

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES**

MARCH 21, 2022

CALL TO ORDER:

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, March 21, 2022 at 6:00 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open Records law.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Just proceeded with the pledge of allegiance, followed by the roll call which was answered by Mayor Pro Tem Scott Dodge, Mayor Frank Just and Trustees Eve Stapp, Josh Voorhis and Peter Lynn. Just announced that Trustee Stapp was unable to attend due to another appointment which conflicted.

Staff in attendance were Town Treasurer Kim Wittbrodt, Police Chief Bo Schlunsen, Town Attorney Nina Williams (virtually by Zoom) and Town Administrator / Town Clerk Janell Sciacca.

APPROVAL OF AGENDA

Just noted the amended agenda that had been distributed and there were no questions.

Motion #1 by Trustee Voorhis, seconded by Trustee Stapp, that the agenda be adopted as amended. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

CONSENT AGENDA

A. APPROVAL OF MINUTES – February 24, 2022 Special Meeting.

B. APPROVAL OF MINUTES – March 7, 2022 Regular Meeting.

C. APPROVAL OF EXPENDITURES—Approval of bills of various Town funds in the amount of \$67,721.23
Trustee Lynn inquired about the audit expense and Treasurer Wittbrodt replied this was an annual requirement and process the bill on this list was for about two-thirds of the entire audit expense and the final document would be presented to the Board. Lynn also inquired about the expense for body cameras and Wittbrodt explained those were included in the budget and the Town was receiving a grant to offset the total cost.

Motion #2 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, to approve the Consent Agenda as written. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

CITIZEN COMMENTS – None.

NEW BUSINESS

A. Should the Board Approve adoption of Resolution No. 11, Series of 2022, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO ADOPTING AN AMENDED SCHEDULE OF FEES."?

Town Administrator Sciacca presented an overview of the Staff Report and highlighted the main changes for the Board and also requested direction on items that appeared in red. Following review and discussion, Sciacca recommended approval of the fee schedule with the Board's changes and stated Staff was

continuing to review development-related and water & sewer fees and would bring back subsequent recommendations to the Board on those items as soon as possible but felt it was important to move forward to implement the schedule to allow for Staff to start assessing new or increased fees and update forms and applications as necessary.

Motion #3 by Mayor Pro Tem Dodge, seconded by Trustee Stapp to approve Resolution No. 11, Series of 2022 adopting an amended schedule of fees. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

PUBLIC HEARINGS

A. Should the Board Approve adoption of Ordinance No. 4, Series of 2022, entitled, “AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTERS 6 AND 16 OF THE FAIRPLAY MUNICIPAL CODE, CONCERNING BUSINESS LICENSING AND UNIFIED DEVELOPMENT CODE, TO ESTABLISH A SHORT-TERM RENTAL LICENSING PROGRAM.”?

Mayor Just opened the Public Hearing at 6:39 p.m. Town Administrator Sciacca presented an overview of the Staff Report. Town Attorney Williams added the presented ordinance incorporated all

Just opened the floor to public comment. John Deagan, 809 Crawford Lane, questioned allowing the use of certain multi-family units and the definition of affordable. Town Attorney Williams advised the intent was to not allow apartments which was clarified in the definition of an apartment building in Section 5, and this was a policy decision of the Board and could be changed. Williams also clarified a household earning sixty (60) percent of the Area Median (AMI) for the Denver-Aurora-Lakewood Metropolitan Statistical Area as defined annually by the United States Department of Housing and Urban Development (HUD) was being used to define affordable. Joe Demma, 920 Hathaway #3, questioned Section 16-7-160(b)(2) and the use of a manufactured home and also Section 6 – Current Business Licenses. Trustee Voorhis clarified Demma’s second question and stated there was no difference between someone operating as an individual or a business.

There were no comments in favor of or against the ordinance. Mayor Just closed the floor to public comment and proceeded to thank anyone who had provided input on the subject over the past months.

Mayor Just closed the public hearing and opened the floor for Board questions and discussion. He advised that he asked that information on the number of available licenses be posted online at the Town’s website and that items i. and j. of 6-5-20 be inverted for fluidity. He then rhetorically inquired if the Board consensus was to not permit the use of accessory dwelling units (ADUs) as short-term rentals citing code section 16-7-10 specifically stated “Accessory dwelling units are intended to provide increased affordable housing opportunities within the Town and to facilitate housing in close proximity to places of employment” and he just wanted to confirm that was still consensus of the Board and no clarification was needed. The Board generally agreed. Mayor Just then stated that to address Demma’s concern he was suggesting the addition of the wording “and must be renewed annually” to Section 16-7-160(b)(2) following the word (VIN). Following additional discussion and clarification, it was decided to clarify the use was allowed with the written permission of the actual landowner and Williams would add appropriate wording. Trustee Voorhis questioned the wording regarding off-street parking. Just clarified that the Board previously discussed this and generally agreed to allow Staff to work with each applicant as necessary.

allow one license per person or Town Administrator Sciacca noted that original discussions of the Board had resulted in direction to only entity. The Board generally agreed and Mayor Just suggested amending the first line of 6-5-20(b) to read "A singular license...".

Motion #4 by Trustee Stapp, seconded by Trustee Voorhis, to approve Ordinance No. 4, Series of 2022, as amended with the first line of 6-5-20(b) to read "A singular license..."; to amend section 6-5-20(h) to add that a running tally shall also be kept on the Town's website; to invert items i. and j. of section 6-5-20; to add the wording "and are subject annual registration renewal" to Section 16-7-160(b)(2) following the word (VIN); and to amend the definition of applicant in Section 6-5-10 to allow for the owner of certain modular homes and trailers with the express written permission of the landowner. A roll call vote was taken: Stapp – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

OTHER BUSINESS –None.

BOARD OF TRUSTEE AND STAFF REPORTS

Chief Schlusen reported that the Police Department continued to work on Code Enforcement matters and Administrator Sciacca advised that matters were being added every day. Schlusen also reported that things were slow and the schedule had been modified to provide 24-hour coverage following the Sheriff's Department announcement and the Town was now helping the County out as possible. He advised the BodyWorn cameras were received, and training would take place tomorrow.

Town Clerk Sciacca requested the Boards position on holding a work session at the next meeting to begin discussing affordable housing and the Board agreed with this being on the agenda for April 4. Sciacca reminded everyone the Chamber's first Mixer was being held at Millonzi's tomorrow at 4PM and the Habitat groundbreaking was scheduled for March 31 at 5PM. She also provided an update to the Board regarding a Front Street matter she emailed them on and advised the Fire Marshal did stop in at Town Hall on Friday and advised that there was no Fire Code violation and he would provide a letter with code references. She also reported that the new IT Contractor was on-site yesterday and would be conducting an official onboarding on March 31 and officially take over April 1. She also shared that Fire Marshal McDonald shared with Staff that they have a 60% increase in medical calls attributed directly to vacation rentals.

Mayor Pro Tem Dodge reported that he attended a CDOT TPR meeting earlier in the day and the Highway 285 and 9 project was being postponed and would be rebid in the fall.

Mayor Just thanked everyone who attended meetings and work sessions and provided input on the short-term rental ordinance. He felt it resulted in a document that the Town could be proud of.

ADJOURNMENT

There being no further business before the Board, Mayor Just declared that the Regular Meeting adjourned at 7:48 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

ATTEST:


Janell Sciacca, Town Clerk


Frank Just, Mayor

