

AVON REGULAR MEETING MINUTES

TUESDAY MARCH 10, 2020

AVON TOWN HALL, 100 MIKAELA WAY, AVON, CO



1. CALL TO ORDER AND ROLL CALL

Mayor Smith Hymes called the meeting to order at 4:01 p.m. A roll call was taken, and Council members present were Amy Phillips, Tamra Underwood, and Jennie Fancher. Council members Jake Wolf, Chico Thuon, and Scott Prince were absent. Also present were Town Attorney Paul Wisor, Police Chief Greg Daly, Cultural Arts & Special Events Manager Danita Dempsey, Planning Director Matt Pielsticker, Building Official Derek Place, HR & Risk Management Director Lance J. Richards, Finance Manager Amy Greer, Executive Assistant to the Town Manager Ineke de Jong, Town Manager Eric Heil, General Government Intern Charise Bishop, and Town Clerk Brenda Torres.

PRESENTATION: COMMUNITY SURVEY

Video Start Time: 00:00:00 Part One

Communications and Marketing Manager Liz Wood and Town Manager Eric Heil outlined their plans for the community survey to Council. This year there will be three surveys: one for residents, one for businesses, and another for Wildridge residents. Staff would also be providing weekly incentives to increase survey participation. Council wanted to make sure that all residents are given the opportunity to contribute to the survey and there was outreach to the renter population. The intention is to have two Councilmembers assist with the survey, but they would like a public meeting to discuss survey questions.

Councilor Thuon arrived at 4:30 p.m. and Councilor Prince arrived at 4:45 p.m.

2. APPROVAL OF AGENDA

Video Start Time: 00:27:38 Part One

Councilor Underwood would like Agenda Items 5.4 and 5.5 moved before 5.3, the First Reading of Ordinance 20-04, Refinancing the Town's Series 2010 Certificates of Participation (COPs).

3. DISCLOSURE OF ANY CONFLICTS OF INTEREST RELATED TO AGENDA ITEMS

Video Start Time: 00:28:44 Part One

No conflicts of interest were disclosed.

4. PUBLIC COMMENT

Video Start Time: 00:28:51 Part One

Michael Cacioppo was wondering about the status of plans to bring a convention center to Avon. Town Manager Eric Heil said that he plans to issue Request for Proposals soon, and maybe hiring someone within the next 30 days to facilitate this process.

Peter Warren, resident of Wildridge, was here to express his disappointment in Council about the planned Wildridge community housing project. He was upset there has yet to be any outreach to the community and was concerned that the quiet title process violates Wildwood covenants protecting open space.

5. BUSINESS ITEMS

5.1. PRESENTATION: RECOMMENDATIONS FROM THE SUSTAINABLE BUILDING CODE TASK FORCE (ADAM PALMER, SUSTAINABLE COMMUNITIES DIRECTOR, EAGLE COUNTY AND KIM SCHLAEPFER, CLIMATE ACTION COLLABORATIVE)

Video Start Time: 00:35:10 Part One

Adam Palmer, the Sustainable Communities Director for Eagle County, and Climate Action Collaborative Project Manager, Kim Schlaepfer, presented to Council their recommendations for updating the building

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code in Avon to be more sustainable and align with Eagle County's climate action goals. Some of these recommendations included making EV charging connections mandatory for new buildings, making water fixtures more efficient, providing an area for the storage of both trash and recyclables, and construction waste management planning.

Michael Cacioppo made a public comment wondering about electric heat breathability, the recommended charge of \$46 per metric ton of CO2 to developers who choose not to comply with these standards, how much money has been spent on the Climate Action Collaborative so far, why code has to be updated so often and the costs associated with those changes, and if people will be allowed to park in Handicap spots to charge their Electric Vehicles, even if they are not disabled.

Councilor Wolf arrived at 5:24 p.m.

5.2. WORK SESSION ON THE CORONA VIRUS (CHIEF OF POLICE GREG DALY AND HR & RISK MANAGEMENT DIRECTOR LANCE J. RICHARDS)

Video Start Time: 01:13:40 Part One

Police Chief Greg Daly presented to Council the latest information he had on COVID-19 and its impact on the community. Currently, Eagle County is providing direction to the municipalities regarding this pandemic. The situation is changing daily, and he is on a conference call every morning at 9:00 a.m. to receive the latest updates. Because of HIPAA laws, there is limited actual information that the state or the county can share with local officials.

