

## MINUTES

**DATE:** Tuesday, May 7, 2019

**MEETING:** Winter Park Town Council

**PLACE:** Town Hall Council Chambers

**PRESENT:** Mayor Jimmy Lahrman, Mayor Pro Tem Nick Kutrumbos and Councilors, Art Ferrari, Chuck Banks, Chris Seemann, Mike Periolat, and Jim Myers, Town Manager Keith Riesberg, Town Attorney Kendra Carberry, and Town Clerk Dani Jardee

**OTHERS**

**PRESENT:** Police Chief Glen Trainor, Housing Manager John Crone, Public Works Director Russ Chamero, Community Development Director James Shockey, and Finance Director Lizbeth Lemley

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### 1. Meeting Call To Order

Mayor Jimmy Lahrman called the meeting to order at 3:00 p.m.

Mayor Jimmy Lahrman led those present in reciting the Pledge of Allegiance.

### 2. Town Hall Meeting

Old Town Resident Gigi Dominguez stated an update on phase one and two of the Old Town improvements project.

### 3. Consent Agenda

#### 3.a. Approval of April 16, 2019 Regular Meeting Minutes

Mayor Pro Tem Nick Kutrumbos moved and Councilor Art Ferrari seconded the motion approving the Consent Agenda. Motion Carried: 7-0.

### 4. Action Items

#### 4.a. Public Hearing (Local Liquor Licensing Authority) – Issuance of Hotel and Restaurant liquor license to RMT Group, LLC d/b/a Rippy’s Mountain Tavern

Town Clerk Danielle Jardee stated RMT Group, LLC submitted a liquor license application for a hotel and restaurant liquor license for Rippy’s Mountain Tavern to be located at Winter Park Resort. Ms. Jardee stated the application and fees are in order, and Staff recommends approval. Mayor Lahrman opened the public hearing, hearing no comments. Mayor Lahrman closed the public hearing.

Councilor Jim Myers moved and Mayor Pro Tem Nick Kutrumbos seconded the motion approving Issuance of Hotel and Restaurant liquor license to RMT Group, LLC d/b/a Rippy’s Mountain Tavern. Motion Carried: 7-0.

#### 4.b. Public Hearing (Local Liquor Licensing Authority) – Resolution 1688, A Resolution Certifying the Cooper Creek Merchants Association as a Promotional Association,

**Establishing the Cooper Creek Square Entertainment District, and Licensing a Common Consumption Area**

Town Clerk Danielle Jardee stated the Town Council passed an ordinance back in September of 2018 which allows for the creation of Entertainment Districts within the Town of Winter Park. Ms. Jardee stated Cooper Creek Merchants Association has come forward with an application to create an entertainment district along with a common consumption area to be located at Cooper Creek Square. Ms. Jardee stated the applicant has done everything required by the Town's ordinance and paid the appropriate application fees, Staff recommends approval. Councilors asked a few logistics questions about the alcohol border, hours of operation, and how the common consumption area will work. Mayor Lahrman opened the public hearing, hearing no comments. Mayor Lahrman closed the public hearing.

Councilor Art Ferrari moved and Councilor Chris Seemann seconded the motion approving Resolution 1688, A Resolution Certifying the Cooper Creek Merchants Association as a Promotional Association, Establishing Cooper Creek Square Entertainment District, and Licensing a Common Consumption Area. Motion Carried: 7-0.

**4.c. Resolution 1689, A Resolution Approving a License Agreement Permitting Use of Town Right-of-Way for the Cooper Creek Entertainment District and Common Consumption Area**

Town Clerk Danielle Jardee stated this resolution gives Cooper Creek Square permission to use the Town's right-of-way in the newly formed entertainment district and common consumption area.

Councilor Jim Myers moved and Mayor Pro Tem Nick Kutrumbos seconded the motion approving Resolution 1689, A Resolution Approving a License Agreement Permitting Use of Town Right-of-Way for the Cooper Creek Entertainment District and Common Consumption Area. Motion Carried: 7-0.

**4.d. Resolution 1690, A Resolution Approving a Waiver for Affordable Housing Fees on the Construction of a Residence at 100 Moose Court, Pursuant to 6-5-2 of the Winter Park Town Code**

Housing Manager John Crone stated Travis and Alyssa Wildeboer completed a home on Elk Trail back in 2005 and are the only people who have previously applied for this housing waiver under the Town Code. Mr. Crone stated they received a waiver of \$2700 dollars in 2005 on 900 square feet of living. Mr. Crone stated they sold that property and used the funds to build their new property on Moose Court and are now asking for a waiver of \$4752 dollars. Mr. Crone stated he reviewed their tax returns, assets, etc., and the way that section of the Town code is written doesn't provide much guidance on restrictions or other aspects on how to apply for this waiver. Mr. Crone stated it is Staff's intention to clarify this section of the code in the future. Mr. Crone stated when they applied in 2005 the requirements were, they had to live on property for three years and it had to be their primary residence. Mr. Crone stated Staff is recommending given the ambiguity in the code that we just restrict it to the two requirements that we imposed previously, three years residency and primary residency, however Council does have discretion. Councilor Mike Periolat asked if they move out before three years how does Town get the money back. Town Attorney Kendra Carberry stated that when Staff revisits this section of the Town code, we would write in that it be a lien upon transfer or something along those lines. Town Manager Keith Riesberg stated there are policy issues that need to be cleaned up and once that is done, it would be brought back for Council's consideration.

