

Minutes of the regular meeting of the Syracuse City Council held on October 13, 2020 at 6:00 p.m., held virtually via Zoom, meeting ID 815 1131 1044, 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

Mayor Mike Gailey
City Manager Brody Bovero
City Recorder Cassie Z. Brown

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 Gailey 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 Bolduc provided an invocation and Councilmember Maughan led the audience in the Pledge of Allegiance.

Mayor Gailey then noted that Councilmember Bingham is participating from a location other than her home; she is located at approximately 1475 W. Allison Way as she is attending the parade to welcome home Sara Frei; Ms. Frei was injured horribly in a head on collision with a drunk driver in July and she was released from the hospital today. Mayor Gailey added that just before the accident, Ms. Frei's father witnessed another motor vehicle accident near his home and was instrumental in saving the life of one of those involved. Syracuse is fortunate to have the Frei family as part of the community.

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

2. Public comment:

Mayor Gailey 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 indicated no written public comments were submitted to Ms. Brown prior to the deadline.

Mayor Gailey then invited Zoom participants to provide public comments.

Steven Wright summarized the following written statement:

"First: As residents of Walker Estates for almost seven years and residents of Syracuse for almost twenty-one, thank you (and your predecessors) and the city staff who have worked so diligently to maintain, build and grow our unique and wonderful city.

Second: We have had opportunity to read the comments submitted to you by several of our neighbors. We respect and appreciate them for their tireless service to Walker Estates families – and to the city – regarding the proposed development of the property just to the north of Walker Estates on Antelope Dr. We concur in their comments, especially as they directly refer to complying with those ordinances effecting the application for zoning change. Additionally, despite inferences to the contrary, our intent is not to stop development in Syracuse. Rather, we want to help ensure that development in the city reflects not only proper management that benefits the citizens as well as the city, but also provides confidence in the process to achieve that development.

Given our concurrence to those letters and comments, I will limit our comments to stress a major item of concern that we believe the council has given only little recognition to. We only highlight it here:

As you are fully aware, the pertinent sections of City's Ordinance regarding Mixed Use Development("MXD") and those subsections that have often been referenced. [§10-92 and sub-§s 10.92.010 (Purpose); §10.92.040 (B) Density; and §10.92.040 (F) Architecture(3) Building Height (b)]. These three subsections set forth basic (read, *minimal*) standards required by the ordinance pertaining to mixed use development.

While the developer may have met a basic (again, *minimal*) requirement of §10.92.040(F) by recommending to build two, three-story high apartments at least 85 feet from Walker Estates, it seems more than clear to us it has failed at this point to approach what we see as one of – if not the most – MXD central guiding requirements of the MXD that directly impacts neighbors to any such development. That requirement is in sub-§10.92.040(B) Density. That

requirement states, “Unit densities and housing product types *shall be distributed on site with extreme sensitivity to adjacent development type and density . . .*” (*Emphasis added.*)

Many years in the field of law taught me that word choice in drafting laws and ordinances has important meaning. Words such as “*extreme sensitivity*” are given special attention when a dispute is involved, and especially so when the drafting of such words is attributed to only one of the parties. Accordingly, since this is a city ordinance, these words (“extreme sensitivity”) must be given special attention now.

With due respect, we feel that both the planning commission, as well as this council, have not given this ordinance requirement anywhere near the attention that it deserves. In fact, it is hard for me to recall any discussion in any of the open meetings that would lead me to believe the words “extreme sensitivity” have been given anything but passing lip service. In this regard, we strongly suggest that you, as our elected city council members, give provide substantive thought and open discussion to allow those words, “*extreme sensitivity*”, to be felt by those of us who are directly affected by your actions in this matter. But more than that, as a city, we need to know they mean something to all of us, and not just that should now give to the Walker Estates neighborhood. Much more could be added.

We respectfully ask that you give this requirement the public consideration it deserves, and not leave its discussion to opportunities outside of the public forums available.

Respectfully,
Steve and Linda Wright”

Stan Epps referenced the proposed development of property located at 2889 S. 3000 W. The residents have not been given an opportunity to provide input on this project. When he and his neighbors fought past developments around their property, the developer worked with residents and the Council to create buffers and other accommodations to try to address the concerns. He stated that he lives in a farming community and is now being told that more houses will be stacked around his property; this is morally and ethically wrong to be considering this type of development without any consideration of the current conditions in the area. He has spoken with a real estate attorney about this issue and he indicated this type of activity is spot zoning; the City went to a developer and made concessions to help him develop his property. That is great for the developer but why does the City not care about the existing residents’ property rights. Elected Officials are expected to protect property rights and he should not be dealing with the possibility of having a large number of homes directly adjacent to his farming property. He raises cattle on his property, but he does not have agricultural protection because his property is less than five acres in size. Last time he spoke to the City he was told he did have some protection, but that is not correct. He asked that the Council table action on the proposed zone change and visit the property in person to gain a true understanding of the manner in which the project will impact existing residences. The City should not allow projects that are harmful to the way of life for existing residents; the City is showing great support for others in the community, but where is the support for the people that live in his neighborhood. He should not be forced to take time out of his day to fight against this type of project again.

Amy Epps also discussed the project proposed for property at 2889 S. 3000 W.; the property is only 2.2 acres in size and the developer is seeking R-3 zoning to build a higher density project between existing R-1 projects. She stated that the residents fought hard for buffering between their property and the Shoreline project to the south; the Shoreline project is R-1, and this proposed R-3 project would be out of place. She added that if the City is offering the developer any sort of financial incentive, that is a conflict. She echoed her husband’s sentiment that an action to rezone this property is the definition of spot zoning. She added that buildings should not be allowed to be built right on a property line; she has roosters and cows on her property, and she expects that new residents will complain about those nuisances. She stated that she loves where she lives, and she begged the City to maintain the existing density and only allow R-1 compliant development. She also encouraged Councilmembers to visit the property in person.

Susan Booth stated she lives next to the property mentioned by the Epps’s and Wrights. She echoed all the comments that have been made and noted she wants to remain on her property. When she does pass away, she would like for her property to remain as it is or for the future owner to have the opportunity to develop it, but to do so, they would need a stub road into her property. She asked for that requirement to be included in this project, otherwise the City will be favoring one property over another, which is the definition of spot zoning. She then noted that she has slaughtered animals on her property, and she is concerned that future neighbors will complain about that process in the future. She is unsure how many homes will be located directly adjacent to her property if the zone change is approved, but it would be nice to be able to sit down and talk to someone about the plans for the project; not once has anyone approached her as the direct neighbor of the property.

Keith Bourgeois stated he and his wife live across the street from the proposed development; when they moved there 20 years ago, the property was still part of unincorporated Davis County. When he improved the property, he was required to annex into the City in order to get access to City services. He stated that he played by the rules when he moved there, and he is asking that others be required to play by the rules. If the City approves a project that allows for roads and other infrastructure in places that surround agricultural properties, the owners of those properties will be forced out. He added that the City’s website includes beautiful pictures that give the appearance of a great deal of open space in the community; yet, the way the City is developing, one would think that the City does not believe in open space at all.

Bonnie Bourgeois read a prepared statement expressing her opinion about the proposed project.

