



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, January 27, 2015; 7:30 PM

Town Hall Auditorium

I	CALL TO ORDER, ROLL CALL	
II	APPROVAL OF MINUTES - JANUARY 13, 2015	3
III	APPROVAL OF AGENDA	
IV	COMMUNICATIONS TO COUNCIL	
	A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)	
	B. RED, WHITE AND BLUE FIRE DISTRICT UPDATE	
V	CONTINUED BUSINESS	
	A. SECOND READING OF COUNCIL BILLS, SERIES 2015- PUBLIC HEARINGS	
	1. COUNCIL BILL NO. 1, SERIES 2015 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING RESERVED PARKING FOR PERSONS WITH DISABILITIES	8
	2. COUNCIL BILL NO. 2, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 3F OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE BY PROHIBITING THE FURNISHING OF CIGARETTES, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE; AND PROHIBITING THE POSSESSION OF CIGARETTES, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS BY PERSONS UNDER EIGHTEEN YEARS OF AGE; AND PROVIDING PENALTIES FOR VIOLATIONS OF SUCH PROHIBITIONS	18
	3. COUNCIL BILL NO. 3, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 9 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE; MAKING ELECTRONIC SMOKING DEVICES SUBJECT TO THE TOWN'S "SMOKING ORDINANCE"; AND AMENDING THE LIST OF INDOOR AND OUTDOOR AREAS OF THE TOWN WHERE SMOKING IS PROHIBITED	24
	4. COUNCIL BILL NO. 4, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 3 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE SALES TAX ORDINANCE," CONCERNING TAX EXEMPTIONS	32
VI	NEW BUSINESS	
	A. FIRST READING OF COUNCIL BILLS, SERIES 2015 - PUBLIC HEARINGS	
	1. COUNCIL BILL NO. 5, SERIES 2015 - AN ORDINANCE AMENDING SECTION 8-2-16 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE ENFORCEMENT OF THE TOWN OF BRECKENRIDGE SIGN ORDINANCE	36
	B. RESOLUTIONS, SERIES 2015	
	1. RESOLUTION NO. 5, SERIES 2015 - A RESOLUTION ABOLISHING THE TOWN OF BRECKENRIDGE PUBLIC ARTS COMMISSION	40
	2. RESOLUTION NO. 6, SERIES 2015 - A RESOLUTION ABOLISHING THE TOWN OF BRECKENRIDGE CULTURAL ARTS ADVISORY COMMITTEE	43
	C. OTHER	
VII	PLANNING MATTERS	
	A. PLANNING COMMISSION DECISIONS	45
	B. PLANNING COMMISSION REPORT (MR. BREWER)	

VIII REPORT OF TOWN MANAGER AND STAFF

*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

IX REPORT OF MAYOR AND COUNCILMEMBERS

- A. CAST/MMC (MAYOR WARNER)
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MS. LAWRENCE)
- C. GOBRECK (MS. WOLFE)
- D. BRECKENRIDGE HERITAGE ALLIANCE (MS. GIGLIELLO)
- E. WATER TASK FORCE (MR. GALLAGHER)
- F. CULTURAL ARTS ADVISORY COMMITTEE (MR. GALLAGHER AND MS. WOLFE)

X OTHER MATTERS

XI SCHEDULED MEETINGS

58

XII ADJOURNMENT

CALL TO ORDER, ROLL CALL

Mayor Warner called the meeting of January 13, 2015 to order at 7:34 pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. Lawrence, Mr. Burke, Ms. Wolfe, Ms. Gigliello and Mayor Warner.

APPROVAL OF MINUTES – DECEMBER 9, 2014

With no changes or corrections to the meeting minutes of December 9, 2014, Mayor Warner declared they would stand approved as submitted.

APPROVAL OF AGENDA

Mr. Holman stated there were no changes to the agenda.

COMMUNICATIONS TO COUNCIL

A. Citizen's Comment - (Non-Agenda Items ONLY: 3-minute limit please)

Mayor Warner opened Citizen's Comment.

Tom Vitalone, owner of 2Vs Landscaping company, stated he was present to speak about the McCain property. He also mentioned local projects he's been involved with in the past, and described the history of his business. He further stated he's been looking to find a large piece of land for the business, but without a lot of luck and his business provides a landscaping buffer in that area. Mr. Vitalone stated he would like Council to consider selling an acre or an acre and a half of that property, or consider a long-term lease on the property. Mayor Warner stated he agrees the property could be service commercial in that location and should be reconsidered for that use. Mayor Warner then stated he would like to continue the conversation.

There were no additional comments and Citizen's Comment was closed.

B. Red, White and Blue Fire District Update

Mr. Jay Nelson, Deputy Chief of the Red, White and Blue Fire District, was not present for the update. Mr. Gagen stated the Dillon Fire Chief resigned, and remarked there will be a report on the fire mitigation, and that Red, White and Blue is conducting background work on the fire mitigation effort.

C. GoBreck Update

Ms. Lucy Kay, Director of GoBreck, offered congratulations on the opening of the Breckenridge Grand Vacations Community Center. She then referenced a new visitors guide, copies of which she gave to Council at the meeting.

Ms. Kay stated the Welcome Center is going through some upgrades including televisions, brochure racks and ipads installed permanently, as well as signs and uniforms for staff. She also stated they are looking to leverage more retail space.

Ms. Kay stated a "Shop Hop" took place on Black Friday, and the next one will be around Valentines' Day. Also, the new website is up and it works with every kind of device. She further stated Snowsculpture is coming together and will be a co-production between Breck Creative Arts and GoBreck. Ms. Kay stated GoBreck has hired a new events position, and recent media highlights include CondeNast, Cheapflights.com, and regional markets airing B-roll. She also mentioned a German Cycling magazine with a picture of Jens Voigt in his Ullr Helmet at the Pro Challenge.

Ms. Kay stated the audit is being moved up to April from June, and in research, the focus is on more frequent reporting through RRC intercept surveys. Results indicate 27% of respondents booked their lodging through VRBOs, and she stated she will send the report to Council. She also stated the biggest geographic market is Texas. Mr. Burke asked if the survey addressed the quality of lodging, and Ms. Kay stated it does not. As for occupancy, Ms. Kay stated December was up 6% over last year, reaching more than 90% occupancy for the 6 days around Christmas. She also stated that by the end of this month, lodging should have 85% of bookings for the season recorded. Also, Ms. Kay stated summer looks good but numbers are too small at this time to make any conclusions.

CONTINUED BUSINESS

A. Second Reading of Council Bills, Series 2015 - Public Hearings

NEW BUSINESS

A. First Reading of Council Bills, Series 2015 - Public Hearings

1. COUNCIL BILL NO. 1, SERIES 2015 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING RESERVED PARKING FOR PERSONS WITH

DISABILITIES

Mayor Warner read the title into the minutes. Chief Haynes stated this ordinance amends the current ordinance to allow handicap parking for up to four hours, clarifies fines for violations and adds the opportunity to address fake placards, among other things.

Mayor Warner opened the public hearing for first reading. There were no comments and the public hearing was closed.

Mr. Gallagher moved to approve COUNCIL BILL NO. 1, SERIES 2015 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING RESERVED PARKING FOR PERSONS WITH DISABILITIES. Mr. Burke seconded the motion. The motion passed 7-0.

2. COUNCIL BILL NO. 2, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 3F OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE BY PROHIBITING THE FURNISHING OF CIGARETTES, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE; AND PROHIBITING THE POSSESSION OF CIGARETTES, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS BY PERSONS UNDER EIGHTEEN YEARS OF AGE; AND PROVIDING PENALTIES FOR VIOLATIONS OF SUCH PROHIBITIONS

Mayor Warner read the title into the minutes. Chief Haynes stated this ordinance would amend the current ordinance to fall in line with State Statute changes, and Council's desire to add a definition of e-smoking devices to this ordinance as well.

Mayor Warner opened the public hearing for first reading. There were no comments and the public hearing was closed.

Ms. Gigliello moved to approve COUNCIL BILL NO. 2, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 3F OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE BY PROHIBITING THE FURNISHING OF CIGARETTES, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE; AND PROHIBITING THE POSSESSION OF CIGARETTES, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS BY PERSONS UNDER EIGHTEEN YEARS OF AGE; AND PROVIDING PENALTIES FOR VIOLATIONS OF SUCH PROHIBITIONS. Mr. Gallagher seconded the motion. The motion passed 7-0.

3. COUNCIL BILL NO. 3, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 9 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE; MAKING ELECTRONIC SMOKING DEVICES SUBJECT TO THE TOWN'S "SMOKING ORDINANCE"; AND AMENDING THE LIST OF INDOOR AND OUTDOOR AREAS OF THE TOWN WHERE SMOKING IS PROHIBITED

Mayor Warner read the title into the minutes, noting reference to the revised version handed out by Mr. Berry that removes the word "dining" in several locations. Chief Haynes stated this ordinance updates indoor and outdoor smoking restrictions, and includes electronic smoking devices. Mayor Warner clarified that the new restriction would include indoor and outdoor space, 10 feet from doorways or patios. He further stated that he realizes this ordinance will affect a variety of businesses, but gets Breckenridge mostly in line with many cities in Colorado and State Statute.

Mayor Warner opened the public hearing for first reading. There were no comments and the public hearing was closed.

Ms. Lawrence moved to approve COUNCIL BILL NO. 3, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 9 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE; MAKING ELECTRONIC SMOKING DEVICES SUBJECT TO THE TOWN'S "SMOKING ORDINANCE"; AND AMENDING THE LIST OF INDOOR AND OUTDOOR AREAS OF THE TOWN WHERE SMOKING IS PROHIBITED. Mr. Gallagher seconded the motion. The motion passed 7-0.

4. COUNCIL BILL NO. 4, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 3 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE SALES TAX ORDINANCE," CONCERNING TAX EXEMPTIONS

Mayor Warner read the title into the minutes. Mr. Brian Waldes, Finance

Manager, stated this ordinance makes three changes to our sales tax exemption ordinance.

Mayor Warner opened the public hearing for first reading. There were no comments and the public hearing was closed.

Ms. Wolfe moved to approve COUNCIL BILL NO. 4, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 3 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE SALES TAX ORDINANCE," CONCERNING TAX EXEMPTIONS. Ms. Gigliello seconded the motion. The motion passed 7-0.

B. Resolutions, Series 2015

1. RESOLUTION NO. 1, SERIES 2015 - A RESOLUTION CONCERNING A HOUSING AUTHORITY FOR THE TOWN OF BRECKENRIDGE, COLORADO

Mayor Warner read the title into the minutes. Mr. Berry stated it is recommended that the Town create its own Housing Authority for the development of Pinewood 2. It is staff's recommendation that Council proceed with the creation of the Housing Authority not just for this project, but for housing projects in the future as well. Also, he stated the governing board of the Authority will be the Council for now due to timing concerns.

Mayor Warner opened the public hearing. There were no comments and he closed the public hearing.

Mr. Brewer moved to approve RESOLUTION NO. 1, SERIES 2015 - A RESOLUTION CONCERNING A HOUSING AUTHORITY FOR THE TOWN OF BRECKENRIDGE, COLORADO. Mr. Burke seconded the motion. The motion passed 7-0.

2. RESOLUTION NO. 2, SERIES 2015 - A RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DENSITY SUNSET COVENANT (For the Maggie Point Attainable Workforce Housing Project)

Mayor Warner read the title into the minutes. Mr. Berry stated it is recommended that the Town create its own Housing Authority for the development of Pinewood 2. It is staff's recommendation that Council proceed with the creation of the Housing Authority not just for this project, but for housing projects in the future as well. Also, he stated the governing board of the Authority will be the Council for now due to timing concerns.

Mayor Warner opened the public hearing. There were no comments and he closed the public hearing.

Mr. Brewer moved to approve RESOLUTION NO. 2, SERIES 2015 - A RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DENSITY SUNSET COVENANT (For the Maggie Point Attainable Workforce Housing Project). Ms. Gigliello seconded the motion. The motion passed 7-0.

3. RESOLUTION NO. 3, SERIES 2015 - A RESOLUTION CONCERNING THE EMPLOYMENT OF SPECIAL COUNSEL IN CONNECTION WITH THE PINWOOD II HOUSING PROJECT

Mayor Warner read the title into the minutes. Mr. Holman stated it's necessary for the Town to hire special counsel with regard to the development of Pinewood 2. This resolution would ratify the action of hiring, and gives authority to the Town Manager to hire more people for this purpose as necessary. Mayor Warner opened the public hearing.

Mayor Warner opened the public hearing. There were no comments and he closed the public hearing.

Mr. Gallagher moved to approve RESOLUTION NO. 3, SERIES 2015 - A RESOLUTION CONCERNING THE EMPLOYMENT OF SPECIAL COUNSEL IN CONNECTION WITH THE PINWOOD II HOUSING PROJECT. Ms. Wolfe seconded the motion. The motion passed 7-0.

4. RESOLUTION NO. 4, SERIES 2015 - A RESOLUTION RATIFYING AND APPROVING THE TOWN MANAGER'S ACQUISITION OF CERTAIN REAL PROPERTY (Partial Interest in Kingfisher MS #4913, Little Erney MS#4913, Kit Carson MS#4913, Belle MS#4913, and Gladstone MS #4734)

Mayor Warner read the title into the minutes. Mr. Berry stated this resolution would ratify and confirm the closing of the transaction of a half interest purchase of these claims with the County.

