

Minutes of the regular meeting of the Syracuse City Council held on August 11, 2020 at 6:00 p.m., held virtually via Zoom, meeting ID 815 4627 6280, and streamed on the Syracuse City YouTube Channel in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020. Pursuant to written determination by the Mayor finding that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present due to infections and potentially dangerous nature of Infectious Disease COVID-19 Novel Coronavirus.

Present: Councilmembers: Lisa W. Bingham
Corinne N. Bolduc
Dave Maughan
Jordan Savage
W. Seth Teague

Mayor Mike Gailey
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:

Administrative Services Director Steve Marshall
City Attorney Paul Roberts
Police Chief Garret Atkin
Fire Chief Aaron Byington
Parks and Recreation Director Kresta Robinson
Public Works Director Robert Whiteley
Community and Economic Development Director Noah Steele
Administrative Intern Brittany Morgan

1. Meeting Called to Order/Adopt Agenda

Mayor Gailey called the meeting to order at 7:05 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember.

COUNCILMEMBER MAUGHAN MOVED TO REMOVE ITEM SEVEN FROM THE AGENDA AND ADOPT THE AGENDA WITH THAT CHANGE. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

2. Public comment:

Mayor Gailey then invited Zoom participants to provide public comments.

Paul Watson addressed the agenda item dealing with the zone change for property located at 817 W. 1700 S. from agriculture to mixed-use in order to build an apartment building on the property. He urged the Council to vote in opposition to the zone change based upon concerns relating to traffic and the impact that the project will have on existing residential developments in the area. Also, this project is contrary to the City's General Plan; there are other areas in the City that are better suited for this type of development. He anticipates a negative impact on safety for the neighborhood if the project is approved; residents of the complex will not be able to make a left hand turn onto Antelope Drive and they will be forced to drive through residential neighborhoods to the south.

Kaye Volk stated it has just come to her attention that the Council may be considering issuing bonds for a large regional park on the south end of the City; she understands the City was given 50 acres of property as long as it would be developed in five years. If that is correct, this sounds like a windfall for the City; in regard to tournaments that would be attracted to the park, it would generate a great deal of revenue. She noted she served as a Councilmember in the past and sometimes it is necessary to make hard decisions that may not be very popular; however, down the road, the City will realize the benefit of those decisions. She stated that based upon the information she has been given at this point; she feels it is appropriate for the Council to act. She then noted that she is grateful that residents have the ability to provide public comments, but the last thing anyone wants is a government that is ruled by public outcry. Elected representatives serve all residents and sometimes they must make hard decisions that benefit the entire community, even though this may mean voting against those that are most vocal. It is important to realize that while the City may be hearing from those opposed to an issue, there are twice as many people – if not more – that would support a concept if invited to weigh in.

Wayne Volk stated that last fall he and his family fed the homeless Thanksgiving dinner at a shelter in Ogden. The Syracuse Youth Council also engaged in that same activity with their leaders. He wished to comment the City and their leaders as he was so impressed by them. He apologized for not providing this positive feedback sooner.

Rachel Page stated that she continues to provide her feedback regarding the proposed mixed-use project that will be considered tonight. She indicated she does not feel that this project is harmonious with the surrounding development, and for that reason it does not comply with the General Plan. The General Plan indicates that medium density would be appropriate for the area, but the project that has been proposed is high density and it does not fit. The General Plan also indicates there should be a focus on attracting employment opportunities for residents and that doing so would increase the daytime population. However, it is not necessary to consider an apartment complex to accomplish that goal. She also feels that mixed use projects – in the context that has been proposed thus far – fits within the City's commercial zoning designation; the majority of the

mixed-use project proposed for the property near Smith's is largely residential with only a small commercial component. She then noted that her last email to the Council included a petition signed by 360 City residents urging the Council to vote against this project; she was discouraged to hear the comments of those signing the petition about the lack of faith they have in the City Council to actually represent the citizens. She urged the Council to listen and take into account the residents and their best interests. She thanked the Council for their service and the time they dedicated to their position.

Breanna Weeks stated she lives just off 1000 West; the largest concern she has regarding the proposed development at 817 W. 1700 S. relates to traffic; people will not be able to turn west out of the development and that will force them to drive through the Smith's parking lot to get to 1000 West. This will create a hazard for pedestrians and kids walking in the area. Traffic concerns alone should be enough to give the Council pause when considering this application; this is already such a high traffic area and the infrastructure is not adequate to support such a dramatic increase in traffic.

Matt Page also addressed the application for mixed use at 817 W. 1700 S. He is a member of Letrono Cross Fit gym and he is very aware of the traffic dangers in the area and on surrounding street. There are instances where it is not possible to choose a different route to avoid the traffic; however, residents of this new project will increase the traffic and will use existing neighborhood roads to get in and out of their home. He stated that all other cities that have introduced high density housing have chosen to locate them nearer freeways and close to on and off ramps. If Syracuse City must allow this type of product, it should be located closer to where the West Davis Corridor will be constructed or along the State Road (SR) 193 corridor.

Curtis Roberts stated he sent an email with a map that he wanted provided to the entire Council and to attendees. He asked if that can be shown to the group. Mayor Gailey stated that public will not be able to share their screen during the public comment period. Mr. Roberts then stated that he will not make public comment now and ask that his email be read into the record. City Recorder Brown clarified that all of the material he submitted has been provided to the entire City Council.

Mayor Gailey then stated that tonight's meeting agenda provided instructions for residents to email their public comments to City Recorder Brown by 5:00 p.m. tonight in order for them to be read into the record of the meeting. He asked Ms. Brown to read the written public comments into the record. All written public comments were added to the City Council meeting packet, which is available at the following link: https://www.syracuseut.gov/AgendaCenter/ViewFile/Agenda/_08112020-167.

3. Approval of minutes.

The following minutes were reviewed by the City Council: Special Business Meeting and Work Session Meeting minutes of June 23, 2020.

COUNCILMEMBER BINGHAM MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA AS PRESENTED. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED AYE.

