

AVON REGULAR MEETING MINUTES

TUESDAY MAY 12, 2020

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



EXECUTIVE SESSION PURSUANT TO C.R.S. §24-6-402(4)(B) FOR THE PURPOSE OF SEEKING LEGAL ADVICE FROM THE TOWN ATTORNEY RELATED TO APPOINTMENTS TO COMMITTEES AND COMMISSIONS.

Executive Session was hosted in a virtual format, using Zoom.us. Mayor Smith Hymes convened an Executive Session Pursuant to C.R.S. §24-6-402(4)(B) for the Purpose of Seeking Legal Advice from the Town Attorney Related to Appointments to Committees and Commissions. Council members present were Tamra Underwood, Jennie Fancher, Chico Thuon, Amy Phillips, Scott Prince and Jake Wolf. Also present were Town Attorney Paul Wisor, Town Manager Eric Heil, and Executive Assistant to the Town Manager Ineke de Jong. The time was 5:05 p.m.

Councilor Wolf made a motion to move out of Executive Session. Councilor Underwood seconded the motion and it passed unanimously.

Executive Session ended at 5:24 p.m.

1. CALL TO ORDER AND ROLL CALL

The meeting was hosted in a virtual format, using Zoom.us. Mayor Smith Hymes called the meeting to order at 5:27 p.m. A roll call was taken, and Council members present by video/audio were Amy Phillips, Tamra Underwood, Scott Prince, Jennie Fancher, Jake Wolf, and Chico Thuon. Also present were Mobility Director Eva Wilson, Recreation Director John Curutchet, Public Works Director Gary Padilla, Human Resources Director Lance Richards, Planning Director Matt Pielsticker, Town Attorney Paul Wisor, Police Chief Greg Daly, 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: 00:00:57

Mayor Smith Hymes added a new item to discuss an open container policy on town property as item 5.11 and moved written report item 6.6 pickleball court analysis to be discussed with item 5.7, work session on west Nottingham park landscape updates. Councilor Underwood requested to pull item 6.4 Hwy 6 pedestrian crossing from the written reports for Council discussion and direction. Mayor Smith Hymes added it as agenda item 5.12.

Councilor Underwood moved to approve the agenda as amended. Mayor Pro Tem Phillips 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: 00:02:58

Councilor Prince disclosed that his son participates on the Avon USA Swim Team, related to the Rec Center budget item. Councilor Underwood said that is not considered a conflict of interests. No motion made.

4. PUBLIC COMMENT

Video Start Time: 00:03:39

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

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Bill VanCuren commented on the lack of mask wearing in the town and he requested to Council to please consider making mask wearing a mandatory policy to enter businesses with consequences for non-compliance.

Michael Cacioppo commented on the public notice for this meeting. He said it was very confusing on the website whether this meeting was virtual or not and the starting time was not right after the executive session held. He also asked why Council had to go into executive session to discuss how to appoint committee memberse. Town Attorney Paul Wisor explained the conversation was related to legal advice. Mr. Cacioppo also said he could not find the bookmarks in the Council packet.

5. BUSINESS ITEMS

5.1. WILDRIDGE SUBDIVISION WILDLAND FIRE MITIGATION AND EMERGENCY PREPAREDNESS WORK SESSION (ERFPD CHIEF KARL BAUER)

Video Start Time: 00:16:20

Avon Police Chief Daly introduced and thanked the team members involved in this project: Chief Karl Bauer, Community Risk/PIO Traci LeClair, and Wildfire Mitigation Specialist Jeff Zechman with the Eagle River Fire Protection District, Emergency Manager Birch Barron with the Eagle County, and with the Town of Avon Public Works Director Gary Padilla, Public Works Superintendent Drew Isaacson, Police Deputy Chief Coby Cosper, and himself.

Members of the team presented on the Wildridge wildland fire mitigation and the evacuation exercise on May 26, 2020 and answered questions from Council.

Chief Daly said to please contact the Avon Police Department at 970-748-4040 if people would like to participate in this exercise.

Mayor Smith Hymes called for public comments and no public comments were made.

5.2. PLANNING AND ZONING COMMISSION APPOINTMENTS (PLANNING DIRECTOR MATT PIELSTICKER)

Video Start Time: 00:59:40

Town Attorney Paul Wisor confirmed that he received the votes from all Council members and announced the two new Planning and Zoning Commission members: Sarah Lanious and Donna Lang Arenschield.

Mayor Smith Hymes thanked the outgoing commissioners for their work and welcomed the new members. Planning Director Matt Pielsticker confirmed he will re-post the vacant position for the remaining open seat. Mayor Pro Tem Phillips requested to note that the open seat must be an Avon Resident.