Mayor Warner opened the public hearing. There were no comments and he closed the public hearing.

Ms. Gigliello moved to approve RESOLUTION NO. 4, SERIES 2015 - A RESOLUTION RATIFYING AND APPROVING THE TOWN MANAGER'S ACQUISITION OF CERTAIN REAL PROPERTY (Partial Interest in Kingfisher MS #4913, Little Erney MS#4913, Kit Carson MS#4913, Belle MS#4913, and Gladstone MS #4734). Mr. Gallagher seconded the motion. The motion passed 7-0.

- C. Other

PLANNING MATTERS

- A. Planning Commission Decisions
With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions would stand approved as presented.
- B. Planning Commission Report (Mr. Brewer)
Mr. Brewer stated the minutes reflect his report.

REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated he had no report.

REPORT OF MAYOR AND COUNCILMEMBERS

- A. Cast/MMC (Mayor Warner)
Mr. Warner stated his report was previously distributed to Council.
- B. Breckenridge Open Space Advisory Committee (Ms. Lawrence)
Ms. Lawrence stated the Open Space Advisory Committee hosted the most volunteers ever last year, and the B&B portal is now a more active portal than Sally Barber. Also, she stated reed canary grass is a newly identified grass that needs to be eradicated in Cucumber Gulch, and the committee reviewed grant opportunities and referral letters in regard to Taylor Load and the Monte Cristo Road.
- C. GoBreck (Ms. Wolfe)
Ms. Wolfe stated Ms. Kay covered the report.
- D. Breckenridge Heritage Alliance (Ms. Gigliello)
Ms. Gigliello stated she emailed an update to Council members, and they recently opened the archive room opening at the BGVCC. She further stated this room may only be open by appointment with an archivist.
- E. Water Task Force (Mr. Gallagher)
Mr. Gallagher stated that on behalf of the Council he extended thoughts to the San District, including thanks for the letter dated December 19, offering to help resolve the water case issue. He further stated the Task Force decided to table the letter until they concluded negotiations with the Water Board. Mr. Gallagher stated it was Council's goal to get to the point where there's a high degree of certainty that there is safe and secure water through build out. Also with the inclusion case concerning the Claimjumper, there was a decision to move forward to include Claimjumper.
- F. Cultural Arts Advisory Committee (Mr. Gallagher and Ms. Wolfe)
Mr. Gallagher stated the next meeting is Monday the 19th. He also stated Michael Lundin, Board President, has offered to sit with Council members one-on-one to share thoughts about Breckenridge Creative Arts.

OTHER MATTERS

Ms. Wolfe stated there is a big concern about flushing old prescriptions down the toilet. She further stated there is concern about prescription drop-off locations, and the Town needs to continue to look at new ways to handle old prescription drugs. Also, she stated everyone should consider electronics drop-offs at the landfill, and the separation of glass for recycling and she believes we need to be pro-active in giving feedback to the County about what the new recycling center should look like and what it should include. Mayor Warner stated an overhead shelter would be a nice addition to the yard, in addition to a fenced area. Mr. Gallagher stated some early designs included a drive-through area with better accessibility and coverage. Ms. Wolfe stated she will contact Thad Noll at the

County to better understand what those initial plans look like.

Mr. Holman stated regarding the Xcel gas leak, they think the problem has been located, and they will plan to come in when there is better weather to work on the lines more. The street opened Saturday morning, and Xcel is waiting to get consistent 0 readings for several days before they remove the equipment. Mr. Burke stated he thinks the Town should help the local businesses involved. Mr. Holman stated Xcel established a claims number and tried to streamline the process for filing claims. He further stated there has been a positive response from their staff in the field, but he would give them a low grade for overall communication with the Town.

Mr. Burke stated the sidewalk by Amazing Grace is closed and he is concerned as the Town wouldn't allow that anywhere else. Mr. Tom Daugherty, Public Works Director, stated the main concern is the falling snow from the roof, and that sidewalk is closed every year due to that danger. Mayor Warner stated he's a part owner of that building with Steve West and there doesn't seem to be a good solution to that problem. Mr. Burke asked if a heated sidewalk could work, and Mr. Daugherty stated if the building owner spent money on it, there may be a solution. Mayor Warner stated maybe Town could get rid of that sidewalk altogether.

Mr. Burke stated he believes there should be plaque in the front of the Breckenridge Grand Vacations Community Center building commemorating who served in the Town and County when it was created. Mayor Warner asked Mr. Holman to look into it.

Mr. Brewer asked why Team Breck can't get regular a practice area at the Ski Area. Mayor Warner stated he believes it's a business decision, and has tried speaking with Patt Campbell about it. Other communities have good winter sports clubs for the whole community. Mayor Warner stated he thinks we should work on this, and the support of youth should be one of the Council's top ten priorities.

Ms. Gigliello stated she was concerned about the article about animal abuse in the Summit Daily News on Friday. Mr. Holman stated the Sheriff's Office won't release details about an internal investigation.

Mayor Warner stated he's still concerned about dog poop bags on trails.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:08 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

John Warner, Mayor

MEMO

TO: Town Council
FROM: Town Attorney
RE: Council Bill No. 1 (Revised Handicapped Parking Ordinance)
DATE: January 20, 2015 (for January 27th meeting)

The second reading of the revised Handicapped Parking Ordinance is scheduled for your meeting on January 27th. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 ***FOR WORKSESSION/SECOND READING – JAN. 27***

2
3 ***NO CHANGE FROM FIRST READING***

4
5 Additions To The Current Breckenridge Town Code Are
6 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

7
8 COUNCIL BILL NO. 1

9
10 Series 2015

11
12 AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010
13 EDITION, CONCERNING RESERVED PARKING FOR PERSONS WITH DISABILITIES

14
15 WHEREAS, Section 42-4-110(1)(b), C.R.S., authorizes local authorities to adopt by
16 reference a model traffic code embodying the rules of the road and vehicle requirements set forth
17 in Article 4 of Title 42, C.R.S., and such additional local regulations as are provided for in
18 Section 42-4-111, C.R.S.; and

19
20 WHEREAS, the Town of Breckenridge has adopted (and amended) the Model Traffic
21 Code For Colorado, 2010 edition, as the Traffic Code for the Town; and

22
23 WHEREAS, Section 1208 of the Model Traffic Code For Colorado, 2010 edition, deals
24 with parking privileges for persons with disabilities; and

25
26 WHEREAS, Section 1208 of the Model Traffic Code For Colorado, 2010 edition, is the
27 local counterpart of Section 42-4-1208, C.R.S.; and

28
29 WHEREAS, the Colorado legislature recently adopted and the Governor signed into law
30 HB14-1029, entitled “An Act Concerning a Recodification of Laws Governing Reserved Parking
31 For Persons With Disabilities, And, In Connection Therewith, Making and Reducing
32 Appropriations”; and

33
34 WHEREAS, among other actions, HB14-1029 repealed and reacted with changes Section
35 42-4-1208, C.R.S.; and

36
37 WHEREAS, the Town Council finds, determines, and declares that Section 1208 of the
38 Model Traffic Code For Colorado, 2010 edition, should be amended as set forth in this
39 ordinance.

40
41 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
42 BRECKENRIDGE, COLORADO:

1 Section 1. The unnumbered paragraph of Section 7-1-2 of the Breckenridge Town Code
2 that amends Section 1208 of the Model Traffic Code For Colorado, 2010 edition, is repealed
3 and readopted with changes to read as follows:
4

5 **Section 1208 of the adopted code is amended to read in its entirety as follows:**

6
7 **1208. Reserved parking for persons with disabilities - applicability - rules.**

8
9 **(1) Definitions. As used in this section:**

10 (a) **“Department of Revenue” means the Colorado Department of Revenue.**

11 (b) **“Disability” or “disabled” has the same meaning as set forth in Section 42-3-204,**
12 **C.R.S.**

13 (c) **“Holder” means a person with a disability who has lawfully obtained an**
14 **identifying plate or placard.**

15 (d) **“Identifying figure” has the same meaning as set forth in Section 42-3-**
16 **204, C.R.S.**

17 (e) **“Identifying placard” has the same meaning as set forth in section 42-3-**
18 **204,C.R.S.**

19 (f) **“Identifying plate” has the same meaning as set forth in Section 42-3-204,**
20 **C.R.S.**

21 (g) **“Reserved parking” means a parking space reserved for a person with a**
22 **disability.**

23 **(2) Use of Plate or Placard.**

24 (a) **A person with a disability may use reserved parking on public property**
25 **or private property if the person displays an identifying plate or placard**
26 **while using reserved parking.**

27 (b) **When an identifying placard is used for reserved parking, the driver of**
28 **the parked motor vehicle shall ensure that the front of the identifying**
29 **placard is legible and visible through the windshield when viewed from**
30 **outside the vehicle. The driver shall hang the placard from the rear-view**
31 **mirror unless a rear-view mirror is not available or the individual is**
32 **physically unable to hang the placard from the rear-view mirror. If the tag is**
33 **not hung from the rear-view mirror, the driver shall display it on the**
34 **dashboard.**

1 (c) A person with a disability who is a resident of a state other than Colorado may
2 use reserved parking in the Town if the motor vehicle displays an identifying plate
3 or placard issued by a state other than Colorado, and if:

4 (I) The identifying plate or placard is currently valid in the state of issuance and
5 meets the requirements of 23 CFR 1235; and

6 (II) The holder has not been a resident in Colorado for more than ninety days.

7 (d) A motor vehicle with an identifying plate or a placard may be parked in
8 public parking areas along public streets or in private parking lots within the
9 Town regardless of any time limitation imposed upon parking in the area;
10 provided, however, no such vehicle may be parked in any reserved parking
11 on any public street within the Town for more than four consecutive hours.
12 The Town shall clearly post the appropriate time limits in the area(s) of the
13 Town where the four hour parking limitation is applicable. The ability to
14 park notwithstanding parking limitations does not apply to areas in which:

15 (I) Stopping, standing, or parking of all vehicles is prohibited;

16 (II) Only special vehicles may be parked; or

17 (III) Parking is not allowed during specific periods of the day in order to
18 accommodate heavy traffic.

19 (e) (I) The owner of public or private property within the Town may request the
20 installation of official signs or pavement markings identifying reserved parking
21 spaces. The request operates as a waiver of any objection the owner may assert
22 concerning enforcement of this section by a peace officer or a community service
23 officer. A peace officer or a community service officer may enforce this section on
24 private property notwithstanding any provision of law to the contrary.

25 (II)(A) The number and placement of accessible parking spaces should meet or
26 exceed Section 1106 of Chapter 11 of the 2012 (Second Printing) version of the
27 International Building Code, or any succeeding standard, published by the
28 International Code Council.

29 (B) The technical standards for accessible parking spaces should meet or exceed
30 section 502 of the 2009 version of ANSI A117.1, or any succeeding standard,
31 published by the International Code Council.

32 (C) Access aisles should post a “Wheelchair Access Aisle Absolutely No Parking”
33 sign, which blocks neither the access aisle nor accessible routes.

34 (D) The technical standards for post- or wall-mounted signs indicating accessible
35 parking spaces and van-accessible parking spaces should meet or exceed section

1 2B.46 concerning parking, standing, and stopping signs and section 2B.47
2 concerning design of parking, standing, and stopping of the 2009 version of the
3 Manual on Uniform Traffic Control Devices, or any succeeding standard, published
4 by the United States Federal Highway Administration.

5 (III) The owner of real property within the Town with multi-family residential
6 dwellings affixed and with reserved parking shall retain the reserved parking as
7 commonly owned for the tenants, owners, or visitors of the individual units within
8 the dwellings. This subparagraph (III) does not prohibit the sale of all commonly
9 owned property so long as the reserved parking is not severed from the other
10 elements.

11 (IV) A person shall not impose restrictions on the use of disabled parking unless
12 specifically authorized by a statute of Colorado and a resolution or ordinance duly
13 adopted by the Town Council of the Town, and notice of the restriction is
14 prominently posted by a sign clearly visible at the parking space.

15 (3) Misuse of Reserved Parking.

16 (a) A person without a disability shall not park in a parking space on public
17 or private property that is clearly identified by an official sign or by visible
18 pavement markings as being reserved parking or as being a passenger
19 loading zone unless:

20 (I) The person is parking the vehicle for the direct benefit of a person with a
21 disability to enter or exit the vehicle while it is parked in the reserved parking space; and

22 (II) An identifying plate or placard obtained under or authorized by Section 42-3-
23 204, C.R.S., is displayed in or on the vehicle if the license plate or placard is currently valid
24 or has expired less than one month before the day the person used the reserved parking.

25 (b)(I) A person, after using a reserved parking space that has a time limit, shall not
26 switch motor vehicles or move the motor vehicle to another reserved parking space
27 within one hundred yards of the original parking space within the same eight hours
28 in order to exceed the time limit.

29 (II)(A) Parking in a time-limited reserved parking space for more than three hours
30 for at least three days a week for at least two weeks creates a rebuttable
31 presumption that the person is violating this paragraph (b).