4. Announcement from Mayor Gailey regarding Utah Clean Cities "Be Idle Free" campaign.

Mayor Gailey included in the meeting packet a flier from the www.UtahCleanCities.org website regarding the "Be Idle Free" campaign.

Mayor Gailey described the campaign, which calls for any person driving a vehicle to shut off the engine of that vehicle if they will be idling for longer than 10 seconds. He declared his support for this campaign and asked that residents comply with it.

Councilmember Savage asked that the flier be posted publicly following this meeting.

5a. Common consent: Proposed Resolution R20-28 amending the Syracuse City wage scale for Fiscal Year (FY) 2020-2021.

A staff memo from the Administrative Services Director explained part time street maintenance worker and environmental maintenance worker positions are added by way of a conversion from seasonal to part time. The wage scale matches the entry level position for maintenance workers. Water Crew Leader position is added. This is an advancement from the Water Maintenance Worker 3 position. The duties are to directly assist the water superintendent with the increasing responsibilities of two water systems rapidly expanding. A benchmark is attached with the packet for the wage scale of a crew leader. Adjustment to Assistant Parks and Recreation Director is due to error in previous benchmark. Only the scale is adjusted, no wage adjustment is associated with this change. Benchmark Adjustments for the following positions, pending a tax rate adjustment in August:

Police officer III

Firefighter II

Fire Captain

Police Sergeant

Police Officer II

Firefighter III

Police Lieutenant
Park Maintenance Worker II
Fire Engineer
Deputy Fire Chief
Asst Police Chief
Police Chief
Fire Chief
Crossing Guard
Rec Site Supervisor
Event Coordinator

COUNCILMEMBER SAVAGE MOVED TO ADOPT RESOLUTION R20-28 AMENDING THE SYRACUSE CITY WAGE SCALE FOR FISCAL YEAR (FY) 2020-2021. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

5b. Common consent: Proposed Resolution R20-29 amending the City Council Rules of Order and Procedure and the City Planning Commission Bylaws related to written public comments.

A staff memo from the City Attorney explained the draft amendments to the City Council Rules of Order and Procedure and Planning Commission Bylaws include substantially similar modifications. Procedures and standards for written comments are established, to help fairly administer such matters. Anonymous comments are prohibited from being accepted into the record or read in by staff. The draft language is based entirely upon foreseeable issues, and is subject to change by the Council in all respects. The following items outline the goals of this discussion:

1. Determine the rules that govern written comments submitted for consideration during a public meeting.
2. Place on future work session for further examination, or on a business meeting if Council is ready to proceed.

COUNCILMEMBER SAVAGE MOVED TO ADOPT RESOLUTION R20-29 AMENDING THE CITY COUNCIL RULES OF ORDER AND PROCEDURE AND THE CITY PLANNING COMMISSION BYLAWS RELATED TO WRITTEN PUBLIC COMMENTS. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

5c. Common consent: Preliminary Plat Approval, Grayson Ridge West, located at approximately 2050 S. Doral Drive.

A staff memo from the Community and Economic Development (CED) Department provided the following information about the application:

Location:	2050 South Doral Drive
Current General Plan:	Low-Density Residential
Current Zoning:	R-1 (2.3 Units Per Acre)
Total Site Area:	19.84 Acres

The applicant Brock Loomis with J. Fisher Companies has requested approval of a 19-lot preliminary plat called Grayson Ridge West. This continues the existing Grayson Ridge development to the east. On July 13, 2020 the Board of Adjustment convened to consider a request for a variance to Syracuse City Code Section 8.15.010.(A) concerning maximum block length. The Miller Springs neighborhood to the north created a block that was almost exactly this length from 1700 South leaving the developer of the subject property to accommodate the block length limitation. The Board of Adjustment unanimously approved the variance request allowing the applicant to stub a road to the west approximately 100 feet south of the maximum block length.

The Planning Commission reviewed the item on July 21, 2020 and also held a public hearing. A unanimous vote to recommend approval is being forwarded and there were no public comments.

COUNCILMEMBER SAVAGE MOVED TO GRANT PRELIMINARY PLAT APPROVAL TO GRAYSON RIDGE WEST, LOCATED AT APPROXIMATELY 2050 S. DORAL DRIVE. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

6. Consideration for adoption of Proposed Resolution R20-30 providing for a Special Bond Election to be held on November 3, 2020, for the purpose of submitting to the qualified electors of Syracuse City, Utah a proposition regarding the issuance of not to exceed \$26,000,000 General Obligation

Bonds to finance all or a portion of the costs to acquire, construct, furnish and equip a park and related improvements; and related matters.

A staff memo from the City Manager explained the City is considering the construction of a fifty-acre park with multiple recreational amenities and retiring the city's MBA bonds with an outstanding balance of \$7,770,000. The bond would have a maximum principal amount of \$26,000,000 and a maximum of 20 years from the issuance of bond to final maturity. A portion of the proceeds would refinance the \$7,770,000 of MBA bonds and the remainder of \$18,230,000 would go to the construction of the regional park. The City Council will need to decide whether to approve the bond resolution that would add a special bond election to be held on the November 3, 2020 ballot. This resolution does not approve the issuance of bonds.

Mr. Bovero reviewed his staff memo and facilitated discussion among the Council regarding the implications of adopting the resolution.

Councilmember Maughan addressed the comments made by Ms. Volk during the public comment portion of the meeting; it is important to correct the statement made that the City only have five years to act to build a park on the 50-acre parcel of property that was dedicated to the City. He stated that is not correct. City Attorney Roberts stated it is correct that the agreement governing that land dedication did not provide a deadline for building the park. He noted, however, that the City does collect impact fees for construction of new parks and if those fees are not expended within a six-year time frame, they must be dedicated to another project that is included in the impact fee analysis.

Councilmember Bolduc stated that she wished to address misinformation that has been spread in the community that some Councilmembers may be acting inappropriately or in violation of election laws by meeting in secret to discuss this bonding issue. She stated that is not correct and asked that those rumors cease.

