Canton, Georgia

110 Academy Street
Canton, Georgia 30114

Minutes - Final - Draft

Thursday, December 1, 2022

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 Cub Scout Pack 890 and followed by an invocation given by Councilmember Wilson.

2. Call to Order

The meeting was called to order by Mayor Grant.

Members Present:
Mayor Bill Grant
Mayor Pro Tempore Sandy McGrew
Councilmember Will Carlan
Councilmember Shawn Tolan
Councilmember Brooke Schmidt
Councilmember JoEllen Wilson
Councilmember Dwayne Waterman
Mr. Billy Peppers, City Manager
Mr. Nathan Ingram, Assistant City Manager
Mr. Jeff Rusbridge, City Attorney
Mr. Ken Patton, Housing Initiatives Director
Mr. Steve Green, Zoning Administrator
Mr. Dave Hatabian, Utility Engineer
Mr. Stephen Merrifield, Police Chief
Ms. Angie Busby, Manager of Economic Development & Tourism
Mr. Mike Morgan, Information Technology Director
Ms. Annie Fortner, City Clerk

Absent:
None

3. Consideration to Approve Agenda

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

4. Guests and Visitors

None.

5. Public Hearings

A. Public Hearing and Discussion of Case ZCA2210-004 - Request to Amend the Current Zoning Conditions for 39.98 Acres of the Park Village Development - Zoning Administrator Steve Green - Attachment 5A

Attachments: ZCA2210-004 Documentation

Zoning Administrator Steve Green introduced the case and provided Council with the application details. Mr. Green noted this section of Park Village was originally shown to be single family homes. The Cherokee County Development

Authority is looking to add office and light industrial to the allowed uses. Mayor Grant opened the public hearing and called on the applicant to present their case. Mr. Heath Tippens, Vice President of Cherokee Office of Economic Development (COED), presented on behalf of the applicant. Mr. Tippens discussed the proposed site plan and stated the end product will be market driven. Mr. Tippens informed that it is their intent to recruit something that will match the needs of the area. Mr. Tippens noted there will be no access to this site from the Park Village development. Mayor Grant called for anyone wishing to speak in support of the applications. There were none. Mayor Grant called for anyone wishing to speak in opposition to the applications. Ms. Ada Solomon spoke in opposition discussing concern that the proposed development would impact the family focused community and decrease home values. Ms. Solomon also spoke about being concerned that no specific details have been given for what is planned for the site. Ms. Cathy Johns spoke in opposition. Ms. Johns thanked Council for working with the residents in Park Village during the last development proposal and asked that the same conditions regarding buffers, setbacks, and minimal clearing of trees be considered for these applications. Ms. Johns also spoke about concern for additional traffic on Fate Conn Road with no upcoming improvements. Mr. Tippens spoke in rebuttal stating property values surrounding similar corporate parks developed by COED have gone up. Mr. Tippens stated there is adequate natural buffers along the site and noted they will not recruit a company with large truck traffic. Mr. Tippens noted they have reached out to Cherokee County regarding any road improvements in the area and informed any changes would be approved through them. Mayor Grant closed the public hearing and opened discussion to Council. Councilmember Schmidt asked to get a copy of the road plans from Cherokee County. Councilmember Carlan asked about the buffers between the proposed site and surrounding properties. Mr. Green stated typically there would be a fifty-foot buffer. Mr. Green informed he will provide Council with the buffer information from the last development proposal (Becker). Mayor Pro Tempore McGrew asked about the topography of the site and if a Master Plan will be submitted for approval. Mr. Green noted the area is flat and stated a condition could be placed upon approval that a Master Plan be required. Mayor Pro Tempore McGrew asked if the applicant would be willing to provide a dog park or greenspace in the area next to the residential homes. Councilmember Tolan asked to find out what types of businesses would be targeted for recruitment and which types would be excluded. Councilmember Schmidt asked for a copy of the sample covenants for the office parks.

B. Public Hearing and Discussion of Cases RZON2209-006 and CUP2209-007 - Request to Rezone and Obtain Conditional Use Approval for 710 Marietta Road, 12, 50, and 70 Marietta Circle - Zoning Administrator Steve Green - Attachment 5B

Attachments: RZON2209-006 and CUP2209-007 Documentation

Mr. Green stated the applicant is seeking a rezoning to accommodate 24 additional living units comprised of five quadplex buildings, one single family home converted to a duplex, and the renovation of two single family detached homes. The applicant also seeks variances to the parking ratio and buffer reduction. The applicant has submitted a revised site plan showing no access to the development from Marietta Circle. Mayor Grant opened the public hearing and called on the applicant to present their case. Melissa Casteel presented on behalf of the applicant. Ms. Casteel stated the proposed location is within the

