Canton, Georgia

110 Academy Street
Canton, Georgia 30114

Minutes - Final - Final

Thursday, June 17, 2021

6:00 PM

City Hall Auditorium

110 Academy Street

City Council

1. Pledge of Allegiance and Invocation

The Pledge to the American Flag was led by Mayor Bill Grant. Mayor Grant requested for the Invocation that a moment of silence be given for Holly Springs Officer Joe Burson who was killed in the line of duty.

2. Call to Order

Mayor Grant called the meeting to order at 6:00 p.m.

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. Nathan Ingram, Assistant City Manager
Mr. Bobby Dyer, City Attorney
Mr. Ken Patton, Community Development Director
Ms. Melissa Forrester, Finance Director
Mr. Garrett Gorseth, Systems Support Specialist
Ms. Lou Stewart, Interim City Clerk

3. Consideration to Approve Agenda

Mayor Grant requested to amend the agenda to add Real Estate to the Executive Session. Councilmember McGrew requested to add the discussion of convenient stores under Council Introduced Items. A motion to approve the agenda as amended was made by Councilmember Schmidt, seconded by Councilmember Estes, and approved unanimously.

4. Guests and Visitors

A. Presentation on Energy Sustainability - Schneider Electric

Ms. Jen Miller with Schneider Electric gave a presentation on energy sustainability. She informed Mayor and Council of how the program works, what was found in the audit, and ways to finance the infrastructure updates. Ms. Miller stated that Canton's overall objective is to modernize while furthering sustainability goals. The goal is to improve the City's energy and operational efficiency. Efficiency improvements include LED upgrades, streetlight modernization, building automation system, HVAC replacement and improvements, and utility rate optimization. The final result of these improvements would be a 45% reduction in energy usage with an estimated utility savings of over $305,000 per year and an O&M (Operational and Maintenance) savings of $7,000 per year. Ms. Miller further informed that these projects must be publicly bid. Mayor Grant stated he was looking forward to looking at the reports and review details.

5. Consideration to Approve Minutes

A. Council Meeting Draft Minutes - June 3, 2021 - Attachment 5A

Attachments: Minutes - Council Meeting - June 3, 2021

A motion to approve was made by Councilmember Tolan, seconded by Councilmember Schmidt, and approved unanimously.

6. Informational Items

None.

7. Other Announcements

None.

8. Ten Minute Public Input

Mr. James Cannon residing at 124 Holly Trace Lane, Ballground, Georgia informed Council that he was a CPA with an office located in downtown Canton. Mr. Cannon spoke concerning the Old Doss Road project and stated that he feels a residential project there is appropriate. He informed that he owns a thirty-three (33) acre farm next to Canton and it is included on a map in the 2040 Comp Plan. There is a trail that runs through his farm in that document. The trail runs from Etowah River Park to Kenny Askew Park and would connect those two parks. He requested that during consideration of proposals for the Old Doss Road Project that accommodations for the trail in the Comp Plan will be made.

9. Consent Agenda

A. Approval of Proposed Fiscal Year End 2020 Budget Amendments - Finance Director Melissa Forrester - Attachment 9A

Attachments: Year End Budget Amendment

B. Approval of Proposed Enterprise Lease Agreements - Assistant City Manager Nathan Ingram - Attachment 9B

Attachments: Enterprise Fleet Lease Agreements

Mayor Grant asked if Council would like to remove any item for discussion. Hearing none, Mayor Grant read both consent agenda items. Councilmember Estes made a motion to approve, seconded by Councilmember Carlan, and approved unanimously.

10. Old Business

A. Discussion and Possible Action on Cases MPA2104-002 and CUP2104-001 for The Mill on Etowah Project - Community Development Director Ken Patton - Attachment 10A

