

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD JUNE 26, 2012**

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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 Carroll called the meeting to order at 6 PM. A roll call was taken and Council members present were Dave Dantas, Chris Evans, Kristi Ferraro, Todd Goulding, Amy Phillips. (Reynolds Absent). Also present were Town Attorney Eric Heil, Interim Town Manager Patty McKenny, Town Advisor Larry Brooks, Finance Director Scott Wright, Director PW&T Jenny Strehler, Deputy Town Clerk/HR Asst. Catherine Mythen, Community Relations Officer Jaime Walker, as well as other staff members and the public.

**APPROVAL OF AGENDA**

Mayor Carroll noted some changes to the agenda as follows:

- Adding an item d) Update on the Eagle River Drought Conditions from Linn Brooks, Director of ERWSD
- Adding an item c). under Council and Staff Updates: Avon Pedestrian Mall carried forward from work session
- Removing item 7) Review of Village at Avon Consolidated, Amended, and Restated Annexation and Development Agreement with Traer Creek Metro District and Traer Creek LLC Representatives.
- Adding under New Business: 2013 Budget presentation which was carried forward from work session

**COMMUNITY & CITIZEN INPUT**

- a. Presentation of Team Citations and Leadership Excellence Awards to Avon Police Officers/Employees and Detectives from the Eagle County Sheriff's Office and Vail Police Department for the Arrest and Conviction of ATM Burglary Eric Callaghan (*Bob Ticer, Police Chief*)

Bob Ticer, Police Chief, gave a brief presentation for team citations, leadership excellence awards to officer's employees and detectives from Avon PD, Eagle County Sheriff's office and Vail Police Dept. for the arrest and conviction of ATM Burglary Eric Callaghan.

- b. Presentation of Citizen Appreciation Award to Employees of High Mountain Taxi by Alpine Vending for Assistance in the Callaghan Case (*Bob Ticer, Police Chief*)

Bob Ticer, Police Chief, presented and awarded a check from Dan Sunday from Alpine Vending, one of the victims of the burglaries, to Richard Bond and Paula Kurz who helped assist the police.

- c. Snowball Music Festival 2013 (*Chad Donnelly, President Snowball Music Festival LLC*) Review community input regarding Avon's festival in 2013

Mayor Carroll noted that the event would not be coming back to Avon in 2013 as Snowball Music Festival event promoters announced they were pursuing another venue. He thanked the promoters and Councilor Evans thanked the community for sending in their input regarding the festival.

- d. Eagle River Water Update

Linn Brooks, ERWSD gave a brief summary and update regarding the drought in Eagle County. She noted that the state is at a record low and stream flows are very low in the valley. She noted if this

drought were to continue there would be mandatory restrictions. Mayor Carroll asked what the restrictions were currently and how the ERWSD will let the public know about the restrictions. Linn Brooks noted that there was no restriction at this time and the District would be communicating through different venues to get the information out to the community.

#### **COMMUNITY AND CITIZEN INPUT**

- ✓ Steven Kerchner and Tracy Walters, Board member of Eagle Vail Metro District, commented on the landscaping in the roundabout at Post Blvd adjacent to Eagle Vail; they were wondering what might be done to improve the area.
- ✓ Del Nelson introduced himself as a candidate running for Eagle County Commissioner.
- ✓ Terry Hammond, Avon resident, expressed her disappointment that the snowball venue is not coming back to Avon.

#### **COUNCIL AND STAFF UPDATES**

- a. Financial Matters (*Kelly Huitt, Budget Analyst*) *Monthly update on financial matter / **Memo Only***
- b. Salute to USA Update (*Danita Chirichillo, Special Events, Meryl Jacobs, Recreation Director*) *Review status of fireworks production and impacts on event*

Meryl Jacobs, Recreation Director, presented the Salute to the USA and thanked everyone on the planning committee for their hard work. She noted that the committee has been moving forward with plans for an event with fireworks and without fireworks. After some discussion, it was decided by the Council that the fireworks display was canceled. Meryl wanted direction from Council to see if they would like to return the fireworks being sent back or plan a new event before the end of the year. Brian Nolan, Avon resident, commented that all the towns have had to cancel their fireworks and that the towns should look at organizing an event together. Danita, Special Events Supervisor, gave an update on the event without fireworks and noted that the food vendors and the beer garden and great bands and DJ would be at the event. Councilor Phillips made a motion to cancel the fireworks display but to continue the rest of the event and requested that staff request Western Enterprises extend keeping the fireworks until February 28, 2013 Councilor Goulding seconded the motion and it passed unanimously by those present. (Reynolds Absent)

Chief Karl Bauer, ERFDP, spoke about the restrictions in the county and the effective way to get the message out about the fire ban in the county and in the Town of Avon. It was noted that the town would post signs around town regarding the Fire Bans. The Town Council decided to hold a special meeting to pass an emergency ordinance regarding how the town would go about adopting fire restrictions moving forward. This was decided in light of the fact that the town's code is not as restrictive as what the county was currently following.

#### **2012 CONSTRUCTION PROGRAM FOR THE AVON PEDESTRIAN MALL**

Justin Hildreth, Town Engineer, presented an update on the Avon Pedestrian Mall improvements project located in the area adjacent to the Transit Center on Lot 61. This project consists of realigned concrete walkways, an event lawn area, lighting, new locations for public art and benches and landscaping. The project Final Design application was submitted to Planning and Zoning Commission on June 25<sup>th</sup>, 2012 and approval was granted. On another note, Dominic Mauriello, Mauriello Planning Group LLC, was representing The Wyndham Group and they are going to present an application for Lot 61 to the town in the next few weeks. He noted that they hope to have the project start in the fall.

