

Minutes of the regular meeting of the Syracuse City Council held on September 13, 2022, at 6:00 p.m., held in a hybrid in-person/electronic format via Zoom, meeting ID 812 6560 5947, in-person in the City Council Chambers at 1979 W. 1900 S., 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.

Present: Councilmembers: Lisa W. Bingham
Jennifer Carver
Jordan Savage
W. Seth Teague
Paul Watson

Mayor Dave Maughan
City Manager Brody Bovero
City Recorder Cassie Z. Brown

City Employees Present:

Administrative Services Director Stephen Marshall
City Attorney Paul Roberts
Fire Chief Aaron Byington
Police Chief Garret Atkin
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 Maughan 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 Savage provided an invocation and Councilmember Carver led the audience in the Pledge of Allegiance.

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

2a. Request to be on the agenda: Administration of Oath of Office for Youth Court members/volunteers.

An Administrative staff memo explained Youth Court Advisor, Lori Smith, requested an item on the agenda to allow for the Oath of Office to be administered to the newest members and advisors of the Youth Court. Ms. Smith introduced the new members, after which City Recorder Brown administered the Oath of Office.

3a. Appeal hearing for the issuance of citations for secondary water regulation violations – Robert Love.

A staff memo from the Public Works Department explained on April 12, 2022, Resolution 22-16 was passed to promote water conservation practices by limiting watering to two days each week (Memorial Day to Labor Day) having geographical no-water days and having escalating enforcement of issuing warnings followed by fines for water violations. Ordinance 4.25.130 describes the water restrictions and levels of escalation for water violations in greater detail. Notices describing the water restrictions and including the map were sent to all accounts with the May utility bill and the map and restrictions are a repeat of what was established during the 2021 water year. An article was included in the Syracuse Connection Magazine in May 2022 describing the restrictions and included the map and a water restrictions notice has been on the City website since May 3, 2022. An additional water restrictions notice was posted on the city Facebook page on April 19, 2022. Water restrictions in this area are two days a week but not on Sundays or Wednesdays. Robert Love has five properties in Syracuse: 1302 S. 1000 W., 1511 S. Marilyn, 1297 S. 1100 W., 2309 S. 2000 W., and 1304 S. 1025 W. This property is a rental located next door to his primary residence. Mr. Love was issued violations dated:

- Wed June 8th 4:28am Warning with door hanger
- Sun June 26th 1:48am \$200 fine with door hanger
- Sun July 3rd 1:40am \$500 fine with door hanger
- Sun July 24th 1:21am \$1000 fine with door hanger
- Citation mailed to the property address and the owner's residence on Aug 15th.

The action item before the Council is whether to waive any of the fines or not for the property at 1304 South 1025 West owned by Robert Love.

Mr. Love approached the Council and summarized the basis of his appeal; the property is a rental property, and his tenants did not inform him they had received a notice or citation for water violations. Once he learned about the matter, he corrected the issue that was creating the violation. He stated he feels that the City had a duty to contact him directly, as the homeowner, rather than providing notification to a renter.

Councilmember Bingham stated she feels it may be appropriate to reconsider the City's policy and ordinance relative to the manner in which property owners are notified of a violation at their property; she understands the concern about notices

being provided to tenants only, and not given to a property owner until they receive their utility bill that includes the citation. She indicated that she feels this violation would have been prevented if the City had notified Mr. Love directly; she recommended that Mr. Love's civil penalty amount be reduced or waived.

Mayor Maughan asked Public Works Director Whiteley to summarize the City's noticing methods for water violations. Mr. Whiteley reported that the notification process is outlined in City Code and his staff posted the notice on the front door of the property.

Councilmember Carver asked if the watering schedule is included in the notice that is delivered to the property. Mr. Whiteley stated the watering schedule was included in the City's utility bill for the month of May.

There was discussion regarding the timing by which Mr. Love would have been made aware of the violation at the rental property; the Council communicated concerns about extenuating circumstances associated with this case and they concluded there is fault on all three parties: the City, the landowner, and the tenant. Councilmember Watson suggested that the Council consider modifying the City ordinance to require notice to be mailed directly to the landowner in addition to being posted at the physical property. The Council concluded in this case it would be appropriate to reduce the civil penalty and impose just the initial citation totaling \$200.