Multiple Councilmembers then voiced their reasoning for supporting scheduling a bond election in 2020, though Councilmember Maughan voiced his opposition based on his concern over citizen support of issuing bonds during a time of great economic uncertainty. Councilmember Savage acknowledged that concern, but noted that he is pleased that the Mayor has created fundraising committees that will be tasked with soliciting private donations to offset the cost of the park and the total bond amount. He noted that this moment in time is rare in that interest rates are at record lows and there is good reason to place this issue on the ballot this year. He asked that an adequate education campaign be launched to inform the voters of all issues surrounding the matter. Councilmember Savage echoed those comments. Councilmember Bolduc added that she supports placement of the bond issue on the 2020 ballot because voter turnout will be much higher this year than next year. Councilmember Maughan stated he does not believe that the City can raise a significant amount of funding now in advance of the 2020 election; if voters approve a maximum dollar amount, he believes the City will spend that maximum rather than continuing to fundraise to offset the total park cost.

Councilmember Bingham then stated that a plan has been put in place to launch a public campaign to raise funds for the project and she asked that Councilmember Maughan participate in that initiative. Councilmember Maughan stated he was contacted by Mayor Gailey who told him that if he did not support placement of the bond question on the ballot, he should not be involved in fundraising. He stated he very much wants to raise funds for the committee, but he has been prevented from doing so because he does question this bond. Councilmember Bingham stated she feels that is a personal decision Councilmember Maughan has made; Mayor Gailey provided that directive because it would be inappropriate for someone to try to raise funds for a project they do not support.

Mayor Gailey reminded the Council that the item before them tonight is to consider a resolution regarding the scheduling of a special election this November for a bond ballot initiative.

COUNCILMEMBER BINGHAM MADE A MOTION TO ADOPT RESOLUTION R20-30 PROVIDING FOR A SPECIAL BOND ELECTION TO BE HELD ON NOVEMBER 3, 2020, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF SYRACUSE CITY, UTAH A PROPOSITION REGARDING THE ISSUANCE OF NOT TO EXCEED \$26,000,000 GENERAL OBLIGATION BONDS TO FINANCE ALL OR A PORTION OF THE COSTS TO ACQUIRE, CONSTRUCT, FURNISH AND EQUIP A PARK AND RELATED IMPROVEMENTS; AND RELATED MATTERS. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED AYE, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

7. Proposed Resolution R20-31 approving ballot language for bond election issue to appear on the November 2020 ballot.

This item was removed from the agenda as the ballot language for the bond election issue was part of the action taken under item six on the agenda.

8. Proposed Ordinance 2020-14 amending Subsection 8.15.010(D) of the Syracuse City Code pertaining to pedestrian walkways.

A staff memo from the Community and Economic Development (CED) Department Director explained Arce Nacario, the owner of the home south of the pedestrian walkway located at approximately 2580 South Allison Way has approached the city requesting to put up a 6' vinyl privacy fence along the south edge of the walkway. However, Ordinance 8.15.010(D) says:

“(2) Fencing is not required, however if fencing is installed next to the trail it is required to be chain link or 50 percent open rail/slat vinyl. An additional six inches of concrete is required on each side of the walkway to embed the base of the fencing posts. All other non-open fencing must be offset 10 feet from the trail.”

None of the fencing options allowed by ordinance were desired by the homeowner. Planning Commission held a public hearing and considered the following options on June 2, 2020.

1. Amend ordinance 8.15.010(D) pertaining to fencing adjacent to pedestrian walkways
2. Surplus the walkway land which would then initiate the city surplus land policy which requires the land to go to bid for purchase by adjacent landowners.
3. Do nothing, requiring the homeowner to follow existing ordinances.

During the public hearing portion of the meeting, many residents requested that the walkway remain in place as it is a valuable asset to them and expressed desire to amend the ordinance to allow the fence to be installed by the owner. After the public hearing, Planning Commission unanimously recommended to City Council to amend the ordinance rather than sell the walkway.

On June 23, 2020 and July 28, 2020 City Council considered the findings of Planning Commission and the neighbors but was still concerned about allowing a 6' privacy fence on both sides of the walkway because they feared the 'dark alleyway' it would create. Council instructed staff to add language to the ordinance with a maximum 'alleyway' length of 50'. See attached. Under this proposed amendment option, in order for Arce to fence his back yard, this would force the fence along the north neighbor's south border to be removed/modified. Council asked staff to gather a cost estimate for removal of the chain-link and 'lowering' of the neighbor fence. Approximate cost is \$3,660. See attached for additional detail.

CED Director Steele reviewed the staff memo and facilitated discussion among the Council regarding developments since the July 28 work session meeting. Discussion of the item commenced with Councilmember Maughan, who stated that he feels the Council already established the safest decision during their last discussion. He stated he would like to allow privacy fencing in backyards and reduced height fences in front yards for these properties abutting the walkway. He hesitates to vary from that decision, and he feels a \$3,000 expenditure to improve safety of the situation is acceptable. The Council agreed. Mr. Steele stated the only issue is that the owner of property with existing fencing does not want the height of his fence to be lowered. Councilmember Maughan stated that makes the walkway less safe. The Council then debated the issue and concluded to support the ordinance amendment that has been presented, but Councilmember Savage offered a suggestion to only lower a portion of the existing fence from the sidewalk to a specified distance back of the sidewalk. Councilmember Maughan stated he would be willing to accept that modification as well as this will still preserve the regulation to provide a sight line of 50 feet along the walkway from street view.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT ORDINANCE 2020-14 AMENDING SUBSECTION 8.15.010(D) OF THE SYRACUSE CITY CODE PERTAINING TO PEDESTRIAN WALKWAYS, AND TO SET ASIDE MONEY IN THE CITY BUDGET TO COVER THE COST OF ADJUSTING THE HEIGHT OF A DEFINED PORTION OF EXISTING CHAIN LINK FENCE ALONG THE WALKWAY IN QUESTION. COUNCILMEMBER MAUGHAN SECONDED THE MOTION.