“I would like to share an analogy, since the mayor is fond of stories and analogies and data and facts seem to fall on deaf ears. I recently watched the Lorax with my high school biology class and could not help but think

about the Once-ler – an eager businessman whose self-interest and desire for personal economic growth destroyed an entire environmental community. A line from the original Dr. Seuss story “people don’t understand what happens when things get out of hand.” The proposed zoning change from R1 to R3 for the Tuscan development will be a “Taking” from the surrounding neighbors and result in a loss of lifestyle, just like the Barboloot Bears in the Lorax, the surrounding neighbors will need to find a new place to live to have their current lifestyle. The farming and raising of large animals will be infringed upon by the R3 designation. This is a taking of our rights that we currently have on our land. Like the Lorax, I am speaking for the neighborhood, to save our lifestyle and protect our environment. While the city planner may argue that the new Shoreline development is “high density” the Shoreline developer changed the lot size on the “edge” lots for a buffer zone to protect our agricultural lifestyle and are R1 size lots. The focus of my class lesson was on sustainable development. Allowing developers like the once-ler is not sustainable. As a city council, do not be a onceler – Do not continue to support the onceler’s. At the end the Onceler shows the boy the “UNLESS” – a single word – a faraway thought something that somebody ought You ought to care for our neighborhood and our rights – don’t put farmers last – our open space land provide homes for migratory birds, pheasants, raptors, such as falcons, hawks and owls. I believe the growth in Syracuse is not sustainable at the current rate of high-density housing that is coming in. The council is allowing the greed of a single onceler will take away the rights of those who already live in the area. Do not allow the rezoning from R1 to R3.”

Keith Bourgeois added that he has reviewed the City’s 2050 Plan document and he is trying to understand how the medium density overlay zoning was placed across his property, which is currently zoned for agricultural use. This change will drastically change the community and is giving potential buyers the belief that they can purchase property and are guaranteed to receive approval of a medium density residential zoning designation. He stated this needs to be resolved somehow, but he is unsure of his options for pursuing that resolution. He then stated that the proposed development that is before the Council does not meet City standards in regard to roads and other infrastructure improvements; it will not be harmonious with overall characteristics of existing development. Instead, it will be reliant upon the overlay zoning that is not compatible with the existing land use in the area. This will create an immediate conflict between existing residents and future residents. He asked that the Council direct the City Planning staff to work with the developer and existing residents to address these issues. The residents are not opposed to development, but it must be responsible and harmonious.

Don Knighton addressed the agenda item dealing with development of property at 1850 West 1700 South; he and his neighbors have been trying to schedule a meeting with the developer to talk about the concerns of the residents living in the Walker Estates project, but he has been unsuccessful to date. However, they will meet later this week to discuss the things that the Walker Estates residents have requested to make them more comfortable with the project. He added that it would also be valuable to address some issues with administering the City Code in regard to matters such as parking. He has expressed concerns about tandem parking since this project was initially proposed, though the ordinance indicates that it should not be allowed. He is also concerned about road widths and they do not meet the requirements listed in the Section 10.40 of the City’s land use code. He has asked the City for information about why this Section is not being enforced and staff has only indicated that the Section does not apply to this development. He stated that is confusing to him since Section 10.92 refers to Section 10.40 for parking regulations. Someone needs to address these discrepancies and the State of Utah has indicated that the City should not continue with consideration of this project until the discrepancies are fixed. Each time he speaks to someone about his concerns, it seems to fall on deaf ears.

Paula Knighton stated one of the most difficult challenges to planning more intense community development has been the protection of living conditions in adjacent neighborhoods, especially preserving privacy, solar access, and character of adjacent residences. Maintaining livability in nearby residential areas is critically important. When discussing the mixed-use development next to Walk Estates, the City has already heard the appeals referencing the City’s own words about unit density distributed with extreme sensitivity to adjacent development types and density and tapering down the units per acre. However, the physical impacts that will be created for adjacent residences generally rise from two sources; ground level activity, such as parking and services and upper story impacts affecting privacy, sunlight, and visual qualities. Syracuse City Code 10.50.030(C) states that the City will provide adequate light, air, and privacy to meet the ordinary of common requirements of happy, convenient, and comfortable living of the inhabitants of Syracuse and to foster a wholesome social environment. Height limits are important measures to protect privacy and views, and to promote the adequate provision of sunlight, air, and visual safety. The City is not just considering three story apartments abutting two- and three-story residential homes; rather, they are considering three story apartments abutting single-story residential homes. She asked how the City can mitigate height invasion and privacy issues through buffering and fencing. Walker Estates was approved by the City approximately 20 years ago as a Planned Residential Development (PRD) for 55-and-older residents; the intent was to provide a secluded, private neighborhood where older people can feel safe and be active. Walker Estates is unique and cannot be treated the same as a general residential area with through streets and varying home heights. The residents of Walker Estates are currently labeled vulnerable during the COVID-19 pandemic; vulnerable also describes how they feel as the City they trusted to preserve and promote their health, safety, convenience, order and general welfare. These residents purchased their home with the intent of spending the rest of their lives there, surrounded by safe, quiet, and friendly neighborhoods with residents who maintain the area with pride of

ownership. They did not envision living out their retirement years with an invasion of privacy from neighbors living three stories above them or the ground level noise from anything but standard residential. The decisions the Council makes tonight are not just decisions on paper; these decisions impact real people every day of their lives for as long as they live in their current homes. The residents of Walker Estates are reeling at the prospect of the loss of privacy and the increase in noise and lack of security; they are mourning the loss of their dream homes and environment. As the Council makes their decisions tonight, she asked them to remember they are impacting the lives of real people.

3. Approval of minutes.

The following minutes were reviewed by the City Council: Business Meeting of September 8, 2020 and Work Session and Special Business Meeting of September 22, 2020.

COUNCILMEMBER BOLDUC MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA AS PRESENTED. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED AYE.

4a. Common consent: Authorize Administration to execute Payback Agreement related to installation of infrastructure improvements by the Fields Subdivision.

A staff memo from the City Attorney explains City code permits the City to enter into payback agreements to help developers recoup the cost of infrastructure that will benefit other abutting developments. Syracuse Municipal Code Section 8.10.140. These are also referred to as pioneering agreements. It is an equitable arrangement so that one property owner does not bear a tremendous burden, while another receives a windfall. Our City Engineer has attributed percentages of benefit for abutting owners from the infrastructure. The total cost of the infrastructure is calculated, and percentages are then applied. The Agreement is recorded against the abutting property owners and is valid for ten years. If development occurs more than ten years later, then the original developer is not provided any compensation. The City is not liable for unpaid amounts and this will not cost the City anything. The memo concluded that the goal of this discussion is to determine whether to consider a resolution authorizing the execution of the payback agreement related to the Fields Development.

COUNCILMEMBER TEAGUE MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE PAYBACK AGREEMENT RELATED TO INSTALLATION OF INFRASTRUCTURE IMPROVEMENTS BY THE FIELDS SUBDIVISION. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

4b. Common consent: Proposed Resolution R20-34 amending the Syracuse City Personnel Policies and Procedures Manual.