COUNCILMEMBER SAVAGE MOVED TO REDUCE THE CIVIL PENALTY AMOUNT TO \$200. COUNCILMEMBER CARVER SECONDED THE MOTION, ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER BINGHAM WHO VOTED IN OPPOSITION.

Councilmember Bingham stated she voted in opposition because she would prefer to waive the entire civil penalty amount.

3b. Appeal hearing for the issuance of citations for secondary water regulation violations – Marina Couturier.

A staff memo from the Public Works Department explained on April 12, 2022, Resolution 22-16 was passed to promote water conservation practices by limiting watering to two days each week (Memorial Day to Labor Day) having geographical no-water days and having escalating enforcement of issuing warnings followed by fines for water violations. Ordinance 4.25.130 describes the water restrictions and levels of escalation for water violations in greater detail. Notices describing the water restrictions and including the map were sent to all accounts with the May utility bill and the map and restrictions are a repeat of what was established during the 2021 water year. An article was included in the Syracuse Connection Magazine in May 2022 describing the restrictions and included the map and a water restrictions notice has been on the City website since May 3, 2022. An additional water restrictions notice was posted on the city Facebook page on April 19, 2022. Water restrictions in this area are two days a week but not on Sundays or Tuesdays. Marina Couturier is the owner and resident at 3811 W. 800 S., and she received notices/citations dated:

- Tue June 7th 10:05pm Warning with door hanger
 - Tue June 14th 4:57am \$200 fine with door hanger
 - Thurs July 21st 1:02pm \$500 fine with door hanger
- Citation mailed to the property address on Aug 15th.

Ms. Couturier approached and summarized the basis of her appeal; she and her husband have lived in their home for 15 years and the irrigation system is old and needs to be replaced. When they received the first notice, they adjusted their system timer to try to achieve compliance; however, the timer failed, and they decided to operate the system manually. They water in the late evening hours, and sometimes their water cycle extends past midnight. She is very saddened and humiliated by this situation because she cares very much about water conservation and has made efforts to conserve water. She asked the Council to consider their efforts and that violation of the ordinance was not intentional on their part; she is grateful to see a reduction in temperatures and for the recent rainstorms.

Councilmember Teague stated that he has had similar experiences as the Couturiers; his timer/controller as well as his families' controllers on their properties have failed. The practice of 'illegal watering' has been villainized by the community, but he does not believe that this violation was intentional and that the Couturiers are very concerned about water conservation. He stated he is willing to be lenient in this case. Councilmember Bingham agreed; she feels the violations were unintentional and she sympathizes with their case.

Councilmember Carver stated that she is also sympathetic, but she drove by the property and found the lawn to be very green considering watering restrictions; she is willing to reduce the fine, but not waive it entirely.

Councilmember Savage stated that his only concern is that one of the violations was noticed in the middle of the day, not during the overnight hours; he is willing to reduce the fine, but he has not decided upon the civil penalty amount he is comfortable with waiving. He feels that drought conditions will persist in the future, and it is important for everyone to take water restrictions seriously.

Councilmember Watson agreed that the violations at this property were not intentional, and he would support reducing the civil penalty amount to \$200. He advised Ms. Couturier to use the money saved to invest in a smart controller for their irrigation system.

COUNCILMEMBER BINGHAM MOVED TO REDUCE THE CIVIL PENALTY AMOUNT TO \$200. COUNCILMEMBER CARVER SECONDED THE MOTION, ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER SAVAGE, WHO VOTED IN OPPOSITION.

4. Appeal of administrative decision to approve Conditional Use Permit (CUP) application for Swim Kids.

Councilmember Bingham recused herself from discussion and voting on this matter.

