

1 Minutes of the Centerville **City Council** meeting held Tuesday, July 7, 2015 at 7:00 p.m. at  
2 Centerville City Hall, 250 North Main Street, Centerville, Utah.

3  
4 **MEMBERS PRESENT**

5  
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**

15 Blaine Lutz, Finance Director/Assistant City Manager  
16 Lisa Romney, City Attorney  
17 Randy Randall, Public Works Director  
18 Cory Snyder, Community Development Director  
19 Jacob Smith, Management Assistant  
20 Katie Rust, Recording Secretary

21 **STAFF ABSENT**

Steve Thacker, City Manager

22  
23 **VISITORS**

Interested citizens (see attached sign-in sheet)

24  
25 **PLEDGE OF ALLEGIANCE**

26  
27 **PRAYER OR THOUGHT**

Councilman Higginson

28  
29 **COMMENDATION**

30  
31 Blaine Lutz, Finance Director/Assistant City Manager, announced that Centerville has  
32 received a Certificate of Achievement for Excellence in Financial Reporting for the sixteenth  
33 consecutive year. He explained the criteria, and recognized Jeannine Teel for her significant  
34 contribution to the most recent Financial Audit.

35  
36 **OPEN SESSION**

37  
38 No one wished to comment.

39  
40 **MINUTES REVIEW AND ACCEPTANCE**

41  
42 The minutes of the June 16, 2015 work session and regular Council meeting, and the  
43 June 17, 2015 joint Council/Planning Commission meeting were reviewed. Councilwoman  
44 Fillmore made a **motion** to approve all three sets of minutes. Councilman Averett seconded the  
45 motion, which passed by unanimous vote (5-0).

46  
47 **FRONTAGE ROAD SIDEWALK PROJECT**

48  
49 Randy Randall, Public Works Director, explained that earlier this year UDOT Region  
50 One awarded Centerville \$50,000 in Federal Transportation Assistance Program (TAP) funding  
51 for construction of a sidewalk along the east side of the Frontage Road, which would complete  
52 the current gap in the sidewalk between the Woods Park PDO and the Lexington Subdivision.  
53 The cost above \$50,000 will be paid from two other sources – the City's street maintenance  
54 budget and a contribution from Abraham & Emily Millet. The Millets have an obligation to pay  
55 for the portion in front of their home because of a sidewalk deferral agreement executed when

1 they developed their property. Easements are needed from Mabel Devore and Christopher and  
2 Hermila Cutler to accommodate the sidewalk and the slope on the east side down to natural  
3 ground elevation. Lisa Romney, City Attorney, provided further details regarding the proposed  
4 actions.

5  
6 Councilman Averett made a **motion** to accept Public Sidewalk and Slope Easements  
7 from the Cutlers and Mabel Devore. Councilwoman Ivie seconded the motion, which passed by  
8 unanimous vote (5-0).

9  
10 Councilman Higginson made a **motion** to approve an Installment Payment and Security  
11 Interest Agreement for Sidewalk Improvements with Abraham & Emily Millet with changes to  
12 Section 1 regarding payment obligations and use of existing cash bond recommended by the  
13 City Attorney. Councilwoman Fillmore seconded the motion, which passed by unanimous vote  
14 (5-0).

15  
16 Councilwoman Fillmore made a **motion** to award construction contract to Bowen  
17 Construction in the amount of \$64,492 based on the base bid, with the option of an additional  
18 \$265.50 for upgraded fencing, subject to obtaining signed easements from Mabel Devore and  
19 the Cutlers and execution of the Millet Agreement. The motion was seconded by Councilman  
20 Wright and passed by unanimous vote (5-0).

21  
22 **PUBLIC HEARING – PLAT AMENDMENT TO FORD CANYON SUBDIVISION –**  
23 **REDUCING SETBACK TO 20 FEET**

24  
25 Eric Beard with Beard Construction answered questions from the Council regarding the  
26 application to reduce setback, and stated that many of the lots on Ford Canyon Drive have 20-  
27 foot setbacks.

