

Minutes of the regular meeting of the Syracuse City Council held on September 8, 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

City Manager Brody Bovero
City Recorder Cassie Z. Brown

Excused: Mayor Mike Gailey

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

1. Meeting Called to Order/Adopt Agenda

Mayor Pro-Tem Savage called the meeting to order at 6:00 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 Teague provided an invocation and Councilmember Bingham led the audience in the Pledge of Allegiance.

COUNCILMEMBER TEAGUE MOVED TO ADOPT THE AGENDA. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

2. Public comment:

Mayor Pro-Tem Savage 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](#).

Mayor Pro-Tem Savage then invited participants at the physical City Hall meeting location to provide public comments.

Vicky Bishop stated that she agrees with the written public comments that were read into the record. She asked what incentives the City has offered the builders to develop in Syracuse. She asked what incentives the builders have offered to the City. She asked how the projects will increase the tax base and whether future highways will bisect the area. She asked how the increases in population resulting from the projects will increase public safety costs in the City. She asked why the City is not utilizing existing spaces, such as the RC Willey building, for new building area.

Mayor Pro-Tem Savage then invited Zoom participants to provide public comments.

Bonnie Bourgeois stated that she agrees with the comments that have been made regarding the issues that high density housing present for the community; her concern is that the City is continually listening to developers rather than citizens. Citizens are not necessary opposed to housing development, but the way that the projects are considered with little regard for existing residents' property rights and the impact the development will have on them. She stated that the areas being considered for high density housing are not the right place; while she feels that apartments should be located on Antelope Drive, she feels that the density is excessive. The City's mixed-use zone is supposed to include a commercial component, but that is being ignored in cities like Layton; the commercial space is built, but left vacant while developers make their money on the residential component. She suggested that Syracuse not follow that same path and, instead, require a developer to fill their commercial space before renting residential space. She asked that the City follow its ordinances.

Matt Page stated his comment is related to the prosed mixed-use development on Antelope Drive near McDonalds and behind Letrono Fitness. He has closely followed the progress of this project and has made the City aware of his concerns. It has been interesting to see how the City considered General Plan and zoning changes for the project; he feels the City has bent over backwards trying to accommodate the developer's desires. The Planning Commission ignored things that should have been addressed before the project was forwarded to the City Council for action; when the Council received the project, they were aware that it did not comply with the mixed use ordinance, so they chose to amend the mixed use ordinance to make the project fit. He has witnessed the concerted efforts at pushing the project through to approval without requiring the developer to proceed with a project that was better for Syracuse. The City Council has spent more time in the past few months focusing

on aesthetics of the project than they have on the zoning concerns expressed by citizens. He thanked Councilmembers Maughan, Savage, and Teague for being open minded and listening to residents' concerns. He stated that when he moved his family to Syracuse over a decade ago, they did not want it to be just like Clearfield or every other city; rather, they moved here because it was a quite farming town that he could raise his family in. He stated that now there are attempts to change the City so that it is like every other city and he hopes the Council will be wise and consider what truly is best for the community.

Rachel Page stated she has previously presented the Council with a petition opposing the rezoning of the property east of Smith's and now that petition has nearly 550 signatures. She is sorry that one of the Councilmembers feels that these are signatures of unimportant residents, but she noted that it compares to the number of responses the City has received on its Flash Vote surveys that aid the Council in making decisions for the City. She stated that the residents who have responded to her petition do not want three-story high-density developments near their property. She asked if the response of the community matters to Councilmembers and noted that she feels that this is not what the community wants. Residents want to be able to eat, shop, work, and recreate here in the City, but there are limited options for that and that is why residents go to other communities. Filling commercial space with uses that are not commercial in nature will not attract residents from other communities to aid in increasing the City's tax base. She stated that the residents are urging the Council to vote against these flawed high-density developments as they will consume valuable commercial property without including a lucrative commercial component. The residents feel there is a way to allow growth while benefitting the existing residency of the City, but they feel strongly that these developments do not accomplish that.

Adam Brown stated he is the President of the Walker Estates Homeowners Association (HOA) and he read the following statement: "we the residents of Walker Estates look at the planning process for the development of the 15+ acres of land located north and adjacent to Walker Estates, as having a tremendous impact on the quality of life of our community. It will have a strong influence on the privacy and noise, both of which are large factors that influenced us to purchase our homes in Walker Estates. Any new development that would possibly reduce the value of our homes, would be devastating to use and our families. Our concern today is the proposed development of the two to three story high apartments, adjacent to Walker Estates, this development does not meet the criteria stated in Ordinance 10.92.040(b): Density. "Unit densities and housing product types shall be distributed on site with extreme sensitivity to adjacent development type and density. Units per acre shall be tapered down when near property boundaries of single-family development." Ordinance 10.92.010 purpose states: "projects within the zone are anticipated to provide context sensitive architecture..." The Elite Craft Homes proposed plan does meet the 85-foot setback from the Walker Estates property line that would allow the two to three story high apartments. However, the protection states in the density and purpose clauses are not satisfied regarding high density abutting single family detached homes or one story attached duplexes, like Walker Estates. Three story high apartments, even at an 85-foot setback do not follow the step process for density transition and do not show "extreme sensitivity to adjacent development type and density". Twenty-three years ago, Syracuse City approved and authorized a 55 and older Planned Residential Development (PRD) that became Walker Estates. It does not have any through streets and consists of single level above grade homes. Walker Estates is not a standard residential development with multi story homes. We are requesting that you, our current City officials, respect and recognize the City's previous decision and not treat Walker Estates as a standard residential development. The issues that strongly impact Walker Estates residents are:

1. The windows of the upper two-story apartment residents allow those residents to look directly into the homes and yards of the Walker Estates senior citizens affording them no privacy whatsoever.
2. The proposed six-foot-high vinyl fence is totally inadequate. It will not divert the high noise level from the huge number of the apartment residents. The extreme height of the proposed buildings will amplify the noise toward Walker Estates.

Earlier today I presented to Cassie Brown a copy of this document with 63 signatures and photographs of residents of Walker Estates expressing their opposition to the construction of the two to three story apartment buildings north of and adjacent to Walker Estates. WE look forward to hearing back from you as to what does "extreme sensitivity" mean to you, our public officials. And also, how does this definition of these ordinances address the concerns of the residents of Walker Estates homes. We thank you for this opportunity to address you. We look forward to hearing back from as you address our concerns. You will receive a written copy of my statement; I ask that it be included in tonight's minutes."

Breonna Weeks stated that she lives just off of 1000 West and she is very familiar with the current traffic conditions on that road; she is particularly concerned about the mixed-use project near Letrono Fitness given their plans for traffic routing. She has heard that traffic will be filtered through the Smith's parking lot without any increased traffic infrastructure or signalization. She is concerned that a plan is being pushed through without careful evaluation of all safety issues. The traffic is already hectic and will only get worse based upon this significant increase in population in such a concentrated area. The residents need to hear a better plan for traffic routing in the area.

3. Approval of minutes.

The following minutes were reviewed by the City Council: Business Meeting and Work Session Meeting of July 14, 2020 Work Session Meeting of July 28, 2020; and the Truth in Taxation Hearing and Business Meeting of August 11, 2020.

Councilmember Maughan asked that the Council have the ability to wait to approve the July 14 business meeting minutes until the end of tonight's meeting.