A staff memo from the City Attorney explained the City Council is the Appeal Body for land use decisions rendered by the Planning Commission related to Conditional Use Permits (CUP). *See* Syracuse Mun. Code § 10.20.140. CUP applications are administrative. Cities are required to approve conditional uses for a use that includes reasonably anticipated detrimental effects, if reasonable conditions are proposed to mitigate those detrimental effects. *See* Utah Code Ann. § 10-9a-507(2). In December 2021, the Planning Commission considered a CUP application to operate a swim instruction business at a residential swimming pool in Syracuse. At the noticed public hearing, neighbors expressed concerns with noise, on-street parking, and loss of privacy due to the more invasive use. The Packet materials for that item is attached to this staff report. The matter was heard by the Planning Commission, which determined that it would be acceptable for 36.5 percent of the first floor to be dedicated to the home occupation. As it related to traffic impacts, the Commission heard evidence that there could be between 6-10 vehicles at the residence during group classes, with 3-5 vehicles coming and going during private lessons. The site could accommodate up to 5 vehicles on-site, and the remainder were expected to utilize the public right-of-way to park. The Planning Commission imposed one condition on the property: that no customer or employee parking could occur in front of developed lots other than the applicants. It was anticipated that the street to the Southeast of the applicant's property, which is undeveloped for residential uses, could accommodate that overflow of parking. The Planning Commission approval also indicated that the Application would come up for a review in July 2022. The draft minutes of that portion of the meeting are attached. On August 2, 2022, the Commission provided direct notice to the neighborhood, indicating that it would conduct a public hearing for "conditional use application (review)." Although the staff report indicated that the Planning Commission could either "approve, conditionally approve, table or revoke the application," that was the only indication that the Commission was able to consider revoking the CUP. After hearing from two concerned citizens (including appellant Lauren Szilagyi) and the business owners, the Commission voted to keep the CUP in place and to review the use again in 2023. On August 12, 2022, Lauren Szilagyi, whose property abuts the CUP applicants on the West side, filed an appeal of the Planning Commission's review. The grounds for the appeal were that since August 2, patrons continue to park on the street and only one instructor parks in the driveway. And although the CUP applicant put up a sign asking patrons not to park in front of the Szilagyi's house, patrons continue to utilize the street. Additionally, she indicated that the business is resulting in excessive noise, litter in the right-of-way, and an invasion of their privacy.

The memo further explained the manner of revoking a CUP was not invoked in this case, which would present a significant challenge should the Council decide to revoke the permit. This is particularly true when the facts alleged in the appeal are all related to conduct that post-dates the Planning Commission decision. Additionally, the appellant lacks standing to bring an appeal, if the Council considers the Planning Commission's decision one not to revoke. A CUP does not come with an automatic expiration date. Indeed, the code indicates that the only way that a CUP expires is if they do not implement the use within 1 year, if they abandon the use for more than one year, or there is a change in residence. Syracuse Mun. Code § 10.20.080(J). The CUP is a vested right so long as the permit holder does not abandon it and it is not revoked. As a protectible property interest, one may not have their CUP revoked unless they are provided due process. The Planning Commission has the authority to revoke or suspend a CUP. However, they only have that authority under certain circumstances: (1) the use has ceased for one year or more, (2) the holder failed to comply with the conditions of approval or other laws governing the land, (3) the holder failed to construct or maintain the site as approved in the CUP, or (4) the Planning Commission has determined that the operation of the use was a nuisance, or a court has made that determination. Syracuse Mun. Code § 10.20.080(I). The process for such a proceeding is established by the code. Revocation or suspension must be initiated by the City, which is required to provide notice that it intends to revoke or suspend the permit, along with the reasons for doing so. Syracuse Mun. Code § 10.15.080(D). At that hearing, the planning commission is authorized to revoke the permit, condition its continuance on strict compliance, or other reasonable conditions. In this case, the City did not seek revocation; the Planning Commission conducted a *review* of the use. The City, through the administrator or a designee, did not allege that the permit holder was not in compliance. Nor did the automatic review of the CUP trigger due to a revoking event – it triggered because the Planning Commission wanted to review it at the end of the Summer. As such, the Planning Commission did not have authority to revoke the CUP at their meeting – they only had the authority to review it and consider initiating revocation proceedings. If the City or the Planning Commission desire to revoke the permit, then either the CED Department or the Planning Commission will be required to provide notice to the permit-holder that revocation is sought. Otherwise, the applicant may appear at a hearing expecting a friendly engagement and review, only to find their permit revoked without having prepared a proper defense. The Council should allow Planning Commission's proceedings to stand unchanged. If the Council suspects that revocation is in order based upon one of the four criteria for revocation in Section 10.20.080(I), then it may request that CED investigate the evidence provided by the appellant for a possible referral for revocation proceedings before the Planning Commission. The appeal also only states conditions that have occurred *after* the review by the Planning Commission. If the Council is acting as

