Minutes of the Centerville **City Council** meeting held Tuesday, September 5, 2017 at 7:00 p.m. at Centerville City Hall, 250 North Main Street, Centerville, Utah.

MEMBERS PRESENT

Mayor	Paul A. Cutler
Council Members	Tamilyn Fillmore William Ince Stephanie Ivie George McEwan (remotely) Robyn Mecham
STAFF PRESENT	Steve Thacker, City Manager Lisa Romney, City Attorney Jacob Smith, Management Services Director Cory Snyder, Community Development Director Paul Child, Centerville Police Chief Mike Smith, City GIS Specialist Katie Rust, Recording Secretary

PLEDGE OF ALLEGIANCE

PRAYER OR THOUGHT Councilwoman Mecham

OPEN SESSION

Councilman Ince – As Chairman of the Centerville Citizen Corps Council, Councilman Ince displayed a "traveling" trophy that will reside with the winning team of the Davis Citizen Corps Council Biannual CERT Competition scheduled to take place on October 7, 2017.

MINUTES REVIEW AND ACCEPTANCE

The minutes of the August 15, 2017 Council meeting were reviewed. Councilwoman Fillmore requested an amendment. Councilman Ince made a **motion** to accept the minutes as amended. Councilwoman Mecham seconded the motion, which passed by unanimous vote (5-0).

SUMMARY ACTION CALENDAR

a. Accept Public Utility Easement for Goodfellow-Tullius single parcel development located at 215 West 1850 North
b. Accept Public Utility Easement for Samuelson single parcel development located at 315 East 1825 North
c. Accept Public Utility Easement, Storm Drain Easement, and Fire Access Easement for the Canyon Point project located at 347 North 300 East

Councilman Ince made a **motion** to approve all three items on the Summary Action Calendar. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

PUBLIC HEARING – PROPOSED PLANNED DEVELOPMENT OVERLAY AMENDMENT – LEGACY CROSSING AT PARRISH LANE – 1250 WEST PARRISH LANE

Cory Snyder, Community Development Director, explained the proposed PDO Amendment for the Legacy Crossing Parrish Lane Development. The applicants seek a parking modification for shared use parking and a reduction of the overall required parking, due to the

condition that peak parking demands for the movie theaters and office buildings do not occur at the same time. Mr. Snyder presented data from a parking study prepared by Reeve & Associates. The Planning Commission reviewed the proposal on August 23, 2017 and recommended approval. Mr. Snyder commented that, although the proposed amendment solves the development parking issue, it does not solve the issue of convenience parking. Glenn Girsberger, representing JF Capital, said he feels the amendment will be best for everyone involved in the long run.

At 7:29 p.m., Mayor Cutler opened a public hearing, and closed the public hearing seeing that no one wished to comment. Lisa Romney, City Attorney, explained the four suggested actions. Councilwoman Fillmore said she feels shared parking is always a fantastic solution, and made a **motion** to approve Ordinance No. 2017-24 amending the Planned Development Overlay Approval for the Legacy Crossing at Parrish Lane Planned Development located at 1250 West and Parrish Lane allowing a parking modification for the shared use parking and a reduction of the overall required parking for the project, with the following conditions and findings. Councilwoman Ivie seconded the motion.

Conditions:

1. Approval of the amended Exhibit "C" to the Development Agreement as submitted to the City.
2. Approval of the Parking Modification, as prepared by Reeves and Associates, Inc.
3. The final parking counts for Lots 2 and 3 shall be subject to their applicable site plan approvals.
4. The preparation and recording of the necessary Development Agreement and Declaration of Parking and Cross-Access Easement amendments, as deemed acceptable by the City Attorney.
5. All other related or associated conditions of the Legacy Crossing at Parrish Lane Development PDO Approval shall remain in effect with this amendment.
6. The developer shall pay all applicable application and professional services fees related to the petition.

Findings:

a. The City Council finds that amendments to a PDO approval are subject to the original procedure used for obtaining a preliminary approval.
b. The City Council finds that amendments are consistent and compatible with the originally approved expectations of the PDO Plan for the Legacy Crossing at Parrish Lane, as a mixed-use development project.

