



**TOWN OF AVON, COLORADO**  
**AVON LIQUOR LICENSING AUTHORITY MEETING MINUTES FOR TUESDAY, JANUARY 28, 2014**  
AVON TOWN HALL, ONE LAKE STREET

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**1. CALL TO ORDER AND ROLL CALL**

Acting Chairman Goulding called the meeting to order at 5 PM. A roll call was taken and Board members present were Dave Dantas, Jennie Fancher, and Jake Wolf. Rich Carroll, Chris Evans and Buz Reynolds were absent. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, Assistant Town Manager/Town Clerk Patty McKenny, Police Chief Bob Ticer, as well as other staff members and the public.

**2. APPROVAL OF AGENDA**

There were no changes to the agenda.

**3. PUBLIC COMMENT**

Michael Caccioppo spoke about his concerns with the State of Colorado Liquor Enforcement Division's recent compliance checks in Eagle County. He requested information about the State's approach, tactics and frequency with the checks.

**4. RENEWAL OF LIQUOR LICENSES**

- 4.1. Applicant Name: Miller's Bottle Shop d/b/a Joe's Liquors  
Location: 1060 W. Beaver Creek Blvd, #1B  
Type: Retail Liquor Store License  
Manager: Scott Seitz

The application was presented with no concerns for the renewal application. Board member Fancher moved to approve the retail liquor store license for Miller's Bottle Shop d/b/a Joe's Liquors; Board member Wolf seconded the motion and it passed unanimously by those present (Carroll, Evans, Reynolds absent).

- 4.2. Applicant: Bob's Place LLC d/b/a Bob's Place  
Location: 100 W. Beaver Creek Blvd  
Type: Hotel and Restaurant Liquor License  
Manager: Bob Doyle

The application was presented with no concerns for the renewal application. Bob Doyle, Owner, also spoke about his concerns with the State Liquor Enforcement Division's recent compliance checks which typically in the past the State has not been as active with these kinds of checks. The Authority directed staff to review the matter with an update for the next meeting. Board member Fancher moved to approve the hotel and restaurant liquor license for Bob's Place LLC d/b/a Bob's Place; Board member Wolf seconded the motion and it passed unanimously by those present (Carroll, Evans, Reynolds absent).

**5. PUBLIC HEARING FOR NEW HOTEL AND RESTAURANT LICENSE**

- 5.1. Applicant Name: HCCL, LLC d/b/a Boxcar  
Location: 182 Avon Road, Suite 208 (Christy Sports Building)  
Type: Hotel and Restaurant License  
Owner James (Hunter) Chamness and Owner/ Manager Cara Loff  
Action : Resolution No. 14-01, Series of 2014

The new application was presented with no concerns and a review of the Report of Findings, Background information and petition of signatures. Both Mr. Chamness and Ms. Loff were present to answer questions and talk about the restaurant. Chairman Goulding opened the public hearing and Jerry Weiss spoke in support of the liquor license and the applicants. The hearing was closed. Board member Dantas moved to



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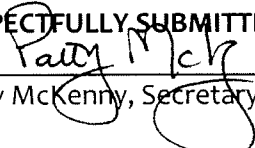
approve Resolution No. 14-01, a Resolution Approving the Application of HCCL, LLC d/b/a Boxcar for a Hotel and Restaurant License. Board member Wolf seconded the motion and it passed unanimously by those present (Carroll, Evans, Reynolds absent).

**6. MINUTES FROM JANUARY 14, 2014**

Board member Wolf moved to approve the minutes from January 14, 2014; Board member Fancher seconded the motion and it passed unanimously by those present (Carroll, Evans, Reynolds absent).

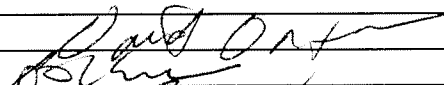
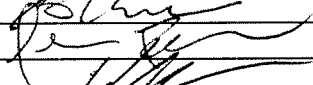
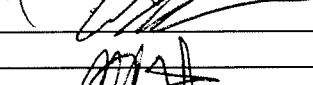

There being no further business to come before the Board, the meeting adjourned at 5:45 PM.

