

Canton, Georgia

*110 Academy Street
Canton, Georgia 30114*



Minutes - Final - Final

Thursday, July 1, 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 Mayor Pro Tempore Wilson.

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. Stephen Merrifield, Police Chief
Mr. Ken Patton, Community Development Director
Ms. Melissa Forrester, Finance Director
Ms. Bethany Watson, Development Services Manager
Mr. Dave Hatabian, Utility Engineer
Ms. Lorrie Waters, Human Resources Director
Mr. Mike Morgan, Information Technology Director
Ms. Annie Fortner, City Clerk*

Absent:

None

3. Consideration to Approve Agenda

Mayor Grant stated the City received a request from the applicant to withdraw Item 5C. Councilmember Estes made a motion to remove Item 5C from the agenda. Councilmember Schmidt seconded the motion, and it was approved unanimously. City Manager Billy Peppers requested an Executive Session be added to discuss real estate and litigation. Councilmember Carlan requested an item be added to Council Introduced Items to review the report from the Sanitation Committee. Councilmember Schmidt made a motion to approve the agenda as amended with the addition of an Executive Session to discuss real estate and litigation. Councilmember Estes seconded the motion, and it was approved unanimously. Mr. Peppers requested two items be added under New Business. The first item is to discuss a construction management contract addendum with Atkins as it relates to the expansion of the wastewater treatment plant. The second item is to discuss a change order with Clark/Reeves Young also in relation to the wastewater treatment plant. Councilmember Schmidt made a motion to approve the agenda as amended with the addition of an Executive Session to discuss real estate and litigation. Councilmember Estes seconded the motion, and it was approved unanimously.

4. Guests and Visitors

Mayor Grant recognized Ms. Justine Bekebrede, Ms. Cristin Bell, and Ms. Beth Cronan for their work with the Little Free Libraries. Seven libraries were placed in parks throughout the City. Councilmember Tolan thanked the ladies for going above and beyond and stated they would always be friends of the City.

5. Public Hearings

Mr. Peppers provided a presentation discussing the City's historical property tax rates, rate comparisons of municipalities throughout Cherokee County, the method for calculating property taxes, revenues generated by property taxes, the return or value for residents from taxes paid to the City, and an overview of the proposed fiscal year 2022 budget. Highlights of the budget include new personnel, cost of services increases, operational upgrades, and continued projects within the City. Mr. Peppers discussed the capital fast lane approach for financing and completing Canton's Roadmap for Success. Mr. Peppers provided Council available funding streams for capital projects and new programs. Mr. Peppers discussed projects to be completed under each of Canton's Roadmap tenets and their funding sources. A copy of the full presentation can be found in the agenda packet in the City Clerk's office.

- A. Public Hearing of 2021 Millage Rate - City Manager Billy Peppers - Attachment 5A

Attachments: [Fiscal Year 2022 Proposed Budget and Millage Rate](#)

Mayor Grant opened the public hearing for the 2021 millage rate. There being no one to speak in support of or in opposition to the millage rate, Mayor Grant closed the public hearing.

- B. Public Hearing of Fiscal Year 2022 Proposed Budget - City Manager Billy Peppers - Attachment 5B

Attachments: [Fiscal Year 2022 Proposed Budget and Millage Rate](#)

Mayor Grant opened the public hearing for the fiscal year 2022 proposed budget. There being no one to speak in support of or in opposition to the proposed budget, Mayor Grant closed the public hearing.

Mayor Grant stated a public hearing was held at 11:00 am and the video from that meeting can be found on the City's website. Councilmember McGrew asked if City residents pay twice for fire services. Mr. Peppers explained Cherokee County bills for fire services separately. If you are a City resident you pay the County millage rate and the City's millage rate. The City's millage rate includes what is paid to Cherokee County for fire services. Mr. Peppers compared the City's millage rate to other municipalities within the County. Mayor Grant stated capital projects are being funded from special funds such as American Rescue Plan Act (ARPA) which have specific time and spending requirements, SPLOST, Rental Car Tax, Hotel/Motel Tax, and Impact Fees. An explanation of all the fund sources can be found on the City's website.

- C. Public Hearing and Discussion for Cases AX2104-001, Z2104-001, and TXT2104-009 - Applicant Ron Baggio Requesting to Annex 1.75 Acres Located at 9661 Knox Bridge Highway, Zone the Property GC (General Commercial), and Amend the Text of Canton's Unified Development Code to

Allow a Microbrewery in the GC (General Commercial) Zoning District -
Community Development Director Ken Patton - Attachment 5C

Attachments: [Knox Bridge Highway Documentation](#)

This item was removed from the agenda.

