Canton, Georgia

110 Academy Street
Canton, Georgia 30114

Minutes - Final - Final

Wednesday, August 4, 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 Councilmember Estes.

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. Nathan Ingram, Assistant City Manager
Mr. Bobby Dyer, City Attorney
Mr. Ken Patton, Community Development Director
Ms. Melissa Forrester, Finance Director
Ms. Bethany Watson, Development Services Manager
Ms. Lauren Johnson, Communications & Marketing Specialist
Mr. Mike Morgan, Information Technology Director
Ms. Annie Fortner, City Clerk

Absent:
None

3. Consideration to Approve Agenda

Mayor Grant requested an Executive Session be added to discuss real estate. Councilmember Schmidt made a motion to approve the agenda with the addition of an Executive Session to discuss real estate. Councilmember McGrew seconded the motion, and it was approved unanimously.

4. Guests and Visitors

None.

5. Public Hearings

A. Public Hearing and Discussion for Case CUP1910-001 for Great Sky Pod 16 - Community Development Director Ken Patton - Attachment 5A

Attachments: Great Sky Pod 16 Documentation

City Attorney Bobby Dyer provided Council with background information for the case. The case was presented to Council in 2019 for a Master Plan Amendment and Conditional Use Permit for multi-family. The Master Plan Amendment was *approved, and the Conditional Use Permit was denied. A lawsuit was filed but a hearing has not yet been held. The applicant has some changes from the original proposal. It is hoped to receive comments from Council, have some compromises made, and possibly resolve the lawsuit. Mayor Grant opened the public hearing and asked for the applicant to present. Carl Westmoreland discussed the history of the property's zoning and master plan. The applicant has reviewed the City's tenets from the Roadmap and worked with the Reservoir consultant. Bennett Sands discussed changes made to the development including connectivity to the Reservoir for the community, inclusion of a destination restaurant, and a diversity of housing types. Mayor Grant called for anyone wishing to speak in support of the application. There were none. Mayor Grant called for anyone wishing to speak in opposition to the application. William Reynolds, Great Sky resident, spoke about his concerns of the impact the development will have on the infrastructure and quality of life for the community. Robert Stehlik, Great Sky resident, discussed his concerns with the developer not having the best interest of the residents and the discrepancies in the application and traffic study. Councilmember McGrew made a motion to extend time for each side by fifteen minutes. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously. Robert Taylor, Great Sky resident, discussed concerns with more commuters, students, and renter-occupied homes. Mr. Westmoreland spoke in rebuttal stating the applicant has been working with staff to establish conditions for the development. The applicant is seeking to provide connectivity to the Reservoir and City trail system. The density has been substantially reduced. It is hoped to settle this matter out of court and the applicant is requesting feedback from Council on the proposed plan. Mayor Grant closed the public hearing and opened the discussion to Council. Mayor Grant discussed the Conditional Use Permit (CUP) process and why it was put in place. Councilmember Estes discussed his concern with the density and the infrastructure to support it. Councilmember Estes stated he appreciates the feedback received from citizens and the creativity of the developer in the new proposal. Councilmember Carlan discussed scenarios for different outcomes should the matter move forward in court. Councilmember Carlan discussed the concerns with traffic due to the development and suggested installing a traffic light at Teasley Middle School. Councilmember Carlan addressed concerns received by citizens regarding the lowering of property values stating they should not decline due to higher rent prices and architecture. Councilmember Carlan discussed suggestions of conditions that he could support as reducing the total number of apartments, requesting the developer contribute $75,000 towards signal installation, creating a safe pedestrian crossing from one side of the development to the other, having consistency with City architecture, streetscaping, and landscaping, and ensuring connectivity to the Reservoir and restaurant/brewery. Councilmember McGrew asked about access to the Reservoir. City Manager Billy Peppers discussed the required Reservoir Master Plan. Mr. Peppers noted there is a design firm reviewing the plan as it relates to recreational access. The applicant has tried to incorporate some of the ideas from the firm into their development. A revision to the Master Plan must be submitted to and approved by the state prior to any changes being made at this time. It is hoped to submit the revised Master Plan to the state this fall. Councilmember McGrew requested information regarding the date the property was purchased by the applicant and the date of implementation of the CUP process. Councilmember McGrew discussed her concerns with traffic due to upcoming commercial development in the area. Councilmember McGrew asked about the total number of approved units. Mr. Peppers discussed the original Master Plan for Great Sky and the flexibility provided to the developer to*

