Canton, Georgia

110 Academy Street
Canton, Georgia 30114

Minutes - Final - Final

Thursday, November 4, 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 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. Nathan Ingram, Assistant City Manager
Mr. Bobby Dyer, City Attorney
Mr. Ken Patton, Community Development Director
Ms. Melissa Forrester, Finance Director
Mr. David Hatabian, Utility Engineer
Ms. Lorrie Waters, Human Resources Director
Mr. Stephen Merrifield, Police Chief
Ms. Brittany Anderson, City Planner
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 Pro Tempore Wilson requested to add an item to Council Introduced Items. Mayor Grant requested an Executive Session be added to discuss real estate. 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. Cherokee Thanksgiving - Cheryl Mosley

Ms. Cheryl Mosley stated Cherokee Thanksgiving has operated in Canton for 29 years and provides food throughout the community for Thanksgiving Day. Partnering with Williamson Brothers, Cherokee Thanksgiving provides for the delivery or pick up of a Thanksgiving meal for those in Cherokee and Pickens Counties. The program supports those that would not be able to enjoy a traditional meal on our national holiday. Currently the cost of food has increased the cost of the program. Ms. Mosley discussed ways to donate and

volunteer. Ms. Mosley provided a handout containing additional information.

5. Public Hearings

A. Public Hearing and Discussion of 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 - Community Development Director Ken Patton - Attachment 5A

Attachments: Cloud Supply Rezoning Documentation

Community Development Director Ken Patton introduced the case and provided Council the application details. The main use for the property would be for the storage of landscape materials. Mayor Grant opened the public hearing and called for the applicant to present. Mr. Benson Chambers spoke on behalf of the applicant. Mr. Chambers discussed the history and current condition of the subject property as well as the surrounding properties. Mr. Chambers stated this project would bring growth and improvement to the area and noted the use would be for the storage of landscape materials. Mr. Chambers spoke about the topography of the land. Mayor Grant asked if there were any others to speak for or against the application. There being none, Mayor Grant closed the public hearing and opened the discussion to Council. Mayor Grant asked about the types of materials and how they would be stored. Mr. Patton stated they would be like those stored at their current location. Mayor Pro Tempore Wilson noted there was no opposition among those in attendance of the community meeting with adjacent property owners. Councilmember Schmidt asked about the distance the materials could be placed from the property line. Mr. Patton stated there is a setback requirement however the applicant has submitted a variance request to reduce that setback. Mr. Patton stated Council could add a condition of approval regarding the screening of the materials. Councilmember Schmidt asked who would be accessing these stored materials. Mr. Patton stated both employees and residents would be picking up materials. Councilmember McGrew asked if the landscape materials from the current location would be moved to this subject property. Mr. Patton stated some of the landscape material would continue to be stored at the current site.

B. Public Hearing and Discussion for Cases MPA2109-002 and CUP2109-001 for Master Plan Amendment and Conditional Use Permit Approval for TPA Group, LLC to Develop and Construct 134 Townhomes on the North Side of Watermist Drive and the West Side of Bluffs Parkway - Community Development Director Ken Patton - Attachment 5B

Attachments: TPA Group MP and CUP Documentation

Mr. Patton introduced the case and provided Council the application details. Mr. Patton stated this property consists of 22.22 acres. There are currently townhomes under construction within Pod B. This request would be for additional acreage in Pod B. Mr. Patton noted the proposed site plan indicates one means of egress for the total 134 units. Staff has made the applicant aware of the requirement for two means of egress given the total number of units. Mr. Patton stated the applicant has also requested a 44-foot-wide access easement similar to the other phases of townhomes. Mayor Grant opened the public hearing and called for the applicant to present. Mr. Joel Larkin spoke on behalf of the applicant. Mr. Larkin stated the property is part of a large master plan