32 (B) This subparagraph (II) does not apply to privately owned parking spaces.

33 (c) A person shall not use reserved parking for a commercial purpose unless:

34 (I) The purpose relates to transacting business with a business the reserved parking
35 is intended to serve; or

1 (II) The owner of private property consents to allow the use.

2 (d)(I) An employee of an entity shall not use an identifying placard issued to the
3 entity unless the employee is transporting persons with disabilities.

4 (II) For a violation of this paragraph (d), the chief operations officer within
5 Colorado of the entity to whom the placard or plate was issued and the
6 offending employee are each subject to the penalties established by the
7 municipal judge.

8 (III) (A) It is an affirmative defense to a violation of this paragraph (d) for
9 the chief operations officer within Colorado that the entity enforces an
10 internal policy controlling access to and use of identifying placards issued to
11 the entity.

12 (B) If the placard used is expired by operation of Section 42-3-204 (6) (f),
13 C.R.S., it is an affirmative defense to a violation of this paragraph (d) that
14 the person did not know the placard was expired if the person who used the
15 placard was the person to whom it was issued.

16 (e) (I) A person who violates paragraph (a) of this Subsection (3) shall be punished
17 by a fine of \$100.00; provided, however, that any person who violates paragraph (a)
18 of this Subsection (3) by parking a vehicle owned by or leased to a commercial
19 carrier as defined in subsection (15) of the appendix to this code (Definitions) shall
20 be punished by a fine of \$200.00.

21 (II) A person who violates paragraphs (b) to (d) of this Subsection (3) shall be
22 punished by a fine of \$100.00..

23 (4) Blocking Access.

24 (a) Regardless of whether a person displays an identifying plate or placard, a person
25 shall not park a vehicle so as to block reasonable access to curb ramps, passenger
26 loading zones, or accessible routes, as identified in 28 CFR Part 36 Appendix A, that
27 are clearly identified unless the person is actively loading or unloading a person
28 with a disability.

29 (b) A person who violates this subsection (4) shall be punished by a fine of
30 \$100.00..

31 (5) Fraud and Trafficking.

32 (a) It is unlawful for a person to:

33 (I) Knowingly and fraudulently obtain, possess, use, or transfer an identifying
34 placard issued to a person with a disability;

1 (II) Knowingly make, possess, use, alter, or transfer what purports to be, but is not,
2 an identifying placard; or

3 (III) Knowingly create or use a device intended to give the impression that it is an
4 identifying placard when viewed from outside the vehicle.

5 (b) It is unlawful and a misdemeanor municipal offense for any person to violate
6 any provision of this subsection (5). Any person convicted of having violated any
7 provision of this subsection (5) shall be punished by a minimum fine of \$999. No
8 portion of such fine may be suspended by the Municipal Judge.

9
10 (6) Enforcement of Reserved Parking.

11 (a) A peace officer or a community service officer may check the
12 identification of a person using an identifying plate or placard in order to
13 determine whether the use is authorized.

14 (b)(I) A peace officer or a community service officer may confiscate an identifying
15 placard that is being used in violation of this section.

16 (II) The peace officer or a community service officer shall send a confiscated
17 placard to the Department of Revenue unless it is being held as evidence for
18 prosecution of a violation of this section. If the tag is being held as evidence, the
19 peace officer or a community service officer shall notify the Department of Revenue
20 of the confiscation and pending charges.

21 (III) The Department of Revenue shall hold and may dispose of a confiscated
22 placard in accordance with Section 42-4-1208(6)(b)(III), C.R.S.

23 (c) A peace officer or a community service officer may investigate an
24 allegation that a person is violating this section.

25 (d) A person who observes a violation of this section may submit evidence,
26 including a sworn statement, concerning the violation to any law
27 enforcement agency.

28 (e)(I) A peace officer or a community service officer may issue a penalty assessment
29 notice for a violation of paragraph (b), (c), or (d) of subsection (3) of this section by
30 sending it by certified mail to the registered owner of the motor vehicle. The officer
31 shall include in the penalty assessment notice the offense or infraction, the time and
32 place where it occurred, and a statement that the payment of the penalty assessment
33 and a surcharge is due within twenty days after the issuance of the notice. The
34 municipal court receives payment of the penalty assessment by the due date if the
35 payment is received or postmarked by the twentieth day after the vehicle owner
36 received the penalty assessment notice.

1 (II) If the penalty assessment and surcharge are not paid within twenty days after
2 the date the vehicle owner receives the assessment notice specified in subparagraph
3 (I) of this paragraph (e), the peace officer or community service officer who issued
4 the original penalty assessment notice shall file a complaint with a the municipal
5 court and issue and serve upon the registered owner of the vehicle a summons to
6 appear in court at the time and place specified.

7 (f)(I) The municipal court shall send certification of the entry of judgment for each
8 violation of paragraph (b), (c), or (d) of subsection (3) of this section to the
9 department.

10 (II) Upon receipt of certification of an entry of judgment for a violation of
11 paragraph (b), (c), or (d) of subsection (3) of this section, the Department of
12 Revenue shall not register the person's vehicle until all fines imposed for the
13 violations have been paid to the Town as provided in Section 42-4-1208(6)(f)(II),
14 C.R.S.

15 (III) Upon receipt of certification or independent verification of an entry of
16 judgment, the Department of Revenue shall revoke an identifying plate or placard
17 as provided in section 42-3-204 (7) (d), C.R.S., as provided in Section 42-4-
18 1208(6)(f)(III), C.R.S.

19 (g)(I) Notwithstanding any other provision of this section to the contrary, a holder is
20 liable for any penalty or fine for any misuse of an identifying plate or placard,
21 including the use of such plate or placard by any person other than a holder, unless
22 the holder furnishes sufficient evidence that the identifying plate or placard was, at
23 the time of the violation, in the care, custody, or control of another person without
24 the holder's knowledge or consent.

25 (II) A holder may avoid the liability described in subparagraph (I) of this
26 paragraph (g) if, within a reasonable time after notification of the violation, the
27 holder furnishes to the Town prosecutor or the Police Department the name and
28 address of the person who had the care, custody, or control of the identifying plate
29 or placard at the time of the violation or the holder reports the license plate or
30 placard lost or stolen to both the Police Department and the department.

31 (h) An employer shall not forbid an employee from reporting violations of this
32 section. A person shall not initiate or administer any disciplinary action against an
33 employee because the employee notified the authorities of a possible violation of this
34 section if the employee has a good-faith belief that a violation has occurred.

35 (i) A landlord shall not retaliate against a tenant because the tenant notified
36 the authorities of a possible violation of this section if the tenant has a good-
37 faith belief that a violation has occurred.

1 **(j) In order to stop a vehicle from blocking access or illegally using reserved**
2 **parking, a peace officer or a community service officer may order a vehicle**
3 **that is used to violate this subsection to be towed to an impound lot or a**
4 **vehicle storage location. The peace officer shall verify that the vehicle has not**
5 **been stolen and report the fact of the tow to the Department of Revenue in**
6 **accordance with Section 42-4-1804, C.R.S.**

7 **(k) [INTENTIONALLY OMITTED]**

8 Section 2. The repeal and readoption of Section 1208 of the Model Traffic Code For
9 Colorado, 2010 edition, as provided in this ordinance, shall not affect or prevent the prosecution
10 or punishment of any person for any act done or committed in violation of Section 1208 of
11 Model Traffic Code For Colorado, 2010, as it existed prior to the this ordinance taking effect.

12
13 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the
14 various secondary codes adopted by reference therein, shall continue in full force and effect.

15
16 Section 4. The Town Council hereby finds, determines and declares that this ordinance
17 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,
18 and improve the order, comfort and convenience of the Town of Breckenridge and the
19 inhabitants thereof.

20
21 Section 5. The Town Council hereby finds, determines and declares that it has the power
22 to adopt this ordinance pursuant to: (i) Section 42-4-110(1)(a), C.R.S.; (ii) Section 42-4-
23 111(1)(A), C.R.S; (iii) Section 42-4-1208, C.R.S.; (iv) Section 31-15-103, C.R.S. (concerning
24 municipal police powers); (v) Section 31-15-401, C.R.S.(concerning municipal police powers);
25 (vi) the authority granted to home rule municipalities by Article XX of the Colorado
26 Constitution; and (vii) the powers contained in the Breckenridge Town Charter.

27
28 Section 6. This ordinance shall be published as provided by Section 5.9 of the
29 Breckenridge Town Charter.

30
31 Section 7. The ordinance shall not become effective with respect to any state highway
32 located within the corporate limits of the Town of Breckenridge until it has been approved by
33 the Colorado Department of Transportation pursuant to Sections 42-4-110(1)(e) and 43-2-
34 135(1)(g), C.R.S.

35
36 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
37 PUBLISHED IN FULL this ____ day of _____, 2015. A Public Hearing shall be held at the
38 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of
39 _____, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
40 Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
John G. Warner, Mayor

ATTEST:

Helen Cospolich
Town Clerk

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MEMO

TO: Town Council
FROM: Town Attorney
RE: Council Bill No. 2 (Minors and Tobacco Ordinance)
DATE: January 20, 2015 (for January 27th meeting)

The second reading of the ordinance updating the Town's laws concerning minors and tobacco is scheduled for your meeting on January 27th. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 **FOR WORKSESSION/SECOND READING – JAN. 27**

2
3 **NO CHANGE FROM FIRST READING**

4
5 Additions To The Current Breckenridge Town Code Are
6 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

7
8 COUNCIL BILL NO. 2

9
10 Series 2015

11
12 AN ORDINANCE AMENDING CHAPTER 3F OF TITLE 6 OF THE BRECKENRIDGE
13 TOWN CODE BY PROHIBITING THE FURNISHING OF CIGARETTES, TOBACCO
14 PRODUCTS, AND NICOTINE PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF
15 AGE; AND PROHIBITING THE POSSESSION OF CIGARETTES, TOBACCO PRODUCTS,
16 AND NICOTINE PRODUCTS BY PERSONS UNDER EIGHTEEN YEARS OF AGE; AND
17 PROVIDING PENALTIES FOR VIOLATIONS OF SUCH PROHIBITIONS

18
19 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
20 COLORADO:

21
22 Section 1. Sections 6-3F-12 and 6-3F-13 of the Breckenridge Town Code are repealed.

23
24 The repealed sections read as follows:

25
26 **6-3F-12: UNLAWFUL PURCHASING OF CIGARETTES BY UNDERAGE**
27 **PERSON:**

28
29 It shall be unlawful for any person who is under the age of eighteen (18) years to
30 purchase any cigarettes or tobacco products.

31
32 **6-3F-13: UNLAWFUL SALE OF CIGARETTES TO UNDERAGE PERSON:**

33
34 It shall be unlawful for any person to sell, give away, dispose of, exchange, or
35 deliver, or to permit the sale, giving away, disposal, exchange, or delivery of
36 cigarettes or tobacco products to or for any person under the age of eighteen (18)
37 years. This offense is a strict liability offense.

38
39 Section 2. Chapter 3F of Title 6 of the Breckenridge Town Code is amended by the
40 addition of a new Section 6-3F-12, which shall read in its entirety as follows:

41
42 **6-3F-12: FURNISHING CIGARETTES, TOBACCO PRODUCTS, OR**
43 **NICOTINE PRODUCTS TO MINORS PROHIBITED:**

1 (1) (a) As used in this section, “cigarette, tobacco product, or nicotine
2 product” means:

3
4 (I) A product that contains nicotine or tobacco or is derived from tobacco
5 and is intended to be ingested or inhaled by or applied to the skin of an
6 individual; or

7
8 (II) Any device that can be used to deliver tobacco or nicotine to the person
9 inhaling from the device, including, but not limited to, an electronic smoking
10 device as defined in Section 5-9-2 of this Code.

11
12 (b) Notwithstanding any provision of paragraph (a) of this subsection (1) to
13 the contrary, “cigarette, tobacco product, or nicotine product” does not
14 mean a product that the Food and Drug Administration of the United States
15 Department of Health and Human Services has approved as a tobacco use
16 cessation product.

17
18 (2) (a) A person shall not give, sell, distribute, dispense, or offer for sale a
19 cigarette, tobacco product, or nicotine product to any person who is under
20 eighteen years of age.

21
22 (b) Before giving, selling, distributing, dispensing, or offering to sell to any an
23 individual any cigarette, tobacco product, or nicotine product, a person shall
24 request from the individual and examine a government-issued photographic
25 identification that establishes that the individual is eighteen years of age or
26 older; except that, in face-to-face transactions, this requirement is waived if
27 the individual appears older than thirty years of age.

28
29 (c) A person who violates paragraph (a) or (b) of this subsection (2) commits
30 an infraction and, upon an entry of judgment for such violation, shall be
31 punished by a fine of two hundred dollars.

32
33 (d) It is an affirmative defense to a prosecution under paragraph (a) of this
34 subsection (2) that the person furnishing the cigarette, tobacco product, or
35 nicotine product was presented with and reasonably relied upon a document
36 that identified the individual receiving the cigarette, tobacco product, or
37 nicotine product as being eighteen years of age or older.

