Canton, Georgia

110 Academy Street
Canton, Georgia 30114

Minutes - Final - Final

Thursday, August 19, 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 Leonard Akers, Senior Pastor of Liberty Hill Church.

2. Call to Order

The meeting was called to order by Mayor Grant.

Members Present:
Mayor Bill Grant
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. Stephen Merrifield, Police Chief
Mr. Ken Patton, Community Development Director
Ms. Bethany Watson, Development Services Manager
Ms. Melissa Forrester, Finance Director
Mr. Mike Morgan, Information Technology Director
Ms. Annie Fortner, City Clerk

Absent:
Mayor Pro Tempore JoEllen Wilson

3. Consideration to Approve Agenda

City Manager Billy Peppers stated the applicant for item 10D has requested the matter be tabled until the September 2nd meeting and removed from tonight's agenda. Councilmember McGrew made a motion to approve the agenda as amended with the removal of item 10D. Councilmember Estes seconded the motion, and it was approved unanimously.

4. Guests and Visitors

A. Proclamation for William (Walt) Townsend

Mayor Grant read and presented a proclamation for William (Walt) Townsend for completing his Eagle Scout Leadership project and for being honored at the Eagle Scout Court of Honor on August 21, 2021.

B. Life Saving Award - Police Chief Stephen Merrifield - Attachment 4B

Attachments: [Life Saving Award]

Police Chief Stephen Merrifield presented a Life Saving Award to Sergeant Taylor Lilley recognizing him for involvement on June 2nd during multiple

house fires in which he acted without concern for his own safety or wellbeing and without delay to protect those in danger by assisting in safe removal of citizens in the area.

5. Consideration to Approve Minutes

A. Council Meeting Draft Minutes - August 4, 2021 - Attachment 5A

Attachments: Minutes - Council Meeting - August 4, 2021

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

6. Informational Items

A. Uniform Crime Report - Police Chief Stephen Merrifield - Attachment 6A

Attachments: Uniform Crime Report

Chief Merrifield reviewed the first seven months of 2021 in the Uniform Crime Report. Chief Merrifield explained the numbers are up in comparison to those from last year due to being in lockdown during the same period in 2020.

7. Other Announcements

None.

8. Ten Minute Public Input

Mr. Thomas Weaver requested Council to review the City's ordinances and update the school safety zone map.

9. Consent Agenda

None.

10. Old Business

A. Discussion and Possible Action on Case CUP1910-001 for Great Sky Pod 16 - Community Development Director Ken Patton - Attachment 10A

Attachments: Great Sky Pod 16 Documentation

City Attorney Bobby Dyer stated he circulated a proposed list of conditions which he believes are agreed upon by the applicant that are similar to those mentioned by Councilmember Carlan at the last meeting. Mayor Grant discussed the creation of the Conditional Use Permit (CUP) process and how the main focus was to make residents and citizens aware of upcoming development within their neighborhoods. Mayor Grant stated the CUP process was in place prior to the developer purchasing this property and the developer was made aware of it prior