28  
29 At 7:22 p.m. Mayor Cutler opened a public hearing for the proposed plat amendment,  
30 and closed the public hearing seeing that no one wished to comment. Councilman Higginson  
31 made a **motion** to approve the plat amendment for Ford Canyon Estates Phase 4 Subdivision,  
32 reducing the front-yard setback from 25 to 20 feet for Lots 408 and 409, subject to the following  
33 conditions and findings. Councilman Wright seconded the motion, which passed by unanimous  
34 vote (5-0).

35  
36 **Conditions:**

- 37  
38 1) Preparation and submittal of a final linen subdivision plat to the City Recorder's  
39 Office to reflect the lot combination and reduction of the front yard setback to 20 feet.  
40 2) Review and acceptance of the final plat by the Fire Marshall and Public Works  
41 Director, in accordance with applicable regulations or written agreement  
42 requirements for fire protection.  
43 3) All original subdivision plat notes and the slope stability easement are also provided  
44 on the linen of the new plat to be recorded.

45  
46 **Findings:**

- 47  
48 a. The City Council finds that the amendment is consistent with the original plat's  
49 expectation to maintain a slope stability easement to mitigate the risk of slope failure.  
50 b. The City Council finds that to meet the City's standard level of service needs and  
51 expectations for constructing homes adequate fire protection must be deemed  
52 acceptable by the Fire Marshall and Public Works entities.

- 1 c. Therefore, the City Council finds that the public interest will NOT be materially injured
- 2 by the proposed plat amendment.
- 3 d. Therefore, the City Council finds that there is good cause for the plat amendment.

4  
5 **PUBLIC HEARING – REQUEST TO ADD STREET NAME ALIAS TO 1250 WEST**

6  
7 Mr. Randall explained the request to add the alias “Child Lane” to 1250 West between  
8 Porter Lane and Parrish Lane, and recommended the applicant pay the cost of street sign  
9 changes. Robert Child, applicant, described his family’s history on 1250 West, and stated that  
10 West Bountiful acknowledges the road as “640 West/Child Lane”.

11  
12 Mayor Cutler opened a public hearing at 7:30 p.m.

13  
14 Dale McIntyre – Mr. McIntyre expressed his love and respect for Robert Child’s father,  
15 Brandt Child.

16  
17 Logan Breck – Mr. Breck asked who would pay for the new street signs. Mayor Cutler  
18 responded that, by Ordinance, the applicant is responsible to pay for new street signs.  
19 Councilman Higginson added that the Ordinance requires applicants to obtain 75% of area  
20 property owner signatures agreeing to the change.

21  
22 The Mayor closed the public hearing at 7:34 p.m. Councilwoman Fillmore stated she  
23 would not be anxious to entertain a lot of street name changes throughout the City, but she feels  
24 there is a strong argument, in this case, to have continuity between West Bountiful and  
25 Centerville. Councilman Wright made a **motion** to approve the request, subject to staff verifying  
26 that all conditions are met, and suggested that, given the historic nature of the situation, the City  
27 bear the cost of the sign change from Council Contingency. Councilman Higginson seconded  
28 the motion, but stated that he would not want this to set a precedent of the City paying for sign  
29 replacement. Councilman Averett stated that he suspects it was common long ago to name  
30 streets after prominent community members or property owners, and said he feels this sets a  
31 dangerous precedent. Councilwoman Fillmore said she agrees with Councilman Averett, but in  
32 this situation she feels the continuity between the cities is a strong argument. The motion  
33 passed by majority vote (4-1), with Councilman Averett dissenting.

34  
35 **PUBLIC HEARING – CONSIDER ZONING CODE TEXT AMENDMENT – CHAPTER**  
36 **12-36 (TABLE OF USES) – FLAG LOTS**

37  
38 Flag lot development is currently only allowed in Residential-Low (R-L) Zones. Cory  
39 Snyder, Community Development Director, explained the request to permit flag lots in  
40 Residential-Medium (R-M) Zones, generated by an earlier request to build a duplex behind the  
41 Huffaker Dental building on Main Street on under-utilized land that is part of the same parcel on  
42 which the dental building is located, currently zoned Commercial, but adjacent to R-M. Mr.  
43 Snyder emphasized that a flag lot is a last resort land-use tool in Centerville. The Planning  
44 Commission is the land use authority designated to consider flag lot applications. The Planning  
45 Commission and staff have reviewed the current application and recommend approval of an  
46 ordinance allowing flag lot development as a last resort tool in R-M Zones.