COUNCILMEMBER MAUGHAN MADE A MOTION TO APPROVE ALL MINUTES LISTED ON THE AGENDA, WITH THE EXCEPTION OF THE JULY 14, 2020 BUSINESS MEETING MINUTES, WHICH WILL BE CONSIDERED AT THE END OF TONIGHT'S MEETING. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED AYE.

4a. Common consent: Authorize Administration to execute Memorandum of Understanding (MOU) with Davis Education Foundation for CARES Act funding.

A staff memo from the City Manager explained the Davis Education Foundation (DEF) has reached out to the City regarding a proposed plan to use the City's CARES Act funds to provide grants to families in need of childcare during the school year. Preliminary research indicates that Syracuse City has between 823 and 1,130 households that have a) elementary aged school children, b) no secondary school-aged children in the home, and c) all adults in the home have jobs. They have indicated that other parameters could be placed on grant recipients, such as income thresholds and documentation that the adults have jobs that are outside of the home. At the August work session, the Council discussed the proposal and showed support of entering into a formal arrangement. The memo provided the following summary of the MOU.

- Syracuse City will provide DEF with \$140,400 of CARES Act money to be used toward childcare expenses for families that qualify in order to help ensure children are taken care of while parents have to leave home to work. Due to COVID-19, the Davis County School District has created an altered school schedule that places additional hardships on these families.
- The MOU also allows for DEF to use the CARES Act money to conduct social/emotional "well checks" on Syracuse-resident students who are enrolled in 100% online schooling through the Davis County School District, who do not have access to in-person visits with counselors or teachers. This helps ensure online students do not "fall through the cracks" of the system.
- This arrangement will terminate when CARES Act funding ends, or if the school district returns to 5-day school weeks.

COUNCILMEMBER BINGHAM MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE MEMORANDUM OF UNDERSTANDING (MOA) WITH DAVIS EDUCATION FOUNDATION FOR CARES ACT FUNDING. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

4b. Common consent: Authorize Administration to execute Interlocal Automatic Aid Fire Agreement.

A staff memo from the Fire Department explained as fire departments within Davis and Weber counties become busier, we have begun to rely more on each other for assistance. This agreement predefines how incidents across county lines should be dispatched and managed. The memo concluded the goal of this discussion is to answer any questions the council has concerning this agreement and to move this item forward to a business meeting for approval.

COUNCILMEMBER BINGHAM MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE INTERLOCAL AUTOMATIC AID FIRE AGREEMENT. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

4c. Common consent: Authorize Administration to execute Interlocal Agreement with Davis County Clerk for Special Bond Election.

A staff memo from the City Recorder explained on August 11, 2020, the Council adopted Resolution R20-30, scheduling a special election to allow voters to vote on the issuance of a general obligation bond for a regional park project in the City. Davis County is conducting the 2020 General Election and can include the ballot question on their ballot. Staff proposes the execution of an interlocal agreement defining the commitments of both parties relative to conducting the special election.

COUNCILMEMBER BINGHAM MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE INTERLOCAL AGREEMENT WITH DAVIS COUNTY CLERK FOR SPECIAL BOND ELECTION. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

4d. Final Plat Approval, Legend Pointe Phase 2, located at approximately 910 S. 4000 W.

The applicant Bryan Bayless with Nielson Homes has requested approval of a 23-lot preliminary plat that will be final plat of the Legend Pointe development. Due to a lack of planning in the surrounding developments, this plat was left with a lengthy portion of the property that lacked exterior road access. Efforts were made by the developer to purchase surrounding properties to allow a road connection, but these efforts were unsuccessful. This necessitated a cul-de-sac which exceeded the limitation in the City Code. Syracuse City Code section 8.15.010(L) limits the length of cul-de-sacs to 500 feet. To develop the property similar to the surrounding housing, the developer obtained a variance for the cul-de-sac length from the Syracuse City

Board of Adjustment on May 7, 2018. All staff comments have been addressed and the plat meets both the requirements of the City Code and the variance mentioned above.

The memo concluded that because the plat meets the requirements of the City Code and Variance, Planning Commission is forwarding a recommendation for approval after reviewing the item during their August 18, 2020 meeting. The goal of tonight's discussion is to determine whether to forward this item to the next voting meeting or table for more discussion at the next work meeting.

COUNCILMEMBER BINGHAM MOVED TO GRANT FINAL PLAT APPROVAL TO LEGEND POINTE PHASE 2, LOCATED AT APPROXIMATELY 910 S. 4000 W. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Proposed Resolution R20-33 amending the Syracuse City wage scale for Fiscal Year (FY) 2020-2021.

A staff memo from the Administrative Services Director explained LeAnn Moyes, the City's Human Resources (HR) Specialist assigned to payroll and benefits, is retiring. Currently there are two full-time HR specialist positions that report directly to the Administrative Services Director; he would like to restructure his department by changing one of the HR specialists' positions to an HR Manager. He is proposing to promote Shauna Greer to an HR Manager position and have the other HR specialist position report directly to Ms. Greer. This restructuring would help structure the department in a way that will reduce the number of positions directly reporting to the Director. It will also create a new division that would be able to handle additional growth when the City needs to add an additional HR specialist position in the future. The financial impact of this change would be zero; savings from Ms. Moyes' wages would be used to cover the increased cost of the HR Manager position. The memo concluded by referencing a benchmark report for the new HR Manager position.

Mr. Marshall reviewed his staff memo. There was a brief discussion regarding the supervisory responsibilities to be assigned to the HR Manager; Mayor Pro-Tem Savage stated he still believes this move is somewhat premature. While he feels that Ms. Greer is phenomenal and deserving of a pay increase, he is concerned about the lack of a warrant for a manager position. Ms. Greer's job functions will not change dramatically; the only significant change is that she will have one person reporting to her. Councilmember Maughan agreed; he is not opposed to fair compensation but creating a supervisory position to accomplish that is an odd business practice. Councilmember Teague stated he is comfortable proceeding as he feels that Ms. Greer will be supervising several different processes and programs, not just people. Councilmember Bingham agreed; she does not feel that the proposal is to compensate based upon title, but to move Ms. Greer into a position of more work and responsibilities and eventually supervising more than one person, which warrants the pay increase. Mayor Pro-Tem Savage stated that at the point that she is supervising more people, the title change, and compensation would make more sense. He stated that the action at this time seems premature.

Mr. Marshall provided an overview of Ms. Greer's duties and opportunities to unify and streamline processes in conjunction with promoting Ms. Greer to the management position. He added that she performs many functions that are beyond her duties as an HR Specialist. He feels that moving her to a manager position will recognize the unique nature of her position. He stated that she will continue to report to him, but the other position that also currently reports to him, will now report to Ms. Greer. Mayor Pro-Tem Savage as the amount of time that will save Mr. Marshall in supervisory duties, to which Mr. Marshall answered five to six hours per week at present given that Ms. Moyes is seasoned and needs little supervision. However, when a new employee is hired to replace Ms. Moyes, the amount of supervision will be greater.

Councilmember Teague stated he still holds the same position as previously stated and he is comfortable proceeding with this action.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT RESOLUTION R20-33 AMENDING THE SYRACUSE CITY WAGE SCALE FOR FISCAL YEAR (FY) 2020-2021. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED AYE, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN AND MAYOR PRO-TEM SAVAGE, WHO VOTED IN OPPOSITION.