move residential units between pods. Mr. Peppers explained the difference in total acreage for Great Sky is due to the Reservoir being constructed at the time of planning for this development. Councilmember McGrew asked about the approval process. Mr. Peppers stated this would be a CUP approval and Council could condition the approval to be site plan specific. Councilmember McGrew asked if this development would exceed the housing units as shown in the housing study. Community Development Director Ken Patton stated the housing units projected through 2029 is 3,190 units. The total number of units currently approved is 1,859 units. Councilmember McGrew asked what would happen if this matter were to go to court and the judge rule in the applicant's favor. Mr. Patton stated the applicant would have to go before the Oversight Committee for approval. Councilmember McGrew asked if the Oversight Committee can specify the number of units allowed. Mr. Patton stated no. The Oversight Committee only deals with the exterior materials of the buildings. Mr. Dyer discussed the lawsuit as challenging the City's CUP process. If the judge rules that the City could not have required that process, the applicant can revert to the zoning as is. Mayor Grant asked about the allowed uses for Pod 16. Mr. Patton reviewed all allowed uses and stated he will email the full list to Council. Councilmember Schmidt discussed that Council is fighting for traffic signals within the area. Councilmember Schmidt stated in 2019 there was broad support from residents in Great Sky for the Master Plan Amendment and CUP of these apartments. Councilmember Schmidt stated she supports the conditions as presented by Councilmember Carlan. Mayor Pro Tempore Wilson confirmed that all units are to be rentals. Councilmember Tolan stated the new rendering as proposed by the applicant is more in line with Council's vision and noted he is also in favor of the conditions from Councilmember Carlan. Councilmember Tolan requested additional information about the partnership between the developer and the Reservoir consultant. Mayor Grant stated he believes the CUP process is important to the City and worth fighting for. Mayor Grant noted the Reservoir is one of the City's greatest resources and suggested that should the project be approved the public components be the first to be built. Mayor Grant said he appreciates all the citizen feedback. Councilmembers encouraged residents to submit their comments and possible conditions regarding the CUP to Council.

B. Public Hearing and Discussion for Case CUP2105-012 for John Loyd Requesting Conditional Use Permit Approval to Develop a 156 Townhome Project located at 1010 Marietta Road - Community Development Director Ken Patton - Attachment 5B

Attachments: Marietta Road Documentation

Mr. Patton introduced the case and provided Council the application details. The development was previously approved for 224 apartment units. The applicant is requesting a reduction of the number of units and proposing a 156-unit townhome project. Mayor Grant opened the public hearing and called on the applicant to present. Parks Huff discussed the public participation meeting that was held with neighboring residents. Mr. Huff spoke about the buffer between the development and surrounding properties. Mr. Huff stated he believes this development will help invigorate retail within the area and provides a different housing type. Mayor Grant called for anyone wishing to speak in support of the application. There were none. Mayor Grant called for anyone wishing to speak in opposition to the application. Thomas Weaver spoke of his concerns for traffic congestion and inadequate infrastructure. Mr. Huff spoke in rebuttal stating the property has been approved for apartments and the request is for a

reduction in the number of units. Mayor Grant closed the public hearing and open the discussion to Council. Councilmember McGrew asked about parking and trash service. Mr. Patton stated the units have driveways and garages. Trash service has not yet been addressed. Councilmember McGrew asked if the units will be rentals or owner-occupied. Mr. Patton stated he will discuss that with the applicant and return comments to Council. Councilmember McGrew proposed reducing the number of units to allow for a community park and discussed concern for the exterior elevation seeming institutional. Mayor Pro Tempore Wilson clarified the two entrances/exits are located along Marietta Road.

C. Public Hearing and Discussion for Cases ZCA2106-002 and CUP2106-001 for J. W. Collection, LLC Requesting Zoning Condition Amendment and Conditional Use Permit Approval to Develop 55 Townhome Units, 12 Condominium Flats, and 18,000 Square Feet of Commercial/Office Space at 200 River Green Avenue - Community Development Director Ken Patton - Attachment 5C

