

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD MAY 12, 2009**

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A regular meeting of the Town of Avon, Colorado was held at the Avon Municipal Building, One Lake Street, Avon, Colorado in the Council Chambers.

Mayor Ron Wolfe called the meeting to order at 5:35 PM. A roll call was taken and Council members present were Rich Carroll, Dave Dantas, Kristi Ferraro, Amy Phillips, Buz Reynolds and Brian Sipes. Also present were Town Attorney Eric Heil, Town Manager Larry Brooks, Director Administrative Services Patty McKenny, Town Engineer Justin Hildreth, Assistant Town Manager Community Development Eric Heidemann, Scott Wright Finance Assistant Town Manager, Lieutenant Greg Daly and Public Works and Transportation Director Jenny Strehler as well as members of the public.

**INQUIRE OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**

Mayor Wolfe noted that several items from the work session would be addressed during "Unfinished Business" at the regular meeting as follows:

- a. Open Space Advisory Committee Update (Ron Wolfe, Mayor)
- b. Housing Committee Update (Ron Wolfe, Mayor)
- c. Town Hall Front Office Remodel Update and construction contract with the Mark Young Construction, Inc. (pulled from the consent agenda)

**CONSENT AGENDA**

Mayor Wolfe asked for a motion on the consent agenda. Councilor Ferraro moved to approve the consent agenda; Councilor Phillips seconded the motion and it passed unanimously.

- a. Minutes from April 28, 2009

**RESOLUTIONS**

Matt Pielsticker, Planner II, presented Resolution No. 09-16, Series of 2009, Resolution Formally Designating the Nottingham Blacksmith Shop as a Historic and Culturally Significant Structure, Pursuant to the Provisions of Chapter 17.50 of the Avon Municipal Code, Town of Avon, County of Eagle, State of Colorado, and Setting Forth Details in Regard Thereto. He reviewed the recommendation by the Avon Historic Preservation Committee to name the Nottingham Blacksmith Shop as a historic structure. It was noted that the current property owner would like the structure moved within 60 days of them selling their property. Kent Krane, attorney representing Kathleen Doll, commented on the proposal before council. Mr. Krane requested that several conditions be met if this moves forward as outlined in the letter submitted by Mr. Daniel C. Doherty as follows:

- ✓ TOA shall remove the shop from the property at no cost to the trust
- ✓ Shop shall not be removed from property until property is sold by trust
- ✓ TOA shall permit the trust to avail itself to all available local property tax credit

It was noted that the Committee's desire was to keep the structure within the town limits. After some discussion and some concern expressed by some council members, the town attorney suggested that further details about the conditions be negotiated with the owners prior to approving the resolution. Town Manager Larry Brooks asked that the town needs to decide if it wants to preserve the building first. Councilor Carroll moved to table the resolution until the May 26, 2009 meeting; Councilor Ferraro seconded the motion and it passed unanimously.

Councilor Ferraro moved to approve Resolution No. 09-14, Series of 2009, Resolution to make specific amendments to the 2006 Town of Avon Comprehensive Plan and Setting Forth Details in Regard Thereto Comp Plan Amendment addressing Red House annexation development project. Councilor Phillips seconded the motion and it passed unanimously.

Councilor Ferraro moved to approve Ordinance No. 09-06, Series of 2009, First Reading, Ordinance Annexing the Red House Property. Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

Councilor Ferraro moved to approve Ordinance No. 09-07, Series of 2009, First Reading, Ordinance Approving The Planned Unit Development (PUD) Application, The Preliminary Plan for Subdivision, and Annexation and Development Agreement for the "Red House Lots 1 and 2 with findings & conditions as listed by Town Attorney Eric Heil as follows:

1. 6.1 Current economic conditions
2. 4.7 Housing option to cash out to predetermined or deed restriction improved upon
3. Riveredge path not at 5 feet / include a criteria as to what will be built
4. 6.1 Water infrastructure conveyed to water district not to town
5. 1.31. / 4.4c/ 5.1b / PUD Development plan revisions / All kristi's changes to annexation & development agreement / easement agreement
6. Change to vesting language
7. the need for measurable standards for snowmelt- *sustainability \**

Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

Mayor Pro Tem Sipes stepped down at this time due to a conflict of interest. Eric Heidemann, Assistant Town Manager, Community Development, presented Ordinance No. 09-08, Series of 2009, Second Reading, Ordinance Approving The Planned Unit Development (PUD) Application For The Buck Creek PUD, Lots 1, 2, 3, & 4, Wildwood Resort, Town Of Avon, Eagle County, Colorado, And Setting Forth Details In Regard Thereto as a proposal to allow for new land uses, including but not limited to: fire station hub with separate administration building, 42 single-family, duplex, or triplex units, a Montessori school with office space, and natural science school campus with employee housing. He noted that the applicant requested a continuance of the Public Hearing to June 26 2009. Councilor Reynolds moved to continue the public hearing to June 26, 2009 for Ordinance No. 09-08, Series of 2009, Second Reading, Ordinance Approving The Planned Unit Development (PUD) Application For The Buck Creek PUD, Lots 1, 2, 3, & 4, Wildwood Resort, Town Of Avon, Eagle County, Colorado, And Setting Forth Details In Regard Thereto. Councilor Ferrari seconded the motion and it passed unanimously by those present.

Eric Heidemann, Assistant Town Manager, Community Development, presented Ordinance No. 09-09, Series of 2009, Second Reading, Ordinance Declaring Glare, Light Pollution, Light Trespass, And Waste Light A Public Nuisance, And Amending Chapter 8.24 Of The Avon Municipal Code. Mr. Heidemann noted that the legislation addresses amendment which declares waste light a public nuisance by adopting a new Section 8.24.115 to Chapter 8.24 of the Code. The purpose of the text is to promote and protect the natural night sky as a valuable community resource. Mayor Wolfe opened the public hearing, no comments were made, the hearing was closed. Councilor Carroll moved to approve Ordinance No. 09-09, Series of 2009, Second Reading, Ordinance Declaring Glare, Light Pollution, Light Trespass, And Waste Light A Public Nuisance, And Amending Chapter 8.24 Of The Avon Municipal Code. Mayor Pro Tem Sipes seconded the motion and it passed unanimously by those present.