38
39 (3) (a) A person who is under eighteen years of age and who purchases or
40 attempts to purchase any cigarette, or tobacco products, or nicotine product
41 commits an infraction and, upon entry of judgment for such violation, shall
42 be punished by a fine of one hundred dollars. For a first offense under this
43 paragraph (3)(a) the Municipal Court, in lieu of a fine, may sentence the
44 person to participate in a tobacco education program.

1 (b) It is not an offense under paragraph (a) of this subsection (3) if the person
2 under eighteen years of age was acting at the direction of an employee of a
3 governmental agency authorized to enforce or ensure compliance with laws
4 relating to the prohibition of the sale of cigarettes, and tobacco products, or
5 nicotine products to minors.

6
7 Section 3. Chapter 3F of Title 6 of the Breckenridge Town Code is amended by the
8 addition of a new Section 6-3F-13, which shall read in its entirety as follows:

9
10 **6-3F-13: POSSESSION OF CIGARETTES, TOBACCO PRODUCTS, OR**
11 **NICOTINE PRODUCTS BY MINORS PROHIBITED:**

12
13 **(1) As used in this section, unless the context otherwise requires:**

14
15 **(a) “Cigarette, tobacco product, or nicotine product” has the same meaning**
16 **as set forth in Section 6-3F-12(1)(a) of this Code. Notwithstanding any**
17 **provision of paragraph (a) of this subsection (1) to the contrary, “cigarette,**
18 **tobacco product, or nicotine product” does not mean a product that the Food**
19 **and Drug Administration of the United States Department of Health and**
20 **Human Services has approved as a tobacco use cessation product.**

21
22 **(b) “Possession” means that a person:**

23
24 **(I) Has or holds any amount of cigarettes, tobacco products, or nicotine**
25 **products anywhere on his or her person;**

26
27 **(II) Owns or has custody of cigarettes, tobacco products, or nicotine**
28 **products; or**

29
30 **(III) Has cigarettes, tobacco products, or nicotine products within his or her**
31 **immediate presence and control.**

32
33 **(2)(a) Possession of a cigarette, tobacco product, or nicotine product by a**
34 **person who is under eighteen years of age is an infraction and, upon entry of**
35 **judgment for such violation, shall be punished by a fine of one hundred**
36 **dollars. For a first offense under this paragraph (2)(a) the Municipal Court,**
37 **in lieu of a fine, may sentence the person to participate in a tobacco**
38 **education program.**

39
40 **(b) It is not an offense under paragraph (a) of this subsection (2) if the person**
41 **under eighteen years of age was acting at the direction of an employee of a**
42 **governmental agency authorized to enforce or ensure compliance with laws**
43 **relating to the prohibition of the sale of cigarettes, tobacco products or**
44 **nicotine products to minors.**

1 Section 4. Section 6-3-2 of the Breckenridge Town Code is amended to read as follows:

2
3 6-3-2: FINES AND PENALTIES

4
5 Every person convicted of a violation of any provision of this chapter shall be
6 punished as provided in ~~section 1-4-1~~ Chapter 4 of Title 1 of this code.

7
8 Section 5. Except as specifically amended by this ordinance, the Breckenridge Town
9 Code, and the various secondary codes adopted by reference therein, shall continue in full force
10 and effect.

11
12 Section 6. The Town Council finds, determines and declares that this ordinance is
13 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
14 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
15 thereof.

16
17 Section 7. The Town Council finds, determines and declares that it has the power to
18 adopt this ordinance pursuant to: (i) Section 18-13-121, C.R.S.; (ii) Section 25-14-301, C.R.S.;
19 (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401,
20 C.R.S. (concerning municipal police powers); (v) the authority granted to home rule
21 municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the
22 Breckenridge Town Charter.

23
24 Section 8. The Town Council finds, determines and declares that it has the power to
25 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
26 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

27
28 Section 9. This ordinance shall be published and become effective as provided by Section
29 5.9 of the Breckenridge Town Charter.

30
31 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
32 PUBLISHED IN FULL this ____ day of _____, 2015. A Public Hearing shall be held at the
33 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
34 _____, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
35 Town.

36
37 TOWN OF BRECKENRIDGE, a Colorado
38 municipal corporation

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42 By: _____
43 John G. Warner, Mayor

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ATTEST:

Helen Cospolich
Town Clerk

MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 3 (Amending Town's Smoking Ordinance)

DATE: January 20, 2015 (for January 27th meeting)

The second reading of the ordinance amending the Town's Smoking Ordinance is scheduled for your meeting on January 27th. There are no changes proposed to ordinance from first reading. Note that the enclosed version of the ordinance include those changes to the ordinance that were made after the worksession at the last meeting.

I will be happy to discuss this matter with you on Tuesday.

1 **FOR WORKSESSION/SECOND READING – JAN. 27**

2
3 **NO CHANGE FROM FIRST READING**

4
5
6 Additions To The Current Breckenridge Town Code Are
7 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

8
9 COUNCIL BILL NO. 3

10
11 Series 2015

12
13 AN ORDINANCE AMENDING CHAPTER 9 OF TITLE 5 OF THE BRECKENRIDGE
14 TOWN CODE; MAKING ELECTRONIC SMOKING DEVICES SUBJECT TO THE TOWN’S
15 “SMOKING ORDINANCE”; AND AMENDING THE LIST OF INDOOR AND OUTDOOR
16 AREAS OF THE TOWN WHERE SMOKING IS PROHIBITED

17
18 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
19 COLORADO:

20
21 Section 1. Section 5-9-1(A) of the Breckenridge Town Code is amended by the addition
22 of a new subsection (5) as follows:

23 **A. The Town Council hereby finds and determines as follows:**

24 . . .

25 **5. Current evidence suggests that the use of electronic smoking devices,**
26 **including, without limitation, electronic cigarettes, increases the exposure of**
27 **bystanders to potentially harmful exhaled aerosol toxicants, and further**
28 **reduces the incentive for smokers to quit using tobacco products. In addition,**
29 **the use of electronic smoking devices in places where smoking is currently**
30 **prohibited may frustrate the reasonable expectation of bystanders in such**
31 **places that there will be no risk increase from any product in the air they**
32 **breathe, even though there may be some degree of diminished risk from the**
33 **use of electronic smoking devices in comparison to second-hand smoke.**

34 Section 2. Section 5-9-1(B) of the Breckenridge Town Code is amended to read as
35 follows:

36 B. The Town Council hereby declares that the purpose of this chapter is to
37 preserve and improve the health, comfort, and environment of the people of the
38 town by limiting exposure to **environmental** tobacco smoke.
39

1 Section 3. The definition of “Bar” in Section 5-9-2 of the Breckenridge Town Code is
2 amended to read as follows:

BAR:

Any ~~indoor~~ area that is operated and licensed under article 47 of title 12, Colorado Revised Statutes, primarily for the sale and service of alcohol beverages for on premises consumption and where the service of food is secondary to the consumption of such beverages. **“Bar” includes, without limitation, any outdoor area operated as part of the licensed premises.**

3
4 Section 4. The definition of “Environmental Tobacco Smoke” in Section 5-9-2 of the
5 Breckenridge Town Code is amended to read as follows:
6

ENVIRONMENTAL TOBACCO
AND MARIJUANA SMOKE:

The complex mixture formed from the escaping smoke of burning tobacco or marijuana, and smoke exhaled by the smoker. **“Environmental Tobacco Smoke” also includes the escaping vapor or aerosol of an electronic smoking device, also known as “side stream smoke,” and vapor or aerosol exhaled by the smoker.**

7
8 Section 5. The definition of “Food Service Establishment” in Section 5-9-2 of the
9 Breckenridge Town Code is amended to read as follows:

FOOD SERVICE
ESTABLISHMENT:

Any ~~indoor~~ area or portion thereof in which the principal business is the sale of food for on premises consumption. The term includes, without limitation, restaurants, cafeterias, coffee shops, diners, sandwich shops, and short order cafes. **“Food Service Establishment” includes, without limitation, any outdoor area operated as part of the business.**

10
11 Section 6. The definition of “Smoking” in Section 5-9-2 of the Breckenridge Town Code
12 is amended to read as follows:
13

SMOKING:

(i) The burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco or marijuana, **or (ii) the active use of an electronic smoking device.**

14 Section 7. The definition of “Tobacco” in Section 5-9-2 of the Breckenridge Town Code
15 is amended to read as follows:

TOBACCO:

Cigarettes, cigars, cheroots, stogies, and periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff and snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, or otherwise, or both for chewing and smoking. "Tobacco" also includes cloves and any other plant matter or product that is packaged for smoking, **and tobacco prepared, treated, or modified in such a manner that it may be ingested through the use of an electronic smoking device.**

1
2 Section 8. Section 5-9-2 of the Breckenridge Town Code is amended by the addition of
3 the following definitions:

ELECTRONIC SMOKING DEVICE:

An electric or battery-operated device, the use of which resembles conventional smoking, which can be used to deliver a vapor of nicotine, vapor of a solution including nicotine, or aerosol of a solution including nicotine, or any other substance or flavor for inhalation. Electronic smoking device shall include, without limitation, an electronic cigarette, cigar, cigarillo, pipe, hookah, or any similar device. The term "electronic smoking device" does not include any device specifically approved by the United States Food and Drug Administration for use as a tobacco use cessation product, when such device is being used solely for such approved purpose.

ENTRYWAY:

The outside of a public doorway leading into a building or facility that is not exempted from this Chapter under Section 5-9-4. "Entryway" also includes the area of public or private property within a ten (10) foot radius outside of the doorway.

4
5 Section 9. Section 5-9-3 of the Breckenridge Town Code is amended to read as follows:

6
7 **5-9-3: GENERAL SMOKING RESTRICTIONS:**

- 1 A. Except as provided in section 5-9-4 of this chapter, and in order to reduce the levels of
2 exposure to environmental tobacco and marijuana smoke, smoking shall not be permitted
3 and no person shall smoke in any indoor area, including, but not limited to:
- 4 1. Public meeting places;
 - 5 2. Elevators;
 - 6 3. Government owned or operated means of mass transportation, including, but not
7 limited to, buses, vans, trains, **indoor public transit facilities and waiting areas**, and
8 transit shelters;
 - 9 4. Taxicabs and limousines;
 - 10 5. Gondolas;
 - 11 6. Grocery stores;
 - 12 7. Gymnasiums;
 - 13 8. Jury waiting and deliberation rooms;
 - 14 9. Courtrooms;
 - 15 10. Child daycare facilities;
 - 16 11. Healthcare facilities including hospitals, healthcare clinics, doctor's offices, and other
17 healthcare related facilities;
 - 18 **12. Retail stores:**
 - 19 13. Food service establishments;
 - 20 14. Bars;
 - 21 15. Indoor sports arenas **and facilities**;
 - 22 16. Restrooms, lobbies, hallways, and other common areas in public and private
23 buildings, condominiums, and other multiple-unit residential facilities;
 - 24 17. Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at
25 least seventy five percent (75%) of the sleeping quarters within a hotel or motel that are
26 rented to guests;
 - 27 18. Bowling alleys;

- 1 19. Billiard or pool halls;
- 2 20. Facilities in which games of chance are conducted;
- 3 21. The common areas of retirement facilities, publicly owned housing facilities, and
4 nursing homes, not including any resident's private residential quarters;
- 5 22. Public buildings;
- 6 23. Auditoria;
- 7 24. Theaters;
- 8 25. Museums;
- 9 26. Libraries;
- 10 27. To the extent not otherwise provided in section 25-14-103.5, Colorado Revised
11 Statutes, public and nonpublic schools;
- 12 28. Other educational and vocational institutions; ~~and~~
- 13 29. Town owned motor vehicles; and
- 14 30. Any place of employment that is not exempted. In the case of employers who own
15 facilities otherwise exempted from this chapter, each such employer shall provide a
16 smoke free work area for each employee requesting not to have to breathe environmental
17 tobacco and marijuana smoke. Every employee shall have a right to work in an area free
18 of environmental tobacco and marijuana smoke.

19 **B. In order to reduce the levels of exposure to environmental tobacco and marijuana**
20 **smoke, smoking shall not be permitted and no person shall smoke in any of the**
21 **following outdoor areas:**

22 **1. The entryways of all buildings and facilities listed in Subsection A of this**
23 **Section.**

24 **2. On or within a ten (10) foot radius of an outdoor area of a bar or food service**
25 **establishment.**

26 **3. Town owned parks and open space areas;**

27 **4. Town owned outdoor sporting and athletic fields and facilities;**

28 **5. The Town of Breckenridge public golf course grounds and buildings, excluding**
29 **the course of play; and**

1 **6. The paved recreational pathway running generally northerly and southerly**
2 **within the Town commonly know as the “bike path.”**

3 **7. Within a ten (10) foot radius of a public transit facility waiting area.**

4 Section 10. Section 5-9-4(E) of the Breckenridge Town Code is repealed.

5
6 NOTE: The repealed section provides an exemption from the Smoking Ordinance for:

7
8 E. The entryways of all buildings and facilities listed in Section 5-9-3 of this Chapter;

9
10 Section 11. Section 5-9-4(D) of the Breckenridge Town Code is amended to read as
11 follows:

12 D. **The indoor area of a**Any retail tobacco business.

13
14 Section 5-9-4(D) of the Breckenridge Town Code is deleted.