Sunnyside District Initiative and discussed the current Phase 1 units and the proposed Phase 2 units. The architectural standards from Phase 1 will be carried through to the new phase. The applicant is seeking approval of funding through Housing and Urban Development (HUD) financing which is the reason for the inclusion of quadplex buildings. Ms. Casteel noted all the proposed units will be affordable housing units. Ms. Casteel discussed the required buffers and displayed similar types of plantings to be used in the buffers. Ms. Casteel provided and discussed the revised site plan. Amenities for the proposed site include sidewalks, greenspace, and storage units. The applicant has established a management team to monitor trash, detention pond maintenance, and landscaping. Mayor Grant asked for anyone wishing to speak in support of the applications. Councilmember Schmidt made a motion to extend time for each side by five minutes. Councilmember Carlan seconded the motion, and it was approved unanimously. Mr. Bobby Barnett spoke in support stating the homes built by the applicant are well constructed, low maintenance, and affordable. Ms. Lilibeth Gallegos spoke in support stating more affordable housing is needed in the area. Ms. Gallegos has been a tenant of the applicant for several years and likes the development. Mr. Ulices Cardaul spoke in support stating the applicant is a good landlord, and the development is a good environment for children. Mayor Grant called for anyone wishing to speak in opposition to the applications. Ms. Alejandra Languren spoke in opposition discussing concerns for additional crime, traffic, and strain on the sewer system. Ms. Languren spoke of decreasing property values and asked if there will be an office for the management team to be able to submit complaints. Ms. Susan Woodard spoke in opposition. Ms. Woodard stated she would like to see a more permanent structure as a buffer besides a fence. Ms. Woodard spoke of concerns for landscape maintenance and trash build up. Ms. Woodard asked about stormwater plans, construction traffic, and sewer capacity. Ms. Woodard discussed concerns about the increase in traffic in the area. Mr. Thomas Weaver spoke in opposition. Mr. Weaver agreed with the comments from Ms. Languren and Ms. Woodard and added Marietta Road is a blind drive. Ms. Casteel spoke in rebuttal stating crime in the area has reduced, noted the Transportation Master Plan for that area will be available soon, and informed any changes to school transportation would come from the school board. Mayor Grant closed the public hearing and opened discussion to Council. Councilmember Schmidt clarified that Hasty Elementary School is not overcrowded and asked about when developments are required to provide funds to the school board. City Manager Billy Peppers explained that developments over 25 units must be reviewed by the school board. This proposed project does not meet that requirement. Councilmember Schmidt asked if the applicant would be willing to improve the bus stop and lighting for the bus stop. Mr. Peppers reviewed recent crime data from the area and noted a decrease. Councilmember Schmidt asked when the Transportation Master Plan results will be completed. Mr. Peppers stated a presentation will be given on January 5th and Council could adopt the plan at the January 19th meeting. Mr. Peppers reviewed the information to be contained within the Transportation Master Plan. Councilmember Schmidt asked how sewer and stormwater runoff are proposed to be handled. Mr. Green stated the applicant is looking to provide an underground detention pond and noted the applicant has installed a septic line which should fix any sewer issues. Councilmember Schmidt confirmed there is a property maintenance team on site. Councilmember Schmidt asked if repairs to the fence at 70 Marietta Circle have been completed, if any tree saving plans have been completed, and what the lighting plan will be for the new phase of development. Councilmember Wilson asked about the price point of the units. Mr. Green stated he will confirm

the prices with the applicant. Mayor Pro Tempore McGrew asked if any units will be ADA compliant. Mr. Green discussed the locations of the existing detention pond and proposed underground detention pond. Councilmember Tolan stated he would like for the dead tree on Marietta Circle to be addressed. Councilmember Tolan asked when the steel plate would be removed on Marietta Circle and replaced with asphalt and requested to know about the interior finishes of the proposed units.

C. Public Hearing and Discussion of Amendment to the City's Plant Palette and Approved Trees in the Overlay Zone Community Standards Ordinance and Unified Development Code Table 103-11 as Recommended by HGOR - Zoning Administrator Steve Green - Attachment 5C

Attachments: Plant Palette

Mr. Green stated HGOR was hired to complete a study of the City's plant palette, recommended trees in the Overlay Zone District, and the Etowah River Corridor. It is suggested that the City adopt the recommendations of HGOR for the City's overall plant palette and the trees within the Overlay Zone. Mayor Grant opened the public hearing. Mr. Roy Taylor requested Council take additional time for consideration of the recommendations and possibly allow the Environmental and Sustainability Advisory Board to review this information. Mayor Grant closed the public hearing and opened the discussion to Council. Councilmember Carlan stated he thinks the Environmental and Sustainability Advisory Board should review the proposed ordinance and asked if this is a timely matter. Mr. Green stated there is no need to move quickly. Councilmember Schmidt discussed that HGOR are the experts in this field which is why the City hired them to complete this project.

