Canton, Georgia

110 Academy Street
Canton, Georgia 30114

Minutes - Final - Final

Thursday, July 15, 2021

6:00 PM

City Hall Auditorium

110 Academy Street

City Council

1. Pledge of Allegiance and Invocation

The Pledge of Allegiance to the American Flag was led by Mayor Grant and followed by an invocation given by Mayor Pro Tempore Wilson.

2. Call to Order

The meeting was called to order by Mayor Grant.

Members Present:
Mayor Bill Grant
Mayor Pro Tempore JoEllen Wilson
Councilmember Shawn Tolan
Councilmember Brooke Schmidt
Councilmember Sandy McGrew
Councilmember Will Carlan
Councilmember Nick Estes
Mr. Billy Peppers, City Manager
Mr. Bobby Dyer, City Attorney
Mr. Nathan Ingram, Assistant City Manager
Mr. Stephen Merrifield, Police Chief
Mr. Steve Green, Zoning Administrator
Ms. Bethany Watson, Development Services Manager
Mr. Mike Morgan, Information Technology Director

Absent:
None

3. Consideration to Approve Agenda

City Manager Billy Peppers requested an Executive Session be added to discuss real estate. Mr. Peppers stated action will be taken following the Executive Session. Councilmember Schmidt made a motion to approve the agenda with the addition of an Executive Session to discuss real estate. Councilmember Tolan seconded the motion, and it was approved unanimously.

4. Guests and Visitors

A. Life Saving Award Presentation - Police Chief Stephen Merrifield - Attachment 4A

Attachments: Life Saving Award

Police Chief Stephen Merrifield presented Life Saving Awards to Sergeant Taylor Lilley, Officer Michael Caplan, Officer Jesse Lee, and Office Domenick Marotta. These officers were recognized for involvement on June 2nd during multiple house fires in which they acted without concern for their own safety or wellbeing and without delay to protect those in danger by assisting in safe removal of citizens in the area.

B. Presentation of Young Biz Kid Day Proclamation

Mayor Grant read a proclamation for Young Biz Kid Day.

C. Update on County Parking Deck Project - County Manager Geoff Morton and Administrative Services Agency Director Stacey Williams

Cherokee County Administrative Services Agency Director Stacey Williams provided Council a presentation of the County's parking deck project. Mr. Williams showed renderings of the proposed seven story structure which will have 586 public parking spaces. The deck will include six electric car charging stations. The deck will be open 24 hours a day, seven days a week. Councilmember McGrew asked if the parking deck will have restrooms. Mr. Williams stated no. Councilmember McGrew asked if the parking deck had a roof. Mr. Williams stated the top parking level is uncovered. Councilmember McGrew asked if the County would be amenable to using native plant material. Mr. Williams stated they will be using the City's landscape ordinance. Councilmember Tolan asked if there will be an hourly charge to park in the deck. Mr. Williams stated no. Mayor Grant asked about access to the Arts Center. Mr. Williams stated you will have to enter the lower level of the deck to get to the Arts Center. Mayor Grant discussed concerns with losing further visibility to the Arts Center and cemetery. Councilmember Schmidt asked if the County would be willing to install wayfinding signage. Mr. Williams stated he did not see a problem with that. Councilmember Schmidt asked about walking to the Arts Center. Mr. Williams stated there is a covered walkway and sidewalk leading all the way to the Arts Center. Mr. Williams discussed the reason for the parking deck being so large is due to a study that was completed for when the annex is built for the Justice Center. There will be a large number of employees plus the public entering the buildings which is cause for a greater number of spaces. Councilmember Schmidt asked what will happen to the current parking deck. Mr. Williams stated it will remain until construction begins on the annex. Councilmember Schmidt asked what the annex is. Mr. Williams stated it is the courthouse expansion. Councilmember Carlan asked if the entrance and exit will be on North Street. Mr. Williams stated yes. Councilmember McGrew asked for the County to consider a sculpture or public art.

