

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD NOVEMBER 23, 2010**

A regular meeting of the Town of Avon, Colorado was held at the Avon Town Hall, One Lake Street, Avon, Colorado in the Council Chambers.

Mayor Ron Wolfe called the meeting to order at 5:30 PM. A roll call was taken and Council members present were Rich Carroll, Dave Dantas, Kristi Ferraro, Amy Phillips, Buz Reynolds. Brian Sipes absent. Also present were Town Attorney Eric Heil, Town Manager Larry Brooks, Assistant Town Manager Patty McKenny, Assistant Town Manager Community Development Sally Vecchio, Assistant Town Manager Finance Scott Wright, Town Engineer Justin Hildreth, as well as other staff members and the public.

AGENDA APPROVAL & DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

Mayor Wolfe noted that the Executive Session would be convened at the end of the Regular Meeting, so new council would be able to hear and participate on the topics. He also noted that items j) & k) resolutions would be considered after the new council was sworn in.

COMMUNITY INPUT

Employees from the Christie Lodge commented on the revised winter bus schedule noting that the service which ended earlier than last season has impacted how they get home. They asked if the service might be extended until later in the evening. Mayor Wolfe noted that the council would schedule the topic for the December 14th work session meeting.

CONSENT AGENDA

Mayor Wolfe asked for a motion on the consent agenda. Councilor Ferraro moved to approve the consent agenda; Councilor Carroll seconded the motion and it passed unanimously.

- a. Minutes from November 9, 2010

PUBLIC HEARING: COMCAST FRANCHISE AGREEMENT

Town Attorney Eric Heil presented the topic of the Comcast Franchise Agreement, noting that the agreement expires at the end of 2010. The Town did request public input on the matter and Jamie Walker, Community Relations Officer, noted the number of responses received at 42, were both supportive as well as provided some suggestions for improvements to the service. Janet Rinaldi, Comcast Cable Services Representative, presented information to the council about a proposed term of an agreement and the services Comcast would offer in the future. Ron Wolfe opened the public hearing and the following people commented:

- ✓ JK Perry, Channel 5
- ✓ Phil Struve, Avon resident

Mayor Wolfe closed public hearing. Staff noted that the agreement becomes effective at the end of the year on a month to month basis and negotiations would continue.

RESOLUTIONS

Scott Wright, Assistant Town Manager Finance presented the following budget resolutions; Council motions were made as follows:

Councilor Phillips moved to approve Resolution Nos. 22 and 23; Councilor Carroll seconded the motion and it passed unanimously (Sipes absent).

- ✓ Resolution No. 10-22, Series of 2010, Resolution to Amend the 2010 Town of Avon Budget

- ✓ Resolution No. 10-23, Series of 2010, Resolution to Amend the 2010 Town of Avon Capital Projects Fund Budget

Councilor Ferraro moved to approve Resolution Nos. 24 and 25; Councilor Dantas seconded the motion and it passed unanimously (Sipes absent).

- ✓ Resolution No. 10-24, Series of 2010, Resolution to Adopt the 2011 Town of Avon Budget
- ✓ Resolution No. 10-25, Series of 2010, Resolution to Accept the proposed Town of Avon Long Range Capital Program and Simultaneously adopt the Year 2011 Capital Projects Fund Budget

Councilor Ferraro moved to approve Resolution No 26; Councilor Carroll seconded the motion and it passed unanimously (Sipes absent).

- ✓ Resolution No. 10-26, Series of 2010, Resolution Levying General Property Taxes for the Year 2010, to help defray the costs of government for the Town of Avon, Colorado, for the 2011 Budget Year

Councilor Ferraro moved to approve Resolution No 27; Councilor Phillips seconded the motion and it passed unanimously (Sipes absent).

