

The regular meeting of the Vail Town Council was called to order at approximately 6:00 P.M. by Mayor Chapin.

Members present:	Dave Chapin, Mayor Jenn Bruno, Mayor Pro Tem Dick Cleveland Kim Langmaid Jen Mason Greg Moffet
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Absent:	Kevin Foley
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Staff members present:	Stan Zemler, Town Manager Matt Mire, Town Attorney Patty McKenny, Town Clerk
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1. Citizen Participation

- Rick Sackbauer, ERWSD and Vail resident, read a letter of support from Congressman Jared Polis about the wilderness designation. He spent a few minutes reviewing the work that has been done by various stakeholder groups, including ERWSD, on the legislation. Kim Langmaid thanked staff and board of ERWSD for their commitment to this process and drafting the legislation.
- New director at Children's Garden of Learning, Maggie Swonger, introduced herself and thanks the Town of Vail for its support with their facility.
- Jill Ryan, Eagle County Commissioner, addressed the group with her election platform for the upcoming November election

2. Proclamations

2.1. Proclamation No. 6, Series of 2016, In Recognition of the Styrofoam Stoppers for receiving the 2016 President's Environmental Youth Award as representatives of the EPA Region 8

Presenter(s): Kristen Bertuglia, Environmental Sustainability Manager

Background: In August 2016 Leadville students Nicole Caves, Hunter Dee, Clara Kirr, and Violet Hill, the "Styrofoam Stoppers" traveled to Washington D.C. to receive the President's Environmental Youth Award from President Obama in recognition of a program they implemented to eliminate the use of Styrofoam in their school district. As part of the Environmental Protection Agency's Region 8, the Town of Vail wishes to recognize the value of youth leadership and environmental stewardship demonstrated by the students and the work they did to reduce waste in the region, and set an example for all.

The proclamation was read into the record by Council Langmaid and recognition for the students was given with an award to the students.

3. Consent Agenda

3.1. Minutes from September 6, 2016 meeting

Moffet moved to approve the September 6, 2016 minutes; Bruno seconded the motion and it passed (4-0; Cleveland & Mason recused).

3.2. Minutes from September 20, 2016 meeting

Moffet moved to approve the September 6, 2016 minutes; Cleveland seconded the motion and it passed (5-0; Langmaid recused).

4. Town Manager Report

There was no report.

5. Presentations / Discussion

5.1. Public Access Television Update - Channel 5 gets new name, High Five Access Media, and website

Presenter(s): Jake Wolf, Board Member, J.K. Perry, Executive Director, Channel 5 Public Access Community TV (new name: High Five Access Media)

Background: Public Access TV5 is now High Five Access Media. The nonprofit has re-created itself with a new name, logo and website, www.highfivemedia.org, to show the community the creative opportunities at local access media. There was an invitation extended to the community to visit their new website and learn about all their programming and open house on the Oct. 28 at Agave.

5.2. Resolution Supporting Eagle County Ballot Issue 1A (Affordable Workforce Housing)

Presenter(s): Chris Romer, Vail Valley Partnership

Background: A "YES" vote on Issue 1A ensures our community can remain competitive to keep locals local, creating a funding source much like other resort communities including Summit County, Pitkin County, and Teton County, and addresses housing accessibility throughout Eagle County through a variety of affordable housing programs including down payment assistance and public-private partnerships. See attached possible uses of funds and FAQ's, or visit <http://voteyeson1a.com> for more details.

There was a presentation by Chris Romer with ample statistics and information presented about the region's housing shortage. Chapin noted the resolution would be scheduled for the Oct 18th meeting as an action item. There were questions and concerns expressed about how the funding and program would be implemented. Public input was invited; there was no input at this time.

6. Action Items

6.1. The Homestake Condos HOA is requesting permission to proceed through the development review process for a trash/recycle enclosure to be located in town-owned right-of-way.

Presenter(s): Brian Garner, Planner

Staff Recommendation: Staff recommends Town Council deny the applicant's request to proceed through the development review process.

There was no action taken on this item. The applicant was asked to explore alternative options to using the town's right of way for their structure. The site visit taken earlier in the day was an opportunity to review if there were other options on the property for locating the trash and recycle enclosure. Travis Coggin, Homestake at Vail Condominium Association Board member was present to submit their request; he noted the property has many limitations and other locations included escalated costs. While it was acknowledged that permission had been given to another condominium association, the preferred approach by council members was to store these enclosures on the private property.