5. Public Hearings

Mr. Peppers provided a presentation discussing the City's historical property tax rates, rate comparisons of municipalities throughout Cherokee County, the method for calculating property taxes, revenues generated by property taxes, the return or value for residents from taxes paid to the City, and an overview of the proposed fiscal year 2022 budget. Highlights of the budget include new personnel, cost of services increases, operational upgrades, and continued projects within the City. Mr. Peppers discussed the capital fast lane approach for financing and completing Canton's Roadmap for Success. Mr. Peppers provided Council available funding streams for capital projects and new programs. Mr. Peppers discussed projects to be completed under each of Canton's Roadmap tenets and their funding sources. A copy of the full presentation can be found in the agenda packet in the City Clerk's office.

A. Public Hearing and Approval of 2021 Millage Rate - City Manager Billy Peppers - Attachment 5A

Attachments: Fiscal Year 2022 Proposed Budget and Millage Rate

See Item 5B.

B. Public Hearing and Approval of Fiscal Year 2022 Proposed Budget - City Manager Billy Peppers - Attachment 5B

Attachments: Fiscal Year 2022 Proposed Budget and Millage Rate

Mayor Grant opened the public hearing for the 2021 millage rate and the fiscal year 2022 proposed budget. Mayor Grant called for anyone wishing to speak in support of or in opposition to either item. Mr. Thomas Weaver wondered how much longer the City can continue to have the lowest millage rate within the County. Mr. Weaver discussed his concern with continuing to provide senior tax exemptions and the impact it has on the General Fund. Mayor Grant closed the public hearing and opened the discussion to Council. Councilmember McGrew asked about the transportation study. Mr. Peppers stated areas have not yet been identified but the goal is to look at a corridor or group of corridors that would not be directly impacted by Georgia Department of Transportation (GDOT) but that are local road corridors. It may be that a City-wide study can be done. Councilmember McGrew asked how much the City pays to the County for fire services. Mr. Peppers stated 3.29 mills are paid to the County.

Councilmember McGrew made a motion to approve the 2021 millage rate. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously.

Councilmember Tolan asked about what it means for the American Rescue Plan Act (ARPA) being encumbered. Mr. Peppers explained that agreements must be in place or funds dedicated to be spent by 2024.

Councilmember Schmidt made a motion to approve the fiscal year 2022 budget. Councilmember Carlan seconded the motion, and it was approved unanimously.

6. Consideration to Approve Minutes

A. Special Called Council Meeting Draft Minutes - July 1, 2021 - Attachment 6A

Attachments: Minutes - Special Called Council Meeting - July 1, 2021

B. Council Meeting Draft Minutes - July 1, 2021 - Attachment 6B

Attachments: Minutes - Council Meeting - July 1, 2021

Councilmember Tolan made a motion to approve the minutes. Councilmember Estes seconded the motion, and it was approved unanimously.

7. Informational Items

A. Update on Great Sky Zoning - City Attorney Bobby Dyer

City Attorney Bobby Dyer discussed that the case began two years ago. A request for a Conditional Use Permit to allow multi-family in Pod 16 of Great Sky

had been submitted and was denied. The applicant filed a lawsuit, and the case has been pending. After discussion with the applicant's attorney, it was determined it would be best to have a public hearing. The public hearing will be held on August 4th as a reconsideration of the decision based on new proposal drawings. Mayor Grant discussed concern with little notification to the public of the upcoming public hearing. Mayor Grant stated that the normal public hearing process is not being followed due to this being a legal case against the City. Councilmember McGrew asked if the public hearing will be for both Pod A and Pod B. Mr. Dyer stated yes. Councilmember McGrew asked if Pod B will also contain apartments. Mr. Dyer stated yes. Councilmember Tolan stated he would like to see connectivity between Pod A and Pod B. Councilmember McGrew asked why the City is being sued. Mr. Dyer stated the lawsuit first challenges the City's Conditional Use Permit process in that they believe the City could not require them to ask for apartments as they are allowed in the zoning of the property. The second challenge is the decision made by Council. Councilmember McGrew asked what would happen if the judge rules in favor of the applicant. Mr. Dyer stated the applicant could then build anything under the allowed uses of the Pod.