7. Authorize Administration to execute Lease Agreement with NovotX for space in Syracuse City Hall.

A staff memo from the City Manager referenced a draft lease agreement with NovotX and summarized the terms as follows:

- Lease Payment
 - Year 1: \$37,665 or \$3,138.75 per month
 - Year 2: \$38,795 or \$3,232.90 per month
 - Year 3: \$39,959 or \$3,329.90 per month (if lease is extended)
- Lease Term
 - The Term of this Lease shall be for two (2) years, beginning October 1, 2020 and concluding on September 30, 2022. One 1-year option may be exercised by written, mutual agreement of the parties at the conclusion of the term.

- Security Deposit
 - NovotX will submit a security deposit in the amount of \$3,138.75
- Utility Charges
 - NovotX will be responsible for janitorial and telecommunications charges.
- Termination Clause
 - Either party may terminate the lease agreement in writing. The City will be required to give at least 180 days' notice of termination. NovotX will be required to give at least 90 days' notice of termination.

Mr. Bovero reviewed his staff memo.

Councilmember Bolduc stated she is supportive of this lease proposal but asked if the business will need additional directional signage at City Hall or the property surrounding the building. Mr. Bovero stated that it is his understanding that the company is not retail based and they do not need signage helping customers to find them. There is a clause in the agreement that can be negotiated relative to any signage the business may need.

Councilmember Teague asked Mr. Bovero to comment on the success of the process Administration used to advertise the vacant space as available for lease; he asked if staff would recommend the same process again in the future or if it would be beneficial to enlist the services of a broker. Mr. Bovero stated that the cost of handling the matter in house has been relatively low and has not taken a great deal of time; however, if the space were to sit vacant for much longer, it would have likely been beneficial to enlist the service of a broker. He stated he is not sure whether a broker could have found a tenant faster. Councilmember Teague agreed and indicated that if the space is vacated again in the future, he would recommend an in-house advertisement process not to exceed three months; if a tenant is not found during that time, the City should seek the aid of a broker. Councilmember Maughan agreed.

COUNCILMEMBER TEAGUE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE LEASE AGREEMENT WITH NOVOTX FOR SPACE IN SYRACUSE CITY HALL. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED AYE.

Councilmember Teague inquired as to the type of work that NovotX performs. Mr. Bovero stated they are in the computer programming field.

7. 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. (Antelope Drive) 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 City Council reviewed the revised plans on August 11, 2020 and the applicant has since submitted another set of revised plans that have addressed the ordinance issues discussed in the previous meeting.

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.

Councilmember Maughan stated he is still concerned about the traffic issues that have been raised by several residents and he does not believe there is an adequate amount of commercial space in the project to warrant the high number of residential units. He noted he is also concerned about not listening to the citizens that have spoken out and signed a petition opposing this project. He is disappointed that the applicant is seeking maximum capacities allowed in a mixed-use project in the City; while this is the only project that has been proposed for this property, he does not think it is the best proposal.

Councilmember Bingham asked staff to address the traffic concerns that have been raised. Mr. Steele presented an aerial photograph of Antelope Drive to identify the ingress/egress points for the project, interconnectivity/cross access easements with other properties; while the interconnectivity through the Smith's property is being considered, it should not be thought of as the main outlet for residents in the project. Drive aisles in the project meet City standards and can accommodate on-street parking. Councilmember Bingham asked Public Works Director Whiteley to speak to the traffic issues and the ability of the existing street infrastructure to handle increased traffic. Mr. Whiteley stated he shares the same concerns that citizens have expressed as it is very important to him to consider proper planning for future growth so that increased traffic is not felt by citizens in the form of decreased level of service. He does not want to overburden the City's infrastructure. Antelope Drive is a State road and the Utah Department of Transportation (UDOT) and Wasatch Front Regional Council (WFRC) work closely to consider proper transportation planning to accommodate future growth; Antelope Drive is part of that planning and while he cannot speak on their behalf, he is aware that they have spent a great deal of time and effort to consider capacity and level of service for current and future conditions. According to data he has seen, Antelope Drive does have the capacity to handle development of the remaining vacant parcels that front it. He noted that the project fronts Antelope Drive and it is appropriate to have an access point from that road; additionally, the road can handle traffic much more than the smaller City streets can. Any additional connections to the east and west will need to be considered by neighboring property owners and he would support those connections to reduce the demand on the Antelope Drive access, but it is appropriate for the main access to be on Antelope Drive. He then addressed the plans for the future 500 West project; this project will occur just east of the subject property and on the border between Syracuse and Clearfield; there will be a traffic signal at the intersection with Antelope Drive. The project will not be underway until the summer of 2022, but when it is completed, the neighborhood would have the ability to travel east to 500 West and then move to the north or south to get out of the area. Councilmember Bingham asked if someone could exit the subject property heading east on Antelope Drive and then perform a U-turn on 500 West to head back to the west. Mr. Whiteley stated that is not something that has been discussed in the design of the project, but he can ask the project design team/engineer to consider it.

Mayor Pro-Tem Savage stated that he has heard that traffic levels on Antelope Drive will decrease when the West Davis Corridor is extended through Syracuse; instead of driving to Antelope Drive, there will be a shift of traffic patterns as people use one of the two on ramps to get onto the corridor. Mr. Whiteley stated that modeling has been performed for the West Davis Corridor project and it indicates that traffic on Bluff Road and Antelope Drive will decrease once the project is completed. The project will help to address overcrowding on many streets in the City. Mayor Pro-Tem Savage asked if there is an estimate for the percentage decrease of Antelope Drive traffic. Mr. Whiteley stated it is approximately 40 percent.

Councilmember Teague stated that some developers have referenced traffic studies for their projects and indicated that these kinds of developments have morning and evening cycles; if commercial uses are prioritized, that may increase the traffic burden. He asked Mr. Whiteley if that is something the traffic models take into consideration. Mr. Whiteley stated that modeling and long-range transportation planning is based upon the identified land use for a given property; the properties along Antelope Drive were formerly zoned for commercial use and, therefore, the models would have been based upon that use. Depending upon the type of commercial use, traffic impacts could be worse and last for a sustained period of time throughout the day when compared to a residential complex.

Councilmember Maughan stated that residential traffic issues are cyclical, but they also coincide with business traffic. If commercial businesses are busy at the same time that residents are traveling to and from school or work, the entire area will be overly congested.

Councilmember Bingham thanked staff for their professional point of view relative to traffic concerns that have been raised. Councilmember Teague added that the City Council is very aware of the public sentiment regarding this and other projects in the City; he personally reads all correspondence he receives regarding this issue and takes the concerns into consideration. Other issues that have been raised are water and sewer deficiencies and he asked Mr. Whiteley to address those issues. Mr. Whiteley stated that his top priority is protecting existing infrastructure to ensure that existing residents can continue to enjoy the existing level of service. Developments should not create a negative impact on infrastructure and that is why City staff carefully reviews all plans and performs water modeling; if there is a need to increase pressures, the development is

required to satisfy that need. The subject development has been reviewed to evaluate the impact it will have on both the culinary and secondary water system; if there were a need to upsize pipes, that would be done utilizing development impact fees. If the development were to be used for single-family residential use, the amount of open space would be approximately 40 percent; however, the proposal for mixed use development would include about 20 percent open space, which means a reduced demand on the secondary water system based on the need to water landscaped open spaces. He does not foresee this project impacting secondary water pressure. Relative to culinary water, the subject property is very close to the source of that water and there are transmission lines in Antelope Drive that carry a sufficient amount of water to serve this project and not create any burden for the rest of the system. Relative to sewer, he is not aware of the design for that component of the project; however, if the sewer is routed to the large trunk main line on Antelope Drive, there should be no impact on the sewer collection system through the City. Councilmember Maughan agreed.