appeal authority for a decision not to revoke made on August 2, then it must limit the record to the facts before that land use authority. Finally, even if the Planning Commission had provided sufficient notice to the permittee and had the authority to revoke the permit, the only person who is authorized to appeal a decision to not revoke the permit is the permittee. Syracuse Mun. Code § 10.20.080(I)(2) (“the permittee may appeal the decision”). Unlike an initial approval of the CUP, which may be appealed by “[a]ny person adversely affected by the decision,” Syracuse Mun. Code §10.20.080(F), a revocation appeal may only be initiated by the permit-holder. In legal parlance, the appellant in this instance lacks *standing* to appeal. For those two reasons, staff recommends that the council deny the appeal from the Planning Commission’s review of the CUP.

The memo concluded the action item before the Council is to discuss the case, hold a hearing if desired, consider all evidence presented, and render a decision.

City Attorney Roberts summarized the memo and discussed the validity of the appeal; this matter is not technically a matter that can be appealed in this manner and the applicant received incorrect information from staff. He apologized for the communication from staff to the applicant that indicated that they had the ability to appeal and noted it is his recommendation that the Council not take a vote on the appeal or consider revoking the permit; an option that is available to them if to provide a recommendation to the CED to consider potential revocation. If the Council were to revoke the permit based upon these proceedings, that action would not be legally defensible.

Mayor Maughan invited input from the applicant.

Lauren Szilagyl approached and stated she is frustrated by Mr. Roberts’ comments; she spoke with CED Director Steele, who advised her of her appeal rights, and she is frustrated that information was not accurate. She summarized her appeal and the concerns that she has about the businesses, which is not operating in accordance with the conditions placed upon their permit. The business operation is invading her privacy and patrons of the business are violating the condition restricting on-street parking.

Council discussion of the appeal and the CUP centered upon the division of the City that is responsible with enforcing the conditions of the permit; licensure of the business; on-street parking violations; and the Planning Commission’s intentions regarding the CUP. Mayor Maughan summarized the discussion of the Council, noting they are concerned about violations of the terms of the CUP, and they would like the CED Department to investigate whether the conditions of the permit are being adhered to.

5. Advice and consent: Proposed Resolution R22-34 appointing a City Attorney for Syracuse City

A staff memo from the City Manager explained the City advertised for potential candidates to be appointed as the new City Attorney. This occurred due to the vacancy made by the departure of Paul Roberts to another city, which shall not be named. The City received approximately 10 applications and conducted interviews with four candidates via an interview panel appointed by the Mayor. With input from the interview panel, the Mayor narrowed the field down to two candidates who then returned for a second interview. The second interview consisted of a panel appointed by the Mayor, including the City Manager, HR Manager, Mr. Paul Roberts, and Councilmembers Savage and Watson. With input received from the panel, the Mayor has decided on one of the candidates for consideration. Terms of an offer are currently being discussed, so the applicant’s name has not been publicly announced in advance of the meeting. The appointment of the City Attorney is made by the Mayor with the advice and consent of the Council. This resolution is on the agenda for a vote to establish the Council’s consent.

Mayor Maughan introduced the candidate he has selected for recommendation of appointment by the Council, Ms. Brienne Brass. He invited Ms. Brass to provide the Council with information about her professional background. Ms. Brass communicated she is very excited about this opportunity and thanked the Mayor and Council for considering her for the position.

Councilmember Bingham asked Ms. Brass if she has focused on one specific area of law up until this point. Ms. Brass stated she has the most experience in criminal prosecution, but she considers herself to be well experienced in land use law as well. She stated she is excited to learn about other areas of the law through her employment with Syracuse City.

The Council indicated they look forward to working with Ms. Brass.