8. Other Announcements

None.

9. Ten Minute Public Input

Mr. Thomas Weaver stated he looks forward to the approval of Charter amendments and discussed concerns with municipal court fees within the Municipal Fee Schedule.

10. Consent Agenda

A. Approval of Conservation Easement for Etowah River Trail from Heritage Park to Boling Park Trail Extension - Development Services Manager Bethany Watson - Attachment 10A

Attachments: Conservation Easement

B. Approval of Ethics and Conduct Ordinance - City Attorney Bobby Dyer - Attachment 10B

Attachments: Proposed Ethics and Conduct Ordinance

C. Approval of Fiscal Year 2022 Municipal Fee Schedule - City Manager Billy Peppers - Attachment 10C

Attachments: Fiscal Year 2022 Fee Schedule

Mayor Grant read the items on the Consent Agenda. Councilmember Estes made a motion to approve the Consent Agenda. Councilmember Carlan seconded the motion, and it was approved unanimously.

11. Old Business

A. Discussion and Possible Action on Cases AX2102-004, Z2102-005, and MP2102-006 for Old Doss Properties, LLC - Applicant is Requesting to Annex 75.212 Acres Located at 560 Old Doss Lane, Zone the Property PD-R (Planned Development-Residential) and Approve Master Plan for the Proposed Project to Consist of 150 Residential Units Including 14 Residential-Attached Units - Community Development Director Ken Patton - Attachment 11A

Attachments: Old Doss Documentation

Mr. Peppers stated he spoke with a representative of the applicant prior to the meeting. The applicant is requesting that Council consider tabling the item so that they may review the County proposal as it relates to the right-of-way on Old Doss. Councilmember Carlan asked when the item would be heard if tabled. Mr. Peppers stated the matter will be heard at the August 4th meeting. Mr. Dyer stated an arbitration panel must be selected by July 23rd. Mayor Grant discussed concerns with the project and the issues with the County. Councilmember Estes made a motion to deny tabling. Councilmember Tolan seconded the motion. Councilmember Carlan stated he does not see a harm in a brief opportunity for the applicant to improve the project through working on the County's concerns. The motion passes. Councilmember Carlan and Mayor Pro Tempore Wilson voted against the motion. Councilmember Estes made a motion to deny the annexation. Councilmember Tolan seconded the motion. Mr. Dyer stated the applicant has requested to withdraw. Councilmember Estes withdrew his motion to deny annexation. Councilmember Carlan made a motion to allow the applicant to withdraw. Councilmember Schmidt seconded the motion, and it was approved unanimously.

B. Discussion and Possible Action on Proposed Charter Amendments - City Attorney Bobby Dyer - Attachment 11B

Attachments: Proposed Charter Amendments

Mr. Dyer noted this would be the second approval of the amendments as required by state law. After approval, notifications will be sent to the Secretary of State's office. Mayor Grant discussed concern with allowing the public to add items to the agenda. Mr. Dyer stated that is in a City ordinance and not within the Charter. Mr. Dyer noted there are additional election related items that would be required to go before the Legislature at a future session. Councilmember McGrew made a motion to approve the Charter amendments as proposed. Councilmember Carlan seconded the motion, and it was approved unanimously.

C. Discussion and Possible Action on Moratorium on Gas Stations and Convenience Stores with Fuel Pumps - City Attorney Bobby Dyer - Attachment 11C

Attachments: Moratorium

Mr. Dyer discussed the zoning amendment process that would have to take place to for changes to be made. This would require a continuation of the moratorium until November 18th. Mayor Grant appointed a Council committee to work on

these changes. Those appointed were Councilmember McGrew, Councilmember Carlan, and Councilmember Schmidt. Councilmember McGrew made a motion to approve the Resolution to extend the moratorium. Councilmember Carlan seconded the motion. The motion was approved. Councilmember Estes voted against the motion.