City Manager Bovero asked permission to share data from the City's Impact Fee Facilities Plan (IFFP) for transportation; he presented a picture from the Transportation Master Plan, indicating that the area in which the project would be located has an average daily traffic count of 22,800. If no additional traffic infrastructure projects were completed – such as the West Davis Corridor extension – the traffic would increase to 29,000 cars per day by the year 2040; however, if the project is completed, the traffic would be approximately 23,800 in 2040. The Council reviewed traffic projections for other roads in close proximity to the subject property, after which Mr. Bovero noted he believes that Antelope Drive has been completed to handle a traffic capacity of 35,000 vehicles per day.

Councilmember Bingham stated she would also like to hear from the Police and Fire Chief regarding the safety of the project. Fire Chief Byington stated that all safety concerns for this and the other two developments on tonight's agenda have been addressed by the Fire Marshall. Relative to staffing to respond to a potential increase in call volume, it is too difficult to project that until there is a way to measure any increase in call volume. Police Chief Atkin stated that the same is true for the Police Department in that he cannot project an increase in call volume as a basis for increasing staffing levels. What he does know is that an increase in heavy vehicle traffic, there will be an increase in traffic related issues, and he would suggest the creation of a traffic unit. He has spoken to other chiefs in other cities and all have indicated that they did not increase staffing levels in order to prepare for these types of projects because it simply is not possible to accurately predict any increase in call volume.

Councilmember Bolduc stated in the past she mentioned a conversation she had with Farmington official, Brigham Mellor, regarding the impact that city has seen as a result of mixed use developments and apartment complexes being built in the City; she would defer to those past comments as she still believes they are accurate. Relative to crime, apartment managers pay close attention to any illegal activity occurring in their project and most tenants observe laws to avoid losing a lease for their living space. She then noted that if she were a business owner dependent upon traffic, she would be concerned about a possible 40 percent decrease in traffic when the West Davis Corridor is constructed; with that in mind, it is appropriate to allow growth to support existing and future businesses. Additionally, the City needs to attempt to replace lost property and sales tax with new commercial and residential growth. The commercial component of this project is realistic and complies with the City's ordinance regulating this type of land use. She feels this is a realistic option and something that can be good for Syracuse. She understands that growth and change is cause for concern for many, but many other existing developments were met with opposition by the community. Many of those developments are now considered to be a valuable part of the community.

Mayor Pro Tem Savage invited input from the applicant.

Nate Swain stated addressed the concerns that have been raised regarding the traffic associated with this project; he has not completed a full traffic study for this project because the target continues to move based on feedback from UDOT. However, he asked his traffic engineer to provide information about the number of trips the project will generate in peak hours: per hour, in the peak evening hours, the project will generate 35-40 traffic events per hour. He stated that commercial uses could result in anywhere from four to 100 times that type of traffic for uses ranging from an office/retail use to a gas station, respectively. He does not disagree that traffic can be bad in the area depending on the hour of day, but 35 to 40 additional cars in any given hour is not an incredibly substantial increase. If a restaurant, especially one with a drive through, were built on the property, it would generate 100 to 150 traffic events per hour. Unless the discussion is to do absolutely nothing with the property, any development will increase traffic. Once zoning is approved, he will abide by the condition in the development agreement to commission a traffic study. He then addressed the commercial element of the project; per the City's mixed-use ordinance, the project is required to have 4,200 square feet of commercial. His proposal exceeds that by providing 4,500 commercial square feet and also contributes to the development of the commercial pad to the east. He will also help to create a fund that will contribute to free rent and tenant improvement allowances in the Smith's shopping center. He requested approval based upon the work he has done to address City feedback for the past year. He believes that his project will make a positive contribution to the City and will function the way the City has intended mixed use to function.

Councilmember Teague acknowledged concerns regarding crime rates in high density housing projects and asked Mr. Swain if he would be willing to participate in a 'Crime Free' program. Mr. Swain stated that he does not know much about that type of program, but would be willing to learn more about it and participate in anything that would reduce crime rates. Chief Atkin stated that a 'Crime Free' multi housing program is a joint effort between the housing manager and the Police Department to pursue crime prevention through environmental design and performing background checks for tenants, who can be evicted if they violate the terms of a program. He stated that he would be willing to discuss this type of program with the City Council

in more depth. Mayor Pro Tem Savage suggested that type of program be required as part of the development agreement for this and any project. Councilmember Maughan agreed; he is concerned about approving this project in advance of developing that type of program. Mr. Steele stated that the mixed-use ordinance already calls for design aimed at increasing safety within the project, but he would be willing to work with Chief Atkin to formulate a proposal for a 'Crime Free' program.

Mayor Pro Tem stated that with the mixed use zone being fairly new in the City, he is concerned about approving multiple mixed use projects at the same time; he has been trying to evaluate which one will result in the greatest benefit for the City and be a model for future mixed use projects. While the current proposal for this project does meet minimum requirements of the ordinance, he was looking for a developer that would partner with the City to bring something new that would make a positive impact on this commercial area of the City. For him, this project is not that; while the architectural is nice and the aesthetics are pleasing, he is concerned that the commercial element will not be successful because of the way it is laid out. Too many issues relating to traffic are in-flux and the only guarantee that the City has is that the main access point will be onto Antelope Drive and the rest of the traffic will filter through the Smith's parking lot. There are too many unknowns and concerns for him to vote to support it with a clear conscience and with the belief that it will improve the area. He feels there is a lot of potential with this project, but until some of the uncertainties are addressed, he is not comfortable voting in favor of it.

Councilmember Teague stated that the City has asked the developer to do a lot and he has done that; he has spent a lot of time to respond to the changes in the City and he thought the Council had reached a consensus regarding the amount of commercial space that must be included in a mixed use zone. The developer has complied with and even exceeded that minimum requirement and he is also working to help neighboring commercial projects to the east and west. He does not disagree that traffic will be an issue, but that will be the case regardless of how the property develops. He stated the only outstanding issue for him is the lack of a 'Crime Free' program being required, and he would like to integrate that requirement into the development agreement for the project. If the developer is willing to accept that requirement and to pursue a traffic study for the project, he is comfortable approving it. Mayor Pro-Tem Savage stated that if the applicant were proposing to build a mixed-use project on a property that already had that zoning designation, he would be able to support it; however, that is not the case and the proposal is to build a mixed use project on an agricultural lot. This is a zoning decision more than an ordinance compliance decision. Councilmember Teague inquired as to the General Plan designation for the property, to which Mayor Pro-Tem Savage answered commercial. Councilmember Bingham stated that the only reason that the property isn't already zoned commercial is to help the owner avoid exorbitant commercial property tax rates while the property is still being used for an agricultural purpose. Mayor Pro-Tem Savage stated he does not disagree; however, he is not comfortable approving three mixed use projects at one time and, for that reason, he is choosing the one that will create the highest benefit for the City in his opinion. He wants to proceed with caution and right now he does not think this proposal is the highest value for the City. If the project that he does support is successful, he would love to consider others on other parcels.

COUNCILMEMBER BOLDUC MOVED TO TABLE CONSIDERATION OF 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, TO A FUTURE WORK SESSION TO ALLOW ADDITIONAL TIME TO CONSIDER CREATION OF A 'CRIME FREE' PROGRAM TO BE APPLIED TO THE PROJECT.

