

AVON REGULAR MEETING MINUTES

THURSDAY MARCH 26, 2020

SETUP AS A VIRTUAL MEETING VIA ZOOM DUE TO COVID-19 AND TOWN HALL CLOSURE



1. CALL TO ORDER AND ROLL CALL

Virtual meeting was hosted via Zoom webinar. Mayor Smith Hymes called the meeting to order at 5:00 p.m. A roll call was taken, and Council members present were Amy Phillips, Tamra Underwood, Scott Prince, Jennie Fancher, Jake Wolf and Chico Thuon. Also present were Town Attorney Paul Wisor, Police Chief Greg Daly, Finance Director Scott Wright, Executive Assistant to the Town Manager Ineke de Jong, Town Manager Eric Heil, and Town Clerk Brenda Torres.

2. APPROVAL OF AGENDA

Video Start Time: 00:03:07

Mayor Pro Tem Phillips moved to approve the agenda as presented. Councilor Prince seconded the motion and the motion passed on a vote of 6 to 1. Councilor Wolf voted no.

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

Video Start Time: 00:04:12

No conflicts of interest were disclosed.

4. PUBLIC COMMENT

Video Start Time: 00:04:23

Mayor Smith Hymes explained to the public how to participate via video/audio or via email for public comments.

No public comments were made.

5. BUSINESS ITEMS

5.1. RESOLUTION 20-08 ADOPTING AN ELECTRONIC PARTICIPATION POLICY FOR TOWN MEETINGS DURING A LOCAL DISASTER EMERGENCY (TOWN ATTORNEY PAUL WISOR)

Video Start Time: 00:05:47

Town Attorney Paul Wisor presented. No public comments were made.

Councilor Wolf moved to approve Resolution 20-08 Adopting an Electronic Participation Policy for Town Meetings During a Local Disaster Emergency. Councilor Underwood seconded the motion and the motion passed unanimously.

5.2. UPDATE AND DISCUSSION ON COVID-19 (TOWN MANAGER ERIC HEIL)

Video Start Time: 00:09:36

Town Manager Eric Heil gave an update on COVID-19 and Town operations by department. Several topics related to COVID-19 were discussed by Council, including the Avon business outreach meeting on March 27th, the efforts of the food bank, the deferment of April rent for EagleBend Apartments, Kayak Crossing and Buffalo Ridge, setting aside a financial relief fund and the formation of a new committee to look at requests for resources, in which Councilor Underwood and Councilor Fancher would like to participate, distribution of school lunches, volunteering options, outdoor activities, and the closure of private playgrounds. No public comments were made.

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5.3. RESOLUTION 20-06 EXTENDING THE TOWN OF AVON EMERGENCY DECLARATION OF MARCH 19, 2020 (TOWN ATTORNEY PAUL WISOR)

Video Start Time: 00:40:45

Town Attorney Paul Wisor presented. No Council questions and no public comments were made.

Councilor Wolf moved to approve Resolution 20-06 Extending the Town of Avon Emergency Declaration of March 19, 2020. Councilor Prince seconded the motion and the motion passed unanimously.

5.4. PRESENTATION: PROPERTY TAX INCREASE IN MAY FOR FIRE DISTRICT (KARL BAUER, FIRE CHIEF)

Video Start Time: 00:44:34

Fire Chief Karl Bauer updated Council on the tax increase for the Fire District. He mentioned that due to the difficult situation of COVID-19, the Fire District will not pursue a tax increase at this time.

Mayor Smith Hymes opened the public comments and Michael Cacioppo commented on plastic bags vs. reusable bags during COVID-19.

5.5. PUBLIC HEARING SECOND READING OF ORDINANCE 20-04 REFINANCING THE TOWN'S SERIES 2010 CERTIFICATES OF PARTICIPATION (COPS) (FINANCE DIRECTOR SCOTT WRIGHT)

Video Start Time: 01:03:06

Finance Director Scott Wright presented. Jonathan Heroux and Dee Wisor were present via video/audio and answered questions from Council members.