Video Start Time: 03:25:44

Councilor Prince moved to appoint Sarah Lanious and Donna Lang Arenschield as the new Planning and Zoning Commission members. Councilor Fancher seconded the motion and the motion passed unanimously.

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5.3. RESOLUTION 20-13 APPROVING ADDITIONAL COMMUNITY GRANT FUNDS (COMMUNICATIONS MANAGER LIZ WOOD)

Video Start Time: 01:02:25

Communications Manager Liz Wood presented. She explained that 5 additional applications for funding were received. Chief Daly reported on the Hope Center Funding. Carrie Benway with the Hope Center thanked Council and Chief Daly for their support and gave a brief update on their school program and remote learning.

Mayor Smith Hymes called for public comments and no public comments were made.

Councilor Fancher moved to approve Resolution 20-13 Concerning the Allocation of COVID-19 Grant Funding. Mayor Pro Tem Phillips seconded the motion and the motion passed unanimously.

5.4. INTERVIEWS OF CULTURAL, ARTS, AND SPECIAL EVENTS COMMITTEE CANDIDATES AND APPOINTMENT OF 3 MEMBERS (CASE MANAGER DANITA DEMPSEY)

Video Start Time: 01:17:28

CASE Manager Danita Dempsey introduced the three applicants and mentioned that all three members reapplied for the open seats, no other applications were received. Council interviewed applicants in alphabetical order: Pedro Campos, Chris Cofelice and Kathy Ryan.

Councilor Wolf moved to reappoint Pedro Campos, Chris Cofelice and Kathy Ryan as CASE committee members. Mayor Pro Tem Phillips seconded the motion and the motion passed unanimously.

5.5. PUBLIC HEARING: SECOND READING OF ORDINANCE 20-05, APPROVING CODE TEXT AMENDMENTS FOR ELECTRIC VEHICLE CHARGING, BOILER EFFICIENCY AND SOLAR-READY REQUIREMENTS (TOWN PLANNER DAVID MCWILLIAMS)

Video Start Time: 01:35:42

Town Planner David McWilliams presented and highlighted one change made since the First Reading and commented there has since been additional outreach. He mentioned that after outreach he only received questions but no actual comments. He also pointed out an update made to the Ordinance by Staff, regarding the parking spaces.

Councilor Underwood thanked Derek Place, David McWilliams and Matt Pielsticker for all their work.

Mayor Smith Hymes opened the Public Hearing and no public comments were made.

Councilor Fancher moved to approve Second Reading of Ordinance 20-05 Approving Code Text Amendments for Electric Vehicle Charging, HVAC Efficiency and Solar-Ready Requirements. Mayor Pro Tem Phillips seconded the motion and the motion passed unanimously.

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5.6. WORK SESSION: COVID-19 PROTOCOLS FOR RE-OPENING AVON RECREATION CENTER (RECREATION DIRECTOR JOHN CURUTCHET)

Video Start Time: 01:40:12

Recreation Director John Curutchet presented. He mentioned that there is an update to his report, per the latest Eagle County Health Orders, day camps are now approved to begin in phase two.

He explained the challenges and all the precautions suggested when reopening the Rec Center. Council discussion included that the pool should be moved up to the list, air flow analysis, lap pool and open water swimming, outdoor fitness classes, and Staff getting back to work.

Town Attorney Paul Wisor said no motion to reopen the Rec Center was needed since Council did not make a motion to close it, only direction provided.

Councilor Wolf lost connection at 7:18 pm. He reconnected with video and audio at 7:25 pm.

Mayor Smith Hymes called for public comments and Michael Cacioppo commented and expressed his concerns with reopening the Rec Center. He suggested temperature checks at the entrance, limit the number of people on a first come first serve basis, disinfecting all equipment for a minute after use, use of masks, and all users to wear rubber gloves.

Council thanked Recreation Director John Curutchet for his great work and supported the Avon Rec Center reopening.

5.7. WORK SESSION: WEST NOTTINGHAM PARK LANDSCAPE UPGRADES (PLANNING DIRECTOR MATT PIELSTICKER AND PEDRO CAMPOS)

Video Start Time: 02:15:13

Planning Director Matt Pielsticker and Pedro Campos presented. Recreation Director John Curutchet presented and answered questions about the pickleball courts. After Council discussion, Town Manager Eric Heil summarized Council consensus for option number 1: removing the softball field, stripping for U9 soccer field, redoing the stripping on U11 field, doing landscaping along the walkway, resurfacing pickleball court, and landscaping at the entrance along West Beaver Creek Boulevard. Also not having pickleball courts in the corner but recognizing there is room to build probably three courts in the future for improvement. A written report will be presented to Council.