D. Discussion and Possible Action to Award a Change Order to Clark/Reeves Young to Increase the Water Pollution Control Plant Capacity from 6 to 7-MGD - Utility Engineer Dave Hatabian - Attachment 11D

Attachments: Clark Reeves Young Change Order

Mr. Peppers stated the change order is for $1.7 million and would take an additional six weeks to expand from 6 MGD to 7 MGD. Mayor Pro Tempore Wilson made a motion to approve the change order. Councilmember Estes seconded the motion, and it was approved unanimously.

E. Discussion and Possible Action to Award a Change Order to Atkins to Increase the Water Pollution Control Plant Capacity from 6 to 7-MGD - Utility Engineer Dave Hatabian - Attachment 11E

Attachments: Atkins Change Order

Mr. Peppers stated the total cost for the change order is $102,000. Councilmember McGrew made a motion to approve the change order. Councilmember Schmidt seconded the motion, and it was approved unanimously.

F. Discussion and Approval of Filing Condemnation Action for Easement for the Sewer Line and Pedestrian Trail Across Property of Crescent Farms Canton, LLC - City Attorney Bobby Dyer - Attachment 11F

Attachments: Condemnation Case - Crescent Farms Canton, LLC

Mr. Dyer stated this is for the sewer line and trail project running behind Marietta Highway. Mr. Dyer stated this condemnation is to obtain legal right for the City to enter the property through an easement. The appraisal will be $5,000 or less. Mr. Dyer discussed attempting to locate an owner of the property and noted the funds will be placed in escrow with the County Clerk until an owner claims them. Councilmember Estes made a motion to approve the filing of the condemnation action for easement for the sewer line and pedestrian trail across the property of Crescent Farms Canton, LLC. Councilmember Tolan seconded the motion, and it was approved unanimously.

G. Discussion and Possible Action on Call for Referendum for Distilled Spirit Package Sales within the City of Canton - City Manager Billy Peppers

Attachments: Retail Package Sales of Distilled Spirits

Mayor Pro Tempore Wilson made a motion to approve the call for a referendum at the November election. Councilmember Carlan seconded the motion, and it was approved unanimously.

H. Discussion of Proclamation Policy - Mayor Bill Grant

Mayor Grant stated a copy of the existing proclamation policy has been distributed to Council for their input in strengthening the policy. Mayor Grant noted the City of Woodstock uses a proclamation request form. Mr. Dyer discussed what clarifications are needed to be able to give a proclamation to a requester. Such clarifications needed are to define what a charitable event is and what connections are required to warrant a proclamation from the City. Mr. Dyer suggested thinking of events within the County that the City may want to support. Mr. Dyer also suggested thinking of the procedure for proclamations and whether a Councilmember should sign off on one before it is given. Mayor Grant stated he does not want to overly complicate the policy but does want to bring some clarity to it.

12. New Business

A. Discussion of Case CUP2105-012 - 1010 Marietta Road - Applicant John Loyd Proposing 156 Townhomes Instead of 224 Apartments - Community Development Director Ken Patton - Attachment 12A

Attachments: Marietta Road Documentation

Mayor Grant asked for clarification of the new process for zoning applications. Mr. Peppers provided a step-by-step explanation of the zoning procedure. Staff is working on terminology for Council agendas and will note matters as "Technical Repot" when they are presented under New Business moving forward. Council and staff discussed receiving comments from the public and from the applicant after the public hearing is closed. Staff noted it is best to receive comments by email so that it may become part of the record.

Zoning Administrator Steve Green stated the technical report does not include any staff comments, Board of Education comments, or recommended conditions for approval should Council wish to approve the applications. Mr. Green stated the applicant received approval for 208 apartment units in 2019 for this location. The applicant has now requested to change to 156 townhomes.

B. Discussion of Cases ZCA2106-002 and CUP2106-001 - River Green - Applicant JW Collection, LLC Requesting to Amend Zoning Conditions to Allow Townhomes and Condominiums in Place of Commercial Along with 18,000 Square Feet of Commercial/Office - Community Development Director Ken Patton - Attachment 12B

Attachments: River Green Documentation

Mr. Green discussed the allowed uses within the originally approved section. The request is to add the allowance of condominiums to those uses. There are additional requests regarding changing or improving the intersection.

