

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD NOVEMBER 27, 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 5:30 PM. A roll call was taken and Council members Present were Dave Dantas, Chris Evans, Kristi Ferraro, Todd Goulding, Amy Phillips and Buz Reynolds. Also present were Town Attorney Eric Heil, Acting Town Manager Patty McKenny, Town Advisor Larry Brooks, Finance Director Scott Wright, Deputy Town Clerk Catherine Mythen, as well as other staff members and the public.

**CONSENT AGENDA**

- a. Minutes from November 13, 2012

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

**COUNCIL & STAFF UPDATES**

- a. Congratulations to Battle Mountain Huskies Soccer Team for winning 1<sup>st</sup> place in the Colorado State Soccer Tournament and for an Undefeated 20-0 Season (Buz Reynolds, Councilor)

Buz Reynolds commented on the tournament and the great job that the team did.

- a. Update on Implementation of Settlement Term Sheet (*Eric Heil, Town Attorney*)

Eric Heil, Town Attorney gave a brief update on the settlement.

- b. Special Events Update: Icing in the Park and Fire & Ice in Nottingham Park (*Danita Chirichillo, Special Events Supervisor*) *Updates on winter events*

Danita Chirichillo gave an update on the upcoming events that will be held at the lake this winter.

- d. Recreation Center Update: Ascent Physical Therapy Lease (*Meryl Jacobs, Recreation Director*) *Update about leasing childcare space to Ascent Physical Therapy / Memo only*

- e. Financial Matters (*Kelly Huitt, Budget Analyst*) **Memo only**

**RESOLUTIONS**

- a. Resolution No. 12-22, Series of 2012, Resolution Certifying Delinquent Charges for Collection by Eagle County Treasurer (*Scott Wright, Finance Director*) *Resolution addressing the collection of delinquent charges to be certified and collected by Eagle County Treasurer on behalf of Town of Avon*

Scott Wright presented the Resolution Certifying Delinquent Charges for Collection by Eagle County Treasurer. It was noted that the resolution was needed in an effort to collect taxes on two properties as described in the council packet memo, a) property tax for costs incurred by the town to fix a driveway on a Wildridge property, b) real estate transfer tax due on a purchase on a property at the Seasons. After some discussion, Mayor Pro Tem Ferraro moved to approve Resolution No. 12-22, Series of 2012, Resolution Certifying Delinquent Charges for Collection by Eagle County Treasurer. Councilor Phillips seconded the motion and it passed unanimously.

b. Resolution No. 12-23, Resolution to Appoint Municipal Judge (*Rich Carroll, Mayor*)  
Councilor Phillips moved to approve Resolution No. 12-23, Resolution to Appoint Municipal Judge  
Councilor Evans seconded the motion and it passed unanimously.

c. Resolution No. 12-24, Series of 2012, Resolution in Appreciation of Councilor Amy Phillips'  
Years of Service (*Rich Carroll, Mayor*)  
Mayor Carroll moved to approve Resolution No. 12-24, Series of 2012, Resolution in Appreciation of  
Councilor Amy Phillips'; Councilor Goulding seconded the motion and it passed unanimously. Mayor  
Carroll read into the record a letter from former Council member Brian Sipes. Ron Wolf former Mayor  
and Council member also thanked both Kristi and Amy for their commitments to public service. Larry  
Brooks commented also and thanked both Amy and Kristi for their hard work for the Town of Avon.  
Michael Brown thanked both Amy and Kristi for their service to the town of Avon.

d. Resolution No. 12-25, Series of 2012, Resolution in Appreciation of Mayor Pro Tem Kristi  
Ferraro's Years of Service (*Rich Carroll, Mayor*)  
Councilor Goulding moved to approve Resolution No. 12-25, Series of 2012, Resolution in Appreciation  
of Mayor Pro Tem Kristi Ferraro's Years of Service; Mayor Carroll seconded the motion and it passed  
unanimously.

**READING OF THE NAMES OF NEWLY ELECTED AVON COUNCIL MEMBERS (*Patty McKenny, Town Clerk*)**  
**COUNCIL ELECT: JENNIE FANCHER, ALBERT "BUZ" REYNOLDS, JAKE WOLF**

**SWEARING IN AND SEATING OF NEW COUNCIL MEMBERS (*Buck Allen, Avon Municipal Judge*)**  
The New Council members were sworn in and then proceeded to take their seats as Council members.