Mr. Swain stated he would be willing to accept a requirement to include a 'Crime Free' program in the development agreement; he asked that the Council consider that as a condition of approval tonight rather than tabling the application.

COUNCILMEMBER BOLDUC WITHDREW HER MOTION.

Chief Atkin stated that the City will need to pursue a professional certification in order to manage a 'Crime Free' program for multi-housing projects. He can research training opportunities available to him and other City officials that would need to be involved in the project. Councilmember Bolduc asked if the designation could be secured before the project design is completed, to which Chief Atkin answered he believed so.

Councilmember Maughan echoed many of the concerns expressed by Mayor Pro Tem Savage; he stated that he feels as if a trap was laid to secure a minimum requirement for the amount of commercial to be included in the project. While the project meets that minimum requirement, not one building facing Antelope Drive will be entirely commercial. He stated that while the project meets the letter of the law, it does not meet the spirit of the law. He would like to see store fronts fronting the major street for the entire first floor of a building. Mr. Swain stated that originally his project layout had commercial use on the first floor of the entire frontage along Antelope Drive; however, when discussing that design with the Council, he was asked if the space was viable. He indicated that the space would be more viable if it were located closer to parking areas and, so, the concept was shifted to create more effective and useful commercial space. He stated that was one of the changes implemented over the year of discussion he has had with the Council regarding this project. Councilmember Maughan stated he is saying that he would expect for both sides of the ground level of the building fronting Antelope Drive to be commercial and he believes it would be viable.

Councilmember Bingham stated that she can speak as a business owner to the ethereal concept of commercial success; a business needs actual bodies and customers to support them. When the City asks developers to provide brick and mortar commercial space, they must do so with the acknowledgement that a business cannot be sustained without customers. The space must be accessible, and the business plan must be viable in order for a bank to loan money. The Council may have ideas

about a business, but the business owner must do their due diligence to see if the business plan is sustainable. She stated the perspective she has gained as a business owner is that there must be a focus on a businesses viability and whether there will be an increase in population to sustain the business. The Council needs to be careful not to focus on aesthetics, but to focus on viability.

COUNCILMEMBER BOLDUC MOVED TO ADOPT 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, WITH THE CONDITION THAT A CRIME PREVENTION ELEMENT BE ADDED TO THE DEVELOPMENT AGREEMENT. COUNCILMEMBER BINGHAM SECONDED THE MOTION.

Councilmember Teague asked if all three mixed use projects being considered tonight are required to adhere to the same development agreement terms; two of the development agreements indicate that certificate of occupancy for residential uses will only be granted once the commercial development is completed, while the other does not require that. Mr. Steele stated that the one that is different is based upon the Council's discussion of the viability of the commercial space; that project includes 50,000 square feet of commercial space and the Council had discussed requiring a surety bond to make sure the commercial space gets built. For this project, the commercial space is the first floor of the apartment buildings, so the space will get built in order to build the apartment units.

Mayor Pro Tem Savage indicated there has been a motion and second and he called for a vote; VOTING AYE WERE COUNCILMEMBERS BINGHAM, BOLDUC, AND TEAGUE. VOTING NO WERE COUNCILMEMBER MAUGHAN AND MAYOR PRO TEM SAVAGE. THE MOTION CARRIED.

8. Proposed Ordinance 2020-20 amending the Syracuse City Zoning Map from Agricultural (A-1) to Mixed-Use (MXD), for property located at approximately 1283 W. 1700 S. (Antelope Drive) 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:	1283 W. 1700 S. (West of Dollar Tree)
Current Zoning:	A-1
Proposed Zoning:	Mixed-Use Development (MXD)
General Plan:	High Density Residential
Density:	16.5 acres, 360 units

Applicant Logan Johnson with Wright Development is proposing a rezone to Mixed Use. Please consider the following items:

- The general plan map designates this parcel as 'High Density Residential'.
- The Planning Commission held a public hearing for the item on December 17, 2019. After receiving numerous comments from neighbors, the Commission tabled the item to give the applicant a chance to gather additional information and make changes to his plan. The concerns expressed were related to traffic, the school crossing on Antelope, buffering of light and noise, and mitigating other impacts the development may have to existing residents. The applicant returned with a modified plan that changed the orientation of buildings so no balconies faced the neighbors, additional trees along border, reduced density from 318 to 305, and added a pool. The PC further reviewed the item on January 7th and is forwarding a conditional recommendation for approval with a vote of 4-2. The recommendation for approval stands only if the developer can secure formal approval from UDOT for the direct entrance to Antelope, conduct a traffic study, strengthen the south border buffer with a cement wall, increased planting, and solve the 'alley' concern behind the garages. Also, to move the trash dumpsters away from Antelope, and away for the southern border, and lastly to reduce the 'adjacent' southern buildings to be 2 story max.
- 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 revised plans on August 215, 2020 and staff analysis of the plans revealed items that are were out of compliance when compared with the MXD ordinance requirements. Therefore, the applicant submitted revised plans on September 1, 2020.

The memo concluded the goal of tonight's discussion is to determine if this item is ready to be voted or if it should be continued to another work session for additional discussion.

CED Director Steele reviewed his staff memo and facilitated Council review of the revised project plans.

Mayor Pro Tem Savage stated that he is applying the same philosophy to this project as he applied to the previous agenda item; he is concerned about approving such a large number of new high-density residential units. He does not believe that this project meets the intent of the mixed-use zone. He is concerned about traffic associated with this project as well and

the applicant has not been able to secure approval from neighboring property owners to allow cross connectivity. He concluded he cannot support this project given the low amount of and type of commercial space to be included.

Councilmember Bingham stated that a couple of years ago she would have signed a petition opposing this type of project in this area of the City; after serving as a Councilmember for the past few years and learning of the many issues that the City and the entire State of Utah faces in relation to cost of providing service and accommodating growth, she has changed her opinion. It would have been very easy to keep her small perception of what the City needed or what the residents wanted; it would have been easy to say this is a problem for other cities to deal with, but her job as a City Councilmember is to plan for change rather than lament for it. She referenced infrastructure throughout the City that has fallen into disrepair and she learned that it costs 20 times to repair a road that has fallen into disrepair than it does to simply maintain it. The City is facing a great deal of diminishing roads and sidewalks simply because of the age of the community and funding these repairs are something to keep in mind. She then noted that throughout all the discussions of mixed use zoning, the Council has acknowledged that the City needs to allow reduced lot sizes in order to make home prices more affordable and give people the opportunity to invest in the community they want to live in. She stated that if there is one thing the City can count on, it is constant change and for residents or even the City government to think that Syracuse should be exempt from that change or ignore the fact that existing residents impacted those that lived here before them, is disingenuous. She stated that Syracuse is a town of farmers and families; the farmland has diminished, but Syracuse is still families. Not every family or residents is in the position to buy a large piece of land or large home, but they still want to live here. She stated that when developers are vilified, not only is that a disservice to the community, but the people who live in our community. Developers are not villains; rather, they are people who are willing to invest in the City and she will not take part in vilifying someone who is willing to put millions of dollars into the infrastructure of the community. Everyone living in a home in this community has benefitted from a developer. She concluded that the City does know that an increase in commercial space cannot be sustained without an increase in population.