Mayor Gailey stated that the applicant, Arce Nacario, has asked for the opportunity to address the Council. Mr. Nacario stated that his only concern is that the fence height on his neighbor's property will be three feet from the back of the sidewalk to the front of his home. He stated that people will jump that three-foot fence to enter his neighbor's front yard. Councilmember Maughan stated there really would be no reason to do that because the sidewalk will be so close at that point and there would be no reason to pursue a shortcut. Mr. Nacario stated that kids will still jump the fence and he asked who will be responsible to pay for any damage to the fence. He stated that he would like for his neighbor to be able to maintain his fence and he is upset that he is being negatively impacted in order for Mr. Nacario to preserve his privacy in his own yard. Councilmember Teague stated that he feels the action being taken by the Council tonight is the best compromise between all desires that have been expressed. Mr. Nacario agreed, but added that the liability for all parties is not being addressed. Councilmember Maughan stated he feels the resolution is reasonable and will address the concerns that have been raised by all parties. Mayor Gailey suggested that the taller fence height in the neighboring property owner's yard be allowed. Councilmember Savage stated that he stands by his motion and he does not believe that people will jump the three-foot fence. Councilmember Maughan stated his second of the motion still stands as well.

Mayor Gailey called for a vote on the motion; ALL VOTED AYE, WITH THE EXCEPTION OF COUNCILMEMBER BINGHAM, WHO VOTED IN OPPOSITION.

9. Proposed Ordinance 2020-13 amending the Syracuse City zoning map from A-1 to Planned Residential Development (PRD) for property located at approximately 2750 South Bluff Road, approving the submitted Preliminary Plat, and approving the execution of a Development Agreement to govern the property.

A staff memo from the Community and Economic Development (CED) Department Director explained Mike Bastian with Castle Creek Homes has applied to rezone approximately 18 acres located on Bluff Road at about 2750 S. The request is to change from A-1 to PRD. The PRD zone requires that the preliminary plans be provided and approved along with the rezone

application. This makes it so the city knows exactly what type of development is proposed prior to approving a rezone. These details are cemented in a development agreement signed by both parties that is also approved with the zoning. A public hearing was held at Planning Commission on June 2nd, 2020 and was tabled because staff comments had not been addressed. There were a handful of residents from Trailside Park in attendance who expressed opposition to the project. On June 16, the commission resumed discussion on the item and unanimously approved a motion to recommend approval to City Council. Staff has reviewed the plans for compliance with adopted land use ordinances and reviews are included in this packet. The applicant has also conducted a geotechnical, traffic and wetland study of the site. On June 23, 2020 city council reviewed the item in their work session where debate about whether the proposal meets ordinance 10.75.040(I)(2) and (3) concerning duplicating facades and garages not being the 'major architectural feature'. The majority of council felt the item was ready for a vote. On July 14, 2020, the City Council continued discussion about the townhome architecture and repeating facades. They asked the applicant to modify the front elevations to provide more variety. They offered examples such as adding garage door windows/hinges, and changing window sizes between units. On July 28, 2020, the Council reviewed architectural revisions provided by the applicant that included garage door variation, window variation, and covered entry roof variation between units. The memo concluded the discussion tonight should be centered around whether the land should be rezoned (is it the right place for the use, right timing, etc.), and if the preliminary plans meet the City's ordinances. The decision is whether to approve, approve with conditions, table for further discussion, or deny the application.

Mr. Steele reviewed his staff memo and presented the updated project renderings to identify the architectural revisions and design adjustments.

COUNCILMEMBER SAVAGE MOVED TO ADOPT ORDINANCE 2020-13 AMENDING THE SYRACUSE CITY ZONING MAP FROM A-1 TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) FOR PROPERTY LOCATED AT APPROXIMATELY 2750 SOUTH BLUFF ROAD, APPROVING THE SUBMITTED PRELIMINARY PLAT, AND APPROVING THE EXECUTION OF A DEVELOPMENT AGREEMENT TO GOVERN THE PROPERTY. COUNCILMEMBER BINGHAM SECONDED THE MOTION. ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

10. Proposed Ordinance 2020-15 amending the Syracuse City Zoning Map from Agriculture A-1 to Mixed Use (MXD) zone for property located at approximately 817 W. 1700 S., and approving the execution of a Development Agreement to govern the property.

A staff memo from the Community and Economic Development (CED) Department provided the following information about the application:

Location:	817 W. 1700 S. (East of Smith's)
Current Zoning:	A-1
General Plan:	Commercial (allows MXD, GC, PO, or NS)
Acres:	5.29

Applicant Nate Swain with Blacksmith Development is proposing a rezone to Mixed Use.

Please consider the following items:

- The proposed change is consistent with the General Plan Map
- Concept plans and building elevations have been submitted with application as required.
- Zoning map amendments are subject to but not limited to the approval standards found in ordinance 10.20.070(E).
- Planning Commission reviewed the project and held a public hearing on December 3rd. After much opposition was expressed by the neighbors to the south, the project was tabled for further discussion. On Dec. 17, the discussion resumed and concerns about impacts to neighbors, buffering, traffic, utilities, schools, crime, and circulation were explored. The PC voted 5-2 to forward a recommendation for conditional approval to CC. The condition was that the north entrance onto Antelope drive be straightened out to more easily accommodate a fire apparatus. Since that meeting, the applicant has worked with the fire department to design an acceptable entrance configuration. See attached plan (1-22-20 submittal)
- This item has been on hold since January 28, 2020 while the MXD ordinance was amended. The MXD ordinance amendment was finalized on June 9th, 2020. The applicant would like to now resume consideration of his application.
- The City Council reviewed the item on July 14, 2020 and asked that parking and pedestrian access for the onsite commercial be revised. See attached for updated plans.
- The City Council reviewed the item on July 28, 2020 and discussed architecture. There were two designs, a flat roof and a pitched roof. Preference was expressed for a pitched roof. A new third design has been submitted but has some ordinance issues that need additional discussion - see attached staff review.

