

Canton, Georgia

*110 Academy Street
Canton, Georgia 30114*



Minutes - Final - Final

Thursday, December 2, 2021

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 Ms. Arlene Zucker.

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. Ken Patton, Community Development Director
Mr. Steve Green, Zoning Administrator
Ms. Melissa Forrester, Finance Director
Mr. Stephen Merrifield, Police Chief
Ms. Lauren Johnson, Communications & Marketing Specialist
Ms. Teresa Fitts, Municipal Court Clerk
Ms. Kristin Norton, Theatre Events and Facilities Director
Ms. Lorrie Waters, Human Resources Director
Mr. Mike Morgan, Information Technology Director
Ms. Annie Fortner, City Clerk*

Absent:

None

3. Consideration to Approve Agenda

City Attorney Bobby Dyer requested to add an item to New Business (Item J) for Discussion and Possible Action to Approve an Amended Declaration of Taking for the Edgewater Hall Enterprises and Bank of the Ozarks Property. City Manager Billy Peppers requested an Executive Session be added to discuss real estate. Councilmember Tolan made a motion to approve the agenda as amended. Councilmember Carlan seconded the motion, and it was approved unanimously.

4. Guests and Visitors

- A. Student Holiday Art Contest Winners - Theatre Events and Facilities Director Kristin Norton

Theatre Events and Facilities Director Kristin Norton stated the art contest was a project formed by the Cultural Arts Commission. Mr. Peppers discussed the contest and announced the overall winners from each school as:

- *Declan Wright – Knox Elementary School*
- *William Foreman – Teasley Middle School*
- *Ariel Strode – Cherokee High School*
- *Thy Tran – Indian Knoll Elementary School*
- *Dolly Gabriel Mendez – RM Moore Elementary School*
- *Ingrid Antontio Francisco – Hasty Elementary School*

- B. Employee Recognition - Police Chief Stephen Merrifield - Attachment 4B

Attachments: [Employee Recognition](#)

Police Chief Stephen Merrifield recognized Ms. Gabriela Gonzalez as Employee of the Quarter for the third quarter of 2021. Chief Merrifield stated Ms. Gonzalez has been Employee of the Quarter previously in 2019. Chief Merrifield discussed Ms. Gonzalez efforts with the Multicultural Festival and scheduling of staff during holiday events.

5. Public Hearing

- A. Public Hearing and Discussion of Cases MPA2105-004 and CUP2105-005 for Master Plan Amendment and Conditional Use Permit Approval of Pod I Riverstone - Zoning Administrator Steve Green - Attachment 5A

Attachments: [MPA2105-004 and CUP2105-005 Documentation](#)

Zoning Administrator Steve Green introduced the case and provided the application details. Mr. Green noted the applicant requests to construct 251 apartments that are senior targeted. The application is requesting an increase in allowed density, a single means of egress, and to establish development criteria. Staff has not received any comments for or against the application at this time. Mayor Grant opened the public hearing and called for the applicant to present their case. Mr. Shawn Reinhardt discussed the lack of senior affordable housing, reviewed what is considered affordable housing within Cherokee County, and displayed the proposed site plan and renderings of the apartment facades. Mr. Reinhardt provided the benefits of this type of development and reviewed concerns that were discussed in the public meeting. These concerns were traffic, Americans with Disabilities Act (ADA) accessibility, number of entrances, green space, and potential decline in surrounding property values. Councilmember McGrew made a motion to extend time by three minutes. Councilmember Schmidt seconded the motion, and it was approved unanimously. Mr. Reinhardt presented Council with a short promotional video and displayed pictures from other similar developments within Georgia. Mr. Thomas Weaver spoke in opposition to the application. Mr. Weaver discussed concerns with density in Ward 1. Mr. Weaver stated he is not opposed to affordable housing but questions whether it is in the right place. Mayor Grant closed the public hearing and opened the discussion to Council. Councilmember Tolan asked if clarification can be given on the varying price points based on Area Median Income (AMI). Mayor Grant asked if the other senior apartments within Canton are in the affordable housing category. Community Development Director Ken Patton stated those are market rate apartments. Councilmember Carlan asked for further information regarding the entrance to the development. Mayor Grant requested to know if all residents will be 55 years of age or older. Councilmember Estes asked for a follow-up on the Canton Housing fees as mentioned by the applicant. Councilmember McGrew asked for further information on the amenities within the apartment units and if endangered plants could be relocated prior to construction.

