

**CITY OF EUHARLEE  
CITY COUNCIL MEETING MINUTES  
OCTOBER 03, 2023**

Mayor Craig Guyton called the meeting to order. Council Member David Duncan 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, City Manager James Stephens, and City Attorney Boyd Pettit.

**Proclamation - Red Ribbon Week - Atlanta Young Marines**

Mayor Craig Guyton read and presented the proclamation to the Atlanta Young Marines honoring October 23 - 31, 2023, as Red Ribbon Week in the city of Euharlee. Council Member Greg Free motioned to approve the proclamation. Council Member David Duncan seconded the motion. The motion carried with all voting in favor.

**Amend Agenda**

Council Member David Duncan motioned to amend the agenda to add item #7 Prefab Building. Council Member Greg Free seconded the motion. The motion carried with all voting in favor.

**Approval of Minutes**

Council Member David Duncan motioned to approve the minutes for the City Council Meeting, 09.05.23 and Called City Council Work Session 09.19.23. Council Member Greg Free seconded the motion. The motion was carried with all voting in favor.

**UNFINISHED AND NEW BUSINESS**

**5-Year Soccer Contract - Becky Pruitt**

Becky Pruitt, Parks and Recreation Director was charged to contact Cartersville Recreation for soccer field fee rentals. The city of Euharlee is in line with the fees charged in Cartersville. The soccer contract is a partnership, and the association oversees the program and the fields. Council Member Joe Turner stated he would like to have a playground for the smaller children. Council Member Greg Free agreed and to find a good location for it. Council Member Joe Turner motioned to accept the 5-year contract. Council Member Tim Abbott seconded the motion. The motion carried with all voting in favor.

**Preliminary Plat - James Stephens**

James Stephens, City Manager said it was the 2<sup>nd</sup> reading for the plat application for 1244 Euharlee Road. It does not involve any rezoning or request for any special conditions. The staff recommended approval. Council Member Joe Turner asked if the sewer line would run where the flags are currently located down Covered Bridge Road. Mr. Stephens answered, yes. It is related to the developer getting the points for the legal description for the sewer easement. Council Member Tim Abbott requested Adam Baker provide information due to the concerns for the traffic on Euharlee Road. Council Member Abbott stated the conversation he had with Mr. Baker, the plans are above and beyond, to help the traffic flow out of subdivisions. Mr. Baker said a traffic study has been completed. It was shared with staff and available to the public. There will be a decel and accel lane for both entrances. A 25-foot undisturbed buffer around the property, which is not part of the code requirement. The code requires a 25-foot setback and a 75-foot setback for external neighbors. They are trying to incorporate things above code. The lot size will be 12,274 square feet, larger than 10,000 minimum, with some close to an acre. Council Member Joe Turner asked the timetable for the project. Mr. Baker said once approved it will be released to the civil engineer for full design of the property. After all the processes, could possibly move dirt in two to three months,

approximately the second quarter of next year. Council Member David Duncan was grateful for the larger lots. Council Member Greg Free said several neighbors he met with were very complimentary of the discussion which eased a lot of concerns. Council Member Greg Free motioned to approve the preliminary plat. Council Member David Duncan seconded the motion. The motion carried with all voting in favor.

**Sewer Easement Agreement 1244 Euharlee Road - James Stephens**

James Stephens, City Manager stated it was the second development to be included in the investment the city made in the downtown area. The developer is offering \$10,000 for the easement. Two easements to be conveyed over to Bartow County, and one temporary 40-ft. construction easement. He deferred to Attorney Boyd Pettit to explain further any nuances that is pertinent to a vote. Atty. Pettit said it was a contract to grant an easement. The layout was presented with a 2-year term expiration. There were other conversations and changes made for the easement to comply with Bartow County regulations. Council Member Joe Turner asked if there was a need for a pumping station on the property, would it be the responsibility of the city. Atty. Pettit said the easement will be granted to Bartow County Water and Sewer. If another development came to hook in and a pump station is required, it would be between the developer and Bartow County. If it is the city's property it would involve the city as well. Council Member David Duncan motioned to accept the sewer easement. Council Member Joe Turner seconded the motion. The motion carried with all voting in favor.

**Osborne Park Bid Update - James Stephens**

James Stephens, City Manager shared that the city received seven bids, ranging from the low bid from Pennant Construction at \$2,424,000 and the highest bid from Heck Contractors at \$3,998,920. Barry Atkison and Bell and Associates processed and evaluated the bids and are gathering and checking on the four low bids. No recommendation at that time. The rebid omitted the river walk and it came in much more competitive than the original bids and can save over half-a-million dollars. A recommendation will be made to the council shortly. Council Member Tim Abbott said the rebid did not include the riverfront of the river walkway. He also wanted to know if the city will be able to address the accepting bids or will it be in stone dealing with placement, size and contractors, or still an opportunity for changes. Mr. Stephens stated If the contract is executed and notice to proceed issued there is still negotiation available to the city and the contractors. Attorney Boyd Pettit stated there can be change orders during the process. Council Member Abbott stated he wanted to avoid change-orders when possible. Atty. Pettit stated often times change orders are beneficial to the city case by case. Council Member Joe Turner asked if the council suggested any changes to the theater from the original design. Mr. Stephens said the current rebid had the original design and original size. There are deducts in the bid tabulation which will allow it to be easier to get the numbers than when the bid was initially put out. Council Member Turner said it would be proper for the council to discuss. Mayor Craig Guyton said to add the discussion to the October 17<sup>th</sup> agenda.