Councilmember Maughan stated that there will be 350 new residences in this development, but just four small business condominiums. He feels that this increase in population would support more than that commercial space. The idea of mixed use would be that the increase in higher density housing was justified by an increase in commercial development and he does not see an effort to provide viable commercial space in this project. He is not saying it is a terrible apartment complex, but it does not meet the definition of mixed use in his mind. He believes firmly that if the Council actually approves this, there will never be a true mixed-use proposal in the City. Every other developer will use this project as a template and standard for development in the City.

Councilmember Teague stated that experts have identified this area as being more suitable for residential use than commercial development. He feels that proper buffering to the west will provide a transition between this use and the neighboring townhomes. The developer has been asked to rotate buildings in the project and create a roadside adjacent corridor behind the houses to the south. They have created a commercial component that will tie into the already struggling commercial development to the east and he is happy with the current design. He stated that if City officials came forward to indicate that this project were not safe or viable for any reason, he would not support it. He would like to include a 'Crime Free' element in the development agreement for this project as well. He noted that the City is being told that housing diversity is needed and that can be accomplished with mixed use projects; mixed use is defined as two different zoning types converging on the same property. The City has the ability to define the ratio of those two different zoning types and that took place as the Council discussed the mixed-use zone over the course of several months. If the Council had decided to require a 50/50 ratio for commercial/residential, he would not support this project. However, that is not the case and this proposal complies with the current version of the mixed-use ordinance.

Councilmember Bolduc stated that this developer did approach the owners of the Shadow Point project about securing cross access; it is up to Shadow Point to accept that proposal and she has no doubt they will because they stand to benefit from this project and the increase in population. She asked Mr. Steele about his concerns with the alleyways adjacent to the existing townhomes in the area. Mr. Steele stated that concern has been addressed; the alleyways have been remedied.

Mayor Pro Tem Savage invited input from the applicant.

Logan Johnson, Wright Development, stated that the commercial space in his project will not consist of live/work units; he fully intends for them to be commercial space. He stated that Shadow Point is a great neighbor and he fully expects them to grant a cross access easement once the zoning has been approved for this project. He is also more than happy to participate in a 'Crime Free' program. He then stated that he has been working hard to respond to all comments from staff and he intends to meet the ordinance requirements for this type of project.

City Attorney Roberts addressed Councilmember Teague's question regarding the differences in the three development agreements relating to certificate of occupancy for the residential units contingent upon completion of the commercial space; he noted that in all three of the proposed mixed use projects, the City needs to ensure it is getting what has been promised by the applicants. Apartments are being approved based upon the commitment to also provide commercial improvements, but if the Council does not require some performance on the commercial component before all residential units are constructed, the developer could walk away from the project without completing the commercial aspect. The development agreement will remain with the land regardless of ownership. Mr. Steele agreed with and emphasized Mr. Robert's comments about the importance of the term of the development agreement that requires performance from the developer relative to the commercial component of the project. He stated the City has other tools at its disposal to ensure completion of the commercial

component of the project, such as requiring a surety bond in amount sufficient to facilitate the commercial improvements, or a deed restriction on the property. Mr. Johnson indicated that he would be comfortable providing a surety bond. Councilmember Teague stated he would be willing to accept a surety bond, or he would support the language that is in the draft of the development agreement to restrict issuance of the certificate of occupancy for the residential component until the commercial space is constructed. Councilmember Bingham agreed. Mr. Johnson stated that he can accept either option. Mr. Roberts noted that the zone change, if approved, will not be in effect until the development agreement is negotiated and executed.

COUNCILMEMBER TEAGUE MOVED TO ADOPT ORDINANCE 2020-20 AMENDING THE SYRACUSE CITY ZONING MAP FROM AGRICULTURE A-1 TO MIXED USE (MXD) ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 1283 W. 1700 S., AND APPROVING THE EXECUTION OF A DEVELOPMENT AGREEMENT TO GOVERN THE PROPERTY, WITH THE FOLLOWING CONDITIONS:

- THAT A CRIME PREVENTION ELEMENT BE ADDED TO THE DEVELOPMENT AGREEMENT;
- IN ORDER TO ENSURE COMPLETION OF THE COMMERCIAL COMPONENT OF THE PROJECT, THE APPLICANT SHALL BE REQUIRED TO PROVIDE A SURETY BOND SUFFICIENT TO FACILITATE COMMERCIAL IMPROVEMENTS OR CERTIFICATE OF OCCUPANCY FOR RESIDENTIAL UNITS WILL BE WITHHELD UNTIL COMMERCIAL IMPROVEMENTS ARE COMPLETED.

COUNCILMEMBER BOLDUC SECONDED THE MOTION AND THE FOLLOWING VOTE WAS TAKEN: VOTING AYE – COUNCILMEMBERS BINGHAM, BOLDUC, AND TEAGUE. VOTING NO – COUNCILMEMBER MAUGHAN AND MAYOR PRO TEM SAVAGE. THE MOTION CARRIED.

9. Proposed Ordinance 2020-21 amending the Syracuse City Zoning Map from Agricultural (A-1) and General Commercial (GC) to Mixed-Use (MXD) for property located at approximately 1701 W. 1700 S. (Antelope Drive) 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:	1600 W. 1700 S.
Current General Plan:	High Density Residential
Current Zoning:	A-1
Proposed Zoning:	Mixed-Use Development (MXD)
Total Site Area:	15.015 acres

The applicant Jerry Preston with Elite Craft Homes has requested to amend the city's zoning map from A-1 to MXD. The MXD zone requires detailed plans to be provided up front. These plans have been included in the packet. Staff has evaluated the plans for compliance with the requirements of the ordinance. A list of unresolved staff comments has been included in the packet, other than those comments, the plans meet the ordinance as far as we understand. Also included are various snippets from the adopted general plan, the Antelope Drive Corridor Study, as well as the general plan and zoning maps, and other applicable information to assist in making your decision. Planning Commission reviewed the item during their meeting on August 18, 2020. They also held a public hearing where the neighbors expressed concern over the proposed building heights, the pedestrian connection, stormwater detention, water pressure, connection on Dahl Lane, noise, property values, school capacity, and privacy to summarize. Planning Commission heard the comments and discussed the project at length where ultimately, they unanimously voted to forward a recommendation for approval. The City Council reviewed the item during their August 25, 2020 work session and the project was received with positive reviews. No new plans have been submitted since last meeting. The memo concluded the goal of the discussion is to determine if the project is ready for a vote or if it should be tabled for more discussion during the next work meeting.

CED Director Steele reviewed his staff memo.

Councilmember Teague stated this project presents the greatest commercial benefit and he appreciates that aspect of it. He would like to see the project completed and would like for the development agreement to require the applicant to provide a surety bond sufficient to cover the cost of those improvements in the event the developer does not complete them. He stated there are a few elements of the project that he wants to examine more closely in light of the comments made by the residents of the Walker Estates development. This includes orientation of the building and how they relate to the existing development to the south. He would also like to hear from City staff regarding requirement improvements to Dahl Lane. He is concerned about the tandem parking aspect of the project; there are always issues with rotating vehicles in and out of the tandem spot and this usually results in people choosing to park in other areas, such as surface streets surrounding the project. He is not ready to approve the project until some of those issues are addressed.

Councilmember Bingham stated she shares all the same concerns expressed by Councilmember Teague and stated she would like to hear from the applicant regarding how he will address those concerns. She then noted that for the other two mixed use projects that have been considered tonight, the Council has required either issuance of a surety bond for completion of the commercial element of the project or withholding the certificate of occupancy for the residential units until the commercial is

completed; she would like to require the same for this project. She is also concerned about the amount of professional office space included in this project; the market for office space has changed dramatically since the onset of the COVID-19 pandemic. Many businesses have discovered their employees can work from their own home, making it possible to shrink office sizes and she is concerned that this space may not be as viable as it would have been in the past. She concluded that she would like to examine the building heights in the project as some of the three-story buildings appear to be too tall.

