

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD JUNE 9, 2009**

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 5:30 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, Assistant Town Manager Finance Scott Wright, Police Chief Brian Kozak, and Public Works and Transportation Director Jenny Strehler as well as members of the public.

COMMUNITY INPUT

Carole Warren, Avon Resident, Comments on "Bear Proof Trash Container Ordinance", read a statement into the record related to the Wildlife Ordinance and its impact on the community.

Mayor Wolfe read Resolution No. 09-21, Resolution Formally Recognizing Christopher Evans For His Dedication To The Planning And Zoning Commission Of The Town Of Avon, County Of Eagle, State Of Colorado. Mayor Pro Tem Sipes moved to approve this resolution; Councilor Phillips seconded the motion and it passed unanimously. The Council thanked Chris Evans personally for his years of service.

CONSENT AGENDA

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

- a. Minutes from May 26, 2009
- b. Wiss, Janey, Elstner Additional Service Proposal - roof evaluation and masonry cleaning mock-ups for the Town of Avon Recreation Center (Shane Pegram, Engineer II)
- c. Fleet Maintenance Contract with Gypsum Fire Protection District (Jenny Strehler, Director PW&T) Vehicle maintenance arrangement with Gypsum Fire District

DISCLOSURE OF CONFLICT OF INTEREST

Mayor Wolfe asked if there were any conflict of interest for the Red House Project. Councilor Ferraro noted a spousal conflict with the applicant Vail Associates and noted that she would recuse herself from participation on that agenda item.

OTHER BUSINESS

Mayor Wolfe presented the following agenda items for Council's consideration. There were no questions asked on either application. Mayor Wolfe opened the public hearings, no comments were heard, and the hearings were closed.

- a. Amplified Sound Permit for Vail Valley Medical Center Vail Pet Partners Event
Name of Applicant: Kate Kunert
Event Location: Harry A. Nottingham Park
Date and Time of Event: June 14, 2009; Start Time 9 AM (will need amplified sound prior to start time)

Mayor Pro Tem Sipes moved to approve the above amplified sound permit for Vail Valley Medical Center; Councilor Ferraro seconded the motion and it passed unanimously.

b. Amplified Sound Permit for Xterra Beaver Creek Event

Name of Applicant: Beaver Creek Resort Company

Event Location: Harry A. Nottingham Park

Date and Time of Event: July 18, 2009; Start Time 6:30 AM until 10 AM

Councilor Carroll moved to approve the amplified sound permit for Beaver Creek Resort Company; Councilor Reynolds seconded the motion and it passed unanimously.

RECOMMENDATIONS OF PLANNING & ZONING COMMISSION

PUBLIC HEARING ON RED HOUSING ANNEXATION PROJECT:

Councilor Ferraro recused herself from the discussion of this agenda item due to a conflict of interest.

- a. **Public Hearing** on Ordinance No. 09-06, Series of 2009, Second Reading, Ordinance Annexing the Red House Property (Eric Heidemann, Assistant Town Manager, Matt Gennett, Planning Manager) The applicant and property owner, the Vail Corporation, represented by Rick Pylman of Pylman and Associates, is proposing an annexation of approximately 1.131 acres of land known as the "Red House" site, located on the northeast corner of Avon Road and Highway 6

Councilor Reynolds moved to continue 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.

- b. **Public Hearing** on Ordinance No. 09-07, Series of 2009, Second 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 (Eric Heidemann, Assistant Town Manager, Matt Gennett, Planning Manager) The applicant and property owner, the Vail Corporation, represented by Rick Pylman of Pylman and Associates, is proposing a new Planned Unit Development (PUD) and Preliminary Plan for Subdivision, for a development site currently located in unincorporated Eagle County zoned Commercial Limited (CL) under the County's zoning regulations. The proposal calls for fifteen (15) townhomes with associated private and public amenities on a development site comprised of 1.131 acres. This application is being consider concurrent with an annexation petition for the "Red House" site into the Town of Avon / *Property Location:* Lots 1-2, Red House Exemption Plat / 38361 Highway 6 / *Applicant:* Rick Pylman, Pylman and Associates / *Owner:* Vail Corporation

Councilor Phillips moved to continue Ordinance No. 09-07, Series of 2009, Second 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. Councilor Reynolds seconded the motion and it passed unanimously.