RESPECTFULLY SUBMITTED:

  
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Patty McKenny, Secretary

**APPROVED:**

- Rich Carroll
- Dave Dantas
- Chris Evans
- Jennie Fancher
- Todd Goulding
- Albert "Buz" Reynolds
- Jake Wolf

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**TOWN OF AVON, COLORADO**  
**AVON REGULAR MEETING MINUTES FOR TUESDAY, JANUARY 28, 2014**  
AVON TOWN HALL, ONE LAKE STREET

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**1. CALL TO ORDER & ROLL CALL**

Mayor Pro Tem Goulding called the meeting to order at 5:45 PM. A roll call was taken and Council members present were Dave Dantas, Jennie Fancher, and Jake Wolf. Councilor Chris Evans, Councilor Buz Reynolds and Mayor Rich Carroll were absent. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, and Assistant Town Manager/Town Clerk Patty McKenny, Senior Planner Matt Pielsticker, as well as members from the public.

**2. APPROVAL OF AGENDA**

There were no changes to the agenda

**3. PUBLIC COMMENT**

- ✓ Bill Wilto, Wildridge resident, noted concerns about traffic speeds near his Rocking Horse Ridge residence complex.
- ✓ Isiah Gregory, Up with People, spoke about their productions that will be taking place in February in the Vail Valley with many opportunities for locals to get involved.
- ✓ Jonathan Levine, Avon resident, spoke about his past history with the town and some alleged accusations about his involvement in criminal activity.

**4. STAFF PRESENTATION SERIES**

4.1. Street & Path Pavement Assessment: Multi-year Maintenance, Paving and Reconstruction Planning (Town Engineer Justin Hildreth/Road & Bridge Superintendent Gary Padilla)

There was a review of the following topics that makeup this program:

- The yearly assessment of the pavement performance on all roads and asphalt paths in Town
- Prioritization of projects for pavement preservation
- The recent changes to the program including the introduction of slurry seals and why that preservation treatment was selected over other available treatments
- Bicycle and pedestrian issues with surface treatments
- Inclusion of the roads in the Traer Creek Metro District in 2014

**5. ACTION ITEMS**

5.1. Review and Action on the Location and Cost Estimate for a Stage in Nottingham Park  
(Town Engineer Justin Hildreth)

There was a review made of the recent meeting with stakeholders regarding the construction of a stage at the park. Three park locations were evaluated: the south side, the southwest corner of the athletic field and the north side. It was noted that the south locations were more feasible and cost effective. The two locations were noted to have similar advantages with the primary difference being the southwest corner location will project slightly less sound into the adjacent residential area. It was noted that Staff recommended keeping the stage at the currently proposed location by Town Hall because the plans are nearly complete and any changes will be minimal and easily incorporated for a summer 2014 construction. The stage estimated costs were \$650,000 and funding could be made available for the Community Enhancement Fund (\$350,000), with the balance being appropriated from the Capital Projects Fund Reserve \$300,000). Discussion included topics as follows:

- ✓ moving town hall & using its location as a parking structure which would then support the stage with storage and parking



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- ✓ Suggested conducting some sound sampling at different locations in the park to help determine the impacts, arrange for sound testing asap
- ✓ estimate back of stage costs
- ✓ would southwest corner location require removing the cabin
- ✓ important point is the access ease

It was noted that staff would address some of the items requested above and then review the topic again as soon as the information was available.

**5.2. PUBLIC HEARING** on Second Reading of Ordinance 14-01, Series of 2014, An Ordinance Amending Section 7.24.040, Table of Allowed Uses and Table 7.24-1, Allowed Uses, Avon Development Code to List Medical and Dental Offices and Clinics as a Special Review Use in the Public Facilities Zone District (Planning Manager Matt Pielsticker)

Mayor Pro Tem Goulding stepped down at this time due to a conflict of interest. Councilor Dantas was asked to chair the meeting at this time. Eric Heil, Town Attorney, noted that the Town Charter requires four concurring votes in order to pass an ordinance and since there were two Councilors absent and one Councilor who recused himself, the item would need to be continued to the next council meeting date. He noted that if the public hearing were opened tonight, it would not be required at the next meeting. A brief review of the application was made noting that the application includes a request to amend the Avon Municipal Code ("AMC") for the purpose of listing "medical and dental clinics and offices" as a Special Review Use ("SRU") in the Public Facilities ("PF") zone district. He noted there were no changes made to the ordinance from first reading. Jill Kovacevich of Doctors Plus, Inc. was present to address their business proposal as well. Councilor Dantas opened the public hearing, no comments were made, the hearing was closed. Councilor Fancher moved to table the decision on Ordinance 14-01, Series of 2014, An Ordinance Amending Section 7.24.040, Table of Allowed Uses and Table 7.24-1, Allowed Uses, Avon Development Code to List Medical and Dental Offices and Clinics as a Special Review Use in the Public Facilities Zone District to the February 11, 2014 meeting. Councilor Wolf seconded the motion and it passed unanimously by those present (Mayor Carroll and Councilor Reynolds absent, Mayor Pro Tem Goulding recused due to conflict).