A staff memo from the Administrative Services Director explained City staff has reviewed various sections of the Personnel Policies and Procedures manual and would like to recommend changes as noted in the red line edits on the attached PDF document. Below is a summary of significant changes:

- 1.090 & throughout the policy manual – changes from Human Resource Specialist to Human Resource Manager (some areas still say Human Resource Specialist because it relates to that position rather than the Manager position)
- 3.010 – added evaluations to says that the city shall not discriminate while doing evaluations
- 3.080 – added that nonpublic safety can hire from a previous applicant pool within 6 months, public safety can within 1 year
- 3.110 – added that a veteran's spouse or widow may get preference points and defined eligible spouse
- 5.050 – added that a FT employee may choose to forego merit increase and get 25 hours of vacation
- 8.050 – removed the words "from duty" since the sentence means the same thing even with removal
- 8.080 – Added that the City pays out unused accrued holiday leave for police and fire employees at termination (we already do this but it wasn't in policy)
- 8.090 (g) (3), (4), (h) & (m) – Took out forms as an appendix, the forms expire every few years and the forms have to be updated in the policy manual. The employees also cannot utilize the forms from the policy manual, because the HR Manager needs to fill them out and then give them to the employee to have the doctor fill out the rest. Added that the forms can be obtain from the HR Manager.
- 8.100 – added an employee on military leave must notify HR to be reinstated when leave ends
- 8.110 – added that employee on jury duty will be paid for regular scheduled hours and is required to turn over check to city
- 13.100 (C) (1) – added positions that were missing from the random non-dot drug screen list
- 14.130 (a) – added positions that were missing from the random DOT drug screen list
- 16.050 (e) – fixed a typo for the work employees
- 16.050 (i) – added that employees shall report hazardous and dangerous conditions
- 16.100 – Added a Fire Safety and Evacuation Plan.

- 19.030 – Added the process of approval for an emergency preparedness item that is not on the pre-approved list, must be approved by the city manager
- 20.110 (b) – Added Fire Marshal to the list of employees who are allowed to have a take home vehicle.
- 20.120 – Added Fire Marshal to list of employees that are exempt for the IRS take home vehicle guidelines
- 23.020 – changed when employees are expected to be evaluated to match what we are doing. Added that crossing guards and rec. assistants aren't evaluated on an annual basis.
- 23.030 – added that evaluators may get input from other supervisors who may indirectly supervise their employee and that they may be reviewed by the next level supervisor or department head.

COUNCILMEMBER TEAGUE MOVED TO ADOPT RESOLUTION R20-34 AMENDING THE SYRACUSE CITY PERSONNEL POLICIES AND PROCEDURES MANUAL. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Hear presentation of arguments for and against the issuance of General Obligation Bonds for the purpose of constructing a 50-acre park. Accept public input.

A staff memo from the City Recorder explained Pursuant to the provision of the Transparency of Ballot Propositions Act, Title 56, Chapter 1, Part 16, Utah Code Annotated 1953, the Governing Body is required to hold a public meeting to hear the presentation of arguments for and against the issuance of General Obligation Bonds and provide an interested party desiring to be heard the opportunity to present oral testimony.

Ms. Brown reviewed her staff memo, after which she read both the “for” and “against” arguments for the record of the meeting.

ARGUMENT FOR BONDS

Where Syracuse farmland once produced onions, we now produce children. From 1880 until 1980, our population grew by just a couple thousand. Within the last 30 years, we have grown by ten times that amount and expect to again double our current population in the next 20 years. We are growing exponentially, and we have our rich familial heritage to thank.

Our community tapestry holds a fondness for recreation. The Parks Development Master Plan has adopted the ratio of 5.6 acres of parkland per 1000 residents. Currently our city has 151 acres of developed parkland, which means with our population over 31k, we are already 35 acres short.

We have reached capacity in our Parks and Recreation department. Without the proposed regional park, we will shortly have to turn families away from city sponsored recreation as well as limit offerings. As our population increases, so will the need for programmable and open space. We must do more to preserve land for our present and future needs.

The proposed regional park will be built on 50 acres at 2000 West and Gentile. Some of its amenities include several full-size athletic fields, basketball and pickleball courts, a large playground, pavilions to accommodate parties and family reunions, a grand performance pavilion, connecting walking and running trail systems and shaded seating and eating areas. Previously labeled a “white elephant” because of lack of fertility, this soil will be built up and enjoy line of sight open space, as it will neighbor the Nature Conservancy District. From beginning to end, it is expected to be completed within approximately 3 years. The completion date is also expected to coincide with work on the West Davis Corridor, which will provide easy access and invite visitors to our community to participate in tournaments and events. With the loss of sales tax revenue from RC Willey, financial sustainability is imperative to our city. Future employers look for amenities that attract employees and this park will guide that investment.

We would like to pay for the park with a combination of city funds, personal and private donations, grants, and bonding. The most recent estimate for the park is approximately 33 million. The maximum amount we propose bonding for is 26 million. We will continue seeking all other means to fund this park while in the process of development and any funds gathered will be used to either decrease the amount we bond for or pay off the bond early. By starting now, we hope to curb the loss of value to funding ratio that inevitably occurs with inflation.

We propose combining the regional park bond with a current bond used for our city building, police and fire stations and public works building. For about \$4.50 more per month, we will distribute the costs more equitably for these facilities across current and future households.

This park is vital to Syracuse and we hope our citizens will see the wisdom in proceeding with the bond.

Authors: Mayor Mike Gailey – mgailey@syracuseut.com
Councilmember Lisa Bingham – lbingham@syracuseut.com
Councilmember Corinne Bolduc – cbolduc@syracuseut.com
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1979 W. 1900 S., Syracuse, UT 84075 – 801-825-1477
(No rebuttal to this argument was submitted)

ARGUMENT AGAINST BONDS

Syracuse does need more park space to accommodate the needs of the citizens in the city both young and old. The proposed 50-acre park is well planned to meet the needs of all citizens. The argument is not against a park but how to fund it.

Bonding for the park may significantly handicap the city's ability to provide for basic services. The city has struggled for more than a decade under sizable bonds to pay for vital service buildings such as city hall, the fire station, and more. The need for a new water tower could only be solved with yet another bond. All city bonds could be retired in just a few short years; however, this proposal extends the current level of bonding out through 2042. Future infrastructure bonds could end up at a higher rate because the city has extended its debit.

This bond tax is relative to your property value reflecting approximately a 25% increase. Ideally it would end. None of your current city officers are expected to be in office in 2042, so no person can promise the tax will end there. It is a common practice of government to repurpose such a tax allocation beyond its purpose because the citizens have grown accustomed to paying it over 20+ years. After enduring the tax, it will be presented as money you already pay, applying the same amount to a different use. Effectively you are voting for another large tax increase with no end.

Fundraising should have happened before taxing the population. Syracuse began the process of planning for this park 5 years ago. With the first indication of a large cost for the park the plan was effectively put on the shelf. Years of fundraising should have taken place before now. To only start the process of fundraising in all the various forms after putting this tax measure on the ballot is a disservice to the people. How much could be raised to offset your burden? Which sources could relieve this tax burden? What options are available to lower the cost of the park?

This park is over designed, NOT in terms of services, but in terms of engineering. Because the land has a history of being considered infertile, the engineering jumped to the assumption that a minimum of 8 feet of fresh soil is needed across all 50 acres. It was suggested when planning began that some science be applied to seek alternatives, which has yet to happen. In the initial cost estimate over \$6 million dollars was added for unknown costs. Will that extra \$6 million be spent wisely? We don't know, so why start by funding it. Value engineering efforts could bring the cost down significantly and should happen before asking the people to fund the full amount.

The park will be a great benefit to the city. Better planning before taxing is the responsible way to govern. Funding this project should not begin with your wallet but be the last resort.

