

**CITY OF EUHARLEE
CALLED CITY COUNCIL MEETING MINUTES
OCTOBER 18, 2022**

Mayor Craig Guyton opened the meeting with prayer followed by the Pledge of Allegiance.

The following were present: Mayor Craig Guyton, Council Members Tim Abbott, David Duncan, Greg Free, Joe Turner, City Manager James Stephens, and Community & Economic Development Director Katie Gobbi.

Woodland Middle School STEM Showcase

Tia Wilkes said she was thankful for the city of Euharlee and what the city has done for the school, excited about the things coming up in the community, and thankful for the support. The sixth grade STEM project included all four subjects together into one, and the major subject on how to solve erosion. The 220 students participated with a two to three slide power point and a two-to-three-minute presentation. Members on the council and staff reviewed all 220 presentations. They selected three students Eli, Braxton, and Aubrey to share what America would look like, and presented to the council and residents.

Mayor Craig Guyton said thank you to the three students for coming out and sharing with Euharlee. The sixth grade worked on erosion, seventh grade worked on food nutrition, and the eighth grade worked on a bridge project for the STEM project including them in the world problems and how to solve them.

Public Hearing- 93 Cliff Nelson Road and Parcel No. 0034-0622-003

Mayor Craig Guyton opened the second public hearing for 93 Cliff Nelson Road. They had six people to sign up and make comments in reference to the rezoning request for said property. The summarized comments, and discussions included similar concerns and some of the same sentiments from the previous hearing around traffic issues due to a high density development, added number of trips per day, traffic study for Cliff Nelson and Euharlee Road, current issues with the roads, infrastructure to support the new development two or three years down the road, the cost for the city and how the city plans to handle the traffic.

There were concerns about the city owned property that is being considered for sell to the developer of the 93 Cliff Nelson Road project. The questions were asked if a public meeting was held, if the property was offered to the public or just to the developer, posted in the paper, was it subject to the sale of municipal property, and was the sale legal. The question was asked three times about the property and answered three times. It was explained the property was not up for sale, and the city was approached. The question was asked if the project fell through, would it open for more than just a residential development with a PUD. It was explained the PUD was with conditions, and any development would have to follow those conditions.

The concern for safety was mentioned again, as well as, the concern that the high-density development does not fit the small-town community, and those that moved there for less traffic, cost of living, quality of living, and for retirement. The tree removal between Misty Ridge and said property was discussed again. This would disrupt privacy, and the peace that has been there for many years. There were concerns there may be a property tax increase, and if sewer would be offered to the other residents that are currently on septic tank.

It was asked for the council to take all the concerns that were addressed, all issues that were addressed, and to be handled with integrity.

Adam Baker, the developer for the property discussed some of the highlighted points of the project and addressed some of the questions. He stated the vision was to develop a single-family residence governed by a mandatory HOA. He addressed the concerns in reference to the lot size and setbacks. He said, they went back to the engineer and asked them to re-design the sq. feet from 7500 sq ft. to 8000 sq ft. per unit, and the set back from five to eight square feet; R-1 to PUD with additional conditions as needed. He also added they were okay with a 20% condition for a rental cap; maximum rental capacity of 20% to prevent a single-family rental community. He addressed the concerns about the PUD rezoning request and reassured that the condition as a single-family residential community eliminated those concerns to bring in other types of developments. He addressed a comment from the previous hearing that he felt was misleading about the acreage and the statistics. He wanted to be clear, he was not lying or making up a stat or trying to use anything to be misleading in any capacity. He stated there will be 102 units divided by 36.78 that come to 2.77 per acre. In development, everyone knows that all acreage does not go to the lot; roads, ponds, curbs, and green space are all considered.

Also mentioned was the concern for overcrowded schools, buses, and traffic. Mr. Baker re-assured them the three schools that would serve the community were not at capacity, the buses were not overcrowded in that area, and the traffic for the community based on a 30-year DOT employee, was minimal.

Mr. Baker shared his thoughts on the crime concerns in the community. He said there are no guarantees any neighborhood will be without any type of crime. Usually, with the type of homes in that community with an HOA, tend not to have that concern. The neighbors and HOA self-police each other and create an environment where crime is deterred because of that.

Mr. Baker wrapped up with a few points of interest. A 40-million-dollar investment in Euharlee could cover the 2-million debt service and generate \$30,000 in property tax; LOST/SPLOST is based on population and Bartow County is growing. If Euharlee does not grow it can lose some of the funding. He said there is a good builder for the project. If the project does not go well, he will be run out of Bartow County. He wants to do something nice they all can be proud of and serve the community well. He is not a fan of property tax, but property value. He wants to increase property values based on comparable. If it is not a good comparable, there is not an impact on surrounding areas.