COUNCILMEMBER BINGHAM MADE A MOTION TO ADOPT RESOLUTION R22-34 APPOINTING BRIANNE BRASS AS THE SYRACUSE CITY ATTORNEY. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED AYE.

6. Public comment:

Mayor Maughan invited in-person public comments.

Logan Johnson, Wright Development, stated that the property his land use application is centered on is planned for medium density residential development. Wright Development has developed the most property along 2000 West, including commercial developments in the City. However, the retail market has changed and while he believes there is some viability for big box commercial development on the corner of 2000 West and State Road (SR) 193, he does not believe there is potential for that same use south of the future 450 South road. His application does include commercial rezones as communication of his best effort and commitment to complete commercial development alongside residential development. Approval of the application will strengthen his ability to make the development contiguous and cohesive; his ability to ensure continuity along

the block will be strengthened. The primary beneficiaries of the proposed rezones are the residents of the City that are trying to sell their homes in order for this development to occur. The problem with assembling all properties is that there are a few 'hold-outs' who do not want to sell at this time, and he respectfully requested that the City not join this list of 'hold-outs', which will restrict his ability to develop and property owners' ability to sell.

Jeannie Larue stated she is one of the homeowners that has signed a contract with Wright Development; she has been in this process for almost a year and would like to see a positive resolution to the proposal before the Council tonight. The plans that have been presented are of high quality and as a homeowner and resident of Syracuse she would like to encourage the Council to make a decision by the end of the month so that she can get on with their lives like they would like to. She would not have signed a purchase agreement if she did not feel the proposal was the best use of the land and the best price she could get for her property. She does not appreciate the assumption that she should not be allowed to sell her land unless it is for a certain use that others approve.

Craig Arrington stated that he has also agreed to sell his property to Wright Development, and he echoed the comments made by Ms. Larue.

Lurlen Knight stated he is one of the 'hold-outs' mentioned by Mr. Wright. He will not speak against the Wright Development proposal, but he is concerned about allowing more apartments and high-density development in the City. He appreciates that this project includes owner-occupied units rather than apartments. He has loved living in his home on 2000 West for 27 years; he misses the way it used to be and feels he has been pushed out by growth. He thanked the developer for adjusting the plan responsive to concerns that have been expressed. He added he was formerly mad at his neighbors for agreeing to sell their properties to the developer, but that is no longer the case.

Mayor Maughan then stated that tonight's meeting agenda provided instructions for residents to email their public comments to City Recorder Brown by 4:00 p.m. tonight in order for them to be read into the record of the meeting. Ms. Brown indicated she did not receive any emailed public comments.

7. Approval of minutes.

The following minutes were reviewed by the City Council: Work Session and Special Meetings of July 26, 2022, and Truth in Taxation Hearing and Business Meeting of August 9, 2022.

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

8a. Common consent: Proposed Ordinance 2022-21 amending Section 3.50.020 of the Syracuse City Municipal Code pertaining to the membership of the Disaster Preparedness Committee.

A staff memo from the City Attorney explained the Disaster Preparedness Committee currently has seven members. Five are based upon geographical boundaries and two are at-large. With adjustment of relevant boundaries and the creation of a new one, the Mayor seeks to appoint an additional member from that new district. This amendment increases the number of DPC members from seven to eight.

COUNCILMEMBER CARVER MADE A MOTION TO ADOPT ORDINANCE 2022-21 AMENDING SECTION 3.50.020 OF THE SYRACUSE CITY CODE PERTAINING TO THE MEMBERSHIP OF THE DISASTER PREPAREDNESS COMMITTEE. COUNCILMEMBER SAVAGE SECONDED THE MOTION, ALL VOTED IN FAVOR.

9. Proposed Resolution R22-33 updating the Syracuse City Fiscal Year (FY) 2022-2023 wage scale.

An Administrative staff memo explained proposed amendments to the City's wage scale include adding a part-time Passport Agent position, with the same scale as an Administrative Assistant, adding a Fire Fighter I part-time position (as previously discussed), and adjusting the Crossing Guard wages to the market analysis (as previously discussed). There is also a proposal to adjust the Recreation Assistant I, II, and III wages to be more competitive in the market. This was discussed with the Council in the last Parks and Recreation Department biennial review.

