

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD JULY 12, 2011**

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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 Rich Carroll called the meeting to order at 5:35 PM. A roll call was taken and Council members present were: Dave Dantas, Chris Evans, Kristi Ferraro, Todd Gouling, Amy Phillips, and Buz Reynolds. 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, Director PW&T Jenny Strehler, Community Relations Officer Jaime Walker, as well as other staff members and the public.

**AGENDA APPROVAL & DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST**

Mayor Carroll noted that there were no changes to the agenda. He also asked that the Town Manager talk about the changes to the next council meeting on July 26, 2011. Town Attorney Eric Heil noted that there was no conflict of interests to report.

**CONSENT AGENDA**

Mayor Carroll asked for a motion on the Consent Agenda. Councilor Evans moved to approve the consent agenda; Mayor Pro Tem Ferraro seconded the motion and it passed unanimously.

a. Minutes from June 28, 2011

**RESOLUTIONS**

Sally Vecchio, Assistant Town Manager Community Development, presented Resolution No. 11-12, Series of 2011, Resolution Repealing Resolution No. 11-09 and Approving a New Resolution by the Avon Town Council Supporting a Multi-Party Land Exchange Located in the White River Forest in Eagle County and Recommending Exceptions to the Conservation Easements on the Avon West Parcel and the Forest Service Village Parcel. It was noted that the State Land Board wanted to correct language related to the agency that the land would be conveyed to, i.e. the Colorado State Land Board. This resolution eliminated this agency as the receiving agency – the red lined version reflected these changes. Town Manager Larry Brooks presented an option B to the resolution that would focus on the East Avon parcel, 80 acres adjacent to Planning Area M, and east of Planning Area RMF-1. He noted that the staff reviewed the documents that would allow for exceptions to the conservation easement on that property. At the last public hearing, there was a request from the Village at Avon for the Town to allow for a road alignment across that parcel. Mr. Brooks suggested further amendments to the resolution that would allow for the possibility to construct a road across the east parcel. The Town Attorney noted that currently the road is not shown on any plans and that there isn't enough information to know if a road is or is not possible at this juncture. He noted that this is not a land use approval, but rather a recommendation to the USFS about the property that the town is proposing to purchase in the land exchange and provided language that would address the request as follows:

*A potential future easement or easements for a road and trail connecting Planning Area RMF-1 to Planning Area M, Village (at Avon), Avon, Colorado, provided that any such road and/or trail easement shall be subject to future review and approval by the Avon Town Council and Avon Planning and Zoning Commission as appropriate and shall require (1) amendments to the Avon Comprehensive Plan, including Avon's 3-Mile Plan, Major Streets Plan and Transportation Plan, (2) an amendment to the Village (at Avon) PUD Plan, (3) an application for road construction in accordance with the procedures and*

*standards of the Avon Development Code and Avon Municipal Code, and (4) consideration of equitable compensation to the Town of Avon regarding the Town of Avon's financial expenditure to acquire the Forest Service Village Parcel*

Mayor Carroll opened the Public Hearing and the following public provided input:

- ✓ Marcus Lindholm, Village at Avon property owner, commented that this suggestion as suggested by the Town Manager was a very practical way of handling the topic.

Councilor Reynolds moved to approve Resolution No. 11-12, Series of 2011, Resolution Repealing Resolution No. 11-09 and Approving a New Resolution by the Avon Town Council Supporting a Multi-Party Land Exchange Located in the White River Forest in Eagle County and Recommending Exceptions to the Conservation Easements on the Avon West Parcel and the Forest Service Village Parcel. Councilor Phillips seconded the motion and it passed unanimously.

#### **ORDINANCES**

##### **PROPOSED BALLOT QUESTIONS FOR NOVEMBER 1, 2011 ELECTION:**

- a. Ordinance No. 11-11, Series of 2011, First Reading, An Ordinance Referring a Ballot Question to the November 1, 2011 Election Regarding Sales Tax and Accommodations Tax Increases for the Avon Sustainable Transit Project
- b. Ordinance No. 11-12, Series of 2011, First Reading, An Ordinance Referring a Ballot Question to the November 1, 2011 Election Regarding Accommodations Tax Increase for the Avon Special Events Project

Jenny Strehler, Director PW&T, reviewed two referred ballot questions that proposed increases in sales and accommodations taxes in order to fund Avon's Sustainable Transit Project and Special Events Project; her presentation included the following topics

- ✓ Purpose of questions and projects
- ✓ Proposed language
- ✓ Schedule for council action

Town Attorney Eric Heil noted some information about the "Fair Campaign Practices Act" that would restrict town discussion of the topic once the final action on 2<sup>nd</sup> reading has been completed. He noted that Town staff and Town Council cannot participate in any activities related to supporting or opposing the question nor spend any town resources on the matter; staff can prepare factually information or other resolutions as a result of the ballot question.