5.8. WORK SESSION: DEED RESTRICTED HOUSING PROGRAM (TOWN MANAGER ERIC HEIL AND TOWN ATTORNEY PAUL WISOR)

Video Start Time: 03:09:22

Town Manager Eric Heil explained if Council agrees on these items tonight, Staff will bring a few Resolutions to the next Council meeting. The Resolutions include approving the Deed Restricted Housing program, the deed restriction form, and authorizing Staff to negotiate these. A separate Resolution to amend the community housing fund to appropriate \$650,000 towards the program. Lastly, it was suggested to have an Ordinance to amend the Municipal code allowing Council to allocate up to 10% of the RETT revenues for its housing funds.

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- 5.9. WORK SESSION: ICE RINK PRESENTATION: ICE SKATING ON NOTTINGHAM LAKE (GARY PADILLA & LANCE RICHARDS)**
Video Start Time: 03:22:58
Considering the time, this agenda item has been continued to the May 26, 2020 meeting.

- 5.10. APPROVAL OF MINUTES FROM APRIL 28, 2020 REGULAR COUNCIL MEETING (TOWN CLERK BRENDA TORRES)**
Video Start Time: 03:24:44
Councilor Underwood moved to approve the minutes from April 28, 2020. Councilor Fancher seconded the motion and the motion passed on a vote of 5 to 1. Councilor Wolf voted no. Mayor Pro Tem Phillips was away from her computer and did not vote.

Town Attorney Paul Wisor noticed that no motion was made for item 5.2. Mayor Pro Tem Phillips was back to vote for this item.

- 5.11. ADDED ITEM: DIRECTION ON OPEN CONTAINER ON TOWN PROPERTY**
Video Start Time: 03:27:24
Council discussed open containers on town grounds. Councilor Fancher moved to allow open container consumption from 11:30 a.m. to 30 minutes after dusk, from now until October 31, 2020 in Nottingham park and the Pedestrian Mall. Councilor Wolf seconded the motion. Councilor Fancher amended her motion to include the West of Southside Benderz area. Councilor Wolf approved that amendment and the motion passed unanimously.

Michael Cacioppo made a public comment. He asked on open container laws while driving. Town Attorney Paul Wisor clarified that having open container while driving is not allowed in the State of Colorado.

Extra picnic tables will be placed in these areas. Staff will add this notice in the newsletter going out tomorrow and will work on a press release to inform the public.

- 5.12. HWY 6 PEDESTRIAN CROSSING (MOBILITY DIRECTOR EVA WILSON)**
Video Start Time: 03:38:53
Pulled written report item 6.4. Councilor Underwood thanked Mobility Director Eva Wilson for working with CDOT to approve a crosswalk on Hwy 6 and Stone Bridge Drive. Council discussed on the Eagle County and CDOT participation on these projects, Speeding limits, and the Zagster bike share program.

6. WRITTEN REPORTS

- 6.1. UPPER EAGLE REGIONAL WATER AUTHORITY APRIL 23, 2020 MEETING SUMMARY (MAYOR SMITH HYMES)**
6.2. TOWN MANAGER REPORT (TOWN MANAGER ERIC HEIL)
6.3. AVON POLICE DEPARTMENT ANNUAL REPORT AND SIX MONTH UPDATE (POLICE CHIEF GREG DALY)
6.5. NOXIOUS WEED EDUCATION CAMPAIGN (INTERN CHARISE BISHOP)
6.6. PICKLE BALL COURT ANALYSIS (RECREATION DIRECTOR JOHN CURUTCHET)
6.7. MAY 5TH PLANNING AND ZONING COMMISSION MEETING ABSTRACT (PLANNING DIRECTOR MATT PIELSTICKER)

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7. MAYOR & COUNCIL COMMENTS & MEETING UPDATES

Video Start Time: 03:50:50

Councilor Thuon mentioned Eagle Vail put out nice pedestrian signs and asked if Avon could do something similar for this summer. He said we saw a banner in Breckenridge thanking first responders and asked Staff to look into one for Avon. Town Manager Eric Heil confirmed a banner was delivered today and will be put up tomorrow. He suggested to put some chairs six feet apart for older people around the park so they can have a rest. He said he saw dirt bikes in the West Avon Preserve and asked what is happening. Town Manager Eric Heil explained they are working on the power lines and will pass this observation onto Planning Director Matt Pielsticker. Councilor Thuon also suggested to install a touch free water bottle fill station at the top of the West Avon Preserve. Councilor Thuon closed his comments asking if some inexpensive speeding reader signs may help with the speeding towards the center of the town.

Mayor Pro Tem Phillips asked Staff to go look at the road crossing signage by the new roundabout in Edwards, which is simple, easy and good.

8. ADJOURN

There being no further business before Council, Mayor Smith Hymes moved to adjourn the regular meeting. The time was 9:24 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