Councilwoman Ivie said she believes that extra parking is better than not enough parking, and convenience is hugely important. She said she feels it is part of our culture to expect convenience, and at some point the City needs to accept how people are going to behave. She commented that snow causes additional difficulties with parking since it is pushed around rather than removed. Mayor Cutler pointed out that Legacy Boulevard is a private street. Mr. Girsberger stated snow is removed from the development if it builds up too much. He stated that anyone is able to park anywhere in the development at any time of day. The proposed amendment would allow the build-out of office uses. Mr. Girsberger said the parking lot near the theater is a sea of asphalt during the day, and he feels cross-use parking makes sense.

Councilman McEwan asked about original parking requirements compared to the conclusions of the recent parking study. Mr. Snyder responded the original developer chose to develop using City Code hard-count numbers rather than cross-use. Councilwoman Fillmore commented that traffic and congestion have existed with the apartments from the beginning, and parking added as a result of completing the north end of the project may help with the need for apartment parking in the evenings. Councilwoman Fillmore referred to CenterPoint Theatre as a successful example of cross-use parking. Councilwoman Ivie disagreed, stating she does not feel there is enough parking at CenterPoint in the evenings. Councilman McEwan asked how the development would be affected if both sides of Legacy Boulevard were redlined to prohibit parking. Mr. Girsberger estimated that 20 vehicles are able to park on the south side of Legacy Boulevard next to the apartment buildings.

Councilwoman Fillmore stated she would be uncomfortable denying the application because the project is technically overparked. Responding to a question from Mr. Thacker, Councilwoman Ivie said she feels CenterPoint Theatre has insufficient parking because she always has to park in the Colonial Lumber parking lot across 400 West when she attends the Theatre. Mr. Thacker responded that the Colonial Lumber parking lot is part of the cross-use parking solution for CenterPoint, and he does not personally perceive a parking problem.

Mr. Girsberger mentioned possibly assigning office tenants to park in certain areas of the development to help with the office parking convenience issue. The Council discussed parking difficulties in the project caused by the Legacy Apartments. Councilwoman Ivie stated she feels it was the City's responsibility to have required sufficient convenient parking for the apartments to begin with. Councilwoman Mecham agreed. Mr. Girsberger commented that the apartments have had parking issues from the beginning. He pointed out the apartments are well occupied. Councilman McEwan said he wishes the City had leverage to force the apartments to provide adequate parking. The motion to approve Ordinance No. 2017-24 passed by unanimous vote (5-0).

Councilwoman Ivie made a **motion** to approve the Assignment and Assumption Agreement between the City, HCR Legacy, LLC, KEM Holdings, LLC, Teton Office Ventures, LLC, and S&J 5, LLC for various lots within the Legacy Crossing at Parrish Lane Planned Development and require the Assignment Agreement to be recorded against the property prior to further approvals for the subject properties; approve the Fourth Amendment to the Development Agreement for the Legacy Crossing at Parrish Lane Planned Development implementing the parking modifications and reductions; and approve the Third Amendment to the Declaration of Parking and Cross-Access Easement and other Easements and Restrictions Affecting Land within the Legacy Crossing at Parrish Lane Planned Development implementing the parking modifications and reductions. Councilman Ince seconded the motion, which passed by unanimous vote (5-0).

Councilman Ince asked if the north side of Legacy Boulevard could be redlined to prevent parking. Mr. Snyder repeated that Legacy Boulevard is a private street. Councilman Ince made a **motion** directing staff to request that both the Police Chief and the Fire Chief reevaluate Legacy Boulevard for adequacy. Councilwoman Ivie seconded the motion, which passed by majority vote (4-1), with Councilwoman Fillmore dissenting.

ZONING CODE AMENDMENTS – "CONSTRUCTION SALES AND SERVICE, LIMITED" DEFINITION AND USE TABLE

On August 15, 2017, the City Council held a public hearing continued from the August 1, 2017 meeting regarding the proposed "Construction Sales and Service, Limited" definition and Use Table. After considering public comments, the Council closed the public hearing and tabled this matter for further consideration. Councilman McEwan stated his concern throughout the

process has been that this is a zoning decision, not a decision based on the suitability of potential tenants as might be inferred from some of the public comment. Mayor Cutler said he would have more concern if this were not already an existing legal nonconforming use on Main Street. Councilwoman Fillmore disagreed with the Mayor, stating she would never consider the existence of legal nonconforming uses as a reason to go back to a previously allowed use. Councilwoman Fillmore stated she is in favor of the changes made with the Main Street Overlay, and she wants to see Main Street positively redeveloped in a way that is considerate of existing neighborhoods. Councilwoman Fillmore said she has come to the conclusion that the new definition would allow the Construction Sales and Service use in a limited form without any harm to the areas around it.

