

Canton, Georgia

*110 Academy Street
Canton, Georgia 30114*



Minutes - Final - Final

Thursday, December 16, 2021

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 Mayor Grant and followed by an invocation given by Bishop Gearing.

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
Mr. David Hatabian, Utility Engineer
Mr. Stephen Merrifield, Police Chief
Mr. Steve Green, Zoning Administrator
Ms. Teresa Fitts, Municipal Court Clerk
Ms. Lorrie Waters, Human Resources Director
Mr. Mike Morgan, Information Technology Director
Ms. Annie Fortner, City Clerk*

Absent:

None

3. Consideration to Approve Agenda

City Manager Billy Peppers requested to add an item to Old Business (Item 10F) for discussion and possible action on waiving the twelve-month application period for case MPA2109-002. Mr. Peppers requested to add an item to New Business (Item 11B) for discussion and possible action to accept the donation of land from Mr. Bill Kent. Councilmember Schmidt requested to table Old Business Item 10B for cases MPA2105-004 and CUP2105-005 per the applicant's request. Councilmember Schmidt made a motion to approve the agenda as amended. Councilmember Carlan seconded the motion, and it was approved unanimously.

4. Guests and Visitors

- A.** Presentation of Georgia Association of Chiefs of Police (GACP) State Recertification Award to the Canton Police Department - Mr. Charles "Chuck" Groover, Director of State Certifications

Attachments: [State Recertification Award](#)

Mayor Grant thanked Councilmember Estes for his service to the City and presented him with a rocking chair which has been inscribed with the City's logo, his dates of service, and Mr. Estes' name. Councilmember Estes reflected on his years of service and thanked staff, Councilmembers, and his family for all their support.

Mr. Chuck Groover discussed the importance of being a certified agency and stated the department has met 141 standards to obtain the certification. Mr. Groover presented the Canton Police Department with a recertification plaque and recognized Mr. Mark Gavala as the Certification Manager. Police Chief Stephen Merrifield thanked Mr. Groover for attending and presenting the plaque. Chief Merrifield discussed that by being certified the department is showing they are transparent and strive to be the best police department possible.

5. Consideration to Approve Minutes

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

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

Councilmember Schmidt made a motion to approve the minutes. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously.

6. Informational Items

- A. Information Only - Presentation of Staff Report - Rezoning and Master Plan Approval Request from Rob Beecham for 33.23 Acres Along Dr. John T. Pettit, Longview, and Cherokee Streets for the Development of a 130 Residential Unit Subdivision - Zoning Administrator Steve Green - Attachment 6A

Attachments: [Rezoning and Master Plan Documentation - Beecham](#)

Zoning Administrator Steve Green stated the request is a change in zoning from R-20 to PDR (Planned Development Residential) for the construction of a residential subdivision using low impact development techniques.

- B. Information Only - Presentation of Staff Report - Rezoning Request from Rob Beecham for 0.77 Acres Along West Marietta Connector, West Marietta, East Marietta, and Railroad Streets for the Construction of 10 Single Family Detached Homes - Zoning Administrator Steve Green - Attachment 6B

Attachments: [Rezoning Documentation - Beecham](#)

Mr. Green stated the applicant requests to change the zoning from General Commercial to CBD (Central Business District). Mr. Green noted the CBD zoning district does not have any development criteria and historically staff have set those criteria based on surrounding properties.

7. Other Announcements

None.

8. Ten Minute Public Input

Ms. Susan Stanton discussed her concern with eliminating the ability of citizens to request the placement of an item on the Council agenda.

Mr. Thomas Weaver echoed Ms. Stanton's concerns and asked that the Ordinance Review Committee reconsider the amendments to Chapter 2.

9. Consent Agenda

- A. Approval of 2022 Council Meeting Calendar Dates - Attachment 9A

Attachments: [2022 Council Meeting Calendar](#)

- B. Approval of Resolution to Adopt the Cherokee County Hazard Mitigation Plan 2021-2026 - Attachment 9B

Attachments: [Cherokee County Hazard Mitigation Plan](#)

- C. Approval of Fines, Fees, and Bond Schedule - Municipal Court Clerk Teresa Fitts - Attachment 9C

Attachments: [Fines Fees and Bond Schedule](#)

- D. Approval of Information Exchange Agreement with Cherokee County Development Department - Municipal Court Clerk Teresa Fitts - Attachment 9D

Attachments: [Information Exchange Agreement](#)