The Police Department has formulated a plan on how to deal with infected individuals, should that occasion arise. They are currently doing their best to obtain personal protective equipment or PPE, but it has been a challenge because this equipment is in short supply. Eva Wilson, the Mobility Director, has directed her team to disinfect the public buses daily.

John Curutchet, the Recreation Department Director, has increased hand sanitizer stations and said that people are using more disinfectant wipes than usual. Chief Daly reminded people to not show up at the Emergency Department if they are experiencing symptoms, but instead call their primary care provider. Town Manager Eric Heil said staff plans to continue planning for the events season, as many of these events take a lot of preparation to be successful. Moving forward, the plan is to include the ability to reschedule in Town contracts, in the event the need to cancel occurs. Councilor Fancher said the public can go to ECemergency.org for the most current information and Councilor Wolf said it is all our responsibility to do our best not to spread the disease.

Michael Cacioppo commented that some hospitals in the region are doing a better job than others to contain any suspected cases of COVID-19. He also said that local stores are out of face masks. He also said this is not a joke and everyone needs to be smart about this.

5.3. ENGAGEMENT LETTER WITH BUTLER SNOW AS BOND COUNSEL FOR THE PROPOSED 2020 CERTIFICATES OF PARTICIPATION BOND REFINANCING (DEE WISOR, BUTLER SNOW)

Video Start Time: 01:47:16 Part One

No comments were made. Councilor Fancher moved to approve the engagement letter with Butler Snow. Mayor Pro Tem Phillips seconded the motion. The motion passed unanimously by a vote of 7-0.

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- 5.4.** ENGAGEMENT LETTER WITH PIPER SANDLER AS PRIVATE PLACEMENT AGENT FOR THE PROPOSED 2020 CERTIFICATES OF PARTICIPATION BOND REFINANCING (JONATHAN HEROUX, PIPER SANDLER)

Video Start Time: 01:48:30 Part One

Councilor Underwood amended some of the language in Section 6 of Attachment A. Councilor Fancher moved to approve the engagement letter with the changes requested by Councilor Underwood. Mayor Pro Tem Phillips seconded the motion. The motion passed unanimously by a vote of 7-0.

- 5.5. FIRST READING OF ORDINANCE 20-04** REFINANCING THE TOWN'S SERIES 2010 CERTIFICATES OF PROPOSAL (COPS) (FINANCE MANAGER AMY GREER)

Video Start Time: 01:51:26 Part One

Finance Manager Amy Greer summarized the Ordinance for Council. Because of the Corona Virus, the market is at an all time low. Jonathan Heroux and Dee Wisor explained to Council they could lock in the rates now, before Second Reading, which would result in a \$633,000 savings for the Town. If for some reason, the Ordinance did not pass on the Second Reading, then there would be a Breakage Fee. Council directed Staff to move forward with locking in the current rate without having to return to Council for direction, providing the rates do not fall below \$512,000 savings. Councilor Prince moved to approve the First Reading of Ordinance 20-04, with additional direction for staff to lock in rates and Mayor Pro Tem Phillips seconded the motion. The motion passed unanimously by a vote of 7-0.

- 5.6. WORK SESSION: DEED RESTRICTED PURCHASE PROGRAM (CONTINUED)** (TOWN ATTORNEY PAUL WISOR)

Video Start Time: 00:00:00 Part Two

Town Attorney Paul Wisor and Town Manager Eric Heil consulted Council about the progress made toward creating the Avon In-Deed Program. Councilor Underwood does not believe it is necessary to have a down payment assistance program financed and managed by Avon when there is already one for Eagle County residents. Councilor Prince thinks that offering 15-18% of the assessed value of homes is too high. He also would like to not use all the money in the housing fund in case another opportunity arises, such as a public-private partnership to build affordable housing. Councilor Thuon echoed the concerns of Council that there are limited funds available for this program and other employee housing initiatives. Town Manager Eric Heil said there would be a work session on how to generate revenue in the future. Many Council members agreed that this program should only be available to new purchasers and not for existing homeowners. Councilor Wolf thinks that crafting policy is difficult and bound to be imperfect. He thinks that there could be circumstances where renting short-term could be warranted and that should be considered when drafting this plan. Mayor Smith-Hymes believes it is important to stipulate that this deed-restriction is reserved for Eagle County employees. Both Mayor Pro Tem Phillips and Councilor Fancher believe there should be a cap on the amount offered.