Attachments: River Green Documentation

Mr. Patton introduced the case and provided Council the application details. Mayor Grant opened the public hearing and called on the applicant to present. John Wieland discussed the site plan showing commercial at the front of the development with residential behind. Mr. Wieland reviewed the renderings for the proposed commercial buildings, townhomes, and condominium units. Mr. Wieland discussed a drive thru convenience store concept. Mayor Grant called for anyone wishing to speak in support of the application. Richard Palmer, River Green resident, stated the Homeowner's Association (HOA) has been in contact with the developer for this project and the Board of Directors is in favor of what is proposed. The HOA is currently reviewing the traffic concerns posed by residents and working on a solution. Inger Eberhart, River Green resident, discussed the zoning process and how it guides development. Ms. Eberhart thanked the developer for all the contact with residents throughout the planning process. Ms. Eberhart discussed visiting a similar project built in Milton. Mayor Grant called for anyone wishing to speak in opposition to the application. There were none. Mayor Grant closed the public hearing and opened the discussion to Council. Councilmember Schmidt asked about the feasibility of condominium units. Mr. Patton stated he will reach out for additional information from the applicant. Councilmember Schmidt discussed possible conditions should the application be approved as having the drive thru market to also be safely walkable, architectural guidelines, and a solution for traffic within the current curb cuts. Mr. Patton stated staff has reviewed the traffic issues and will make a formal staff report at the next meeting. Councilmember Schmidt asked about the use of Cherokee County Sheriff Officers or Canton Police Department Officers for traffic control. Mr. Patton stated he would look into the matter. Councilmember Carlan discussed his concern with the developer complying with all conditions placed by the Council.

D. Public Hearing and Discussion for Cases Z2106-003, CUP2106-005, and MP2106-004 for W. P. Group Acquisitions Requesting to Rezone 17.85 Acres to PD-MU (Planned Development-Mixed Use) for the Purpose of Developing 260 Multiple-Family Apartment Units and 50 Townhome Units - Community Development Director Ken Patton - Attachment 5D

Attachments: Hospital Road Documentation

Mr. Patton introduced the case and provided Council the application details. Mayor Grant opened the public hearing and called on the applicant to present. Julie Sellers reviewed the proposed site plan and discussed realigning Mary Lane, proposed greenspace, and buffering between neighboring residents. Ms. Sellers provided elevations of the townhomes and multi-family units. Ms. Sellers stated the area has specifically been identified in the housing study as a development site. Ms. Sellers stated the applicant is proposing less density than suggested in the housing study. Ms. Sellers discussed the timeline for the development and noted the development will not be occupied until 2024. Mayor Grant asked for anyone wishing to speak in support of the application. There were none. Mayor Grant asked for anyone wishing to speak in opposition to the application. Amy King discussed concern with the retention pond and request for landscaping and an eye-appealing fence. Ms. King also discussed concern for traffic and the current condition of Mary Lane. Ms. Sellers spoke in rebuttal stating landscaping is vital to the development and the applicant will work with the City and surrounding neighbors to ensure everyone can benefit. Mayor Grant closed the public hearing and opened the discussion to Council. Mayor Pro Tempore Wilson asked if the developer is planning on upgrading Mary Lane. Mr. Patton stated the interior road within the development will line up with Mary Lane but no improvements to Mary Lane have been proposed. Mr. Patton discussed the current conditions of Mary Lane. Mayor Pro Tempore Wilson asked if sidewalks are to be placed within the development. Mr. Patton stated yes. Mayor Pro Tempore Wilson asked about the retention pond. Mr. Patton discussed that the developer must comply with the City's adopted Green Infrastructure Program and stated Council could place conditions regarding landscaping for screening. Councilmember Tolan stated he would be in favor of a condition for screening around the retention pond. Councilmember McGrew asked for information regarding the use of the amenities area by both the apartment residents and townhome residents. Councilmember McGrew asked if the applicant would be willing to convert one of the apartment buildings into condominiums to encourage ownership. Councilmember Carlan asked about placing a traffic signal at the intersection of Riverstone Parkway and Medical Lane. Mr. Patton discussed a previously approved project in which Georgia Department of Transportation (GDOT) was willing to install a light at that intersection with some other modifications to Riverstone Parkway. Surrounding business owners at that time opposed GDOT's proposal and that project was removed. Mr. Patton stated staff will follow up.

6. Consideration to Approve Minutes

A. Council Meeting Draft Minutes - July 15, 2021 - Attachment 6A

Attachments: Minutes - Council Meeting - July 15, 2021

B. Special Called Council Meeting Draft Minutes - July 21, 2021 - Attachment 6B

Attachments: Minutes - Special Called Council Meeting - July 21, 2021

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

7. Informational Items

A. Upcoming Qualifying Dates, Times, and Fee for November 2, 2021 Municipal Election - Attachment 7A

Attachments: Qualifying Information

Mr. Peppers noted qualifying will take place August 16th from 8:30 a.m. to 5:00 p.m., August 17th from 8:00 a.m. to 5:00 p.m., and August 18th from 8:00 a.m. to 12:00 p.m. The qualifying fee for a Councilmember position is $360. The qualifying packet can be found on the City's website or from the City Clerk.

