

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD SEPTEMBER 28, 2010**

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A regular meeting of the Town of Avon, Colorado was held at the Avon Town Hall, 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, Buz Reynolds, and Brian Sipes. 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, as well as other staff members and the public.

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

Mayor Wolfe noted the following agenda changes:

- ✓ Remove Sherman & Howard Engagement Letter until the next meeting
- ✓ Add Capital Improvement Project Presentation (was not completed during the work session)
- ✓ Attempt to impose a new meeting adjournment timeframe of 9 PM noting that any pending items would be tabled for a special meeting or the next regularly scheduled meeting
- ✓ Add formal vote to call up the "Master Sign Program for the Seasons Building" as presented in the work session

**COMMUNITY & CITIZEN INPUT**

- ✓ Jim Lemon asked about the dilapidated bridge in the Eagle River and asked if council was going to do anything about the dangerous situation that has been created. Staff was asked to review what might need to be done to correct the situation.
- ✓ James Van Beek, Candidate for Eagle County Sheriff in November 2010 Election, introduced himself.
- ✓ Ted Archibeque, running for County Surveyor, introduced himself and noted his background and tenure in Eagle County.
- ✓ Michael Lindholm asked about the noxious weed ordinance and commented on the financial matters memo in the packet noting that he was in disagreement about the 4) Accounts Receivable Balances Outstanding by Traer Creek Metro District

**CONSENT AGENDA**

Mayor Wolfe asked for a motion on the consent agenda noting that item b) would not be included on the list:

- b. Sherman & Howard Engagement Letter (Scott Wright, Asst. Town Manager Finance) Proposal for professional bond counsel services (to be included on 10/12/10 agenda)

Councilor Phillips moved to approve the consent agenda on the following two items; Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

- a. Minutes from September 14, 2010
- c. Resolution 10-20, Series of 2010, Resolution Approving an Encroachment Agreement with Holy Cross Energy for Improvements Related to the Avon Community Heat Recovery Project, Tract H, Block 2, Benchmark at Beaver Creek (Jeff Schneider, Project Engineer)

Councilor Phillips moved to approve item d) on the consent agenda; Councilor Ferraro seconded the motion and it passed unanimously (Carroll recused due to conflict of interest).

- d. Product & Service Purchase Agreement Contract with Imagine Technologies (Scott Wright, Asst. Town Manager Finance) Contract for purchase of the Avaya IP Office system

Mayor Pro Tem Sipes moved to appeal the P&Z approval of the Season's Master Sign Program so that the Town Council could review the decision to approve the program at its next regularly scheduled meeting on October 12, 2010. Councilor Ferraro seconded the motion and it passed unanimously.

#### **ORDINANCES**

**Public Hearing** 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 *Public Hearings held on July 27, 2010, August 10, 2010, August 17, 2010, August 24, 2010, August 31, 2010*

Sally Vecchio, Asst Town Manager Community Development, presented an overview of the proposed Development Code as adopted by the Planning & Zoning Commission. Topics discussed included the following:

- Employee Housing Mitigation (page 104); changes were recommended
- Duplex Lot Split Subdivisions (Wildridge); changes were recommended
- Design Standards

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

- ❖ Dominic Mauriello, Avon resident, no minimum lot requirements for duplex separation, 7.04.090: doesn't agree w/ comp plan as binding document, spoke about the other policy documents, parking requirements concerns
- ❖ Chuck Madison, East West Partners, submitted questions to town attorney, suggested that they would discuss their concerns with staff, many concerns with current language and whether or not it impacts their current development, the Westin Resort & Spa. Eric Heil confirmed that staff would meet with them and that a future public hearing would be held and their public input would be heard.
- ❖ Charles ?, requested that the town require applications be submitted electronically and digitally in 3-D

Mayor Wolfe closed the public hearing. He presented the topics that received attention during the discussion as follows:

