

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
July 7, 2014**

CALL TO ORDER WORK SESSION OF THE BOARD OF TRUSTEES

A work session of the Board of Trustees for the Town of Fairplay was called to order at 6:04 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, by Mayor Gabby. Also present were Trustees Frank Just, Ray Douglas, Eve Stapp, and Scott Dodge, Town Planner Ron Newman, Town Attorney Lee Phillips and Town Administrator/Clerk Tina Darrah.

Discussion/Review of Town Center Overlay District Design Guidelines

The Board and Staff went through the draft Town Center Overlay District Design Guidelines and draft Town Center Overlay District Ordinance. Several changes were made and it was agreed that staff would bring the documents back for final approval at the next available meeting.

CALL TO ORDER REGULAR MEETING OF THE BOARD OF TRUSTEES

The regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 7:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, by Mayor Gabby Lane who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Frank Just, Ray Douglas, Eve Stapp, and Scott Dodge. Also in attendance were Acting Police Chief Joel Vice, Town Treasurer Kim Wittbrodt, Town Attorney Lee Phillips and Town Administrator/Clerk Tina Darrah.

AGENDA ADOPTION

Motion #1 by Mayor Lane, seconded by Trustee Just, that the agenda be adopted as presented. Motion carried unanimously.

CONSENT AGENDA (*The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.*)

- A. **APPROVAL OF MINUTES** – June 16, 2014
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds

Motion #2 by Trustee Stapp, seconded by Trustee Dodge, that the consent agenda be adopted as presented with bills in the amount of \$26,573.26. A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

CITIZEN COMMENT

No citizen comment offered.

PUBLIC HEARING

Should the Board Approve the Special Event Liquor License as Applied for by Fairplay Burro Days for the Burro Days Event?

Mayor Lane opened the public hearing at 7:04 p.m. and read a brief opening statement stating jurisdiction and outlining procedures for the public hearing. He then asked for staff comment, which was offered by Town Administrator Darrah stating that the application had been deemed complete, fees paid, and that the hearing had been noticed in accordance with Colorado State Statutes. Ms. Darrah offered a staff recommendation of approval.

No comments were offered by the applicant or by anyone in opposition to or support of the application.

Mayor Lane closed the public hearing at 7:07 p.m.

Motion #3 by Trustee Just, seconded by Trustee Douglas, that the Board approve the special event liquor license as applied for by Fairplay Burro Days for July 26 and 27, 2014, for a beer tent at 500 Front Street in conjunction with Burro Days. Motion carried unanimously.

UNFINISHED BUSINESSOther Pending Items

1. CNG – No update offered.
2. Code Enforcement – No update offered.
3. Capital Improvement Fund – No update offered.

NEW BUSINESS2013 Audit Presentation and Acceptance – Tim Mayberry

Tim Mayberry presented the Board with the 2013 Audit, stating that it was a “clean” audit with no major issues found. He made the Board aware of several small issues – particularly in the water fund relating to loan agreements. He further noted that every year the Town’s books are in better shape and that the Town Treasurer is doing more of the adjusting entries each year.

Motion #4 by Mayor Lane, seconded by Trustee Just, that the Board accept the 2013 Audit. Motion carried unanimously.

Discussion/ Action Regarding Resolution No. 16, series of 2014, entitled, “A RESOLUTION CALLING A SPECIAL MUNICIPAL ELECTION FOR NOVEMBER 4, 2014, SETTING THE BALLOT QUESTION THEREFOR, AND AUTHORIZING THE SAME TO BE HELD AS A MAIL BALLOT ELECTION” and Resolution No. 17, series of 2014, entitled, “A RESOLUTION CALLING A SPECIAL MUNICIPAL ELECTION FOR NOVEMBER 4, 2014, SETTING THE BALLOT QUESTION THEREFOR, AND AUTHORIZING THE SAME TO BE HELD AS A MAIL BALLOT ELECTION”.

Mayor Lane introduced this topic stating that he and the other Board Members had solicited public comment from the Town’s residents and business owners and that he was pleased to see such a large turnout of residents at the meeting. He went on to solicit public comment from those present in regards to whether or not the Town should place a ballot question on the 2014 ballot relating to allowance of retail marijuana sales in Fairplay.

