

**CITY OF EUHARLEE
CITY COUNCIL WORK SESSION MINUTES
OCTOBER 17, 2023**

Mayor Craig Guyton called the meeting to order. Council Member Tim Abbott 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.

Mayor Craig Guyton, on behalf of the Council, said thank you to Katie Gobbi and Ashley Gayton for putting together, and spearheading a phenomenal fall festival. The two were presented with a token of appreciation from the council.

Public Hearing Rezoning Application RZ2023.1 – Parcel No. 0034-0753-002; Environmental Overlay - Parcel No. 0034-753-002, 0034-0753-003, 0034-0688-002, 0034-0752-001

Attorney Bandon Bowen, on behalf of Josh McWhorter stated a deferment was requested last meeting regarding the sewer agreement with Bartow County Water and Sewer. Since then, the agreement was awarded, and a letter was sent to staff showing the approval. Josh McWhorter, property owner, and Jeff Burns, project engineer were both present. Atty. Bowen stated the applicant is seeking to develop the project of a single family detached residential subdivision. There are (4) parcels that are a part of the project. Three are zoned R1 designation to develop under and one is RE1. The understanding was, which he was not a part of, when McWhorter first obtained the property and was told by the then staff, not current staff, it was zoned Ag and needed to rezone to RE1 for the project at that time. Mr. McWhorter is asking to return the property to R1. On the map is the exact same zoning that applies to that area with the exception of a few more dense classifications along Euharlee Road. It is the only RE1 property in the city.

Attorney Bowen stated a preliminary plat was also submitted. Last year when it went before the Planning and Zoning Commission, there was no plat. It includes 151 acres drawn with 328 lots and some lost due to being under developable. It equates to a density of 2.16 lots per acre with the minimum lot size of 10,000 square feet. It has very substantial green space a little under 30%. The overlay district requires 40% which is part of the rezoning request to be removed or reduced down as an obtainable amount. Attorney Bowen said they have tried to meet with everybody with concerns, and neighbors with questions and concerns about the project.

Another point Atty. Bowen shared was from the comprehensive plan. It says it has a variety of uses appropriate for future uses in the area. In regard to residential uses, the property is shown as residential and defined as a single family detached is high density and low density of multiple family residential is low density. The comprehensive plan is consistent with the ask and the plan submitted. RE1 is not consistent. It seems unfair to hold the property to RE1 when no other property around it are held to it.

Council Member Tim Abbott asked why not in 2018 and why now. Mr. McWhorter explained the lots did not sell. They sat on it until last year and decided to get back to R1 zoning. They had a couple of builders and one contract failed. It was a terrible plan. They did everything they could to get the buffer space and had more greenspace than anybody in Bartow County.

Council Member Greg Free asked Mr. Stephens to go over the history of the property. James Stephens, City Manager stated there has been some confusion over the property even with the Planning and Zoning if it was agriculture or not when they pursued in 2018. It was rezoned to R1 in 1986 and has been R1 since

1986. Katie Gobbi Economic Development Director added it can be shown when they adopted the zoning map it was R1 in 2007 and earlier.

Tammy Prance, resident – Ms. Prance stated she understands growth, planned growth. Concerned with going from 1-acre homes to two homes on one acre with the minimum lot sizes and not having the infrastructure to prepare for it. It was said that Euharlee Road is not at the limit. There is only one entrance and exit and 600 cars trying to get out on Milam Bridge Road to Euharlee Road. The first responder services has to grow also, and not prepared for that growth. With the (3) proposed developments totaling 700 homes is a big jump without really knowing. Slow down and see what works instead of developing all at the same time.

Joe Kraft, resident – Mr. Kraft addressed the citizens, and glad the citizens are showing up for the council they elected to hear their voices and take what they have heard into consideration.

Mayor Craig Guyton, with no further comments, closed the public hearing.

Preliminary Plat Application – Katie Gobbi

Mayor Craig Guyton stated it is the same plat they discussed in the public hearing. Katie Gobbi, Economic Development Director stated they have already gone over the specifics of the plat and to be in compliance with the city ordinance would be contingent on the zoning application.

