

**RESOLUTION NO. 4**  
**(Series of 2021)**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO REGULATING THE USE OF PUBLIC RIGHTS-OF-WAY AND CERTAIN TOWN PARK AREAS WITHIN THE TOWN OF TELLURIDE DURING THE SUMMER OF 2021 TO ENCOURAGE AND PERMIT OUTDOOR DINING TO ASSIST LOCAL BUSINESSES AND MEMORIALIZING OTHER DIRECTION AND ACTION FROM THE TOWN COUNCIL TO ASSIST LOCAL BUSINESSES AND RESIDENTS DURING THE TOWN'S LOCAL DISASTER EMERGENCY REGARDING COVID-19.**

**WHEREAS**, the Town of Telluride, Colorado (the "Town") is a duly organized and existing home rule municipality of the State of Colorado (the "State"), created and operating pursuant to Article XX of the Constitution of the State and the home rule charter of the Town (the "Telluride Charter"); and,

**WHEREAS**, Corona Virus Disease 2019 ("COVID-19") is a highly contagious virus that has spread worldwide and is causing serious illness or death in certain cases, particularly in, but not limited to, the elderly or persons with underlying health conditions; and,

**WHEREAS**, on March 10, 2020 Jared Polis, the Honorable Governor of the State of Colorado, declared a State of Emergency for the entire State of Colorado in response to COVID-19 as the number of cases in Colorado and in the United States of America increased, and Governor Polis also announced numerous emergency measures to protect public health, safety and welfare; and,

**WHEREAS**, on March 11, 2020 the World Health Organization ("WHO") declared the worldwide outbreak of COVID-19 a "global pandemic", surpassing the stage of "global health emergency" declared by the WHO on January 30, 2020 due to the worldwide spread of COVID-19; and,

**WHEREAS**, on March 13, 2020, the now former President of the United States, Donald J. Trump, declared a national state of emergency due to COVID-19; and,

**WHEREAS**, on March 16, 2020 the Board of County Commissioners of San Miguel County, Colorado declared a Local Disaster Emergency due to COVID-19; and,

**WHEREAS**, on March 20, 2020 the Telluride Town Manager issued a Declaration of Local Disaster Emergency (the "Declaration"), on file with the Town Clerk and with the County Clerk and Recorder, which Declaration was extended by formal passage of a Resolution by the Telluride Town Council on March 27, 2020; and,

**WHEREAS**, part of the governmental response to COVID-19 from the State of Colorado and the San Miguel County Board of County Commissioners pursuant to several versions of Public Health Orders ("PHOs") previously included the closure of all restaurant dine-in options for over two months. While restaurant dine-in options have resumed under Colorado and San Miguel County PHO guidance, they are now subject to significant limitations on indoor dining occupancy at 50% of the posted occupancy code limit, not to exceed 50 people maximum, whichever is more restrictive, and these PHO provisions will continue to limit the financial viability of restaurants after they have been particularly hard hit by the initial and complete shut-down of dine-in options for over two months at the start of the COVID-19 pandemic; and,

**WHEREAS**, the Town of Telluride values the restaurant and dining experience enjoyed by visitors and local citizens alike; and,

**WHEREAS**, the Town is committed to encouraging and assisting restaurants with the possible use of Town public rights-of-way to offer areas that could assist with some of the social distancing and occupancy restrictions that are expected during the Summer of 2021 as the country continues to recover and reopen from the impacts of COVID-19; and,

**WHEREAS**, on May 18, 2020 Colorado Governor Jared Polis encouraged Colorado cities and towns to look at a variety of options to encourage outdoor dining, including the use of public sidewalks and streets to host outdoor dining and reiterated and requested assistance from municipalities during the duration of the COVID-19 pandemic to continue expanded, safe outdoor dining; and,

**WHEREAS**, Governor Polis also specifically mentioned the expected spacing and occupancy restrictions for dine-in restaurants as a continued challenge to the restaurant industry during the COVID-19 pandemic and that local jurisdictions should strongly consider working with local restaurants to attempt to boost restaurant capacity with the use of outdoor dining including in public rights-of-way and park areas; and,

**WHEREAS**, the Town Council desires during the Summer of 2021 to keep the existing two-way traffic arrangement on Colorado Avenue between Aspen Street and Alder Street and to keep the entire Centerlane of Colorado Avenue (the “Centerlane”) available to authorized permitted users under Telluride Municipal Code 8-2-60; and,

