

Canton, Georgia

*110 Academy Street
Canton, Georgia 30114*



Minutes - Final - Final

Thursday, April 1, 2021

6:00 PM

110 Academy Street

City Council

1. Pledge of Allegiance and Invocation

Invocation given by Councilmember Estes.

2. Call to Order

Members Present:

Mayor Bill Grant

Mayor Pro Tempore Jo Ellen Wilson

Councilmember Shawn Tolan

Councilmember Will Carlan

Councilmember Brooke Schmidt

Councilmember Sandy McGrew

Councilmember Nick Estes

City Manager Billy Peppers

Assistant City Manager Nathan Ingram

Police Chief Stephen Merrifield

Development Services Manager Bethany Watson

City Attorney Bobby Dyer

3. Consideration to Approve Agenda

Councilmember Tolan requested to amend the agenda to add Free Little Libraries to Council Introduced Items. A motion to approve as amended was made by Councilmember Estes, seconded by Councilmember Carlan and approved unanimously.

4. Guests and Visitors

A. Proclamation for Safe Digging Month

A Proclamation for Safe Digging Month was presented by Mayor Grant.

5. Public Hearings

A. Public Hearing and Discussion of Proposed Personal Transportation Vehicle District for Towne Mill - Community Development Director Ken Patton - Attachment 5A

Attachments: [Towne Mill PTVD Documentation](#)

Community Development Director Ken Patton presented the case. Mr. Dustin Davey spoke on behalf of the creation of the PTV district. Mr. Randall Fowler does not own a PTV but supports the creation of the district. Mr. Mike Gaudio supports the ordinance because of the safety the vehicles provide and creates a sense of community. Mayor Grant acknowledged that the City did receive emails and Mr. Patton forwarded those comments to the City Council. Councilmember Tolan asked about the gated section not being included. Mr. Patton noted that those streets are private and are not allowed to be created into the district. Councilmember Wilson asked about the speed limits in the neighborhood. Mr.

Patton noted the majority are 25 mph.

- B. Public Hearing and Discussion of Proposed Unified Development Code (UDC) Amendment to Delete the Planning Commission - Community Development Director Ken Patton - Attachment 5B

Attachments: [UDC Amendment - Delete Planning Commission](#)

Mr. Patton presented the case that was initiated by the City. No one spoke on the public hearing item. Mr. Peppers overviewed the process that had been discussed in the development process review committee that increases transparency, provides more public input and removes confusion about the process of hearings for residents. City Attorney Bobby Dyer informed that the ordinance needs to be clear about tabling cases. Councilmember McGrew asked about the difference between tabling and postponement. Mr. Dyer states that we reference postponement. Councilmember McGrew asked Mr. Patton if the applicant would be able to supply a report to the Council related to the community input meeting. Mr. Patton stated that if Council requires the public input meeting be added into the ordinance that a report would be required. Councilmember McGrew noted that she was a proponent of the additional public hearing and that she is hopeful the new process would provide even more community participation. She also asked that staff work to notify the public of the process and opportunities to learn about the projects. Mayor Grant noted that the public can provide input up until the hearing night using public input, which is even more opportunity. Councilmember Wilson asked about Council members meeting with developers prior to a technical report. Peppers noted that once an application is filed, staff would recommend that the Council not meet with developers until after the technical report. Prior to filing an application, it would be fine to meet with developers. Councilmember Tolan asked about the records from the public input meeting. Mr. Patton stated that the report would be required. Councilmember Tolan asked if staff would participate, Mr. Patton stated that they could. Mr. Dyer noted that this in general is not a transcript and general topics are noted in a meeting summary. Councilmember Wilson asked if the majority of communities have planning commissions, Mr. Patton stated that they do.