47  
48 Jeff Cook, applicant, showed the property in question on a map, and explained that the  
49 neighboring dental office would still have sufficient parking. He said he believes the property  
50 could accommodate two or three townhome-type units. Councilwoman Fillmore asked if there  
51 are other properties in R-M Zones that would have potential for flag lot development. Mr.  
52 Snyder repeated that in order for a property to qualify as a flag lot, an applicant would have to  
53 prove that no other option is available for the property. He said he feels the current flag lot

1 ordinance is fairly strong. The Council discussed how the change could potentially affect other  
2 R-M areas in the City. Councilman Averett stated he is more concerned about the impact of flag  
3 lots in R-L Zones, and he thinks the application seems like a good use of the subject property.  
4 Councilwoman Fillmore agreed with Councilman Averett regarding the subject property, but said  
5 she was on the Planning Commission when the flag lot debate occurred, and she has serious  
6 concerns about the impact flag lots could have on neighboring properties. The ordinance  
7 approved by the Council did not include many of the considerations recommended by the  
8 Planning Commission. She recommended not approving the amendment until the ordinance is  
9 revisited. Staff cautioned that it would be problematic to allow a flag lot for this one property and  
10 not for others in the same zone. Ms. Romney agreed that text amendments should apply to an  
11 entire zone. Councilwoman Fillmore pointed out that a flag lot is not allowed if subdivision is  
12 possible.

13  
14 At 8:07 p.m. Mayor Cutler opened a public hearing, and closed the public hearing seeing  
15 that no one wished to comment. Councilwoman Fillmore made a **motion** to approve Ordinance  
16 No. 2015-13 amending Chapter 12-36 (Table of Uses Allowed) of the Centerville Zoning  
17 Ordinance to permit the use of flat lots in the Residential-Medium (R-M) Zone, with the note that  
18 she feels the Council should revisit some of the details in the existing flag lot ordinance.  
19 Councilman Averett seconded the motion, which passed by majority vote (3-2), with Council  
20 members Ivie and Wright dissenting.

21  
22 **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENTS – SOUTH MAIN**  
23 **STREET OVERLAY ZONE AND PLANNED DEVELOPMENT OVERLAY ZONE**

24  
25 Ordinance No. 2015-14 – Maximum Density Cap – The City Council and Planning  
26 Commission accepted public comment regarding the South Main Street Overlay Zone during  
27 the month of June. Mr. Snyder stated that the Planning Commission noticed and debated  
28 adopting maximum density caps for residential development in the Traditional and City Center  
29 Main Street Districts. Staff found that a density cap of eight units per acre is consistent with  
30 both the General Plan and the South Main Street Plan. The Planning Commission debated and  
31 held a public hearing, and decided to recommend a two-tiered process: 1-4 units per acre  
32 permitted, with 5-8 units per acre by conditional use. Conditional use is an administrative  
33 decision, considered approved unless impacts or findings cannot be mitigated. Councilman  
34 Wright stated he does not see the proposed amendment as a solution to the density problem.  
35 He said it was his impression that residents want a cap at R-L rather than R-M. Mayor Cutler  
36 pointed out that the Council could approve a cap of less than 8 units per acre. Councilwoman  
37 Ivie agreed that the residents want R-L. Mayor Cutler commented that most citizens would want  
38 R-L next to their property, but the Council also heard from property/business owners who asked  
39 for flexibility. He stated the Council needs to find a balance between personal property rights  
40 and the desires of the community. Councilman Wright stated that it does not make sense to  
41 pass the amendment before more discussion has occurred. Councilwoman Ivie said she feels  
42 all regulations should be grouped in one place to be easily understandable.

