

**BOARD OF TRUSTEES
TOWN OF GREEN MOUNTAIN FALLS
MINUTES OF REGULAR MEETING - TUESDAY, SEPTEMBER 6, 2011**

The meeting was called to order at 7:01 p.m. by Mayor Tyler S. C. Stevens.

ATTENDANCE:	Pitrone	present	Useman	present (left 9:33 p.m.)
	King	present	Bratton	present
	Worthey	present	Newberry	present

ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA - No additions, deletions or corrections were presented.

PUBLIC INPUT - Items Not Listed on Agenda * - Cottage Street resident, John Kramer was present to discuss an August break-in and vandalism incident to a vacant cabin on Hondo Avenue. Kramer was concerned that the Marshal's Office did not publicize the incident nor address it in the reports at the board meetings. He felt that owners of summer residences should be apprised of the threat. Kramer wanted to request more neighborhood patrolling by the department. Kramer was encouraged to speak with Marshal Bradley.

CONSENT AGENDA

- APPROVE BOARD OF TRUSTEES MINUTES FOR 8/16/11**
- APPROVE BILLS DUE AND PAYABLE FOR \$9,613.54**
- ACCEPT PLANNING COMMISSION MINUTES OF 8/23/11 INTO THE RECORD**

M/S Pitrone/Newberry to approve Consent Agenda as submitted.

CHILDREN'S ARK MISSION WITHIN THE COMMUNITY - Bob Horvath, Special Projects Coordinator for the Hondo Avenue facility was present. Horvath began with information addressing the name change for the Ark to Axios Youth Community. The organization mission is to restore hope, confidence and security through individualized treatment interventions for youth and young adults in need. Axios has been a full service treatment facility for boys and girls ages 8-18 since 1992. Horvath discussed the various services available through the organization with the board and audience members and the accreditation procedures through the State, County and national organizations. He discussed the Restorative Justice Project. Restorative Justice is a process for juvenile justice reform that seeks to engage victims, offenders and the community to participate in an effective response to criminal offenses without having to criminalize the offender youth. At its core, it is an alternative to typical criminal justice proceedings for offenders, victims and the community. He briefly addressed the vandalism incident on Hondo Avenue with John Kramer. Horvath explained that the person who committed the break-in and vandalism is working within the Restorative Justice Program. Horvath also explained that the facility is not a lock down facility. The program encourages integration with the community not separation. He encouraged individuals to contact him and tour the facility and learn more about the program. Horvath volunteered to attend monthly Board meetings to communicate with the Board members and Town residents.

APPROVE REVOCABLE PERMIT REQUEST FOR FENCE - Property Owner, Anthony DeYoung, 10374 El Paso Avenue was present and requested that the Board waive the plan review fee for the fence submittal and accept the \$50.00 payment received. DeYoung will be able to pay the \$25.00 annual revocable permit fee.

M/S Newberry/Bratton to waive the plan review fee. All ye

LIQUOR LICENSE RENEWAL REQUEST - HOTEL AND RESTAURANT LIQUOR LICENSE, AMILY BEIDELMAN-ALMAY - Mucky Duck Restaurant & Catering, 10530 Ute Pass Avenue. M/S Worthey/Pitrone to approve the request for a Liquor License Renewal for Mucky Duck Restaurant & Catering. All yea

The Public Hearing was called to order by Mayor Stevens at 7:45 p.m.

PUBLIC HEARING: REQUEST FROM SCOTT HUNT, BUSINESS OWNER OF SILVER TONGUE DEVIL SALOON, TO MODIFY THE REVOCABLE PERMIT AGREEMENT APPROVED ON MAY 5, 2010 AND ALLOW ALCOHOL ON THE PATIO AFTER 10:00 P.M. AND A REQUEST TO EXTEND BAND PLAYING HOURS FROM MIDNIGHT UNTIL CLOSING

The Board of Trustees received a letter dated 5/11/11 from owner Scott Hunt that was addressed at the 6/7/11 Board of Trustee meeting. Hunt was requesting a change to the restriction placed on the patio by the Town through the Revocable Permit Agreement. Food service ends at 9:00 p.m. with no alcohol served on the patio after 10:00 p.m. Smokers can use the patio until closing. Hunt stated that the restriction not allowing alcohol to be served on the patio after 10:00 p.m. is extremely unpopular with residents and locals. He requested that the Revocable Permit Agreement for use of the public right of way and the hours of operation for the Modified Premise approval be changed to allow patio operation with alcohol until the bar closing time.

