

Canton, Georgia

*110 Academy Street
Canton, Georgia 30114*



Minutes - Final - Final

Thursday, September 16, 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 Nathan Castleberry.

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. Nathan Ingram, Assistant City Manager
Mr. Ken Patton, Community Development Director
Ms. Melissa Forrester, Finance Director
Mr. Dave Hatabian, Utility Engineer
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 to add an Executive Session to discuss real estate. City Attorney Bobby Dyer requested an item be added to New Business for the approval of the Declaration of Taking for a temporary construction easement from Edgewater Hall Enterprises, LLC. Councilmember Tolan requested an item be added under Council Introduced Items for an update from the Blight and Code Compliance Committee. Councilmember Schmidt requested an item be added under Council Introduced Items for Cherokee County's litter pick up program. Councilmember Estes made a motion to approve the agenda as amended. Councilmember Schmidt seconded the motion, and it was approved unanimously.

4. Guests and Visitors

- A.** Presentation by HGOR of the Hickory Log Creek Reservoir Buffer Analysis and Draft Recreation Masterplan - Steve Sanchez, HGOR - Attachment 4A

Attachments: [HLC Buffer Presentation](#)

Steve Sanchez of HGOR presented Council a buffer analysis of the Hickory Log Creek Reservoir as well as possible trails and amenities for the area. Mr.

Sanchez discussed the terrain and slope of the buffer stating the steep aspects of the buffer will create challenges for development but does give incredibly dramatic views. Mr. Sanchez informed about the four ecological communities within the buffer regarding the trees, plants, and soils in each. It was noted there is a lack of invasive species within the buffer and within the ecological communities. Mr. Sanchez reviewed each of the coves discussing streams, depths, slopes, and diversity of plant materials. Mr. Sanchez provided possible recreational or educational uses for each cove including trails, boating docks, swimming areas, zipline or ropes course, boardwalks, signage, seating, and overlooks. Mr. Sanchez recommended placing a special development district along the buffer to control planting in the area.

5. Consideration to Approve Minutes

- A. Council Meeting Draft Minutes - September 2, 2021 - Attachment 5A

Attachments: [Minutes - Council Meeting - September 2, 2021](#)

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

6. Informational Items

None.

7. Other Announcements

None.

8. Ten Minute Public Input

Mr. Thomas Weaver requested Council update the school safety zone map.

9. Consent Agenda

- A. Approval of Proposed Fiscal Year 2021 Budget Amendments - Finance Director Melissa Forrester - Attachment 9A

Attachments: [Budget Amendments](#)

- B. Approval of Proposed Intergovernmental Agreement between Cherokee County and the City of Canton for the Use of Geographic Information System (GIS) Data - Assistant City Manager Nathan Ingram - Attachment 9B

Attachments: [IGA with Cherokee County for GIS](#)

*Mayor Pro Tempore Wilson made a motion to approve the Consent Agenda.
Councilmember Estes seconded the motion, and it was approved unanimously.*

10. Old Business

- A. Discussion and Possible Action on 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 10A

Attachments: [Hospital Road Documentation](#)

Community Development Director Ken Patton stated the public hearing for this case has been held and staff is recommending approval with the following conditions:

- 1. Provide a landscape buffer along the southernly property line adjacent to parcels used for residential purposes. The plant material shall vary in height and be approved by the Department of Community Development.*
- 2. As part of the development, Mary Lane will be realigned through the property and the City shall abandon the section of Hospital Drive between Hospital Road and Medical Lane. The abandonment shall take place as part of the permitting process for the development. The new Mary Lane will be public and internal streets within the development will be private.*
- 3. The property facing the Mary Lane extension shall have a ten-foot buffer.*
- 4. The building height shall not exceed four stories or sixty feet.*
- 5. Building setbacks shall be fifty feet from external property lines unless a variance is granted by the Board of Appeals. Building separation shall conform to building and life safety codes.*
- 6. The proposed greenspace at the corner of Mary Lane and Hospital Road shall be developed as a passive park.*
- 7. A financial contribution of \$75,000 shall be placed in an escrow account for the City's use for sidewalks and/or road improvements, including but not limited to a study and contribution for a pedestrian walkway beacon at Riverstone Parkway and Medical Lane.*
- 8. Mechanical units on the multifamily buildings will be screened to not be seen from streets outside the development.*