- Housing mitigation in high residential areas
- Duplex subdivision regulations to be simplified, remove requirements, submitted for WR it would be plat approval form P&Z
- Comp plan and related planning documents, is it binding collection or advisory documents
- Parking requirements maximum issue
- Request other 3-D forms for applications;
- Board of Realtors letters was also reviewed

Council comments addressed some of the following:

- ✓ Address the duplex to single family subdivision separately and not within the town code
- ✓ Housing mitigation included as Alt. Equ Compliance review
- ✓ Comp plan needs to be binding
- ✓ PUD: eliminate setbacks and density limitations
- ✓ Parking is OK as is
- ✓ 7.04. (page 12: is this consistent with the emergency ordinance
- ✓ Cash in lieu definitions should be reviewed
- ✓ Comp plan definition seems static, should contemplate amending (page 29)

- ✓ Page 10/11: prefers that there is clarity for people about the comp plan
- ✓ Page 13: 7.04.120:
- ✓ Page 68: temporary suspension: doesn't agree with the suspension language; remove it
- ✓ Page 64 review period to 60 days
- ✓ Housing % is not acceptable to him

After these comments and in light of the suggested changes, Councilor Dantas moved to table 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. It was noted that the public hearing was continued until the October 12, 2010 regular meeting.

Ordinance No. 10-17, Series of 2010, First Reading, An Ordinance Authorizing the Execution of a Site Improvement Lease, a Lease Purchase Agreement, a Disclosure Certificate, an Escrow Agreement, a Preliminary Official Statement and Other Documents and Matters Relating to Certain Certificates.

Scott Wright, Asst Town Manager Finance, presented a review of documents used for issuance of bond proceeds from Certificates of Participation ("COPs") for refunding of outstanding COPs & issuance of additional proceeds to be used for capital improvements, including but not limited to the Swift Gulch Transit / Public Works Facility Project. Some of the topics reviewed included:

- ✓ the options were for a refunding of current COPs and issuance of "new money"
- ✓ the numbers related to the issuance
- ✓ reviewed the refinancing options

Questions were answered about how the town proceeds in light of transit grant awards.

It was noted that a step forward with a motion that evening would be in order to accomplish the refinance prior to the end of the year. Councilor Carroll moved to approve Ordinance Authorizing the Execution of a Site Improvement Lease, a Lease Purchase Agreement, a Disclosure Certificate, an Escrow Agreement, a Preliminary Official Statement and Other Documents and Matters Relating to Certain Certificates. Mayor Pro Tem Sipes seconded the motion and it passed with a four to two vote (Dantas, Reynolds – nay).

Jenny Strehler, Director PW&T, presented Ordinance No. 10-18, Series of 2010, First Reading, An Ordinance Adopting Local Designation of Noxious Weeds. She made a review of the proposed ordinance that allows for 30 day public notice period as well as amends the list to include several weeds designated by the State of Colorado for control or eradication. After some questions, Councilor Phillips moved to approve Ordinance No. 10-18, Series of 2010, First Reading, An Ordinance Adopting Local Designation of Noxious Weeds. Mayor Pro Tem Sipes seconded the motion and it passed unanimously. It was noted that the public hearing would be scheduled for October 12, 2010.

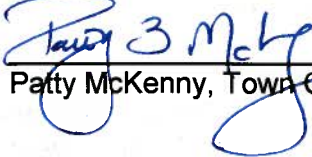
#### **MAYOR REPORT**

It was decided to hear the CIP update at the Budget retreat scheduled for October 12, 2010.

Mayor Wolfe noted that the multi party land exchange has been moved forward with the execution of documents and the initiation of land appraisals.

There being no further business to come before the Council, the regular meeting adjourned at approximately 9:30 PM.

**RESPECTFULLY SUBMITTED:**

  
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Patty McKenny, Town Clerk

**APPROVED:**

Rich Carroll

Dave Dantas



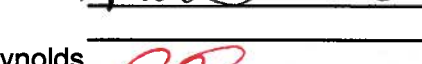

Kristi Ferraro

Amy Phillips

Albert "Buz" Reynolds

Brian Sipes

Ron Wolfe

  
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