

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL
HELD SEPTEMBER 8, 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 5:35 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, Planning Manager Matt Gennett, 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.

INQUIRE OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA

Mayor Wolfe noted that the council updates would be included during the regular meeting and several reports would be made by town staff and the town attorney.

DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

There were no conflicts of interest noted at this time.

CONSENT AGENDA

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

- a. Minutes from August 25, 2009
- b. Special Counsel - Comcast Franchise Agreement (Scott Wright, Assistant Town Manager) Contract for legal services related to negotiations with Comcast for franchise agreement

COMMUNITY INPUT

Chris Green, resident, local architect and steering committee chairperson for AIA, presented an update on the team members named to the panel for the Sustainable Design Assessment Team research beginning September 20th as part of the Colorado Chapter AIA efforts in preparing the report for the Eagle Valley.

COUNCIL COMMITTEE AND STAFF UPDATES

Brian Kozak, Police Chief, presented a Wildlife Protection and Management Policy update with a review of established wildlife management policies that are consistent with recommendations from the Colorado Division of Wildlife. Bill Andree, Division of Wildlife presented some details as to how the DOW handles bears in various situations. Walter Dandy, Avon resident, presented his frustrations on the issue, noting that the current measures are not enough, and now there is a surplus of bears in the valley. He asked the council to consider more aggressive options to managing the bear population.

Jenny Strehler, Director PW&T, presented an update to road construction taking place the month of September.

RECOMMENDATIONS OF PLANNING & ZONING COMMISSION

Matt Gennett, Planning Manager, presented Ordinance No. 09-12, Series of 2009, First Reading, Ordinance Adopting a Short Term Rental Overlay Zone District (STRO) to establish "Short Term Rental" as an allowed use proposed amendment to Avon code to allow for short term rentals in the town core area. He noted that residents have asked that the town council consider code revisions allowing this use within the town core. Staff has include a new section that would specifically allow for 1) uses permitted in the underlying zone district or PUD and 2) short term rental, with short term rental defined to mean the rental of property for total continuous duration of less than thirty days. It was also noted that properties which prohibit short terms rentals by covenant or declaration not be affected by this short term rental overlay zone district. Some questions and comments were made as follows:

- ❖ Include Hurd Lane and Nottingham Road
- ❖ Utilize the special review use permits in some neighborhoods
- ❖ Exclude any deed restricted property or properties with encumbrances

Mayor Wolfe opened the public hearing and the following comments were heard:

- Shirley Ritland, Stonecreek Condominium Association, with 30 units, W. Beaver Creek Blvd. noted the property currently has both short term and long term rentals. She is the property manager and outlined many of the problems that have occurred with short term rentals on their property. She does not support the ordinance. A survey is currently underway with the property owners.
- Diane Cadwell, Stone Creek Condo Association, spoke about Avon having a great opportunity. She sees this ordinance as opening doors for Avon to become a resort oriented community and would support the ordinance and revenue stream it would produce.
- Judy Newhart, Stone Creek Condo Association, supported the ordinance for their neighborhood.
- Tyson Kennedy, property owner at Stonebridge Townhomes, supported the ordinance along with her property townhome owners did; this was reflected in a proposal to the town council that was submitted for the record.

The hearing was closed with Council making numerous comments on the matter in both support opposition of the legislation. Councilor Ferraro moved to approve Ordinance No. 09-12, Series of 2009, First Reading, Ordinance Adopting a Short Term Rental Overlay Zone District (STRO) to establish "Short Term Rental" as an allowed use proposed amendment to Avon code to allow for short term rentals in the town core area. Councilor Phillips seconded the motion and the motion failed with a four to three vote (Ferraro, Phillips, Dantas – yes; Carroll, Sipes, Reynolds, Wolfe – nay). After further discussion, staff was directed to draft legislation that would address allowing for short term rental on a case by case basis by property through the use of the special use review process.

RESOLUTIONS

Justin Hildreth, Town Engineer, and Jeff Schneider, Project Engineer, presented Resolution No. 09-26, Series of 2009, Resolution amending Avon Municipal Code, Title 13, Appendix 13-A, Water Rate Schedule/Tap Fee Schedule. He noted that the proposed amendment to Appendix 13-A Water Rate Schedule/Tap Fee Schedule will create a surcharge for over-sized residential units and increase commercial tap fees. It was noted that some of the water tap fee predicament the town is in, is due to the large unit construction that has taken place over the past few years. The resolution proposed a surcharge that would mitigate the lost SFEs with the institution of a new fee for the oversized unit surcharge. Some details of how the revised rates would be applied were reviewed as well as how the Water Authority charges for the taps. There was some voice in defense of the property owners that had already purchased their tap fees.

Mayor Pro Tem Sipes moved to approve Resolution No. 09-26, Series of 2009, Resolution amending Avon Municipal Code, Title 13, Appendix 13-A, Water Rate Schedule/Tap Fee Schedule. Councilor Phillips seconded the motion and it passed unanimously with a four to two vote (Dantas, Reynolds – nay).

TOWN ATTORNEY REPORT

Town Attorney Eric Heil presented updates on the following topics:

- ✓ Medical Marijuana Dispensaries and potential impacts from future federal legislation
- ✓ Nottingham Puder Ditch Maintenance will begin next week.

MAYOR REPORT

There being no further business to come before the Council, the regular meeting adjourned at 8:10 PM.

RESPECTFULLY SUBMITTED:



Patty McKenny, Town Clerk

APPROVED:

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