15
16 NOTE: The deleted section reads:

17
18 D. The entryways of all buildings and facilities listed in Section 5-9-3 of this Chapter,
19 except as provided in Section 5-9-3(B).

20
21 Section 12. Section 5-9-4(F) of the Breckenridge Town Code is amended to read as
22 follows:

23
24 F. The outdoor area of any business, **except as provided in Section 5-9-3(B).**

25
26 Section 13. Except as specifically amended by this ordinance, the Breckenridge Town
27 Code, and the various secondary codes adopted by reference therein, shall continue in full force
28 and effect.

29
30 Section 14. The Town Council finds, determines, and declares that this ordinance is
31 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
32 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
33 thereof.

34
35 Section 15. The Town Council finds, determines, and declares that it has the power to
36 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

37
38 Section 16. This ordinance shall be published and become effective as provided by
Section 5.9 of the Breckenridge Town Charter.

39 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
40 PUBLISHED IN FULL this ____ day of _____, 2015. A Public Hearing shall be held at the
41 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of

1 _____, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
2 Town.

3
4 TOWN OF BRECKENRIDGE, a Colorado
5 municipal corporation
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9 By: _____
10 John G. Warner, Mayor

11
12 ATTEST:

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16 _____
17 Helen Cospolich
18 Town Clerk

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MEMO

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 4 (Miscellaneous Sales Tax Exemption Ordinance)

DATE: January 19, 2015 (for January 27th meeting)

The second reading of the ordinance making changes to the “exemptions” provisions of the Town’s Sales Tax Ordinance concerning charitable organizations and solar systems is scheduled for your meeting on January 27th. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 **FOR WORKSESSION/SECOND READING – JAN. 27**

2
3 **NO CHANGE FROM FIRST READING**

4
5 Additions To The Current Breckenridge Town Code Are
6 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

7
8 COUNCIL BILL NO. 4

9
10 Series 2014

11
12 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 3 OF THE BRECKENRIDGE
13 TOWN CODE, KNOWN AS THE “TOWN OF BRECKENRIDGE SALES TAX
14 ORDINANCE,” CONCERNING TAX EXEMPTIONS

15 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
16 COLORADO:

17
18 Section 1. The definition of “charitable organization” in Section 3-1-2 of the
19 Breckenridge Town Code is amended to read as follows:

20 CHARITABLE ORGANIZATION:

Any entity which: a) has been certified as a not for profit organization under section 501(c)(3) of the internal revenue code, and b) is a religious or charitable organization. As used in this definition, a “charitable organization” is an organization which exclusively, and in a manner consistent with existing laws and for the benefit of an indefinite number of persons, freely and voluntarily ministers to the physical, mental or spiritual needs of persons, and which thereby lessens the burdens of government.
Any entity organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster local, national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of

statements), any political campaign on behalf of any candidate for public office, or any veterans' organization registered under section 501(c)(19) of the "Internal Revenue Code of 1986", as amended, for the purpose of sponsoring a special event, meeting, or other function in the state of Colorado so long as such event, meeting, or function is not part of such organization's regular activities in the state.

1
2 Section 2. Section 3-1-4 (Y) of the Breckenridge Town Code is amended to read as
3 follows:
4

5 Y. All sales, storage, use, or leasing of components used in photovoltaic or solar
6 thermal systems and in the production of alternating current electricity from a
7 renewable energy source, including but not limited to wind, as defined in section
8 3-1-2 of this chapter.
9

10 Section 3. Section 3-1-4 (Z) of the Breckenridge Town Code is amended to read as
11 follows:
12

13 Z. All occasional sales by a charitable organization under the following
14 conditions:
15

16 1. The sale of tangible personal property or concessions by the charitable
17 organization takes place no more than ninety days, whether consecutive or not,
18 during any one calendar year; and

19 2. The funds raised by the charitable organization through these sales are retained
20 by the organization to be used in the course of the organization's charitable
21 service; and
22

23 ~~3. The funds raised in town by the charitable organization through these sales do~~
24 ~~not exceed twenty five thousand dollars during any calendar year.~~
25

26 Section 4. Except as specifically amended by this ordinance, the
27 BreckenridgeTownCode, and the various secondary codes adopted by reference therein, shall
28 continue in full force and effect.
29

30 Section 5. The adoption of this ordinance does not result in a new tax, a tax rate increase,
31 or a tax policy change directly causing a net tax revenue gain to the Town within the meaning of
32 Article X, §20 of the Colorado Constitution.
33

34 Section 6. The Town Council finds, determines, and declares that it has the power to
35 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
36 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.
37



MEMORANDUM

TO: Town Council

FROM: Julia Puester, AICP, Senior Planner

DATE: January 19, 2015 for meeting of January 27, 2015

SUBJECT: Sign Code Enforcement Ordinance (First Reading)

At the January 13th Town Council work session, the Council decided not to modify the Sign Code. The discussion, consisting of Council work sessions, the SustainableBreck Business Task Force meetings, and surveys regarding the Sign Code primarily focused on whether the existing prohibition on sandwich boards and limited outdoor display of merchandise in the Code should be relaxed. We also heard from the Town Council that enforcement of the Sign Code should be consistent.

Staff has taken an informative approach to sign code enforcement which includes twice annually mailing a letter to all town business license holders, one at the beginning, and again toward the end of the ski season reminding businesses about the holiday lighting timeframes as well as outdoor display and signage regulations. Staff then conducts sign code inspections, giving a verbal warning to the business with violations. Typically, one formal letter is then sent to the business owner if the violation is seen again. If the violation continues, a letter informing the owner to remove the violation within 72 hours is sent. After 72 hours, if the violation is not removed, a court summons is prepared by the Town's Prosecuting Attorney and served to the business owner. There is a waiting period between the issuance of the summons and the court date when a judgment is rendered. Needless to say, this process is lengthy and cumbersome.

A simpler and more expeditious process would assist in furthering enforcement efforts. To achieve quicker results, and reduce staff time required, we have proposed a change to the Sign Code which would eliminate the requirement for the letter and subsequent court appearance by allowing for tickets to be issued. The Town Attorney and Police Chief are researching if tickets can be written by Community Development staff rather than a Community Service Officer or Police Officer. If it is possible to have Community Development staff issue the tickets, there will be additional code language proposed for the second reading. A court appearance would only be necessary if the business owner chose to challenge the ticket or had received multiple tickets.

Staff has attached an ordinance for first reading and will be available at the meeting for questions.

1 ***FOR WORKSESSION/FIRST READING – JAN. 20***

2
3 Additions To The Current Breckenridge Town Code Are
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5
6 COUNCIL BILL NO. ____

7
8 Series 2015

9
10 AN ORDINANCE AMENDING SECTION 8-2-16 OF THE BRECKENRIDGE TOWN CODE
11 CONCERNING THE ENFORCEMENT OF THE TOWN OF BRECKENRIDGE SIGN
12 ORDINANCE

13 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
14 COLORADO:

15
16 Section 1. Section 8-2-16 of the Breckenridge Town Code is amended to read as follows:

17
18 8-2-16: ENFORCEMENT; LIEN:

19
20 A. Authority: The Director is authorized and directed to enforce all of the
21 provisions of this Chapter. ~~For such purposes he shall have the power of a law~~
22 ~~enforcement officer.~~

23
24 B. Right Of Entry: Whenever necessary to make an inspection to enforce any of
25 the provisions of this Chapter, or whenever the Director has reasonable cause to
26 believe that there exists in any building or upon any premises any condition or
27 violation which makes such building or premises unsafe, dangerous or hazardous,
28 the Director may enter such building or premises at all reasonable times to inspect
29 the same or to perform any duty imposed upon the Director by this Chapter;
30 provided, that if such building or premises is occupied, ~~he~~ **the Director** shall first
31 present proper credentials and request entry; and if such building or premises is
32 unoccupied, ~~he~~ **the Director** shall first make a reasonable effort to locate the
33 owner or other persons having charge or control of the building or premises and
34 request entry. If such entry is refused, the Director shall have recourse to every
35 remedy provided by law to secure entry. When the Director shall have first
36 obtained a proper inspection warrant or other remedy provided by law to secure
37 entry, no owner or occupant or any other persons having charge, care or control of
38 any building or premises shall fail or neglect, after proper request is made as
39 herein provided, to promptly permit entry therein by the Director for the purpose
40 of inspection and examination pursuant to this Chapter.

41
42 C. Enforcement Procedures: ~~If the Director finds that any sign is in violation of~~
43 ~~the provisions of this Chapter, he shall give written notice to the sign owner~~
44 ~~displaying such sign. Such notice shall be sent by regular mail, postage prepaid, to~~

1 the address for such sign owner as shown in the town's business and occupational
2 license records. Notice mailed in accordance with this subsection shall be
3 conclusively presumed to have been properly delivered and received. If there is
4 no address for the sign owner in the town's business and occupational license
5 records, such notice shall be personally delivered to any person occupying the
6 premises where the sign is displayed. If such sign owner fails to repair, alter or
7 remove the sign so as to comply with this Chapter within seventy two (72) hours
8 after the mailing of the notice (if such notice is mailed) or within twenty four (24)
9 hours after service of such notice (if such notice is personally served) or within
10 such other time as is specified in such notice, the Director shall institute
11 proceedings to enforce this Chapter in a court of competent jurisdiction. No
12 written notice shall be required with respect to any violation of this Chapter which
13 occurs within twelve (12) months after the sign owner has once been given
14 written notice of any violation of this Chapter. In addition, the Director may cause
15 any sign not brought into compliance with this Chapter after the service of the
16 notice described above to be repaired, altered or removed at the expense of the
17 sign owner and the property owner and shall, upon determination of such expense,
18 certify the same to the Town Clerk.

19
20 CD. Lien; Collection: The Town Clerk shall notify the sign owner of the total
21 expenses incurred in the alteration or removal of the sign, and if such person fails
22 within thirty (30) days after the date of notification to pay the entire costs and
23 expenses of such repair, alteration or removal, then such expenses shall become a
24 lien against and run with the property where the sign is located, and the Town
25 Clerk shall certify the same to the Summit County treasurer for collection in the
26 same matter as delinquent charges, assessments or taxes are collected pursuant to
27 Section 31-20-105, CRS.

28
29 DE. Amount Of Lien: The amount certified by the Town Clerk to the Summit
30 County treasurer for collection shall include the actual cost of repair, alteration or
31 removal of the sign, plus twenty five percent (25%) to cover administrative costs,
32 penalties, collection costs and interest.

33
34 EF. Additional Remedies: The enforcement procedures established in this section
35 are not the exclusive method of enforcement of the provisions of this Chapter, but
36 may be exercised concurrently with, or in addition to, the imposition of the
37 penalties pursuant to section 8-2-17 of this Chapter, or other civil remedies
38 available to the town pursuant to law.

39
40 EG. Authority To Remove Signs From Right Of Way: In lieu of the other
41 enforcement procedures of this section, either the Director, ~~or~~ the Police Chief, or
42 the Public Works Department may remove and destroy any sign that is illegally
43 placed within a town right of way in violation of the provisions of this Chapter.

44
45 Section 2. Except as specifically amended by this ordinance, the Breckenridge Town
46 Code, and the various secondary codes adopted by reference therein, shall continue in full force

1 and effect.

2
3 Section 3. The Town Council finds, determines, and declares that this ordinance is
4 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
5 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
6 thereof.

7
8 Section 4. The Town Council hereby finds, determines and declares that it has the power
9 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,
10 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal
11 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)
12 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to
13 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers
14 contained in the Breckenridge Town Charter.

15
16 Section 5. The Town Council hereby finds, determines and declares that it has the power
17 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article
18 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

19
20 Section 6. This ordinance shall be published and become effective as provided by Section
21 5.9 of the Breckenridge Town Charter.

22
23 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
24 PUBLISHED IN FULL this ____ day of _____, 2015. A Public Hearing shall be held at the
25 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of
26 _____, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
27 Town.

28
29 TOWN OF BRECKENRIDGE, a Colorado
30 municipal corporation

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34 By: _____
35 John G. Warner, Mayor

36
37 ATTEST:

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41 _____
42 Helen Cospolich
43 Town Clerk

MEMORANDUM

To: Mayor and Town Council
From: Rick Holman, Assistant Town Manager
Date: January 20, 2015
Subject: Resolutions to Abolish the Breckenridge Public Arts Commission and the Breckenridge Cultural Arts Advisory Committee

With the recent formation of Breckenridge Creative Arts (BCA), a Colorado nonprofit corporation, staff feels it is appropriate at this time to abolish the two boards that were serving as art advisory boards to the Town Council. The Breckenridge Public Arts Commission (BPAC) was formed by resolution back in 2008 to serve in an advisory capacity to the Town Council on issues related to public art in the Town. Public Art will now be a standing committee to the BCA Board of Directors and it is expected that many of the current BPAC members will transition to that role if they still have an interest. Staff has communicated with BPAC over this past year about this transition and a letter from the Mayor was sent to the BPAC thanking them for the dedicated service.

The Cultural Arts Advisory Committee was formed by resolution in January of 2014 to serve as a temporary advisory committee to the Town Council to serve during the transition and start up of the nonprofit arts organization. This committee is no longer needed with the formation of the new Board of Directors for BCA that occurred in December of 2014.