- D. Public Hearing and Discussion for Cases AX2102-004, Z2102-005, and MP2102-006 for Old Doss Properties, LLC - Applicant is Requesting to Annex 75.212 Acres Located at 560 Old Doss Lane, Zone the Property PD-R (Planned Development-Residential) and Approve Master Plan for the Proposed Project to Consist of 150 Residential Units Including 14 Residential-Attached Units - Community Development Director Ken Patton - Attachment 5D

Attachments: [Old Doss Documentation](#)

Community Development Director Ken Patton introduced the cases and provided the application details. Mr. Patton discussed adjacent properties and their current uses. Mayor Grant opened the public hearing and called on the applicant. Parks Huff presented for the applicant. Mr. Huff provided a site map and discussed the location of the proposed development. Signalized access to the development is currently being installed. Mr. Huff discussed the benefits of having signalized access and additional City taxpayers. Mr. Huff noted 32 acres out of the total 75 acres of the development have been set aside for greenspace and will be taking advantage of the natural topography. The development will consist of three pods with four distinct housing types. The builder is Toll Builders and this will be their first project within the City. Mr. Huff stated the developer has met with the School Board. The developer agrees to contribute \$10,000 towards the City's affordable housing initiative as well as \$10,000 to the City for public art. Mr. Huff reviewed the City's Roadmap tenets and how this development fits within them. Mayor Pro Tempore Wilson made a motion to extend the time limit by five minutes for each side. Councilmember McGrew seconded the motion, and it was approved unanimously. Mayor Grant called for anyone wishing to speak in support of the applications. James Cannon spoke in support. Mr. Cannon stated he owns property adjacent to the City on two sides. Mr. Cannon provided Council a map of Appendix A of Canton 2040: Comprehensive Plan and discussed how this development will help connect citizens to parks and recreation. Mayor Grant called for those wishing to speak in opposition of the applications. Martha Cowart spoke in opposition. Ms. Cowart stated her home was highly impacted by the work being completed by Georgia Department of Transportation (GDOT) and discussed her concern for other residents and how close they will be to the road leading to the development. Ms. Cowart stated she does not have a problem with the development itself but rather how one would get to the development. Sherrod Waites also spoke in opposition. Mr. Waites stated his property adjoins Pod C of the proposed development and discussed his concern with the density proposed next to his lot. Mr. Waites discussed possible buffer requirements or the elimination of Pod C, concern with number of residents along Old Doss, and concern with drainage in the area. Mr. Huff spoke in rebuttal. Mr. Huff discussed planting of evergreens between Mr. Waites property and the proposed development and noted there is also a creek buffer. Mr. Huff stated the developer has met with Cherokee County in relation to Old Doss since that is a County road and discussed paving and right-of-way requirements. Mayor Grant

closed the public hearing and opened the discussion for Councilmembers. Councilmember Estes asked about the first application for this project being withdrawn. Mr. Patton stated the applicant withdrew the application for continued discussion with Cherokee County related to improvements of Old Doss Road. Mr. Patton stated the City received an email from Cherokee County approving paving within the existing right-of-way. This email is included in Council's agenda packet. The City received another email from Cherokee County which listed two options to be included for conditions of approval which are different than the original email provided. Councilmember Estes asked what would happen if these conditions were not placed in the approval of the project. Mr. Patton stated the County would force the annexation dispute process which is where the project was initially before the application was withdrawn. Councilmember Estes asked about acquiring property for right-of-way. Mr. Patton stated there are twelve properties for right-of-way acquisition. Councilmember Estes asked about a second entrance. Mr. Patton stated a second entrance is not required. Councilmember Estes asked about sewer. Mr. Patton stated sewer capacity is not available until 2023. Mr. Patton discussed options for the development to tie into the City's sewer system. Mayor Grant asked Mr. Patton to get clarification from the County on issues along Old Doss Road. Councilmember Schmidt asked if improvements must be made to Old Doss Road if the number of units within the development are reduced. Mr. Patton stated the developer would still be responsible for upgrading the road to 20 feet wide paving within the existing right-of-way. Mayor Pro Tempore Wilson asked about issues that come with obtaining 50 feet of right-of-way. Mr. Patton stated the acquisition would be difficult and suggested that since the two emails received from Cherokee County conflict with each other, Council should request clarification. Mayor Pro Tempore Wilson asked about a buffer between Pod C and Mr. Waites' property. Mr. Patton discussed the stream buffer between the properties. The applicant has indicated they would plant trees for additional screening. Councilmember Estes asked about ownership of the acquired right-of-way. Mr. Patton stated ownership would remain with the County. Mayor Grant asked Mr. Patton to asked for a consensus from the County about the right-of-way and improvements for Old Doss Road. Councilmember Carlan asked about the type of housing proposed in Pod C. Mr. Patton stated mid-level housing is proposed for Pod C, high-level in Pod A, and low-level in Pod B. Councilmember Carlan asked about trails within the development. Mr. Patton stated the developer shows sidewalks and trails in the development. Councilmember Carlan asked about crossing the railroad to connect the development with the Etowah River Trail extension. Mr. Patton discussed the City's access point for the installation of the trail, but a right-of-way easement would have to be established at some point in the future. Councilmember Carlan asked what it means to have an undisturbed buffer. Mr. Patton stated only the use of hand tools is allowed within the undisturbed buffer without an approved variance. Mayor Grant asked about the railroad crossing. Mr. Peppers stated the City has an existing agreement for maintenance and emergency access at the crossing at the end of Old Doss for the City's vehicles to get onto the City's park land. At the time of the agreement, Governors Walk residents spoke loudly that they did not want people parking behind their development to get to the trail so the City did not pursue any type of connection plan. It would likely be the City who initiates obtaining the crossing agreement. Councilmember Schmidt asked if Council could extend the undisturbed buffer requirement. Mr. Patton stated yes.