**WHEREAS**, the Town Council is also adopting this Resolution pursuant to its Home Rule Authority provided under the Colorado Constitution, Article XX, Sections 1-6, the Telluride Charter and the Town’s Police Power authority under Colorado Revised Statute Section 31-15-401(1)(b) with the explicit authority to “[t]o do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease” within the limits of the Town of Telluride; and,

**WHEREAS**, the Town also has explicit authority under Colorado law found at Colorado Revised Statute Section 31-15-702, by an enactment of the governing body of the municipality, to regulate, open and alter streets, alleys, sidewalks, parks and public places and to regulate traffic and sales upon streets, alleys, sidewalks, parks and public places; and,

**WHEREAS**, the Town Council of Telluride, Colorado is charged as the public trustee for public rights-of-way as provided for in Colorado Revised Statute Sections 43-2-123—125 and 31-15-702(1)(a)(i).

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO:**

**Section A. 2021 Traffic Flow on Colorado Avenue Between Aspen Street and Alder Street and Implementation of the Colorado Avenue Parklets Concept.**

1. For the Summer of 2021, on Colorado Avenue between Aspen Street and Alder Street, the Town will keep the existing two-way traffic arrangement with the entire Centerlane available to authorized permitted users under Telluride Municipal Code 8-2-60.
2. **Sidewalks.** Along both the north and south side of Colorado Avenue, within the area subject to this Resolution, the Town shall maintain the existing and current sidewalk configurations to permit continued and unobstructed public pedestrian use of the sidewalks, except for any previously approved Outdoor Dining Areas or for minor new or expanded Outdoor Dining Areas consistent with the Town’s Resolution 2010-19 mandating that Outdoor Dining Area encroachments onto existing sidewalks not extend more than five feet (5’) in depth from the façade of a building and must always leave no less than four feet

(4') for unobstructed pedestrian traffic, taking into account existing obstructions and fixtures on the sidewalks, such as lampposts, benches and seating, bicycle racks, etc.

3. **Colorado Avenue Parklets.** The Town will make available for private, exclusive restaurant use what would otherwise normally be hourly paid parking spaces in front of Colorado Avenue restaurant establishments for either:

- A. The creation of constructed “parklets”, which are deck or platform areas constructed and paid for by individual restaurant establishments for either outdoor dining or to accommodate the queuing of customers; or,
- B. The placement of tables and accessory items necessary for restaurant use and operations directly into marked off areas on Colorado Avenue, as approved by the Town, that would typically be available for paid parking spaces. (Both options are referred to herein as the “Colorado Avenue Parklets”, “Parklet” or the “License Area”.)

4. **Dimensions of Colorado Avenue Parklets.** Typically, the Colorado Avenue Parklet dining areas will be limited to the width of the private property associated with the Colorado Avenue Parklets. If a building includes multiple uses with façade areas on Colorado Avenue, the Colorado Avenue Parklet will be limited to the width of the actual restaurant use occupying the applicable façade area, unless consent and approval from either the applicable HOA or neighboring use is received by the Town. In addition, a Colorado Avenue Parklet can expand beyond the front or normal façade width of the applicable restaurant provided that the Town receives communication from the impacted neighboring property owner or use that they consent to both the use of the parklet area by the restaurant and to the loss of parking directly in front of the neighboring property owner or use.

For Colorado Avenue Parklet dimensions in the north-south direction off the applicable curb no improvements associated with a Parklet may extend more than ten feet (10') from the curb line, and may be limited further if the Town cannot maintain the required dimensions for the two-way traffic on Colorado Avenue and the Centerlane.

5. **Colorado Avenue Parklets Permitted Use.** Colorado Avenue Parklet dining areas can also be used not only for service of food and alcohol (when appropriate liquor licenses are amended), but can also be used for a restaurant establishment that is only engaged in takeout food service to safely queue customers without blocking the Colorado Avenue sidewalks.

The Town of Telluride is also expressly granting, by this action and by anticipated subsequent license agreements with users of parklets, permission and a grant of right from the Town to the individual restaurant owners to traverse the necessary portion of any sidewalk, considered a public thoroughfare, to permit and for the purpose to transport alcoholic beverages from the licensed liquor establishment into the licensed Colorado Avenue Parklets dining areas.

