

**CITY OF EUHARLEE  
CITY COUNCIL MEETING MINUTES  
SEPTEMBER 05, 2023**

Mayor Craig Guyton called the meeting to order. Council Member Greg Free said a prayer, followed by the Pledge of Allegiance.

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

**Approval of Minutes**

Council Member Greg Free motioned to approve the minutes for the City Council Meeting, 08.01.23 and Called City Council Work Session 08.15.23. Council Member Joe Turner seconded the motion. The motion was carried with all voting in favor.

**UNFINISHED AND NEW BUSINESS**

**Approval of Fiscal Year 2022 Audit- Mayor Craig Guyton**

Council Member David Duncan motioned to approve the FY 2022 audit report. Council Member Greg Free seconded the motion. The motion was carried with all voting in favor.

**2<sup>nd</sup> Reading Noise Ordinance Amendment- Katie Gobbi**

Katie Gobbi, Community Development Director stated the council had before them for the 2<sup>nd</sup> Reading of the Noise Abatement Ordinance; Section 7.11 for specific times for violations of this ordinance. The ordinance was altered to read, between the hours of 11:00 pm to 7:00 am on Friday and Saturday; and between the hours of 10:00 pm – 7:00 a.m. Sunday through Thursday. It replaced Table 1 that was previously included. Council Member Joe Turner motioned to accept the changes to the noise ordinance. Council Member David Duncan seconded the motion. The motion was carried with all voting in favor.

**2<sup>nd</sup> Reading Section 6.7 Home Based Occupation Amendment – Katie Gobbi**

Katie Gobbi, Community Development Director stated the council had before them for the 2<sup>nd</sup> Reading of the Home-Based Occupation Ordinance, Section 6.7 with no changes from the 1<sup>st</sup> reading. Council Member David Duncan motioned to accept the changes to the home occupations. Council Member Greg Free seconded the motion. The motion was carried with all voting favor.

**2<sup>nd</sup> Reading Land Subdivision Regulation Amendment - Katie Gobbi**

Katie Gobbi, Community Development Director stated the council had before them for the 2<sup>nd</sup> Reading the annotated version of the Land Subdivision Regulation Ordinance with the proposed amendments. She stated there were not any changes from the 1<sup>st</sup> reading, and hopefully the council had time to digest it. As a reminder, some changes came from the survey with the site engineer, and some are just to update from 2006 standards to 2023 standards. Primarily, the suggestions are from the third-party engineer with a few exceptions from other staff members and the Planning and Zoning Commission that added one request which was to have the preliminary plat go before the Planning and Zoning Commission that currently goes to the city council.

Mayor Craig Guyton shared the last time it was updated was 2006. Council Member Tim Abbott stated that some conceptual design, even if it is not binding, has to go before the Planning and Zoning Commission. Ms. Gobbi said yes if the council approves the changes. Mayor Guyton asked where the information was located. Ms. Gobbi stated on Table 1-1-15.2.1 which is one reference, and the second reference in front of the Planning and Zoning would be Section 1-1-13.4. Mayor Guyton wanted to clarify what was read and what he heard; the preliminary plat has to go before Planning and Zoning for a

recommendation to the city council and if it is not approved it still goes before the city council. Ms. Gobbi explained in Section 1-1-13.5, the preliminary plat goes to the city council which is the approving body. Mayor Guyton asked if the final plat had to go through P&Z and Ms. Gobbi explained it does not have to go before Planning and Zoning. James Stephens, City Manager explained these would be preliminary plats that do not have a rezoning request or a variance, just a subdivision plat development. Ms. Gobbi said Table 1-1-15.1.1 has the requirements for a preliminary plat that includes the descriptions.

Council Member David Duncan motioned to accept the Land Subdivision Regulations Amendment. Council Member Tim Abbott seconded the motion.

Resident Jim Thibault stated he was glad the preliminary plans are required so that something is on paper. He asked if there is anything in the new language of how far it can deviate from the preliminary plan and a final plan. Ms. Gobbi read Section 1-1-13.7 and it states that the procedures for considering an amendment to a preliminary plat shall be the same required for an initial application for preliminary plat approval. Final plats shall be required to conform substantially to preliminary plats, and therefore any proposed significant changes to the configuration of the streets, number of lots, the provision of open and green space, access points or other matters shall require an amendment to the preliminary plat be approved.

Mayor Guyton stated that the chart reads that the preliminary plat, construction plans and the final plat all have to go through the Planning and Zoning. Ms. Gobbi shared that as she reviewed the documents there were some discrepancies between the chart and the language and it was silent on whether it goes in front of Planning and Zoning or not in the language. Mayor Guyton said but the table shows it and wanted to confirm they were not contradicting. Ms. Gobbi also shared that the language for construction states it does not have to go before Planning and Zoning. Mayor Guyton stated that he had a concern because of delays, with all the plats and the plans having to go before the Planning and Zoning Commission and the city council. Ms. Gobbi stated she is very careful to outline the timetable for public hearings and meetings. Council Member Joe Turner stated he wanted as much as possible to go before the Planning and Zoning Commission.

Mayor Guyton said they have a motion and a second. The motion was carried with all voting in favor.

Council Member Abbott said it is a collaboration between the Planning and Zoning and City Council; special meetings can be called if there is a need for acceleration for a Planning and Zoning vote. It is okay to have flexibility and agility in the policy, so they are not so strict without movement.

#### **Planning and Zoning Commission Reappointments – James Evans & Kathy Foulk – Katie Gobbi**

Katie Gobbi, Community Development Director said that James Evans and Kathy Foulk are both ending their terms on the Planning and Zoning Commission, and both are recommended for re-appointment for a three-year term to end on August 31, 2026. Council Member David Duncan motioned to extend their terms. Council Member Greg Free seconded the motion. The motion was carried with all voting in favor.

#### **118 Covered Bridge Road – Agreement to Sale Land – James Stephens**

James Stephens, City Manager stated the document the council had before them is the document with Exhibit 1 and Exhibit 2 for their consideration. The contract was drafted based on the terms the city council laid out in the discussion in regard to Drowned Valley Brewery. It has been reviewed by the Drowned Valley attorney and it does provide for them to have a 90-day due diligence period before closing but it is not working in a way that if they want to close before the 90 days out can be done. Mr. Stephens recommended the execution of the contract.

Council Member Joe Turner asked how it got from 1 acre to 1.7 acres. Mr. Stephens stated it came to this amount after surveying the land. Council Member David Duncan said when they voted they were told it would be 1 acre. Mr. Stephens stated that was not the exact wording. He also corrected it was 1.07 instead of 1.70 acres. Council Member Turner did not like that it was at the edge of the Covered Bridge.

Council Member Duncan said it was voted 1 acre, he was totally against it then, and totally against it now. Council Member Turner stated according to the plat it is right along the Covered Bridge and doesn't think they need to sell that close to a landmark in the city. Mr. Stephens reminded him it was discussed, and Mayor Guyton agreed it was discussed. Council Member Tim Abbott reminded the council that Council Member Turner voted for it, Council Member Duncan remained silent, and if the opposition is no, let it be no. Council Member Tim Abbott motioned to approve the contract with Drowned Valley Brewing on the agreement to sale 1.07 acres. Council Member Greg Free seconded the motion. The motion was carried with three voting in favor and two in opposition.

**Public Comments**

There were no public comments.

Council Member Tim Abbott motioned to adjourn. Council Member Greg Free seconded the motion. The motion carried with all in favor.

With no further discussion the meeting adjourned at 7:30pm.