- C. Public Hearing and Discussion on Green Infrastructure Program Update - Development Services Manager Bethany Watson - Attachment 5C

Attachments: [Green Infrastructure Program](#)

Development Services Manager Bethany Watson noted that this is based on comments from EPD (Environmental Protection Division) on the initial Green Infrastructure program. No one spoke on the hearing item. Councilmember McGrew stated that she supports this and asked who is requiring this. Ms. Watson stated EPD. Councilmember McGrew asked what types of plants would be used, for example. Ms. Watson stated that this does not go to that detail. Councilmember McGrew asked if there would be a change in parking lots. Ms. Watson stated one of the items is pervious pavers. Councilmember McGrew noted that some use swales in parking lots. Ms. Watson noted that bio swales and vegetative filter strips are possibilities. Mr. Patton noted that the UDC parking requirements do currently require tree islands every 10 spaces to reduce the heat island effect and that swales can be used.

6. Consideration to Approve Minutes

- A. Council Virtual Retreat Session Draft Minutes - March 12, 2021 - Attachment 6A

Attachments: [Minutes - Council Virtual Retreat Session - March 12, 2021](#)

- B. Council Meeting Draft Minutes - March 18, 2021 - Attachment 6B

Attachments: [Minutes - Council Meeting - March 18, 2021](#)

Councilmember Schmidt made a motion to approve, seconded by Councilmember Estes and approved unanimously.

7. Informational Items

- A. Review of February Financials - Finance Director Melissa Forrester - Attachment 7A

Attachments: [February Financials](#)

8. Other Announcements**9. Ten Minute Public Input****10. Consent Agenda****11. Old Business**

- A. Discussion and Possible Action to Approve Contract with Casteel Construction to Replace Windows at 151 Elizabeth Street for \$107,334 - Assistant City Manager Nathan Ingram - Attachment 11A

Attachments: [Window Replacement](#)

Assistant City Manager Nathan Ingram presented this item. There were several RFPs with no response. The old windows being replaced will go to Canton First Baptist. There is a 2–3-month lead time and this does not impact the largest window on the front. Mayor Grant noted that this item is in the budget. Councilmember McGrew made a motion to approve the contract not to exceed 107,334.00 dollars. Councilmember Wilson seconded, approved unanimously.

- B. Discussion and Possible Action to Contract PMAM to Manage False Alarm Program - Police Chief Stephen Merrifield - Attachment 11B

Attachments: [False Alarm Management System](#)

Police Chief Stephen Merrifield noted this was discussed in October 2020. The

current software being used is outdated. PMAM utilizes Cherokee County CAD system and during a new conversion by the County, the system works well. Chief Merrifield noted a couple of remaining items on the contract. This contract will be placed on the next Council meeting agenda.

12. New Business

- A.** Discussion of the Purchase of Two Electric Motorcycles - Police Chief Stephen Merrifield - Attachment 12A

Attachments: [Electric Motorcycles](#)

Chief Merrifield noted that the department tested electric motorcycles last month in the parks. These are street legal, and they run up to 100 mph. He further noted that he would like to also use these for speed detection on more narrow roads and in subdivisions as well as helping with community outreach. Funding would come from delaying the purchase of the two (2) Tahoes in the FY21 budget and using the funding for one truck and two motorcycles. With coming out of the pandemic, the PD wants to auction one vehicle, keep one vehicle, and then purchase a truck and two motorcycles. Mayor Grant asked about the speed, Chief Merrifield noted that these have capabilities but would not be routinely used on the interstate. Councilmember McGrew asked about the charge life. Chief Merrifield said 10-15 hours. The actual battery life is 5 years. Councilmember McGrew asked if they charge on regular outlets, Chief Merrifield stated, yes. Councilmember McGrew asked about storage. Chief Merrifield said they could be housed inside the Police facility. He noted that this fits in with the roadmap, specifically sustainability.

- B.** Discussion and Possible Action on Proposed Hotel/Motel Tax Fund Amendment to Allocate \$10,000 to the Main Street Program for a Downtown Art Project - Finance Director Melissa Forrester - Attachment 12B

Attachments: [Hotel/Motel Tax Fund Amendment](#)

Finance Director Melissa Forrester provided a budget amendment to allow for funding for a downtown art project. Mayor Grant noted that this is a transfer of hotel tax funds to Main Street. Councilmember Carlan made a motion to allocate these funds and approve the budget amendment. Councilmember Schmidt seconded the motion, approved unanimously.

