

## **EUHARLEE PLANNING & ZONING MEETING MINUTES**

**7:00pm | February 14, 2023 | Euharlee City Hall**

**MEMBERS PRESENT:** Judd Mobbs – Chair, James Evans, Kathy Foulk, Lovako Patterson, James Stephens – City Manager, Katie Gobbi – Community Development Director.

Chairman Mobbs called the meeting to order at 7:00pm.

The meeting agenda was approved with one change of moving the public comments to the start of the agenda.

Minutes of the December 13 meeting were approved with one correction.

### **Public Comments:**

- Joseph Turner said that he was not here to argue about the ordinances, knowing that the Commission keeps up with the city ordinances. Mr. Turner wanted to point out that a change to city ordinances pertaining to the sale and consumption of alcohol where the city cannot have control over, he fears that bars will start opening everywhere in the city in the future and the city will have no control over it.
- Ron Hartman, 26-year resident of Euharlee. Mr. Hartman asked if the commission has received a formal proposal from any entities regarding the rumored beer garden and if the members have come to any personal opinions regarding that type of business. Chairman Mobbs explained that commission has not and has only reviewed the existing alcohol ordinance for the purpose of updating it to be compliant with state law and based on council and staff recommendations. Mr. Hartman asked if the commission was responsible for all city ordinances. Mr. Stephens answered that they are and they are an advisory committee to the city council. Chairman Mobbs said that their actions hold no weight; they advise the city council. Mr. Hartman asked about the members interactions with council members. Mr. Hartman said that he wanted to learn how the different committees work in the city. Ms. Patterson explained that the commission takes into consideration what the public brings to them, and in turn, they advise the city council. Mr. Hartman then asked about the commission's involvement in the Osborne Park redevelopment. Chairman Mobbs explained that they try to make sure that designs meet the city ordinances in place. Mr. Stephens also explained that because it is not a change in use, it is not the purview of the commission. Mr. Hartman then asked about a digital sign ordinance and if the commission was in favor of it. A brief discussion about the impact digital, lighted signs could have on the city in a rural setting. Mr. Hartman asked about the members thoughts on the city-owned 17-acre parcel and the future of potential development on that site. Chairman Mobbs said that the commission had discussed it extensively. Mr. Hartman suggested cabins and camping there. Mr. Hartman then asked about revisiting the plans to rebuild Lowry Mill. Mr. Stephens outlined the project history, including the bids coming back significantly overbudget, and categorized the project as dormant at this time, not dead.
- Victor and Dolly Najarro, 45 Winchester Drive. The Najarras stated that they want to open a beer garden in the Old Museum location. They approached the city because some ordinances would need to be changed to allow the business to operate. Mr. Najarro explained the type of business, and he said they would want to have food trucks vend and that could meet a food minimum. Chairman Mobbs and members asked questions about how the business would be structured to ensure safe operations and alcohol consumption. Commission members compared this business idea to the food truck park located on Highway 20. Ms. Najarro said that they and other residents leave Euharlee and take their money elsewhere to go to these type places. They want to stay here and bring more people and money into Euharlee. Mr. Stephens asked if the

commission would like to talk to the council about a joint session to discuss some of the changes that have been proposed for the alcohol ordinance. Chairman Mobbs agreed. He stated that he wants to be sure that the city is careful with the language in the ordinance to make sure that Euharlee does not have establishments opening everywhere, but not so restrictive that there was only one place this type of business could open. He suggested limiting the location to the downtown historic district and the ERCDO corridor. Ms. Najarro also explained that special event alcohol licenses are required from the state that would limit backyard pop-ups that they are worried about. Ms. Gobbi asked if the Najarrros were wanting to sell retail as well. And they said yes, including growlers. Growlers are sealed glass jars full of beer from a tap to-go. Ms. Foulk asked about unsealed to-go alcohol sales during the COVID state of emergency and how that related to our ordinance. Mr. Stephens said that he believed that was part of Governor Kemp's emergency declaration and is no longer allowed. Chairman Mobbs said that he is okay with sealed containers leaving.

- Joseph Turner asked to respond. He said that the idea of the food truck does not match our current ordinance for the minimum percentage of food. Mr. Turner also questioned if this type of business would impact the school events hosted in Osborne Park. He also is concerned about children all over the city and we cannot control people drinking and then getting in their cars and driving.
- Victor Najarro said that the proprietors would be responsible for not overserving, per state law. They would try to maintain the natural beauty of the area and create a spot for people to relax.
- Marshall Aiken, 65 Lazy Water Drive. Concerning the beer garden, Mr. Aiken reminded the commission members to consider writing the ordinance to keep a dive bar while letting the nice things exist.
- Joseph Turner asked if the parking lot can accommodate this business. Ms. Foulk said she does not know how many people would be going there. She also pointed out that the ordinance needs to be modified because right now it has a requirement for paved parking.
- Annie Smith, 16 Cathedral Place. Spoke in support of the beer garden. Ms. Smith said it is more than a bar. They could hold Bible study there. She also said that people could drink and drive at Food Truck Friday or other places, too. The community is responsible and law-abiding. Ms. Smith asked if they are going to put the ordinance changes out for voting or comment. Chair Mobbs explained the process.

Alcohol Ordinance Amendment: Chairman Mobbs asked for a motion to table this for a joint session with the City Council. Mr. Evans asked for additional information. Mr. Stephens said that he would ask the mayor about a called work session. Ms. Foulk motioned to table. Mr. Evans seconded.

Vape Shops: Chairman Mobbs said that he thought that the commission recommended an ordinance prohibiting vape shops in the city. The shop opening on Euharlee Road received their business license over a year ago. Former P&Z Director Mr. Reese indicated he encouraged prohibiting them, but nothing was presented to the city manager or city council. Ms. Gobbi said that she reviewed the P&Z minutes from 2016 on and it was not mentioned. Mr. Stephens said that we will have one, but they can put something in place. Chairman Mobbs asked staff to do more research. Ms. Gobbi said that Bartow County and Cartersville do not have one, but she will do further research on the topic.

Mr. Evans motioned to adjourn at 7:58pm. Ms. Patterson seconded. Meeting was adjourned.