43  
44 Councilwoman Fillmore commented that the Main Street Corridor is made up of lots in  
45 varying sizes. The intent of the SMSC Plan was to encourage positive redevelopment, without  
46 so many restrictions that redevelopment is not viable. Placing a density cap on smaller parcels  
47 may make redevelopment more difficult on those smaller parcels. Councilwoman Fillmore  
48 added that she feels a density cap on the larger parcels would be appropriate. Mr. Snyder  
49 explained the history and basic intent of form-based code – to provide a framework for Main  
50 Street, letting the market determine the use.

51  
52 At 8:36 p.m. Mayor Cutler opened a public hearing for the proposed maximum density  
53 caps for residential use.

1           Dale McIntyre – Mr. McIntyre stated he is concerned about the difference between  
2 theory and reality. He showed a diagram of proposed development on the Hafoka property on  
3 Porter Lane just west of 400 West, and stated that the developer can say the development is 8  
4 units per acre, but the reality is closer to 11 units per acre. He said he does not want that reality  
5 for Centerville.  
6

7           Nancy Smith – Ms. Smith said that in her opinion density is not the number one  
8 question. She believes the more important question is whether mixed-use is viable. If  
9 commercial is not viable, property owners have the ability to request a rezone. Ms. Smith said  
10 she is not opposed to R-M if it is done appropriately. The mixed-use concept in the R-M context  
11 is completely different than a purely R-M development. She stated that most of the Corridor has  
12 developed R-L, and she would love to see an R-L designation. Ms. Smith said she has a  
13 problem with conditional uses throughout the community, and encouraged the Council not to  
14 approve the conditional use of 5-8 until they have looked at some of the criteria for the  
15 conditional use permits. She added that Layton does not allow any development with less than  
16 a 26-foot road for emergency services access. She feels the City needs to retain quality of life,  
17 and asked the Council not to lift the TZRO until they have looked at issues that pertain to quality  
18 of life, and whether or not mixed-use is really viable on Main Street.  
19

20           Tim Hawkes, Utah House of Representatives – As a Centerville resident, Representative  
21 Hawkes said he feels it is unfortunate that the Council is looking at this specific tool the night  
22 before the joint discussion between the Planning Commission and the City Council. He agreed  
23 with Mayor Cutler that it was a mistake to shift to an overlay without caps on density. However,  
24 he pointed out that prior to 2010 the residential option was not available whatsoever. He said  
25 he feels it would be fair to place caps as long as expectations are clear to developers.  
26 Representative Hawkes stated that he feels 8 units per acre is high, and agreed with Mr. Snyder  
27 that caps can be set low, and the City can incent higher if desired. He said he believes the  
28 residents are more concerned with quality of life than form. He suggested setting the cap at 4  
29 units per acre, with conditional use at six units per acre, and stated that, since the Walton  
30 development is an existing application, he does not feel it should be subject to the new  
31 restrictions. Representative Hawkes added that he hopes the Council is discussing density  
32 caps in the Pages Lane area as well.  
33

34           William Ince, Centerville Planning Commissioner – Commissioner Ince commented that  
35 there had been discussion in the Planning Commission meetings of 16 units per acre on the  
36 Walton property, and he feels the cap of 8 units per acre is an improvement, but not one that  
37 satisfied a vast majority. He said he thinks something less than eight solves more problems,  
38 and it would be worth it for the Council to pass something, even if it is not a final step.  
39

40           Robyn Mecham – Ms. Mecham said it is unfair to developers to be unclear, and she  
41 thinks the cap should be as low as possible and clearly stated for builders and developers. She  
42 said she does not believe the Commissioners really understood that they were voting for more  
43 than 1-4 units per acre. She cautioned the City to be careful with conditional use, and start with  
44 a base of 1-4 units per acre. She stated there are 638 condos or apartments between Pages  
45 Lane and Parrish Lane on Main Street, and the City needs to keep the density lower. More  
46 family homes are needed. She said it is hard to find a single-family home for sale in Centerville.  
47 She passed on a comment made by the CEO of Brighton Homes that this is a different  
48 community because the citizens care more about the quality of life than the property values.  
49 She added that property values in Centerville are high because of the high quality of life. Higher  
50 density brings crime. Ms. Mecham asked the Council to consider R-L for now.  
51

