

1 Minutes of the Centerville **City Council** special meeting held Tuesday, May 12, 2015 at 5:00
2 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

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4 **MEMBERS PRESENT**

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6 Mayor Paul A. Cutler

7
8 Council Members Ken S. Averett
9 Tamilyn Fillmore
10 John T. Higginson
11 Stephanie Ivie
12 Lawrence Wright

13
14 **STAFF PRESENT** Steve Thacker, City Manager
15 Lisa Romney, City Attorney
16 Katie Rust, Recording Secretary

17
18 **STAFF ABSENT** Blaine Lutz, Finance Director/Assistant City Manager

19
20 **VISITORS** Interested citizens (see attached sign-in sheet)

21
22 **PRAYER OR THOUGHT** Councilman Wright

23
24 **TEMPORARY ZONING REGULATIONS FOR SOUTH MAIN STREET CORRIDOR**
25 **OVERLAY DISTRICT**

26
27 Mayor Cutler explained that, in addition to considering Temporary Zoning Regulations
28 (TZRO) for the South Main Street Corridor (SMSC) Overlay District, he would like the Council to
29 consider beginning the process to amend City ordinance to cap residential density for any
30 mixed-use commercial development in the SMSC Overlay District, and consider changing City
31 ordinances so that properties less than five acres in size could be eligible for a Planned
32 Development Overlay (PDO). He reported that Brighton Homes has shown a willingness to
33 meet with residents to discuss options regarding the development of property between 300
34 South and Porter Lane on Main Street.

35
36 Councilman Wright asked if any Council members have been involved in discussing the
37 current application with Planning Commissioners, and if any Council members have been
38 involved in direct negotiations with the developer, Brighton Homes. Mayor Cutler responded
39 that he has been representing the City in discussions with Brighton Homes, and has not
40 discussed the issue with any Planning Commissioners. The Mayor stated he asked Councilman
41 Averett to join him in the first meeting with Brighton Homes because of his professional
42 experience and expertise. Councilman Averett stated that he declined a request by Brighton
43 Homes to meet prior to their application, feeling that it would be inappropriate. After an
44 application is filed, he said he feels Council members have a responsibility to communicate the
45 Council's willingness to negotiate, to hopefully end up with a project the citizens and developer
46 can be happy with. Councilman Averett said he believes that in retaining legal counsel,
47 Brighton Homes is letting the City know that they have options. Councilwoman Fillmore said
48 that, as a Planning Commissioner, she felt her role was to evaluate an application based on
49 land use. However, as a Council member, she feels it is her role to bring people to the table to
50 achieve the best results possible. She said that when she found out Brighton Homes removed
51 their invitation to meet with citizens prior to the Planning Commission meeting, she contacted
52 Brighton and asked them to please come back to the negotiating table. She did not attend or
53 participate in the discussions, but Brighton did meet with citizens, and has expressed
54 willingness to continue to negotiate. Councilman Averett and Councilwoman Fillmore both
55 stated they have not spoken to any member of the Planning Commission regarding this

1 application and, contrary to rumor, have no financial interest in the matter. Council members
2 Higginson and Wright both stated they have not spoken with members of the Planning
3 Commission, and have not participated in negotiations or discussions with Brighton Homes.
4 Councilwoman Ivie stated she has not met with the developer or Planning Commission
5 members, and has avoided "muddying the waters." Mayor Cutler said he believes it is the
6 Council's job to share information and help people understand the legal process that has to be
7 followed, the property rights that property owners and developers have, and what tools are
8 available. He said he feels that bringing people together to find solutions is the Council's job.
9 Councilwoman Ivie disagreed, stating she feels it is her primary job to listen to the citizens, not
10 the developer. Ms. Romney said that it has often been her advice to Planning Commission and
11 City Council members to refrain from talking to developers or others outside the public process
12 when there is a pending application.
13

14 Mayor Cutler explained that the SMSC Overlay District runs from the Dick's Market area
15 at Parrish Lane along Main Street to Pages Lane. Ms. Romney confirmed that the Council
16 could reduce the area of study in the TZRO if desired. Mayor Cutler pointed out the many
17 restrictions involved with a TZRO for property owners. Councilman Wright added that the last
18 thing he would want is for someone to move away because the neighborhood is no longer what
19 they envisioned.
20