Author: Councilmember Dave Maughan – dmaughan@syracuseut.com
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(No rebuttal to this argument was submitted)

Mayor Gailey then invited public input regarding the bond position statements.

Josh Hughes stated that when he first heard about the park bond, he was unsure whether he would support it because he is generally opposed to government debt, but as he looked into the project further he developed the opinion that this is an essential project and need for the City. He was taught as an individual to only go into debt for essential things, such as buying a home or for higher education. That same logic applies to the City for essential things; he does not think the City could save enough money to even cover inflation on the cost of completing this project if it is delayed several years. He added that if the private sector would fill this need, he would prefer that government not move forward; however, parks is an amenity that will never be fulfilled by the private sector. He referred to the opposing argument for the bond and indicated he feels it is misleading to say that property taxes will increase by 25 percent; he clarified that just the City's portion of a resident's property tax bill will increase by 25 percent, but the reader might believe that their entire property tax bill will increase by that amount. Additionally, pursuing financial support from the private sector is a great idea, but most private institutions are not excited about making the first donation to a project; rather, they want to have an understanding that a project is imminent and will proceed before they contribute to it. Finally, he agreed with the opposing argument that the plan is not complete, but there is time to work through some of those things; the first step, however, is to secure fundraising before spending more time, effort, and money on refining the plan.

Bonnie Bourgeois agreed with Mr. Hughes and his concerns about the City going into debt for the project and the future costs associated with that debt as well as ongoing maintenance of the facility. She asked if the City has projected ongoing maintenance costs and if taxes will only be increased higher to fund it. She asked how this project will not be a continued burden for citizens.

Arce Nacario stated that he has coached little league football in the City for seven years now; the importance of this type of project is huge, especially for kids. He understands the concerns about costs associated with the project but asked if those concerns should outweigh the opportunities the park will create for kids. Here they will gain friendships that are long lasting. He reported that the City's two junior mite football teams played in a tournament in West Haven known as Octoberfest; both teams won their respective divisions, yet Syracuse does not have a park where it would be possible to host that type of event here. Syracuse teams are always forced to travel to other cities to play; this means that Syracuse residents are financially supporting those cities through the dollars spent at businesses and restaurants. He added that his oldest son has the best set of friends because of his involvement in sports and he is supportive of the City building a facility that will create that opportunity for other children. He indicated that he would pay twice the amount listed in the voter information pamphlet to support the project.

Don Knighton asked if the City has an agreement with the Federal Government to avoid wetland mitigation for projects like this one. He asked if the City has a wetland bank to transplant the wetlands on the park property to another site. He also asked if there are other uses for the 50-acre parcel given its proximity to a future interchange on the West Davis Corridor; he wondered if a park is the best use of that space when it may be possible to use it for industrial or commercial uses instead. He stated that Syracuse is running out of land that could be used for projects that would contribute to the tax base rather than detract from it. He understands that the City is behind the park provision requirement that is based upon population, but that ordinance is self-prescribed and he wondered if there is a State law that dictates the amount of park space a City must have based upon the total number of residents. There are other parks in the City that seem to be unused for a good portion of the day and he asked why the City isn't focused on doing a better job managing those.

Matt Page stated that he is not opposed to parks in general and everything that has been said about the benefits they provide to the community is accurate, but his concern relates to the manner in which the City has moved forward with this project. He believes the City has taken an improper approach and is trying to 'pull the wool over citizens' eyes' relative to the debt burden associated with the park. The burden will extend to future generations of the City and he does not think that is fair, especially at a time when the world is in financial turmoil. He does not think it is a wise decision for the City to spend all of its reserve funding on a park. He also feels that the site for the park is not the best; there will be huge problems with mosquitos. He added that rushing to place a bond question on the upcoming General Election ballot was only done because the City knows that the Davis School District will be asking for bond support next year and it would have been difficult for the City to compete with that. The City needs to employ a different mindset; rather than burdening taxpayers, government needs to 'tighten its belt'. Citizens deserve to know that the main reason the ballot question was rushed was to avoid competition with a school bond next year.

Nicholas Coleman stated he is the chair of the Political Issues Committee (PIC) that was formed to support the park bond and to get the park built. He stated he has worked in the parks and recreation field for approximately 20 years and he has seen many other projects like this built in other communities; he feels the City has needed this regional park for many years. He has heard arguments against the park citing the need for increased public safety funding, but he feels that building a park like this can help to prevent crime and other health/safety issues; if people are being active, they are not participating in unhealthy or unsafe activities. He noted that during the COVID-19 shutdown, there has been an increase in many different types of crime, and he feels this is because gymnasiums and parks have been closed and people are looking for other things to do. He stated that he feels if the Police and Fire Chief were asked to weigh in on this project, they would likely support it 110 percent because they see the value of the park in the long run. He stated that he feels the City's citizens deserve this park; it is an investment in the people that live and work here. People of all ages, demographics, and interests can use the park for unorganized and organized events. He has worked as a sports official for many years and this has taken him to parks throughout the State, all of which are packed during major events, which can create an economic benefit for a community. He noted he worked in a community in Florida that was building a large sports complex. It was necessary to bring in a large amount of dirt to raise the level of the ground that the facility was built on and it was the best investment that community has ever made. He concluded that fundraising for the project is great idea, but he has never seen a community raise enough funds from private donors to build this type of facility; bonding will get the project built and the maintenance costs of the facility will be covered with revenues generated by usage and rental fees of the facility.

Mayor Gailey offered Councilmember Maughan an opportunity to respond to the comments made. Councilmember Maughan stated that he feels his written argument speaks for itself, but added that he is concerned about the local and regional economy; there are many residents who are reeling from the impact that COVID-19 has had on their finances and he does not think this is the best time to be asking taxpayers to pay more. He is disappointed when he hears from people that they are being shamed for not supporting the bond based on the fact that they cannot afford it. He stated that there are people who will struggle to pay increased taxes and it is shameful that other residents would disparage them. He wants to build the park as well, but he does not believe the City should start by increasing the burden on citizens. He stated the matter is up for a public vote and the City will go in whatever direction the voters choose.

Mayor Gailey offered Councilmember Teague an opportunity to respond to comments made. Councilmember Teague stated that in regard to the cost of the park, there has been much information shared; relative to project costs, some have quoted it as being over \$50 million, but that cost is not firm. The total cost of the project can be reduced if the design is scaled back and private fundraising campaigns are successful. He has spoken to many people in the community about the project and has been supportive of fundraising efforts, however the Councilmember that is the chair of the fundraising committee has not done the same. This is not a new project, rather it is one that has been discussed in the City for at least five years and no one has ever indicated that fundraising was not allowed; the people he spoke to indicated they would love to donate to and support the project, but they needed indication that the City is committed to the concept through support of the bond. He noted that the entire bond amount does not need to be spent if the City is able to secure other funding sources; the average home will pay \$4.50 per month for the project, but as more homes are built, that burden will be reduced and spread evenly amongst all homes in the community. The cost can fluctuate from year to year based upon property values, but if a property value increases, the tax rates are adjusted to allow a resident's tax burden to remain static. This project will give the City the ability to improve other facilities because it will be possible to rotate usage of facilities to other fields, which will give sports turf a chance to recover from overuse. He noted that making comments that the City is 'pulling the wool over the citizens eyes' is a big

disservice to the citizens because the best litmus test about whether the citizens support this project is to allow them to vote on the issue during a presidential election cycle when the turnout is much greater (approx.. 15,000 voters) than in a municipal election (approx. 5,000-7,000 voters). If a bond passed in a municipal election year, the City would be issuing bonds based upon the support from a smaller representation of the community. He stated that the City initially planned to wait until next year because Davis School District initially planned to ask the bond question this year, but when they changed their direction and moved their election to next year, the City chose to poll residents this year to allow them the opportunity to weigh the merits of the bond and project independent of other issues. He stated he feels this is the right direction for the City to move in and he feels the project will be a great amenity for the entire community.