52           Mayor Cutler closed the public hearing at 8:57 p.m.

1 Councilman Higginson stated he is moving towards favoring a maximum of 4 units per  
2 acre. Councilman Averett expressed a desire to table further discussion until after the joint  
3 discussion with the Planning Commission, and added that, as a realtor, he checked the MLS  
4 and found many single-family homes for sale in Centerville. Councilwoman Fillmore agreed  
5 with the idea of waiting until after the meeting with the Planning Commission. She commented  
6 that Main Street is a commercial corridor, and the Council often hears that citizens want the  
7 corridor redeveloped to be a benefit to the community. It is easy to ask for lower density, but at  
8 some point redevelopment becomes economically impossible. Councilwoman Fillmore stated  
9 she feels a fairly intensive study would be needed to be respectful of the property owners if the  
10 Council were to change the SMSC Overlay drastically.

11  
12 Councilwoman Fillmore made a **motion** to table discussion of Ordinance No. 2015-14  
13 regarding maximum density caps for residential development within the Traditional and City  
14 Center Main Street Districts. Councilman Higginson seconded the motion. Councilwoman Ivie  
15 made a **substitute motion** to approve Ordinance No. 2015-14 approving R-L (maximum of 4  
16 units per acre) in the Traditional and City Center Districts, with no conditional use. Councilman  
17 Wright seconded the substitute motion. Councilwoman Fillmore stated she would be open to  
18 considering Councilwoman Ivie's suggestion, but said she feels making such a drastic change  
19 without further study would be disrespectful to the long and intensive process originally gone  
20 through to put the SMSC Plan in place. Councilmen Averett and Higginson stated they feel it  
21 would be premature. The substitute motion to adopt with a density cap at R-L failed (2-3), with  
22 Council members Averett, Fillmore, and Higginson dissenting. The motion to table Ordinance  
23 No. 2015-14 passed by majority vote (4-1), with Councilman Wright dissenting.

24  
25 Ordinance No. 2015-15 – Planned Development Overlay (PDO) – Mayor Cutler stated  
26 that PDOs are currently allowed in every district on a minimum of five acres, with the exception  
27 of single-family development, which does not have a minimum acreage requirement. The  
28 Mayor sought clarification of this issue. Mr. Snyder expressed the opinion that the minimum is  
29 not applicable in a single-family residential zone, but would apply to a single-family development  
30 within the SMSC zone. Mr. Snyder explained that a minimum acreage requirement is standard,  
31 particularly in Utah. Reducing the minimum can begin to compromise the space required for  
32 infrastructure. However, Mr. Snyder stated that PDOs are a flexible tool, and a minimum of  
33 three acres may work for planned developments. He added that the PDO is not meant to be a  
34 free-for-all, nor is it meant to be too stringent. The objective is to look at the intent of an area in  
35 the General Plan and determine how a PDO could accomplish it better. Mr. Snyder said he  
36 feels it would be a mistake to use a PDO to solve any issues in the SMSC. The SMSC already  
37 has an enhanced overlay, and putting an overlay on top of an overlay would be going beyond  
38 the purpose of a PDO. Mayor Cutler asked for clarification on 12-41-040 of the proposed  
39 Ordinance, and the Council discussed desired wording with staff. Councilman Wright said he  
40 does not think the City will ever need the change from five to three acres. Mayor Cutler pointed  
41 out that there may at some point be a situation on Main Street when the reduced acreage  
42 requirement would allow a PDO to facilitate a better development. Councilman Wright  
43 cautioned that things can change, and a few people with power can make a decision counter to  
44 what citizens would want or expect.

45  
46 Mayor Cutler opened a public hearing at 9:23 p.m.

47  
48 Dale McIntyre – Mr. McIntyre stated that many citizens have asked the Council to not  
49 increase density. The citizens want R-L. He said he was extremely disappointed that six of the  
50 seven Planning Commission members listened to the citizens in public hearings and still  
51 lowered the threshold from five to three acres. Mr. McIntyre said he hopes the Council will not  
52 do the same.

