



TOWN OF AVON, COLORADO

AVON REGULAR MEETING MINUTES FOR TUESDAY, SEPTEMBER 26, 2017

AVON TOWN HALL, ONE LAKE STREET

1. A CALL TO ORDER & ROLL CALL

Mayor Fancher called the meeting to order at 5:05 p.m. A roll call was taken and Council members present were Scott Prince, Jake Wolf, Matt Gennett, Amy Phillips, Megan Burch and Sarah Smith Hymes. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, Police Chief Greg Daly, Recreation Director John Curutchet and Deputy Town Manager Preston Neill.

2. APPROVAL OF AGENDA

Councilor Wolf expressed that he would like to see action items take place before work session items. He also said he would like to have a discussion about the Ben Harper concert. He agreed to broach the subject during Council comments.

3. MEETING PROCEDURES FOR THE MEETING OF SEPTEMBER 26, 2017

4. PUBLIC COMMENT – COMMENTS ARE WELCOME ON ITEMS NOT LISTED ON THE FOLLOWING AGENDA

Michael Cacioppo expressed his disappointment that the Ben Harper concert was not scheduled to be discussed during the meeting. He made several other comments related to the Ben Harper concert. Debra Gregory made a comment about her son being suspended by the Avon Recreation Center from participating in any youth programs.

5. PRESENTATIONS

5.1. NATIONAL NIGHT OUT RECOGNITION

Chief Daly delivered a presentation about National Night Out 2017. On behalf of the Avon Police Department, Chief Daly recognized the following individuals and organizations for their participation and sponsorship:

- KSKE Ski Country – Jordan
- 'Superman' Lyles
- Target – Corey Madsen
- Margarita Chávez
- Angel Caro
- Sergio Jove
- Antonio Pérez
- Eagle River Youth Coalition – Michelle Stecher
- Blue Moose Pizza
- Domino's Pizza – Clayton Donahoo
- Magic Fun Castel – Juan Guillén
- City Market
- Blue Plate Bistro – Adam and Elli Roustom
- The Aspens – Augustina Del Hoyo
- Eagle River Fire Protection District – Station 7
- Walmart

5.2. EAGLE COUNTY PROPOSED MARIJUANA BALLOT INITIATIVE

Kathy Chandler Henry, Eagle County Commissioner, gave a presentation about the County's November 7th Marijuana Ballot Initiative. Council briefly discussed bringing before Council a resolution supporting the initiative. Michael Cacioppo commented on the initiative. Mark Kogan stated that he supports the initiative.



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6. ACTION ITEMS

6.1. PUBLIC HEARING SECOND READING OF ORDINANCE 17-08, ADOPTING A NEW CHAPTER 8.38 OF TITLE 8 OF THE AVON MUNICIPAL CODE ESTABLISHING DISPOSABLE BAG REQUIREMENTS, INCLUDING A DISPOSABLE PAPER BAG FEE AND PROVIDING FOR THE COLLECTION AND DESIGNATION OF SUCH FEE (DEPUTY TOWN MANAGER PRESTON NEILL)

Agnes Chastain expressed her displeasure with the proposed ordinance. Tom Chastain and Michael Cacioppo remarked that they do not support the proposed ordinance. Mark Kogan said he would like to see the Town collect some of the revenue to subsidize the cost of developing reusable bags. He also said that in some communities, customers receive a credit for the use of each reusable bag. Jeff Gentilini, store manager of the Avon City Market, talked about imposing the fee on all retailers instead of just the large stores, in order to make it equitable. Mindy Phelbin said that the Town should not try to reinvent the wheel and encouraged the Council to start somewhere.

Councilor Gennett made a motion to approve second reading of Ordinance 17-08, thereby adopting a new Chapter 8.38 of Title 8 of the Avon Municipal Code establishing disposable bag requirements, including a disposable paper bag fee and providing for the collection and designation of such fee. The motion was seconded by Councilor Wolf. Mayor Fancher asked Councilor Gennett if he is interested in seeing the disposable paper bag fee revenue split with the Town. Eric Heil, Town Attorney, recommended that the motion be amended to include "provided such retailer enters into an agreement stating that they will use the fees for the purposes stated in the Ordinance." Councilor Gennett accepted the recommended amendment into his motion and he further modified his motion to include a 50/50 split of the disposable paper bag fee revenues. Councilor Gennett retracted his original motion and made a motion to continue the item to the October 10, 2017, Council meeting. Councilor Prince seconded the motion and the motion passed unanimously. Direction was given to staff to modify the ordinance to look more like the ordinance that was presented at first reading. Staff will prepare a series of options for the Council to consider. One of the options will include an exemption for small retailers from having to remit a portion of the bag fee revenue to the Town.