to their closing. Mayor Grant noted the City's Roadmap will guide development for years to come and assist developers as to how Canton wishes to move forward. Mayor Grant discussed a previous CUP approved for this developer after which the developer reverted back to duplex units. Councilmember Estes stated he does not believe that Ward 1 needs density and he appreciates the citizen feedback received. Councilmember McGrew stated she has received overwhelming opposition in feedback from residents and believes something innovative or unique is better suited for this property. Councilmember Carlan stated he believes this matter should be postponed until Mayor Pro Tempore Wilson is in attendance. Councilmember Carlan stated he believes a residential apartment complex will be in this area and it suited for this type of development with a four-lane divided road. Councilmember Carlan stated it makes sense to keep this type of development near commercial property and noted the developer has been responsive to the City's Roadmap and Council's comments. Mayor Grant discussed the assumptions that are being made regarding the outcomes of the case should it move to court. Mayor Grant agreed the developer has been working with the City on a revised plan but stated he has concerns with the conditions having generalized language. Councilmember Schmidt discussed how she and Council are representing the best interest of the residents. Councilmember Schmidt discussed the issue of traffic noting this would be the best location due to the four-lane road and stated she supported postponing deciding until Mayor Pro Tempore Wilson is in attendance. Mayor Grant asked about alcohol license distance requirements. Mr. Dyer stated the state does not regulate distance requirements for pouring licenses and stated he would look into the City's regulations. Community Development Director Ken Patton stated the distance requirement in the City's alcohol ordinance states 300 feet from church property. Councilmember Tolan stated he gives credit to the developer for their creative solutions. Councilmember Tolan stated he believes the language should be tightened and noted he is hearing trust issues and concerns from the residents. Councilmember McGrew asked if the property is being sold to a different developer. Mr. Dyer stated the applicant is selling the land to an apartment developer. Councilmember McGrew asked if Council could receive customer reviews from the developer who will be purchasing the property. Mr. Patton stated he will submit Council a PowerPoint from that developer that shows other projects they have completed if this matter is tabled. Mr. Peppers noted that distance requirements relating to on premise consumption do not exist. Councilmember Carlan made a motion to postpone a final decision until the next Council meeting. Councilmember Tolan seconded the motion, and the motion passed. Councilmember Estes voted against the motion.

B. Discussion and Possible Action on 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 10B

Attachments: Marietta Road Documentation

Mr. Patton stated the developer will remove two units to create an additional pocket park. Staff does recommend approval of the application. Mayor Grant asked about buffer requirements. Mr. Patton stated the Unified Development Code (UDC) specifies a 50-foot buffer adjacent to Cherokee County properties and a buffer between different zoning districts. The UDC does not specify if that buffer is to be undisturbed. The applicant may have to alter their site plan slightly to meet the 50-foot buffer requirement and the detention pond will have

to be addressed. Mayor Grant asked if a condition of approval is necessary. Mr. Patton stated it would not as the UDC has those requirements. Councilmember Tolan clarified the number of total units is now 154. Mr. Patton stated that is correct and noted Council could condition the approval to not exceed 154 units. Councilmember Estes made a motion to approve the CUP for 156 townhomes. With no second, the motion fails. Councilmember Schmidt made a motion to approve with a maximum number of 154 units. Councilmember McGrew seconded the motion, and it was approved unanimously.

C. Discussion and Possible Action on 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 10C

Attachments: River Green Documentation

Mr. Patton stated staff recommends approval with the following suggested conditions: 1) The first and third entrance to the subject property from River Green Avenue shall be right in/right out only. 2) The divided median shall be extended to provide additional vehicle stacking for left-hand turns at the traffic signal. 3) There shall be a 50-foot buffer along the perimeter of the property where it abuts unincorporated Cherokee County. This buffer shall be landscaped so as to provide an opaque screen to the abutting properties. This buffer may be reduced if a variance is granted by the Board of Appeals. 3) The landscape material along Knox Bridge Highway and River Green Avenue that was installed during the initial development of River Green shall be retained. Mr. Patton noted condition #3 could be removed as the UDC has regulations for buffers and stated the applicant has raised some concerns with condition #4. Councilmember Schmidt asked if the developer would install landscaping within the median followed by maintenance by the Homeowner's Association. Mr. Patton stated he would assume so. Councilmember Schmidt asked about the walkability of a proposed convenience store. Mr. Patton stated sidewalks are required by the UDC. Mr. Dyer stated a condition can be made that any retail also has a door for walk-in service. Councilmember Schmidt asked if the Oversight Committee would ensure the exterior elevations of the commercial buildings are in the cottage style architecture. Mr. Patton stated yes. Councilmember Schmidt asked if the Oversight Committee would ensure the street lighting matches the current lighting. Mr. Patton stated that could be a condition of approval. Councilmember Schmidt asked about the beginning budget of the condominiums. Mr. Patton stated he assumes that comes from the developer. Councilmember Estes stated the lighting in the newer sections of River Green are brighter and clearer than those in the older sections. Councilmember Schmidt made a motion to postpone a final decision until the first Council meeting in September. Councilmember Carlan seconded the motion, and it was approved unanimously.