Mr. Marshall reviewed his staff memo.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT PROPOSED RESOLUTION R22-33 UPDATING THE SYRACUSE CITY FISCAL YEAR (FY) 2022-2023 WAGE SCALE. COUNCILMEMBER BINGHAM SECONDED THE MOTION, ALL VOTED IN FAVOR.

10. Authorize Administration to dispose of surplus property – Police Department vehicles.

A staff memo from the Police Department summarized a request to authorize surplus vehicles listed below:

12-07	2012	Ford Fusion	207847ex	3FADP0L31CR187570
15-04	2015	Ford Taurus	211803ex	1FAHP2MK9FG126272
15-05	2015	Ford Taurus	211804ex	1FAHP2MK2FG126274

15-06	2015	Ford Taurus	211805ex	1FAHP2MK0FG126273
15-08	2015	Ford Taurus	211807ex	1FAHP2MK6FG126276

The vehicles listed above are marked police cars that have reached the 80,000 thresholds for replacement or have had significant repair issues.

Chief Atkin reviewed the staff memo.

COUNCILMEMBER BINGHAM MADE A MOTION TO AUTHORIZE ADMINISTRATION TO DISPOSE SURPLUS PROPERTY – POLICE DEPARTMENT VEHICLES. COUNCILMEMBER CARVER SECONDED THE MOTION, ALL VOTED IN FAVOR.

11. Proposed Ordinance 2022-22 amending the Syracuse City General Plan updating the components of the Plan addressing moderate-income housing.

A staff memo from the Community and Economic Development (CED) Department explained in order to comply with state law, the city is mandated to make some updates to the housing section of the adopted General Plan. The City Council discussed the potential strategies in their July 2022 work meeting and directed Planning Commission look more closely at the document to make some recommendations. Planning Commission discussed the item and held a public hearing on August 2, 2022. They are forwarding the attached proposed amendment. The City Council will then adopt an ordinance to update this section of the General Plan. An update to the entire General Plan document is looming, as the completion of the West Davis Corridor will spur some changes. However, at this time, the scope of this update is limited to the Housing section. City Council reviewed the item on August 23, 2022 and recommended some minor changes. Staff has implemented the requested changes in the attached document.

Mr. Steele reviewed the staff memo and facilitated a brief review of the proposed moderate-income housing element of the General Plan.

Mayor Maughan stated that during a recent meeting with other Davis County Mayors, they heard from a speaker who indicated that past efforts to promote moderate housing in the community can be reported as completed in the next report to the State of Utah.

Councilmember Savage stated that he would like to soften the language of the moderate-housing element of the Plan to indicate that these efforts are not being undertaken by force, but rather that the City is willing and open to providing additional housing options to plan for future housing needs. Councilmember Teague agreed. The Council indicated that striking the language included in the housing analysis document that reads: “We are required to provide an implementation plan to bring these strategies to life over the next five years.”

Councilmember Bingham noted the numbers relating to median home sales price are incorrect and she suggested they be adjusted before the document is submitted to the State.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 2022-22 AMENDING THE SYRACUSE CITY GENERAL PLAN UPDATING THE COMPONENTS OF THE PLAN ADDRESSING MODERATE-INCOME HOUSING, WITH A CORRECTION TO THE DATA DEALING WITH MEDIAN HOME SALES PRICES AND REMOVAL OF THE LANGUAGE THAT READS: “WE ARE REQUIRED TO PROVIDE AN IMPLEMENTATION PLAN TO BRING THESE STRATEGIES TO LIFE OVER THE NEXT FIVE YEARS.” COUNCILMEMBER BINGHAM SECONDED THE MOTION, ALL VOTED IN FAVOR.

12. Proposed Ordinance 2022-23 amending the Syracuse City zoning map for properties at 446, 460, 478, and 506 South 2000 West from Residential (R-1) to Planned Residential Development (PRD), and at 320, 322, and 334, and 368 South 2000 West from Residential (R-1) to General Commercial (GC).