Council Member Tim Abbott said the RE1 plan did not work and curious to know what makes them think the R1 plan will work. Atty. Bowen stated they have a letter of intent to develop and sell the lots and the developer will take the risk at that point. It was said to ask any real estate agency if there are enough single detached homes in town. The builders do not want basement lots and they will lose lots, 328 will not be the final number, it will be less. They did what planning and zoning asked to bring the plat.

Council Member Turner said R1 or RE1, he is familiar with the property when it was farmland and wanted to know the areas for both. Atty. Bowen explained the RE1 is the southeast portion on the river with about 80 acres, the eastern half along the river. The R1 is the western portion from Milam Bridge all the down the river. Mr. McWhorter reminded them he is a neighbor too which is why they tried to modify the best that they could. Council Member Greg Free asked roughly the number of homes that could be developed on the currently zoned R1, and they stated roughly 120. They looked and even with the RE1 in compliance with the zoning they came up with 240 homes on the parcels as it sits. They would remove buffers to meet greenspace from the neighbors. They are trying to reach 200 to 250 feet in some cases from property lines to new homes which would shrink down to 50 and nobody would like that plan.

Council Member David Duncan stated he is familiar with the property from patrolling and wanted to know if they knew where all the sink holes were. Mr. McWhorter said the work has been done, and with the simple slope they will lose lots. The plan is maximum use of space but could have some onsite conditions to change that.

Council Member Greg Free asked Mr. Stephens to explain for transparency the environmental overlay which can be a little confusing. Mr. Stephens stated it was put in place on June 5, 2007, with the intent to protect the river and cut down on high density development. The ordinance is written in a fashion, with 40% greenspace to keep development away from the river. As a tradeoff for greenspace, it allows for more dense development, 10,000 square foot lot if served by sewer, prior to the 10,000 square foot update to the ordinance. The property referred to as the orchard behind the towers is also zoned with the environmental overlay in place, so those two tracts are impacted by the overlay. Council Member Free asked if the clause becomes active only if it is served by sewer or regardless. Mr. Stephens said the health department could get involved if without sewer based on percolation test, could dictate a smaller lot than

what was in the planning and zoning ordinance. The environmental overlay does impact development. The staff recommendation is to approve the R1, but it is up to the council to remove the overlay or not. On a professional record, to lift the overlay it would be more appropriate to change the ordinance than to give a variance. They are only off 10%, have worked with the city, and he is sympathetic to where they find themselves. The overlay has been in place for over 15 years.

Mayor Guyton asked how the clause effects in the R1 zoning. Mr. Stephens stated the same, it is any property covered by the environmental overlay other than commercial.

Council Member Turner said he thinks if the overly is removed, they are opening themselves up for future developments. He likes the idea of protecting greenspace and if they do it for one, there will be future requests. Atty. Bowen said instead of giving a variance change to 30%, it still protects the river.

Council Member Free asked if the overlay was in effect when the rezone in 2018 and had been for 11 years and discussed at the time of the rezone. Mr. Stephens said yes.

Axon Contract for Taser – Chief Jody Matthews

Chief Jody Matthews provided the council with the renewal contract from Axon for the tasers for the police department. The department currently have the X2 Taser, which Axon is no longer servicing or providing. The renewal provides the newest Taser 10, also includes a halt suit for training, and unlimited cartridges. It remains at a 5-year contract with cameras, and the total cost is \$64,192.20 divided into 5 payments at \$12,838.44 annually.

Osborne Park & Public Comments – Joe Turner, Council and Citizens

Council Member Joe Turner wanted to discuss the amphitheater in Osborne Park. He feels it is taking up too much space and prefers something smaller to start. He was hoping to convince the council to build a bandstand as the amphitheater. Osborne Park needs updating, and he would like more playground space for the kids. He wanted to hear the ideas from the people. If the council insist on the amphitheater, he will request some changes. Council Member Greg Free said that he and Council Member Turner had a great conversation, and they both have lived in Euharlee for a long time. He said there have been a lot of conversation about the amphitheater and the floodplain. He had maps he retrieved from the Bartow County office showing flood areas and even FEMA floodplains. A lot of the city's structures, except for the city hall, along with some of the homes in several subdivisions are built in the floodplain.