Hunt also requested that the Board allow bands to play past the midnight restriction and up to 1:00 a.m. He stated that in most bars, bands normally start at 8:00 p.m. with customers arriving around 9:00-9:30 p.m. He stated his bands have to end too early for him to keep customers to make any profit. At the 6/7/11 meeting, the Board received letters from Gary Foster and Autumn Hall of Howard Street and Ken Nord of Lake Street requesting that the Revocable Permit Agreement not be changed. Marjorie White, Oak Street resident was present at the 6/7 meeting, and agreed with Hall and Nord that the agreement not be changed. Hunt stated that he had talked with El Paso Street resident, Patrick Jones. Hunt feels he alleviated any of Jones' concerns. The Marshal's Department submitted a letter stating that the basic provisions of the permit should not be changed based on the current information provided. As requested by Scott Hunt, the Board agreed to table further discussion until Tuesday, September 6, 2011. A Public Notice Hearing sign will be posted at the business two weeks prior to the 9/6/11 meeting.

Silver Tongue Devil Saloon Business Owner, Scott Hunt was present to continue the discussion of his request that there be no restrictions on serving alcohol on the patio until closing and to allow the bands to play until 1:00 a.m. Hunt stated he has proven over the past three months that he has addressed the issues of noise on the patio and inside the bar by the procedures in place and the upgrades to the interior. He stated that he polices the outside of the bar on a regular basis to test for increased noise. He has received few complaints. Hunt stated he has booked several big named bands and often they are playing to an empty house. He is losing money despite his attempts to bring money into the community. He feels the 10:00 p.m. restriction for the patio needs to be changed to midnight and that bands be allowed to play until 1:00 a.m. Hunt reported that when he purchased the bar, revenues from the food end were at 8%; they are now at 46%. There was discussion from the audience that the garage type windows are frequently open. Hunt did note issues with the garage windows and the doors being opened when the new air-conditioning system installed in July broke down. Anita Dolen, Mountain Avenue resident, stated that she has witnessed Hunt doing everything he can to mitigate noise. She said two hundred people go

to the bar; it is a gathering place. Dolen asked why one or two people should speak for the entire community. Autumn Hall said she is actually speaking for several of her summer neighbors that are no longer here. She stated that Hunt was aware of the town codes when he purchased the bar. She noted that Hunt should be under the same restrictions as Ben Stephens is for the Pantry Gardens. Hunt felt the Town was restricting his business based on complaints from one or two people. Trustee Useman disagreed with that statement and clarified that the Board has heard over and over again from residents what they expect and enjoy from living in Green Mountain Falls. When the primary question has been asked many times and in many forms over the years, two-thirds of the community respond that they desire the peace, tranquility and the quiet of the mountains. Useman stated that these community characteristics are golden to the citizens and have been a constant. He said that many residents are not here to speak for themselves but count on the Board of Trustees to protect their quality of life. Autumn Hall submitted a letter from herself and partner Gary Foster dated 9/1/11. Hall has also maintained a log at the recommendation of the Marshal's Office listing the number of times she called the bar to discuss the noise. Hall stated that the noise from the bands is very loud; so much so when that when she calls to complain about the noise levels, the staff cannot hear her. Hall stated that she often sees people on the patio with drinks after the 10:00 p.m. restriction. The Marshal's Department submitted a letter requesting that the restrictions that are in place remain.

Mayor Stevens stated that while Hunt's endeavors have been excellent, the Board is on a slippery slope when asked to change the agreement. He said it is difficult to backtrack if the agreement was changed and then complaints are received. He stated that not enough time has gone by with the opening of the patio to acquire an adequate track record. He feels it would be wise for the Board to balance the community's desires and to continue a cautious and conservative approach. Stevens looks to the Economic Sustainability committee to solicit input on these issues. John Kramer commented from the audience that this is a noise problem being discussed. He reminded the Board that after several years, they still receive citizen complaints due to noise from another licensed liquor establishment. Trustee Newberry stated she hears the noise from her home on Illinois Avenue; Chris Frandina hears the music from Mountain Avenue and Kay Bachus from her neighborhood on Spruce Street. Resident Howard Price expressed frustration on where does the community want to go in the future, how are revenues expected to increase. He said peace and quiet are one thing, stagnation another. Trustee Bratton noted that while Hunt has shown merit in the operation, he cannot stop the noise with doors and windows opening and closing on a regular basis; it is not possible. Bratton was willing to discuss adding another hour to the patio operation but to leave the quitting time for the bands at 12:00 a.m. Different options and compromises and temporary measures were brought up with no consensus achieved.

M/S Useman/King that the Board take no action on the request from Scott Hunt and to leave the agreements as they are. Useman, King, Stevens, Newberry, Worthey, Bratton in favor; Pitrone opposed.