A staff memo from the Community and Economic Development (CED) Department explained The City has received an application from Wright Development Group for a rezone of several properties in two separate groupings. The northern grouping from R1 to GC is to accommodate future commercial plans the developer is working on. The southern grouping from R1 to PRD is to build a townhome community. Planning Commission reviewed this item and held a public hearing on August 16, 2022. A positive recommendation for approval was forwarded to City Council. City Council discussed the item on their work session meeting on August 23, 2022. Planning Commission reviewed the item a second time on September 6, 2022, because additional exceptions to the ordinance that will be part of the development agreement were not originally presented on August 16, 2022. Since the development agreement (DA) is acting as a supplement to the ordinance, all items in the agreement must be presented to Planning Commission and in a public hearing in addition to the City Council. The applicant is seeking the following exceptions through the DA:

- Density. Ordinance allows 9/acre, 11.3/acre is being requested.
- Front door direction. Ordinance requires that front doors face the road or drive isle. Perimeter units are in compliance, the internal doors are not facing the drive isles but to HOA courtyards.

- Buffering. Ordinance requires 15' of landscaping and a 6' concrete fence. Applicant proposes vinyl fencing on east and west borders and reduced landscaping width where drive isle enters from 2000 W. This is the item that was not presented to PC the first time around.

The Planning Commission is forwarding a conditional recommendation for approval with a vote of five to one. The condition of approval is to require concrete fencing around the adjacent homes rather than the requested vinyl.

Mr. Steele reviewed his staff memo and the Council discussed options for splitting the question before them and considering the zoning for each area individually. Councilmembers expressed concern regarding the areas for which the PRD zoning has been requested; the development that could be completed on those properties is not appropriate for that area and could contribute to a lack of cohesiveness of the area upon future development of the area.

The Council decided to split the question and consider the PRD zoning request independent of the general commercial zoning request.

COUNCILMEMBER SAVAGE MADE A MOTION TO DENY ORDINANCE 2022-23 AMENDING THE SYRACUSE CITY ZONING MAP FOR PROPERTIES AT 446, 460, 478, AND 506 SOUTH 2000 WEST FROM RESIDENTIAL (R-1) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD). COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER BINGHAM, WHO VOTED IN OPPOSITION.

Mayor Maughan then noted that if the Council chooses to adopt an ordinance approving general commercial zoning for certain properties along 2000 West, the applicant can build any commercial use that is permitted in that zone. He wondered if there is concern about a lack of a development plan to accompany the zoning request. Councilmember Teague stated that he desires a commercial use and the properties subject to the zone change are contiguous; he is not concerned about an action to approve the zone change at this time. Councilmember Watson noted he would actually prefer to see a development plan for the commercial area, and for that reason he will not support the zone change this evening.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT ORDINANCE 2022-25 AMENDING THE SYRACUSE CITY ZONING MAP FOR PROPERTIES AT 320, 322, 334, AND 368 SOUTH 2000 WEST FROM RESIDENTIAL (R-1) TO GENERAL COMMERCIAL (GC). COUNCILMEMBER CARVER SECONDED THE MOTION, ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER WATSON, WHO VOTED IN OPPOSITION.

13. Proposed Ordinance 2022-24 creating Section 4.10.104 of the Syracuse City Municipal Code pertaining to fats, oils, grease, and sediment control.

A staff memo from the Public Works Department explained Utah law requires an ordinance to regulate the proper disposal of Fats, Oils, and Grease to prevent blockages in the sewer system. The current ordinance stands as a good fit for general prohibitions but does not specify FOG control. Resources relied upon to make this recommendation include:

- Utah Rule R317-801-5(6) enacted June 2012.
- Syracuse City Code 4.10.100 Wastewater prohibitions and limitations.
- North Davis Sewer District ordinance 11.3 Pretreatment of Wastewater.
- Utah Plumbing Code chapter 10 installation of grease interceptors.
- Any questions about this agenda item may be directed to Robert Whiteley.

Syracuse has potential for an increase in food service establishments. Having a well described process in place would help future businesses maintain compliance with the law and prevent sewer blockages that may come from fats, oils, and grease. A draft ordinance is included for consideration that would meet the requirements of FOG control and establish a process for businesses to follow and staff to inspect. The action item before the Council is whether to consider an update to the ordinance specific to controlling fats, oils, and grease from commercial and industrial wastewater.

