

Minutes of the **Redevelopment Agency of Centerville** meeting held Tuesday, May 18, 2021 at 5:30 p.m. with participants present at Centerville City Hall and via Zoom due to infectious disease COVID-19.

DIRECTORS PRESENT

William Ince
Stephanie Ivie, Vice Chair
George McEwan
Robyn Mecham
Clark Wilkinson, Chair

DIRECTOR ABSENT

Tamilyn Fillmore

STAFF PRESENT

Brant Hanson, RDA Executive Director
Lisa Romney, City Attorney
Jacob Smith, Administrative Services Director
Nate Plazier, Finance Director
Jennifer Hansen, City Recorder

VISITORS

Dan Bridenstine, Legacy Crossing Theatre, LLC
Darlene Carter, CW Group
Dave Smith, CW Group

AMENDMENT NO. 1 TO TAX INCREMENT PARTICIPATION AGREEMENT – PASTURE, LCC

Administrative Services Director Jacob Smith explained that the applicant acquired a new parcel adjacent to the Pasture Project site from UDOT in 2020. As a condition of rezoning this new parcel and including the new parcel in the Pasture Project, the City has required the applicant to combine the two existing parcels into one parcel to ensure a remnant parcel does not exist. Mr. Smith recommended the RDA Board amend the current Tax Increment Participation Agreement to change the definition of the Pasture Project and the Site for purposes of the Participation Agreement to include both Parcel Nos. 06-003-0049 and 06-003-0055, and any subsequent parcel number assigned to such parcels once they were combined into one parcel.

Director Ince **moved** to approve Amendment No. 1 to the Tax Increment Participation Agreement for Development of Land between the RDA and the Pastures, LLC. Vice Chair Ivie seconded the motion, which passed by unanimous vote (4-0).

AMENDMENT NO. 1 TO TAX INCREMENT AGREEMENT FOR DEVELOPMENT OF LAND – LEGACY CROSSING THEATRE, LLC

The RDA entered into a Tax Increment Agreement with Legacy Crossing Theatre, LLC in September 2010. Per the agreement, the Megaplex must have sold a minimum of 500,000 theater tickets to be eligible to receive their tax increment payment. This past year, 2020, the theater was ordered to close due to the pandemic and were not able to sell 500,000 tickets. Administrative Services Director Jacob Smith explained that Legacy Crossing Theatre, LLC requested the tax increment payment (\$203,866.73) as the loss in ticket sales was outside their control and the money was needed. According to the current agreement, the RDA could not remit the payment if any of the four conditions outlined in the agreement were not met.

The RDA Board discussed the request. Director McEwan **moved** to approve Amendment No. 1 to the Tax Increment Agreement for Legacy Crossing Theatre, LLC to allow an exception

1 for Tax Increment Subsidy for COVID-19 related reasons. Director Ince seconded the motion,
2 which passed by unanimous vote (4-0).
3

4 Director Ince **moved** to confirm the amount of tax increment anticipated in the Amendment
5 at \$203,866.73. Director McEwan pointed out approval of distribution was not included on the
6 agenda. City Attorney Lisa Romney advised that approval of distribution should be listed on the
7 next RDA meeting agenda. Dan Bridenstine, representing Legacy Crossing Theatre, LLC,
8 thanked the Board for their consideration and stated he was grateful for the relationship they had
9 with Centerville.

10
11 **CW GROUP FENCE PROPOSAL**
12

13 The vinyl fence along the north boundary of the Parrish Lane Gateway RDA between
14 CenterPoint Theatre and Chick-Fil-A was installed in 2010 when the CenterPoint Theatre building
15 was constructed. The fence was damaged in various locations during demolition of the
16 manufactured home park to the north. Darlene Carter with CW Group said the applicant was
17 prepared to repair the fence where damage occurred; however, she said CW Group proposed to
18 replace the entire fence line with a 6-foot gray composite fence at their cost, with maintenance
19 costs shared by the RDA and CW Group long-term. Ms. Carter explained that 6-foot fences could
20 be reinforced better than 8-foot fences, and would probably withstand Centerville windstorms
21 better.
22

23 Director McEwan pointed out that the fence in question ran east-to-west and would
24 probably not sustain a lot of wind damage with heavy Centerville winds generally coming from the
25 east. Ms. Carter explained that CW Group planned to install an 8-foot fence between the planned
26 office building next to Frontage Road and the four or five residential properties to the north, and
27 transition to six-foot fence for the remainder of the north property line. She said their preference
28 would be for the stronger 6-foot fence on the south side, but they were prepared to repair the
29 damage to the existing 8-foot fence if the RDA preferred an 8-foot fence on the south property
30 line.
31

32 RDA Executive Director Brant Hanson said Community Development Director Cory
33 Snyder had indicated he did not have a preference and believed either option was sufficient. Mr.
34 Hanson said CenterPoint Theatre and Chick-Fil-A had both indicated support for the proposal to
35 replace the 8-foot vinyl fence. He said he personally believed a new higher-quality fence was the
36 better option.
37

38 Director Mecham said it was her understanding that constructing an 8-foot fence was more
39 expensive than a 6-foot fence because an 8-foot fence was required by the State to be structurally
40 engineered, and a 6-foot fence was not. Vice Chair Ivie asked if safety/security was a concern
41 with a 6-foot fence versus an 8-foot fence. Ms. Carter responded that the development would be
42 open and accessible on both the east and west sides, and she was not overly concerned about
43 the security issue. She added that the trees that would be planted would provide more of a buffer
44 than the 8-foot fence.
45

46 Ms. Carter asked if the RDA would be willing to share in the long-term maintenance of the
47 new fence, should maintenance be necessary. Mr. Hanson pointed out the RDA was currently
48 fully responsible for maintenance of the existing vinyl fence, and said he felt the proposal was a
49 win-win. Ms. Carter said final plans and specs for the fence would be provided to City Staff for
50 review.

1 Director McEwan suggested the possibility of a gate in the new fence on the south property
2 line to provide access for residents of the new development to neighboring commercial without
3 going all the way around to 400 East or Frontage Road. Ms. Carter explained that an HOA would
4 be responsible for the area, and expressed concern that inviting more access would increase
5 HOA vulnerability. Regarding fence height, Ms. Carter commented that a 6-foot fence may cause
6 fewer visibility problems with the curve in Frontage Road at the subject location.
7

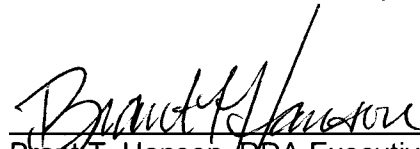
8 Director McEwan **moved** to instruct Staff to work with CW Group on fence replacement
9 details as presented to the RDA with costs that could be voted upon. Director Ince seconded the
10 motion, which passed by unanimous vote (4-0). Responding to a question from Director McEwan,
11 Ms. Carter spoke of increased building costs.
12

13 MINUTES REVIEW AND ACCEPTANCE

14
15 Minutes of the October 20, 2020; October 26, 2020; February 2, 2021; and May 4, 2021
16 RDA meetings were reviewed. Director McEwan **moved** to accept all four sets of minutes. Director
17 Ince seconded the motion, which passed by unanimous vote (4-0).
18

19 ADJOURNMENT

20
21 At 6:15 p.m., Director Ince **moved** to adjourn the RDA meeting. Director McEwan
22 seconded the motion, which passed by unanimous vote (4-0).
23

24
25 
26 _____
27 Brant T. Hanson, RDA Executive Director
28

29
30 06-03-2021
31 _____
32 Date Approved

30
31 
32 _____
Katie Rust, Recording Secretary