6. Consideration to Approve Minutes

A. Council Retreat Draft Minutes - November 11-13, 2022 - Attachment 6A

Attachments: Minutes - Council Retreat - November 11-13, 2022

B. Council Meeting Draft Minutes - November 17, 2022 - Attachment 6B

Attachments: Minutes - Council Meeting - November 17, 2022

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

7. Informational Items

A. Information Only - Cases ANNX2210-006, RZON2211-002, and CUP2211-007 - Annexation, Rezoning, and Conditional Use Permit Request for 14.36 Acres Located at 620 Prominence Point Parkway for the Construction of a 114 Unit Townhome Development - Zoning Administrator Steve Green - Attachment 7A

Attachments: ANNX2210-006, RZON2211-002, and CUP2211-007 Documentation

Mr. Green provided Council an overview of the submitted application. Mr. Green stated the public hearing will be held in January.

B. Information Only - Cases ANNX2211-004, RZON2211-006, CUP2211-005, and MP2211-008 - Annexation, Rezoning, Conditional Use Permit, and Master Plan Request for 20.01 Acres Located at 187 and 295 Gail Avenue, 191, 211, and 214 Putnam Drive for the Construction of a Residential Development - Zoning Administrator Steve Green - Attachment 7B

Attachments: ANNX2211-004, RZON2211-006, CUP2211-005, and MP2211-008 Documer

Mr. Green stated a Master Plan has been submitted due to the zoning type requested. The site plan provided by the applicant shows a mixture of detached single-family homes, duplexes, quadplexes, and two apartment buildings. The public hearing will be held in January.

C. Review of October Financials - Attachment 7C

Attachments: October Financials

No comments.

8. Other Announcements

Mayor Grant wished Councilmember Schmidt a happy birthday.

9. Ten Minute Public Input

None.

10. Consent Agenda

None.

11. Old Business

A. Discussion and Possible Action on Cases ANNX2209-004 and RZON2209-005 - Request to Annex and Rezone 2.38 Acres Located at the End of Roland Drive for the Purpose of Inventory Storage - Zoning Administrator Steve Green - Attachment 11A

Attachments: ANNX2209-004 and RZON2209-005 Documentation

Mr. Green stated the applicant has submitted a revised site plan which now incorporates the 35-foot buffer as requested by Cherokee County as well as the screening fence. Mr. Green stated staff recommends approval with four conditions. Councilmember Waterman asked if the additional storage would rectify the current situation and if the storage will be for this business only. Mr.

Green stated the applicant has indicated this will provide sufficient storage for inventory and the business will no longer display vehicles along Liberty Boulevard. The applicant has also indicated this storage will be for Cherokee Toyota only. Councilmember Carlan asked if the adjacent property owners are satisfied with the 35-foot buffer. Mr. Green stated yes. Councilmember Schmidt read the four recommended conditions by staff. Those conditions are: 1) The applicant shall provide a 35-foot densely planted adjacent to the residentially zoned properties. A board screening fence shall be erected along the inside of the 35-foot buffer. The decorative side shall face outward toward the adjacent properties. 2) Lighting for the parking area shall be downcast and shall not bleed over to adjacent properties. The type lighting used shall be 2,700 Kelvin or less LED bulbs or high-pressure sodium bulbs. 3) There shall be no display and/or parking of cars along Liberty Boulevard. 4) Recompense shall be for the number of trees not planted due to the elimination of the parking lot landscape islands. Councilmember Wilson made a motion to approve with the four conditions as recommended by staff. Mayor Pro Tempore McGrew seconded the motion, and it was approved unanimously.

12. New Business

A. Discussion and Possible Action on Glock 17 Disposal - Police Chief Stephen Merrifield - Attachment 12A

Attachments: Glock 17 Disposal

Police Chief Stephen Merrifield stated the department started transitioning to the new Glocks about a month ago. The transition has now been completed. There are options for disposal of the old Glocks, but it is requested that those be gifted to the officers. Chief Merrifield stated this would be great for retention of officers as well as recruitment. Councilmember Waterman made a motion to approve gifting officers the Glock 17s. Councilmember Tolan seconded the motion, and it was approved unanimously.