6. Authorize Administration to execute Interlocal Agreement with Mosquito Abatement District Davis for use of CARES Act funds.

A staff memo from the City Manager explained that during the July City Council work session, the Council reached consensus on a plan that outlines the City's utilization of the \$2.7 million of CARES Act funds that it is scheduled to receive. The MADD has reached out to the cities and county in Davis County to assist with COVI-19 related expenses incurred. As a special service district, MADD does not receive CARES Act funding directly. The main focus of the expenses was to combat COVID-19 by protecting their employees and providing means to accomplish their work with lower risk of infection. The memo summarized the major terms of the agreement as follows:

- The City will remit \$1,739 to MADD for qualified expenses under the CARES Act.
- If any MADD expenses are deemed to be non-qualified for CARES Act spending, the City will reimburse the State or Federal government, and MADD will reimburse the City for those expenses.
- If MADD desires further assistance, the agreement allows them to submit a request, which will be reviewed and voted on by the City Council for approval or denial.

The following is the City's plan for utilization of CARES Act Funding:

Phase 1: \$900,000

1. \$450,000 Davis County business assistance program.
2. \$120,000 Business grant program (non-county recipients).
3. \$179,800 Continued assistance for businesses impacted by COVID-19.
4. \$70,200 Davis Education Foundation Child Care Assistance Program
5. \$80,000 Hazard pay for public safety.

Phase II: \$900,000

1. \$140,000 Technology improvements for teleworking functions.
2. \$75,000 Reserved for supplies, PPE, and other preventative measures for City staff and customers.
3. \$174,800 Improvements to 10 City conference rooms, including Council Chambers to provide functional virtual meetings and trainings.
4. \$70,200 Davis Education Foundation Child Care Assistance Program
5. \$250,000 RDA loan forgiveness.
6. \$65,000 Reserved for potential "full disinfectant" of City buildings.
7. \$125,000 Firefighter/AEMT COVID prevention equipment

Phase III: \$900,000

1. \$ 150,000 Improve CED and administrative transactional processes to better serve public electronically.
2. \$ 100,000 Hazard pay for public safety.
3. \$ 650,000 Reserve for contingency or return to US Treasury.

If the Council agrees with the MADD proposal, one possible amendment could be as follows:

Phase 1: \$900,000

1. \$450,000 Davis County business assistance program.
2. \$120,000 Business grant program (non-county recipients).
3. \$179,800 Continued assistance for businesses impacted by COVID-19.
4. \$70,200 Davis Education Foundation Child Care Assistance Program
5. \$80,000 Hazard pay for public safety.

Phase II: \$900,000

1. \$140,000 Technology improvements for teleworking functions.
2. \$73,261 Reserved for supplies, PPE, and other preventative measures for City staff and customers.
3. \$1,739 Mosquito Abatement District COVID-19-related expenses
3. \$174,800 Improvements to 10 City conference rooms, including Council Chambers to provide functional virtual meetings and trainings.
4. \$70,200 Davis Education Foundation Child Care Assistance Program
5. \$250,000 RDA loan forgiveness.
6. \$65,000 Reserved for potential "full disinfectant" of City buildings.
7. \$125,000 Firefighter/AEMT COVID prevention equipment

Phase III: \$900,000

1. \$ 150,000 Improve CED and administrative transactional processes to better serve public electronically.
2. \$ 100,000 Hazard pay for public safety.
3. \$ 650,000 Reserve for contingency or return to US Treasury.

Mr. Bovero reviewed his staff memo.

Councilmember Bolduc indicated the MADD Board reviewed and approved the agreement at their last meeting; they accept all terms included therein. She then noted that all expenses that will be covered with the funding are expenses directly related to COVID-19. She communicated that MADD is very grateful to the City for their consideration of their request for support.

The Council briefly discussed the interlocal agreement and communicated their support for funding MADD's request.

COUNCILMEMBER BOLDUC MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE INTERLOCAL AGREEMENT WITH MOSQUITO ABATEMENT DISTRICT DAVIS FOR USE OF CARES ACT FUNDS. COUNCILMEMBER BINGHAM SECONDED THE MOTION; ALL VOTED AYE.

7. Public hearing: Proposed Ordinance 2020-22 amending an Impact Fee Facility Plan and an Impact Fee Analysis for Storm Water; providing for the calculation and collection of such fees; providing for appeal, accounting, and severability of the same; and other related matters; and Proposed Resolution R20-35 updating and amending the Syracuse City Consolidated Fee Schedule by making adjustments to the storm water impact fee and the hydrant meter rental fee.

A staff memo from the Administrative Services Director explained City Administration is proposing amendments to the Storm Water Impact Fee Analysis (IFA) and Impact Fee Facilities Plan (IFFP). The proposed amendments are intended to pull projects forward in our storm water master plan to the IFFP in order to have those projects eligible for storm water impact fee expenses. Changes were made to projects 17 through 22 in the IFA plan. Because these projects will be pulled forward, the storm water impact fee will increase. It is also necessary to amend the City's Consolidated Fee Schedule in order to advertise the increased fee to residents. The current fee is \$7,398.85 per acre and the proposed fee would increase to \$8,967.37 per acre. If the Council approves this change, there will be a 90-day waiting period from the approval date to enact the fee increase. Additionally, there is a proposed Fee Schedule amendment to increase the hydrant meter rental fee from \$1,200 to \$1,700; this fee increase is needed in order to cover the increased cost of replacing the hydrant meter.

Mr. Marshall reviewed his staff memo.

Mayor Gailey opened the public hearing at 7:14 p.m. There were no persons appearing to be heard and the public hearing was closed.

Councilmember Maughan explained the purpose of impact fees is to charge new residents the cost associated with the impact the construction of a new home has on the City's infrastructure; it is appropriate to regularly evaluate and increase these fees to cover the true cost of the impact. Councilmember Savage agreed, but referenced the document comparing the proposed fee with fees charged in other cities and noted that the City's fee is nearly double other cities. He asked for an explanation of that. Mr. Marshall stated that he originally had the same concern but indicated that these types of fees can vary dramatically from city to city depending on the future projects identified to accommodate future growth projections. Public Works Director Whiteley stated that is correct; the City has a great deal of storm water work to complete as growth occurs to the south and west; many storm waterways are open ditches, but as development occurs it will be necessary to pipe those ditches at a size that is big enough to handle increased development. Councilmember Savage asked if the West Davis Corridor project has an impact on this fee. Mr. Whiteley answered no and reiterated that the increased costs truly are related to the storm water infrastructure improvements that will need to be completed to handle future growth. Many of the communities that were used for comparison purposes are much different geographically and their future growth will be infill, which allows for easy connection to existing storm water systems.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT ORDINANCE 2020-22 AMENDING AN IMPACT FEE FACILITY PLAN AND AN IMPACT FEE ANALYSIS FOR STORM WATER; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES; PROVIDING FOR APPEAL, ACCOUNTING, AND SEVERABILITY OF THE SAME; AND OTHER RELATED MATTERS. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED AYE.