D. 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 10D

Attachments: Hospital Road Documentation

This item was removed from the agenda.

E. Discussion of Reservoir Drive Intersection Improvement Update - Development Services Manager Bethany Watson - Attachment 10E

Attachments: Reservoir Drive Intersection Improvement

Development Services Manager Bethany Watson stated a traffic study was done by Atkins along Reservoir Drive and Reinhardt College Parkway as well as Reservoir Drive and Hickory Log Drive. The results have been returned and currently there are no warrants for either one of the lights at those intersections. Atkins looked at future conditions and there is a warrant for a light at Reservoir Drive and Reinhardt College Parkway with the future conditions. Georgia Department of Transportation (GDOT) is currently reviewing the results and Atkins is preparing to obtain a Traffic Signal Permit. The intersection of Reservoir Drive and Hickory Log Drive is not warranted for a light now or in the future, however Atkins is proposing a light be installed for safety. Councilmember Schmidt asked about next steps and funding. Mr. Peppers stated staff will price out the project. Staff will then bring the information back to Council with a contract along with the funding source. Ms. Watson discussed the steps to obtain a Traffic Signal Permit and possible funding from GDOT.

F. Discussion of Harmon Park Update - Development Services Manager Bethany Watson - Attachment 10F

Attachments: Harmon Park Update

Ms. Watson stated Atkins has been asked to provide a proposal for full design services and construction documents for Harmon Park. These should be available at the next meeting. The proposal is to include additional sidewalks, additional parking utilizing the recently acquired land, half-court basketball court, small gazebo, resurfacing of the existing asphalt, tiered seating around the mini-pitch area, and stormwater improvements. The mini-pitch fields should be completed by April 2022, so time is of the essence. Councilmember Schmidt stated the Cultural Arts Commission would like to include public art at Harmon.

11. New Business

A. Presentation of Staff Report - Cases AX2107-003 and Z2107-004 - Cherokee County Board of Education 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 11A

Attachments: Board of Education Documentation

Mr. Patton stated the property is a complete island. The requested Planned Development-Mixed Use zoning is the same as surrounding properties. The public hearing will be held on September 2nd.

B. Presentation of Staff Report - Cases AX2107-001 and Z2107-002 - Grid

Properties Seeking to Annex 177.43 Acres and Zone the Property PD-MU (Planned Development-Mixed Use) - Community Development Director Ken Patton - Attachment 11B

Attachments: Polecat Mountain Winery Resort Documentation

Mr. Patton stated the property is proposed to be the Polecat Mountain Winery and Resort project. Staff has received an email from the Atlanta Regional Commission (ARC) which indicates that this project will not require a full Development of Regional Impact (DRI) review process. The public hearing will be held on September 2nd. Cherokee County staff have raised two issues relative to roads and access. Mr. Patton stated he hopes to receive something in writing from the County attorney's office. Mr. Patton discussed surrounding zoning and noted the applicant will have to submit a Master Plan revision application and Conditional Use Permit application for the mixture of residential and commercial uses should the property be annexed.

C. Discussion and Possible Action on Livable Centers Initiative 2021 Application - Development Services Manager Bethany Watson - Attachment 11C

Attachments: Livable Centers Initiative

Ms. Watson stated ARC is accepting applications for the Livable Centers Initiative (LCI) for preliminary engineering. Staff is proposing to apply to obtain funding for the design of the pedestrian corridor from downtown to The Mill. Staff will be asking for a 20% match on the engineering funds. Action is being requested at this time because the application is due on August 27th. Councilmember Tolan made a motion to approve submitting the LCI application for 2021 as well as the resolution supporting the 20% match. Councilmember Carlan seconded the motion, and it was approved unanimously.