Attached to this memorandum are two resolutions that will abolish each of these groups.

1 **FOR WORKSESSION/ADOPTION – Jan. 27th**

2
3 RESOLUTION NO. ____

4
5 SERIES 2015

6
7 A RESOLUTION ABOLISHING THE TOWN OF BRECKENRIDGE
8 PUBLIC ARTS COMMISSION
9

10 WHEREAS, Section 9.5 of the Breckenridge Town Charter authorizes the Town Council
11 to create advisory boards and commissions as the Town Council shall deem to be necessary; and
12

13 WHEREAS, by Resolution No. 8, Series 2008, the Town Council established the Town
14 of Breckenridge Public Arts Commission; and
15

16 WHEREAS, the Public Arts Commission is not a board required to exist by state statute
17 or the Breckenridge Town Charter; and
18

19 WHEREAS, Section 9.5 of the Breckenridge Town Charter authorizes the Town Council
20 to abolish any Town board or commission that is not required to exist by state statute or the
21 Breckenridge Town Charter; and
22

23 WHEREAS, the Town Council finds and determines that the Public Arts Commission
24 should be abolished; and
25

26 WHEREAS, the Town Council wishes to express its sincere gratitude to all of the
27 individuals who have served on Public Arts Commission throughout its existence.
28

29 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
30 BRECKENRIDGE, COLORADO, as follows:
31

32 Section 1. The Town of Breckenridge Public Arts Commission is abolished effective
33 immediately.
34

35 Section 2. This resolution is effective upon adoption.
36

37 RESOLUTION APPROVED AND ADOPTED this ____ day of ____, 2015.
38

39 TOWN OF BRECKENRIDGE
40
41

42
43 By _____
44 John G. Warner, Mayor
45
46

1 ATTEST:

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Helen Cospolich

7 Town Clerk

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9 APPROVED IN FORM

10

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14 _____ Date
Town Attorney

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1 ***FOR WORKSESSION/ADOPTION – JAN. 27th***

2
3 RESOLUTION NO. ____

4
5 SERIES 2015

6
7 A RESOLUTION ABOLISHING THE TOWN OF BRECKENRIDGE
8 CULTURAL ARTS ADVISORY COMMITTEE
9

10 WHEREAS, Section 9.5 of the Breckenridge Town Charter authorizes the Town Council
11 to create advisory boards and commissions as the Town Council shall deem to be necessary; and
12

13 WHEREAS, by Resolution No. 1, Series 2014, the Town Council established the Town
14 of Breckenridge Cultural Arts Advisory Committee; and
15

16 WHEREAS, the Cultural Arts Advisory Committee is not a board required to exist by
17 state statute or the Breckenridge Town Charter; and
18

19 WHEREAS, Section 9.5 of the Breckenridge Town Charter authorizes the Town Council
20 to abolish any Town board or commission that is not required to exist by state statute or the
21 Breckenridge Town Charter; and
22

23 WHEREAS, the Town Council finds and determines that the Cultural Arts Advisory
24 Committee should be abolished; and
25

26 WHEREAS, the Town Council wishes to express its sincere gratitude to all of the
27 individuals who have served on Cultural Arts Advisory Committee throughout its existence.
28

29 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
30 BRECKENRIDGE, COLORADO, as follows:
31

32 Section 1. The Town of Breckenridge Cultural Arts Advisory Committee is abolished
33 effective immediately.
34

35 Section 2. This resolution is effective upon adoption.
36

37 RESOLUTION APPROVED AND ADOPTED this ____ day of ____, 2015.
38

39 TOWN OF BRECKENRIDGE
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43 By _____
44 John G. Warner, Mayor
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1 ATTEST:

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Helen Cospolich
Town Clerk

APPROVED IN FORM

Town Attorney Date

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: January 21, 2015

Re: Planning Commission Decisions of the January 20, 2015, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF JANUARY 20, 2015:

CLASS C APPLICATIONS:
None.

CLASS B APPLICATIONS:
None.

CLASS A APPLICATIONS:
None.

TOWN PROJECT HEARINGS:
None.

OTHER:
None.



Lincoln Park Master Plan
710 Stables Road



Town of Breckenridge and Summit County governments assume no responsibility for the accuracy of the data, and use of the product for any purpose is at user's sole risk.

Breckenridge South



PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Eric Mamula Jim Lamb Gretchen Dudney
Kate Christopher Ron Schuman Dan Schroder
Dave Pringle arrived at 7:03pm
Ben Brewer, Town Council Liaison, was absent.

APPROVAL OF AGENDA

Council member Ben Brewer will not be in attendance so there will be no Town Council update. With no other changes, the January 20, 2015, Planning Commission Agenda was approved as presented.

APPROVAL OF MINUTES

With no changes, the January 6, 2015, Planning Commission Minutes were approved as presented.

WORKSESSIONS:

1) Public Art (Policy 43, Relative) (JP)

Ms. Puester presented. The topic of Public Art has been on the Planning Commission Top Ten list since 2013. The concern with the Policy 43 developed when an application for a single family home in the Historic District (PC#2012020, Harris Residence, 206 S. French) proposed one positive point for public art which was to be hung on the historic barn along the alley.

The Breckenridge Public Art Commission (BPAC) reviewed the proposal and thought the art piece was appropriate. However, the BPAC did not like the location proposed by the applicant due to the lack of public accessibility and visibility. The architect then posed the question of allowing the public art piece on a different property in the same neighborhood which was more visible. In this situation, the art piece was proposed to be placed at the historic barn at 100 South Harris or the BGV Community Center on Harris Street, about a block away from the Harris Residence on French Street. The policy states that one point may be warranted for “...*art in publicly accessible areas on private property.*”. Although the piece was favored by the BPAC and would have had strong visibility to the public, the proposal was denied since the public art was to be located off of the development site, thus not complying with the Development Code policy.

Staff was asked to consider a policy change which would allow for one positive point for art in public places or on a more visible private property. We would like to pose the following questions to the Commission to see if there is any interest in making any alterations to the policy.

- Should one positive point be allowed for public art located off site under certain conditions?
 - If a positive point is a consideration off site, should it be allowed on public property only or also for an acceptable private property? Should there be a distance limitation from the subject property of the development permit application?
- Should one positive point be allowed only for commercial or multi-family residential properties, thereby excluding single family and duplex developments?

Commissioner Questions / Comments:

Ms. Dudney: I have a question about the Art Commission, art is such a personal thing, a lot of this language seems to rely a lot on whether the Art Commission deems it good art and in an appropriate location; we only come into play when there is a concern. (Ms. Puester: The Art Commission is comprised of art professionals, so they are the overseers of approving pieces and locations in town. They are the experts on that. The staff doesn't want to take on these decisions of the appropriateness. There are some location considerations they use when it relates to the one positive point allowed in the Development Code).

- Mr. Mamula: I think the real question is do you feel as a Commissioner that off-site positive points could be gained and mitigated off-site? Over the years we've discouraged off-site mitigated points except for capital improvements off site and employee housing. Our recent concept has been to mitigate negative points on the site that is being affected.
- Ms. Dudney: Is public art something we want to see off-site is the question? If it is allowed off site it would be on town owned locations?
- Mr. Lamb: My concern is that if someone in a residential area that put up art on their site and then moved what happens if the new owners remove it? (Ms. Puester: It shall remain permanently on the site unless they go through a permitting process with the Town to change their point analysis.)
- Mr. Pringle: Is there a compelling outcry in the Community to change this policy? (Ms. Puester: It was definitely a discussion that came out a few years ago when this particular application came up and continues to come up when it comes to public spaces that could benefit from public art. Also, we are hearing developers say that there are not many options anymore to gain positive points since years ago positive points off site were taken out of the code.)
- Mr. Mamula: How many projects have not passed recently? It seems that developers are getting to build and they are able to pass a point analysis.
- Mr. Pringle: I agree and say to the developers that the way to get positive points is not to do the things that accrue the negative points.
- Ms. Dudney: I agree but this seems to be a political point if the politicians want to provide support for public art than it is up to them to incentivize.
- Mr. Mamula: We need to tell council that either we do or don't want it in the code.
- Ms. Dudney: Is it easy to get through the Arts Commission to get this positive point?
- Mr. Mamula: I think a \$10,000 bronze sculpture could be a cheaper way to get a project approved.
- Ms. Dudney: The only way I want to go for this is if the Town Council says that this is a high enough priority to get more art. (Mr. Mosher: The Commission looks at how long the art piece can withstand time, weather, being climbed on, etc.) Is the Art Commission a rubber stamp? (Mr. Mosher: No, they most likely are a durability test first and foremost.)
- Mr. Pringle: Who owns the art on Town property? (Mr. Mosher: The Town takes care of it on Town property if it is on private property they maintain it.) (Mr. Grosshuesch: The way we are looking at this topic is that the Council has already said that they want to reward Public Art with a positive point. Its in the code now. In the case example that was mentioned, the art just didn't make sense where it was proposed but the applicant came forward to put it on another location that was more visible, but the code wouldn't allow it. I don't think the driving force is to find a cheap way for the developer to get a point. There could be a prioritization to say that you have to find a suitable place for the art on the subject property and then the second would be off site.)
- Mr. Schuman: If we decide to fail something, the applicant can still go to the Town Council to get our decision overturned? Why didn't they do that? (Mr. Grosshuesch: Because the code didn't allow the positive point to begin with. The Council lives with the same rules you do in this case.)
- Mr. Schroder: Often times art brings you in and if someone wants to see the art up front and brings that public into someone's backyard. How would this work? (Ms. Puester: That is a concern especially with single family homes or duplexes. The public might feel it is private property. That is one of the questions, should this be tweaked to apply only to commercial and multifamily were you have more people walking around. What is the proper location for the public art which the one point applies to?)
- Mr. Schroder: Does there have to be liability insurance? (Ms. Puester: Yes as well as for the piece, we require that.)
- Mr. Pringle: I think the policy works as it is now.
- Ms. Christopher: To me this comes down to where should the points be mitigated? I think they should be

- mitigated on site.
- Mr. Mamula: You can do public art on site.
- Mr. Lamb: If you are failing by one point then you don't have a very good project.
- Mr. Pringle: Worried that this opens the door for off-site landscaping and other mitigation off-site.
- Ms. Dudney: I don't agree with all of you; if the Council has made public art a priority then I think we should let the Art Council should be able to decide the location.
- Mr. Schroder: I am ok with a positive point as long as the art is on an appropriate off-site public location.
- Mr. Schuman: I am not supportive of off-site points.
- Mr. Lamb: I also don't think we should give off-site points for anything other than affordable housing.
- Mr. Mamula: I don't think we should support off-site mitigation.

TOWN COUNCIL REPORT:

The last Town Council meeting update was given by Ms. Puester. Mr. Brewer sends his regrets not being here tonight.

- Pinewood Village II proposal it is going to receive low income tax credits there are some operational steps: The Town has created its own housing authority that is a specific financing mechanism to qualify for the Pinewood Village II. This is a single purpose entity and may do subsequent tax credit deals; this will not replicate anything that the current Summit Housing Authority does. This entity is similar to the Breckenridge Finance Authority.
- Worked on density planning for Maggie Point; we gave TDR's for that project which has people moving in currently.
- Open Space Acquisition in the Golden Horseshoe area; a joint acquisition with Summit County it is yet another mining claim.
- The Council did discuss the sandwich board signs; they decided to not allow the sandwich boards keeping the code as is. The staff is looking at a ticket system for violations instead of having to take people to court. We will still give verbal warnings first.
- Reviewed the State of the Open Space which you will see this evening.

PRELIMINARY HEARINGS:

- 1) Lincoln Park (Wellington Neighborhood Phase II) Master Plan (2nd Preliminary) (MM) PC#2014038, 710 Stables Road

Discussed the Potential Conflict of Interest of Commissioner Schuman:

- Mr. Schuman: I have completely withdrawn my company for management of any part of the Wellington Neighborhood. I'm still on the Board of Directors, but to date neither David O'Neill nor Courtney Kenady have disclosed anything to the Board that hasn't been disclosed here at the Commission. No financial information or anything else regarding Lincoln Park.
- Ms. Dudney: I'm ok with M. Schuman staying.
- Mr. Pringle: I don't have a problem, I think it is ok.
- Mr. Schroder: I don't have an issue as you are a volunteer on the Board.
- Ms. Christopher: I don't have a problem.
- Mr. Lamb: I don't have a problem either.
- Mr. Mamula: Me either.

Mr. Mamula discussed the order of this preliminary hearing and how to make public comments.

Mr. Mosher presented a proposal to amend the approved Wellington Neighborhood Phase II Master Plan (PC#2006082). This meeting is to review modifications to the site vehicular circulation, traffic calming, pedestrian circulation and trails. This portion of the neighborhood is to be called "Lincoln Park at the Wellington Neighborhood". There is no change in the previously approved density or uses.

Changes since the previous submittal:

The applicant has requested that the Commission review and comment on the modifications to the vehicular and pedestrian circulation as the proposed design will be key to the layout of the rest of the development.