C. Discussion of Cases Z2106-003, MP2106-004, and CUP2106-005 - Hospital Road - Applicant WP Acquisition Group, LLC Requesting to Rezone 17.85 Acres to Allow 260 Apartment Units and 50 Townhome Units - Community Development Director Ken Patton - Attachment 12C

Attachments: Hospital Road Documentation

Mr. Green stated the property is currently zoned Special Use and ORT (Office-Residential Transition). The applicant is requesting a PD-MU (Planned Development-Mixed Use) zoning to allow for the mixture of townhomes and apartments. Should this be approved, the applicant must request an abandonment of Hospital Drive. Greenspace is being set aside at the corner of Hospital Road and Mary Lane.

D. Discussion and Possible Action to Approve Change Orders for the Etowah River Trail Project Eastward under I-575 - Development Services Manager Bethany Watson and Assistant City Manager Nathan Ingram - Attachment 12D

Attachments: Etowah River Trail Project Change Orders

Development Services Manager Bethany Watson stated the change order is for Lewallen Construction. Ms. Watson noted currently there is approximately $940,000 in funds remaining in their contract. There are some warranty issues on another section of trail with another contractor. Staff is requesting to have Lewallen Construction fix those issues and approve a task order for Atkins on the construction management for that project. Ms. Watson stated both trail projects are under budget. Ms. Watson requested Council direct Mr. Dyer to draft a letter to the contractor of the warranty work terminating that contract. Councilmember Carlan made a motion to approve the change order and direct the City Attorney to draft a letter to terminate the other contract. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously.

13. City Manager's Report

Mr. Peppers stated the City is in receipt of the first payment of $5.7 million of American Rescue Plan Act (ARPA) funding. Staff will be bringing a budget amendment to Council at the next meeting to recognize those funds and place some funds ($300,000) into the current fiscal year to move projects along. All of these can be immediately funded out of our $300,000 contingency line as needed. These will include the following:

- ***$25,000 for the Creation of the Office of Housing & Residential Services (begin employment search)***
- ***$25,000 for the Creation of the Office of Economic Development & Tourism (begin employment search)***
- ***$20,000 for Cultural Events as a Grant to Canton Tourism***
- ***$20,000 for Translation Services***
- ***$20,000 for Cherokee County Office of Economic Development Partnership Program/Economic Research***
- ***$20,000 for Marketing & Outreach***
- ***$10,000 for Internship Program***
- ***$160,000 for One-Time Add Pay for City Employees***
- ***Any other items that require a start between now and the end of the year would be approved by Council and cleaned up with an end of the year budget amendment***

Mr. Peppers stated a press release will go out tomorrow for the budget and millage rate. Mr. Peppers addressed concerns with the Municipal Court fee schedule. Municipal Court Clerk Teresa Fitts is in the process of reviewing the fees and will provide feedback. Any changes need will be brought back prior to October 1st when the municipal fee schedule goes into effect.

14. Council Introduced Items

None.

15. Mayor's Report

No report.

16. Adjourn

Councilmember McGrew made a motion to adjourn to Executive Session to discuss real estate. Councilmember Estes seconded the motion, and it was approved unanimously.

Mayor Grant called the regular meeting back to order. Councilmember Carlan made a motion to amend the agenda to include action on the purchase of property at Shoal Creek Road and Waleska Road. Councilmember Schmidt seconded the motion, and it was approved unanimously. Mr. Dyer stated the 2.77-acre property is land that the City would eventually have to acquire to make intersection improvements at Waleska Road, Shoal Creek Road, and Mary Lane. The address is 284 Shoal Creek Road. Councilmember Carlan made a motion to authorize the City Manager to sign a contract to purchase the property at 284 Shoal Creek Road for a purchase price of up to $175,000. Councilmember Schmidt seconded the motion, and it was approved unanimously.

Councilmember Tolan made a motion to adjourn. Councilmember Estes seconded the motion, and it was approved unanimously.

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Bill Grant, Mayor

Attest:

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Annie Fortner, City Clerk

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Dates Minutes Approved by Council