Council Member David Duncan asked about the Mr. Moore's driveway on the new plat. Mr. Baker said he currently has an easement over the Costlow property, and he has offered to fund him a personal driveway directly to his property in exchange of banding the easement.

Council Member Joe Turner shared the number of rentals currently in the Westminster subdivision, and if the project moves forward, he liked the idea of fifteen to twenty percent rental limit.

Council Member Greg Free stated when he was on the board of the HOA in Shaw Woods, they rewrote the covenant and there is a restriction that limits the percentage of rentals at 30%.

Council Member Joe Turner some said people that buy new houses overextend themselves, he would like to see the percent enacted. He said personally, he does not like this and believes the traffic will be a problem. He does appreciate, during their discussion the eight thousand square feet and the eight

square feet setback. It is better than some of the other subdivisions in the county. He will not allow his personal opinion to interfere with the council.

Mr. Baker added the covenant will be required to have a rental cap which will prevent all the units being rented. Council Member Turner asked if he bought a home how could the HOA tell him what he could do with his property. Mr. Baker explained the covenant and the fair housing act guidelines and laws. It is for unit and clarity when the guidelines are written. If not governed, there could be penalties. The association has the ability to file a lien if the penalties are not paid. People, who are okay with that, can live in those places or find a neighborhood that does not have those restrictions.

Mayor Guyton closed the public hearing.

UNFINISHED AND NEW BUSINESS

Bid Tabulation - Mark Teal

Mark Teal presented the bids received for the Frankie Harris Park project were SH Creel Contracting, \$1,184,680.77; Calm Water LLC, 1,535,844; JH Benefield and Sons LLC, 902,741.49; and Place Services, 1,301,776. The totals including running sewer and paving the existing sites.

Council Member Joe Turner asked how they would run sewer to the existing eleven sites. Mr. Teal said all gravity around existing lots. Council Member Greg Free said with the rest of them being full hook-ups it replaces the cost of the dump station. Full hooks do not need a dump station. The twenty-six lots will be full service and asphalted. It is a lot for the money. Council Member Free said the maintenance on the dump station is costly and swapping it out at least they will have full hook-up and a lot less maintenance.

Mr. Stephens added the contractor indicated he could get the work done in 120-days which would have them open in coming spring.

Mayor Craig Guyton asked would it be better for them to vote pending after the review on references or table until the next meeting to take a vote.

Mr. Stephens stated that Mr. Teal would be comfortable with a vote contingent to the references, but since the council will meet the next week that would take the pressure off and give him plenty of time. They received four bids and had seven plan holders. Mr. Stephens said he was excited and stated it was a competitive and a high-quality project for Euharlee. Council Member Tim Abbott motioned to table pending reference and take up at the October 25th called meeting. Council Member Greg Free seconded the motion. The motion carried with all voting in favor.

Health Insurance Renewal - Parnick Jennings

Parnick Jennings, NFP insurance representative was at the meeting to share the renewal information with the renewal recommendation for Chamber Anthem Smart Plan. He explained he had worked with the Georgia Chamber to try and get the Chamber Smart Plan. There were some health issues that concluded to become a member. This year he was able to get the city included. He stated Cigna + Oscar started out good but there were some issues. The Chamber Smart Plan was able to rate 30% less. The smart plan enrolls small business with fifty or less employees, and it is a great opportunity. He recommended the smart plan. James Stephens, city manager said the employees are excited about going with the Smart Plan after the experience with last year. He said Mr. Jennings did a great job getting the city in a plan that kept the rates affordable. The annual cost will be \$187,000. Council Member Greg Free stated the world we live in now with benefits, good coverage is a good benefit. It is a good idea and appreciated Mr. Jennings bringing it forth. Council Member Tim Abbott said he

appreciated Mr. Jennings and Mr. Stephens working together. It does not hurt their hearts to see the staff with better benefits.

Council Member David Duncan motioned to Chamber Anthem Smart Plan. Council Member Free seconded the motion. The vote carried all voting in favor.