- C.** Discussion and Possible Action to Approve Builder's Risk Insurance Policy for Waste Pollution Control Plant - Assistant City Manager Nathan Ingram - Attachment 12C

Attachments: [Builder's Risk Insurance](#)

Mr. Ingram noted that as part of the plant construction, the City needs a builder's risk policy on the materials related to the project. The lowest proposal was \$165,884 and is for the life of the project, not an annual premium and would be funded by the bond proceeds. Mayor Grant asked if it is paid over three (3) years or all up front. Mr. Ingram stated all up front. Councilmember Wilson made a motion to approve the policy. Councilmember Tolan seconded the motion, approved unanimously.

- D. Discussion of 2021 Auction Items - Assistant City Manager Nathan Ingram - Attachment 12D

Attachments: [2021 Auction Items](#)

Mr. Ingram noted the Auction will be on May 8. The state law requires the City to approve a surplus of the items.

- E. Discussion of Sanitation Services within Gated Private Developments - Assistant City Manager Nathan Ingram - Attachment 12E

Attachments: [Sanitation Services Discussion](#)

Mr. Ingram noted that this topic is to bring up the matter for discussion and thought. The City's residential franchise includes private gated neighborhoods. The question is whether the City has the authority to require those private properties be serviced on those private streets. Mayor Grant noted that this is just one more issue on sanitation and issues are multiplying. Councilmember McGrew asked if the City has a tally of the complaints. Mr. Ingram stated the City has recorded emails. Councilmember McGrew asked if this were removed from our service, would it burden those communities? Mr. Ingram stated that price could become an issue. There could be issues for the cost of recycling. The neighborhoods would have control over localized issues like cart placements, equipment on private streets and service issues. Councilmember McGrew asked if it would benefit those communities to do research now ahead of a change in this policy. Mr. Ingram noted that staff has expressed the need to research. Mayor Grant noted that prices will go up and we will be doing an RFP in the next year. Councilmember Schmidt asked if these were new hydraulic issues. Mr. Ingram said these are not new. Councilmember Carlan asked if this was a legal issue? Mr. Ingram stated possibly, but something to think about. Councilmember Carlan asked if any community has asked to opt out. Mr. Ingram stated, no but wanted to be proactive.

- F. Discussion of Property & Casualty Insurance Renewal Presentation - Assistant City Manager Nathan Ingram - Attachment 12F

Attachments: [P&C Insurance Renewal](#)

Mr. Ingram noted that with moves on the wastewater plant insurance this will be a 2-3 increase in renewal.

- G. Discussion of Street Acceptance for Various Streets in River Green, Towne Mill, and Great Sky - Development Services Manager Bethany Watson - Attachment 12G

Attachments: [Street Acceptance](#)

Ms. Watson noted that many of these are related to Towne Mill and River Green and the PTV districts and these have not been officially accepted. The ones in Great Sky and one in Towne Mill are being turned over by the developer. Mayor Grant asked if these were top-coated. Councilmember Schmidt made a motion to approve, seconded by Councilmember Estes and approved unanimously.

- H. Discussion of Accessible Playground Equipment - Councilmember McGrew

Councilmember McGrew noted that the parks are full, and the playgrounds are as well. She further noted that she would like to see more equipment because they are full and would like to see additions as well as expansion for all abilities at Etowah River Park. Would also like to think about a playground at Heritage Park as well. Wants to see equipment budgeted for any new park lands. Councilmember McGrew asked Mr. Ingram how much the newest equipment at Etowah River Park costs. Ingram noted it was about \$100,000.00, with \$80,000.00 in equipment and \$20,000.00 in site improvement. Councilmember McGrew asked for inventory of equipment. Mr. Ingram noted these are normally purchased from Impact Fees and SPLOST. Councilmember McGrew asked if we have money available now. Mr. Ingram said that he would look into it. The next SPLOST is 2024. Councilmember Carlan asked what other fees can be used. Mr. Ingram stated that anything in the general fund could be used. Perhaps rental car tax as well. Councilmember McGrew noted that alcohol sales might be used. Mr. Ingram stated that those are in the general fund. Councilmember Schmidt asked if alcohol taxes could be earmarked for particular uses. Councilmember Estes asked if funds have to be audited separately. Mr. Ingram stated, yes. Ms. Forrester provided information that the alcohol taxes are about \$600,000.00 per year. Mr. Peppers noted that Impact Fees and SPLOST are generally used first because they are the most restrictive. Councilmember Wilson noted that there might be a memorial program to raise funds. Mayor Grant noted that this is a perfect discussion for the retreat.

