

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD NOVEMBER 22, 2011**

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 Goulding, 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 reports of any conflicts of interests.

PUBLIC HEARING ON 2012 BUDGET

There was some discussion about the correspondence submitted from the Avon Historic Committee Memo to the Mayor and Town Council with a request for \$3500 to fund the completion of the Nottingham Power Plant Video. There was some concern about what transpired with this commitment, after a brief discussion, staff was asked to bring back more information about the commitment and request.

Scott Wright, Finance Director, made some summary comments about the Town of Avon budget and noted that public input would be taken at this time. Mayor Carroll opened the public hearing, no comments were made, and the hearing was closed.

CONSENT AGENDA

Mayor Carroll asked for a motion on the consent agenda. Councilor Phillips moved to approve the consent agenda; Councilor Evans seconded the motion and it passed unanimously (Ferraro recused due to absence from the meeting).

- a. Minutes from November 8, 2011

UNFINISHED BUSINESS

Avon – Beaver Creek Shuttle Bus Agreement for 2011-2012 Season (*Larry Brooks, Town Manager*)
Review proposed transit service levels and revised agreement with Beaver Creek Resort Company

Town Manager Larry Brooks presented the agreement and transit topic. Jane Burden, Transit Superintendent, presented an update on the implementation strategies to begin service on 11/23/11, noting that it would require two more weeks for proper training. She noted that the routes would be fully operational the week of Christmas holiday. There was some concern expressed about the detail on the service level for the restaurant shuttle. Council members provided some input on the matter as follows:

- ✓ The 30 minutes interval stops
- ✓ The continuous service throughout the day
- ✓ Managing the peak skier timeframes
- ✓ How to fund higher service levels

Tim Baker, Executive Director, Beaver Creek Resort Company, also expressed their priorities as follows:

- ✓ Struggling with a service level that does not support the guest experience
- ✓ 1940 hours are supported, but it took 2200 hours of service last year that they provided
- ✓ Looking for great experience for the guest

Councilor Philips moved to approve Avon – Beaver Creek Shuttle Bus Agreement for 2011-2012 Season with some edits related to the following:

- ✓ 2a – change ending on 4/15/11
- ✓ 2a – begin as soon as possible and no later than 12/15/11
- ✓ 2b – average wait time is not more than 30 minutes
- ✓ 9 – remove termination paragraph
- ✓ Increase BCRC payment from \$75K to \$78K per BCRC

Councilor Reynolds seconded the motion and it passed with a six to one vote (Goulding – nay).

NEW BUSINESS

- a. Intergovernmental Agreement with Eagle County for Animal Control Services (*Bob Ticer, Police Chief*) Agreement for animal control services

Chief Bob Ticer presented an IGA for animal control services as a renewal of the services from last year noting that the memo described the arrangement. Councilor Dantas moved to approve the IGA with Eagle County; Councilor Phillips seconded the motion and it passed unanimously.

- b. Proclamation No. 11-01, Series of 2011, Proclamation Recognizing December 6, 2011 be known as “Colorado Gives Day” in the Town of Avon (*Rich Carroll, Mayor*)

Mayor Carroll noted that there were nine nonprofit groups present to express support of the proclamation that was considered by the town council. Councilor Ferraro moved to approve Proclamation No. 11-01 Recognizing December 6, 2011 as “Colorado Gives Day” in the Town of Avon; Councilor Phillips seconded the motion and it passed unanimously.

ORDINANCES

- a. Ordinance No. 11-15, Series of 2011, First Reading, Ordinance No. 11-15, Series of 2011, Second Reading, Ordinance Approving an Amendment to the Buck Creek Planned Unit Development (PUD), Lot 1A, Buck Creek Subdivision to Permit 18” – 36” Roof Overhangs within Front and Side Setbacks and a Path within Portions of a 30’ Riparian Buffer Zone (*Sally Vecchio, Assistant Town Manager Community Development*) Review request for amendments to Buck Creek PUD

Sally Vecchio, Community Development Director, presented Ordinance No. 11-15, on second reading, an Amendment to the Buck Creek PUD to allow the roof overhangs of the two approved building to encroach into the front and side setbacks of Lot 1A. The amendment also includes a foot path within portions of the platted 30’ Riparian Buffer Zone. She noted that the ordinance was revised to accommodate the comments from the last meeting and the revised ordinance provided more detail related to the roof overhang and the path. It was also noted that Staff would request that the applicant amend Notes 9 & 10 on the plat. Mayor Carroll opened the public hearing, no comments were made, the hearing was closed. Councilor Ferraro moved to approve Ordinance No. 11-15, Series of 2011, Second Reading, Ordinance Approving an Amendment to the Buck Creek Planned Unit Development (PUD), Lot 1A, Buck Creek Subdivision to Permit 18” – 36” Roof Overhangs within Front and Side Setbacks and a Path within Portions of a 30’ Riparian Buffer Zone. Councilor Phillips seconded the motion and it passed with a five to one vote (Goulding – nay). Councilor Goulding voted no because of the fact that the design already included these items and the hardship for the applicant was not proven.

TOWN MANAGER REPORT

Sally Vecchio, Community Development Director, presented an update on the installation of the Nottingham Power Plant (Water Wheel) that occurred on November 21, 2011. There was some further discussion about funding the request.

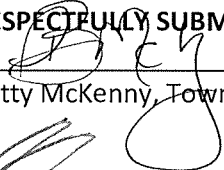
EXECUTIVE SESSION

Councilor Phillips moved to convene into an Executive Session for the following reason; Councilor Goulding seconded the motion and it passed unanimously. Councilor Evans and Councilor Goulding left the meeting at 7:20 PM due to a conflict of interest on the matter to be discussed at the executive session.

- a. Meet with Town Attorney for the purpose of receiving legal advice to specific legal questions 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

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

RESPECTFULLY SUBMITTED:



Patty McKenny, Town Clerk

APPROVED:

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