6.2. Ordinance No. 16, Series of 2016, First Reading, Gross Residential Floor Area, an ordinance for a Prescribed Regulations Amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-15-3, Definition, Calculations, and Exclusions, Vail Town Code concerning the method for measuring Gross Residential Floor Area (GRFA) within the hillside residential (HR), single-family residential (SFR), two-family residential (R), two-family primary/secondary residential (PS), residential cluster (RC), low density multiple-family (LDMF), medium density multiplefamily (MDMF), high density multiple-family (HDMF), housing (H) and Vail Village Townhouse (VVT) districts, and setting forth details in regard thereto (PEC16-0024).

Presenter(s): Chris Neubecker, Planning Manager

Background: This is a proposal to clarify the existing policy on Gross Residential Floor Area (GRFA) by modifying the text of Section 12-15-3 Definition, Calculation, and Exclusions, Vail Town Code, relating to how Gross Residential Floor Area (GRFA) is calculated in the following zone districts: hillside residential (HR), single-family residential (SFR), two-family residential (R), two-family primary/secondary residential (PS), residential cluster (RC), low density multiple-family (LDMF), medium density multiplefamily (MDMF), high density multiple-family (HDMF), housing (H) and Vail Village Townhouse (VVT) districts. The proposed ordinance would clarify that the lowest level of a structure is the floor area with the lowest U.S.G.S. elevation, including any floor areas within six (6) vertical feet of the lowest level. Only the below grade portions of these floor areas would be eligible for the GRFA basement deduction. This is a clarification of an existing policy and existing code language; it is not an application to amend the regulations. Staff Recommendation: The Planning and Environmental Commission recommends the Vail Town Council approve Ordinance No. 16, Series of 2016 upon first reading.

Neubecker presented a summary of this information as presented in the town council packet memo. Chapin asked for public comment at this time and the following comments were made:

- Hans Berglund, Berglund Architects, addressed several components of the legislation. He suggested the code has section that is interpreted by staff, this section as one of the more common ones to interpret.
- Ron Bryne, Ron Byrne & Associates Real Estate, addressed the topic noting that this is not broken, so why fix it. He shared that staff has been successful in their interpretations over the course of time and the ability to review the submittals on a case by case basis has been very successful. He also suggested this topic is so confusing for property owners; this would only be more confusing and disappointing to those who wished to redevelop their properties. .

Public comment was closed at this time. Neubecker reiterated the legislation was not changing the policy but rather sets forth clarity to the policy for staff.

Cleveland moved to approve on first reading, Ordinance No. 16 Series of 2016, an ordinance for a Prescribed Regulation Amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-15-3, Definition, Calculations, and Exclusions, Vail Town Code concerning the method for measuring Gross Residential Floor Area (GRFA) within the hillside residential (HR), single-family residential (SFR), two-family residential (R), two-family primary/secondary residential (PS), residential cluster (RC), low density multiple-family (LDMF), medium density multiple-family (MDMF), high density multiple-family (HDMF), housing (H) and Vail Village Townhouse (VVT) districts, including that a multi-unit building shall be considered one structure, and setting forth details in regard, subject to findings as follows:

1. That the amendment is consistent with the applicable elements of the adopted goals, objectives and policies outlined in the Vail Comprehensive Plan and is compatible with the development objectives of the Town;
2. That the amendment furthers the general and specific purposes of the Zoning Regulations outlined in Section 12-1-2, Purpose, Vail Town Code; and
3. That the amendment promotes the health, safety, morals, and general welfare of the Town and promotes the coordinated and harmonious development of the Town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality."

Bruno seconded the motion and it passed (4-2; Mason, Moffet – no). George Ruther, Director of Community Development, spoke in support of the PEC recommendation and the language which would include the description of the floor levels "within six vertical feet of the lowest level" with a request the council reconsider including that language.

6.3. Ordinance No. 26, Series of 2016, First Reading, Regulation of Greenhouses and Hoop Houses

Presenter(s): Jonathan Spence, Planner

Background: It is the intent of the amendment to provide opportunities for residents to participate in growing food or ornamental crops within a minimal regulatory framework while reducing the potential impact on neighboring properties.

Spence noted the intent of the regulations was to provide opportunities to grow food or ornamental crops with minimal regulatory framework and minimum impact on neighbors. There was some discussion about the following:

- ✓ There was currently limited language in the code

- ✓ Was the growing of marijuana addressed? It was noted this could be addressed in the nuisance section

Public input was invited and no public input was given. Langmaid moved to approve Ordinance No. 26, Series of 2016, First Reading, Regulation of Greenhouses and Hoop Houses. Bruno seconded the motion. There was a suggestion to change the five feet height restriction to four feet height instead. The amendment was agreed to by Langmaid and Bruno. The motion passed (5-1; Moffet – no).