The memo concluded the action before the Council tonight is to either approve, approve with conditions, table, or deny this application.

Mr. Steele reviewed his staff memo. He drew the Council's attention to the plan identifying architecture adjustments requested during the Council's last review of the item; he noted that the applicant has submitted one modification to the plan since the packet for this meeting was published. The plans were emailed to the Council yesterday; however, if they want additional time to review the documentation, it would be appropriate to table this action.

Councilmember Savage stated he is very excited about the MXD zoning designation and feels it will yield a great project; however, he wants to be sure that everyone interested in the project has the ability to review the plans that have been submitted. Additionally, there are other similar project applications moving through the City process and he would like to see all of them before approving one or all.

Councilmember Maughan noted that his concern relates to the amount of commercial space included in the plan; he would like more commercial. He understands that the application may comply with the zoning ordinance, but if that is the case, he believes the ordinance is flawed.

Mr. Steele stated that the applicant's current plan includes 4,500 square feet of commercial space, which meets the requirement of the MXD zoning ordinance.

Councilmember Savage agreed that the commercial layout in the most recent project rendering is not the best that he has seen; he sent an email to all developers pursuing MXD projects in the City to express to them the types of commercial uses he prefers, and that includes spaces with drive-through lanes and nearby parking access. Mr. Swain discussed the layout of the commercial space and indicated that the parking layout is very well suited for the one large open space that could be delineated into smaller spaces. He then noted that the draft development agreement calls for him to make a financial contribution to the Smith's project, preservation of a cross-access easement, and improvement to the property to the east of the subject property. The commercial space on this particular site is not the only commercial contribution he will be making.

Councilmember Maughan stated he would prefer to stage approval of multiple MXD projects so that the Council can learn something from each project to determine what improvements should be required for future MXD projects. He is concerned that the number of residential units included in the proposed project cannot be absorbed. Mr. Swain stated he is relying on the expertise of an experienced developer in the area who has assured him that the residential units will be absorbed as there is a great demand for this type of use. Councilmember Maughan stated that addresses his concern about the amount of residential space, but he still would rather consider the timing of the MXD projects that are being proposed; he wants to delay action on this application at this time. Councilmember Savage agreed and reiterated that it is important for the most recent plans to be publicly advertised for all individuals interested in the project.

COUNCILMEMBER SAVAGE MOVED TO TABLE ORDINANCE 2020-15 AMENDING THE SYRACUSE CITY ZONING MAP FROM AGRICULTURE A-1 TO MIXED USE (MXD) ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 817 W. 1700 S., AND APPROVING THE EXECUTION OF A DEVELOPMENT AGREEMENT TO GOVERN THE PROPERTY. COUNCILMEMBER TEAGUE SECONDED THE MOTION.

There was a brief discussion regarding the adjustments that have been made in the plan as the Council sought to ensure they have caught all changes that have been made. Councilmember Bingham then stated that she is appreciative of the changes that Mr. Swain has made responsive to the feedback that has been provided by the Council and she supports the commercial layout that he has provided.

Mayor Gailey stated there has been a motion and second to table the ordinance and he called for a vote; ALL VOTED IN FAVOR.

11. Proposed Ordinance 2020-16 amending the Syracuse City General Plan Map and the Zoning Map related to property located at 3500 West 1700 South, R-1 (single family residential) to Neighborhood Services

A staff memo from the Community and Economic Development (CED) Department provided the following information regarding the application:

Location:	3500 W. 1700 S.
Current General Plan:	Low-Density Residential
Proposed General Plan:	Commercial
Current Zoning:	R-1 (Single-Family Residential) 2.3 units per acre-
Proposed Zoning:	Neighborhood Services
Total Site Area:	3.95 Acres

Applicant Greg Day would like to build storage units on the subject property; however, the general plan and zoning does not currently allow this use. In turn, he has requested to amend the General Plan map from Low-Density Residential to Commercial. The Commercial General Plan designation list of potential zones includes: General Commercial, Professional Office, Mixed-Use, and Neighborhood Services Zones. Storage Units are permitted in the Neighborhood Services zone as a major conditional use. The applicant has also requested to amend the Zoning Map from R-1 to Neighborhood Services which is contingent on approval of the proposed General Plan map amendment. The general process before any construction could begin on a project of this sort includes general plan/rezone, site plan review, and building permit approval.

The Planning Commission reviewed the item on June 16, 2020 and after being tabled, again on July 7, 2020. Both meetings included a lot of passionate public comment both for and against the project. The item proved to be a difficult decision

for the Planning Commission with commissioners voting both for and against the project. Ultimately a split vote of 4-2 recommending denial of the project is being forwarded to City Council. Greg Day is on the Planning Commission but recused himself and was not present nor participated in discussion or voting on the item.

The City Council reviewed the item on July 28, 2020. There were many residents who expressed opposition during public comment as well as a few in favor of the project. Council discussed the proposal and decided it was ready for a vote.

The memo concluded the action before the Council tonight is to approve, approve with conditions, table, or deny the application.

CED Director Steele reviewed the staff memo. Council discussion regarding the application centered on the concerns expressed by residents regarding zoning designations that may be in conflict with one another in a defined area; claims that storage units will increase crime; the potential or the proposed use to negatively impact property values; and the manner in which the subject property and the surrounding area will be impacted by the West Davis Corridor project and widening of Antelope Drive in the future.

Councilmember Bingham stated she has considered the concerns that have been expressed and she stands by her previous statements that she would prefer a storage unit project as a neighbor over many other land uses that are allowed in the City.

Councilmember Teague expressed that he and his fellow Councilmembers truly do listen to the feedback they receive from residents and they carefully consider that information when weighing the pros and cons of any application.

Councilmember Maughan stated that the Council is not required to vote on this application right now; the matter can be delayed to determine whether other uses may be proposed for the property or the surrounding area. He stated that some residents are of the belief that other concepts have been considered for the property, but that is not the case and the City has the right to wait to see how development or road projects impact the area before deciding if this is truly the highest and best use of the property.