BOARD OF TRUSTEES APPOINTMENT OF MEMBERS TO THE GREEN

MOUNTAIN FALLS ECONOMIC SUSTAINABILITY COMMITTEE - The Board of Trustees determined that seven (7) members rather than up to eleven (11) members made for a better committee formula. Eleven applications had been submitted. Trustee Bratton strongly opposed limiting the number on the committee. He stated this was an excellent display of citizen involvement representing great community representation. He noted that the applicants were a diverse cross blend with various career expertises. He asked that all 11 be presented to the Board. The consensus of Board members was that a smaller committee

would be more effective. Trustee Pitrone stated that anyone could attend the open meetings and give their input. They did not necessarily have to be part of the committee to be heard. He suggested that the other applicants could be alternates. Applicant Howard Price was present and requested that his application be pulled. He stated that he did not have time to waste. Chris Frandina requested her application be pulled to allow for other applicants to be considered. Trustee Pitrone read the following applicants appointed to the committee: David Shaw, Cameron Thorne, Amily Beidelman-Almay, Katharine Guthrie, Robert McArthur, Kay Bachus and John Morgan. Trustee Robert King and Belvedere Avenue resident, Don Ellis were named as alternates. **M/S Pitrone/Useman to appoint the slate of applicants as presented. Pitrone, Useman, Newberry, Worthey, Stevens in favor; Bratton opposed. King recused himself.**

PPACG grant coordinator for the Economic Sustainability Project was present and stated that he will work with the committee members to prepare the agenda for the first meeting on Tuesday, October 11, 2011. The committee will appoint a chair, vice chair and secretary at that time.

BOARD OF TRUSTEES DISCUSSION TO AMEND MUNICIPAL CODE CHAPTER 2, ARTICLE IX - PLANNING COMMISSION Trustee Bratton is recommending the adoption of procedures for filling commission vacancies. He presented an email to Board members and staff dated 9/6/11 outlining eight procedures. He stated that he had coordinated these procedures with Planning Commission Chairman, David Kosley. Due to the lateness of the hour, Bratton asked that discussion of this item be tabled until the Tuesday, September 20, 2011 Board meeting.

M/S Bratton/ Newberry to table agenda item discussion until 9/20/11. All yea

RESOLUTION 2011-09 A RESOLUTION INCREASING THE SUPERVISION FEE FOR DEFERRED SENTENCES M/S Bratton/Pitrone to approve Resolution 2011-09. All yea

PIKES PEAK RURAL TRANSPORTATION AUTHORITY (PPRTA) CAPITAL IMPROVEMENT PROJECT DISCUSSION - DPW Director Robert McArthur was requested to work up an estimate for a Ute Pass Avenue overlay to add to the ongoing projects' list.

REPORTS: Mayor Stevens: PPACG/PPRTA - No report.

Marshal's Report was entered into the record by Mayor Stevens. Trustee Bratton requested that Bradley attempt to add the average speed on the citations the department issues.

Trustee Pitrone: Regional Building - No report.

Public Works Department: DPW Director - McArthur's report was entered into the record by Trustee Pitrone.

Trustee King: PPACG Alternate / TES Alternate Rep - No report. **Administration** - The August financial packet was submitted.

Trustee Useman: Manitou School District 14 - No report.

Trustee Worthey: Urban Forestry/GIS website - No report.

Trustee Bratton: Bratton reported on the continuing progress of the Trails Committee. The Crystal Trail should be completed and open to hikers this fall.

Trustee Newberry: Parks - Newberry reported that the tennis court grant application did get submitted to GOCO in the 11th hour. The clerk was able to secure the additional \$4,500 needed through sponsor contributions from Howard Price, Kirkpatrick Family Fund and the Friends of Green Mountain Falls.

UNFINISHED BUSINESS - Trustee Bratton reminded Board members that the discussion of the speeding in Town is scheduled for the Tuesday, September 20, 2011. **No other** unfinished business was presented that required Board discussion or action.

NOTE: Trustee Bratton has requested that this agenda item be postponed until Tuesday, October 4, 2011 because Marshal Bradley will out of town for the 9/20/11 meeting. Bratton feels Bradley's input is necessary.

NEW BUSINESS - Trustee Bratton requested that copies of the current fee schedule be given to the Board members for review. **No** other new business was presented that required Board discussion or action.

CORRESPONDENCE - An email was received from Patrick Jones asking the Board why his email from 5/27/11 was not entered into the record during the Pantry Restaurant's Liquor License Renewal. Mayor Stevens and the Board members confirmed that they all had copies of the email which they took under advisement and as an informational email not necessarily requiring discussion or action. **Dick Bratton** submitted a letter to the Board and the Marshal stating that he had donated \$400.00 to the Marshal's Office to reimburse Marshal Bradley for expenses incurred while attending a recent law enforcement competition. **Dr. Trajn Boughan**, 6850 Howard Street requested that the Board of Trustees waive any additional fees for her fence submittal. Boughan paid \$100 in 2010 but property boundary disputes were submitted from adjacent neighbors and the item was tabled until the dispute was settled. Boughan states in her letter to the Board that the disputes are now settled. A new survey is being deposited with the County Assessor by Surveyor Chris Brewer. **M/S Bratton/Newberry to accept Boughan's request for the Town not to charge an additional \$25.00. Bratton, Newberry, Useman, King, Worthey, Stevens in favor; Pitrone opposed.**

No other correspondence was received that required Board of Trustee discussion or an action.

The meeting was adjourned at 9:37 p.m.

Mayor Tyler S. C. Stevens

ATTEST: _____
Chris Frandina, Town Clerk/Treasurer