**5.3. PUBLIC HEARING** on Resolution No. 14-02, Series of 2014, Resolution Approving the Minervini Minor PUD Amendment for Lots 15 & 16, Block 4, Wildridge, Town of Avon, Colorado (Planning Manager, Matt Pielsticker)

Mayor Pro Tem Goulding returned to the room at this time. Councilor Dantas noted that he has a business relation with Dominic Mauriello; Town Attorney noted that his opinion was that there was not a financial conflict of interest related to this item. Mayor Pro Tem Goulding noted that Dominic also works for his client clarifying that he has not retained him in any business capacity. Councilor Fancher noted that she does have a personal relationship with the applicant and Town Attorney noted that if she thought she could not make an objective decision about the application it should be noted. Councilor Fancher noted she did not believe the relationship would interfere in her decision-making.

A review was made by staff of the application. There was a review of public input made at the PZC meetings with a request that the applicants continue to work with the neighborhood. Additional public input was provided to the town council at the meeting via email. It was noted that the Minor PUD amendment process does have review criteria that has been evaluated by staff and included in the memo.



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Dominic Mauriello, the Applicant, representing John Minervini and Virginia Klyce, the Owners, made a presentation and requested a Planned Unit Development (PUD) Amendment (the Application) to modify the allowed building type for two lots, Lots 15 & 16, Block 4, Wildridge Subdivision (the Property). He noted that currently, three (3) dwelling units in the form of a single-family structure and duplex structure are permitted by right. He noted that this Application requests the ability to develop the Property with three (3) single-family structures, and is being processed as a Minor PUD Amendment.

Councilor Evans arrived at 7:10 pm. Mayor Pro Tem Goulding opened the public hearing, and comments were heard from neighboring property owner Jack Huhn, Lot 20 owner. He expressed opposition and concerns about the application in light of numerous reasons, i.e. was under the impression that Lot 15 had already been built, that previous owners had vacated the property, confused about transferring development rights, that the project has a negative impact on his property. He requested height restrictions be considered. The hearing was closed.

After some discussions a motion was made as follows, Councilor Evans moved to continue Resolution No. 14-02, Series of 2014, Resolution Approving the Minervini Minor PUD Amendment for Lots 15 & 16, Block 4, Wildridge, Town of Avon, Colorado until February 25, 2014 in order to allow more time for applicants and neighboring residents to resolve some issues and concerns. Councilor Wolf seconded the motion and it passed unanimously by those present (Mayor Carroll and Councilor Reynolds absent).

**5.4. PUBLIC HEARING** on Second Reading of Ordinance No. 14-02, Series of 2014, An Ordinance Amending Chapter 2.32 of the Avon Municipal Code Regarding Residency of Council Members (Town Attorney Eric Heil)

The ordinance was presented on second reading and final action by Town Council. It was noted that there were revisions as follows:

- 2.32.090 was amended to include the phrase "including but not limited to"
- 2.32.090 was amended to delete (f) participation of the affected member in meetings and affairs of the Council and Town." as a relevant evidence criteria.

Mayor Pro Tem Goulding opened the public hearing, no comments were made, the hearing was closed. Councilor Fancher moved to approve Ordinance No. 14-02, Series of 2014, An Ordinance Amending Chapter 2.32 of the Avon Municipal Code Regarding Residency of Council Members; Councilor Dantas seconded the motion and it passed unanimously by those present (Mayor Carroll and Councilor Reynolds absent).

**5.5. Resolution No. 14-03, Series of 2014, Resolution Adopting Simplified Rules of Order for Avon Town Council Meetings** (Town Attorney Eric Heil)

The draft rules were reviewed at the last meeting, and Section 3a included some revisions about agenda planning. Councilor Evans moved to approve Resolution No. 14-03, Series of 2014, Resolution Adopting Simplified Rules of Order for Avon Town Council Meetings; Councilor Dantas seconded the motion and it passed unanimously by those present (Mayor Carroll and Councilor Reynolds absent).