Councilmember Savage thanked the applicants for pursuing a high-quality landscape plan for the project, but expressed his concern that the landscaping may not be maintained throughout the future, perhaps after the first 10 years of the business's operation. This property is located on a main thoroughfare in the City and an unattractive property could influence a visitor's opinion of the City. He stated he does not believe this is the highest and best use of the property and he likely will not support the application. He reiterated Councilmember Teague's comments to the residents; the Council is listening to the feedback they receive. He has been called a liar and a cheat in instances when he does not agree with a resident. The Council does love to hear from the residents and would love to make everyone happy; but they should not be considered stupid when they disagree with residents. They are trying to take the best care of the City as possible and part of that includes pursuing economic development that will yield increased tax revenue.

Councilmember Bolduc stated there is commonly concern any time a property owner chooses to change their land use designation from open space to commercial in nature, but she cannot imagine the City without many of the commercial businesses that operate here. She agreed that the Council is listening to the residents and sympathizes with their concerns, but she feels the project that has been proposed will benefit the community and she will vote to support it.

Mayor Gailey invited input from the applicant. Greg Day thanked the Council for their consideration. He wished to clarify that he did apply for the neighborhood services zone, not industrial zoning as was asserted during the public comment period. He feels that this use will benefit the neighborhood and will not detract from property values.

Councilmember Teague asked Mr. Day to speak to Councilmember Savage's concerns about the maintenance of the landscaping on the site in the future. Mr. Day stated that early on he consulted with the Utah Department of Transportation (UDOT) about the reduced width of their property based upon future road widening projects and he has designed his landscaping around the plans for a 110-foot future road right of way. Landscaping on the frontage of the property will be maintained into the future.

Councilmember Bolduc asked Mr. Day if he has considered other commercial uses on the property. Mr. Day stated he has evaluated the highest and best use and tried to balance that with minimizing the impact on the adjacent neighborhood; he considered locating office space at the front of the property, but changed that plan based on feedback from residents. At this point, he would like to build a leasing office and possibly another office space that will front Antelope Drive.

COUNCILMEMBER MAUGHAN MOVED TO DENY ORDINANCE 2020-16 AMENDING THE SYRACUSE CITY GENERAL PLAN MAP AND THE ZONING MAP RELATED TO PROPERTY LOCATED AT 3500 WEST 1700 SOUTH, R-1 (SINGLE FAMILY RESIDENTIAL) TO NEIGHBORHOOD SERVICES. COUNCILMEMBER SAVAGE SECONDED THE MOTION. COUNCILMEMBERS MAUGHAN AND SAVAGE VOTED IN FAVOR, WITH COUNCILMEMBERS BINGHAM, BOLDUC, AND TEAGUE VOTING IN OPPOSITION. THE MOTION FAILED ON A 3-2 VOTE.

COUNCILMEMBER BOLDUC MOVED TO ADOPT ORDINANCE 2020-16 AMENDING THE SYRACUSE CITY GENERAL PLAN MAP AND THE ZONING MAP RELATED TO PROPERTY LOCATED AT 3500 WEST 1700 SOUTH, R-1 (SINGLE FAMILY RESIDENTIAL) TO NEIGHBORHOOD SERVICES. COUNCILMEMBER TEAGUE SECONDED THE MOTION.

Councilmember Maughan stated that if the motion is to approve the zone change, the Council will not see any other application for this project. Mr. Steele stated that is correct; the site plan will be submitted to the Planning Commission for

their approval. Councilmember Teague asked if the Council can place conditions on the zone change. Councilmember Maughan answered no; as long as the plan complies with the zoning regulations, the applicant can build whatever they want so long as it falls within the list of allowed uses in the neighborhood services zone. Councilmember Bolduc stated she is not concerned about the integrity of the commitments that have been made by the applicant.

City Attorney Roberts stated that the City Council can actually use a development agreement to place conditions upon the zone change. Such an agreement should occur simultaneously with a zoning change approval. This led to discussion about the types of conditions that could be included in the development agreement, after which Mr. Roberts noted that if the Council approves the zone change without a development agreement, the applicant will have vesting rights under that zone. Councilmember Bingham asked if approval of the zone change can be conditioned upon the applicant's commitment to proceed with the development plans he has provided as supporting documentation for the request. Mr. Steele stated those plans have not been reviewed for compliance with zoning ordinances; however, he believes the applicant plans to proceed as described and he likely would not object to a development agreement. Councilmember Bolduc stated she feels that delaying action on this item will further the division in the community. Mayor Gailey asked Mr. Day to speak to this issue. Mr. Day stated that he has no objection to upholding the commitments he has expressed throughout this process; what he has shown in his application materials is what he intends to build. He has no intention of shifting direction for development of the project. He agreed with Councilmember Bolduc that inaction will only make the division in his neighborhood worse.

Mayor Gailey stated there has been a motion and second to adopt the ordinance and he called for a vote; COUNCILMEMBERS BINGHAM, BOLDUC, AND TEAGUE VOTED IN FAVOR, WITH COUNCILMEMBERS MAUGHAN AND SAVAGE VOTING IN OPPOSITION. THE MOTION CARRIED ON A 3-2 VOTE.

12. Proposed Ordinance 2020-19 amending Section 10.90.020 of the Syracuse City Code pertaining to indoor storage units; and

13. Proposed Ordinance 2020-18 enacting Chapter 10.94 of the Syracuse City Municipal Code establishing a zoning designation of Climate Controlled Indoor Self-Storage Unit Zone.

Mayor Gailey grouped discussion of these two items together since both applications relate to the same matter.