Mayor Smith Hymes opened the public comments and no public comments were made. Councilor Underwood moved to approve Ordinance 20-04 Authorizing the Leasing of Certain Town Property and the Execution and Delivery by the Town of a Site Lease, a Lease Purchase agreement, an Escrow Agreement and Other Financing Documents in Connection Therewith; Setting Forth Parameters and Restrictions With Respect to the Refunding of Certain Certificates of Participation; Ratifying Action Previously Taken Concerning the Referenced Transactions; and Providing Other Matters Relating Thereto. Councilor Wolf seconded the motion and it passed unanimously.

5.6. RESOLUTION No. 20-07 CONCERNING THE AVON URBAN RENEWAL AUTHORITY AND ITS TAX INCREMENT REVENUE REFUNDING LOAN (FINANCE DIRECTOR SCOTT WRIGHT)

Video Start Time: 01:10:45

Finance Director Scott Wright presented. Dee Wisor and Jonathan Heroux were present via video/audio to answer questions from Council.

Mayor Smith Hymes opened the public comments and no public comments were made. Councilor Wolf moved to approve Resolution 20-07 Concerning the Avon Urban Renewal Authority and its Tax Increment Revenue Refunding Note, Series 2020; Authorizing and Directing Actions by the Town Manager With Respect to the Preparation of Requests to the Town Council for Appropriation of Moneys to Fund Any Deficiencies in the Bond Account Pledged to the Payment of Such Bonds; Authorizing the 2020 Cooperation Agreement; and Other Actions Taken By the Town in Connection Therewith. Councilor Fancher seconded the motion and the motion passed unanimously.

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5.7. RESOLUTION 20-09 DEFERRAL OF SALES TAX PAYMENTS AND RETURNS (TOWN ATTORNEY PAUL WISOR)

Video Start Time: 01:16:08

Town Attorney Paul Wisor presented. He mentioned that any sales taxes from small businesses for the months of March and April will be deferred and collected until June 20, 2020. Sales tax payments for May will also be due on this date.

After Council discussion, Councilor Wolf moved to approve Resolution 20-09 Directing the Town Financing Director and Town Manager to Defer Sales Tax Return and Sales Tax Payment Deadlines for Retailers Who Maintain a Physical Location in Avon That is Less Than 11,000 Square Feet in Size. Councilor Underwood amended the motion to take off 'Sales Tax Return.' Councilor Wolf accepted that amendment. Councilor Underwood seconded the amended motion. The motion passed on a vote of 6 to 1. Councilor Prince voted no as he would like to get more information.

5.8. 2020 COUNCIL MEETING SCHEDULE: DISCUSSION OF ADDITIONAL COUNCIL MEETINGS (TOWN MANAGER ERIC HEIL)

Video Start Time: 01:42:02

Town Manager Eric Heil suggested to meet weekly while we go through this pandemic so that staff has more time in front of council for discussion, direction and decision making. Mayor Pro Tem Phillips mentioned the dates outlined in the packet can be broadcasted live on High Five Access Media. Councilor Wolf asked to consider an early start, to be done by sunset, on April 9th and 14th as they are Passover.

Additional meeting dates and times are as follows: Thursday April 2 at 6:00 p.m. (in conjunction with Finance Committee meeting), Thursday April 9 at 5:00 p.m. (or earlier), Tuesday April 14 at 5:00 p.m. (or earlier), Thursday April 23 at 5:00 p.m., Tuesday April 28 at 5:00 p.m. Additional meetings in May can be considered in mid-April.

JK with High Five Access Media confirmed that meetings on April 9th and 14th may start and broadcast as early as 3:00 p.m. Council members agreed with this schedule.

5.9. APPROVAL OF MINUTES FROM MARCH 10, 2020 REGULAR COUNCIL MEETING (INTERN CHARISE BISHOP)

Video Start Time: 01:48:41

Councilor Underwood moved to approve the minutes from March 10, 2020. Councilor Fancher seconded the motion and it passed on a vote of 6 to 1. Councilor Wolf voted no.