1            Travis Davis – Mr. Davis thanked the Council for taking the time to listen to the public.  
2 He said it is not a good idea to lower the acreage requirement for a PDO. He stated that  
3 residential works better than anything else on Main Street. He asked that the Council maintain  
4 the density cap at 1-4 units per acre if they do decide in favor of the PDO, possibly allowing 5-6  
5 units per acre if they are going to incent. Mr. Davis expressed the opinion that the SMSC Plan  
6 needs to be completely reworked, or at least put a density cap in place that would maintain the  
7 integrity of the community.

8  
9            Robyn Mecham – Ms. Mecham agreed with Mr. Snyder that a PDO is a bonus to  
10 density, and would be going the wrong direction. A vote for reducing the acreage for PDO  
11 would be going against 99% of the residents who have stated they do not want higher density.  
12 She said it would also be sending the wrong message to builders, because residents do not  
13 want higher density.

14  
15            At 9:30 p.m. Mayor Cutler closed the public hearing. Councilman Wright made a **motion**  
16 to reject Ordinance No. 2015-15 reducing the minimum acreage required for planned  
17 developments. Councilwoman Ivie seconded the motion. Councilwoman Fillmore said that, at  
18 face value, reducing the acreage requirement for a PDO city-wide is fine, because a PDO is a  
19 good tool to ensure a quality product. However, in the Main Street Corridor it could be  
20 problematic and she has reservations. Councilwoman Fillmore stated she would vote against  
21 taking action to reduce at this time because it has been mixed up in the SMSC issue. The  
22 motion to reject Ordinance No. 2015-15 passed by unanimous vote (5-0).

23  
24            At 9:33 p.m. the Council took a break, returning at 9:41 p.m.

25  
26            **CONTINUE PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT,**  
27 **CHAPTER 12-60, ACCESSORY DWELLING UNITS (ADUs)**

28  
29            Jake Smith, Management Assistant, reported on the varied impact fee policies regarding  
30 ADUs in other cities. Mr. Snyder recommended separating any ADU impact fee from the  
31 ordinance with a reference to the City Fee Schedule. He commented that an ADU is intended  
32 to be secondary to the primary dwelling unit. Councilwoman Fillmore stated that her greatest  
33 concern about the proposed ordinance is the setbacks and how they affect neighboring  
34 properties. She said she would want the ordinance to clarify that a detached ADU must be built  
35 within the remaining buildable area of the lot. The Council and staff discussed setbacks and  
36 ADU size, and it was suggested that setbacks could vary based on the square feet of the  
37 structure.

38  
39            At 9:56 p.m. Mayor Cutler opened a public hearing regarding ADUs.

40  
41            Spencer Summerhays – Mr. Summerhays showed photographs of a large accessory  
42 structure that has been constructed on the property adjacent to his backyard. He stated that the  
43 definition of ADU is ambiguous regarding whether an accessory dwelling unit can be part of a  
44 larger accessory building, and expressed the opinion that the two should not be mingled. He  
45 said the ordinance needs clarification regarding size and height of structure. The ordinance is  
46 close to what it needs to be, but there are still pieces that remain to be figured out. He asked  
47 the Council to be careful with setbacks in terms of relationships with other buildings.

48  
49            Mr. Snyder clarified that the ordinance allows an existing accessory building to be  
50 converted to an ADU. Councilman Wright said it sounds like the accessory building ordinance  
51 is a companion to the ADU ordinance. Councilwoman Fillmore agreed that the ordinances are  
52 related, and suggested the Council discuss general concerns to direct back to Planning staff or  
53 the Planning Commission. Mr. Summerhays recommended the Council ensure that an ADU,

1 whether stand-alone or part of another structure, meet some measure of size restriction in  
2 relationship to nearby structures. He suggested increasing setback with increasing height.

3  
4 Mark Briggs – Mr. Briggs said one of his neighbors built an ADU on top of their garage,  
5 which does not work in his type of neighborhood. The deck of the ADU can look down on  
6 everyone's backyard taking away privacy. He suggested the Council restrict the height of ADUs  
7 to be level with the existing primary dwelling.