6. **Colorado Avenue Parklet Agreements, Operational Expectations and Dates of Occupancy.**

- A. Following an agreement entered into between the Town and a restaurant for Colorado Avenue Parklet dining under this Resolution, the restaurant will be responsible for constructing the Parklet and for providing and maintaining any tables, seating, fencing or demarcation required for extending the outdoor dining area into the Town’s normal parking areas along Colorado Avenue that are permitted for Colorado Avenue Parklet dining, including anything uniquely required to delineate areas for the service of alcoholic beverages such as boundaries or barriers for a modification of liquor premises under both Telluride and State law. Proposed railings or boundaries along the edges of the Colorado Avenue Parklet dining areas will not need to be

reviewed nor approved by HARC. However, in no situation may permanent modifications to the sidewalk or the Colorado Avenue right of way be permitted. A restaurant will also be responsible for any ADA ramping required to access the Colorado Avenue Parklet areas from the sidewalks of Colorado Avenue.

- B. Entry into any Colorado Avenue Parklet shall only occur from the adjacent sidewalks of Colorado Avenue and there shall be no physical way to egress from the parklets directly onto the portion(s) of Colorado Avenue retained for vehicular traffic.
- C. The restaurant will also be charged with monitoring the Colorado Avenue Parklet dining areas and the adjacent Colorado Avenue sidewalk to ensure there are no unlawful obstructions for passage on the Colorado Avenue sidewalks or Colorado Avenue right of way, such as people attaching strollers, bicycles, the hitching of animals, or any other obstructions within or on the outside of the Colorado Avenue Parklet dining areas in violation of Telluride Municipal Code Section 10-3-10. The restaurant will not be responsible for the removal or remedy of the obstruction, but each establishment shall alert and contact the Town who will respond to the obstruction situation.
- D. The restaurant is required to contain its operations within the approved Colorado Avenue Parklet dining areas and may not conduct food and beverage service outside of the Licensed Area via the remaining Town right-of-way, including the Colorado Avenue sidewalk. It is an express understanding and condition of the Town's approval of Colorado Avenue Parklets that the approved use, unless otherwise approved under a separate Outdoor Dining Agreement, will not include use of the sidewalks other than to access the Colorado Avenue Parklets from the restaurant and that such Colorado Avenue Parklet use will not disturb the existing two-way traffic nor the Centerlane available along Colorado Avenue.
- E. The restaurant is required to operate the Colorado Avenue Parklet dining license area in a manner that does not disturb adjacent property owners and does not cause a public nuisance through excessive noise, lighting, litter or any other manner. Amplified music is not permitted in the License Area. Licensee shall maintain and keep the License Area in a safe, clean and sanitary condition at all times, including the added requirement that any mandated State, County or Town protocols for cleaning and disinfecting tables and service areas for COVID-19 are followed and adhered to in the Colorado Avenue Parklet areas.
- F. In a subsequent Colorado Avenue Parklet dining license agreement, the restaurant will be required to submit a comprehensive waiver, release and indemnification to the Town of Telluride and will be required to obtain general liability insurance coverage with minimum limits of \$1,000,000 per occurrence primary coverage, and \$2,000,000 annual aggregate, along with general liquor liability insurance in the amount of \$1,000,000 annual aggregate (if liquor service will be part of the outdoor dining experience) and shall name the Town as additional insured for both insurance coverages.
- G. Each restaurant will submit plans and an application to the Town for any proposed Colorado Avenue Parklets showing how it will meet the requirements of this Resolution and any other applicable Town, County or State laws or regulations, including any applicable Public Health Orders pertaining to COVID-19, which plans will be reviewed by Town Staff. It is anticipated that a subsequent specific Colorado Avenue Parklet dining license agreement will be executed between the restaurant and the Town provided compliance is demonstrated by the restaurant as to all terms of this Resolution.