D. Discussion of Awarding the Downtown Parking Deck Construction Contract to Astra Group, LLC in the Amount of $2,975,000 and Special Inspections Proposal from ECS in the Amount of $18,730 - Development Services Manager Bethany Watson - Attachment 11D

Attachments: Parking Deck Contract

Ms. Watson stated the City received three bids and the low bidder was Astra Group, LLC. Special inspections will be required as part of construction for material testing. The City received three quotes for these inspections and ECS was the lowest quote. Action will be requested at the September 2nd meeting. Mayor Grant asked about the increase in expected cost. Ms. Watson stated material costs are up.

E. Discussion of Georgia Power Proposal for Electric Vehicle Charging Stations for the Downtown Parking Deck not to Exceed $50,000 - Development Services Manager Bethany Watson - Attachment 11E

Attachments: Electric Vehicle Charging Stations - Parking Deck

Ms. Watson stated staff received three quotes from Georgia Power for different types of charging stations. Staff reviewed the quotes and the one selected includes a five-year warranty, ten charging stations, and allows the City to monitor usage. Action will be requested at the September 2nd meeting.

F. Discussion of Georgia Power Proposal for Solar Array for the Downtown Parking Structure not to Exceed $311,708 - Development Services Manager Bethany Watson - Attachment 11F

Attachments: Solar Array - Parking Deck

Ms. Watson stated Georgia Power's price proposal is set to expire on September 8th due to the increasing price of steel. This system will power the entire parking deck as well as part of City Hall. Mayor Grant asked about a total canopy for the deck. Ms. Watson stated the quote received from Georgia Power for a total canopy was around $1.3 million. Councilmember McGrew asked if the solar panels would offset the electric vehicle charging stations. Assistant City Manager Nathan Ingram stated the two are not directly tied but the panels will help offset costs. Council and staff discussed timing of construction and the cost of materials.

12. City Manager's Report

Mr. Peppers stated he had emailed a Purchase and Sale Agreement for the property at The Bluffs that the City has a Letter of Intent to purchase. This agreement kickstarts the 60-day due diligence period. The City Attorney has requested language be changed in one paragraph of the agreement. If Council would like to add the item to the agenda, it would allow staff to begin that process. Councilmember Estes made a motion to amend the agenda to add discussion of the Purchase and Sale Agreement. Councilmember Schmidt seconded the motion, and it was approved unanimously. Councilmember Schmidt made a motion to allow the City Manager to execute the TPA/Bluffs agreement. Councilmember Estes seconded the motion, and it was approved unanimously. Councilmember Schmidt amended her motion to allow the City Manager to execute the contract with TPA/Bluffs with changes approved by the City Attorney. Councilmember Estes seconded the motion, and it was approved unanimously.

13. Council Introduced Items

None.

14. Mayor's Report

A. Sustainability Board Appointments

Mayor Grant appointed members to the Sustainability Board as follows:
Ward 1 – John Johnson (McGrew)
Ward 1 – Jared Teutsch (Wilson)
Ward 2 – Roy Taylor (Carlan)
Ward 2 – Jane Shelnutt (Tolan)
Ward 3 – Waiting for Confirmation (Estes)
Ward 3 – Blake Ellett (Schmidt)
Mayor Grant named the Interim Chair to be Blake Ellett.

Mayor Grant congratulated those candidates who qualified: Ward 1 – Councilmember McGrew, Ward 2 – Councilmember Carlan, Ward 3 – Dwayne Waterman.

Mayor Grant noted a meeting to be held on Monday at The Bluffs to discuss the County's parking deck.

15. Adjourn

Councilmember Tolan made a motion to adjourn. Councilmember Schmidt 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