B. Discussion and Possible Action on Special Event Pay Rate Change - Police Chief Stephen Merrifield - Attachment 12B

Attachments: Special Event Pay

Chief Merrifield discussed private events that occur within the City which require security. The rate charged to have officers present at these events has not been changed since 2015. A rate increase from $45 to $65 per hour would assist in officer recruiting and retention. $62 per hour would go to the office and $3 per hour would go to the administrative fees. Mr. Peppers clarified that this rate increase would also include any Public Works or City staff that is involved with the special event. Councilmember Tolan asked if there is any downfall for the public to this rate increase. Mr. Peppers stated event planners are aware of the need for security and services provided by the City and noted he believes it is important to have the City present at events on public property. Councilmember Schmidt made a motion to approve the request to raise special event pay for employees. Councilmember Waterman seconded the motion, and it was approved unanimously.

C. Discussion to Amend Utility Service's Contract to Include the Removal of Water Tanks on East Main Street and on Brown Industrial Boulevard - Utility

Engineer Dave Hatabian - Attachment 12C

Attachments: Water Tank Demolition

Utility Engineer Dave Hatabian stated Utility Services has been completing maintenance on the City's water tanks since 2012. There are three tanks on East Main Street which has not been in service for several years as well as one tank on Brown Industrial Boulevard. If approved, Utility Services could get started on demolishing the tanks after the beginning of the year.

D. Discussion and Possible Action on Atkins Task Order 26 for Riverstone Parkway Mid-Block Crossing Design and Construction Services in the Amount of $142,950.00 - City Engineer Bethany Watson - Attachment 12D

Attachments: Atkins - Task Order 26

Mr. Peppers discussed Georgia Department of Transportation's (GDOT) request for an engineer to conduct a mid-block analysis for pedestrian improvements. Atkins has prepared a proposal which covers the crossing design and construction management services. Mr. Peppers stated the City will be submitting this as a GDOT quick response project which GDOT would pay for the completion of the project and the City would be responsible for the cost of the design. If that is not approved, there is an alternate fund source in which GDOT would pay for the equipment. If neither of those funding sources work, then it would be requested that the project be funded out of SPLOST. Mr. Peppers reviewed the proposed timeline. Councilmember Wilson made a motion to approve Task Order 26 for Atkins. Councilmember Carlan seconded the motion, and it was approved unanimously.

E. Discussion and Possible Action on the Award of Task Order 3 for the Transportation Improvement Project Marietta Highway/Riverstone Parkway at Highway 140 Intersection Improvement Project Design Services to Michael Baker International in the Amount of $390,352.92 - City Engineer Bethany Watson - Attachment 12E

Attachments: Michael Baker International - Task Order 3

Mr. Peppers stated this is considered Phase 1 of the SR 140 project from Marietta Highway/Riverstone Parkway. The City has been approved through Atlanta Regional Commission (ARC) for design, utility relocation, and construction funds. This Task Order allows Michael Baker International to move forward with preliminary plans, preliminary MS4, utility coordination, and limited environmental site assessments. This project is currently on schedule for January of 2026. Mr. Peppers noted that since the project is ARC funded, 80% is funded through the federal government and 20% falls to the City. Of that 20%, 34.2% comes from Impact Fees and the remainder is SPLOST. Councilmember Wilson made a motion to approve Task Order 3 for Michael Baker International. Mayor Pro Tempore McGrew seconded the motion, and it was approved unanimously.

F. Discussion and Possible Action on the Award of Task Order 4 for the Transportation Improvement Project Reinhardt College Parkway at Highway 140 Intersection Improvement Project Design Services to Michael Baker International in the Amount of $57,620.43 - City Engineer Bethany Watson -

Attachment 12F

Attachments: Michael Baker International - Task Order 4

Mr. Peppers informed this project has also been approved through ARC for design, utility relocation, and construction funds. Mr. Peppers stated the funding sources are the same as the previous agenda item. This Task Order consists of MS4, environmental preliminary tasks, environmental survey, and ongoing traffic work. This project is on schedule for July of 2026. Mayor Pro Tempore McGrew made a motion to approve Task Order 4 for Michael Baker International. Councilmember Wilson seconded the motion, and it was approved unanimously.

G. Discussion of Redistricting Council Wards - Attachment 12G

Attachments: Proposed Ward Boundaries

Mr. Peppers stated the proposed map reevaluates the balance of Wards within the City. It is hoped to adopt a new Ward map in January. This change can be made by Home Rule. The proposed map will be made available to the public ahead of its adoption.

13. City Manager's Report

Mr. Peppers discussed beginning to work with TSW (Tunnell, Spangler, Walsh) for a concept plan for the park on the City's south Canton property.

14. Council Introduced Items

None.

15. Mayor's Report

None.

16. Adjourn

Councilmember Schmidt made a motion to adjourn. Councilmember Waterman 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