Ordinances

This item was continued from the May 26, 2009 meeting. Brian Kozak, Police Chief, presented Ordinance No. 09-10, Series of 2009, First Reading, Ordinance Adopting Regulations for Booting Vehicles on Private Property through the Amendment of Chapter 5.12 of the Avon Municipal Code. Chief Kozak reviewed the council packet memo addressing this topic including the background, the opinions provided by the District Attorney and Attorney General as well as the specifics of the proposed ordinance. He noted the numerous revisions made to the ordinance based on council & public input at the meeting on May 26th related to the following topics:

- 5.12.020: licensing of parking enforcement companies similar to that of towing companies
- 5.12.030: Background Check Requirements and Guidelines
- 5.12.040 & 5.12.050: Denials of Applications and Appeal Procoess
- 5.12.060: Fee
- 5.12.070: License exception for emergencies

- 5.12.080: Rules Governing Conduct of Towing & Parking Enforcement Companies
- 5.12.090: Suspension of License procedures
- 5.12.100: Requirement that property owner provide for written consent that specifies the parking violations
- 5.12.110: Notice on removal of boot process
- 5.12.120: Authority of Hearing Officer
- 5.12.130: Requires Property Owner Compliance with Chapter

Questions were asked about the signage and the need for getting approval from the community development department. Mayor Wolfe asked that if there were any public input, the request be made in writing to the Police Chief no later than one week. Councilor Phillips moved to approve No. 09-10, Series of 2009, First Reading, Ordinance Adopting Regulations for Booting Vehicles on Private Property through the Amendment of Chapter 5.12 of the Avon Municipal Code. Mayor Tem Sipes seconded the motion and it passed unanimously.

RESOLUTIONS

Councilor Carroll recused himself from the discussion of this agenda item due to a conflict of interest. Shane Pegram, Engineer II, presented Resolution 09-20, Series of 2009, Resolution approving the Final Plat and Condominium Map, Riverfront Mountain Villas Condominium, a Resubdivision of Lot 3, Riverfront Subdivision, Town of Avon, Eagle County, Colorado. It was noted that the Applicant Points of Colorado, Inc. owners of condominium structure at 218 Riverfront Lane submitted a final plat & condominium map to resubdivide Lot 3 for 68 residential units to be sold as timeshare units. There were some comments and questions and it was noted that the bike path should be opened by July 4th. He also noted that the parking is managed by the vacation property owners. Mayor Pro Tem Sipes moved to approve Resolution 09-20, Series of 2009, Resolution approving the Final Plat and Condominium Map, Riverfront Mountain Villas Condominium, a Resubdivision of Lot 3, Riverfront Subdivision, Town of Avon, Eagle County, Colorado. Councilor Ferraro seconded the motion and it passed unanimously.

UNFINISHED BUSINESS

Jenny Strehler, Director PW&T, presented the Swift Gulch Improvement Project with the updated Architectural Renderings in response to both town council and planning and zoning commission comments. She reviewed the design work with a slideshow presentation noting that the final input will provide the consultant the input needed to finalize the design drawings. Some of the changes made to the design were identified in her council packet memo.

NEW BUSINESS

Mayor Wolfe and Councilor Ferraro raised the topic of the possible implementation of a "limited holiday on building permit fees for town remodels". Staff would research the idea based on what the City & County of Denver had been offering and bring a proposal back to the Council.

TOWN MANAGER REPORT

Larry Brooks, Town Manager, provided a brief update on the following items:

- ◆ Zacca Za's request for music this summer & the issuance of an amplified sound permit application, the requirements of this application as it related to the Village at Avon PUD Guide. Eric Heidemann noted that the businesses within the Village at Avon are required to obtain a special review use in order to use amplified sound per the PUD Guide; this use is approved by the town's planning & zoning commission and not the Village Design Review Board. He noted that his staff would continue to work with the owners of Zacca Za on this topic.

- ◆ Eric Heidemann asked about the need to clarify for the community the stance on “short term rentals” within the town, noting the possibility of exploring the creation an overlay zone district that would allow such use. It was noted that the town be sure to obtain plenty of public input on the matter.

TOWN ATTORNEY REPORT

Eric Heil, Town Attorney, noted that he had been meeting with staff on some operational items while in Avon.


There being no further business to come before the Council, the regular meeting adjourned at approximately 7 pm.




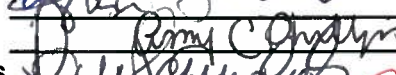
Patty McKenny, Town Clerk

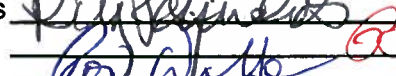
APPROVED:


Rich Carroll
Dave Dantas
Kristi Ferraro
Amy Phillips
Albert “Buz” Reynolds
Brian Sipes
Ron Wolfe
















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