- Bridge Street has been realigned avoiding any connection to Stables Road until it meets Wellington Road. 1,800 feet long without any substantial turns.
- Right of way connections/bridges from Midnight Sun and Bridge Street are shown connecting to Bridge Street on the south side of French Creek.
- A pedestrian footbridge is shown across French Creek connecting to Central Park.
- 3-way stop signs have been added at Wolff Lyon Road and Midnight Sun, at Logan Road and Bridge Street and at Midnight Sun and Bridge Street.
- Way finding signage to direct foot traffic to the neighborhood trail system.

We are pleased to see the modifications to the approved 2006 Master Plan maintain many of the key components that are fundamental to the overall Wellington Neighborhood that was conveyed at annexation. We are also pleased that the concerns from the Red White and Blue Fire District have been addressed.

This report has primarily focused on the key circulation issues that will have graphical impacts on all subsequent plans. Staff has the following questions for the Commission and welcomes any additional Commissioner comments on the proposed circulation as it relates to Policies 16 and 17, Access / Circulation.

1. Did the Commission support the vehicular connections at Midnight Sun and Bridge Street?
2. Did the Commission support the traffic calming measures in the existing neighborhood and in Lincoln Park?
3. Did the Commission believe that traffic calming measures are needed along the south alley in Lincoln Park?
4. Did the Commission support the proposed inter-neighborhood pedestrian circulation and the proposed trail connections?

The applicant is seeking a final review of this Master Plan modification at the next hearing. Staff believes this may be possible if the separate agencies and the applicant can coordinate the necessary details such as the project phasing, public transportation, and the timing of the Public Improvements per the Master Plan.

Commissioner Questions / Comments:

Mr. Pringle: It says optional future parking south of the Alleys, is there something is not disclosed? (Mr. Mosher: The agreement with Xcel needs to be modified because an earlier approved design.) Is the area beyond possible for future development? (Mr. Mosher: No, it is just for parking spaces and is under the Xcel easement. This will be illustrated correctly on the final.) Would there be larger parking spaces for campers, snowmobiles? (Mr. Mosher: I don't think the applicant has any interest in providing this but Staff doesn't care either way as long as it is screened.) We know that we want garages to be used for parking. (Mr. Mosher: It is properly regulated by the Wellington Neighborhood Board of Directors.) I'm worried about people using it for other uses.

Mr. Mamula: Let's just stick to questions.

Mr. Schuman: The alleys on the backside of Logan are they narrower than 14-feet? (Mr. Mosher: The alley will still be 14-feet not narrower than what is there now like on the backside of Logan.) At the sidewalk crossings, are there bump outs or speed bumps? (Mr. Mosher: They are just striped. We have to balance traffic calming with snow removal. Signage will be important here.)

Mr. Mamula: Please explain the alley connection to Stables Road, what is the deal here? (Mr. Mosher: The

south alley leaves the property and picks up Stables Road. Not sure about the paving option or any deal with the developer, I will have Mr. Daugherty address.) (Mr. Tom Daugherty, Director of Public Works and Engineering for the Town of Breckenridge: At the very beginning discussion we talked about this access. The main idea is that we have a road already and we don't need to build a whole new road right next to it.) Why wouldn't we make the applicant pave the whole thing? (Mr. Daugherty: There is no reason why we shouldn't.)

Applicant Presentation:

Mr. David O'Neil:

The plan background, Tom Lyon (architect) wishes he could be here but is injured, between Tom Lyon and Dan McCrery we have almost 100 years of building experience. We've learned a whole lot over the years. We view this last portion of the development as Wellington "version 4.0" after all the development of other projects in Summit County are 1.0, 2.0 and 3.0. We like this Master Plan. At the last meeting, there was a variety of objections and in your packet we've addressed every point except for Midnight Sun access.

Mr. Mosher keeps referencing the original Master Plan of 1999; things have changed since then. We've changed too, we think you need vehicular for safety but we want to value the pedestrian movement as more important. So Midnight Sun, the choice we were given there was if we chose to do a pedestrian bridge at Midnight Sun (no vehicular connection), we would then have to have a 24-foot wide paved section on Bridge Street. All of the neighborhood rights of ways are 20-foot wide. We think there will be no traffic that will use the vehicular bridge on Midnight Sun. I see that this is a red herring, the big thing I'm worried about it getting a 24-foot wide street on Bridge Street. We have been working on this for a long time and we want to get this thing going. The Stables Road area, Mr. Daugherty and I have discussed the paving, I'd ask to leave the paving off the table because we've worked on the area, this is a workforce housing issue and we don't want to add costs.

Commissioner Questions / Comments:

Mr. Pringle: Will we talk about the traffic calming on the alley on the south side? (Mr. Mosher: Next time.)

Mr. Schuman: Was the option to put more traffic on Rodeo still discussed? (Mr. O'Neil: That has been off the table for a while.)

Mr. Mamula: Acknowledged the letter Kelly Owens and acknowledgment by 14 other residents in the Midnight Sun area sent to Planning Staff today.

Mr. Mamula opened the hearing for Public Comment:

Mr. Bart Rahn, 314 Stables Drive: I'm concerned whether this road is going to be paved. The dirt is tough in the summer and I'm worried about the snow plowing. I am also interested in the trails. This road is a town road and may need improvements like sidewalks and street lights. (Mr. Mosher: The trail head access near your property stays the same.) (Mr. Mamula: This will be part of our discussion.) (Ms. Dudney: Are you saying that it is better not to pave?) No, I am advocating that you do pave it. The trucks and the fast cars blow a lot of dust up. I wish that it would be better paved and I wish that it would be plowed.

Ms. Kelly Owens, 82 Midnight Sun Road: I'm talking on behalf of the people who submitted the letter today. We do appreciate your time. We certainly feel that this was a much more central issue; we are hoping that you would either remove the vehicle bridge at Midnight Sun or grant the 20-foot wide Bridge Street with a variance. We think that there is already dual access to the site. And we think that the Midnight Sun access is not necessary. Besides, I don't think that a fire truck would want to use this as a viable access. We want safety; I think you have been able to find ways to grant variances in the past. Additionally, I think that bridge will be far more costly than the \$100,000 to pave Stables Road, than to build the bridge and we would like

Midnight Sun to be a walking bridge.

Ms. Mary Gervais, 67 Rodeo Drive: I really like the trail connections to the South, what happens to those trails when they hit Country Boy Mine? I feel that the people who live on Bridge Street who have concerns about the bus stops have real concerns. (Mr. Mosher: The bus is to be discussed at the next meeting.) I think all the pedestrian bridges are really great, I would like to ask that all the pedestrian bridges be wide enough so that a stroller, a bike, a dog could use them and wide enough for snow to be cleared.

Ms. Gretchen Hamilton, 111 Bridge Street: I fully agree about the pedestrian crossings and the need for them to be wider as someone who pushes a double stroller. Impatient Green is the only connection right now between phase 1 and 2 and it is impossible to get a double stroller through. I brought some pictures that show a very typical day on Bridge Street, the children come out in mass on any sunny day and they bring out all of their toys. Bridge Street is where so many of our children play. I'm very excited about all of the connectivity but I'm very concerned about changing Bridge Street with the bridge. It functions very well as it does now as a dead end. I have reservations about safety for our children if Bridge Street is used for vehicles; any extra traffic will cause extra risks. When I first moved to Bridge Street I thought the bus stopping by my house would be great, but shortly after living there and having children, I understood how it is used by the kids, know I don't think it is good for a bus or more traffic. My house is just past the proposed road, there are 36 grade school children that live between my house and French Street, over 30 will be affected by the traffic increase. They won't have a place to practice riding their bikes and doing things that kids do. There is no room for sidewalks and there are none in the neighborhood. I think Bridge Street is known as an unofficial gathering spot for these kinds of kid activities throughout the neighborhood. These kids are learning to ride bikes with the Strider bikes at an earlier age and they are more at risk at an earlier age. Things can get away from these younger children really fast. Kids like to ride things in circles, the kids lap around the street to the eastern alley over and over again. There is a 6% grade around here and kids can pick up some speed. The kids could be coming down and potentially into oncoming traffic. I see people blowing through stop signs all the time on Wellington Road. I know that we are a neighborhood that has a bunch of kids and worried about kids growing up and then learning to drive, there will be increased traffic. I am having a hard time understanding why we have to connect these two neighborhoods. I don't think it is in the best interest of our little neighborhood. Thank you very much for considering my input and as a homeowner I hope you will take my opinions seriously. Bridge Street is truly a special neighborhood. It needs to continue as it exists now.

Mr. Blaze Panariso, 45 Bridge Street (on the corner of Logan and Bridge): I'm coming to this late, I could not agree with Ms. Hamilton more, everyone here is invited to come sit on my porch, Bridge Street has paved functions just like the greens, kids play all the time. If you haven't spent a lot of time around here, you should check it out. Doing anything to increase automobile traffic will destroy the neighborhood. I have a one year old and I have a fence and at some time she'll figure out how to get out of it, having buses come through or more vehicles will make me want to move. If you don't understand this neighborhood, please call me to stop by. Protect the pedestrian neighborhood that is here now.

Ms. Candace Panariso, 45 Bridge Street: Bridge is a family friendly street. Our street functions like a green. While I understand the proposal for more stop signs, I live at the only stop sign now and people blow through it all the time. I am very concerned for adding additional traffic and I don't think additional stop signs will help.

Ms. Angela Brownley, 57 Midnight Sun: I live where the stop signs are planned to be added. I sit on my porch and I see the kids come through the intersection and not stop and I scream at them. When we bought our house on Midnight Sun, we looked at possibly living on Bridge Street and I decided not to be there because I knew that Bridge Street would go through with a bridge. Why does that road need to be there? (Mr. Daugherty: This would be the only remaining version to have some kind of connection; this is really for the new development to have a connection as was proposed in the earliest version of the development. There is

not a traffic engineering issues as much as it is more the new urbanism concept presented to Town Council so that you are not overburdening any one street.) Where will the construction trucks come through? (Mr. Daugherty: They will come through the new Bridge Street.) I have noticed trucks before. (Mr. Daugherty: Child safety is big concern for us too.) (Mr. Mamula: When did you buy your house?) In October of 2013. Also, Wolf Lyon is super steep with no stop signs. I concur with everything Ms. Owens said.

Mr. Jamey Andrews, 70 Midnight Sun Road: My big question is why? All of this sounds like this is based on personal opinions and just the thing to do. It hasn't been mentioned once that the Fire Department says it is necessary, there are no traffic studies, why is a new neighborhood getting more? We, in phase 1, don't have sidewalks, and snow removal is below average. Where are the studies? It seems all opinion based. There are 87 homes in the new subdivision and 187 on this side. We don't need more access points. I would like to see the studies and data proof. I would also like to see that the Rodeo bridge crossing be put back on the table, my understanding is that Rodeo is off the table because 10 residents said "no" and now Midnight Sun has 23 residents all saying "no". Why not enhance Rodeo to be a feature? I haven't heard one good reason other than this was in the plans. Where is the consideration of safety for the existing residents not just the safety of future emergencies?

Ms. Ellen Reid, 108 Bridge Street: There is a question of why this is being proposed. I asked Mike Mosher, Why do we have to connect these two neighborhoods? I had the pleasure of a fire truck coming to my house with a boiler issue. The truck was able to get there help us at the end of Bridge Street and turn around and leave just fine. I think we can get more creative with traffic calming than just adding stop signs. I think we have smart people in this Town and we can come up with a better solution. I think we can make a better design that will serve the people who live there now and it won't be an issue for the people who are supposed to move in there. I don't think we need to just base this on the 1999 master plan.

Mr. Dave Rossi, 6 Cedar Green: I'm celebrating my 12th year in the neighborhood. The last meeting I did a head count of where you were (to the Commission), Mr. Mamula said, "let's get creative". I don't know how adding a bridge is being creative. I think the developers gave in to the planners for the bridge and I think they can be more creative. I think this seems more about politics and I think staff and the developers can buck this and think creatively on how to make this a better design. I do question why these neighborhoods need to be connected with vehicles. I think there are other options for emergency access. Staff has not demonstrated that there needs to be any connections between the two neighborhoods. Mr. O'Neil did a traffic study that said there didn't need to be connectivity. We are back to anecdotes and hypotheses. We are used to the accessibility that we have currently. What do you as Planning Commissioners think? We don't have the ability to be in all of these meetings with staff, we are looking to you guys to represent us. You work at the pleasure of Town Council who in turn work for all of us. We are asking you to be more creative than the proposal tonight. I'm hoping that you guys will forego any staff direction and look at whether the neighborhoods need to be connected. The neighborhood that I live in really works. I see the kids every day; there is no place for kids to get out of the way if there are cars. I know that Town Engineering said that more people would use Bridge Street to access Stables road. I would like you guys to think about whether this has been based on fact of just hypothesis. Let's think about the families. This is a fraction of the people who are bothered about this proposal.

Ms. Amy Mastin, Land Title Employee: It is my privilege to do the closings of the people who have purchased into the Wellington Neighborhood. Listening to Mr. Rossi I felt compelled to speak. I first met Mr. O'Neil when the Wellington Neighborhood when working at Main Street Station, and I heard about the "extracting of the pounds of flesh" he endured at each Town meeting. It is now 204 homes and is a great asset to the Town, I feel like this is now these neighbors' lives. I feel like you are trying to impose another hypothetical "pound of flesh" on the developers. It has been my pleasure to meet these people who are excited to purchase in this neighborhood and I don't want to see this be harmed.