Attachments: The Mill on Etowah Project Documentation

Community Development Director Ken Patton informed that public hearings were held for these items. The Master Plan Amendment request is to increase multi-family units from two hundred fifty (250) to two hundred eighty (280). Staff recommends approval of the MPA and CUP with the following conditions: 1) Provide an updated traffic study prior to the issuance of a Land Disturbance Permit. Recommended traffic improvements included in the updated traffic study shall be implemented and incorporated with the Land Disturbance Plans. 2) Comply with the stipulations contained in the letter from The Residential Group dated June 8, 2021. Councilmember McGrew asked if this was the final rendering for the elevation of the apartments? Mr. Patton stated that was the latest one that he received. With this being in the Historic District, it must go before the Historic Preservation Commission for their consideration. Councilmember Carlan asked if this follows the tenets? Mr. Patton stated yes but it does not adhere to all. There is some sustainability with electric vehicle stations and LED lighting. Mayor Grant asked if the conditions to accept are all the items listed in the letter? Mr. Patton stated yes, they must comply with all items in the June 8th letter. Councilmember Estes asked about the outcome of the traffic study? Mr. Patton stated there were some recommendations for improvement and the City can require a traffic study be completed before a land disturbance permit is issued. Mayor Grant asked if there were any improvements to be made to the road into the development? Mr. Patton stated there were no suggestions for road improvement. Councilmember Schmidt questioned landscaping. Mr. Patton informed that was not indicated, only curb and gutter because of the issue of being in a flood plain. Councilmember Carlan asked if the only way in and out was from Reformation Parkway and Mr. Patton replied yes. A motion was made by Councilmember Estes to approve the Master Plan Amendment to increase the number of units from two hundred fifty (250) to two hundred eight (280) and add the condition of the traffic study to be conducted and implement any Staff recommendations before a land disturbance permit is issued and include the accepted conditions outlined on the June 8th letter from the Residential Group. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously.

A motion was made by Councilmember Estes to approve the Conditional Use Permit with conditions of the traffic study with the implementation staff guidance and meeting the conditions of June 8th letter by the Residential Group. Councilmember Schmidt seconded the motion, and it was approved unanimously.

B. Discussion and Possible Action on Case MPA2104-004 Located at 70 Laurel Canyon Village Circle - Community Development Director Ken Patton - Attachment 10B

Attachments: Laurel Canyon Village Circle Documentation

Mr. Patton informed this item is a Master Plan Amendment for a 1.9-acre tract of property owned by the City. It is a commercial tract in Laurel Canyon and this amendment would allow for this property to be developed for residential purposes. Staff recommends approval. A motion to approve was made by Mayor Pro Tempore Wilson, seconded by Councilmember McGrew, and approved unanimously.

C. Discussion and Possible Action on Case MP2104-003 for Laurel Canyon Pod 3 - Community Development Director Ken Patton - Attachment 10C

Attachments: Laurel Canyon Pod 3 Documentation

Mr. Patton informed this request is for Pod 3 in Laurel Canyon. This is for detached residential units (six (6) units) and had no opposition from adjoining property owners. Staff recommends approval with the following condition: 1) Delivery of construction materials shall be made on-site. Construction vehicles and construction worker vehicles shall be parked on-site. No parking allowed within the right-of-way of Laurel Canyon Parkway. Councilmember McGrew asked what was the acreage? Mr. Patton stated approximately four (4) acres. Councilmember McGrew asked about the driveway. Mr. Patton informed there will be one (1) common shared driveway with one (1) curb cut. Councilmember McGrew asked about garbage pickup. Mr. Patton stated trash collection will most likely be along Laurel Canyon Parkway. There is no cul-de-sac and no fire suppression. Mayor Grant stated the previous application was for 10 units, so this is a reduction of four (4) units? Mr. Patton stated that is correct. A motion to approve was made by Councilmember McGrew with the conditions that construction materials be delivered on site, the construction vehicles be on site, and no blocking of Laurel Canyon Parkway at all. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously.

D. Discussion and Possible Action on Request by The Mill on Etowah to Expand the Enterprise Zone Agreement for Fees Paid through 2021 - City Manager Billy Peppers - Attachment 10D

Attachments: Enterprise Zone Agreement

City Manager Billy Peppers informed he had sent a memo concerning the permit fees for the project at The Mill. If Council agrees, the City will refund the fees that have been collected to date which is approximately $5,400 and will not collect any additional for the remainder of the year. Staff has no problem with the extension of the agreement through 2021. Staff does not recommend waiving fees for business licenses, only building permit fees. A motion was made by Councilmember Schmidt to amend the existing enterprise zone agreement with The Mill on Etowah to expand certain development fee waivers through the end of the calendar year 2021 and to authorize the City Manager to refund eligible fees collected to date on the project. Councilmember Estes seconded the motion, and it was approved unanimously.