8  
9 William Ince, Planning Commission – Commissioner Ince strongly encouraged the  
10 Council to reconsider the restriction that an ADU cannot exceed 25% of the size of the primary  
11 dwelling. He said he suspects most citizens who take advantage of the ADU ordinance will  
12 convert their basement, which could easily exceed 25% of the primary living area.  
13 Commissioner Ince stated he supports the 25% restriction for a separate structure, but equal  
14 size allowance for upstairs and downstairs makes sense to him. He recommended the Council  
15 send the ordinance back to the Planning Commission for further consideration.

16  
17 At 10:14 p.m. the Mayor closed the public hearing. Councilman Wright stated he is in  
18 favor of ADUs. The Council needs to look at balancing one person's property rights against  
19 another's. He said the Council needs to look at the accessory building ordinance again, and  
20 pointed out that changes can be made as issues arise. Councilwoman Fillmore and Mayor  
21 Cutler expressed a desire to refer the ordinance back to the Planning Commission with clear  
22 guidance. Councilman Wright suggested eliminating the 25% size restriction. Mayor Cutler  
23 expressed the concern that equal size opens up the possibility for duplex situations.  
24 Councilman Wright stated he is resistant to sending the ordinance back to the Planning  
25 Commission. Councilwoman Fillmore said she feels there should be more clear distinction  
26 between ADUs in an existing home versus a separate structure, and said she would like to see  
27 a dual-track ordinance. Mr. Snyder cautioned the Council that it is more difficult to decrease  
28 than to increase size allowance, and said he feels it would be a mistake to try to accommodate  
29 individual scenarios with an ordinance that would apply city-wide. He added that the size  
30 restriction is related to density – 800 square feet can accommodate up to four residents, with an  
31 additional resident allowed with each additional 200 square feet.

32  
33 Mr. Snyder explained the complications involved in calculating building height.  
34 Councilwoman Fillmore agreed with Mr. Summerhays' suggestion that the relation to other  
35 buildings needs to be considered. She said the basement ADU issue could be solved easily if  
36 the two types of ADUs are separated in the ordinance. Mr. Snyder said the separate structure  
37 issues could probably be solved with the accessory building ordinance. Mayor Cutler and  
38 Council members Higginson, Ivie, and Fillmore indicated support for separating the two types of  
39 ADUs in the ordinance. Councilman Averett stated that he does not personally like ADUs, and  
40 has been asked by some of his constituents to not support ADUs. He said it is a density issue  
41 that deteriorates a single-family neighborhood, and he will not vote in favor of ADUs.  
42 Councilman Wright said he understands Councilman Averett's point of view, but pointed out that  
43 ADUs can be appropriate, and can be an opportunity to provide accommodations for an aging  
44 population.

45  
46 Councilwoman Fillmore made a **motion** to separate the ADU use in existing structures  
47 from detached ADU structures, table the ADU use in existing structures to another Council  
48 meeting, and direct Planning staff and the Planning Commission to revisit separate accessory  
49 buildings when they have time on their schedule. Councilwoman Ivie seconded the motion.  
50 Councilman Wright made a **substitute motion** to table discussion of the proposed ordinance to  
51 a Council meeting in August, and ask staff to make a recommendation that reconciles some of  
52 the issues. Mr. Snyder pointed out that the Council has made the Main Street issue a priority.  
53 Councilman Wright amended his substitute motion to table discussion of the property ordinance

1 until the TZRO on the SMSC is lifted or expires. Councilwoman Ivie seconded the substitute  
2 motion, which passed by majority vote (4-1), with Councilwoman Fillmore dissenting.  
3