COUNCILMEMBER BOLDUC MADE A MOTION TO ADOPT RESOLUTION R20-35 UPDATING AND AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE BY MAKING ADJUSTMENTS TO THE STORM WATER IMPACT FEE AND HYDRANT METER RENTAL FEE. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED AYE.

8. Appeal of Administrative Decision filed by Paula Knighton.

A staff memo from the City Attorney explained the Syracuse City Code provides the following:

10.20.120 Appeal of administrative decisions.

- (A) Purpose. This section sets forth procedures for appealing an administrative decision applying provisions of this title.
- (B) Authority. The Board of Adjustment, Planning Commission, or City Council, as designated in this title, shall hear and decide appeals from administrative decisions applying the provisions of this title as provided in this section.
- (C) Initiation. Any person adversely affected by a decision administering or interpreting a provision of this title may appeal to the Board of Adjustment or City Council, as applicable. A complete application for an appeal shall be filed within 15 days of the decision.
- (D) Procedure. An appeal of an administrative decision shall be considered and processed as provided in this subsection.
 - (1) A complete notice of appeal shall be submitted to the office of the Community Development Department on a form established by the Department along with the fee established by the City in its consolidated fee schedule. The notice of appeal shall include at least the following information:
 - (a) The decision appealed;
 - (b) Grounds for the appeal; and
 - (c) A description of the action claimed by the applicant to be incorrect.
 - (2) After the notice of appeal is determined to be complete, the City shall schedule a hearing before the appropriate body. Notice of the hearing, whether before the Board of Adjustment or City Council, shall be given as provided in SCC 10.20.040. Prior to the hearing, the Community Development Department shall transmit to the appellate body all papers constituting the record of the appealed action.
 - (3) An appeal to the Board of Adjustment, Planning Commission, or City Council shall not stay proceedings taken in furtherance of the action appealed, unless such proceedings are specifically stayed by order of the Land Use Administrator. An appellant may request a stay by submitting to the Land Use Administrator, in writing, a request for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the Land Use Administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five days from the submittal date to the Land Use Administrator. The Land Use Administrator, in granting a stay, may impose additional conditions to mitigate any potential harm caused by the stay, including requiring the appellant to post a bond. Within 10 days of the Land Use Administrator's decision regarding the grant or denial of a stay, any aggrieved party may appeal the decision to the appellate body with jurisdiction over the appeal, whose decision will be final.
 - (4) The appellate body shall conduct a hearing based upon the record only, taking no new testimony or new information but relying solely upon the information and final decision of the officer or body from whom the appeal was taken. The appellate body shall thereafter affirm or reverse, wholly or in part, the lower decision, modify that decision, or impose any conditions needed to conform the matter appealed to applicable approval standards. If the prior decision is supported by substantial evidence, the appellate body shall affirm that decision. The appellate body shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.
 - (5) A record of all appeals shall be maintained in the office of the Community Development Department.

The memo concluded the following items outline the actions to be taken:

- 1. Conduct the Hearing as provided in Subsection (4) of the above section 10.20.120.
- 2. Decide whether to grant relief by affirming, reversing, modifying or imposing any conditions necessary to conform the matter appealed to applicable approval standards
- 3. The councilmember making the motion should state findings supporting the Council's decision.

Mr. Roberts referred to his staff memo as well as appeal of administrative decision document filed by Paula Knighton. He advised the Council to conduct the hearing as described in Syracuse City Code and determine what action they would like to take responsive to the appeal.

Councilmember Savage stated that he feels the matter appealed by Ms. Knighton is not administrative in nature; rather, the action taken was legislative and the appeal process does not apply to legislative matters. Councilmember Bolduc agreed.

COUNCILMEMBER BINGHAM MADE A MOTION TO DENY THE APPEAL OF PAULA KNIGHTON BASED ON THE COUNSEL OF CITY ATTORNEY ROBERTS THAT THE ACTION TAKEN WAS LEGISLATIVE RATHER THAN ADMINISTRATIVE AND THE APPEAL IS NOT APPLICABLE. COUNCILMEMBER BOLDUC SECONDED THE MOTION.

Council member Maughan stated that the question before the Council is whether this is a legislative or administrative decision; in all the training sessions he has attended, he has learned of the importance of the distinction between administrative

and legislative matters. The City has a Planning Commission that makes administrative decisions on land use matters and the City Council then takes a legislative action and they have the ability to determine whether a project should proceed even if the project is legally permitted. It is important to protect the separation of powers and approval authorities granted to the different bodies in the City.

Mayor Gailey stated there has been a motion and second to deny the appeal and he called for a vote; ALL VOTED AYE.

9. Proposed Ordinance 2020-23 amending Subsection 8.15.010(D) of the Syracuse City Municipal Code pertaining to pedestrian walkways.

A staff memo from the Community and Economic Development (CED) Department explained the City Council recently amended ordinance 8.15.010 (D) relating to pedestrian walkways. Specifically, the amendment was related to fencing adjacent to walkways. There was concern expressed that if there was a scenario where 6' tall privacy fencing was installed on each side of the walk, then there would be an environment created that could be perceived as being ripe for graffiti, crime, and relating undesirable conditions. The Planning Commission weighed in on the idea and felt that risk was low and recommended allowing privacy fencing on both sides of the walkway for an unlimited number of feet. However, City Council tried finding a middle ground and felt that such fencing was ok on both sides of a walkway, but walkway conditions with privacy fencing on both sides should be limited to 50'. This ordinance was adopted, but neighbors adjacent to existing pedestrian walkways were still not satisfied with the amendment as the 50' max requirement would mean that a portion of the fencing which they were accustomed to would need to be removed resulting in reduced privacy for that particular homeowner. A slight majority of Council was sympathetic to the homeowner's plight. As per standard protocol, any and all ordinance text amendments relating to land use and planning, require the PC to weigh in with a recommendation on the matter. The question at hand is: Should there be a limit on the number of feet a walkway can have privacy fencing on each side? If yes, what is that magic number? The neighbor is petitioning to have it say 110' to avoid the above-mentioned fencing predicament they are plagued with.

The Planning Commission reviewed the item on October 6 and is recommending that section 8.15.010 (2) (D) be removed in its entirety so that fences may be built on both sides of pedestrian walkways for any length. The goal of tonight's discussion is to vote to either amend the ordinance as recommended by Planning Commission, vote to amend the ordinance with language to the Council's liking, vote to deny amending the language, or vote to table the item for further discussion.

Mr. Steele reviewed the staff memo.

Councilmember Teague acknowledged that this issue has been discussed at length and the Council recently made a decision on the language to be included in the ordinance; however, some residents impacted by the ordinance amendment have asked that the Council reconsider their action and he appreciates their position. He has attended the meetings of the Planning Commission during which this topic was discussed, and he supports the logic behind their recommendation and would support the amendment as they have proposed it. Councilmembers Bolduc and Bingham agreed.

