Canton, Georgia

110 Academy Street
Canton, Georgia 30114

Minutes - Final - Final

Thursday, September 7, 2023

6:00 PM

City Hall
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 Councilmember Wilson.

2. Call to Order

The meeting was called to order by Mayor Grant.

Members Present:
Mayor Bill Grant
Mayor Pro Tem Brooke Schmidt
Councilmember Sandy McGrew
Councilmember JoEllen Wilson
Councilmember Dwayne Waterman
Councilmember Shawn Tolan
Mr. Billy Peppers, City Manager
Mr. Nathan Ingram, Assistant City Manager
Mr. Bobby Dyer, City Attorney
Mr. Stephen Merrifield, Police Chief
Ms. Melissa Forrester, Finance Director
Mr. Dave Hatabian, Utility Engineer
Mr. Steve Green, Zoning Administrator
Mr. Ken Patton, Housing Initiatives Director
Ms. Lauren Johnson, Communications Manager
Ms. Brittany Anderson, City Planner
Mr. Adam Dodson, Parks and Recreation Manager
Ms. Kristin Norton Green, Theatre Events and Facilities Director
Ms. Angie Busby, Manager of Economic Development & Tourism
Mr. Mike Morgan, Information Technology Director
Ms. Annie Fortner, City Clerk

Absent:
None

3. Consideration to Approve Agenda

City Manager Billy Peppers requested to add a settlement agreement to Item 11F. Mr. Peppers also requested an Executive Session be added for the discussion of real estate, litigation, and personnel. Councilmember Waterman made a motion to approve the agenda as amended. Mayor Pro Tem Schmidt seconded the motion, and it was approved unanimously.

4. Guests and Visitors

None.

5. Consideration to Approve Minutes

A. Council Meeting Draft Minutes - August 17, 2023 - Attachment 5A

Attachments: Minutes - Council Meeting - August 17, 2023

Councilmember Tolan made a motion to approve the minutes. Mayor Pro Tem Schmidt seconded the motion, and it was approved unanimously.

6. Informational Items

A. Review of July Financials - Finance Director Melissa Forrester - Attachment 6A

Attachments: July Financials

Finance Director Melissa Forrester discussed the City's current bond rating and stated the Fiscal Year 2024 budget increased by 2.97%. Ms. Forrester noted the City's current auditor's contract expired with the Fiscal Year 2022 audit. Ms. Forrester stated the Finance Department is requesting that Council consider extending the contract with the current auditor by one year and then go out for Requests for Proposals. Ms. Forrester reviewed tax digest information received by Cherokee County.

B. Water Treatment Plant Update - Utility Engineer Dave Hatabian - Attachment 6B

Attachments: WTP Update

Utility Engineer Dave Hatabian provided a presentation of the Water Treatment Plant discussing the history of the existing plant, proposed new treatment plant, site location, and proposed timeline.

7. Other Announcements

None.

8. Ten Minute Public Input

Mr. Jim Lindenmayer spoke about the Don't Struggle Alone program partnered by the Cherokee County Homeless Veterans Program and Highland Rivers Health which provides free mental health and other support to struggling veterans.

Mr. Thomas Weaver asked Council to consider saving the Tippens gymnasium.

Mr. Ian Trenbeath spoke in support of the Short-Term Rental ordinance.

9. Consent Agenda

None.

10. Old Business

A. Discussion of Revised Growth Boundary Agreement and Memorandum of Understanding - Zoning Administrator Steve Green - Attachment 10A

Attachments: Revised Growth Boundary

Zoning Administrator Steve Green stated Council approved the Growth Boundary Agreement as presented by Cherokee County. After submitting the signed documents to the County, a meeting was held with members from both the City and the County to discuss some concerns the County had. Mr. Green said the County agreed to add the property on the south side of Highway 5 as well as retain the property to the west of the airport. Mr. Green stated some of the County's issues that were discussed were the relinquishment of property commonly referred to as Canton West to the County, a maximum density for that area, unincorporated islands within the City, the establishment of a single email address for information regarding annexation and rezoning applications, and the first right of refusal to the City for 640 acres that the County is planning on purchasing from Cherokee County Water and Sewerage Authority. Council and staff discussed delight in the County's willingness to work with the City on unincorporated islands, concerns with not being able to enforce density requirements through an Intergovernmental Agreement, how the City wishes to include areas which it provides water and sewer in the growth boundary map, and the difficulty in predicting or binding future Councils or Commissions on what they would want to develop. Following discussions, Mr. Peppers stated he will reach out the County Manager to discuss Council's feedback.