**5.6. Village at Avon Update** (Town Attorney Eric Heil)

**5.6.1. Approval of Extension of Outside Date for the Receipt and Escrow Agreement**



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An update on the numerous pending matter of the settlement were reviewed, 1) Water tank agreements were executed, 2) the pledge agreement that addresses the financing of the water storage tank has not yet been completed. It was noted that the attorneys are looking to the end of March for the completion of the settlement. A review of the need to extend the settlement date was reviewed. Councilor Evans moved to approve the Extension of Outside Date to April 11, 2014; Councilor Fancher seconded the motion and it passed unanimously by those present (Mayor Carroll and Councilor Reynolds absent).

5.7. Action on Retainer Agreement with Butler Snow for Legal Services (Town Attorney Eric Heil) the Town Attorney requested that this item be removed from consideration on the agenda since he did receive the agreement until late that day. Councilor Dantas moved to continue the Butler Snow Legal Services Agreement to the next meeting; Councilor Evans seconded the motion and it passed unanimously by those present (Mayor Carroll and Councilor Reynolds absent).

5.8. Consideration of Appointment of Larry Brooks to Serve as Director on Buffalo Ridge Affordable Housing Corporation (Assistant Town Manager Patty McKenny)  
There were no Council member objections to this appointment, no further action was required.

5.9. Minutes from January 14, 2014 Meeting (Town Clerk Patty McKenny)  
Councilor Evans moved to approve minutes from January 14, 2014; Councilor Wolf **seconded the motion** and it passed unanimously by those present (Mayor Carroll and Councilor Reynolds absent).

## **6. WORK SESSION**

6.1. Final Review of the Agenda for the Council Retreat scheduled for February 11<sup>th</sup> at the Town's Regional Transit Facility (Mayor Pro Tem Todd Goulding)  
There was agreement on the proposed retreat topics.

## **7. COMMITTEE MEETING UPDATES: COUNCILORS AND MAYOR**

7.1. UERWA Meeting Update (Mayor Pro Tem Goulding)

## **8. COUNCIL COMMENTS**

It was noted that the community branding meeting was going to be held Wednesday evening.

## **9. STAFF UPDATES – REPORTS ONLY**

9.1. Fiscal Year 2014 Financial Report (Budget Analyst Kelly Huitt)

9.2. Letter of Concern to Congressional Leaders from Eagle County government and business leaders expressing concern about the recent removal of funding for the Payment in Lieu of Taxes (PILT) program in the recently passed Consolidated Appropriations Act, (H.R. 3547) as requested by Vail Valley Partnership (Memo only) (Patty McKenny, Assistant Town Manager)



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**10. EXECUTIVE SESSION (THIS MEETING IS NOT OPEN TO THE PUBLIC)**

Councilor Fancher moved to meet in Executive session at 8:25 pm to discuss the following items; the motion was seconded by Councilor Wolf.

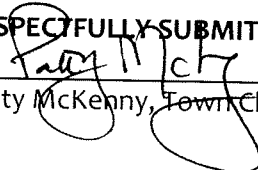
10.1. Pursuant to Colorado Revised Statute 24-6-402(4)(f) for the Purpose of Discussing Personnel Matters related to the Annual Performance Review of the Town Attorney

Mayor Pro Tem Goulding noted that the discussion would be confined only to the purposes of the executive session as stated and that if at any time during the executive session anyone believes that the discussion does not concern the topic and purpose of the executive session, to please raise your objection immediately. The following people were present during the executive session: Councilor Dantas, Councilor Chris Evans, Councilor Jennie Fancher, Mayor Pro Tem Todd Goulding, and Councilor Wolf as well as Town Attorney Eric Heil. Mayor Carroll & Councilor Reynolds were absent.

The Executive Session adjourned and Mayor Pro Tem Goulding noted that regular meeting reconvened and asked if any Council member believed that any discussion in Executive Session was inappropriate and not related to the topic and purpose of the Executive Session to please state their objection at this time. There were no objections stated at this time.

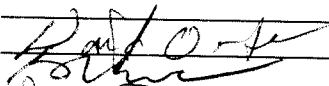






There being no further business to come before the Council, the regular meeting adjourned after the executive session adjourned.

**RESPECTFULLY SUBMITTED:**

  
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 Patty McKenny, Town Clerk

**APPROVED:**

- Rich Carroll
- Dave Dantas
- Chris Evans
- Jennie Fancher
- Todd Goulding
- Albert "Buz" Reynolds
- Jake Wolf

  
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