6) Temporary Liquor Sales Rooms.

Section 2. The preamble to Division 2 and Section 5.02.360, Subsections (a) and (b), of the Parker Municipal Code are hereby amended as follows:

Division 2

*Fermented Malt Beverage **and Wine Retailer License***

5.02.360 Application required; filing.

(a) An application for a fermented malt beverage **and wine retailer** license shall be required for the following:

(1) Sales for consumption off the premises of the licensee; and

(2) Sales for consumption on the premises of the licensee;

(b) All new applications for fermented malt beverage **and wine retailer** licenses shall be filed, in duplicate, on forms made available by the office of the Secretary of the State, with the Town Clerk and shall be accompanied by the following:

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Section 3. Section 5.02.370 of the Parker Municipal Code are hereby amended as follows:

5.02.370 Fee.

An application fee **and a license fee** in the amount **authorized by the Colorado Department of Revenue of five hundred dollars (\$500.00) and a license fee of three dollars and seventy-five cents (\$3.75)** shall be paid to the Town at the time of making an application for a fermented malt beverage **and wine retailer** license, and a renewal fee **as authorized by the Colorado Department of Revenue of twenty-five dollars (\$25.00)** shall also be imposed by the Town for renewals. This fee shall be used by the Town to defray the expenses incurred by the Town in investigating the applicant and conducting the hearing. In addition, the Town shall impose **those fees authorized by the Colorado Department of Revenue a fee of seventy-five dollars (\$75.00)** for the registration of a manager if the manager is different from the licensed person, and shall also impose a fee **as authorized by the Colorado Department of Revenue of seventy-five dollars (\$75.00)** for a change of managers in accordance with Section 5.02.365. No part of this fee shall be refundable to the applicant for any reason.

Section 4. Section 5.02.380, Subsection (a), of the Parker Municipal Code is hereby amended as follows:

5.02.380 Establishing neighborhood and public hearing dates.

(a) The Town Clerk shall cause the application for a fermented malt beverage **and wine retailer** license to be placed on the agenda of a Special Licensing Authority meeting to be held not less than four (4) days nor more than thirty (30) days after the Clerk has received the application. The date of presentation of the application to the Special Licensing Authority shall be deemed the date of filing of the application.

* * *

Section 5. Section 5.02.390, Subsections (a) and (c), of the Parker Municipal Code are hereby amended as follows:

5.02.390 Public notice.

(a) The applicant for a fermented malt beverage **and wine retailer** license shall cause to be posted and published a public notice of hearing thereon. The sign used for posting such notice shall be of cardboard material, not less than twenty-two (22) inches wide and twenty-six (26) inches high, composed of letters not less than one (1) inch in height and stating the type of license applied for, the date of the application, the date of hearing, the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, the sign shall contain the names and addresses of all partners. If the applicant is a corporation, association or other

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organization, the sign shall contain the names and addresses of the president, vice-president, secretary and manager or other managing officers.

* * *

(c) Where the building in which the fermented malt beverage and wine is to be sold is in existence at the time of the application for the license therefor, the sign shall be placed on the premises so as to be conspicuous and plainly visible to the general public from the exterior of the building. If the building is not in existence at the time of such application, the sign shall be posted upon the premises upon which the building is to be constructed in such manner that it shall be conspicuous and plainly visible to the general public.

Section 6. Section 5.02.400, Subsection (a), of the Parker Municipal Code is hereby amended as follows:

5.02.400 Investigation of applicant.

(a) The Police Department shall make an investigation of the applicant for a fermented malt beverage and wine retailer license, and, in the case of a corporation, the board of directors of the applicant, and, in the case of a partnership, the partners of the applicant. Such investigation shall include the fingerprinting and photographing of the applicant and the obtaining from the Colorado Bureau of Investigation a report on the applicant. A written report of the finding of such investigation shall be delivered by the Chief of Police to the Town Clerk at least ten (10) days prior to the hearing on the application.

* * *

Section 7. Section 5.02.410 of the Parker Municipal Code is hereby amended as follows:

5.02.410 Procedure at hearing.

The rules of procedure to be followed in the conducting of the public hearing upon an application for a fermented malt beverage and wine retailer license shall be established by the Special Licensing Authority.

Section 8. The first paragraph of Section 5.02.420 of the Parker Municipal Code is hereby amended as follows:

5.02.420 Considerations for approving or denying application.

Before entering any decision approving or denying the application for a fermented malt beverage and wine retailer license, the Special Licensing Authority shall consider the following:

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Section 9. The first paragraph of Section 5.02.430 of the Parker Municipal Code is hereby amended as follows:

5.02.430 Approval or disapproval.

The decision of the Special Licensing Authority approving or disapproving the application for a fermented malt beverage **and wine retailer** license shall be in writing stating the reasons therefor and shall be issued within thirty (30) days after the date of the public hearing on the application. A copy of such decision shall be sent by mail to the applicant to the address shown in the application.

Section 10. Section 5.02.440 of the Parker Municipal Code is hereby amended as follows:

5.02.440 Business premises prerequisite.

In the case of buildings not yet in existence, where the Special Licensing Authority votes in favor of the issuance of a fermented malt beverage **and wine retailer** license, the license shall not be issued until the building in which the business is to be conducted is ready for occupancy, and then only after inspection of the premises has been made to determine that the applicant has complied substantially with the architect's drawings and plans and specifications submitted with the application for such license.

Section 11. Section 5.02.450 of the Parker Municipal Code is hereby amended as follows:

5.02.450 Change of location.

All of the procedures outlined in this Division shall be applicable to a change of location of an existing fermented malt beverage **and wine retailer** license.

Section 12. Section 5.02.460 of the Parker Municipal Code is hereby amended as follows:

5.02.460 Rehearing limitation.

No application for the issuance of fermented malt beverage **and wine retailer** license shall be considered by the Special Licensing Authority if an application for a similar type license has been denied for the same location within the two (2) years immediately preceding the date of such new application.

Section 13. Section 5.02.790, Subsection (a), of the Parker Municipal Code is hereby amended as follows:

5.02.790 Tastings authorized.

(a) Authorization. In accordance with Section 44-3-301(10)(a), C.R.S., the Town hereby authorizes "tastings," as that term is defined in Section 44-3-103(56),

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C.R.S., thereby allowing retail liquor store licensees, ~~and~~ liquor-licensed drug store licensees, and fermented malt beverage and wine retailer to conduct tastings subject to all of the limitations set forth in Section 44-3-301(10), C.R.S.

* * *

Section 14. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 15. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 16. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2023.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin Hoffmann, Town Attorney