6. Consideration to Approve Minutes

- A. Council Budget Meeting Draft Minutes - June 17, 2021 - Attachment 6A

Attachments: [Minutes - Council Budget Meeting - June 17, 2021](#)

- B. Council Meeting Draft Minutes - June 17, 2021 - Attachment 6B

Attachments: [Minutes - Council Meeting - June 17, 2021](#)

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

7. Informational Items

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

Attachments: [May Financials](#)

No comments.

- B. Upcoming Public Hearing - Case CUP2105-012 - 1010 Marietta Road - Applicant John Loyd Proposing 156 Townhomes Instead of 224 Apartments - Attachment 7B

Attachments: [Marietta Road Documentation](#)

Mr. Patton stated the applicant proposes to amend the previously approved Conditional Use Permit to allow for 156 townhome units instead of multi-family apartments. The public hearing for this case will be held on Wednesday, August 4th.

- C. Upcoming Public Hearing - Cases ZCA2106-002 and CUP2106-001 - River Green - Applicant JW Collection, LLC Requesting to Amend Zoning Conditions to Allow Townhomes and Condominiums in Place of Commercial Along with 18,000 Square Feet of Commercial/Office - Attachment 7C

Attachments: [River Green Documentation](#)

Mr. Patton stated the applicant is requesting the allowance of condominiums, townhomes, and office/retail. The public hearing for this case will be held on Wednesday, August 4th.

- D. Upcoming Public Hearing - Cases Z2106-003, MP2106-004, and CUP2106-005 - Hospital Road - Applicant WP Acquisition Group, LLC Requesting to Rezone 17.85 Acres to Allow 260 Apartment Units and 50 Townhome Units - Attachment 7D

Attachments: [Hospital Road Documentation](#)

Mr. Patton stated the property is located at the old hospital site and proposed to be a mixture of townhomes and apartments. The public hearing for this case will

be held on Wednesday, August 4th.

8. Other Announcements

None.

9. Ten Minute Public Input

Mr. Thomas Weaver recommended holding a public hearing on the Charter amendments although it is not required. Mr. Weaver discussed concern with Municipal Court fees included with the proposed fee schedule. Mr. Weaver stated he looks forward to the improvements as stated in the budget.

10. Consent Agenda

None.

11. Old Business

None.

12. New Business

- A. Discussion of Conservation Easement for Etowah River Trail from Heritage Park to Boling Park Extension - Development Services Manager Bethany Watson - Attachment 12A

Attachments: [Conservation Easement](#)

Development Services Manager Bethany Watson stated there is small area of stream buffer that is disturbed. Part of the variance procedure with Environmental Protection Division (EDP) requires that the City mitigate that area. The conservation easement is about 6.5 acres adjacent to the Etowah River pedestrian bridge which is not utilized by the trail project or park.

- B. Discussion of Proposed Charter Amendments - City Attorney Bobby Dyer - Attachment 12B

Attachments: [Proposed Charter Amendments](#)

City Attorney Bobby Dyer stated the amendments have been placed in ordinance form. If Council is inclined, an approval must be given at this meeting. Then it will be voted on again for a second approval at the July 15th meeting as statute requires. Mayor Grant and Councilmember Carlan discussed term limits for Mayor and Councilmembers and stated there is no benefit for the Councilmembers to stay on Council. Councilmember Carlan made a motion to adopt the Charter amendments as presented. Councilmember McGrew seconded the motion, and it was approved unanimously.

- C. Discussion of Proposed Ethics and Conduct Ordinance - City Attorney Bobby Dyer - Attachment 12C

Attachments: [Proposed Ethics and Conduct Ordinance](#)

Mr. Dyer stated all amendments have been made and it will be on the agenda for July 15th for approval.

Council took a five-minute recess.