E. Discussion of Ethics Ordinance - City Attorney Bobby Dyer - Attachment 10E

Attachments: Ethics Ordinance

City Attorney Bobby Dyer informed that he had made a couple of amendments to the Ethics Ordinance. One of the amendments is removing the $5,000 financial equity in a company that someone on the Council would have because he feels this would be impossible to determine. Also, there is a provision that provides for a Councilmember to enter into a contract subject to public bidding and it calls for a waiver to be provided by the City Manager. Mr. Dyer informed he has amended the ordinance to include the City Attorney as well so that both parties could discuss the waiver with the Councilmember. The final amendment is the ordinance allows for the Council to draw names for the member of the Ethics Board and that has been amended to add the City Clerk to draw names instead of Council. He requested this item to be placed on the agenda next month.

11. New Business

A. Discussion of Cases AX2102-004, Z2102-004 and MP2102-006 for the Old Doss Road Project - Community Development Director Ken Patton - Attachment 11A

Attachments: Old Doss Road Project Documentation

Mr. Patton informed this request is for annexation, zoning, and Master Plan Amendment for the Old Doss Road property consisting of 75.817 acres. The request is for fourteen (14) attached units out of one hundred fifty (150) with a mixture of hardwoods and an existing county-maintained roadway. Pod A will have seventy-five (75) foot wide lots, Pod B will have fifty-five (55) foot wide lots, and Pod C lots will be sixty (60) feet in width. There are several streams located on the property which is in a flood plain and there are issues to work out for sanitary sewer. Mr. Peppers informed that the City has received technical reports; therefore, Mayor and Council can talk with developers as long as a staff member is present and notes of the meeting are taken for the file. Councilmember Carlan asked if a public hearing will be held at the next meeting for public to speak for or in opposition? Mr. Patton stated yes and that citizens may also contact his office for discussion and to submit letters.

B. Discussion of Cases AX2104-008, Z2104-010 and TXT2104-009 for the Knox Bridge Highway Project - Community Development Director Ken Patton - Attachment 11B

Attachments: Knox Bridge Highway Project Documentation

Mr. Patton informed this request is for annexation, zoning, and text amendment. The property adjoins existing City limits and if annexed, the applicant is requesting General Commercial (GC) zoning. The text amendment is for a microbrewery to operate in a GC zone with certain capacity of ten thousand (10,000) barrels. Grade work will be required, and the lot is 1.75 acres to be subdivided. It is located on Knox Bridge – Marietta Highway which has mostly businesses in this area.

C. Discussion and Possible Action on a Salary Adjustment for the City Clerk - City Manager Billy Peppers - Attachment 11C

Attachments: Salary Adjustment for City Clerk

Mr. Peppers informed that the City Charter states that the Mayor and Council set the compensation for the City Clerk. The current Clerk was hired with the understanding that she would receive her City Clerk certification from the State within a two (2) year period, which she has done. Mr. Peppers stated that his recommendation to Council is a five (5) percent increase in the Clerk's salary and that is what was provided to the Mayor in a memo. A motion was made by Councilmember Schmidt to approve a five (5) percent pay adjustment for the City Clerk in recognition of achieving a certification for the profession of City Clerk to become effective immediately. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously.

12. City Manager's Report

Mr. Peppers stated that a Budget Meeting had just been held and wanted to let the public know that three public hearings will be held on the budget and millage rate. Two of these hearings are to be held on July 1, 2021 at 11:00 a.m. and 6:00 p.m. The third hearing will be held on July 15, 2021 at 6:00 p.m. Mr. Peppers informed that the budget document is located on the City's website and is available under the Finance Department as well as under the News section.