7. WORK SESSION

7.1. REQUEST FROM WALKING MOUNTAINS SCIENCE CENTER FOR THE TOWN OF AVON TO SERVE AS ITS FISCAL AGENT FOR A COGO GRANT APPLICATION (WALKING MOUNTAINS SCIENCE CENTER PRESIDENT MARKIAN FEDUSCHAK)

Markian Feduschak and Gina Van Hekken with Walking Mountains Science Center gave a presentation to Council about their request for the Town to sponsor its 2017 Great Outdoors Colorado grant application. Council agreed to serve as a fiscal agent for the application. Staff will come back to Council with a resolution and memorandum of understanding at the October 10, 2017, Council meeting.



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7.2. BUDGET WORK SESSION FOR THE FOLLOWING TOWN FUNDS: CAPITAL PROJECTS, AFFORDABLE HOUSING, COMMUNITY ENHANCEMENT DEBT SERVICE AND WATER (ASSISTANT TOWN MANAGER SCOTT WRIGHT)

Scott Wright delivered a presentation that highlighted the following proposed budgets for the Town:

- Capital Projects Fund
- Affordable Housing Fund
- Community Enhancement Fund
- Debt Service Fund
- Water Fund

Councilor Prince stated that he would like to see the Metcalf Road FS 7-779 Trailhead Design and Improvements Project advanced, subject to a conversation with the Forest Service. Councilor Burch remarked that she would like to see a line item in the 2018 budget regarding wayfinding signage.

8. ACTION ITEMS

8.1. MOTION TO CONTINUE THE REGULAR MEETING IN ORDER TO CALL TO ORDER THE URBAN RENEWAL AUTHORITY (MAYOR JENNIE FANCHER)

Mayor Fancher made a motion to continue the Regular Meeting in order to call to order the Urban Renewal Authority meeting. Councilor Gennett seconded the motion and the motion passed unanimously. The time was 7:32 p.m.

8.2. MOTION TO RECONVENE THE REGULAR MEETING (MAYOR JENNIE FANCHER)

Mayor Fancher made a motion to reconvene the Regular Meeting. Councilor Gennett seconded the motion and the motion passed unanimously. The time was 7:43 p.m.

Council agreed to begin with Action Item 8.5.

8.5. REVIEW AND ACTION ON RESOLUTION 17-20 OPPOSING THE RESCISSION OF DACA (TOWN ATTORNEY ERIC HEIL)

Councilor Gennett made a motion to adopt Resolution 17-20 opposing the rescission of DACA. Councilor Phillips seconded the motion and the motion passed unanimously. It was noted that the Resolution states that the "Town Clerk shall transmit a copy of this resolution to the appropriate Colorado Congressional delegation."

8.3. REVIEW AND ACTION ON THE AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT CONCERNING THE OWNERSHIP, OPERATION AND MAINTENANCE OF THE JOINT FIRE-POLICE STATION FACILITY BETWEEN THE TOWN OF AVON AND THE EAGLE RIVER FIRE PROTECTION DISTRICT (TOWN ATTORNEY ERIC HEIL)



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Councilor Gennett made a motion to approve the amended and restated Intergovernmental Agreement concerning the ownership, operation and maintenance of the joint fire-police station facility between the Town of Avon and the Eagle River Fire Protection District dated September 26, 2017. Councilor Phillips seconded the motion and the motion passed unanimously.

8.4. REVIEW AND ACTION TO REMOVE THE DISC GOLF COURSE FROM THE HARRY A. NOTTINGHAM PARK AND DIRECTION TO TOWN STAFF TO EVALUATE DEVELOPMENT OF A COURSE ON OTHER TOWN-OWNED PROPERTY IF FEASIBLE (TOWN MANAGER VIRGINIA EGGER)

Steve Clayshaw stated that he agrees with the proposal to remove the course from the park. He would like to see it relocated. Shirley Ritlin said she would like to see the course removed from the park.