B. Discussion of Updated Zoning Categories and Other Proposed Unified Development Code Amendments - Zoning Administrator Steve Green - Attachment 10B

Attachments: Zoning and UDC Amendments

Mr. Green reviewed the memorandum included with the agenda item attachment that discusses the proposed changes to the City's zoning districts which would eliminate certain categories and combine others. Should these changes be approved, several amendments to the Unified Development Code (UDC) would be made including all references to any deleted or combined categories, updating the allowed uses table, and so forth. Mr. Green stated there are other proposed amendments to the UDC which are more housekeeping in nature. These amendments include updating the Board of Appeals references, townhome and cottage housing allowances within the Central Business District (CBD), establish parking requirements for amenity areas within subdivision, and add breweries/distilleries as an allowed use in the CBD as either permitted or conditional. Mr. Green stated the amendment regarding breweries will be before Council at the September 28th meeting as a public hearing. Mr. Peppers stated there are several amendments which need to be made but that staff will be bringing items one at a time to Council for consideration. Mayor Grant noted one section of Mr. Green's memorandum discussed mapping errors and stated he would like to see those corrected sooner rather than later.

C. Discussion of Next Steps to Attracting Hotel Development in Canton Based on Horwath HTL Feasibility Studies - City Manager Billy Peppers - Attachment 10C

Attachments: Hotel Development with Horwath

Mr. Peppers stated that to move forward with this project, the City would add a Task Order to Horwath HTL to market the potential site to lodging brands to gain support for the site then prepare a formal proposal process for development. Mr. Peppers discussed that Horwath HTL also completed a hotel feasibility study for the downtown area for the Downtown Development Authority. Mr. Peppers stated the consultant is asking if Council wants to look at one site over the other first or if the City would like to move forward with both sites at the same time. Council agreed to move forward with both sites simultaneously. Mr. Peppers stated a contract or Task Order would be presented at the next meeting. Mr. Peppers discussed the benefit of having Horwath HTL go to the brand first for support and then to a developer.

11. New Business

A. Discussion of the Parks and Recreation Master Plan - Parks and Recreation Manager Adam Dodson - Attachment 11A

Attachments: Parks and Rec Master Plan

Parks and Recreation Manager Adam Dodson discussed the Request for Proposals process and stated the staff committee created to review the proposals unanimously chose Brandstetter Carroll Inc. Councilmember McGrew asked where funds will come from. Mr. Dodson stated funds will come from Special Local Option Sales Tax (SPLOST) and Impact Fees. Mr. Dodson discussed the next steps as having Brandstetter Carroll Inc. conduct community outreach and assess current assets. Councilmember Waterman asked how assessments are currently handled. Mr. Dodson stated they are completed by staff. Mr. Peppers discussed the upcoming SPLOST and noted projects that arise from this Master Plan will come out of that next SPLOST. Mr. Peppers informed how the City will use the information contained in the Master Plan.

B. Discussion of Proposed Fiscal Year 2023 Budget Amendments - Finance Director Melissa Forrester - Attachment 11B

Attachments: FY2023 Budget Amendments

Ms. Forrester stated the amendments are to adjust actual and budgeted revenues and expenditures over the last three months as well as anticipated discrepancies that will occur through the end of the fiscal year. These amendments will be to the General Fund, Hotel/Motel Fund, Tax Allocation District, and SPLOST Fund. Ms. Forrester reviewed the discrepancies within each fund and the legal requirements for adjustments. Mr. Peppers discussed the state law requirement for the City to have a balanced budget.

C. Discussion of Short-Term Rental Ordinance - City Attorney Bobby Dyer - Attachment 11C

Attachments: Short-Term Rental Ordinance

City Attorney Bobby Dyer discussed that there is an issue regarding timing for this ordinance. The draft document states the effective date will be upon the adoption of zoning changes that are necessary. Council can go ahead and adopt the ordinance knowing it will not take effect until the zoning amendments are made or Council can wait and adopt both at the same time. Mr. Dyer discussed possible amendments to the draft ordinance. These amendments deal with the number of occupants per room, additional language to clarify dwelling unit, and revision of record-keeping requirements. Mr. Dyer stated further discussion can be had at the next meeting following these amendments and recommended adopting the ordinance at the same time as the zoning amendments. Councilmember Waterman asked if a homeowner is required to have any special or specific type of insurance to have a short-term rental. Mr. Dyer stated the ordinance does not require proof of any rental insurance so that would be up to the homeowner. Mr. Dyer asked if Council would like to move forward with advertising and proceeding with the necessary zoning changes. Council agreed to move forward with those changes.