- H. Each Colorado Avenue Parklet plan must also demonstrate how the restaurant owner plans to secure the Colorado Avenue Parklet areas from possible interactions with vehicular traffic expected to be in close proximity to the Colorado Avenue Parklet dining areas, with consideration of such elements as water barrels or buffers, flower planter boxes, bike racks or wheel stops located on either or both ends of the parklet dining area. Along any roadway edge for a Colorado Avenue Parklet, an applicant will be required to have an open guard rail or similar structure no higher than three feet (3') and capable of withstanding at least 200 lbs. of horizontal force. To the extent the Town has specific traffic control devices to offer to attempt to protect the Colorado Avenue Parklets it will endeavor to equitably and fairly share, but on a first come, first served basis, such devices among licensees for the expected 2021 duration of the Colorado Avenue Parklets dining area approvals.
- I. Following an agreement entered into between the Town and a restaurant for Colorado Avenue Parklet dining under this Resolution, an establishment may start construction and assembly of any Colorado Avenue Parklet on May 1, 2021, but may not occupy the space for formal patron restaurant service until May 15, 2021. All improvements erected by any licensee for a Colorado Avenue Parklet shall be removed no later than October 30, 2021. Failure by a licensee to remove any improvements or other personal property from a Colorado Avenue Parklet area by October 30, 2021 may result in removal by the Town by whatever means are deemed prudent and reasonable, in the sole discretion of the Town as property owner, and may result in a debt owing to the Town by Licensee for any associated expense for such removal, including use of any heavy equipment and Town Staff time incurred.
- J. The Town will provide liquor notice signs regarding both Colorado and Telluride laws against the public consumption of alcoholic beverages, for instance signs stating "No alcohol beyond this point", in areas visible to the public at all points of ingress or egress to any Colorado Avenue Parklet dining areas, which are required to be displayed continuously if the restaurant is using the area for liquor service.

### **Section B. Retail Establishments can Propose Parklets.**

A commercial retail establishment in the Town of Telluride may also propose a Parklet in front of their commercial retail establishment, but will be required to demonstrate compliance with all of the applicable standards and requirements of Section A of this Resolution. Within the Parklet, the commercial retail establishment shall be permitted to use various temporary structures to protect the display of goods or wares or the point of sale apparatus by use of tents, coverings or umbrellas pursuant to a subsequent license agreement executed between the commercial retail establishment and the Town, which will include an examination of the safety and secure location of any tents, coverings or umbrellas.

A commercial retail establishment electing to use a Parklet during term of this Resolution shall not be permitted to use a previously approved Town exemption for the placement of merchandise on adjacent sidewalks (neat display and protruding no more than two feet (2') from the façade of the building), which policy of the Town of Telluride is known as the "Hickcox Rule" and memorialized in a policy letter dated July 10, 1987, which policy letter is attached hereto and incorporated herein as Exhibit A.

### **Section C. Off Colorado Avenue Locations.**

A restaurant establishment "Off-Colorado Avenue" may also propose and apply for a Parklet to the Town of Telluride, which will be reviewed and must demonstrate compliance with all of the applicable standards and requirements of Section A of this Resolution. An "Off-Colorado Avenue" restaurant establishment shall be required to use a Parklet under Section A of this Resolution unless the Town

Manager, in consultation with Town Staff, determines that a Parklet will not be physically possible due to the individual constraints or circumstances of the restaurant establishment and adjacent right-of-way, such as there is no parking adjacent to the establishment façade that could be occupied by a Parklet. In such situation, the Town Manager may approve limited applications to permit the restaurant to occupy part or all of the sidewalk if pedestrian traffic can safely be accommodated either:

1. Along remaining portions of the sidewalk at a minimum width of no less than four feet (4') for unobstructed pedestrian traffic, taking into account existing obstructions and fixtures on the sidewalks, such as lampposts, benches and seating, bicycle racks, etc.; or,
2. By diverting pedestrian traffic into what is typically the travelled portion of the right of way and protecting such diverted pedestrian traffic from vehicular traffic through such appropriate means as the Town designs, including, but not limited to, crowd control fencing or barriers, which the Town will be responsible for erecting.

However, in no event shall the remaining portion of the right-of-way used for vehicular travel be reduced below a minimum width of twenty-four feet (24') for two-way vehicular traffic and a minimum width of twenty feet (20') for any one-way vehicular traffic.

Nothing in this Section nor in this Resolution shall prevent a restaurant from submitting an application for outdoor dining under the more general and pre-existing provisions found at Town of Telluride Resolution 2010-19, the Town of Telluride's Outdoor Dining Policy and Process.

