

**CITY OF EUHARLEE
CALLED CITY COUNCIL MEETING MINUTES
OCTOBER 25, 2022**

Mayor Craig Guyton called the meeting to order. City Manager James Stephens led prayer, followed with the Pledge of Allegiance.

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

Public Hearing - Etowah Bend Rezoning Application

Mayor Craig Guyton stated the applicant had asked for some time to amend their application. It will go back before the Planning & Zoning Commission in a future meeting and come back before council if necessary.

UNFINISHED BUSINESS

Frankie Harris Park Bids - Mark Teal

Mark Teal stated after contacting all the references from the low bidder, they sent a letter noting an error in bidding. The grading bid went from \$26,000 to \$159,000. They asked for the council to accept the bid with the increase in grading price or allow them to withdraw their bid. Mr. Teal said they could not accept the revised bid. Mayor Craig Guyton said that would not be fair to the other bidders.

The second lowest bid amount was \$1,184,680.77 with SH Creel Contracting. He contacted their references. They use CROY Engineers out of Powder Springs. They said SH Creel was their number one contractor. They had nothing but good things to say. He talked with the city engineer in Rome and they worked with SH Creel on a couple of contracts and highly recommended them and nothing bad said about them. The city of Smyrna, Ardito Construction who has been one of SH Creel's sewer companies for year, and the sewer company for the city of Smyrna for over 20 years and they bid out every year. They had nothing but good things to say about them. Mr. Teal's recommendation would be to award the contract to SH Creel in the amount of \$1,184,680.77.

Council Member David Duncan asked why they marked out the lowest bidder and was it because of the grading. Mr. Teal stated miscalculation in grading, and they cannot change the price after bidding.

James Stephens, City Manager said they calculated square yards instead of square feet and the number was nine times lower. He also added that the council understood the price included full service for all the additional sites and the 11 sites full service as well. It is a little higher than the budgeted number, but it makes all the sites full-service hook-up and saves cost from putting in a dump station along the road. Mayor Guyton asked if it included paving the 11 sites. Mr. Stephens said yes.

Council Member Joe Turner asked how they would pay for this, and Mr. Stephens said SPLOST and ARPA funds, but predominantly SPLOST. Council Member Duncan asked for a start date. Mr. Stephens said it was a 120-day contract, so if approved that night, there is one rental the upcoming weekend at the park, and then they will put a notice to proceed out as soon as the attorney signs off on the final contract. It will open early spring. Mr. Teal said it will take a couple of weeks for them to get all their paperwork in after they are given the notice of award. Mr. Stephens said there will be no construction until after Thanksgiving.

Council Member Greg Free motioned to extend the contract to SH Creel Contractors for the camp sites at Frankie Harris Park. Council Member Tim Abbott seconded the motion. The motion carried with all voting in favor.

1st Reading Etowah Bend Rezoning Application - James Stephens

Applicant asked for more time to amend application.

Public Comments

Jim Thibault, a resident of Euharlee stated he would use the time to get a couple of things out. At the last Planning and Zoning meeting the owners of Etowah Bend were asked if they had any type of plans, they could look at. The owner stated it would not be economically feasible when zoning has not been worked out. Mr. Thibault said they had to exist, and the owner was misleading the planning and zoning department. He went out and made copies of a plan to build 277 homes to what was originally supposed to be 28 tracts. If there is an option B, and evidently there is an option A. The lot size is 15,000 which would require the RE-1 they received before. For public record as requested by the city manager Mr. Thibault read block four on the plan which read Smith Douglas, 110 Village, Trail, Suite 250, Woodstock. He stated the project was for Etowah Bend Subdivision. He wants to say that Smith Douglas is the one having issues on Euharlee Road with the mud bath. Mr. Thibault said it speaks volume to what the developer thinks about the council, planning, and zoning. Also, in the meeting it was noted there are 196 owners of the property. The way it was tabled in the meeting by the developer was away to draw compassion from the planning and zoning members. He believed it was mentioned as 196 owners who are a part of McWhorter Holdings and retirements were at risk and they need to maximize profits. Mr. Thibault spoke with Mr. Stephens and all 196 need to be disclosed as the ordinance reads. It allows the citizens, P&Z, and the council to know those who are voting, do not have any conflicts and he was not pointing fingers. It is a matter of transparency.

Mr. Stephens stated he was speaking with Attorney Boyd Pettit in pursuant to that question. Mr. Thibault said also during the meeting he learned under the ordinance section 15.2-5, when a developer approaches P&Z, there is a word, may include what the drawing should look like. He said if he were in the position and did not receive a plan, he would not infringe on the existing citizens to help with development. He recommended changing the word from may, to shall, to have the proper insight to what they are approving. The zoning administrator is second coming and can override. He understood Mr. Stephens is the zoning administrator.

Mr. Thibault also asked for existing and official zoning maps and if he could access online. Mr. Stephens explained he would have access on-line through QPublic through Bartow County Tax Assessors, but it would not be deemed official. Mr. Thibault had not been able to locate anything that showed where the parcels were zoned and that is a dangerous precedent from a legal standpoint. Something has to be done because the citizens are unaware. He thanked the council for hearing him and asked that they really listen to the citizens because it had gotten out of hand.

Jeff Kamke, a resident of Euharlee had concerns about repairs needed on Milam Circle. He also asked if council approved the plate readers in Euharlee. Mayor Guyton explained the council voted on the school cameras; the company added the plate readers. Mr. Kamke asked about the subdivisions and if they are looking at what is best for the citizens or for revenue. Mayor Guyton said the citizens.

Council Member Joe Turner said Milam Bridge Road was requested to be rezoned to RE-1 and was agricultural. Mr. Stephens explained in 2007 there was a zoning map that was approved subsequent to a 12-moratorium that was put in place. The zoning map was approved at the conclusion of the moratorium and at the same time, the environmental overlay was put in place - all the property

discussed in the last two weeks was zoned R-1. In 2018, approximately 56 acres along Milam Bridge Road was rezoned to RE-1 that Mr. Thibault put in the records.

Lehmann Smith, a resident of Euharlee stated in 2007 he bought property that was zoned agricultural. When you rezone you have it posted and property owners are informed. He found it hard to believe that all the farmers came together and decided to rezone from A-1 to R-1. He wanted to know if it was done correctly. He is taxed by Bartow County as A-1 but taxed for agricultural purposes. In the P&Z meeting the chair said it went from A-1 to RE-1, and if it was R-1 why changes it to RE-1 when you can do the same development. Mayor Guyton said they wanted RE-1 for estate lots and assuming not wanting to do sidewalks and other stuff. They wanted residential estate opposed to residential.

Katie Gobbi, Economic Development Director stated, according to the minutes in 2007, the May 31st minutes stated the legal notifications were published and no one attended the hearing. Mayor Guyton says they have to believe it was posted properly and the hearings were held. Mr. Stephens stated at the P&Z meeting he said three different times from R-1 to RE-1.

Mayor Guyton said in 2018 when he was on the council it was R-1 to RE-1. The first map in 2007 was R-1. The vote in 2018 would supersede. They continued discussing back and forth and reiterating the records and the zoning map.

Mr. Thibault wanted to request city records for the meeting, signs, and payments for advertisement for the May 31st meeting. He did not want to involve lawyers. Mayor Guyton said all the records are available to the public.

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

With no further discussion the meeting adjourned at 7:33 pm.