- E. Approval of Ordinance Amendments to Chapter 2 - Administration - City Attorney Bobby Dyer - Attachment 9E

Attachments: [Chapter 2 - Administration](#)

- F. Approval of Ordinance Amendments to Chapter 6 - Alcoholic Beverages - City Attorney Bobby Dyer - Attachment 9F

Attachments: [Chapter 6 - Alcoholic Beverages](#)

- G. Approval of Ordinance Amendments to Chapter 10 - Amusements and Entertainments - City Attorney Bobby Dyer - Attachment 9G

Attachments: [Chapter 10 - Amusements and Entertainments](#)

Mayor Pro Tempore Wilson clarified that a citizen would not need the approval of all Councilmembers to have an item placed on the agenda should the Chapter 2 amendments pass. City Attorney Bobby Dyer discussed how a citizen may request adding an item to the agenda. Councilmember Schmidt made a motion to approve the items on the Consent Agenda. Councilmember Carlan seconded

the motion, and it was approved unanimously.

10. Old Business

- A. Discussion and Possible Action on Case Z2109-004 for Jones and Cloud, Inc Requesting to Rezone Property from RA-6 (Residential Attached, 6 Units/Acre) to GC (General Commercial) for an Expansion of Cloud Supply Company - Zoning Administrator Steve Green - Attachment 10A

Attachments: [Cloud Supply Rezoning Documentation](#)

Item 10A was discussed after Item 10C.

- B. Discussion and Possible Action on Cases MPA2105-004 and CUP2105-005 for Master Plan Amendment and Conditional Use Permit Approval of Pod I Riverstone - Zoning Administrator Steve Green - Attachment 10B

Attachments: [Riverstone Pod I Documentation](#)

This item was tabled.

- C. Discussion and Possible Action on the City of Canton Housing Needs Assessment & Market Study Update by Thomas P. Miller & Associates - Community Development Director Ken Patton - Attachment 10C

Attachments: [Housing Study Update](#)

Community Development Director Ken Patton stated the Housing Needs Assessment & Market Study is to be updated given the 2020 Census data and the approvals given for development since the study was completed. A proposal to update this has been provided by Thomas P. Miller & Associates. Councilmember Estes made a motion to approve the proposal in the amount of \$15,000 and authorize the Mayor to sign a contract for the project once reviewed by the City Attorney. Councilmember McGrew seconded the motion, and it was approved unanimously.

Item 10A - Discussion and Possible Action on Case Z2109-004 for Jones and Cloud, Inc Requesting to Rezone Property from RA-6 (Residential Attached, 6 Units/Acre) to GC (General Commercial) for an Expansion of Cloud Supply Company:

Mr. Green provided Council with the application details and stated Council had requested a more detailed site plan during the November 4th public hearing. The applicant then requested the item be tabled to provide this site plan. At this time, a site plan has yet to be submitted. Councilmember Carlan asked how much longer the applicant needs for the site plan. Mr. Green stated the applicant is still working on it. Councilmember McGrew made a motion to table the item for sixty (60) days. Councilmember Carlan seconded the motion, and it was approved unanimously.

- D. Discussion and Possible Action to Approve Retirement Plan Documents - Assistant City Manager Nathan Ingram - Attachment 10D

Attachments: [Retirement Plan](#)

Councilmember Estes made a motion to approve, direct the Mayor to sign the Defined Contribution Adoption Agreement with MissionSquare, and approve the ordinance for a soft close of the Defined Benefit Plan with Georgia Municipal Association (GMA) both to be effective January 1, 2022. Councilmember Schmidt seconded the motion, and it was approved unanimously.

- E. Discussion and Possible Action to Approve Resolution Providing for the Sealed Bids and Administrative Process for Issuing Distilled Package Licenses - City Manager Billy Peppers - Attachment 10E

Attachments: [Administrative Process for Distilled Package Licenses](#)

Mr. Peppers stated the resolution allows for staff to move forward with sealed bids for package store licenses and the attached exhibit outlines the administrative process which was discussed at the last Council meeting. Councilmember Schmidt made a motion to approve the administrative process on distilled spirit package licensing and to authorize the Mayor to sign such resolution. Councilmember Carlan seconded the motion. Councilmember McGrew asked about a public meeting to discuss the requirements. Mr. Peppers stated the meeting is scheduled for January 14th at 10:00 a.m. The motion passed unanimously.