Mr. Peppers informed with the new development process he wanted to make Council aware of the three (3) cases to be discussed at the August meeting which has been moved to Wednesday, August 4th from Thursday, August 5th due to the GMA Conference. The first application is CUP2105-012 on Marietta Road. The applicant is TSO Canton 2 – John Lloyd and Parks Huff. Applicant is requesting some townhomes in lieu of apartments. The application is for three hundred thirty-two (332) apartments with one hundred fifty-six (156) being converted to townhomes. The second application is a MPA2106-004, CUP2106-005, and Z2106-003 for the former hospital site. The applicant is WP Group Acquisitions, and they are requesting three hundred ten (310) living units with two hundred sixty (260) being apartment units and fifty (50) townhomes. The conceptual plan shows it will be gated. The third application is for ZA2106-002 and CUP2106-001 for the Village at River Green. The applicant is Chris Olson with JW Collection. This is for a retail office pod with fifty-five (55) townhomes and twelve (12) condominium units. The project will include eighteen thousand (18,000) square feet of retail space along River Green Avenue.

Mr. Peppers informed about City events. The Farmers Market is every Saturday from 9:00 a.m. to 12:30 p.m. at Brown Park. Atlanta United will be visiting and setting up on June 30th from 4:00 p.m. to 8:00 p.m. in Cannon Park. They will have a DJ, give-a-ways, and merchandise for sale. July 2nd will be First Friday. Fireworks will be on July 4th. The American Legion Parade will be back downtown on Sunday afternoon at 3:00 p.m.

Mr. Peppers informed that the Service Delivery Strategy Intergovernmental Agreement has been fully executed and he sent it to DCA (Department of Community Affairs) today.

Mr. Peppers informed that over the last couple of weeks the first meetings of the Tourism Board and the Canton Arts Commission were held. They were great meetings and additional meetings will be held in the next few weeks.

13. Council Introduced Items

Councilmember McGrew asked if the Development Review Team (DRT) meetings are public to discuss. Mr. Peppers stated yes. Councilmember McGrew stated her concerns about the number of convenient stores in Riverstone. There are new stores in several locations. One is at the corner of Reinhardt and Reservoir Drive and are in close proximity to each other. She requested that Council look at the City's ordinance and discuss this issue. Councilmember McGrew also informed that she would like for the City to strongly disallow advertisement posters in the windows. She feels this is a safety hazard because you cannot see inside before entering the store. Councilmember McGrew was informed by Mr. Patton that another City has such as an ordinance and asked if Council would consider discussion of the problem? Councilmember Tolan stated yes and added he would support this type of ordinance. Mayor Grant stated that is could be discussed under the sign ordinance. Councilmember McGrew stated she would like to discuss distance requirements at the July Work Session if this has Council support. Councilmember Estes stated his concern of it being an ordinance that the City cannot enforce. Mr. Dyer informed that the City already has an ordinance which is based on a thirty (30) percent maximum for signage. Mr. Dyer recommended Council adopt a moratorium on any new fuel stations. The moratorium and sign ordinance could be placed on the next agenda or Council can vote at this time due to the agenda being amended to add this item. He informed Mayor and Council that a moratorium cannot be placed on applications already submitted or applicants who have already spent funds. A moratorium would be for only applications submitted after the moratorium approval. Councilmember Carlan stated with them being within close proximity it does give competition and is good for the economy. He further stated that he feels Council should wait and discuss at the next meeting, so citizens know where they stand. Mayor Grant stated he understands the impact of appearance and agrees with the signage issue and distances. He further stated he agrees with Councilmember Estes and also the public does not have time to be aware. Councilmember McGrew asked if Council should consider a ninety (90) day moratorium? Mr. Dyer informed that Council can always extend the moratorium. He recommended a thirty (30) day or the end of July moratorium and discuss at that time if Council wants to extend. A motion was made by Councilmember McGrew to place a moratorium on convenient stores with fuel pumps until the end of July. Councilmember Tolan seconded the motion, and it was approved by the following vote: 5 Yays 1 Nay Councilmember Estes voted against the motion.

14. Mayor's Report

Mayor Grant thanked Sustainability Manager Kelly Pendley for a great overview for Council to consider. At this time, Mayor Grant stated he would like to appoint Councilmember McGrew to the Sustainability Committee. He also informed that he is very excited to have so many new citizens on Committees to help with the City Roadmap.

15. Adjourn to Executive Session to Discuss Litigation

A motion to adjourn into Executive Session to discuss litigation and real estate was made by Councilmember Schmidt, seconded by Mayor Pro Tempore Wilson, and 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