#### **Section D. Extension of Outdoor Dining and Certain Retail Uses on Private Property.**

Following June 2, 2020 direction from Town Council to the Town Manager, the Town permitted businesses, subject to compliance with applicable health and building codes, to use required off-street parking spaces and other portions of a site for temporary restaurant or retail uses on private property provided the affected property/business owner(s) submitted a plan to the Town Manager (no fee), including a map and summary of uses. Such temporary uses and structures were temporarily exempt from zoning and design review requirements (HARC). If permanent structures or uses were sought (those extending past the initial October 30th, 2020 deadline), then such a request would be reviewed under the current applicable review processes (HARC, Zoning, Building Code review).

On October 6, 2020 Town Council again directed the Town Manager to extend and continue with temporary uses and structures on private property for outdoor restaurant or retail use with the following additional provisions and clarifications:

- a) An indemnification agreement, similar to that used for tents and other private appurtenances placed in rights-of-way during the Summer of 2020, would be required for the erection of any temporary tents, structures or exterior heating devices.
- b) The Town Manager, in its review of an application, would have the authority to solicit review from any entity, including the building and fire departments; require any additional information it deems necessary for consideration of a request or application; require any permit necessary to address fire, life or safety considerations; and may condition or deny an application due to fire, life or safety concerns, degree of compliance with COVID health orders or impacts on adjacent properties.
- c) Approvals granted by the Town Manager under this program would expire on May 21, 2021, and would require removal of the temporary uses and structures by such date. The Town Manager required a bond or other financial security to ensure the timely removal of any temporary use of structure.

In an effort to continue to accommodate flexibility for outdoor dining or retail uses on private property the Town Council is hereby extending the above provisions and programs under the direction of the Town Manager to now expire on October 30, 2021.

**Section E. Rulemaking and Enforcement by Town Manager.**

The Town Manager is permitted, if needed, to implement any rules or regulations in furtherance of the equitable and fair implementation of this Resolution provided such rules or regulations do not fundamentally change the intent of this Resolution.

The licenses issued pursuant to the terms of this Resolution are revocable by the Town Manager at any time during the licensee term or upon determination by the Town that the continued use of the license area is detrimental to the public health or welfare or upon finding of a violation of any term of this Resolution or the License Agreement, or violation of other licenses or permits involving the licensed property including sales tax, liquor license and business license requirements, or violations of other applicable provisions of the Town's Municipal Code and Ordinances, which may independently subject the licensed establishment to public hearing requirements and possible sanctions or fines for liquor licensed establishments under the Telluride Municipal Code, the Colorado Liquor Code or the Colorado Liquor Rules.

Any notice of revocation shall be provided in writing no less than thirty (30) days in advance of such action, unless immediate revocation is determined to be needed for the protection of preservation of public health, safety and welfare.

Any violation of the Telluride Municipal Code by a restaurant establishment may result in the suspension by the Town Manager of the ability to participate in the outdoor dining provided by the Town of Telluride, including, but not limited to, the provisions of this Resolution.

**Section F. Miscellaneous.**

Use of any of the Colorado Avenue Parklet dining areas or the Off-Colorado Avenue dining areas may be temporarily suspended if the Town has previously or subsequently approved use of those areas, including any portion of the same, for any Special Event Liquor License. In addition, the Town may be required at various times during the duration of this Resolution to clean or maintain Town rights-of-way, including areas subject to Parklet dining license agreements. The Town will attempt to work around such Parklet dining areas to the extent possible, but the Town retains the right to temporarily move any improvements associated with Parklet dining areas if needed to maintain the applicable Town right of way.

Any of the uses authorized by the terms of this Resolution may be subject to certain pre-existing legal commitments, such as permitted vending operations at both the Oak Street and North Spruce Street Park or preexisting special event approvals.

The Town is also authorized to consider increasing signage on and off Colorado Avenue to educate residents, visitors and guests as to the altered parking patterns for 2021 and is encouraged to consider expanded bicycle parking and the use of fifteen (15) minute loading and unloading areas for quick parking to run routine errands to high volume areas around the Town of Telluride. The Town Manager is also directed to explore additional use of the Town's pocket parks, the Telluride Town Park, Town's River Trail and any and all public rights-of-way, to disperse public use around Town and to encourage, when safely possible, the use of picnicking and limited gatherings respecting social distancing requirements and applicable State and Local Public Health Orders in such situations. The Town Manager is specifically directed to explore the placement of additional picnic style tables and/or outdoor seating

arrangements within these Park areas and any and all public rights-of-way for non-exclusive use and/or to augment takeout dining options, but subject to any and all pre-existing legal commitments, such as permitted vending operations at both the Oak Street and North Spruce Street Park or preexisting special event approvals.