Mayor Pro Tempore Wilson stated Georgia Department of Transportation (GDOT) has indicated a traffic light is not feasible at the Riverstone Parkway and Medical Lane intersection due to the proximity of the other intersections with traffic signals. Mayor Pro Tempore Wilson discussed a possible study for a pedestrian crossing with a beacon system and the increase in the amount of contribution from the applicant. Mayor Pro Tempore Wilson made a motion to approve the three applications with the eight conditions as listed by Mr. Patton. Mayor Pro Tempore Wilson suggested the passive park be public so the City can maintain it. Mayor Grant noted the applicant had mentioned receiving a reduction in Impact Fees in exchange for the donation of the park. Mr. Patton discussed the process for a development agreement to dedicate/donate the park and reviewed the total amount of Impact Fees to be collected for the project. Mr. Patton and Mr. Dyer agreed there is still time to discuss this matter after the applications have had final action. Councilmember Carlan seconded the motion. Councilmember Schmidt asked if Mary Lane will be brought up to City standards. Mr. Patton stated that it would through the development. Councilmember Schmidt clarified the location of the intersection for the pedestrian crossing with the beacon system. Mr. Patton stated he would clarify the condition to reflect the correct road names. Mr. Patton discussed the current conditions of Mary Lane and Hospital Drive. Councilmember Carlan asked about

the road improvements around the Walgreen's intersection. Mr. Patton discussed the realignment and intersection changes. Councilmember Carlan spoke about Impact Fees and his concern with their distribution. Mr. Patton discussed the Capital Improvements Element within the Comprehensive Plan briefly reviewing the adoption process, methodology, and how fees are assessed. City Manager Billy Peppers noted Impact Fees can only be used for capital expenses. The motion passes with all members voting for the motion except Councilmember McGrew.

- B. Discussion and Possible Action on Cases AX2107-003 and Z2107-004 for the Cherokee County Board of Education Request to Annex and Zone 2.2 Acres Located within the Riverstone Planned Development-Mixed Use Project - Community Development Director Ken Patton - Attachment 10B

Attachments: [Cherokee County BOE Documentation](#)

Mr. Patton stated the subject property is contained within the Cherokee County Board of Education property. Staff recommends approval with no conditions. Mayor Pro Tempore Wilson made a motion to approve. Councilmember McGrew seconded the motion, and it was approved unanimously.

- C. Discussion and Possible Action to Approve the Prepayment of the Canton Building Authority (CBA) 2014A Revenue Bond - Finance Director Melissa Forrester - Attachment 10C

Attachments: [CBA 2014A Revenue Bond](#)

Finance Director Melissa Forrester stated the City could save \$360,000 in interest charges by paying off the bond eight years early. The payment will come from the Water Fund. Councilmember McGrew made a motion to approve. Councilmember Schmidt seconded the motion, and it was approved unanimously.

11. New Business

Item 11A - Approval of the Declaration of Taking for a Temporary Construction Easement from Edgewater Hall Enterprises, LLC

Mr. Dyer stated this is for the sewer project to replace a sewer main. The temporary easement would allow the contractors to access the land to lay the pipe. The easement is less than a year in length. Councilmember Estes made a motion to approve the Declaration of Taking and filing the condemnation of Edgewater Hall Enterprises, LLC property. Councilmember Carlan seconded the motion, and it was approved unanimously.

12. City Manager's Report

- Mr. Peppers stated the City has begun conversations with the Chamber of Commerce for a small business initiative and hope to hear something back in the form of a formal agreement next month.*
- The City is now under the due diligence phase for the purchase of 325 acres at The Bluffs.*
- Georgia Cities Week is the first week of October. Mr. Peppers reviewed the list of activities including First Friday, Farmers Market, movie showing,*

groundbreaking for the parking deck, Etowah Film Festival, Read with a Cop, and Think Pink Breast Cancer Walk.

- The City is currently in the interview phase for two positions, Economic Development and Tourism.*
- Staff is working on a Request for Qualifications (RFQ) for the Laurel Canyon property site.*
- The City is working with Georgia Power on diversity training.*
- The City received a notice from the Tax Commissioner's Office regarding an issue with ad valorem taxes. Mr. Peppers discussed the overpayment to the cities and suggested paying the full amount of \$325,000 out of this fiscal year. A formal year end budget amendment would then be brought to Council.*

13. Council Introduced Items

Councilmember Tolan thanked the Blight and Code Compliance Committee members and staff for their input and assistance. Councilmember Tolan stated he will be emailing a report to Council that will be discussed at the next meeting. The Committee addressed four areas to discuss as issues/concerns with existing codes, Code Compliance goals, residential code concerns, and commercial code concerns.

Councilmember Schmidt stated Commissioner Carter has been leading the Keep Cherokee Beautiful program and has approached the City about adopting Northside Cherokee Boulevard as part of that program. Commissioner Carter is requesting to come to the October 21st Council meeting to provide a presentation.

14. Mayor's Report

Mayor Grant discussed updating the City's housing study now that the census data is in as well as getting an updated list of developments that have been approved. Mayor Grant suggested having a Special Called Work Session to discuss these issues.

15. Adjourn

Councilmember Tolan made a motion to adjourn to Executive Session. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously.

Bill Grant, Mayor

Attest:

Annie Fortner, City Clerk

Dates Minutes Approved by Council