Councilmember Maughan stated that he has voted on this issue three different times now and he thinks it is ridiculous for the Council revisit it again. The Council needs to consider how code amendments apply to the City as a whole rather than considering how they apply to one or two individuals. Universally, this is not a good decision and amending the code for one person is bad policy making. Councilmember Bingham stated that this is an issue that impacts many more than one or two people; it impacts those living directly adjacent to the walkway as well as the many neighbors who live nearby. She concurs with the suggestion from the Planning Commission to delete the portions of the ordinance that give a specific measurement for the fence and she feels this will help to address the concerns that have been raised by those directly impacted. She stated she is simply trying to listen to the citizens and address their needs; if the Council cannot support that concept, the City needs to surplus the property as initially discussed.

Councilmember Savage stated adoption of this ordinance would be an example of the City Council passing policies that are inconsistent throughout the City. The City does not allow fences in a front yard in any area of the City, but the Council is considering allowing a fence in a front yard in this instance. He thinks that is ridiculous and creating additional exceptions will only create confusion. The ordinance that was adopted recently was well thought out and included appropriate fence measurements and setbacks, but this new amendment is responsive to a request from a resident to partially fence his front yard and the Council appears to be in support of that. He stated he desires consistency. Councilmember Bolduc stated there are only two or three of these types of walkways in the City and the ordinance will only apply to fencing of properties abutting those walkways; residents throughout the entire City will not be allowed to install fencing in their front yard.

This led to high level debate and discussion among the Council regarding the options available to them, with Mr. Steele offering clarification of the location of the fence in the property abutting the walkway; he would not consider the existing fence to be located in the front yard for the purposes of enforcing the code. Councilmember Maughan expressed concern about applying different standards for code enforcement of yard fencing throughout the City.

COUNCILMEMBER BOLDUC MOVED TO ADOPT ORDINANCE 2020-23 AMENDING SUBSECTION 8.15.010(D) OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO PEDESTRIAN WALKWAYS. COUNCILMEMBER BINGHAM SECONDED THE MOTION. VOTING AYE WERE COUNCILMEMBERS BINGHAM, BOLDUC, AND TEAGUE. VOTING NO WERE COUNCILMEMBER MAUGHAN AND MAYOR PRO TEM SAVAGE. THE MOTION CARRIED.

10. Proposed Ordinance 2020-20 amending the Syracuse City Zoning Map from Residential R-1 to Residential R-3, for property located at approximately 2889 S. 3000 W.

A staff memo from the Community and Economic Development (CED) Department provided the following information about the application:

Location:	2889 S. 3000 W.
Current General Plan:	Medium-Density Residential (Cluster, R-3, RPC, PRD, NS)
Current Zoning:	R-1 (2.3 units per acre) minimum 12,000 square foot lot
Proposed Zoning:	R-3 (4 units per acre) minimum 8,000 square foot lot
Total Site Area:	2.448 acres

The applicant has requested approval of a rezone of 2.448 acres from R-1 to R-3 with the intent of building a road and single-family housing. The R-3 zoning would allow up to 10 units (five on each side of a central road). This would provide a connection between 3000 West and the stub road that is planned just east of the property in the Shoreline Subdivision. There are some potential limitations to neighboring properties by the type of development that would be allowed by the rezone to R-3. The properties to the north and south are currently in the R-1 Zone which allows farm animals. According to SCC 10.30.040(C)(2) *all pens, barns, coops, stables, corrals, and other similar enclosing structures to keep animals or fowl shall be not less than 50 feet from dwellings on adjacent lots, not less than 20 feet from a dwelling on the same lot, and not less than 150 feet from a public street, except on corner lots where such structures shall be not less than 50 feet from a public street.* If a road were placed on one side of the property, it may fully restrict the construction on these types of enclosures, depending on the width of the adjacent property. This only applies to structures. The right to maintain farm animals on the property would not be affected by the proposed rezone. The proposed zoning is permitted in the medium-Density Residential General Plan Designation which was updated by the City Council in 2019 and is the zoning with the lowest density aside from the Cluster Zone. Planning Commission reviewed the item during their meeting on 9-1-20 and is forwarding a recommendation for conditional approval. Commission is recommending approval of the rezone only if ordinance 10.30.040(C)(2)(a) concerning regulations for farm animal pens and structures are amended. The motion passed unanimously. The memo concluded the goals of tonight's discussion are to vote to either approve, approve with conditions, deny, or table the rezone request.

Mr. Steele reviewed his staff memo.

Mayor Gailey invited input from the applicant.

Keith Russell indicated he reviewed the City's General Plan map, which indicates the future zoning of this property is R-3; he noted the General Plan was just updated last year, which led him to believe the guidance in the Plan is reliable. He reviewed the substance of his proposal, calling attention to the wider frontage of the lots, which has led to the lots being larger than the minimum, at 10,000 square feet. After hearing the concerns expressed by the public when the project was being evaluated by the Planning Commission, he amended his plan to follow R-1 zoning guidelines for the lot widths and setbacks; however, he does not have sufficient depth to create 12,000 square feet, so the lots are still smaller than the minimum requirement for R-1 zoning. He stated he feels the design he has created is efficient and aesthetically pleasing. The cost to build the road to serve the project is very high and that is why he has pursued the zoning that allows for more lots. He stated the draft development agreement indicates that he will meet the R-1 zoning requirements with respect to setbacks and lot frontage, but the R-2 zone with respect to minimum lot size. He is willing to sign the agreement and proceed with the development subject to the conditions of that agreement.

Councilmember Bingham asked how many lots would be allowed if the property were zoned R-2. Mr. Russell reiterated that the development agreement specifies a mix of regulations that apply to R-1 and R-2 zoned property; he will develop eight lots, four on each side of the road. Mr. Steele stated that the R-3 zoning designation would actually allow for more lots, but Mr. Russell is compromising and agreeing to regulations for the R-1 and R-2 zone.

Councilmember Bingham asked if the development agreement addresses the concerns raised by existing residents regarding the impact that this new development will have on their ability to keep animals on their property. Councilmember Teague stated that was a topic of heavy discussion at the Planning Commission level as well and he would like to include something in the development agreement that will make it impossible for a future resident to impose a requirement on existing residents relative to the agricultural use of their property. Mr. Steele reviewed the point system for animals, noting that the new development will not result in additional requirements being placed on existing residents relative to animal keeping or agricultural use of their property. However, if the existing residents choose to build any new structures on their property in the future, they will be required to comply with setback requirements for new homes or roadways. Planning Commission has recommended an ordinance amendment that would reduce those setback requirements for the existing residents in this area. Councilmember Teague asked if it would be possible to exempt the existing property owners from complying with those requirements after the new development is completed. Mr. Steele answered no.

Councilmember Savage stated that for other projects or zoning designations, the Council has defined the term 'adjacent' for the purposes of measuring setbacks from specific uses. He would like to extend that definition to other zones in the City to address the issues that have been raised tonight. Mr. Steele stated that would be an acceptable manner of addressing the matter.

Councilmember Bolduc asked for assurance that allowing the new development will not render the existing agricultural properties illegal or nonconforming. Mr. Roberts stated that the existing residents will be allowed to continue the current use of their property. Councilmember Maughan stated he is concerned about the residents' abilities to further improve their property for agricultural uses; they may need to build new structures or animal pens on their property and this new development will limit their options for completing those types of improvements.

The Council then engaged in high level discussion and debate of the appropriate zoning for the project and terms to be included in the development agreement, after which Councilmember Bolduc called the item to question.