Item 10F - Discussion and Possible Action on Waiving the Twelve-Month Application Period for Case MPA2109-002:

Mr. Peppers stated there was some confusion as to whether the allowance to withdraw the Conditional Use Permit (CUP) without prejudice also meant that the applicant could apply for a further Master Plan Amendment without prejudice within the next twelve months. Mr. Peppers stated after speaking with each Councilmember individually he believes the intention of Council was to allow the applicant to reapply within twelve months. Mr. Peppers requested Council formally vote to waive the twelve-month waiting period for a Master Plan Amendment related to TPA Group, LLC. Councilmember Schmidt made a motion to waive the twelve-month waiting period before a new Master Plan Amendment application be submitted related to property of Case MPA2109-002. Councilmember Carlan seconded the motion, and it was approved unanimously.

11. New Business

- A. Discussion of Request for Proposals (RFP) for Advanced Metering Infrastructure (AMI) Services - Assistant City Manager Nathan Ingram - Attachment 11A

Attachments: [RFP for AMI Services](#)

Assistant City Manager Nathan Ingram discussed the Request for Qualifications (RFQ) and Request for Proposals (RFP) process. Mr. Ingram stated Council has a summary of the cost proposals from five firms. Mr. Ingram noted this is a significant sustainability project. Mr. Ingram discussed the benefits of having this type of system as providing early leak detection, providing better customer service, and offering an online customer dashboard. Mr. Ingram proposed to

bring a contract for Council's consideration in January. Councilmember Schmidt asked about the cost difference in the proposals. Mr. Ingram discussed that some of the proposals call for the complete installation of new meters or a change in registers. Mr. Ingram informed that the City has installed new meters through the City's current vendor, Delta Municipal, which is why their proposal is lower.

Item 11B - Discussion and Possible Action to Accept the Donation of Land from Mr. Bill Kent:

Mr. Peppers discussed a discrepancy found while working on the Harmon Park improvements. Staff met with the adjacent property owner, Mr. Bill Kent, to discuss the matter. Mr. Kent has offered to donate 1.3287 acres to the City. Mr. Peppers stated Mr. Kent would like to get this closed before the end of the calendar year. Councilmember McGrew made a motion to accept the donation of the acreage. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously.

12. City Manager's Report

Mr. Peppers provided Council an update on Code Compliance. Mr. Peppers noted there are some potential conflicts with the goals of the City and what the City's codes state. Some of these conflicts will be addressed by the Ordinance Review Committee and the Unified Development Code (UDC) Committee. The City will be notifying commercial properties of which areas Code Compliance will be watching for during the business license renewal period. Mr. Peppers stated social media campaigns and information in English and Spanish will be distributed to residents for those areas which Code Compliance will be watching on the residential side. Councilmember Tolan asked about a program to assist with residents coming into compliance with code issues. Mr. Peppers stated that is a bucket that is being looked at with the Housing Trust Fund and the new Housing and Residential Services Manager position.

13. Council Introduced Items

None.

14. Mayor's Report

- A. Appointment of Tiffany Bird to the Canton Housing Authority
- B. Board and Committee Appointments

Mayor Grant stated the City Manager's contract must be updated with the approval of the new retirement plan. Councilmember Carlan made a motion to add the consideration of revision of the City Manager's contract. Councilmember Estes seconded the motion, and it was approved unanimously. Councilmember Carlan made a motion to amend the employment agreement between the City Manager and the City to reflect the new retirement plan update. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously.

Mayor Grant noted the majority of the board appointments will be made at the first meeting in January. Mayor Grant nominated Tiffany Bird for the Canton Housing Authority. Councilmember McGrew seconded the nomination, and it was approved unanimously. Mayor Grant stated Councilmember-elect Dwayne Waterman has nominated Mr. Richard Abbott to serve on the Environmental and Sustainability Advisory Board. The nomination passed unanimously. Mayor Grant noted there are at least three openings on the Downtown Development Authority (DDA) and there is an active project. Mayor Grant nominated Ms. Cindy Brooks (reappointment), Mr. Corey Shupert, and Mr. Penn Hodge to serve on the DDA. Councilmember Schmidt made a motion to approve the Mayor's nominations to the DDA. Councilmember Estes seconded the motion, and it was approved unanimously.

Mayor Grant wished everyone a merry Christmas and happy holidays. Mayor Grant thanked his fellow Councilmembers and staff for the work accomplished during the past year.

15. Adjourn

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

Bill Grant, Mayor

Attest:

Annie Fortner, City Clerk

Dates Minutes Approved by Council