Mr. Alex Blank, 32 Midnight Sun: I purchased in October 2013 and I thought I would be getting a safe location I was not aware that I would be getting a bridge. I chose my location specifically for access to the bus and what my corner of the neighborhood would like this. I would not have chosen this home with two young kids if I knew that there was going to be a road bridge here. I can't see this plan as being useful. Getting a fire truck across the Midnight Sun jog is not a fun proposition. They are going to use the major roads. There are a lot of other ways around. There are very few bottlenecks as they exist now in the current neighborhood. I would love to see a study to see why it needs to be there; at this point I don't get it. The headlights that would shine right into the houses across from the bridge with this would be unacceptable.

Ms. Kelly Sanders, 83 Bridge Street: I agree with everything that all my neighbors have said tonight. The Wellington Neighborhood has become a way of life for all our kids. Overall, they are in a safe neighborhood. I don't see the benefit of this connection with the new neighborhood. It won't benefit the existing. It is not ok to ruin the way of life of the existing neighborhood. It will be extremely negative for everyone in the existing neighborhood. We are going to worry about our kids now going out. It has been a safe, awesome, incredible place for us to live. With the connectivity we will see an increase in traffic. I don't see the purpose of the connectivity between the two neighborhoods.

Ms. Amy Pombo, 12 Dragonfly Green: I don't live on either Midnight Sun or Bridge Street but I do like the way these streets are used and I think we can be more creative than the proposal before us.

Mr. Ian Hamilton, (partner of Mr. Mamula's business), 111 Bridge Street: Largely everything has been covered that I was going to say. I personally would like to see no connections between the two neighborhoods for personal reasons. I think Wellington is a very functioning neighborhood, I think there might be enough connection with Stables road for the new neighborhood. Just because Mr. O'Neil is building another development there shouldn't have to be another connection. I think if we do this a kid will get hit.

Mr. Russell Backhouse, 37 Huckleberry Green: Wellington Neighborhood 0. By eliminating the bridge, you don't eliminate the connectivity.

Ms. Trisha Florio, 95 Bridge Street: I agree with everything said (by the public) at this meeting.

There was no further public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Mamula: Thank you to all of you who showed up for this meeting tonight. The Commission will have discussion now.

Ms. Christopher: Please clarify the current and approved 2006 Master Plan. (Mr. Mosher: Going back, the approved Master Plans have shown pending vehicular crossings shown at Midnight Sun for 3 previous master plans: 1999, 2002, and 2005 - all showed possible connections.) It is not a jogged line but straight at Midnight Sun? The current approved is Rodeo and Midnight Sun? (Mr. Mosher: Correct, just a straight line.)

Mr. Pringle: I appreciate all of you coming out here tonight. We know how passionate you are about the Wellington Neighborhood. I have been part of this development from the beginning. I love hearing all the comments about the quality of the neighborhood. I'm agnostic about having the connections. The Town Engineer and Planning dictate that it is preferable to have these connections. I think that is what is driving the desire to have the connections. The connections have always been part of the project. I know how much fun it is for the kids to play, but it was always called Bridge Street because there was going to be bridge connection here. I don't know how we can soften it up; we need to be creative to solve this. I have a question, where will all the increased traffic come from? I think if it comes from anywhere, it will come from you folks. The only impacts of increase traffic will be coming from you,

not Town. I don't see when I look at the vehicular patterns; it will be just people coming from one side or the other. I think they will go out to the main roads avoiding the bridges. I'm not quite sure if we are opposed to what is happening based on the reality of what could happen or just opposed to just changing what now exists. Our charge is to make good public policy and what is best for everyone. This is not what we proposed, we are just supposed to review what the developers and staff have been discussing. I think if no connections are the best then I'll agree, but if we hear that if we need this for Public Works, the bus system, etc. then we do need the connection. If we have options, then you will hear about them. I don't think we are going to abandon Bridge Street and make it a permanent playground for the kids. These are not easy decisions for us to make and listen to impassioned public comments. We take our jobs very seriously but we have responsibilities to the Town to make the best decisions for the public. On the four questions: 1. At this time, I feel compelled to support some connections and I think Bridge Street has always been the plan for a future connection. I guess the Midnight Sun connection I will go along with, but I would like to see those connections be as limited to emergency situations as possible be mostly pedestrian. 2. I will agree with Mr. O'Neil that a 22-foot wide road is a lot quieter and calmer, engineering likes straighter, flatter, road. I think a safer road is a narrow, windy road. 3. Any traffic calming is good, but I don't agree that stop signs are the best solution. Calming measures on the South Alley are a potential solution. I think that the South Alley is the best way through to leave the neighborhood. 4. The trail connections and inter-neighborhood circulation is great.

Ms. Christopher: Are two roads / bridges, was that requested by Town Engineering? (Mr. Daugherty: Yes that is requested for connection to the new neighborhood.) 1. Connections at Midnight Sun: not ok with this connection but I am in favor of the 2006 Master Plan with a bridge at Rodeo and Bridge Street. I don't think the jog at Midnight Sun is a good egress location. So many people have purchased on Midnight Sun and that wasn't on the 2006 Master Plan. Since 1990 something Bridge Street was always supposed to have a bridge. I was under the impression that Rodeo Drive was taken out because of the riparian corridor. Midnight Sun is a good pedestrian crossing bridge. The pedestrian bridge is a great crossing for the Central Park. 2. Traffic Calming should be whatever needs to happen to make the neighborhood slower. 3. The slowing of traffic on the South Alley I definitely think needs to happen. I do think that the developer needs to pave Stables Road that the new neighbors will need to use. 4. Circulation for pedestrian and trails is all great.

Mr. Lamb: 1. Vehicular connections: no one likes Midnight Sun or Bridge Street; maybe we should re-look at the vehicular connections between the two neighborhoods. 2. Yes. 3. Yes. 4. Yes, Stable Road paved.

Mr. Schuman: I appreciate the comments to the public comments before the final meeting. 1. No I don't support the Midnight Sun connection. Bridge Street if it could work, could be an emergency access only if possible. Rodeo connection with Vern Johnson Park makes more sense for me. 2. I think traffic calming measures have been created a result of overall poor design; I support them as much as we need them but a good design would minimize the need for them all together. 3. Same thing here with South Alley; I think we can do something better here. 4. The more inter-neighborhood pedestrian the better, the wider the pedestrian bridges the better for kids, and plowing.

Ms. Dudney: I'm not an expert planner or traffic engineer but I am a mother and can empathize with the parents. However, the Town Engineer says we need these connections and if not then a 24-foot wide road. The developer says that this wide of a road is bad. The residents say traffic endangers the kids. Ultimately, I have to support the Staff recommendation and agree with Mr. Pringle. But when I have no traffic or expert planning experience, I rely very heavily on the very knowledgeable Mr. Mosher and Mr. O'Neil. So, the fact that the developer says no 24-foot wide bridge but concedes to the bridge on Midnight Sun, it is because he feels

- comfortable that the neighborhood will survive and thrive.
- Mr. Schroder: I'm your neighbor and a lay person, our main task is to take the Town Code and make a recommendation to the Town Council. The traffic crossing is an absolute for the emergency access. This entire development was always proposed to be one neighborhood and was always in all the same Master Plans. I fully support pedestrian connectivity throughout the neighborhood. I'm one alley up from Bridge Street, the fire department also made it to my house. Improving the connectivity is important. If there was a major incident for the emergency vehicles there could be conflict on the streets. This whole neighborhood will continue to change. 1. Midnight Sun, I too am agnostic on this. I feel like there should be another connection, the Midnight Sun job is awkward. 2. What else to you do besides stop signs or landscaping? I do like the proposed road staying skinnier. I like the idea of a "No Wake Zone". 3. South Alley: I think traffic calming will help. Plus a quarterly update in HOA communications would help. 4. Fully support pedestrian connectivity.
- Mr. Mamula: I am still tragically underwhelmed by where we are now. I can't believe that after the last hearing, this was the solution. I am not a developer or engineer and I can't draw but there is no creativity in this solution. When I looked in the packet and saw that this is worse than the 2006 Master Plan I was very disappointed. This has now become just "bang some houses out". What you have given to the Town Staff is what has resulted in you having an angry neighborhood. I too would be furious if I bought houses on these streets without knowing about these changes. 1. I think the road should be straight. I think there shouldn't be connectivity on Bridge Street, things change. I still don't understand, why we can't have a gate for emergency vehicles. 2. I stop at stop signs, I guess I don't have to, but part of this is a good solution, so I'm in favor of the traffic calming. Minor collectors and through streets are discouraging through traffic, this is not happening here. You are not discouraging me from using these minor collectors and local streets so this doesn't work according to the code. 3. The South Alley seems like a solution to make new urbanism work. It is longer than any other alley and seems like a very poor solution. I'm almost offended that this is a solution to dump 100 cars onto a dirt road that is going to blow dirt on all the people. Stables Road needs to be paved, I don't care who does this, but it needs to be paved. Overall, this development is not better for Town as it is proposed. I am really underwhelmed and I think that we can do better. If Bridge Street has to happen but some of this other stuff makes me bummed. There needs to be better solutions. 4. Pedestrian circulation is great, but this is easy. To all of you who attended this meeting, the next step will be a review at this level will be about different aspects. I would suggest that you come to the next meeting. Then this will go to Town Council and I suggest you go to that meeting too and follow this all the way through.

OTHER MATTERS:

1) State of the Open Space Report

Mr. Truckey presented the 2014 State of the Open Space Report. The report provides an update on the Town's Open Space and Trails program, including data on open space properties acquired and trails constructed in the last year. This is intended as an update for the Planning Commission and no action is required. Staff will be glad to field questions regarding the report.

Commissioner Questions / Comments:

- Mr. Schuman: Do you typically spend all budgeted funds? (Mr. Truckey: The way the funding plan was written was that the funds have to be spent for this purpose. We've had a big balance in the past but we have purchased land over the years.) You will carry about \$600,000 into the new year? (Mr. Truckey: Yes.) The 6 person trail crew will continue for the future. (Mr. Truckey: Yes.)
- Mr. Schroder: Does most of your funding go towards acquisitions? (Mr. Truckey: Over 50% of our funding

Mr. Mamula: goes towards acquisitions, much to pay off previous acquisitions.) It is stunning the progress this program has become. It is incredible; you have done a masterful job, so thank you. The new trails are kickass. (Mr. Truckey: We have a great staff from planners to the guys on trails crew. I think it has put us on the map. We are able to leverage all of our dollars because the County is typically putting up half the funds on these acquisitions.)

ADJOURNMENT:

The meeting was adjourned at 9:45pm.

Eric Mamula, Chair



Scheduled Meetings, Important Dates and Events

Shading indicates Council attendance – others are optional

The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them. All Council Meetings are held in the Council Chambers, 150 Ski Hill Road, Breckenridge, unless otherwise noted.

JANUARY 2015

Tuesday, January 27, 2015; 3:00/7:30 pm Second Meeting of the Month

Tuesday, January 27, 2015; 6:00 pm; Beaver Run Resort Snow Sculpture Championships Opening Ceremony

FEBRUARY 2015

Friday, February 6, 2015; 8-9am; Salt Creek Steakhouse Coffee Talk

Tuesday, February 10, 2015; 3:00/7:30 pm First Meeting of the Month

Tuesday, February 24, 2015; 3:00/7:30 pm Second Meeting of the Month

MARCH 2015

Tuesday, March 10, 2015; 3:00/7:30 pm First Meeting of the Month

Friday, March 13, 2015; 8-9am; TBA Coffee Talk

Tuesday, March 24, 2015; 3:00/7:30 pm Second Meeting of the Month

OTHER MEETINGS

4 th Monday of the Month; 4:00 p.m.	Cultural Arts Advisory Committee; Riverwalk Center
1 st & 3 rd Tuesday of the Month; 7:00 p.m.	Planning Commission; Council Chambers
1 st Wednesday of the Month; 4:00 p.m.	Public Art Commission; 3 rd floor Conf Room
2 nd & 4 th Tuesday of the Month; 1:30 p.m.	Board of County Commissioners; County
2 nd Thursday of every other month (Dec, Feb, Apr, June, Aug, Oct) 12:00 noon	Breckenridge Heritage Alliance
2 nd & 4 th Tuesday of the month; 2:00 p.m.	Housing/Childcare Committee
2 nd Thursday of the Month; 5:30 p.m.	Sanitation District
3 rd Monday of the Month; 5:30 p.m.	BOSAC; 3 rd floor Conf Room
3 rd Tuesday of the Month; 9:00 a.m.	Liquor Licensing Authority; Council Chambers
4 th Wednesday of the Month; 9:00 a.m.	Summit Combined Housing Authority
4 th Wednesday of the Month; 8:30 a.m.	GoBreck; GoBreck Offices
4 th Thursday of the Month; 7:00 a.m.	Red White and Blue; Main Fire Station
4 th Monday of the Month; 3:00 p.m.	Childcare Advisory Committee; Town Hall

Other Meetings: CAST, CML, NWCCOG, RRR, QQ, I-70 Coalition