Councilman Ince said he would like to find a way to approve the use for Shupe Electric, but he has a great difficulty with the concept of Construction Sales on Main Street because he feels it would open Pandora's Box. Councilwoman Mecham agreed that Shupe Electric would be great, but there is no guarantee of what the City would get in the future. Mayor Cutler asked if the Council feels the existing Table of Uses is adequate to encourage redevelopment. Councilwoman Mecham responded she does not know, but approving Construction Sales will not bring the uses they want. Councilwoman Mecham stated she feels the property might end up being more valuable as residential. Mayor Cutler responded that residential land values are no where near commercial land values. Councilman McEwan said he is not sure the City will get the desired type of development with the current Table of Uses. Councilman Ince agreed. Mayor Cutler asked the Council if they perceive the Main Street Overlay or the Table of Uses to be the greater problem. Council members McEwan and Ince responded they feel both the Table of Uses and the Main Street Overlay are a problem.

Councilman McEwan made a **motion** to deny Ordinance No. 2017-21. Councilman Ince seconded the motion. Councilwoman Ivie stated she could almost approve the limited use based on Shupe Electric's good name, but she is not confident that anyone else would be willing to comply with the restrictions in place, and she would not want it to become an enforcement issue. Councilwoman Fillmore asked Councilwoman Ivie why she would be comfortable voting against the Ordinance if she is comfortable with the proposed restrictions. Councilwoman Fillmore said it is the Council's job to set reasonable rules and restrictions and expect them to be followed.

The Council discussed the desire to remove the possibility of having a warehouse on Main Street from the proposed Construction Sales and Service, Limited use. Councilwoman Fillmore suggested adding a front office space requirement. Mr. Snyder responded that setting parameters would be difficult. A suggestion was made that this decision could be tabled again until after the City Council and Planning Commission discuss the South Main Street Corridor Plan in a work session on September 13.

Travis Shupe with Shupe Electric suggested a decision to deny the limited use would be denying 90% of the applications that would come in for the old Fire Station property. Mr. Shupe said they are not in a hurry to relocate, and are willing to wait for the City to make a decision. However, he is not sure the South Davis Metro Fire District will be happy with waiting. Councilman McEwan **withdrew the motion** to deny. Councilman Ince made a **motion** to table the matter for another two weeks. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

REPEAL OF CITY FIRE/EMS IMPACT FEES (TO BE REPLACED WITH SOUTH DAVIS METRO FIRE SERVICE AREA FIRE/EMS IMPACT FEES)

Councilman Ince made a **motion** to adopt Ordinance No. 2017-25 repealing the Fire/EMS Impact Fees adopted and assessed by Centerville City to be replaced by the

Fire/EMS Impact Fees adopted and assessed by the South Davis Metro Fire Service Area. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

COUNTY PROPOSITION ONE GRANT APPLICATION

At their August 1, 2017 meeting a majority of the Council indicated support for moving forward with a shared application to the County with West Bountiful, and applications to improve bus stops on Main Street and to construct a restroom along the Legacy Parkway Trail, as long as the restroom is maintained by the County. Mr. Thacker informed the Council that the top of the County's application form contains this statement: "Your signature below indicates your agency's willingness to enter into formal agreement to complete and maintain the project if selected for funding." Because of that statement, Mr. Thacker said he does not recommend the City submit an application for the Legacy Parkway Trail restroom. Mayor Cutler stated he would still like to send a message to the County that a restroom along the Trail is needed, but he feels the County should be responsible for the maintenance. Councilwoman Fillmore pointed out that ideas like this can take a long time to implement, and suggested submitting an application for a restroom on the Trail with a clear statement that Centerville would not be willing to take on maintenance responsibility. Councilman Ince responded that such an application would be dysfunctional. He suggested striking the statement at the top of the application. Responding to a question from Councilman Ince, Mr. Thacker said he is not aware of any other cities making a similar application for a restroom along the Trail. Mr. Thacker pointed out that the application would be somewhat incomplete, with cost and exact location unknown. Councilwoman Fillmore suggested including the equivalent of five percent of one year of RAP Tax revenues as the amount the City is willing to contribute ($19,000-$20,000).