Councilor Burch made a motion to direct Town staff to remove the Harry A. Nottingham disc golf course, as soon as possible. Staff should evaluate other Town properties for location of a disc golf course, if feasible. The motion was seconded by Mayor Pro Tem Smith Hymes and the motion passed unanimously.

8.7. FIRST READING OF ORDINANCE 17-14, APPROVING A CODE TEXT AMENDMENT RELATED TO THE DEFINITION OF FAMILY (PLANNING DIRECTOR MATT PIELSTICKER)

Nancy Adam recommended that the definition stay the way it is. She suggested a provision that will allow households to apply for an exemption or request a special review. Inga Causey said that she supports the amendment, as proposed.

Councilor Burch made a motion to approve first reading of Ordinance 17-12, thereby approving a Code Text Amendment Application amending Title 7: Development Code, and the definition of "Family." Councilor Wolf seconded the motion. Councilor Burch amended her motion to read Ordinance 17-14 and to strike the language that states, "including the domestic employees thereof." Councilor Wolf accepted the amendment by seconding the motion and the motion passed unanimously. Councilor Burch also made a motion to request the Planning and Zoning Commission to review an additional Code Text Amendment. Councilor Wolf seconded the motion and the motion passed unanimously.

8.6. REVIEW AND ACTION ON INCREASING SPECIAL EVENTS FUNDING FOR THE 2017 MAN OF THE CLIFF AND BIRDS OF PREY EVENTS (TOWN MANAGER VIRGINIA EGGER)

Derek George, a member of the Ad Hoc Special Events Committee, commented on this item.

Councilor Gennett made a motion to appropriate \$29,348.00 from the 2017 General Fund Contingency for potential funding of the Birds of Prey and/or Man of the Cliff 2017 event



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requests. The Ad Hoc Special Events Committee is authorized to make the determination with no additional Council action. The motion was seconded by Councilor Amy Phillips and the motion passed on a vote of 6 to 0. Councilor Prince was not present for the vote as he had stepped out of the room.

8.8. APPROVAL OF MINUTES FROM SEPTEMBER 12, 2017 COUNCIL MEETING (TOWN CLERK DEBBIE HOPPE)

Councilor Burch made a motion to approve the minutes from the September 12, 2017, Council meeting. Councilor Phillips seconded the motion and the motion passed on a vote of 6 to 0. Councilor Prince was not present for the vote as he had stepped out of the room.

9. WRITTEN REPORTS

9.1. GIFT REPORTING – ZOPPE FAMILY CIRCUS, BEN HARPER CONCERT AND ELVIS COSTELLO CONCERT TICKETS (DEPUTY TOWN MANAGER PRESTON NEILL)

Councilor Prince asked for the record to reflect that his family attended the Zoppe Family Circus.

9.2. MONTHLY FINANCIALS REPORT (SENIOR ACCOUNTANT MARTHA ANDERSON)

10. MAYOR & COUNCIL COMMENTS & MEETING UPDATES

Councilor Phillips gave an update about the recent Artspace open houses. She also gave an update about the EGE Air Alliance.

Mayor Pro Tem Smith Hymes updated Council about the Sonoran Institute workshop she attended. She also talked briefly about the unallocated water outlook. She also described a recent meeting she attended where the attendees discussed avenues to recycle polystyrene foam and the possibility of investing in a polystyrene foam compactor or densifier.

Councilor Burch said the Affordable Housing Board meets next Wednesday. She offered to provide/gather feedback regarding usage of the Zagster bike share station located at Eaglebend Apartments.

Councilor Prince offered that the Zagster bike share station located by City Market would better serve people if it was in a different spot, closer to City Market.

Councilor Wolf gave his thoughts on the recent Ben Harper concert.

11. ADJOURNMENT

There being no further business to come before the Council, Mayor Fancher moved to adjourn the regular meeting. The time was 9:21 p.m.



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These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate records of the meeting are the audio of the meeting, which is housed in the Town Clerk's office, and the video of the meeting, which is available at www.highfivemedia.org.

RESPECTFULLY SUBMITTED:


Preston Neill, Deputy Town Manager

APPROVED:

Jennie Fancher

Sarah Smith Hymes

Jake Wolf

Megan Burch

Matt Gennett

Scott Prince

Amy Phillips