Councilmember Maughan stated that he is surprised to hear the concerns about the project; four years ago he participated in a meeting with Davis County regarding the inclusion of this area in the City's Commercial Development Area (CDA) based upon the need to address the underserved demand for office space in north Davis County. The City asked for the use of tax increment financing to incentivize this type of project. He is surprised that the Council may be taking a different direction at this time. He stated this project is the most appealing to him based upon his opinion of what a mixed use development should be; it has a greater percentage of commercial in the form of professional office space, which will serve the community better than any other proposal he has heard tonight. He stated he has heard the concerns regarding Dahl Lane and as much as residents would like for the road to remain as it currently is rather than being extended for connectivity, that extension has always been included in the City's transportation plan and he feels it is essential to require that connectivity. He stated he highly doubts that people will use Dahl Lane for through traffic purposes, but it is vital to complete the road for emergency access purposes. He concluded that while he supports this project, he is not sure how the Council can approve another 250 residential units tonight after having already approved over 400 in a single night.

Councilmember Bolduc stated her main concern relates to the pace at which this project has been considered by the Planning Commission and now the City Council; it has moved much quicker than the other two projects. She noted that the concern regarding the orientation of the buildings was discussed with the applicant, but he has not shifted that orientation to address the concerns relating to privacy that were expressed by the Walker Estates residents. She also referenced Dahl Lane and noted she would like it to be very clear that the developer will be responsible for snow removal if the road is classified as a private lane. She also supported the requirement for a surety bond or restriction of the residential certificate of occupancy until commercial improvements are completed. She would like to table the application in order for those issues to be addressed.

Councilmember Bingham asked Mr. Steele to expound on the intent of the surety bond. Mr. Steele stated that the City requires surety bonds for all types of improvement projects in the City; the bonds are held by a financial institution and will not be released until the City approves the release based upon the applicant's completion of their commitments. Councilmember Bolduc asked if the surety bond will remain with the land if ownership changes. Mr. Steele stated that the development agreement requires completion of the commercial component within 18 months and if that is not done, the City can utilize the surety bond. However, the surety bond for this project is only \$100,000 and that will not cover the improvements. This led to philosophical discussion and debate regarding the best mechanism to be included in the development agreement to require or incentivize the completion of the commercial component of the project, after which Mr. Steele reviewed the building orientation for the project; he noted that the current layout facilitates the most effective circulation throughout the project. He is willing to utilize the feedback provided by the Council to work with the applicant to amend his plan if the Council ultimately decides to table the application. He noted, however, that the action before the Council tonight is simply the zone change and the adjustments to the project plan could be addressed after zoning decisions are made.

Mayor Pro Tem Savage then stated that when he envisioned a viable mixed-use project, this is the type of project he was thinking of; the commercial component is significant, and warrants increased residential density. He disagreed with Councilmember Bingham regarding the demand for office space, noting the City is lacking in professional office space; there are currently no vacant office spaces in the City, while there is a great deal of empty retail space. This type of commercial development will bring more jobs to the area, which results in an increase in daytime population to support local businesses. This is exactly what he was looking for when he considered the approval of the mixed-use zone. He thanked the developer for accepting the risk associated with this type of project and noted he feels it will benefit the community if it is ultimately built. He then noted that he understands the concerns that have been raised regarding the manner in which the project intrudes on the Walker Estates development; he would be supportive of tabling the application to address those issues before approving the zone change. Councilmember Bingham stated she never said this type of project will not be good for the community; rather, she is only concerned about there being a market demand for this amount of office space.

Mayor Pro Tem Savage invited input from the applicant.

Jerry Preston, Elite Craft Homes, stated he appreciates the feedback from the Council; since the last meeting, he has been working with the landscape architect to respond to comments regarding the landscape plan. He then noted that this project has not been fast-tracked; rather, the current iteration is the seventh version of the site plan. He has been working with and listening to Councilmembers for the past few years and he feels that his current proposal reflects that work. He is providing professional office space and adhering to strict design standards. The buildings may be tall, but the architectural design is more compliant with the City's ordinances than the previous two projects that were approved tonight. He acknowledged that there are some concerns relative to the market for office space due to the pandemic; that is why he did not want the commercial improvements to be directly tied to the residential certificate of occupancy and he opted to issue a surety bond. However, if the Council wants to require a surety bond greater than \$100,000, he may be making some adjustments to his plan to include less commercial space. He feels he is being penalized for over committing to this project and exceeding minimum standards in the City's mixed-use ordinance. Relative to the designation of Dahl lane as a private lane or a public street, he would prefer the

former; the lane would be managed by the homeowner's association and the management company overseeing the project. Additionally, he has spoken with management companies that have regulated tandem parking layouts in these types of projects and as long as tenants are informed of the arrangement and the restriction against using their primary parking space for storage purposes, they are compliant and there are no issues. He would also like for the Council to consider cross parking opportunities with the commercial space. Of all the projects that have been presented tonight, he feels that his has the best parking accommodations and layout and the project also meets the required 85-foot setback included in the ordinance.

Councilmember Teague stated that he is in his first term as a Councilmember and this is the first time he has seen this project; he is not opposed to Mr. Preston's proposal, but he feels he is doing his due diligence in asking questions about the application. He feels that the product will be great and benefit the community, but he just needs a bit more time to digest it.

Councilmember Maughan stated he is very torn on the decision before the Council at this time; he feels that this is the best product that has been presented tonight and he would prefer that it be built before the other two that received approval earlier in the meeting. However, he is concerned about the issues relating to the completion of the commercial improvements and is willing to entertain additional discussion about the appropriate language to include in the development agreement regarding that matter.

COUNCILMEMBER TEAGUE MOVED TO TABLE ORDINANCE 2020-21 AMENDING THE SYRACUSE CITY ZONING MAP FROM AGRICULTURAL (A-1) AND GENERAL COMMERCIAL (GC) TO MIXED-USE (MXD) FOR PROPERTY LOCATED AT APPROXIMATELY 1701 W. 1700 S. (ANTELOPE DRIVE) AND APPROVING THE EXECUTION OF A DEVELOPMENT AGREEMENT TO GOVERN THE PROPERTY. COUNCILMEMBER BINGHAM SECONDED THE MOTION.

Mayor Pro Tem Savage stated that he supports this project and asked that Mr. Preston amend the design responsive to the issues raised tonight and come back to the Council for continued review and discussion. Councilmember Maughan agreed and noted that if the commercial component is reduced or 'watered down' in terms of design, he may not be as supportive.

City Manager Bovero stated that if the financing of the commercial component becomes an issue for the applicant in the future, this may be a project that would qualify for receipt of CDA financing or an incentive. That may be information that would be helpful as the Council considers the amount of the surety bond that would be required for the commercial aspect of the project.