A staff memo from the Community and Economic Development (CED) Department explained Colby Anderson has submitted an application and paid a fee to request that the city amend the General Commercial zoning ordinance to allow for indoor storage facilities. Currently, storage facilities are permitted uses in only the industrial and neighborhood services zone. See attached for the proposed language which does have some language limiting the location and type of indoor storage facilities that would be allowed. Process for proposed land use ordinance text amendments is for Planning Commission to review, make recommendation, and hold a public hearing and then send to City Council for final approval or denial. The Planning Commission reviewed the item on July 7, 2020 and is unanimously recommending denial of this item in favor of creating a separate zone for the indoor storage use. The City Council reviewed the item on July 28, 2020. There was discussion about moving the language from permitted uses into the conditional use section. There was not a definitive direction given whether moving to conditional use or creating a new storage unit zone would be preferred. The memo concluded the decision before the Council tonight is to approve, approve with conditions, table, or deny the application.

An additional staff memo from the Community and Economic Development (CED) Department explained the Planning Commission is recommending that a new zone be created just for the proposed climate-controlled storage units, rather than amending the GC zone. This idea was to prevent the storage unit from being a permitted use in already zoned GC areas. With a separate zone, the city would have complete control over which locations the use would be allowed. If the use was placed on a conditional use list in a zone, there could be tight conditions placed but the nature of conditional use is that it is considered a permitted use so long as they meet the conditions.

CED Director Steele reviewed the staff memos.

Councilmember Teague asked City Manager Bovero to restate the recommendation he made during the July 28 work session meeting regarding the concept of creating a new zone for one use. Mr. Bovero suggested that rather than creating a zone specific to storage units, it may be more appropriate to list the use as a conditional use within the commercial zone. If distance restrictions are included in the condition use language, that should address the Planning Commission's concern about a large number of storage unit businesses locating in the City. Mr. Steele stated that the Planning Commission supports the concept of creating a zone specific to storage units because it will give the City more control over this use. He noted that the Council has two options before them tonight in the form of two different ordinances that have been drafted to address governance of storage units.

Council discussion centered on the differences between the two ordinance options available to the Council this evening; the demand for storage units in the City; and interest that has been expressed in development of the subject property that may differ from the storage unit use. Councilmembers Bolduc, Teague, Maughan, and Savage expressed their support for adopting an ordinance specific to storage units. Councilmember Bingham stated she can support that idea as well, but was leaning toward the first option as she does not want to be overly restrictive for just one land use. Councilmember Savage stated he does not believe storage units would be the highest and best use of most commercial properties in the City and he would prefer to adopt an ordinance that is specific to that use to provide greater control to the City.

COUNCILMEMBER MAUGHAN MOVED TO DENY ORDINANCE 2020-19 AMENDING SECTION 10.90.020 OF THE SYRACUSE CITY CODE PERTAINING TO INDOOR STORAGE UNITS. COUNCILMEMBER TEAGUE SECONDED THE MOTION. ALL VOTED IN FAVOR.

COUNCILMEMBER TEAGUE MOVED TO ADOPT ORDINANCE 2020-18 ENACTING CHAPTER 10.94 OF THE SYRACUSE CITY MUNICIPAL CODE ESTABLISHING A ZONING DESIGNATION OF CLIMATE CONTROLLED INDOOR SELF-STORAGE UNIT ZONE. COUNCILMEMBER SAVAGE SECONDED THE MOTION. ALL VOTED IN FAVOR.

14. Proposed Ordinance 2020-17 repealing Chapter 5.20, Alcoholic Beverages, of the Syracuse City Municipal Code, and enacting Chapter 5.20, Alcoholic Beverages.

A staff memo from the City Attorney explained the City's alcohol code has not been substantially revised since 2011. In December 2019, the Council gave general direction and staff began revising the code. The revisions also took into account the changes to state alcohol code passed during the 2020 Legislative Session.

The draft code has assimilated the Council's comments and is in line with current state code requirements.

Duplicative sections that recite state law requirements have been removed. Instead, it defers to state code by adopting it, as it is amended by the state.

Local Consent

- As discussed in our December meeting, one of the heaviest tools that the state alcohol provides to local governments is the ability to entirely prohibit certain categories of licenses from being established in their borders. Utilizing the previous code and the Council's comments from the previous work session, the new code will have an easily referenced table of the current state licenses and permits, and will indicate whether they are permitted. The table also incorporates the caps on the number of certain types of establishments. If the Council does away with caps, then we would eliminate that column.
- An eagle-eyed reviewer may notice that there are two additional categories of licenses in this draft, which were not present for our discussion in December – arena and hospitality amenity. Those were added during the 2020 session. As they are similar to the resort and recreational licenses, I have listed them in the draft as permissible.
- Staff would like the Council to specifically consider whether a ban on liquor warehousing is necessary; the permits do not allow consumption of the liquor, and it represents a potential economic opportunity that is currently foreclosed.
- Caps exist for three types of licenses:
 - Beer Only Restaurants: 1 per 5,000 residents
 - Limited-Service Restaurants: 1 per 4,000 residents
 - Full-Service Restaurants: 1 per 4,000 residents

These caps were derived from existing city code (SMC § 5.20.180(E)). Currently, one brew restaurant is permitted for each 5,000 residents. And on-premises beer retailer/restaurant licenses were limited to one per 2,000 residents.

Application Process

- Those seeking to locate a regulated alcohol business must first apply for a local consent, which consent is valid for 120 days. The consent is issued by the business license official, after receiving input from the building official, fire marshal, planning department and the County Health Department. The official also verifies that the proposed location meets the proximity requirements for the type of license sought, as per state law.
- The applicant is then required to obtain the state license.
- Once licensed with the state, the applicant must return to receive a business license and alcohol license from the City. The City may rely upon a background check (which is done by the DABC when a person seeks a license), so long as it occurred within the previous 90 days.
- If a person wishes to transfer their license, they may do so, so long as the transferee passes the background check and is eligible to possess a license.

Site Requirements

- Requirements related to the site are drawn in order to avoid reasonably anticipated nuisances or dangers associated with the licensee. For instance, the lighting requirement ensures that surveillance by employees or other patrons is possible, and mitigates tripping hazards. Windows for new establishments ensure that the atmosphere is open and will discourage criminal behavior.
- A specific section addresses nuisances that might arise from patrons, such as littering or loitering in the parking lot.
- Any acts of violence occurring on the premises must be reported to police.