To promote public hygiene during the COVID-19 pandemic, restaurants that participate in the use of Parklets or expanded outdoor dining must permit patrons of the establishment to use the indoor restroom facilities of such establishment.

**Section G. Obstructing Passage of Streets and Public Places.**

It shall be a defense to a charge of violating Telluride Municipal Code Section 10-3-10, Obstructing Passage, Streets and Public Places, if the person is complying with and operating within the permitted uses of this Resolution.

**Section H. Town Discretion Not Waived.**

The granting of an outdoor dining license agreement is completely discretionary from the Town of Telluride.

**Section I. Resolution not Subject to Referendum.**

This Resolution addresses the use of real property owned by the Town of Telluride and is, therefore, not subject to the reserved powers of referendum.

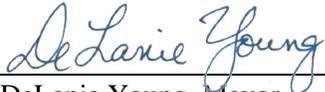
**Section J. Effective Date and Expiration.**

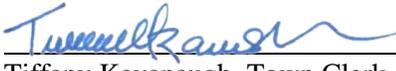
This Resolution shall be effective as of the date of its adoption. All of the Resolution provisions addressing permitted Parklet dining and retail operations on public rights-of-way shall expire on October 30, 2021 or if earlier rescinded by Town Council Resolution on this matter.

**RESOLVED, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO** on the 9<sup>th</sup> day of March 2021.

**TOWN OF TELLURIDE**

**ATTEST**

  
\_\_\_\_\_  
DeLanie Young, Mayor

  
\_\_\_\_\_  
Tiffany Kavanaugh, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin J. Geiger, Town Attorney

STATE OF COLORADO )  
 )  
 COUNTY OF SAN MIGUEL ) ss.  
 )  
 TOWN OF TELLURIDE )

I, Tiffany Kavanaugh, the Town Clerk of the Town of Telluride, Colorado (the “Town”), do hereby certify:

- The foregoing pages are a true and correct copy of a resolution (the “Resolution”) passed and adopted by the Town Council (the “Council”) of the Town at a meeting of the Council held on March 9<sup>th</sup>, 2021.

- The Resolution was duly moved and seconded and the Resolution was adopted at the Town Council meeting of March 9<sup>th</sup>, 2021 by an affirmative vote of the members of the Council as follows:

Name	“Yes”	“No”	Absent	Abstain
DeLanie Young, Mayor	X			
Todd Brown, Mayor Pro Tem	X			
Adrienne Christy	X			
Lars Carlson	X			
Jessie Rae Arguelles	X			
Geneva Shaunette	X			
Tom Watkinson	X			

- The Resolution was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

- There are no bylaws, rules or regulations of the Council that might prohibit the adoption of said Resolution.

- The members of the Council were present at the meeting and voted on the passage of such Resolution as set forth above.



Tiffany Kavanaugh, Town Clerk



Exhibit A

TOWN OF  
**TELLURIDE**

BOX 397 TELLURIDE, CO. 81435 303-728-3851

July 10, 1987

Dear Main Street Business Owner:

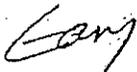
On June 26, I mailed the attached letter to a number of businesses located on Colorado Avenue. As you can see from that letter I wanted to get direction from Council regarding the placing of merchandise on Main Street sidewalks. At their July 7 meeting, Council directed me to address the problem in a way I felt would best minimize a potential liability to the Town without creating new legislation and regulation.

After meeting with a number of Main Street Business owners on Thursday, July 9, it was decided that the best solution was the establishment of a policy regarding this practice. Everyone there, including myself agreed that the following policy was acceptable.

1. Absolutely no merchandise shall be placed on Main Street sidewalks on the weekends of specific special events: Bluegrass Festival; Fourth of July (single day); Jazz Festival; Grateful Dead Concert; and Film Festival.
2. At all other times, merchandise placed on the sidewalk shall appear neat and protrude no more than two feet from the building.

I believe that if everyone will operate within these guidelines no further action will be necessary. Your cooperation in this matter will be greatly appreciated.

Sincerely,

  
Gary Hickcox  
Town Manager

cc: Hank Smith, Town Marshal  
Town Council  
Amy Levek  
Bill Frownfelter