Comments in favor of placing the question(s) on the ballot were offered by: Trevor Messa, Steve Petty, Pam DeBonis, Darren Daniels, Pat Kelly, Bob Sheets, James Dean, and Marta Butler-Bearzi

Comments opposed to placing the question(s) on the ballot were offered by: Keith Wortman, Sylvia Wortman, Frank Gleiforst, Dale Fitting, Kathy Fitting, Amy Sheets, Carol McDevitt (via letter), Bobbi Gore, and Julia Anderson.

Mayor Lane and the rest of the Board thanked all of those present for coming to the meeting, stating that they would take their comments into consideration. This item was then tabled until the next regular meeting.

Should the Board Approve Adoption of Ordinance No. 2014-6, entitled, “AN EMERGENCY ORDINANCE MODIFYING A TEMPORARY SUSPENSION OF THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A BUILDING PERMIT IN THE TOWN’S R-B RESTRICTED BUSINESS AND B BUSINESS ZONE DISTRICTS AND DECLARING THE INTENTION OF THE BOARD OF TRUSTEES TO CONSIDER THE ENLARGEMENT OF THE TOWN’S H HISTORIC DISTRICT OVERLAY ZONE TO INCLUDE ADDITIONAL PROPERTIES LOCATED IN THE R-B RESTRICTED BUSINESS AND B BUSINESS ZONE DISTRICTS.”?

Motion #5 by Trustee Just, seconded by Trustee Stapp, that the Board Approve Adoption of Ordinance No. 2014-6, entitled, **“AN EMERGENCY ORDINANCE MODIFYING A TEMPORARY SUSPENSION OF THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A BUILDING PERMIT IN THE TOWN’S R-B RESTRICTED BUSINESS AND B BUSINESS ZONE DISTRICTS AND DECLARING THE INTENTION OF THE BOARD OF TRUSTEES TO CONSIDER THE ENLARGEMENT OF THE TOWN’S H HISTORIC DISTRICT OVERLAY ZONE TO INCLUDE ADDITIONAL PROPERTIES LOCATED IN THE R-B RESTRICTED BUSINESS AND B BUSINESS ZONE DISTRICTS.”** A roll call vote was taken: Dodge – yes, Stapp – yes, Lane – yes, Douglas – yes, Just – yes. Motion carried unanimously.

Review/ Direction Regarding P.I.P. Applications Received

Town Administrator Darrah offered staff comment explaining that the Town had received two PIIP applications. She explained that one was received from SWISSAIRE CONDO’S at 620 Main Street for \$4000 towards the exterior staining of the building and noted that the property has paid in \$4,474.34 in property taxes to the Town of Fairplay over the last five years. She stated that the other application is from CHOCOLATE MOOSE at 532 Front Street for \$1500 towards a privacy fence along the alley side of the lot and side fence to the greenhouse and noted that the property has paid in \$2,772.00 in property taxes to the Town of Fairplay over the last five years. Ms. Darrah did state for the record that Town Treasurer Kim Wittbrodt had declared a conflict of interest on the Chocolate Moose application as her name is listed on the deed with Linda Cole.

Ms. Darrah further noted that both applications had bids and photos attached for the Board’s consideration.

After a brief discussion the Board agreed that both of these applications met their criteria and directed staff to bring back a formal agreement for each project.

Other New Business

No other new business.

MAYOR AND TRUSTEE REPORTS

The Mayor and Trustees all offered comments thanking the staff and community for the very successful 4th of July Event and weekend in Fairplay.

EXECUTIVE SESSION: Pursuant to C.R.S. 24-6-402 (4) (f) to discuss a personnel matter relating to the Acting Police Chief.

Motion #6 by Mayor Lane, seconded by Trustee Just, that the Board go into executive session at 8:24 p.m. for the purpose of discussing a personnel matter relating to the Acting Police Chief pursuant to C.R.S. Section 24-6-402 (4) (f). Motion carried unanimously.

Mayor Lane announced that the meeting was back to open session at 8:49 p.m. The participants in the executive session were: Mayor Lane, Trustees Just, Douglas, Stapp and Dodge, Town Administrator/Clerk Darrah, Town Attorney Lee Phillips and Acting Police Chief Joel Vice. Mayor Lane announced that no action was taken in the executive session.

ADJOURNMENT

Mayor Lane, noting that there being no further business before the Board, declared that the meeting be adjourned at 8:50 p.m.

ATTEST:

Mayor

Tina Darrah, Town Clerk