

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD AUGUST 10, 2010**

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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 5:30 PM. A roll call was taken and Council members present were Rich Carroll, Dave Dantas, Amy Phillips, Brian Sipes and Buz Reynolds. Kristi Ferraro was absent. Also present were Town Attorney Eric Heil, Town Manager Larry Brooks, Assistant Town Manager Patty McKenny, Assistant Town Manager Community Development Sally Vecchio, Assistant Town Manager Finance Scott Wright, Town Engineer Justin Hildreth, Community Relations Officer Jaime Walker as well as members of the public.

**AGENDA APPROVAL & DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST**

Mayor Wolfe noted that there would be no changes or conflict of interest at the meeting.

**COMMUNITY INPUT**

Mayor Wolfe commented on the recent accident on the Heat Recovery Project job site that resulted in the fatality of Mr. Jack Muransky, an employee of BT Construction. He expressed the town's condolences to the family. He noted that further investigations are being conducted.

Town Attorney, Eric Heil, presented an update on the litigation between Traer Creek LLC and Traer Creek Metro District and the Town of Avon.

**CONSENT AGENDA**

Mayor Wolfe asked for a motion on the consent agenda. There were some comments made about the cost estimates related to the Recreation Center roof replacement. Councilor Phillips moved to approve the consent agenda; Councilor Carroll seconded the motion and it passed unanimously:

- a. Minutes from July 27, 2010
- b. Intergovernmental Agreement with Eagle County Clerk & Recorder's Office for Coordinating the November 2, 2010 General Election (Patty McKenny, Assistant Town Manager / Management Services) IGA that addresses the administration and conduct of the November 2, 2010 election
- c. Construction Contract with GE Johnson (Shane Pegram, Project Engineer) Complete the Recreation Center CMU Block Deterioration Mitigation and Recreation Center Roof Repair Capital Improvement Projects / It was noted that estimates should always be included even if the final cost hasn't been confirmed
- d. Professional Service Agreement with Intermountain Engineering (Shane Pegram, Project Engineer) Complete the design of the Metcalf Gulch Drainage Improvements and Phase I of the Metcalf Road Bicycle Climbing Lane from Nottingham Road to Wildwood Road
- e. Resolution 10-19, Series of 2010, A Resolution Supporting the Grant Application for a Local Parks and Outdoor Recreation Special Opportunity Grant from the State Board of the Great Outdoors Colorado for the Eagle Valley Trail Bridge over the Eagle River at Avon Road (Jeff Schneider, Project Engineer. Justin Hildreth, Town Engineer) Action supporting the Grant Application for a Local Parks and Outdoor Recreation Special Opportunity Grant from the State Board of the Great Outdoors Colorado for the Eagle Valley Trail Bridge over the Eagle River at Avon Road
- f. Stipulation and Agreement for Water Court Case Nos. 06CW264 and 07CW225 (Town of Minturn and Ginn/Battle Mountain Applications for Conditional Surface and Water Storage Rights) (Justin Hildreth, Town Engineer) Proposed stipulation and agreement for the Water Court Case Nos. 06CW264 and 07CW225

## **NEW BUSINESS**

Sally Vecchio, Asst. Town Manager Community Development, presented the revised Intergovernmental Agreement with Eagle County for Building Inspection Services. She made a brief review of the proposed agreement that arranges for building inspection services from Eagle County and provides for the same service to Eagle County from Town of Avon. Councilor Dantas moved to approve the IGA for the Building Inspection Services with Eagle County; Mayor Pro Tem Sipes seconded the motion and it passed unanimously (Ferraro absent).

## **ORDINANCES**

**Public Hearing Continued From July 27, 2010** on Ordinance No. 10-14, Series of 2010, First Reading, An Ordinance Amending the Avon Municipal Code by Enacting Title 7, The Avon Development Code; Repealing Title 16: Subdivisions; Repealing Title 17: Zoning; and Repealing Portions of Title 2: Administration and Personnel (Sally Vecchio, Asst Town Manager Community Development, Eric Heil, Town Attorney) Review proposed Development Code as adopted by the Planning & Zoning Commission /

Ron Wolfe, Mayor, presented a review and asked that the Council acknowledge and approve the process for adopting Ordinance No. 10-14, Development Code. He asked that the format of the discussion and public input be as follows:

- 1) Staff reports
- 2) Council questions & comments
- 3) Public hearing on each section as presented by staff
- 4) Final council discussion & direction section by section