Enforcement

- The business license official is the primary enforcer of regulations, with support from the police department during the investigation phase.

- The draft proposes a graduated approach to discipline, with suspension occurring for first offenses, and revocation occurring for repeat offenders or serious violations. The ordinance does not call out the period of time for each suspension; the decision on the severity of the sanction will vary from case to case, and it is recommended to leave that power in the discretion of the business license official.
- Appeals from enforcement actions are heard by the City Council. This would be a full-blown evidentiary hearing with presentation of evidence and cross-examination of evidence.
- If suspension is not sought, then civil citations may be issued for minor violations.
- Criminal penalties may also be sought, with the penalty being a minimum fine of \$500, and up to \$1,000. Violations are class B misdemeanors. We anticipate that this would be reserved for repeat offenders or very serious violations that resulted in harm to an individual or the community.

The memo concluded this matter has been discussed by the Council over the course of two work session meetings; the only change that was made to the initial draft relates to giving consent for manufacturing and liquor warehousing.

Mr. Roberts reviewed his staff memo.

Councilmember Savage inquired as to the difference between a tavern and bar. Mr. Roberts stated that taverns can serve beer only while a bar can serve beer and hard liquor. Food sales are not required for either use.

COUNCILMEMBER TEAGUE MOVED TO ADOPT ORDINANCE 2020-17 REPEALING CHAPTER 5.20, ALCOHOLIC BEVERAGES, OF THE SYRACUSE CITY MUNICIPAL CODE, AND ENACTING CHAPTER 5.20, ALCOHOLIC BEVERAGES. COUNCILMEMBER BOLDOC SECONDED THE MOTION. ALL VOTED IN FAVOR.

15. Proposed resolution R20-32 approving an Interlocal Agreement with Davis County for business assistance grants with CARES Act funds.

A staff memo from the City Manager explained the Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, is a \$2.2 trillion economic stimulus bill passed by Congress and signed into law by President Donald Trump in March 2020 in response to the economic fallout of the COVID-19 pandemic in the United States. Part of the CARES Act funding was directed to state and local governments to combat the effects of the COVID-19 pandemic. Syracuse City is in line to receive approximately \$2.7 million in CARES Act funding, divided into three waves of approximately \$900k each. The money can be used for City expenses in combating COVID-19 and can be used to assist businesses that have been impacted by the pandemic. Davis County has arranged a business assistance grant program with requested participation from cities using a portion of the municipal CARES Act money, specifically 50% of the first wave of funding. That money would go into a county-wide pool to be disbursed amongst businesses in the county. As part of the participation in the County program, businesses from Syracuse City will get priority scoring on their grant application. The memo summarized the general terms of the agreement:

- City's Obligation: The City will remit 50% of the first wave of CARES Act money to the County for the grant program (Approximately \$450,000).
- County's Obligation: The CARES Act money from the City will be used solely for the purposes of the business assistance grant program. Businesses located in Syracuse City will receive priority scoring under the County's algorithm for distribution, to the same extent that other contributing municipalities' businesses will receive priority.
- CARES Grant Summary Report: At the end of the program, Davis County will provide a report showing Syracuse businesses that received grants along with the amount received by each business.

The memo concluded the action before the Council is to vote on whether to authorize the administration to execute the interlocal cooperation agreement with Davis County for the CARES Business Grant Program.

Mr. Bovero reviewed his staff memo.

Councilmember Maughan stated he is still concerned about the funding getting back to Syracuse businesses. Mr. Bovero stated that as of his last update from the County, they have received \$360,000 in applications from Syracuse City businesses and the City would be contributing \$450,000.

COUNCILMEMBER TEAGUE MOVED TO ADOPT RESOLUTION R20-32 APPROVING AN INTERLOCAL AGREEMENT WITH DAVIS COUNTY FOR BUSINESS ASSISTANCE GRANTS WITH CARES ACT FUNDS. COUNCILMEMBER BINGHAM SECONDED THE MOTION. ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN FAVOR.

16. Public comment.

Mayor Gailey invited Zoom participants to provide public comments.

Matt Page stated that he would like to know how many citizens the City Council needs to hear from on a specific issue before it makes a difference or before the Council will address their concerns. He stated he does not expect a response right now, but he encouraged the Council to think about that concept and possibly respond to him later. He stated that he has participated in FlashVote surveys conducted by the City and the City is making decisions based upon 190 responses regarding certain matters. He sees a lot of contradiction regarding what is important to the City and what is not; he has been part of a

survey including 400 signatures from residents regarding high density housing, yet not one Councilmember discussed those concerns during their discussion of the application for MXD at 817 W. 1700 S. Mr. Page's connection to the meeting was lost.

Paul Watson also addressed the development application for 817 W. 1700 S.; it was disheartening to see that the only discussion from the Council was focused on architectural adjustments. He has no doubt that the developer can produce a nice-looking building, but that is not what citizens are concerned about; they are concerned about safety and other big issues. He asked what the Council will do about the increase in traffic on roads that are not meant to handle that increase. Residents in this community will be commuting to other areas of their employment and they will all need access to properties to the west. Antelope Drive cannot handle that traffic and it will be forced onto surface streets nearby. He has asked the applicant these same questions and he was silent about that because he is not responsible and will not bear the burden. Rather, the citizens of the community will bear the burden and be forced to deal with the impact of the project. He urged the Council to listen to and observe the educated residents that have signed the petition regarding the requested zone change for a high-density apartment complex posing as a mixed-use development.

Mayor Gailey allowed Mr. Page to continue. Mr. Page stated that he simply wants the Council to think about what information they need or how many people they need to hear from in order for their decision to be influenced.

17. Mayor/Council announcements.

The Council and Mayor provided announcements about upcoming community events and other opportunities for public involvement. The Council also discussed requests for future agenda items.

Mayor Gailey also invited City Manager Bovero to make any necessary announcements.

At 10:44 P.M. COUNCILMEMBER TEAGUE MADE A MOTION TO ADJOURN. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

Mike Gailey
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: September 8, 2020