Mayor Pro Tem Savage stated there has been a motion and second to table the application and he called for a vote. ALL VOTED AYE, WITH THE EXCEPTION OF THE COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

10. Authorize Administration to issue letter of intent to partner with On Pitch Performing Arts (OPPA) for the development of a Performing Arts Center

A staff memo from the City Manager explained On Pitch Performing Arts (OPPA) is a theater company in Davis County that produces live theater productions and educational opportunities in the performing arts area. OPPA is looking to expand and obtain a new, state of the art facility in order to enhance their offerings and provide additional performing arts opportunities to the public. OPPA has expressed interest in sharing space in the facility with Syracuse Arts Council. Members of the City Council have in discussion with OPPA about the possibility of partnering with them to develop the facility. In order to further explore possibilities, including funding opportunities, OPPA is looking for Letter of Intent from the City in order to establish confidence that the City is serious about the partnering relationship. The Council has previously discussed real estate matters related to this issue in closed sessions in accordance with the Open and Public Meetings Act. The letter of intent would outline the following points:

- The City intends to secure ownership of land that it will utilize to provide a location for the performing arts center.
- The City intends to work out a mutually beneficial arrangement with OPPA that uses the land to support the financial viability of the project.
- The City intends to play a coordinating and cooperative role in other aspects in order to support the project, including assistance with planning the site improvements, facilitating financing tools such as tax increment financing, and other supportive efforts within the City's powers.
- The City intends to coordinate a cooperative operating arrangement of the facility with OPPA.
- The City intends to facilitate a cooperative use of the facility with the Syracuse Arts Council and OPPA.

The action item before the Council is to consider a vote on whether to authorize the administration to issue a Letter of Intent to OPPA, outlining the points stated above.

Mr. Bovero reviewed his staff memo.

Councilmember Bingham asked Councilmember Maughan to provide his opinion regarding the letter of intent given this is a project he has been involved in. Councilmember Maughan stated that if the City agrees to the letter of intent, he would

request a reciprocal agreement with a commitment from OPPA that they will work exclusively with the City on this opportunity. He is also concerned about the language regarding the entity that would manage productions at the facility; there is a need to create a new organization to prevent any existing organization from having too much control; the purpose of the new organization would be to give the City and OPPA equal control capacity.

Councilmember Teague stated he would rely upon Councilmember Maughan's input and expertise on this matter as this is not an issue that he has been heavily involved in.

Councilmember Bolduc stated that she is concerned about trying to do too much at the same time in terms of asking for financial support for the construction of a 50-acre park while also considering a capital campaign to raise funds for a performing arts center. Councilmember Savage agreed, but noted that the City's commitment in this project would be to set aside land for the facility; it is his interpretation that the letter of intent is to provide both parties some assurance that the other will be supportive of the project, but he agrees with Councilmember Maughan that the City needs a guarantee of exclusivity and OPPA will not engage in discussions with other cities about the project.

Councilmember Maughan stated that ultimately this project is a huge economic opportunity for the City; though the project will not include the construction of other facilities or commercial entities, it will give the City a marketing tool to attract other businesses to locate in the area. He acknowledged Councilmember Bolduc's concerns about the financial burden of two large projects at the same time, but noted that the same people that donate for a park are not necessarily the same people that would donate to a performing arts center and he thinks that the two could actually compliment one another.

Councilmember Bingham asked if the Council wants to include a timeframe in the agreement pertaining to the amount of time that the City will reserve the property for this project; if the project is not built within a certain period of time, the City should have the ability to consider other development options. Councilmember Maughan agreed and he reviewed the timeline that OPPA is working within; the fundraising goal is set at 18 months with plans to construct the facility prior to the completion of the West Davis Corridor project. It is reasonable to include some progress indicators in the agreement to give the City the ability to move on with other prospects if the project does not come to fruition. He noted that mutual exclusivity is the most important issue to him at this point in terms of amendment the letter of intent. He would support an 18-month restriction on the property dedication.

Mr. Bovero stated that OPPA has asked for a swift response from the City on the letter of intent; he feels that a short delay is reasonable so long as the Council intends to act on the matter soon. Mayor Pro Tem Savage stated that he would be comfortable approving the letter of intent as it is not legally binding, but he would like to ask that OPPA consider addition of an exclusivity clause and a timeline for the City reserving the property for the project. Councilmember Bolduc agreed.

COUNCILMEMBER MAUGHAN MOVED TO AUTHORIZE ADMINISTRATION TO ISSUE LETTER OF INTENT TO PARTNER WITH ON PICK PERFORMING ARTS (OPPA) FOR THE DEVELOPMENT OF A PERFORMING ARTS CENTER, WITH THE FOLLOWING ADJUSTMENTS TO THE LETTER:

ESTABLISHING A COOPERATIVE AGREEMENT DEFINING AN OPERATING ARRANGEMENT WITH OPPA AND THE SYRACUSE CITY ARTS COUNCIL; AND
WITH THE UNDERSTANDING THAT AN EXCLUSIVITY AGREEMENT WILL BE EXECUTED.

Councilmember Bingham asked Councilmember Maughan if he wants to include a timeframe for the City to hold the property for the project. Councilmember Maughan answered no and indicated he feels that is an issue that will solve itself; if there is no movement towards the project by either or both parties, the arrangement will dissolve well before 18 months.

COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED IN FAVOR.

11. Public comment.

Paul Watson thanked Councilmember Maughan and Mayor Pro Tem Savage for their representation of the citizen in voting against the rezoning of the lot near Smith's for mixed use development. Over 600 residents in the direct vicinity of that project think it is a bad idea. He is most disappointed on Councilmember Teague; one of the reasons he voted for him is that he indicated he would not vote for high density housing. Someone who is not pro-high-density housing would not vote for over 500 units in one evening. He wished elected representatives would listen to letter after letter from residents expressing their concern and not placate the residents by asking simplistic questions of supposed experts who rambled more than anything and could not produce any hard data.

Matt Page also thanked Councilmember Maughan and Mayor Pro Tem Savage for listening to the residents; he agreed with Mr. Watson that the comments provided by Mr. Steele, Mr. Whiteley, and Mr. Swain that no traffic studies have been completed, yet ample study was performed on the vegetation and where it should be placed. Despite the hundreds of people who commented on traffic, no studies have been completed. He then stated that several times he has heard the term that rooftops equal revenue for the City; several have indicated that with the loss of R.C. Willey the City will be in a budget deficit, but West Point City has one-third the population of Syracuse and Clinton has two-thirds and both have thriving commercial climates. Obviously, the sentiment that rooftops equal revenue is not true. If the City builds the right thing, people will come. When given the opportunity to reduce overhead spending, the City should take those opportunities especially if it is worried about a reduced tax base, yet more staff is being added. He stated these are simple decisions for the City to be making.

12. Mayor/Council announcements.

Mayor Gailey joined the meeting; he indicated he signed into the Zoom meeting about mid-way through the meeting but was simply observing. He thanked Mayor Pro-Tem Savage for conducting the meeting in his absence.

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.

13. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property (if necessary).

COUNCILMEMBER MAUGHAN MADE A MOTION TO CONVENE IN A CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW FOR THE PURPOSE OF DISCUSSING THE PURCHASE, EXCHANGE, OR LEASE OR REAL PROPERTY AND PENDING OR REASONABLY IMMINENT LITIGATION. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 9:49 p.m.

The meeting reconvened at 10:45 p.m.

3. Approval of minutes - continued.

The following minutes were reviewed by the City Council: Business Meeting of July 14, 2020.

COUNCILMEMBER SAVAGE MADE A MOTION TO APPROVE THE MINUTES OF THE JULY 14, 2020 BUSINESS MEETING AS PRESENTED. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED AYE, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN WHO VOTED IN OPPOSITION.

At 10:47 P.M. COUNCILMEMBER BOLDUC 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: October 13, 2020