B. Review of June Financials - Finance Director Melissa Forrester - Attachment 7B

Attachments: June Financials

No comments.

C. Information Only for Upcoming Public Hearing - Cases AX2107-001 and Z2107-002 - Grid Properties is Seeking to Annex 177.43 Acres and Zone the Property PD-MU (Planned Development-Mixed Use) - Community Development Director Ken Patton - Attachment 7C

Attachments: Polecat Mountain Winery Resort Information

Mr. Patton stated the Technical Report from staff will be provided at the August 19th meeting. The public hearing is scheduled for September 2nd followed by possible action by Council on September 16th. This application is for the proposed Polecat Mountain Winery Resort. Staff is waiting on determination by Atlanta Regional Commission (ARC) staff as to whether this project must go through a Development of Regional Importance (DRI) review process. If this project must go through the DRI process, Council can still hold the public hearing but not take any action until after the report is received.

D. Information Only for Upcoming Public Hearing - Cases AX2107-003 and Z2107-004 - Cherokee County Board of Education is Requesting to Annex and Zone 2.02 Acres within the Riverstone Development - Proposed Zoning is PD-MU (Planned Development-Mixed Use) - Community Development Director Ken Patton - Attachment

Attachments: School Board Property Information

Mr. Patton stated this property is an island within the Riverstone development. This would allow the Cherokee County Board of Education to only have to work with one municipality during development of the property.

E. Request from Mr. Thomas Weaver - Attachment 7E

Attachments: Agenda Request

Mr. Weaver requested Council consider amending language in Section 34-3 to change "weapons" to "firearms" for better clarification.

8. Other Announcements

None.

9. Ten Minute Public Input

None.

10. Consent Agenda

None.

11. Old Business

A. Discussion and Possible Action to Purchase Property Located at 240 McClure Street for $19,100 and Approve the City Manager to Execute Settlement Statements at Closing - Assistant City Manager Nathan Ingram - Attachment 11A

Attachments: McClure Street Property

Assistant City Manager Nathan Ingram stated Council approved the purchase of land adjacent to this property about a month ago. The purchase price is $19,100 and would be for future potential use. Councilmember Schmidt made a motion to approve the purchase. Councilmember Carlan seconded the motion, and it was approved unanimously.

12. New Business

A. Discussion and Possible Action of Intergovernmental Agreement with Downtown Development Authority for the Redevelopment of Property at 130 East Main Street - City Manager Billy Peppers - Attachment 12A

Attachments: IGA with DDA for 130 East Main Street

Mr. Peppers stated the agreement allows the Downtown Development Authority (DDA) to market the building for sale for redevelopment. If Council were to act on the agreement tonight, the DDA has planned a meeting for August 11th which will allow them to also approve the agreement. Councilmember Schmidt made a motion to approve the Intergovernmental Agreement (IGA) with the DDA for the redevelopment of 130 East Main Street and to authorize the Mayor to sign the IGA. Councilmember Carlan seconded the motion, and it was approved unanimously.

13. City Manager's Report

Mr. Peppers noted the plyometric gym at Heritage Park is almost complete. There is a small amount of landscaping to be done. A ribbon cutting will take place soon.

14. Council Introduced Items

None.

15. Mayor's Report

No report.

16. Adjourn

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

Mayor Grant called the regular meeting back to order following Executive Session. Mr. Peppers stated the item to be added to the agenda is a proposed Letter of Intent for the City of Canton to purchase property at The Bluffs. Councilmember Tolan made a motion to amend the agenda to include an item for real estate for 325 acres at The Bluffs. Councilmember Schmidt seconded the motion, and it was approved unanimously. Mr. Peppers stated staff has been working with Technology Park Atlanta (TPA) Group to review outstanding assets at The Bluffs. There are 325 acres. The City has a Letter of Intent to allow the purchase of that property for $10 million. There would be a 60-day due diligence period and a closing 15 days following the due diligence period. Councilmember Carlan made a motion to approve the City Manager to sign the Letter of Intent to purchase 325 acres at The Bluffs for a purchase price of $10 million. Councilmember Schmidt seconded the motion, and it was approved unanimously.

Councilmember Schmidt made a motion to adjourn. Councilmember Tolan 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