D. Discussion and Possible Action on Approval of a Memorandum of Understanding with Cherokee County for 911 Communications - City Manager Billy Peppers - Attachment 11D

Attachments: MOU for 911 Service

Mr. Peppers stated the current Memorandum of Understanding (MOU) has expired. Mr. Peppers stated the new MOU has the same language but the term has changed to match that of Service Delivery Strategy. Staff recommends approval of the agreement. Mr. Peppers explained the section of the MOU for special services that go above the County-wide services and noted a contract would have to come before Council before any fees would be charged. Councilmember Tolan made a motion to approve the MOU and have the City Manager sign the document. Councilmember Waterman seconded the motion, and it was approved unanimously.

E. Discussion and Possible Action on Removal of Restrictive Covenant for Cherokee County on 4.4 Acres at Bluffs Parkway in Exchange for a Limited Warranty Deed for the Former Tippens Elementary School Site - City Manager Billy Peppers - Attachment 11E

Attachments: Tippens and Bluffs Real Estate Transaction

Mr. Peppers provided a history and overview of the transaction. Mr. Peppers stated the Board of Commissioners authorized the execution of a warranty deed for the Tippens Elementary School site to the City at their last meeting. The City's exchange would be to remove the restrictive covenant from the deed on the 4.4 acres at The Bluffs. Mr. Peppers stated the intent of the money received by the Canton Housing Authority is to demolish the school portion of that site and not the gymnasium portion. Mr. Peppers stated the City will work with the Canton Housing Authority to determine the future use of the property. Mr. Peppers discussed benefits of the City owning the site and stated staff recommends Council approval of the removal of the deed restriction. Councilmember Wilson made a motion to approve the removal of the restrictive covenant for Cherokee County on 4.4 acres at Bluffs Parkway and accept the limited warranty deed for the former Tippens Elementary School. Councilmember McGrew seconded the motion. Mr. Peppers further discussed Canton Housing Authority's involvement with the Tippens site, noting that any funds remaining following demolition must be used on that site with the City's approval. The motion passed unanimously.

F. Discussion and Possible Action on an Intergovernmental Agreement with the Downtown Development Authority for the Purchase and Redevelopment of Property at 687 Marietta Highway - City Manager Billy Peppers - Attachment 11F

Attachments: IGA with DDA - 687 Marietta Hwy

Mr. Peppers reminded that Council added a settlement agreement as part of this item at the adoption of the agenda. Mr. Peppers spoke about the site location and discussed issues with the slope and the encroachment that occurred to secure the slope. The City had an opportunity to work with the Downtown Development Authority (DDA) to enter into an agreement to purchase the property. This will allow the City to purchase the slope to further secure it and the DDA can work with a private entity to sell the front portion of the property along Marietta Highway. The Intergovernmental Agreement (IGA) will provide funding to the DDA for the purchase, demonstrates that the slope will be surveyed to be permanently owned by the City, and approve the sale of the front property. Mr. Dyer stated this is a joint development agreement. Mr. Dyer discussed that the settlement agreement will settle both lawsuit cases for just over $250,000. Mr. Peppers clarified that the budget amount provided on the agenda item cover sheet should be $1 million as part of the IGA and $250,000 for the settlement agreement for a total of $1.25 million. Mayor Pro Tem Schmidt made a motion to approve the Intergovernmental Agreement with the Downtown Development Authority for the purchase and redevelopment of the property at 687 Marietta Highway. Councilmember Wilson seconded the motion, and it was approved unanimously. Mayor Pro Tem Schmidt made a motion to approve the terms of the settlement agreement at 687 Marietta Highway in the amount of $250,000. Councilmember Wilson seconded the motion, and it was approved unanimously.

12. City Manager's Report

Mr. Peppers reminded the second Council meeting of September will be held on Thursday, September 28th, thanked all who made the Georgia Downtown Association Conference such a success, and stated the Multicultural Festival will be held on Saturday, September 9th.

13. Council Introduced Items

None.

14. Mayor's Report

None.

15. Adjourn

Councilmember Tolan made a motion to adjourn to Executive Session to discuss real estate, litigation, and personnel. Councilmember Waterman 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