

CALL TO ORDER, ROLL CALL

Mayor Warner called the meeting of January 27, 2015 to order at 7:31 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 - JANUARY 13, 2015

With no changes or corrections to the meeting minutes of January 13, 2015, Mayor Warner declared they would stand approved as submitted.

APPROVAL OF AGENDA

Mr. Gagen stated there was one change to the agenda, which was to remove the first reading of Council Bill No. 5, regarding changes to the sign code.

COMMUNICATIONS TO COUNCIL

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

Mayor Warner opened Citizen's Comment.

Mr. Brian Rogers, owner of Breckenridge Cannibus Club, stated he handed out a letter to Council Members asking for a temporary extension of the deadline to move from Main Street. He read the letter into record. He further stated the State informed BCC that it would take 45-60 days to process their application, but as of this afternoon he thinks it may be possible to get it done within 48 hours after all. He stated they are asking for an emergency ordinance, which would allow them to stay longer if needed. He also stated a dozen employees would not be employed during the time they would be closed. Mayor Warner stated BCC agreed on 60 days after the election, and Mr. Rogers clarified they had asked for 90 days. Mayor Warner then explained the process for an emergency ordinance to be introduced and passed.

Mr. Burke asked about clarification of facts. Other Council members asked about the timeline for providing the Town's conditional approval letter to the State, the initial contact with the State, and the procedure for local and state application. Mr. Burke stated he is concerned about an emergency ordinance and the possibility of changing a decision based on a non-publicized ordinance that was influenced by a public vote. Mr. Burke further stated that 48 hours is very different from 60 days.

Mr. Rogers stated the State can't promise that the new license will be done in time for the local ordinance deadline. Mr. Gagen then clarified the timeline for local license approval. Mr. Brewer asked if an emergency ordinance would change the perception by the State to rush the licensing process. Mr. Rogers clarified that administratively letting the license lapse would create a problem with moving product and other things. Ms. Lawrence asked why they didn't come to the January 13th meeting to ask for an extension, and further stated she isn't sure what constitutes an emergency ordinance. She doesn't consider this to be an emergency ordinance situation. Ms. Gigliello stated that with an emergency ordinance we (Council) are compromising on other people's ability to speak up in opposition. Mr. Gallagher stated he believes there are two levels of issues: First, a vote to put the ordinance on the agenda wouldn't have a public notice, and second, if the Council puts it on the agenda, he doesn't feel it rises to the level of an emergency. Mr. Brewer stated he didn't think this rose to the level of an emergency ordinance.

There were no motions to for an emergency ordinance to be added to the agenda and the matter was closed.

Mayor Warner further stated he wanted to offer to call the State if it would help.

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

B. Red, White and Blue Fire District Update

Red, White and Blue Fire District representatives were not present for an update.

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

Mayor Warner read the title into the minutes. Chief Haynes stated there are no changes to the ordinance from the first reading.

Mayor Warner opened the public hearing. 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. Ms. Gigliello 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 the update to the ordinance includes the addition of e-cigarettes and similar products, as well as addressing purchasing and sales language to make our ordinance compliant with State Statute and including possession as well.

Mayor Warner opened the public hearing. 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. Chief Haynes stated this ordinance includes changes to the definition of environmental and tobacco smoke, adds a buffer around entries to business, and restricts smoking around outdoor patios.

Mayor Warner opened the public hearing.
Jeff Cox, owner of Cecilia's Bar, stated he wanted to express concern about this ordinance. He further stated that the second reading the ordinance includes bars, and he owns a cigar bar and a patio for cigar smoking. He also stated the cigar bar is a legal business in the eyes of the state, and the cigar bar attracts his ideal clientele. Mr. Burke stated his concern is that everyone needs to be on a level playing field, without exceptions. Mr. Cox stated his is the only cigar bar in the county, and he has invested in this business so he is asking for an exemption for cigar bars written into the ordinance. Ms. Gigliello stated she would prefer to allow the humidor in the business. Mayor Warner stated the ordinance was intended to avoid the mixing of smoky air and food. Mr. Brewer stated he didn't think about the impact of this ordinance on this type of business, and this is different than the original intent of the ordinance.

Mr. Gallagher stated the business is unique and he would be prepared to give an exemption to this kind of business. Ms. Wolfe stated she supported an exemption for this business as well. Mr. Burke stated his concern is that if one bar allows smoking in this kind of setting, they may have an unfair advantage, and the goal is equality for all bars.

Mr. Brewer stated it would need to rise to the level of a true cigar bar with an indoor space for this purpose. Ms. Lawrence stated she had already considered the time aspect (allowing smoking late at night), and she could see the merit of allowing it outside after 10 or 11pm.

Mayor Warner stated it sounds like Council is comfortable with a cigar bar exception to the ordinance.

Council opted to delay the second reading of this ordinance to the next meeting and encouraged Mr. Cox to speak with Chief Haynes about a cigar bar exemption.
There were no additional comments and the public hearing was closed.

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. Waldes stated there were no changes to this ordinance from the first reading.

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

Mr. Brewer 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. Wolfe seconded the motion.
The motion passed 7 - 0.

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
This ordinance was removed from the agenda.