6.4. Ordinance No. 27, Series of 2016, First Reading, Code Amendments to Sections 12-2: Definitions, 12-11: Design Review, 12-14: Supplemental Regulations, 12-15: Gross Residential Floor Area, 12-16: Conditional Use Permits and 12-17: Variances related to the joint property owner submittal requirement.

Presenter(s): Jonathan Spence, Planner

Background: It is the intent of the amendment to clarify and codify existing standard operating procedures related to joint property owner submittal requirements.

Spence noted the current code language related to “when written approval of another property owner, owners or applicable owners’ association is required” is unclear. The existing language doesn’t adequately relay to a prospective applicant or property owner the circumstances when this approval is needed. This revision would create clarity in understanding when joint property owner approval is required. Public comment was invited and none was heard. There was discussion about the related process for joint notifications. Moffet moved to Ordinance No. 27 on first reading, Bruno seconded the motion and it passed (6-0).

7. Public Hearings

7.1. Ordinance No. 21, Series of 2016, Second Reading, An Ordinance Amending Title 5 of the Vail Town Code by the Addition Thereto of a New Chapter 15 Concerning the Regulation of Recreational Unmanned Aircraft Systems (DRONES)

Presenter(s): Craig Bettis, Commander, VPD

Background: Unmanned aircraft systems ("UAS"), commonly known as drones, are devices that are used or are intended to be used for flight in the air with no onboard pilot. The Town Council finds that recreational UAS, when operated within the Town and particularly in populated areas, present an appreciable risk to public safety in the air and to persons and property on the ground. The Town Council, pursuant to its authority to protect and secure the public health, safety and welfare of its citizens, desires to enact regulations for the use and operation of recreational UAS in the Town.

Bettis presented the ordinance for second reading noting the legislation was not about regulating commercial drones but rather regulating recreational drone use on public property in an effort to ensure safety for residents and guest on town property. He noted there were specific locations identified in the ordinance that would not allow this on public property, such as some parks, pedestrian ways, and near medical center. He noted some public input about the private use of drones over private property and what the legal ramifications would be; the town would not restrict use on private property. Public comments were invited at this time and Gwen Scalpello, resident, expressed concern about the allowing drones in the path of the flight for life

helicopters, requesting consideration for an inclusion of Meadow Drive between Lionshead and Vail Village, as property where drones would not be allowed. The public hearing was closed and a motion was made. Moffet moved to approve Ordinance No. 21, Series of 2016, Second Reading, An Ordinance Amending Title 5 of the Vail Town Code by the Addition Thereto of a New Chapter 15 Concerning the Regulation of Recreational Unmanned Aircraft Systems (DRONES) with an amendment to add Meadow Drive between Lionshead Vail Village. Mason seconded the motion and it passed (5-1; Cleveland opposed).

7.2. Ordinance No. 22, Series of 2016, Second Reading, An Ordinance Repealing and Reenacting Chapter 4 of Title 5 of the Vail Town Code, Concerning Smoking

Presenter(s): Dwight Henninger, Police Chief and Matt Mire, Town Attorney

Background: In 2006, the Colorado legislature passed the Colorado Clean Indoor Air Act, C.R.S. § 25-14-201, et seq. (the "CCIAA"), which provides that a municipality may enact, adopt, and enforce smoking regulations that are no less stringent than state law. The Town Council desires to repeal and reenact Chapter 4 of Title 5 of the Vail Town Code to comply with the CCIAA

Police Chief Henninger presented the ordinance with a brief explanation and noting the legislation was written so as to comply with current State of Colorado legislation, the Colorado Clean Indoor Act. Public comments were invited at this time. Local resident and business owner, Tommy Neyens, spoke about his concerns with enforcement and distance requirements. He preferred a 25 foot distance from businesses and an inclusion of this distance at bus stops. Some council members supported a 25 foot distance although it was suggested there would be unintended consequences with such a restriction. The Town Attorney offered to present more information at the next meeting about restricting more locations and providing the County's legislation, which was thought more restrictive. Moffet moved to table until Ordinance No. 22, Series of 2016, Second Reading, An Ordinance Repealing and Reenacting Chapter 4 of Title 5 of the Vail Town Code, Concerning Smoking until the October 18 meeting. Bruno seconded the motion and it passed (6-0).

There being no further business to come before the council, Moffet moved to adjourn the meeting and Bruno seconded the motion which passed (6-0) and the meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Patty McKenny, Town Clerk