Mayor Carroll accepted public comments at this time:

- Sheriff Masory, representing several properties in Avon, Sheraton Mountain Vista, etc.; agreed that something needs to happen to fund permanently transit services; was concerned that the town would then be one of the highest taxing districts in the country; wanted clarification as to exactly where the buses would stop
- Bob Trotter, Westin Riverfront, also agrees that quality transit system is essential to continued success & growth of Avon and understands that someone needs to pay for it, concerned about the timeshare owners that would not have to pay the lodging tax
- John Leigh, Christie Lodge, CFO, speaking on behalf of this property, noted that they already pay taxes and does support the transit services, concerned about other jurisdictions who have

increased taxes, and that backfired, suggested the town separate the sources of the taxes in the questions and possibly remove the earmarking of the funds to only transit

- Marcus Lindholm, Village at Avon property owner, has the town spoken with other businesses to get feedback on the questions

Council input included some of the following comments:

- ❖ With the proposed questions, the voters can decide the matter
- ❖ Asked that the town provide a fact sheet to the business community
- ❖ Delay public hearing until August 9<sup>th</sup>
- ❖ Some supported questions that fund both transit and special events
- ❖ Some not favorable to increase in sales tax, concerned that visitors will not come because taxes are too high
- ❖ What is the position of Beaver Creek is funding the skier shuttle

Mayor Carroll thanked the business leaders for coming forward with input on the matter. Mayor Carroll then noted that the memo did include staff comment about the possibility of including another election question that would change some of the outdated charter language. That topic would be included on the next agenda as well.

Councilor Evans moved to approve Ordinance No. 11-11, Series of 2011, First Reading, An Ordinance Referring a Ballot Question to the November 1, 2011 Election Regarding Sales Tax and Accommodations Tax Increases for the Avon Sustainable Transit Project. Councilor Reynolds seconded the motion and it passed with a five to one vote (Dantas – nay).

Council Evans moved to approve Ordinance No. 11-12, Series of 2011, First Reading, An Ordinance Referring a Ballot Question to the November 1, 2011 Election Regarding Accommodations Tax Increase for the Avon Special Events Project. Mayor Pro Tem Ferraro seconded the motion and it passed with a five to one vote (Dantas – nay). Councilor Dantas noted that he was not supportive because he couldn't vote for any tax increase; Reynolds noted that he supported letting the public vote on the matter. Mayor Carroll noted that there would be two more opportunities to give input on the ballot proposals, and the public hearing on both matters were scheduled for August 9<sup>th</sup>.

Sally Vecchio, Assistant Town Manager Community Development, presented Ordinance No. 11-10, Series of 2011, First Reading, Ordinance Amending Title 7 of the Avon Municipal Code for the Purpose of Clarifying the Duration and Expiration Requirements of Section 7.16.100 Special Review Use. She noted that the proposed legislation addresses the purpose of clarifying the duration and expiration requirements of the Avon Development Code, Section 7.16.100. She presented some of what has transpired with the P&Z review and reasons for the proposed language revisions. There was some discussion about the legislation as follows:

- Try to help protect the town against issues that might arise with SRS cases
- if they aren't in violations of any of their conditions, then permit might stay in place
- provide town and community opportunity to review the permits on an occasional basis in order to ensure that conditions are met
- if use changes, then the permit must be vacated; if ownership changed then the permit would stay active.
- Keep it at the p&Z level; allow for flexibility into perpetuity

- Then change the terms and conditions after one year of operations of a business with a special review use / maybe implement one year administrative review

In light of the various comments, it was decided to delay a decision on first reading until the next meeting. Councilor Phillips moved to table Ordinance No. 11-10, Series of 2011, First Reading, Ordinance Amending Title 7 of the Avon Municipal Code for the Purpose of Clarifying the Duration and Expiration Requirements of Section 7.16.100 Special Review Use. Councilor Reynolds seconded the motion and it passed unanimously.

#### **NEW BUSINESS**

Scott Wright, Assistant Town Manager Finance, presented the Inter-governmental Agreement with Channel 5 and Town of Vail for Rushworks Audio / Video Equipment. He noted that the Agreement outlines the arrangement between the three parties for the purchase, maintenance and use of video production equipment to be used in recording and broadcasting public meetings of Vail and Avon by Channel 5. Councilor Goulding moved to approve the Inter-governmental Agreement with Channel 5 and Town of Vail for Rushworks Audio / Video Equipment; Councilor Reynolds seconded the motion and it passed unanimously.

#### **TOWN MANAGER REPORT**

Town Manager Larry Brooks spoke about the following topics:

- ✓ Noted that the Town Attorney would provide information on “ex parte discussion” as it relates to elected officials
- ✓ Staff would be suggesting some proposed charter amendments at the next meeting
- ✓ Possibly cancel the July 26<sup>th</sup> meeting due to transit topic tabled until August meeting and the need to focus on litigation commitments
- ✓ Thanks to staff regarding Salute to USA, and a big thanks to all the people who come to the event.

#### **MAYORS REPORT**


- a. Negotiated Settlement for the White River National Forest Travel Management Plan

Mayor Carroll provided an update on the matter and thanked Councilors Reynolds, Dantas and staff Matt Pielsticker for the work on the effort to keep Metcalf road open. There was some points made about the status of the situation as follows:

- ✓ An MOU would be drafted that would better describe what will take place per regional input
- ✓ Licensed motorized vehicles would not be allowed
- ✓ The USFS has agreed to keep this open, but if the rules are abused, the road will likely be closed.
- ✓ Road maintenance might burden the town’s pocket book, so volunteers would be needed
- ✓ Requested signage that is educational

There being no further business to come before the Council, the meeting adjourned at 8:15 pm.

**RESPECTFULLY SUBMITTED:**

  
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Patty McKenny, Town Clerk

**APPROVED:**

Rich Carroll

Dave Dantas


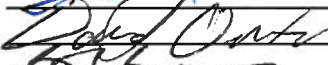
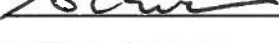

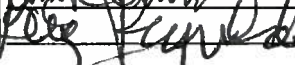


Chris Evans

Kristi Ferraro

Todd Goulding

Amy Phillips

Albert "Buz" Reynolds

  
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