COUNCILMEMBER BOLDUC MOVED TO ADOPT ORDINANCE 2020-20 AMENDING THE SYRACUSE CITY ZONING MAP FROM RESIDENTIAL R-1 TO RESIDENTIAL R-3, FOR PROPERTY LOCATED AT APPROXIMATELY 2889 S. 3000 W.

Councilmember Savage stated he is uncomfortable proceeding with adoption of the ordinance until the Council has had the opportunity to review the development agreement.

COUNCILMEMBER BOLDUC WITHDREW HER MOTION.

COUNCILMEMBER MAUGHAN MOVED TO TABLE ORDINANCE 2020-20 AMENDING THE SYRACUSE CITY ZONING MAP FROM RESIDENTIAL R-1 TO RESIDENTIAL R-3, FOR PROPERTY LOCATED AT APPROXIMATELY 2889 S. 3000 W., UNTIL THE COUNCIL HAS THE OPPORTUNITY TO REVIEW THE DEVELOPMENT AGREEMENT. COUNCILMEMBER MAUGHAN SECONDED THE MOTION, ALL VOTED IN FAVOR.

11. Proposed Ordinance 2020-20 amending the Syracuse City Zoning Map related to property located at 1556 S. 2000 W., General Commercial (GC) to Climate Controlled Self-Storage Unit Zone (SU).

A staff memo from the Community and Economic Development (CED) Department provided the following information about the application:

Location:	1556 S. 2000 W.
Current General Plan:	Commercial
Current Zoning:	10.90 General Commercial
Proposed Zoning:	10.94 Climate Controlled Indoor Self-Storage Unit Zone
Total Site Area:	.94 Acres

The applicant Colby Anderson has requested approval of a rezone of .94 acres from GC to the newly created SU zone. The property is within the town center overlay near Walmart and is surrounded by retail uses on the south, west, and east and a middle school to the north. Being a land use related legislative decision, a recommendation from Planning Commission to City Council is required. City Council will make the final decision. The land has sat vacant since the property developed in 2006. The approval standards for a rezone require a recommendation by Commission be provided on whether indoor storage units at this location would be 'harmonious with the overall character of existing development, if it would adversely affect adjacent property, and if there are adequate facilities and services to the property. The commission should also decide if the proposal is in conformance with the purpose language of the SU zone. The SU zone says that superior architecture, landscaping, durable exterior cladding are expected, and that this use is anticipated to be located on sites that are less than prime and ideal for infill. They should also review the potential highest and best use of the property long term. The commercial general plan designation would support the following zoning: General Commercial (which it is currently), Professional Office, Mixed Use, and Neighborhood Services. The town center development is limited by private CC&R's. If there are violations to the requirements of the CC&R's the surrounding landowners could enforce the covenants and restrictions without city interference. The proposed building height is 42' but the SU ordinance max height is 35'. If the zoning were to be approved, the building height would need to be brought into compliance before site plan approval and consequent building permit granting could occur. Planning Commission reviewed the item during their meeting on 9/15/20. They voted unanimously to recommend approval of the rezone. The memo concluded the goals of the discussion are to decide whether to approve, approve with conditions, deny or table the item.

Mr. Steele reviewed his staff memo.

Councilmember Teague stated the Council received an email from a group of nearby property owners who are part of an association that is governed by private CCRs. The group has indicated this proposed project would be out of compliance with CCRs for that project. He asked the applicant to address that issue. Mr. Anderson stated that he has reached out to several of those property owners and has talked with an attorney that would assist in amending the CCRs to allow the project. He has not received heavy resistance from other property owners, and he would pursue the CCR amendment immediately after the City acts on his application. Councilmember Maughan stated that if just one property owner would oppose the CCR amendment, the City needs to know that before taking action on the zone change. Mr. Steele stated that the City does not have purview over private CCRs; however, the City has received a letter from at least one property owner indicating he would oppose the CCR amendment. City Attorney Roberts agreed this is a private issue and he is unsure whether the CCR amendment would require unanimous support of all property owners. Mr. Steele suggested that the Council take action on the ordinance independent of any information regarding a private matter.

The Council then discussed whether the proposal is the highest and best use of the subject property; while several Councilmembers are happy that the applicant is willing in investing in the City, they are unsure this is the best location for this type of project. Additionally, other storage unit projects have been approved recently and some Councilmembers were concerned about too many of the same type of projects at one time.

COUNCILMEMBER BOLDUC MOVED TO DENY ORDINANCE 2020-20 AMENDING THE SYRACUSE CITY ZONING MAP RELATED TO PROPERTY LOCATED AT 1556 S. 2000 W., GENERAL COMMERCIAL (GC) TO CLIMATE CONTROLLED SELF-STORAGE UNIT ZONE (SU). COUNCILMEMBER BINGHAM SECONDED THE MOTION, ALL VOTED IN FAVOR.

12. 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. (Antelope/SR 108)
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. The project was reviewed again by City Council on 9/8/20. There were discussions surrounding the feasibility of the office portion and how to ensure that the office will indeed be built. Ways to minimize impacts to the neighbors to the south were also discussed. The item was tabled so council could have more time to discuss the application. The item was again discussed on 9-22-20 where the council continued discussion on architecture and the office buildings. It was requested that elevations for the second office building be provided which the developer has since furnished and are included in the packet. 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 and facilitated a discussion and review of the changes that have been made to the plan since the Council's last review.

Councilmember Maughan asked for more information about the tandem parking in the project. Mr. Preston first apologized to Mr. Knighton and the Walker Estates HOA; he was hoping to have a meeting with them prior to tonight's meeting, but he did not see Mr. Knighton's response soon enough to schedule a meeting. They will meet eventually, but he thanked Mr. Knighton for his input and efforts as well as the suggestions he has provided for addressing the concerns that have been raised. He then stated that he has used tandem parking in other developments he has completed and residents are not allowed to use their garage space for storage; rather, the garage space is their primary parking space and the secondary space is the area directly in front of the garage. He stated that the company hired to manage the project will oversee and enforce that regulation. This led to high level discussion and review of the plan to identify parking option for residents of different buildings in the project. Councilmember Savage expressed his concern about limited parking area for guests visiting the project; he does not want tandem parking to be the norm and wondered if it is appropriate to pursue a text amendment to specify that tandem parking is an exception to the rule, not the rule itself. Councilmember Maughan agreed and this led to debate among the Council regarding the appropriateness of a text amendment to the ordinance for mixed use projects to specify that tandem parking must be approved as an exception. Councilmember Savage stated that he would recommend a text amendment that specifies that in addition to tandem parking, there must be an allowance for additional satellite parking in the project. Mr. Steele stated he can work with Mr. Roberts to develop a text amendment that satisfies the Council's desires.

Mr. Steele then drew the Council's attention to the elevations for the project and asked if they support a pitched roof or flat roof. The Council stated they could accept either version of the elevations and Councilmember Maughan stated he does not want to legislate the beauty of the project.

Councilmember Savage stated he would like to table the ordinance again in order for the adjustments to be made to the language regarding tandem parking. Councilmember Teague asked that Mr. Preston meet with the Walker Estates residents before this item is discussed again in a Council meeting.

COUNCILMEMBER SAVAGE 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, ALL VOTED IN FAVOR.

13. Public comment.

There were no public comments.

14. Mayor/Council announcements.

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.

At 9:10 P.M. COUNCILMEMBER MAUGHAN 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: November 10, 2020