6. Consideration to Approve Minutes

- A. Council Meeting Draft Minutes - November 18, 2021 - Attachment 6A

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

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

7. Informational Items

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

Attachments: [October Financials](#)

Finance Director Melissa Forrester provided Council with a summary of significant events including a Water and Sewer Infrastructure Grant application, 20% completion of the Wastewater Pollution Control Plant project, new water rates, collection of RedSpeed fines, and receipt of annual Insurance Premium Tax payment. Ms. Forrester reviewed the ten largest water and sewer customers for the City.

8. Other Announcements

None.

9. Ten Minute Public Input

Mr. Thomas Weaver discussed concerns with the proposed amendments to Chapter 2 of the City's ordinances. Mr. Weaver noted concerns with the ability of citizens to add items to the Council agenda, description of the minutes, and changes to the two-reading requirement.

Mr. Bill Rudolph discussed safety concerns within the Great Sky community and the recently added development. Mr. Rudolph discussed concern with one access to this section, traffic, and the safety of emergency vehicles.

10. Consent Agenda

None.

11. Old Business

- A. Discussion and Possible Action on Cases MPA2109-002 and CUP2109-001 for Master Plan Amendment and Conditional Use Permit Approval for TPA Group, LLC to Develop and Construct 134 Townhomes on the North Side of Watermist Drive and the West Side of Bluffs Parkway - Zoning Administrator Steve Green - Attachment 11A

Attachments: [MPA2109-002 and CUP2109-001 Documentation](#)

Mr. Green stated this application had been tabled from the November 18th Council meeting for further clarification on the development. This information has been distributed to Council. Staff recommends approval of the project and listed three conditions for consideration. These conditions are as follows: 1) The Georgia Native Plant Rescue shall be allowed to search the subject property for plants that may be endangered; 2) The applicant shall petition the City for the abandonment of Watermist Drive. This request shall be made prior to the issuance of the Certificate of Occupancy for Phase 3; 3) The developer shall comply with the requirements of Section 109.03.12 - Development Access of the Code of Ordinances. Mayor Grant asked about the right-of-way width. Mr. Green stated the revised site plan submitted by the applicant shows the rights-of-way as being 50 feet. Councilmember Carlan clarified that if the developer builds over 125 units, then they will be required to have two entrances. Councilmember Schmidt asked what could be built on the property should the application be denied. Mr. Patton stated townhomes and single-family homes are approved for this property and noted the applicant has verbally agreed to the three proposed conditions. Mr. Patton discussed the original approved zoning of this section and subsequent amendment which occurred in 2018. Councilmember Schmidt asked if the architecture of the project will go before the Oversight Committee. Mr. Patton stated that is correct. Mr. Patton stated the majority of the units will be below street grade. Councilmember McGrew clarified that a Conditional Use Permit is required for three or more attached units. Mr. Patton noted that if the application was denied, the applicant could not bring another application to Council for one year. Councilmember Estes asked about the Master Plan Amendment. Mr. Patton stated the Master Plan Amendment would remove the single family detached residential from the allowed uses. Councilmember Estes made a motion to deny the Master Plan Amendment. Councilmember McGrew seconded the motion. Councilmember Estes, Councilmember McGrew, and Mayor Pro Tempore Wilson voted for the motion. Councilmember Carlan, Councilmember Schmidt, and Councilmember Tolan voted against the motion. Mayor Grant broke the tie voting for the motion. The motion to deny the Master Plan Amendment carried. Mr. Patton stated the applicant requested Council table the application. Councilmember Schmidt made a motion to reconsider the Master Plan Amendment decision. Councilmember Carlan seconded the motion. Councilmember Carlan, Councilmember Schmidt, and Councilmember Tolan voted for the motion. Councilmember Estes, Councilmember McGrew, and Mayor Pro Tempore Wilson voted against the motion. Mayor Grant broke the tie voting against the motion. The motion to reconsider the decision of the Master Plan Amendment failed. Councilmember Carlan made a motion to allow the applicant to withdraw the Conditional Use Permit application without prejudice. Councilmember Schmidt seconded the motion, and it was approved unanimously.