**SELECT MAYOR AND MAYOR PRO TEM**

a. Nominate and Elect a Temporary Chairperson  
There was unanimous support that Mayor Carroll serve the temporary Chairperson role.

b. Nominate and Elect Mayor and Mayor Pro Tem  
There was some discussion about the process legally acceptable for selecting the Mayor and Mayor Pro  
Tem, Town Attorney Eric Heil noted that either verbal votes or secret ballots were legal means of  
conducting this business and that the process in recent years has been public voting. It was agreed that  
public voting would be most favorable. At this time Councilor Dantas nominated Buz Reynolds and  
Councilor Fancher nominated Rich Carroll. There was some time given to a question and answer  
format for each of the nominees. Michael Cassioppo, Avon resident, supported the process the Town  
Council members selected for choosing its Mayor & Mayor Pro Tem. He also commented on the use of  
the microphones. The members voted and Community Relations Officer Jaime Walker read the results  
and noted that Rich Carroll would be the next Avon Mayor. Councilor Evans nominated Todd Goulding  
for Mayor Pro Tem. There were no other nominations, ballots were voted, and it was noted that Todd  
Goulding would serve as the next Mayor Pro Tem.

**ROLL CALL OF NEW COUNCIL**

A roll call was taken by newly elected Mayor Rich Carroll and Council members present were Dave  
Dantas, Chris Evans, Jennie Fancher, Todd Goulding, Buz Reynolds and Jake Wolf.

## **ORDINANCES**

- a. Ordinance No. 12- 11, Series of 2012, First Reading, Ordinance Amending Chapter 3.12 of the Avon Municipal Code Regarding Real Property Transfer Tax (Eric Heil, Town Attorney) Legislation addressing real property transfer tax as it applies to leases with terms in excess of 25 years

Eric Heil, Town Attorney presented Ordinance No. 12- 11, Series of 2012, First Reading, Ordinance Amending Chapter 3.12 of the Avon Municipal Code Regarding Real Property Transfer Tax (“RETT”). There was some description about the process required when approving ordinances. He noted that the revisions would be made to the RETT code, and helps to settle some disputes with Traer Creek. He spoke about the kind of tax the Code imposes on long term leases. It was noted that the town has not collected the RETT on any of its long term leases. The revisions included the following:

- ✓ The addition of a definition of consideration to allow for the payment of the applicable real property transfer tax when lease payments are paid
- ✓ The addition of a new section 3.12.055 “required Reporting of Leases” defining that it is not a requirement to report long terms leases, which would enhance the ability of the town to enforce the regulation
- ✓ Language that is expressly worded to have not retroactive application to leases entered into before January 10, 2012.

There was a request from Council to further research what other communities are doing in this regard of long term leases and some thoughts that imposing this may be counterproductive to encouraging development in Avon. It was also noted that if the tax were repealed, there would be no ability to impose the tax in the future. There was some interest in discussing further other amendments to the Code on this matter.

Councilor Reynolds moved to table Ordinance No. 12- 11, Series of 2012, First Reading, Ordinance Amending Chapter 3.12 of the Avon Municipal Code Regarding Real Property Transfer Tax; Councilor Dantas seconded the motion. There was some discussion about the legal implications of taking this direction on the legislation in light of the settlement with the Village at Avon. A roll call vote was taken and it failed with a six to one (Reynolds – yea; Carroll, Dantas, Evans, Fancher, Goulding, Wolfe - nay).

Councilor Evans moved to approve Ordinance No. 12- 11, Series of 2012, First Reading, Ordinance Amending Chapter 3.12 of the Avon Municipal Code Regarding Real Property Transfer Tax; Mayor Pro Tem Goulding seconded the motion and it passed with a six to one (Carroll, Dantas, Evans, Fancher, Goulding, Reynolds - yea; Wolf – nay). It was noted that a public hearing on the matter would occur on December 11, 2012.

## **MAYOR REPORT**

There were some updates presented at this time related to Amendment 64 and the Avon Elementary School’s receipt of the National Blue Ribbon Award. There was request to review the council committee appointments at the next meeting.

Mayor Carroll took some time to introduce Virginia Egger as the new Town Manager of Avon.

There being no further business to come before the Council, the regular meeting adjourned at 7:15 PM.

**RESPECTFULLY SUBMITTED:**

Catherine Mythen  
Catherine Mythen, Deputy Town Clerk

**APPROVED:**

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

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