RECESS TO ALLOW AVON TOWN COUNCIL TO CONVENE AS THE AVON URBAN RENEWAL AUTHORITY BOARD

Video Start Time: 01:50:02

Mayor Smith Hymes called to recess the Regular Council meeting to convene to the Avon Urban Renewal Authority meeting. The time was 6:50 p.m.

RECONVENE AVON TOWN COUNCIL MEETING

Video Start Time: 02:08:22

Mayor Smith Hymes called to reconvene the Regular Council meeting. The time was 7:08 p.m.

6. WRITTEN REPORTS

6.1. MONTHLY FINANCIALS REPORT (SENIOR ACCOUNTANT NELLY BURNS)

6.2. PHOTO MONUMENTS FOR AVON'S HISTORY (PLANNING DIRECTOR MATT PIELSTICKER)

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7. MAYOR & COUNCIL COMMENTS & MEETING UPDATES

Video Start Time: 02:08:32

Councilor Fancher would like a list of things that Council has approved for the 2020 budget that could be postponed for a year, such as anything pertaining to special events. She also commented on the plastic bag ban brought up in public comment by Mr. Cacioppo, noting that the majority of items purchased in a grocery store are packaged, except for produce for which plastic bags are available. Furthermore, many items in a grocery store are touched by multiple hands, posing more of a germ threat than reusable bags which can be washed. Town Manager Eric Heil proposed to find and assemble articles for the following Council Meeting and review what is currently in place.

Mayor Pro Tem Phillips made a comment that she wished that in 2008 Avon Town Council had taken the opportunity to put together a deed restricted program. She would like all to keep in mind the opportunity to capitalize on the real estate market as it comes back, ensuring we do what we can to help citizens that are able to buy.

Councilor Wolf made a comment about the installation of 5G towers, which could be potentially detrimental to the health and wellbeing of our community. He would like an update on this, especially if any harm is present, before the project proceeds. He also asked about the possibility of a break for the rent of the firehouse at 351 Benchmark. Staff explained this will be discussed in the Executive Session. Councilor Wolf asked to public to please help flatten the curve by staying home to get back to normal or the new normal as quickly as we can.

Mayor Smith Hymes provided an update on the virtual Upper Eagle Regional Water Authority meeting she attended. She wants us to be mindful that what they had not considered in all their explicit planning was the mental fatigue and psychological toll that this was going to have on their team.

Town Manager Eric Heil mentioned the importance of communicating to staff regularly and staying open to comments in times of uncertainty and that most departments are healthy and functioning. He explained how the use of virtual meetings can help with the separation. At 7.23 p.m. Mayor Smith Hymes lost her internet connection and Mayor Pro Tem Phillips stepped in and continued the meeting.

Mr. Cacioppo would like to respond to Councilor Fancher's comments and expresses his belief that the plastic bag ban may not be healthy for the community. He requests Council to investigate and do research.

8. EXECUTIVE SESSION

Video Start Time: 02:27:06

Councilor Fancher made a motion to move to go into Executive Session pursuant to C.R.S. §24-6-402(4)(B) and (E) for purposes of seeking legal advice from the Town Attorney and determining positions relative to matters that may be subject to negotiations concerning the old firehouse. Councilor Wolf seconded the motion and it passed 6 to 0. Mayor Smith Hymes was absent as she lost internet connection.

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8.1. EXECUTIVE SESSION PURSUANT TO C.R.S. §24-6-402(4)(B) AND (E) FOR PURPOSES OF SEEKING LEGAL ADVICE FROM THE TOWN ATTORNEY AND DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS CONCERNING THE OLD FIREHOUSE.

Executive Session started at 7:36 p.m.

Executive Session ended at 8:05 p.m.

9. ADJOURN

There being no further business before Council, Mayor Smith Hymes moved to adjourn the regular meeting. The time was 8:05 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.

RESPECTFULLY SUBMITTED:

A handwritten signature in blue ink that reads "Brenda Torres".

Brenda Torres, Town Clerk

APPROVED:

Sarah Smith Hymes

A handwritten signature in blue ink that reads "Sarah Smith Hymes".

Amy Phillips

Jake Wolf

Chico Thuon

Jennie Fancher

Scott Prince

Tamra Underwood