## CONSENT AGENDA

### a. Minutes from June 12, 2012

Mayor Carroll asked for a motion on the consent agenda. Councilor Evans moved to approve the consent agenda and Councilor Phillips seconded the motion and it passed unanimously. (Reynolds Absent) (Ferraro Recused)

## VILLAGE (AT AVON)

### **PUBLIC HEARING ON VILLAGE (AT AVON) PRELIMINARY PLANNED UNIT DEVELOPMENT AMENDED (v10) APPLICATION SUBMITTED BY TRAER CREEK LLC (Continued from June 19, 2012 Special Meeting)** **REVIEW OF VILLAGE (AT AVON) CONSOLIDATED, AMENDED AND RESTATED ANNEXATION AND DEVELOPMENT AGREEMENT (v9) WITH TRAER CREEK METROPOLITAN DISTRICT AND TRAER CREEK LLC REPRESENTATIVES**

Representatives:

Michael Lindholm, TCMD & Traer Creek LLC

Dan Leary, President Traer Creek Metro District

Munsey Ayers, Otten Johnson Robinson Neff & Ragonetti, representing Traer Creek LLC

Mary Jo Dougherty, McGeady Sisneros representing Traer Creek Metro District

Brandi Caswell, Faegre Baker Daniels, representing BNP Paribas Bank

Saranne Maxwell, Kutak Rock, Bond Counsel for the Project

Matt Pielsticker, Planner II, presented the Preliminary PUD amended Application. He reviewed the criteria, engineering analysis; he noted that all topics have not been reviewed by Planning and Zoning Commission. Harvey Roberts, RMT Architects and consultant to Traer Creek LLC, presented a brief overview of the Village at Avon Comprehensive Plan. Mayor Carroll opened the continued public hearing comments from the following in the public were heard:

- ✓ Tom Braun, Braun and Associates representing the Eagle county School District, was concerned about the proposed school dedication, Update on the schedule 2400 units proposed to be built
- ✓ Betty Todd, Avon resident, noted that some changes were reflected in the document but it is not an acceptable document
- ✓ Joe Walker, Avon resident, had concerns about the development and how it will effect Hurd Lane and Eaglebend Drive
- ✓ Jenny Fancher, Avon resident, had concerns regarding the agreement and recommend not approving the PUD
- ✓ Ron Wolfe, Avon resident, noted that there are some easements on the school site
- ✓ Tamera Underwood, Avon resident, requested that a copy of the 1998 PUD be available to compare to the v 10 PUD Guide. She also commented on the Master Developer, of the vesting extension, what laws that do not apply in Village at Avon, nonbinding language, the Planning area hotel is still there, and the fact that there is no commercial cap or industrial use cap, The Parks open space Tract B, Tract E, commercial use, She noted that a lot of work still needs to be done and it is not right for approval, thus and the application needs to be continued
- ✓ Carol Kruger, Avon resident, has concerns with the settlement term sheet and the fact that the PUD is not in the form to be accepted
- ✓ Jackie Montgomery, Avon resident, was concerned regarding thee commercial and industrial use in the PUD
- ✓ Chris Eckram, Avon resident, was not in favor of approving the PUD as presented

Matt Pielsticker reviewed that the list of comments from the public that were included in the council packets. Eric Heil, Town Attorney, gave a brief update on the settlement. Brandi Caswell, BNP Bank,

was in favor of agreeing to the PUD, and noted the settlement arrangements that existed. Phil Struve and Chris Green, Planning and Zoning Commission members, noted that they spent 4 hours reviewing the PUD; that they would need more time to look at it PUD in depth. They agreed to meet weekly and would work in the 35 day timeframe to get the PUD reviewed.

After Council deliberation, Mayor Carroll moved to approve the continuation of the Preliminary Planned Unit Development Amended (v10) Application submitted by Traer Creek LLC. , Councilor Phillips seconded and the motion failed with a 3-3 vote (Goulding, Dantas, Evans – Nay; Ferraro, Phillips, Carroll - Yea).

Councilor Goulding made another motion and moved to approve the Preliminary Planned Unit Development Amended (v10) Application submitted by Traer Creek LLC including the conditions and findings by the Town Attorney and listed in the Memo dated June 22. , Councilor Evans seconded and the motion failed with a 3-3 vote (Goulding, Dantas, Evans – Nay; (Ferraro, Phillips, Carroll - Yea).

Mayor Carroll moved to approve the continuation of the Preliminary Planned Unit Development Amended (v10) Application submitted by Traer Creek LLC to July 10, 2012 Councilor Phillips seconded the motion and it passed with a 4 – 2 vote ( Ferraro, Evans, Phillips , Carroll Yea; Goulding, Dantas Nay).

There being no further business to come before the Council, the regular meeting adjourned at 11:25 PM.

**RESPECTFULLY SUBMITTED:**

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Catherine Mythen, Deputy Town Clerk

**APPROVED:**

Rich Carroll \_\_\_\_\_  
Dave Dantas \_\_\_\_\_  
Chris Evans \_\_\_\_\_  
Kristi Ferraro \_\_\_\_\_  
Todd Goulding \_\_\_\_\_  
Amy Phillips \_\_\_\_\_  
Albert "Buz" Reynolds \_\_\_\_\_