Mr. Whiteley reviewed the staff memo.

COUNCILMEMBER BINGHAM MADE A MOTION TO ADOPT ORDINANCE 2022-24 CREATING SECTION 4.10.104 OF THE SYRACUSE CITY MUNICIPAL CODE PERTAINING TO FATS, OILS, GREASE, AND SEDIMENT CONTROL. COUNCILMEMBER TEAGUE SECONDED THE MOTION, ALL VOTED IN FAVOR.

14. Discussion regarding emergency backup power at Police Station in relation to the Emergency Operations Center (EOC) project.

A staff memo from the City Manager explained staff has been working with the architects from Galloway on the EOC improvement project design at the police station. The design is approximately 95% completed and includes the following improvements:

- New data/communications and electrical work in the EOC/Training room.
- New audio/visual setups
- New light and minor cosmetic improvements.
- Conversion of space for a small conference room.
- The addition of a wall to section off a cubicle area/phone bank area from the rest of the police station.

- Upgraded access controls
- Upgraded backup power generator

The Police Station building has evolved over its history. It was an early city hall and fire station and has undergone additions and remodels throughout the years. Common to such buildings, complicated electrical schemes and “work arounds” have occurred to make the various remodels possible. During the design work of the EOC project, we discovered an issue with being able to power the entire building with the backup generator. There are multiple electrical panels in the building, which presented an option to either do major interior electrical work or increase the size of the backup generator and connect it at a different location in the building. The current budget for the project is \$400,000. Based on discussions with the staff, architect, and electrician, it was recommended to increase the size of the backup generator. In order to do this, the project budget would increase to \$690,000. The larger generator and re-working of the electrical access is not necessary for the EOC, but we felt it was an issue worth addressing while we are doing this project. The following options are available to the Council if it is decided to add to the project budget:

- Capital Fund
 - The current project is budgeted from the Capital Fund. With an unrestricted fund balance of approximately \$2.9 million in the Capital Fund, the additional money could be allocated through a simple budget amendment.
- City ARPA Funds
 - A second option for funding is through the federal ARPA funding. This option is more complicated due to the grant administration requirements, but it could still be allocated. The City received approximately \$3.7 million in ARPA funds. The current direction is to use the vast majority of these funds on planned infrastructure projects already outlined in the City’s 5-year plan. After assigning those budgeted projects, there is approximately \$380,000 remaining that has not been allocated. There is a risk, however, that inflation could consume much of this remaining balance with the planned projects.
 - With all things considered, it is the staff’s opinion that the Capital Fund is the preferred source of funding, although either option is viable. It is a matter for the Council to decide whether to move forward with the additional improvement.

The memo concluded the goals of this discussion are to:

1. Review the issues outlined above and provide direction to the Administration on funding.
2. Provide direction to staff moving forward with going to bid for construction.

Mr. Bovero reviewed the staff memo and facilitated discussion among the Council regarding the adjusted scope of the EOC project. He asked if the Council is comfortable authorizing Administration to proceed with publishing a request for proposals (RFP) for the EOC project, to which the Council answered yes.

Mayor Maughan recessed the Council meeting at 7:30 to convene in the special Redevelopment Agency (RDA) business meeting. The meeting reconvened at 7:33 p.m.

15. Public comments.

There were no public comments.

16. Mayor/Council announcements.

The Council and Mayor provided announcements about upcoming community events and other opportunities for public involvement.

17. 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 BINGHAM MOVED TO ADJOURN 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 PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY. COUNCILMEMBER CARVER SECONDED THE MOTION. ALL VOTED AYE.

The meeting recessed at 7:54p.m.

The meeting reconvened at 8:42 p.m.

City Council Regular Meeting
September 13, 2022

At 8:42 P.M. COUNCILMEMBER CARVER MADE A MOTION TO ADJOURN. COUNCILMEMBER SAVAGE
SECONDED THE MOTION; ALL VOTED IN FAVOR.

Dave Maughan
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: October 11, 2022