- 5.7. PUBLIC HEARING: SECOND READING ORDINANCE 20-03,** OPTIONAL PREMISE LICENSE FOR LIQUOR LICENSE- LOCAL OPTION (CASE MANAGER, DANITA DEMPSEY)

Video Start Time: 00:49:15 Part Two

No comments were made. Councilor Fancher moved to approve Ordinance 20-03 and Mayor Pro Tem Phillips seconded the motion. The motion passed unanimously by a vote of 5-0. Councilors Underwood and Prince were absent for the vote.

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- 5.8. RESOLUTION 20-03**, DESIGNATING NOTTINGHAM PARK AS THE VENUE FOR THE OPTIONAL PREMISES LIQUOR LICENSE-LOCAL OPTION (CASE MANAGER, DANITA DEMPSEY)
Video Start Time: 00:51:50 Part Two
CASE Manager Danita Dempsey explained that for this Optional Premises Liquor License, there must be a designated location for storage and containment of alcohol. This Resolution would designate that place as Nottingham Park. Councilor Wolf moved to approve the Resolution and Councilor Fancher seconded the motion. The motion passed unanimously by a vote of 6-0. Councilor Prince was absent for the vote.
- 5.9. RESOLUTION 20-04** DESIGNATING THE EVENT MANAGER FOR THE TOWN'S OPTIONAL PREMISES LICENSE (CASE MANAGER, DANITA DEMPSEY)
Video Start Time: 00:53:15 Part Two
CASE Manager Danita Dempsey explained to the Council that this Resolution was designating, both her and Special Events Coordinator Mikaela Liewer, the event managers responsible for alcohol sales and the operation of the Optional Premises Liquor License. Councilor Wolf moved to approve the Resolution and Councilor Underwood seconded the motion. The motion passed unanimously by a vote of 7-0.
- 5.10. RESOLUTION 20-05** APPROVING THE EXPENDITURE OF COMMUNITY ENHANCEMENT FUNDS (CASE MANAGER DANITA DEMPSEY)
Video Start Time: 00:55:40 Part Two
Councilor Underwood commented she would like to use these funds in the future for undergrounding the power lines near Old Town Hall. Town Manager Eric Heil confirmed that these are funds the Town receives every year, so that is a project that could be completed in 2021. Councilor Wolf moved to approve Resolution 20-05 and Mayor Pro Tem Phillips seconded the motion. The motion passed unanimously by a vote of 7-0.
- 5.11. REQUEST FOR EXTENSION OF APPLICATION APPROVAL- LOT B, AVON CENTER AT BEAVER CREEK SUBDIVISION (PLANNING DIRECTOR, MATT PIELSTICKER)**
Video Start Time: 01:02:22 Part Two
Planning Director Matt Pielsticker introduced the new owners and development team for Lot B. They explained they needed more time to make sure they planned the best project possible. Councilor Fancher moved to approve extension and Councilor Underwood seconded the motion. The motion passed unanimously by a vote of 7-0.
- 5.12. LED SIGN CONTRACT (TOWN ENGINEER JUSTIN HILDRETH)**
Video Start Time: 01:23:17 Part Two
Town Manager Justin Hildreth and Planning Director Matt Pielsticker presented the LED Sign concept to Council. They also presented the Planning and Zoning Commission's opinions to Council. Overall, the Planning and Zoning Commission did not support the idea of LED Signs. Councilor Prince felt with the current economic uncertainty, it is not the time to spend \$75,000 on signs. He feels like it is an unnecessary expense. Councilors Wolf and Fancher agreed it would be wise to be cautious about spending money. Councilor Prince moved to table the LED Sign Contract and Councilor Underwood seconded the motion. The motion passed by a vote of 5-2.

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5.13. NOTICE OF AWARD FOR EAGLEBEND PAVING (TOWN ENGINEER JUSTIN HILDRETH)

Video Start Time: 01:41:25 Part Two

Councilor Fancher mentioned how some people are parking on the north side of Eaglebend. Town Engineer Justin Hildreth offered to put "No Parking" signs if that is something Council would be interested in. Councilor Prince was wondering about the condition of the road. Town Engineer Hildreth confirmed the road was cracking and had a lot of potholes. Councilor Underwood moved to approve the award for paving Eaglebend and Mayor Pro Tem Phillips seconded the motion. The motion passed unanimously by a vote of 7-0.