- B. Discussion and Possible Action to Approve Resolution to Adopt the Canton Redevelopment Plan and Creation of Tax Allocation District #1 - Assistant City Manager Nathan Ingram - Attachment 11B

Attachments: [Tax Allocation District](#)

Mr. Peppers stated if the resolution is approved, staff would work to certify the Tax Allocation District. This is hoped to be done by the end of the calendar year. Councilmember Estes made a motion to approve. Councilmember Schmidt seconded the motion, and it was approved unanimously.

12. New Business

- A. Discussion of Resolution to Adopt Cherokee County Hazard Mitigation Plan 2021-2026 - Attachment 12A

Attachments: [Hazard Mitigation Plan](#)

Mr. Peppers stated this plan is adopted every five years with Cherokee County and discussed the purpose of having the plan in place. Mayor Grant asked if there are any significant changes in the plan. Mr. Peppers stated no.

- B. Discussion of Fines, Fees, and Bond Schedule - Municipal Court Clerk Teresa Fitts - Attachment 12B

Attachments: [Fines Fees and Bond Schedule](#)

Municipal Court Clerk Teresa Fitts stated an audit was performed on all the fees and bonds. Councilmember Estes asked about the difference between the base amount and the fine amount. Ms. Fitts stated the base amount is what the City is allowed to charge. The fine amount is with all the add-ons.

- C. Discussion of Information Exchange Agreement with Cherokee County Development Department - Municipal Court Clerk Teresa Fitts - Attachment 12C

Attachments: [Information Exchange Agreement](#)

Ms. Fitts stated the City performs fingerprinting for the Cherokee County Development Department alcohol permits. The City has been doing this for over one year and is now being required to have an agreement in place. Mayor Grant clarified this agreement formalizes what the City has been doing.

- D. Discussion of Retirement Plan Documents - Assistant City Manager Nathan Ingram - Attachment 12D

Attachments: [Retirement Plan](#)

Mr. Peppers stated management has recommended closing the Defined Benefit Plan at the end of the calendar year and move to a robust Defined Contribution Plan for all new employees. Staff has received the plan documents from Georgia Municipal Association this week which have been distributed to Council. Management is working on informational items to be distributed to staff regarding the changes.

- E. Ordinance Review Committee Progress Report - Councilmember Will Carlan - Attachment 12E

Attachments: [Ordinance Review Committee Progress Report](#)

Councilmember Carlan discussed the meetings held by the Ordinance Review Committee and stated the first three major chapters have been reviewed (Chapters 2, 6, and 10). Councilmember Carlan stated the recommended amendments have come from unanimous votes among Committee members. Councilmember Carlan discussed the next chapters to be reviewed by the Committee and noted the next meeting will be held on December 8th. Councilmember Estes discussed inconsistencies within the City's Charter and ordinances. Councilmember Estes stated items which are listed in both the Charter and in the City's ordinances were left in the Charter and were removed from the ordinances.