Osborne Park Playground - Butch Emerson

Butch Emerson, resident of Euharlee, shared printouts from the internet with council. He said appreciated the opportunity to present a possible challenging field in Euharlee. After the due diligence from the city manager, it was determined to be a cost factor and that information was shared with the council. He stated as a businessman, and elected official he understood. However, he proposed to make them both happy. He asked as they proposed to upgrade the park if they would take in consideration people with special needs. He suggested an ADA bench and ADA swings to be included in the upgrade. It is a struggle for them to sit on the bench. He did share that the equipment is at Hamilton Crossing Park and in Emerson. He said it is a quality of life. He also asked not to use wood chips. The price would run less than \$100,000.

Council Member David Duncan said he liked the idea of the wheelchairs and asked about the double swing. Mr. Emerson said it is the same as a single ADA swing. Council Member Duncan liked the idea of the wheelchair. Mr. Stephens shared an experience with a challenged individual he was babysitting and how joyful to see him interact with other on ADA playground equipment.

1st Reading Environmental Overlay - James Stephens

James Stephens, City Manager stated on page 69, of the zoning ordinance, section 7.17 deals with the environmental overlay. Per the council's instruction he worked with the Planning and Zoning Commission of potentially removing this portion of the zoning ordinance. This will be a first reading; however, the ordinance is 168 pages. The council can take more time, there is no pressure to make a decision. The P & Z Commission voted unanimously that section of the ordinance be withdrawn at their last meeting conducted last Tuesday and discussed over several meetings. No motion is needed for the first reading.

Mayor Craig Guyton stated he was not interested in removing the overlay. They have two spots in the city it currently applies to. Keeping an extra green space in is his mind is not a bad idea. If they ever decide to do it in the future, they have P&Z's support.

Council Member Tim Abbott stated that Mr. Stephens made a strong recommendation to the city, council and noted in the newspaper about the environmental overlay and can bring on a request for variations. He said publicly he agreed with the recommendations but concurs with the mayor. The time to remove it will come. He added, Mr. Stephens does a great job for the city and makes great recommendations. Council Member Abbott said he agreed with the intelligent wisdom and here will be another time sooner or later the city will have to consider. Council Member Greg Free stated that Council Member Abbott said it well. He would like to research more and become up to speed on some parts of it.

Mayor Guyton stated at least three members of the council do not see a need for a second reading. Mr. Stephens said it was not time sensitive and they could start over with the first reading. From a transparency point, the public knows there will be two readings before it become effective.

1st Reading Minimum Lot Size with Sewer - James Stephens

James Stephens, City Manager stated the current minimum lot is 26,000 sq feet without sewer and 15,000 square feet with sewer. He stated the P & Z worked on the topic for over two months and

accumulated what governments over Bartow County do compared to the 15,000-lot size. The last deliberation there was a quorum present, but the Chairman was unable to attend. There was a discussion about making the density three houses per acre. As Mr. Baker articulated, there are a lot of factors not just total acreage; streets, gutters, setbacks, curbs, and buffers are included. The P&Z recommended changing from 15,000 to 14,000 square feet. They were thinking 14,000 times three and that three homes could fit on an acre. The chairman was not present that night and it may also be appropriate to not schedule a second reading. Mr. Stephens said he works to the pleasure of the city council but thinks from the environmental standpoint and they now have sewer available, it may be wise to consider a smaller lot size, but by all means, it was not a rush. They have the capacity on the lift station they invested in, and it is not going to be used up by tomorrow morning.

Council Member Joe Turner asked if it would have anything to do with the PUD and Mr. Stephens said no because of the conditions on the PUD. Council Member Greg Free used Mr. Emerson's words, if you are going to do it do it right. They need to look at other lot sizes in the county; they have multiple sizes and densities. They should do their homework before making a decision and a new ordinance to make sure they do it right. After hearing the recommendation there is some more homework to be done. Council Member Abbott said sewer lot sizes are considerably smaller and 14,000-15,000 square feet is not smaller, so he agreed with Council Member Free it was not a decision to be made at that time and does not need a second reading. Mayor Craig Guyton said there was no second reading needed.

2nd Reading 93 Cliff Nelson Road - Mayor Craig Guyton

Mayor Craig Guyton stated it was the 2nd Reading for the public hearing that was heard earlier. Council Member Tim Abbott asked Mr. Baker who would maintain the access to Joe Cowan Park if the PUD was approved. Mr. Baker stated anything on the property line on the plan showed where it would terminate into the park. He stated the HOA would be responsible for maintaining up to that point. Once in the common area space it would be the city's responsibility.

Council Member David Duncan asked if it were public access between lots 20 and 21 and asked if the sewer would go between space 36 and 37. Mr. Baker answered yes, the sewer easement and access. It would probably include a locked gate or stay open. They want access for the community to enter by foot opposed to driving around.