5.14. NOTICE OF AWARD FOR YODER AVENUE PAVING (TOWN ENGINEER JUSTIN HILDRETH)

Video Start Time: 01:48:45 Part Two

Councilor Fancher noticed that this award came significantly under budget. Town Engineer Justin Hildreth stated that was because originally the plan was to also include Fawcett Road. They had decided they could wait a few more years to address Fawcett Road. Councilor Prince was wondering if it was possible to wait another year on the repair and Town Engineer Justin Hildreth said they could patch up a lot of potholes, but it really needed to be repaved. Councilor Fancher moved to approve the award for the paving of Yoder Avenue and Mayor Pro Tem Phillips seconded the motion. The motion passed by a vote of 6-0.

5.15. RECORD OF DECISION FOR ERWSD 1041 PERMIT (PLANNING DIRECTOR, MATT PIELSTICKER)

Video Start Time: 01:51:50 Part Two

Councilor Underwood requested to amend some of the language in section six and nine. Councilor Fancher moved to approve the record of decision with additions suggested by Councilor Underwood and Mayor Pro Tem Phillips seconded the motion. The motion passed unanimously by a vote of 7-0.

5.16. APPROVAL OF MINUTES FROM FEBRUARY 25, 2020 REGULAR COUNCIL MEETING (TOWN CLERK BRENDA TORRES)

Video Start Time: 01:54:30 Part Two

Councilor Fancher moved to approve the minutes from February 25, 2020 and Mayor Pro Tem Phillips seconded the motion. The motion passed by a vote of 6-1.

6. WRITTEN REPORTS

6.1. UPPER EAGLE REGIONAL WATER AUTHORITY FEBRUARY 27, 2020 MEETING SUMMARY (MAYOR SMITH HYMES)

6.2. MARCH 3RD PLANNING AND ZONING COMMISSION MEETING ABSTRACT (PLANNING DIRECTOR MATT PIELSTICKER)

6.3. TOWN MANAGER REPORT (TOWN MANAGER ERIC HEIL)

6.4. WHITEWATER PARK REPORT (TOWN ENGINEER JUSTIN HILDRETH)

7. MAYOR & COUNCIL COMMENTS & MEETING UPDATES

Video Start Time: 01:55:02 Part Two

Councilor Fancher explained that while she heard Peter Warren's concerns, she did not think that Council was trying to do anything underhanded. Council had just begun the process of investigating housing on that plot of land. This spurred a lot of discussion about having a meeting for Wildridge residents. Town Manager Eric Heil said Council could hold a work session about this on March 24th.

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Councilor Underwood stated that the Town does not have authority to enforce the Wildwood covenants and the residents should form an HOA to do so. She also said that if there is a Wildridge meeting, it should be conducted in Council Chambers because there already is audio-video equipment.

Mayor Pro Tem Phillips thinks we should have a plan solidified for the Wildwood project before we hold a meeting because then Council and Staff seem unprepared. She also agrees a neighborhood meeting should be filmed.

Councilor Thuon asked about the municipal code regarding pedestrian safety. He would like to know what the Town could do to make it safer to cross the road throughout town. He also mentioned there was a green RV parked across from the post office all weekend and would like to ask that person to park in the Old Town Hall parking lot. He mentioned the paint wearing off of the curbs and wondered if rumble strips could be a solution. He also wondered if we could reinstall the stop sign on Old Trail Road.

Councilor Prince commented that the Town needed to be more conservative about spending while COVID-19 is creating uncertain economic conditions. He also did not think people would be enthusiastic about completing the survey at this time.

Councilor Wolf reiterated that COVID-19 was very serious and many events are being cancelled all over the country because of it. He urged everyone to follow medical advice and take responsibility to not spread the virus.

Mayor Smith Hymes attended a *Water Law in a Nutshell* workshop and highly encourages anyone to attend in the future if they can.

8. ADJOURN

There being no further business before Council, Mayor Smith Hymes moved to adjourn the regular meeting. The time was 9:20 p.m.

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.

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RESPECTFULLY SUBMITTED:

DocuSigned by:

Charise Bishop

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Charise Bishop, General Government
Intern

APPROVED:

Sarah Smith Hymes

DocuSigned by:

Sarah Smith Hymes

3622F12BFE88464...

Amy Phillips

Jake Wolf

Chico Thuon

Jennie Fancher

Scott Prince

Tamra Underwood