- I. Discussion and Possible Action to Approve HGOR Professional Service Agreement for the Hickory Log Creek Reservoir Buffer Master Plan - City Manager Billy Peppers - Attachment 12I

Attachments: [HGOR Professional Service Agreement](#)

Mr. Peppers introduced the discussion on the buffer area around the reservoir. This would be funded by the water fund. Mr. Steve Sanchez and Mr. Todd Fuller presented the firm, which has about twenty (20) landscape architects based in Atlanta. Ms. Renee Robinson would be the project manager. HGOR has a SEE philosophy: Social, Environmental and Economic. Mr. Fuller presented case study backgrounds by the firm, including Mercer University, Reeves Creek Trailway in Stockbridge, Westside Park in Atlanta, Chattahoochee Nature Center. Mr. Sanchez spoke about the buffer area, eleven (11) miles of shoreline, two hundred (200) acres of potential programming in the buffer, take advantage of the views, potential for future recreational uses, launches, coves and providing connection points. Start with research and analysis of species, slope aspects, make this a nature walk/environmental education, stakeholder charrette and final master plan. Mayor Grant stated that the presentation was great, and this is the second largest asset of the City financially. He asked if the masterplan might include cost estimates? Mr. Sanchez stated there would be a phasing plan with rough estimates of costs. Mr. Carlan noted that this includes public uses, but will this assist with potential private uses? Mr. Sanchez said this will include public and private stakeholder ideas. Councilmember McGrew made a motion to approve, Councilmember Carlan seconded the motion, and it was approved unanimously.

- J. Discussion of Request from Terwilliger Pappas/Solis Canton for a Memorandum of Understanding Related to Tax Abatements, Streetscape Funding, and Other Development Incentives - City Manager Billy Peppers - Attachment 12J

Attachments: [Terwilliger Pappas MOU Request](#)

Mr. Peppers introduced the item and mentioned that one specific item of concern is the Impact Fee as it could only be removed if replaced elsewhere by the City. Mr. Derek Hutchison representing Terwilliger Pappas/Solis and provided a presentation noting that the project fit the Thomas P. Miller Housing study, Noell Consulting Rental Residential Study, and Roadmap. The project will include downtown residential and varied price points, increase SPLOST, bring full-time jobs, add public restrooms, create connectivity between downtown and The Mill on Etowah, assist with traffic solutions downtown, electric vehicle charging stations, and provide access to the River. The economic challenges facing the project is the existing market rents, requirement for structured parking and associated costs, and lastly elevation change on site. Summary of MOU outlines four main points--abatement of permitting costs and impact fees (80%), abandonment and conveyance of the roads that are part of the project area, streetscape contribution to improve Academy and the path down to Railroad Street, and a property tax abatement for 20 years at 95 percent that is capped either at \$12M or twenty (20) years. Councilmember Estes appreciates that the developer points back to past City documents to highlight the way the project fits into these plans. Can the developer help the City understand how this incentive looks versus similar projects? Mr. Hutchison noted that they have used similar structures in Suwanee, Gainesville, and Sugar Hill. Those cases involved fifteen (15) years and in this case the developer is funding the full deck. Mayor Grant noted that the project is fully entitled. The discussion really is "as may be necessary" to get the project done. A similar project down the street has not asked for assistance... they might, but not yet. The ask is about 25 percent of the project total which seems to be a lot. Mayor Grant stated he does not see the City's responsibility to fund the project to get premium rates. He further noted that this does check a great many boxes. What is appropriate and can we offer similar incentives to others? Mr. Hutchison noted that they use net present value of the funds from the abatement. In this case the \$12M abatement is really only \$7M up front to cover the deck. If the City wants the high-quality product downtown, the financing is needed to get that development. The incentives help bring the rates down to a more manageable rate. Councilmember Tolan notes that the project sounds like it cannot be done without these abatements? Mr. Hutchison stated that is correct. Councilmember Tolan notes that he would like to see how this request matches with similar abatements elsewhere. Mr. Hutchison noted that there are two phases in Suwanee. The first phase included an abatement to prove the market. Councilmember Carlan noted that he voted against the project, but it was approved by the City, so he supports it. He notes that they are asking for \$12M or one fourth (1/4) of the cost and is there another project in Georgia that got one fourth (1/4) of costs abated? Not to his knowledge. A few jobs on sites, but some new jobs based on residents. Seven to ten (7-10) jobs on site. Will the project create SPLOST dollars? The rooftops will help support downtown businesses. Will any part of the project have public use? Pathway and public restrooms, perhaps a pocket park. Mr. Hutchison noted that the five (5) percent is actually generating more than the current site pays in taxes. Councilmember Carlan noted that the Outlet Mall that was a 115M project had a 4M ten (10) year abatement and included hundreds (100s) of jobs and increased SPLOST. Councilmember Carlan does not think this project is similarly equal in impact. Mr. Hutchison said Sugar Hill is \$5M for the deck and fifteen (15) year abatement schedule. Total project is \$65M in Sugar Hill. Mayor Grant notes there are intangibles that make this different than the Outlet Shoppes, for instance. The eight (80) percent reduction in fees is a large ask with