4 **MAYOR'S REPORT**  
5

- 6 • Mayor Cutler reported that the Chair of the UIA called a special meeting to discuss  
7 starting the process of issuing the remaining authorized UIA bonds for the purpose of  
8 continuing construction. The Mayor said he sent a letter stating he thinks they  
9 should wait until the Macquarie situation is ended and a new executive director is  
10 hired. It has been recommended that the bonds be issued in two tranches. He  
11 reported that a vigorous discussion occurred regarding whether assessments should  
12 continue to be levied for a couple more months to provide a financial buffer and  
13 avoid assessments in the future. Mayor Cutler said he argued that assessments  
14 should end if cash flow is positive. He expressed a desire for Centerville to be  
15 current with the assessments. The Council discussed UTOPIA's construction goals  
16 moving forward. Mayor Cutler expressed the opinion that Centerville may have been  
17 able to influence ending the Macquarie situation sooner if the City were current with  
18 assessments. Councilman Higginson stated that Centerville agreed to be a partner,  
19 and UTOPIA needs to be whole at some point. He added now that UTOPIA is cash  
20 flow positive it should never go back to levying an assessment. Councilman  
21 Higginson said he believes a lot of Centerville residents really don't know about  
22 UTOPIA. Mayor Cutler said he would like to have a flier included in the utility bill  
23 notifying residents what is available (without advocating any specific service  
24 provider).  
25

26 **CITY COUNCIL LIAISON REPORT**  
27

28 Councilwoman Ivie reported that the Landmarks Commission is scheduled to host a  
29 social in September, and is eagerly waiting time on the Council agenda to discuss the historic  
30 district. She reported on the success of the historic home tour held on June 6<sup>th</sup>. She also  
31 reported that the June community hike scheduled by the Trails Committee was postponed to  
32 July 8<sup>th</sup>.  
33

34 **CITY MANAGER'S REPORT**  
35

36 Mr. Lutz explained the calculation of property tax valuation, and explained his frustration  
37 with the values determined by the County. Mayor Cutler suggested he meet with the County  
38 Assessor and County Clerk.  
39

40 **MISCELLANEOUS BUSINESS**  
41

42 Councilman Wright made a **motion** to approve commencement of the warranty period  
43 for The Pasture commercial project, effective July 7, 2015. Councilwoman Ivie seconded the  
44 motion, which passed by unanimous vote (5-0).  
45

46 **RDA MEETING**  
47

48 At 11:08 p.m. Councilman Wight made a **motion** to move to a meeting of the  
49 Redevelopment Agency of Centerville. Councilman Higginson seconded the motion, which  
50 passed by unanimous vote (4-0). In attendance were: Paul A. Cutler, Chair; John T. Higginson,  
51 Vice Chair; Directors Averett, Fillmore, Ivie, and Wright; Blaine Lutz, Finance Director; Lisa  
52 Romney, City Attorney; Jacob Smith, Management Assistant; and Katie Rust, Recording  
53 Secretary.

1 The Council returned to regular meeting at 11:11 p.m.  
2

3 **CLOSED MEETING**  
4

5 At 11:13 p.m. Councilman Wright made a **motion** to move to a closed meeting to  
6 discuss the character and competency of an individual. Councilman Higginson seconded the  
7 motion, which passed by unanimous vote (5-0). In attendance were: Paul A. Cutler, Mayor; and  
8 Council members Averett, Fillmore, Higginson, Ivie, and Wright.  
9

10 When the Council returned to regular meeting Councilman Wright made a **motion** to  
11 authorize a "meets expectations" salary increase of 2% for the City Manager. Councilwoman  
12 Fillmore seconded the motion, which passed by unanimous vote (5-0). Councilman Wright also  
13 expressed a desire to further show appreciation to the City Manager with a gift card, and the  
14 rest of the Council indicated agreement. The Mayor will meet with the City Manager to pass on  
15 the comments of the Council.  
16

17 **ADJOURNMENT**  
18

19 At approximately 11:45 p.m. Councilman Wright made a **motion** to adjourn. The motion  
20 was seconded by Councilman Higginson and passed by unanimous vote (5-0).  
21  
22  
23

24   
25 \_\_\_\_\_  
26 Marsha L. Morrow, City Recorder

8-4-2015  
\_\_\_\_\_  
Date Approved

27  
28  
29   
30 \_\_\_\_\_  
31 Katie Rust, Recording Secretary  
32