- ✓ Resolution No. 10-27, Series of 2010, Resolution Levying General Property Taxes for the Year 2010, to help defray the Costs of government for the Town of Avon General Improvement District No. 1, Avon, Colorado, for the 2011 Budget Year

After a brief discussion about the PEG Funds, Councilor Phillips moved to approve the following with a second by Councilor Carroll and it passed unanimously (Sipes absent):

- ✓ Resolution No. 10-28, Series of 2010, Resolution to Approve a Request for Allocation of PEG Funds;

Eric Heil, Town Attorney, presented Resolution No. 10-29, Series of 2010, Resolution of the Town Council of the Town of Avon Consenting to the Dissolution of the Gates Metropolitan District. He noted that the District had never imposed a mill levy, nor constructed any improvements, nor have any outstanding debt, and therefore recommended approval of the dissolution of the district. It was noted that the public hearing was posted and published. Mayor Wolfe opened the public hearing, no comments were made, the hearing was closed. Councilor Phillips moved to approve Resolution No. 10-29, Series of 2010, Resolution of the Town Council of the Town of Avon Consenting to the Dissolution of the Gates Metropolitan District; Councilor Carroll seconded the motion and it passed unanimously (Sipes absent).

Councilor Dantas moved to approve Resolution No. 10-30, Series of 2010, Resolution Appointing Municipal Judge; Councilor Carroll seconded the motion and it passed unanimously (Sipes absent).

ORDINANCES

Matt Pielsticker, Planner II, presented Ordinance No. 10-19, Series of 2010, Second Reading, Ordinance Approving Chateau St. Claire PUD Amendment with a review of the proposed ordinance amending PUD to remove requirement that prohibits dogs on the property. Mayor Wolfe opened the public hearing, no comments were made, the hearing was closed. Councilor Ferraro moved to approve Ordinance No. 10-19, Series of 2010, Second Reading, Ordinance Approving Chateau St. Claire PUD Amendment; Councilor Phillips seconded the motion and it passed unanimously (Sipes absent).

Patty McKenny, Town Clerk, read the Names of Newly Elected Avon Council Members as Council Elect: Rich Carroll, Dave Dantas, Chris Evans, Todd Goulding. Buck Allen, Avon Municipal Judge, swore in the new members with the Oath of Office. Amy Phillips was elected to serve as the Temporary Chairperson. Councilor Phillips moved to nominate Kristi Ferraro for Mayor. Councilor Ferraro turned down the nomination due to other commitments and then nominated Rich Carroll for Mayor. Councilor Dantas nominated Buz Reynolds for Mayor. A vote was taken and Rich Carroll was elected as Mayor. Mayor Carroll nominated Kristi Ferraro for Mayor Pro Tem and Council Dantas nominated Buz Reynolds for Mayor Pro Tem. A vote was taken and Kristi Ferraro was elected as Mayor Pro Tem.

RESOLUTIONS

After the following resolutions were read in full, motions were made:

- ✓ Mayor Carroll moved to approve Resolution No. 10-31, Series of 2010, A Resolution in Appreciation of Mayor Pro Tem Brian Sipes' Years of Service; Councilor Phillips seconded the motion and it passed unanimously (Sipes absent).
- ✓ Councilor Phillips moved to approve Resolution No. 10-32, Series of 2010, A Resolution in Appreciation of Mayor Ron Wolfe's Years of Service; Mayor Pro Tem Ferraro seconded the motion and it passed unanimously (Sipes absent).

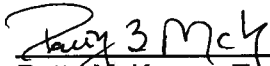
EXECUTIVE SESSION

Councilor Phillips moved to convene into Executive Session at 6:45 PM to discuss the following matters; Mayor Pro Tem Ferraro seconded the motion and it passed unanimously.

- a. Receiving legal advice pursuant to Colorado Revised Statute §24-6-402(4)(b) related to pending litigation regarding Town of Avon v Traer Creek Metropolitan District, 2008 CV 0385 and Traer Creek, LLC, et.al. v Town of Avon 2010 CV 316
- b. Receiving legal advice pursuant to Colorado Revised Statute §24-6-402(4)(b) and for developing a strategy for negotiations and instructing negotiators pursuant to Colorado Revised Statutes §24-6-402(4)(d) regarding Grant Funding for Swift Gulch Project

There being no further business to come before the Council, the regular meeting adjourned at 8:20 PM.

RESPECTFULLY SUBMITTED:



Patty McKenny, Town Clerk

APPROVED:

Rich Carroll _____
 Dave Dantas _____
 Chris Evans (newly elected) _____
 Kristi Ferraro _____
 Todd Goulding (newly elected) _____
 Amy Phillips _____
 Albert "Buz" Reynolds _____
 Brian Sipes _____
 Ron Wolfe _____