Below are the highlights of the discussion shared from the council, and the citizens. Bell and Associates also shared additional information on the plan for Osborne park.

- Eleven meetings included discussions for Osborne Park; Survey with over 90 responses on what people would like to see in the plan is included in the plan; Public input meeting held; No other project has received this much discussion, and it is well documented.
- Waterfront parks are designed to hold water, capture and store floodwater with little or no damage to surrounding infrastructure.
- Great feedback from others in the surrounding area who have built amphitheaters, great for tourists and attractions. Do not build on flat land.
- There were two SWAT meetings with the stakeholders request to revitalize the park.
- Reconsider the location and the size of the playground
- Engaged the discussion to consider, if doable, changing to make the playground 5000 sq. ft. and adding a second playground on the amphitheater side; additional space behind the amphitheater to consider for a play area. The current location of the playground is for handicap accessibility next to the parking lot.
- Eliminate the driveway from the parking lot to the gravel parking lot if not necessary; It is necessary because it is the only access from the city's property.
- Citizens to understand there is a designated time under the American Rescue to use the funds. Final discussions need to take place and get moving before the funds are no longer available.

- Per the last bid 75% will be funded from the ARP funds and the remainder will be funded by URA funds that have been on deposit for a while.
- What is the projected cost for maintenance; Basic maintenance is anticipated not to exceed \$35,000 a year.
- The time frame to utilize the ARP funds is by December 2024. The construction can be completed by December 2024.
- Citizens agree to fully invest in the downtown area project of Osborne Park after understanding funding.
- Project manager will make a recommendation at the November 14th meeting on the bids and anticipate the council will award the contract at that time.
- Project manager for the Osborne Project is Barry Atkison.
- The cost difference in the maintenance cost at Joe Cowan park and Osborne park is due to the size and the type of park. Joe Cowan Park includes the operation of the baseball fields.
- What stops them from moving the amphitheater to the old ballfields other than in the slope; The current location allows for additional space to enjoy the show, it would reduce access for those behind it. Even on the field you would have to dig when there is already a natural slope.
- Dog park location considered for Joe Cowan Park due to the amount of space allotted at Osborne Park. There is some additional green space the council could use near the dog park. There is additional plans for future use at Joe Cowan Park. Both places have room for growth.
- The proposal to move the amphitheater could cost one million dollars. To move it would put a lot more money in the sitework and the money will be better utilized with the existing plan. The cost was not available. The cost to move the amphitheater would not be a million-dollar project.

Bell and Associates summed up the discussion sharing some of the plan highlights for Osborne park. The signage is on the back of the stage and will face so it can be seen from the road, and Osborne Park will be front and center when driving down Covered Bridge Road. The amphitheater is sitting true north away from direct sunlight and no matter where you are in Osborne Park, you get to have the acoustics from the park. Some of the major aspects they are looking at is the dog park, access to parking, with over an acre for parking, and the playground, all requiring flat land for accessibility, will be utilized in the floodplain to achieve terra seating at the stage. The terra seating can be accessed from the high road, and they can use the slope to view, the people in the back can see the view, and public view from the sidewalk. There will be a loading zone to the stage. Any work inside the floodplain will be filled to make it more usable and accessible. It was asked about a retention pond. Mr. Bell stated there is 10 acres for runoff water between the existing buildings and the masonic lodge parking lot. The water runs from the church down to Osborne park and goes to the southwest corner at the entrance to the park and Covered Bridge Road. The amphitheater is pushed away from that area to utilize the existing walking track and to keep it away from where the water is flowing. With a 100-year floodplain the water will enter the amphitheater, but it is designed to drain out. There is a detention hole on the top of the hill, which will hold the water and drain naturally. It is not a pond to hold water for long term.

With no further discussion the meeting adjourned at 8:36 pm.