- F. Discussion of Proposed Ordinance Amendments to Chapter 2 - Administration - City Attorney Bobby Dyer - Attachment 12F

Attachments: [Chapter 2 - Administration](#)

Mr. Dyer stated there were points of conflict between the City's Charter and ordinances. Mr. Dyer stated another goal of the Committee was to make sure what is in the ordinances is consistent with the way the City is operating. Mr. Dyer noted some of the items struck within Chapter 2 of the ordinances are held within the Charter. This eliminates potential conflict. Mr. Dyer reviewed the proposed amendments as shown in the agenda item attachment. Mayor Grant clarified residents are still able to discuss matters of concern with Councilmembers at any time. Councilmembers could then add the item to the agenda should it be necessary. Councilmember Carlan reiterated that citizens can address their government. Councilmember Estes stated residents may participate in agenda item discussion if called upon by the Mayor.

- G. Discussion of Proposed Ordinance Amendments to Chapter 6 - Alcoholic Beverages - City Attorney Bobby Dyer - Attachment 12G

Attachments: [Chapter 6 - Alcoholic Beverages](#)

Mr. Dyer stated numerous amendments were made in 2020 but there were a few small clean up items to address. The Committee and staff have recommended to match state law as much as possible including the distance requirements. Mr. Dyer asked if Council would like to also match the state's method of measuring distance. Council agreed to match the state's method. Mr. Dyer stated he would add that change and submit it at the next meeting. Mr. Dyer reviewed other changes as outlined in the agenda item attachment.

- H. Discussion of Proposed Ordinance Amendments to Chapter 10 - Amusements and Entertainments - City Attorney Bobby Dyer - Attachment 12H

Attachments: [Chapter 10 - Amusements and Entertainments](#)

Mr. Dyer stated all requirements for billiard rooms will match alcohol requirements.

- I. Discussion of 2022 Council Meeting Calendar Dates - Attachment 12I

Attachments: [2022 Council Meeting Calendar](#)

Mr. Peppers stated there are no conflicts with holidays in the proposed meeting calendar. Mr. Peppers stated he has asked the staff liaisons for each board and commission to also prepare a calendar of meeting dates.

Item 12J. Discussion and Possible Action to Approve an Amended Declaration of Taking for the Edgewater Hall Enterprises and Bank of the Ozarks Property

Mr. Dyer stated condemnations have been filed to acquire easement rights to make sewer line improvements along the river. Edgewater Hall Enterprises has raised some issues. The proposed amendment adds the expiration date to the easement to clarify that it is temporary. It also adds the full property description. Councilmember Carlan made a motion to approve the amended Declaration of Taking. Councilmember Schmidt seconded the motion, and it was approved unanimously.

13. City Manager's Report

Mr. Peppers stated the City collected over 200 blankets for the Homeless Veterans Project. Mr. Peppers reviewed the proposed eight-step administrative process for the issuance of distilled spirits licenses as outlined in a handout provided to Council. Mr. Peppers discussed that 50% of the bid amount may be used by the bidder to pay for fees associated with the project such as application, license, and permit fees. The remaining amount will go to the City's General Fund. Mr. Peppers suggested sending this draft process out to interested parties to receive feedback. Mr. Peppers stated the bid process would begin in January.

14. Council Introduced Items

None.

15. Mayor's Report**A. Discussion of Committee Appointments**

Mayor Grant stated he will deliver the State of the City Address on February 3rd. Mayor Grant noted Council is working to plan a retreat during the first quarter of 2022. Following that, a joint meeting with Council, boards, commissions, and staff will be held to review the goals discussed during the retreat. Mayor Grant stated several boards have appointments coming up and asked Council to send ideas/thoughts to be discussed at the next meeting. Mayor Grant stated he would like to appoint Ms. Tiffany Bird to serve on the Canton Housing Authority and will be asking for a vote at the December 16th meeting. Mayor Grant noted the Canton Building Authority is a legislative act and discussed the requirements for members. Members of the Canton Development Authority must be appointed by Resolution.

16. Adjourn

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

Bill Grant, Mayor

Attest:

Annie Fortner, City Clerk

Dates Minutes Approved by Council