Councilor Chris Seemann moved and Mayor Pro Tem Nick Kutrumbos seconded the motion approving Resolution 1690, A Resolution Approving a Waiver of Affordable Housing Fees on the Construction of a Residence at 100 Moose Court, Pursuant to 6-5-2 of the Winter Park Town Code. Motion Carried: 7-0.

**4.e. Resolution 1691, A Resolution Extending the Final Plat Recordation Date for Rendezvous at Winter Park, Filing 1**

Community Development Director James Shockey stated Rendezvous has had their final plat out there for ten years and have been requesting extensions every year since but missed last year's extension. Mr. Shockey stated the way the code reads if they get the extension the plat continues. Mr. Shockey stated if Rendezvous gets the extension then they can record plat and get moving on development.

Mayor Pro Tem Nick Kutumbos moved and Councilor Mike Periolat seconded the motion approving Resolution 1691, A Resolution Extending the Final Plat Recordation Date for Rendezvous at Winter Park, Filing 1. Motion Carried: 7-0.

**4.f. Resolution 1692, A Resolution Approving an Intergovernmental Agreement with Roam Metropolitan Districts Nos. 1, 2 and 3**

Town Attorney Kendra Carberry stated this service plan was approved along with the Roam development plan, however at that time the districts were not formed, so Town could not enter into the agreement. Mrs. Carberry stated now that the districts are formed the Town can enter into the Intergovernmental agreement with Roam Metropolitan Districts Nos. 1, 2 and 3.

Councilor Art Ferrari moved and Councilor Chris Seemann seconded the motion approving Resolution 1692, A Resolution Approving an Intergovernmental Agreement with Roam Metropolitan Districts Nos. 1, 2 and 3. Motion Carried: 7-0.

**4.g. Resolution 1693, A Resolution Approving an Amended and Restated Development Agreement, Ground Lease, Construction and Support Easement Agreement and Lease for a Transit Center and Commercial Development in a Portion of the Vasquez Parking Garage**

Town Manager Keith Riesberg stated Council previously approved these agreements associated with the Transit Center project, however as the project moved forward amendments needed to be made. Mr. Riesberg stated Staff identified minor amendments to recognize improvements that were being proposed that lie outside of the original lease agreement. Mr. Riesberg stated those improvements are, metal racks, decorative wood features, and adding signage, the agreements have now been modified and amended for the developer for improvements. Mr. Riesberg stated Staff also worked with the developer on identifying the cost of sealing the parking garage over the tenant space and determined the sealing would be cost shared. Mr. Riesberg stated as construction started the gas line for the Cooper Creek fire pit also had to be moved. Mr. Riesberg stated all the agreements have been cleaned up and edited to reflect all changes for Council's consideration.

Councilor Jim Myers moved and Councilor Chris Seemann seconded the motion approving Resolution 1693, A Resolution Approving an Amended and Restated Development Agreement, Ground Lease, Construction and Support Easement Agreement and Lease for a Transit Center and Commercial Development in a Portion of the Vasquez Parking Garage. Motion Carried: 7-0.

**5. Town Manager's Report**

*Nothing to Report.*

**6. Mayor's Report**

Mayor Lahrman stated he received a thank you letter from Grand County Board of Realtors for presenting at an informative meeting. Mayor Lahrman stated the Shining Stars Foundation wrote a thank you letter to the Town for donating \$2500.00 dollars this year. Mayor Lahrman stated CAST Director Margaret Bowes needs Town Council to appoint a new CAST member. Council agreed Town Manager Keith Riesberg would be that member, and Councilor Jim Myers would be an alternate. Mr. Lahrman stated two upcoming meetings he would be attending, the Mayor, Manager, Commissioner meeting and the Board of County Commissioners meeting.

**7. Town Council Items for Discussion**

Mayor Nick Kutrumbos stated he would represent Town Council on May 14 at the school district meeting. Mayor Lahrman stated Town of Fraser locals, B. Travis Wright and Kate who are the authors of *Rollins Pass* reached out to him about presenting information about Rollins Pass to Town Council at a future workshop.

There being no further business to discuss, upon a motion regularly adopted, the meeting was adjourned at 3:46 p.m.

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The next scheduled meeting of the Town Council will be Tuesday, May 21, 2019 at 5:30 p.m.

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Danielle Jardee, Town Clerk