- D. Discussion of Fiscal Year 2022 Municipal Fee Schedule - City Manager Billy Peppers - Attachment 12D

Attachments: [Fiscal Year 2022 Fee Schedule](#)

Mr. Peppers highlighted the changes to the fee schedule. These changes include increases to the business license administration fee, technology fee in Planning & Zoning fees, water rates, sanitation rates, and stormwater rates.

- E. Discussion of Call for Referendum for Distilled Spirit Package Sales within the City of Canton - City Manager Billy Peppers - Attachment 12E

Attachments: [Retail Package Sales of Distilled Spirits](#)

Mr. Peppers stated legislation was introduced which allows for cities to call for a referendum for distilled package sales within the municipality. Mr. Peppers discussed the previous petition process and stated now cities have both options. Mr. Peppers asked if Council would like to get the alcohol ordinance in place that would allow for distilled package sales prior to the referendum. Councilmember Estes asked about when this would go into effect. Mr. Peppers stated the referendum could go into effect as soon as the election is certified as long as the City has the ability in the code to allow them. The other option would be to see what the voters say and then have it effective January 1st. Councilmember Estes stated having an ordinance in place would help citizens decide what they are voting for, and potential business owners know what is allowed. Mayor Grant asked that the call for the referendum be brought to the July 15th meeting which can then be followed by discussion of the ordinance.

- F. Discussion of Convenience Stores - Councilmember Sandy McGrew

Councilmember McGrew proposed setting distance requirements between stores. Mayor Grant noted Council passed a moratorium on convenience stores through the end of July and stated the distance requirement would be the simplest thing to do. Councilmember Estes stated he believes they should let the market determine what the needs are. Mayor Grant wondered if the real concern was the appearance of stores and proposed having more stringent development standards. Councilmember Schmidt stated she agrees with Councilmember Estes and Mayor Grant. Mayor Pro Tempore Wilson asked about the coverage of windows in convenience stores. Mayor Grant and Mr. Dyer stated that is covered under the City's sign ordinance. Mr. Patton stated the sign ordinance can be amended to reduce the allowed coverage or address coverage by individual window panes. Councilmember Tolan suggested the Blight and Code Compliance Committee could address the signage issue and bring back a report to Council. Mr. Patton stated Council could require convenience stores go through a Conditional Use Permit approval process. Councilmember McGrew discussed a proposed gas station to be placed at the corner of Reinhardt College Parkway and Reservoir Drive and her wish for it to blend in the with neighboring

residential area. Mayor Grant asked if stricter development standards could be enforced as well as requiring the Conditional Use Permit approval process. Mr. Patton stated yes. Councilmember Carlan stated he does not agree with a distance requirement, agrees with amending the sign ordinance, and recommends moving forward with a Conditional Use Permit process. Mr. Dyer stated the moratorium needs to be extended and added he believes requiring a Conditional Use Permit for convenience stores could be problematic. Mr. Dyer suggested moving towards stricter development standards. Councilmembers discussed concerns with updating older convenience stores. Councilmember Schmidt requested Council also consider looking at commercial landscape standards.

G. Discussion of Proclamation Policy - Mayor Bill Grant

Mayor Grant stated the general intent for proclamations is for City residents, businesses, organizations, etc. Mayor Grant requested Council review the City's current proclamation policy and think of ways to tighten it up.

Item H (Discussion of a Construction Management Contract Addendum with Atkins as it Relates to the Expansion of the Wastewater Treatment Plant) and Item I (Discussion of a Change Order with Clark/Reeves Young also in Relation to the Wastewater Treatment Plant) were discussed together. Utility Engineer Dave Hatabian stated these amendments would be to expand the wastewater treatment plan to seven (7) mgd now instead of in the future. Mr. Hatabian stated he believes this is a more cost-effective way to do this. Mr. Hatabian discussed the additional cost and time to complete and the growth approval from six (6) mgd to seven (7) mgd.

13. City Manager's Report

No report.

14. Council Introduced Items

Councilmember Carlan stated the Sanitation Committee has held three (3) meetings and have heard from both residents and Advanced Disposal/Waste Management. The Committee is recommending adopting the rate increase as it is in the proposed budget. Councilmember Estes discussed using ARPA funds to help offset rate increases and stated he would like to hear feedback from residents. Mayor Grant stated he has spoken with several residents, and they did not express great alarm with the rate increase. Mayor Pro Tempore Wilson asked when the current contract expires and when the City will go out to bid. Mr. Peppers stated the current contract expires in September of 2022. The City will begin working on the Request For Proposals (RFP) this winter to give time should there be a transition period if a new vendor is selected. Councilmember Carlan stated the Committee will continue to meet and discuss current issues with residents and hope to have a final report later this year. Mayor Grant recommended the Committee considers one (1) or two (2) town hall meetings on sanitation.

15. Mayor's Report

No report.

16. Adjourn

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

Bill Grant, Mayor

Attest:

Annie Fortner, City Clerk

Dates Minutes Approved by Council