Town Manager, Larry Brooks, framed the topic with the fact that the council packet materials did provide responses for most of the public input. He also asked that Todd Goulding, Chairman of the Planning & Zoning Commission, be a part of the discussion so as to explain the position of the commission's point of view on proposed the code. Sally Vecchio, Asst Town Manager Community Development, expressed appreciation of the public input as it raised the bar for analysis of the development code. She then presented Ordinance NO. 10-14, Series of 2010, First Reading, An Ordinance Amending the Avon Municipal Code by Enacting Title 7, The Avon Development Code; Repealing Title 16: Subdivisions; Repealing Title 17: Zoning; and Repealing Portions of Title 2: Administration and Personnel. She noted that staff would begin by addressing the following development standards with a review of the proposed revisions made based on public input:

- ✓ Design Standards found in Section 7.28.090
- ✓ Retaining Wall Standards found in Section 7.28.070
- ✓ Steep Slope Standards found in Section 7.28.100
- ✓ Access Drive Requirements found in Section 7.28.030

There was an opportunity for comments from both town council members and chairman of Planning & Zoning commission as follows:

Mayor Pro Tem Sipes:

- ✓ Too many numerical guidelines
- ✓ P&Z should make the judgment calls, not the code book
- ✓ not supportive of the 45 foot height
- ✓ revise the submittal requirements a bit

Chairman Todd Goulding:

- Noted that some of the difficulty lies in providing customer services and meeting the code requirements

- staff should not be in a position to make subjective approvals
- Spoke about performance specs that were applied to the process
- asked that the documents include some acceptable pictures to help P&Z make the appropriate decisions

Councilor Reynolds:

- ✓ Many variables that exist with raw land
- ✓ Requirements really stifle the developer and architect

Councilor Dantas:

- the code as proposed suggests that limiting the site will then only create a worse environment to have to meet the requirements

Councilor Carroll:

- ✓ Stay more performance oriented; and stay away from the number requirements in the code /

Mayor Wolfe:

Prefers leaving the process more subjective and not restrict it by numbers.

Mayor Pro Tem Sipes:

- Supports the proposed code and encourage everyone not to get bogged down with the details
- Doesn't support using the numbers
- WR is unique so take a unique approach in evaluating the applications
- Must respect the residents in the neighborhoods /
- The priorities should include 1) how to correct the bad development pattern on the valley floor , 2) how to deal with the village at avon, 3) how does the town build from the center of town out

Mayor Wolfe opened the public hearing on the development and design standards and the following comments were made:

- ❖ Tripp Plavec: concerned about the landscaping requirements
- ❖ Mike Dantas: requests that the town address the residential by allowing for splitting some of the homes instead of fourplexes and duplexes; asked that the town possibly redefine the term duplex and asked why the town changed the rules when things weren't broken
- ❖ Chris Evans: supported the idea of creating opportunities for turning duplexes into single family lots

The public hearing was closed.

Further Council comments were made:

Mayor Pro Tem Sipes:

- ✓ Asked to review the WR design PUD guidelines

Councilor Reynolds:

- Asked that the landscaping guidelines include fire dept. language that would help with wildfire mitigation

Councilor Dantas:

- ✓ Asked that the town review the ERWSD water guidelines and incorporate those restrictions into Avon's code

Mayor Wolfe provided some concluding comments as follows:

- ❖ Many have described the "we want" at this time
- ❖ When writing the development code there must be thought placed on creating a balance between the residents, the town and the buyer
- ❖ Propose that the town wants to have performance based standards and maybe these are adopted separately;
- ❖ Review creating an opportunity for creating more single family homes instead of the multi unit properties duplexes

At this time Eric Heil, Town Attorney, presented the following development code chapters highlighting the content in the chapters:

- 7.04: General Provision
- 7.08: Definitions
- 7.12 Development Application Review Authority
- 7.16 Development Review Procedures

There was a review of the public input as it pertained to each section described above. Council provided input on various sections within each of the Chapters. Mayor Wolfe opened the public hearing to receive input on the discussions about the above referenced chapters.

- Dominic Mauriello: spoke about the role and intent of using the Comp Plan in the development code, he asked that there is a thorough review of how this document is used, as an advisory or regulatory document.

After some wrap up discussions, it was agreed to continue to the review the proposed development code chapter by chapter.

Councilor Carroll moved to continue until August 17, 2010 the public hearing and Ordinance NO. 10-14, Series of 2010, First Reading, An Ordinance Amending the Avon Municipal Code by Enacting Title 7, The Avon Development Code; Repealing Title 16: Subdivisions; Repealing Title 17: Zoning; and Repealing Portions of Title 2: Administration and Personnel. Mayor Pro Tem Sipes seconded the motion and it passed unanimously (Ferraro absent).

There being no further business to come before the Council, the regular meeting adjourned at 10:40 PM.

**RESPECTFULLY SUBMITTED:**

  
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 Patty McKenny, Town Clerk

**APPROVED:**

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