B. Resolutions, Series 2015

1. RESOLUTION NO. 5, SERIES 2015 - A RESOLUTION ABOLISHING THE TOWN OF BRECKENRIDGE PUBLIC ARTS COMMISSION
Mayor Warner read the title into the minutes. Mr. Holman stated the Town Charter allows Council to form advisory boards as needed. He further stated that within the last month Breckenridge Creative Arts was formed and will take over from these two advisory committees with their Board of Directors. As a result, these advisory boards are no longer necessary.

Mr. Brewer moved to approve RESOLUTION NO. 5, SERIES 2015 - A RESOLUTION ABOLISHING THE TOWN OF BRECKENRIDGE PUBLIC ARTS COMMISSION. Mr. Gallagher seconded the motion.
The motion passed 7 - 0.

2. RESOLUTION NO. 6, SERIES 2015 - A RESOLUTION ABOLISHING THE TOWN OF BRECKENRIDGE CULTURAL ARTS ADVISORY COMMITTEE
Mayor Warner read the title into the minutes. Mr. Holman stated this Resolution is covered in his explanation of the prior Resolution.
Ms. Wolfe moved to approve RESOLUTION NO. 6, SERIES 2015 - A RESOLUTION ABOLISHING THE TOWN OF BRECKENRIDGE CULTURAL ARTS ADVISORY COMMITTEE. Ms. Gigliello 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 he had nothing more to report than what Ms. Julia Puester already covered in the Work Session.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated the Town has been approved for low income tax credits for the Pinewood 2 project, and it is a very popular project with the investors.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Cast/MMC (Mayor Warner)

Mayor Warner stated Ms. Melanie Rees, an affordable housing consultant from Crested Butte, is extremely supportive of Ms. Laurie Best in her role with the Town's housing committee.

B. Breckenridge Open Space Advisory Committee (Ms. Lawrence)

Ms. Lawrence stated Council should have received an email with the draft EIS from the Forest Service regarding Breckenridge Ski Area. She further stated an open house will take place with the three options at the end of February, and a public comment deadline in early March. Also, she stated BOSAC talked a bit about the ski area's proposal, and staff will be drafting a letter that will come to council for review. Ms. Lawrence further stated they discussed the Blue River restoration efforts, the upcoming Pro Forma and the 2015 Work

Plan, among other items.

- C. GoBreck (Ms. Wolfe)
Ms. Wolfe stated GoBreck is busy with the Snow Sculpture Championships this year.
- D. Breckenridge Heritage Alliance (Ms. Gigliello)
Ms. Gigliello stated she emailed her report to the Council.
- E. Water Task Force (Mr. Gallagher)
Mr. Gallagher stated he, Mr. Gary Martinez and Mr. Gagen will be going to Denver for a meeting with the Water Board and will report back to Council about how it goes. He further stated there will be a Water Law seminar offered to the public on April 10 at the Senior Center in Frisco.
- F. Cultural Arts Advisory Committee (Mr. Gallagher and Ms. Wolfe)
Mr. Gallagher stated that as of this meeting this committee no longer exists. He further stated the new leadership board for Breckenridge Creative Arts held a meeting this week, and they are moving forward with creating committees. He stated Council should have received VIP invitations to an event over the weekend. Also, the public can expect to see more concerts and higher quality acts in the future. Ms. Lawrence asked how large the board was going to be, and Mr. Gallagher stated possibly 9-11 members. He further clarified there is a committee to nominate new members.

OTHER MATTERS

Mr. Wolfe stated there is an electronics recycling event taking place at the County Commons in Frisco on Saturday.

Ms. Lawrence stated she had some questions regarding the increased pedestrian traffic on Airport Road, including people walking in the road late at night. She further stated there are no crosswalks in that location, and sidewalk plowing doesn't seem to be as consistent there. She stated she would like to see that sidewalk section as a priority plowing site, and look into what it would take to add lights to that area. Mayor Warner agreed it's becoming more of a service-commercial residential area and we should look into it. Mr. Gagen stated when the sidewalk was put in there wasn't pedestrian use after dark in that area. Mr. Gagen also stated Staff will bring back costs for improvements in that area. Mr. Brewer stated the Block 11 development in the future may also add to the need.

Mayor Warner stated the State of the Town is a work in progress, and he is working with Ms. Dykstra on that. He further stated Ms. Ann Lukacs, a local film production coordinator, asked the Mayor about making the Town more available for filming, which includes staff, police and other resources. Mayor Warner stated he likes the film industry and would like to see us embrace them. Ms. Wolfe stated the industry can be difficult, and stated we have a process for approving events in place already. Mr. Brewer stated he disagrees with using the regular event process because these films are free advertising for the Town, and things that get us in the media create a buzz, and lead to national exposure. Mr. Burke stated he sees both sides to the issue. Mr. Brewer stated he doesn't think it's always necessary to go through the SEPA process. Ms. Lawrence stated she would rather see us be more open to the industry. Ms. Gigliello stated she also thinks we can be more flexible with our process and our stance. Mr. Gagen stated the State has supported the industry in the past.

Mr. Burke stated he wants to make sure Council spends enough time talking about the smoking ordinance. He further stated he believes Council should consider late night smoking and how to enforce it. Mayor Warner stated staff will research the situation.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:30 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

/s/
John Warner, Mayor