Mr. Thacker reported UTA has indicated they are not interested in participating in an application for County Proposition One funds to improve bus stops on Main Street at this time. It is anticipated, however, that UTA funds will be used as Centerville's match for the joint 1250 West project with West Bountiful. Councilman Ince made a **motion** to show formal support for a joint application with West Bountiful for improvements on 1250 West/640 West, and direct staff to prepare and modify an application for restroom facilities along Legacy Trail, with Centerville's contribution not to exceed 15% or $20,000. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0).

BUS STOP IMPROVEMENTS ON MAIN STREET

Mr. Thacker reported that UTA is not generally in favor of bus stop pullouts on Main Street. He said it is the preference of UDOT to require pullouts, but the UDOT Region One Director Kris Peterson would consider not requiring pullouts if sufficient reasons are given. Mr. Thacker suggested a pullout would make sense at the proposed bus stop in front of the Post Office, but staff do not recommend pullouts at three other locations. Mayor Cutler said he would prefer not to have pullouts, but in front of the Post Office makes the most sense if the City needs to agree to at least one as a show of good faith. Councilwoman Fillmore said she would want the less expensive improvements to other stops to take priority over an expensive pullout in front of the Post Office. A majority of the Council indicated support for UTA proceeding with the design of bus stop improvements at locations on Main Street, but would like the City Manager to schedule this matter again on a future agenda for them to react to before UTA proceeds with improvements.

MAYOR'S REPORT

- The Council will meet in a work session with the Planning Commission to discuss the South Main Street Plan on Wednesday, September 13th, prior to the regular Planning Commission meeting.
- Mayor Cutler reported discussions have taken place with the Tingey family regarding a Tingey Pavilion for the Community Park Expansion. Bruce Cox, Parks and Recreation Director, has suggested including a drinking fountain and electrical connection at the pavilion. It is anticipated additional funds may be needed from the City to fully fund those amenities, in addition to a donation from the Tingey family.

CITY MANAGER'S REPORT

- The Council will meet in a work session with the Trails Committee on October 3rd, prior to the regular Council meeting.
- Mr. Thacker informed the Council of an upcoming employee retirement in the Public Works Department.

MISCELLANEOUS BUSINESS

As liaison to the Whitaker Museum Board, Councilwoman Ivie reported that the names of at least 300 families have been found as settling in Centerville in the City's first couple of years. She suggested that including plaques with information about the City's founding families at the Smith Park pavilion may be more daunting than originally anticipated. She suggested it may be a good idea to have one big plaque recognizing the family names by year settled. Mayor Cutler said he feels it would also be good to recognize founding individuals and their stories, maybe adding one each year. Mayor Cutler stated he is looking for a volunteer to lead up fund raising for new signage and plaques for the William R. Smith Park. Councilwoman Mecham said she would be willing to lead that effort. Councilwoman Fillmore reminded the Council that a professional design is already prepared for the area around the bus stop.

The Council took a break at 9:17 p.m., and returned at 9:30 p.m.

MOBILE REPORTING APPLICATION

Mike Smith, City GIS Specialist, demonstrated a mobile reporting application he developed for reporting of non-emergency problems within the city. Ms. Romney suggested that a records retention policy will be needed, as well as a protocol for employee responses. The Council agreed to beta test the application.

ADJOURNMENT AND CLOSED MEETING

At 9:50 p.m., Councilman McEwan made a **motion** to move to a closed meeting in the Council Chambers for the purpose of discussing character and competency of an individual, and reconvene in a meeting of the Centerville Redevelopment Agency. Councilwoman Ivie seconded the motion, which passed by unanimous vote (5-0). In attendance at the closed meeting were: Paul A. Cutler, Mayor; Council members Fillmore, Ince, Ivie, McEwan (remotely), and Mecham; Lisa Romney, City Attorney; Jacob Smith, Management Services Director; Paul Child, Police Chief; and Katie Rust, Recording Secretary.

Marsha L. Morrow, City Recorder

9-19-2017
Date Approved

Katie Rust, Recording Secretary

CENTERVILLE CITY NC
CORPORATE SEAL

CENTERVILLE CITY COUNCIL MEETING

Tuesday, September 5 2017

7:00 p.m.

NAME **(PLEASE PRINT)**	ADDRESS**
Glenn Gissberger	1148 W. Legacy Crossing
Chuck Wilkinson	50 W. 1200 N. Centerville UT
Steve Allen	133 Rock Manor Dr
Shawn Shupe	1466 Cicalia Dr. Farmington

** 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.