21 Mayor Cutler recommended the Council begin the process to revise density limits in the
22 SMSC Overlay District since the Council seems to be in agreement that density should be
23 capped, in addition to the TZRO. Councilman Wright responded he does not see the logic in
24 beginning the process to cap density since the TZRO accomplishes the same thing. Mayor
25 Cutler pointed out that the Council is not in complete agreement regarding the approach that
26 should be taken and what should be studied and changed, but is in agreement regarding
27 density. The process to amend City ordinances to cap the density will take at least six weeks.
28 Councilman Higginson expressed a desire to negotiate with the developer to get the best
29 possible development for the neighborhood, and expressed frustration with rumors that have
30 been spread. He pointed out that, until the May 5th Council meeting, the Council did not have
31 consensus to implement a TZRO. Councilman Higginson added that he is still not sure it is the
32 right way to go. Councilman Wright said it would be doing the citizens a disservice to argue for
33 six months. He said he does not think it will take six months if the Council works together.
34 Mayor Cutler expressed a desire to move forward, and repeated the suggestion to start the
35 process to adjust the PDO Ordinance and cap density in the SMSC Overlay District. The
36 Council can try to make all the changes at once, or choose to solve one step at a time.
37

38 Lisa Romney, City Attorney, explained the pending ordinance doctrine. Councilwoman
39 Fillmore stated she is not opposed to using a TZRO, but she has a lot of respect for the process
40 and does not want to use a TZRO inappropriately. Councilman Wright said he considers a
41 TZRO to be a natural part of the planning process.
42

43 The Mayor asked the Council to consider reducing the area included in the TZRO, or
44 removing building permit restrictions from the TZRO. The Council discussed his suggestion.
45

46 **CLOSED MEETING**

47
48 At 5:55 p.m. Councilwoman Fillmore made a **motion** to move into a closed session to
49 discuss pending or reasonably imminent litigation. Councilman Higginson seconded the motion,
50 which passed by unanimous vote (5-0). In attendance were: Paul A. Cutler, Mayor; Council
51 members Averett, Fillmore, Higginson, Ivie, and Wright; Steve Thacker, City Manager; Lisa
52 Romney, City Attorney; and Katie Rust, Recording Secretary.

1 The Council returned to open meeting at 6:25 p.m.

2
3 Councilman Wright made a **motion** to adopt Ordinance No. 2015-05 establishing a
4 TZRO within the SMSC Overlay District, with direction to strike building permit restrictions from
5 the Ordinance. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-
6 0).

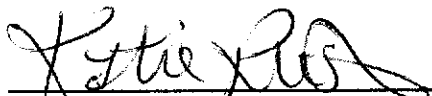
7
8 The Council discussed the suggestion to have staff prepare a text amendment and start
9 the process with the Planning Commission to establish a density cap for the SMSC Overlay
10 District, and revisit acreage requirements for PDOs. Councilman Higginson made a **motion** to
11 direct staff to prepare a text amendment for the SMSC Overlay District related to capping
12 residential densities at R-M levels for any mixed-use as part of a commercial development, and
13 to revisit the acreage restrictions on PDOs. Councilwoman Fillmore seconded the motion.
14 Council members Wright and Averett expressed concern for the demand on staff time. City
15 Manager Thacker stated he is not opposed to the motion. The motion passed by majority vote
16 (3-2), with Council members Averett, Higginson, and Fillmore voting in favor, and Council
17 members Wright and Ivie dissenting. Councilman Higginson left the meeting at 6:30 p.m.

18
19 **ADJOURNMENT**

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21 At 6:31 p.m. Councilman Wright made a **motion** to adjourn the meeting. Councilwoman
22 Ivie seconded the motion, which passed by unanimous vote (4-0).

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27 
28 Marsha L. Morrow, City Recorder

6-2-2015
Date Approved

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32
33 
34 Katie Rust, Recording Secretary



Special
CENTERVILLE CITY COUNCIL MEETING

Tuesday, May 12, 2015
9:00 p.m.

NAME (PLEASE PRINT)

ADDRESS**

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CHARIE LISH

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692 N Main Centerville

Dale McIntyre

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519 Deer Hollow Cir. Centerville

Nancy Grant

" " " " "

Jennifer Turnblom

249 S. Main Centerville

Eileen Turnblom

" " " "

PATRICIA WEAVER

253 W. 1375 North Centerville

BRENT R. SESSIONS

35 E Canyon BREEZE DR.

Laura Samuelson

114 Bradley 84014

Robin Neville

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Garth Heer

77 E. 1975 N.

Robm Carbaugh

115 E Porter Lane

Christina Wilcox

144 E 300 S

Charlie Bradley

204 E. 735 S.

Britt Hitt

126 Bradley Drive

Judith Mitchell

390 S. 200 E.

Sally Green

250 N 650 E

MAREN LARSON

140 E. CHASE LANE

Kyle Green

433 E. 200 N.

** Your address will be used only in the event the City staff needs to contact you pertaining to an issue discussed in the City Council meeting.

Jeff Thomas

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Stephanie Mecham

87 E-300 S. Centerville, UT

Diana Jensen

353 Deer Hollow Cir Centerville, UT

Rhonda M Perkes - office of Congressman C. Stewart.

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