Council Member Turner asked if the tree line had to come down. Mr. Baker said he and his business partner reviewed it and believe they could avoid a lot of the trees because the topography is flat. The old and the new community want privacy, as well as, moving trees are an added expense. Council Member Turner asked if they were willing to put up a privacy fence. Mr. Baker said for a privacy fence you would have to remove the trees and the goal is not to take the trees down, few as possible, and there is no incentive to take them down. Council Member Turner asked if they agreed on the eight thousand square feet and eight feet from the curb, how far would that go back into the trees. Mr. Baker said with the typical depth and setback you are still talking 60 to 80 feet in the back yard before the end of the property. Council Member Duncan asked Euharlee resident Ms. Smith the depth of the trees in the back yard, and she was not sure. She said there is a fence and lots of pine and pear tree, but she did not know how many feet. Mr. Munday stated about 150 feet. Mr. Baker said the closest house to the tree line was about one hundred feet and some as far as 250 feet. The tree line is ninety feet in depth of the property line. Some of the trees extend into the neighbor's yard and some about 80 to 90 feet on the city's property.

Council Member Tim Abbott made a motion to approve on 93 Cliff Nelson, the PUD rezone request, with the conditions included, and the two new conditions of HOA 20% for rentals and to have the extra

coverage for single family dwelling. Council Member Greg Free seconded the motion. The council voted 4-0 with one abstention. In the city's charter an abstention is the equivalent of a yes vote.

Council Member Turner said he did not like it, but they cannot go against the ordinance, and he is voting for it. Mr. Stephens asked Council Member Duncan did he have a conflict and by all means he had the right to abstain. Council Member Duncan stated he was of like Council Member Turner not liking the idea, but the citizens put him in the seat. He likes to listen to them, and they have changed him back and forth. He said that is why he abstained from voting.

Road Striping Bids - James Stephens

James Stephens, City Manager stated he was instructed to have bids for street thermal paint and street paint. It is .15 per linear foot for road paint and .23 per linear hydrostatic paint. Euharlee has 24.1 miles road in the city incorporated areas which calculates to 38744 linear feet to stripe. Covered Bridge Road and Milam Bridge may need re-surfacing before striping. It would cost \$87,801 to paint the entire city with thermal paint and \$57,261 with regular paint. He is prepared to develop a plan of action by road, for council to approve on the November 1st meeting, related to the budget amendment in a future meeting with the millage, and could cover this project without using LMIG funds and save the LMIG funds to re-surfacing Milam Bridge or Covered Bridge Road once the construction at Osborne Park is completed.

Council Member Joe Turner asked if Cliff Nelson Road needed to be repaired. Mr. Stephens said apparently there is one section that needs some good attention greater than cold patch that was mentioned. He said he would get with Mr. Shepherd, and they would look into it.

Mayor Craig Guyton said to bring it back to the meeting with the roads, they need to restripe now and do not include the roads that need to be resurfaced before striping. Mr. Stephens said he recommended going with the thermal paint. He said, Council Member Turner will recall when they did the stop bars not using the thermal paint and they faded quickly. Council Member Turner said he agreed with using the thermal paint. Also, the city is in a better financial position than they were seven to eight years ago. He asked if there was \$15,000 set aside that was never used. Mr. Stephens said there is a balance of LMIG funding. Council Member David Duncan asked what the estimate would be using thermal paint.

Mr. Stephens answered \$87,801.

Public Comments

Marshal Aiken, resident of Euharlee asked about changing the council into voting districts due to growth in a meeting for open discussion either now or later. Mayor Craig Guyton said to add it to the November work session. They had the discussion before. Mr. Stephens said, Mr. Pettit, when Mr. Worthington was in office, reached out to the state and based on population Shaw Woods could end up picking up the seats and Mr. Worthington dropped it. Mayor Guyton said if you are assuming the mayor would be a city-wide vote you would have four districts. With population, Shaw Woods would have three council seats and possibly the mayor's seat. He always said Shaw Woods makes up the majority and there should never be more than three from Shaw Woods. Council Member Joe Turner said he thought it would be only three districts. Mr. Stephens said the discussion with Mr. Pettit and Mr. Worthington; it is hard to get people to run for office.

Marshall Aiken also mentioned from the previous discussion, the property line where the tree is, if you wanted access to the park, you would need a fence line to prevent safety issues.

Council Member David Duncan motioned to adjourn the meeting. Council Member Greg Free seconded the motion. The motion carried with all voting in favor.

With no further discussion the meeting adjourned at 9:05 pm.