**Presentation of Tech Bid - James Stephens**

James Stephens, City Manager stated a quote was received from TDS, Inc., which is related to infrastructure and software with a 70-inch TV screen to make the meetings more attendee friendly and to have the same access to documents as the council. The cost is \$2,994. which does not include audio upgrades. Mr. Stephens thinks it is competitively priced and recommends acceptance. A quote was received for audio but higher than anticipated.

Council Member Greg Free motioned to accept the bid from TDS, Inc. for the digital portion of the audio visual. Council Member Joe Turner seconded the motion. The motion carried with all voting in favor.

**Prefab Building for Campground – James Stephens**

James Stephens, City Manager stated the city had an opportunity to get a prefabricated building that is wired. It has air conditioning and can be used for the gate house and a small store. The cost is \$18,000 and it was purchased from EC Buildings in Cartersville. Mr. Stephens made the recommendation to purchase

and the responsibility for the building would be the campground host. He also shared that the campground hosts had been hired. The council discussed different locations for the unit as a convenience to the campers. Mayor Craig Guyton suggested moving the cowshed, once the cost has been determined, for the campground store. Council Member Abbott asked the size of the two. Mr. Stephens said the prefabricated building is 12 x 16 and the cowshed is a little larger with a second level. Council Member Greg Free asked if the cowshed would survive the move. Mr. Stephens stated he had a local contractor working on the moving cost. Mr. Stephens recommended a vote contingent on the cost to move the cowshed due to the need to make the purchase during the soft opening. Council Member Joe Turner motioned authorizing an expenditure up to \$18,000 for the purchase of the prefabricated building for the campground, with the alternative to consider, for that price or a lesser cost, the cowshed can be used. Council Member Greg Free seconded the motion. The motion carried with all voting in favor.

### **Public Comments Summarized**

- Marshall Aiken, resident shared his concerns about getting the correct information in reference to the anticipated developments which total 700 proposed homes. He shared census information about increases in the number of people, growth numbers, school capacity, roadway and bridge repair concerns. He also wants the council to share the good and bad information.
- Peter Piliero, resident asked about the cost of Osborne Park; LOST with a \$500,000 possible loss should be considered when making purchasing decisions; Questions about prior development with McWhorter and the appearance of collusion; In favor of voting for districts; Does not agree with the use of Joe Cowan Park.
- Ron Hartman, resident said he was in agreement with districts and the council should give the public the opportunity to vote for districts; For the record he had not spoken with Mr. Piliero about districts; Joe Cowan Park is under-utilized, and the revenue and expenditures combined creates a loss and does not break even; LOST revenue discussed does not capture the true revenue received; Rebid containing the same design as the original bid with no changes per citizens suggestions. Consider the public redesigning Osborne Park.
- Adam Baker, developer shared that most amphitheatres are built in the floodplain. It is common for non-inhabited structures in floodplains, to include RV sites, soccer fields and parking lots.
- Chris West, a resident, said she would like for the city to share the names of candidates for the upcoming election on the city's Facebook page, website, or even in the newsletter to be better informed.
- James West, a 2-year resident and first time at a meeting stated he loves the small-town charm. The downside is the traffic, and he foresees an increase on Hardin Bridge and Euharlee Road incrementally. It will be substantial if something is not done immediately; Based on the discussion he heard about the parks, is there a five-year plan to utilize the parks for profit or at least a zero-sum gain; Moved to Euharlee for a peaceful living.
- Steve Gray, resident concerned about the amphitheater being in a floodplain at Osborne Park. No response from the engineer about the million-dollar cost to move the amphitheater; Safety concern about the distance between the amphitheater and the playground; The size comparison of the 24,000 sq. ft. playground opposed to the 30,000 sq. ft. dog park.
- Zack Tyre, resident said thank you to the council for paving the parking area behind his shop; He was concerned about the area at the old library being roped off and disturbs the flow of traffic; He was for Osborne Park and the engineer design based on the current flow. He would like to see pictures and plans for the development and possibly to cut back in some areas.
- James Thibault, resident asked if there were any updates on the McWhorter project at Etowah Bend and when will a decision be made; He wanted to know once Bartow County approved the contract, if the council would make a decision. Currently the developer had not received the approval to tap on to the sewer; He asked if the council is involved in the decision making for the sewer and the answer was the council is not.

**Executive Session – Potential Litigation**

Council Member David Duncan motioned to go into Executive Session at 8:23 pm for the purpose of Attorney-Client Privileges. Council Member Greg Free seconded the motion. The motion carried with all voting in favor.

The Mayor and Council returned from Executive Session at 8:46 pm. Attorney Boyd Pettit stated that the council had been in Executive Session for Attorney-Client potential litigation. There were no votes taken, no actions taken in the executive session, and he knew of no action to be taken in the meeting as a result of that. Council Member Greg Free motioned to adjourn the meeting. Council Member David Duncan seconded the motion. The motion carried with all voting in favor.

With no further discussions, the meeting was adjourned at 8:47pm.