already a reduction of tap fees in downtown. Would like to see Council talk about how to spur this investment efficiently. The City is working on a TAD (Tax Abatement District) that includes this site and could incentivize the project as well as other projects in that area. Councilmember Estes notes that this is a hill that could cause struggle for any developer. The amount could be determined. The Council could align on a position somewhere between \$0 and \$12M. Look at the intangibles. Councilmember Wilson loves the project but is concerned about how the asks will come following this project. This is too much. The developer was concerned about the length of time and negotiation on a TAD. Councilmember Carlan noted that incentives have been discussed since October. Supports an incentive plan instead of negotiating project by project. Councilmember Estes likes the transparent discussion. Would support putting in place a not to exceed that could form discussion. Mayor Grant wanted to clarify that they need all of these to do the project, or can we wait until the TAD viability document in the next few weeks? Council does not appear to support the full incentives requested; can they do the project? Councilmember Schmidt asked about the streetscape funds. She noted that this was a condition of the zoning. Mr. Hutchison said this would offset the construction cost of that project. Councilmember Schmidt noted that the deck cost is around \$7M and it is private except for those spaces that are required to be relocated that are already public. She further noted that the City voted for the project because they love it and do want it. Mayor Grant noted that the deck in Sugar Hill is shared public and private. He noted the streetscape is to be funded by the City. Councilmember McGrew asked if that meant the City is paying for a condition that it imposed. Mayor Grant stated that seemed correct. Councilmember McGrew would have preferred condos. The jobs are meager. There is no retail. This is an incentive for apartments, and she is not favorable. Councilmember McGrew notes that the developer will be a great project and turn a nice profit at the community's expense. Councilmember Tolan asked what the current walk is from downtown. Mr. Hutchison stated it would be Academy to Hill which is very steep.

13. City Manager's Report

Mr. Peppers gave a Distilled Spirits Package Sales Update. SB (Senate Bill) 145 Passed and is awaiting the Governor's signature. Staff will start working on creating drafts of the necessary ordinances.

Mr. Peppers provided an update on the parking deck. He noted that the cost of the full solar array would be \$250K. Council supported moving forward with that.

Mr. Peppers discussed the purchase of the Pinyan property adjacent to Harmon Park. A motion to approve the purchase for \$50,000.00 and authorize the City Manager to sign the closing documents was made by Councilmember Tolan, seconded by Councilmember Carlan and approved unanimously.

14. Council Introduced Items

Councilmember Tolan introduced the concept of free little libraries and three teachers at Hasty are working on degree programs to do two of these units in City parks. Recommends that Heritage, Etowah and Burge be allowed for these.

15. Mayor's Report

16. Adjourn

Councilmember McGrew made a motion to adjourn. Councilmember Wilson seconded the motion and it was approved unanimously.

Bill Grant, Mayor

Attest:

Annie Fortner, City Clerk

Dates Minutes Approved by Council