development that was zoned over 20 years ago. Mr. Larkin noted this area has been designated as residential within that master plan. Mr. Larkin discussed the proposed development is a continuation of a new, successful phase. Mr. Larkin stated he understands staff's concerns and plans to have further discussions with staff about the road width and number of entrances. Mayor Grant asked if there were any others to speak for or against the application. There being none, Mayor Grant closed the public hearing and opened the discussion to Council. Councilmember Carlan asked about the buffer to the reservoir and the wall proposed by the developer. Mr. Patton stated those details would come in the construction drawings submitted for permitting. Mr. Patton noted the development must comply with City standards and regulations. Councilmember Carlan asked if this approval would conflict with work being performed by HGOR. Mr. Patton stated it should not due to the reservoir protection zone. Mayor Grant asked about the property being previously approved for detached residential use. Mr. Patton stated that was approved during the original master plan approval. Councilmember Tolan asked if these units would be like those currently under construction. Mr. Patton stated he believes so and noted the applicant will have to go before the Oversight Committee. Mayor Pro Tempore Wilson asked if the developer has met with the school board. Mr. Patton stated the school board was involved in discussions at the beginning of the master plan development. Mayor Pro Tempore Wilson noted no residents attended the community meeting. Mayor Grant asked how many units have been built and/or approved out of the total 750 residential units allowed. Mr. Patton stated he will verify the number but confirmed the residential units are under the total number allowed. Councilmember McGrew asked about trash collection for the development. Mr. Patton stated a trash compactor is being installed within Phase 2. Staff will discuss with the developer if another trash compactor is warranted with this additional phase. Councilmember McGrew asked if amenities are provided. Mr. Patton stated yes.

C. Public Hearing and Discussion of Annual Update to Capital Improvements Plan and 5 Year Short Term Work Plan for Impact Fees - Community Development Director Ken Patton - Attachment 5C

Attachments: Annual Update

Mr. Patton stated an annual update of the City's Impact Fee Program is required by the state. Mr. Patton stated Council received a copy of the updated Capital Improvements Element (CIE) of the Comprehensive Plan. Mr. Patton noted items highlighted in yellow are recommendations for changes to existing projects or the addition of new projects to the CIE. Those items highlighted in gray are projects which have been completed. Mr. Patton reviewed the proposed items for fire, police, parks and recreation, and road projects. Mayor Grant opened the public hearing and asked for anyone wishing to speak either in support or in opposition. There being none, Mayor Grant closed the public hearing and opened the discussion to Council. Councilmember Carlan asked about the number of years for the Marietta Road bridge replacement project. Mr. Patton stated he will add the project to all five years to provide for flexibility. Councilmember Carlan asked which intersection is included for Reservoir Drive. Mr. Patton stated both intersections will be included. Councilmember Carlan asked about including the Burge Park improvements. Mr. Patton stated Burge Park could be included if it is new product but could not be included for replacement of equipment. Councilmember Tolan asked about the budget for the Marietta Road bridge replacement. Mr. Patton stated the cost is estimated and reflects the total cost of the project.

6. Consideration to Approve Minutes

A. Special Called Council Meeting Draft Minutes - October 19, 2021 - Attachment 6A

Attachments: Minutes - Special Called Council Meeting - October 19, 2021

B. Council Meeting Draft Minutes - October 21, 2021 - Attachment 6B

Attachments: Minutes - Council Meeting - October 21, 2021

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

7. Informational Items

A. Disposition of Abandoned Portion of Hill Street Circle and Circle Court Information - Charles Pollack, Esq. of Fryer, Shuster, Lester & Pollack, P.C. - Attachment 7A

Attachments: Agenda Request

Mr. Chuck Pollack stated Council approved the abandonment of the roadway in January of this year. Mr. Pollack requested Council initiate the process to dispose of this property. Mr. John Connolly stated their client owns the surrounding property and needs this land for the development and financing for their project. Mr. Connolly proposed that they would hire a mutually agreeable appraiser and their client would pay full market value for the property. This would allow the developer to fully own the parcel and move to the next phase of development.

B. Sharrows Program Presentation - Planner Brittany Anderson - Attachment 7B

Attachments: Sharrows Program Presentation

City Planner Brittany Anderson provided Council the staff's findings regarding the sharrows program research. Ms. Anderson stated the purpose of the research was to identify local jurisdictions that have implemented a sharrows program, inquire about the success of the program, and identify the City streets that would qualify for use. Ms. Anderson stated three out of ten cities polled have a sharrows program. Those cities include Brookhaven, Alpharetta, and Roswell. Ms. Anderson discussed comments received from those cities regarding their programs. Ms. Anderson further discussed reasons the other cities polled do not have a sharrows program implemented. Ms. Anderson reviewed speed appropriate streets within the City and provided three potential options. These options include the adoption of a local ordinance to allow bicyclists to ride on City sidewalks, installation of additional sidewalks to provide connectivity throughout the City, and widening existing and proposed sidewalks to allow pedestrians and bicyclists enough space to access simultaneously. Councilmember Tolan asked which of the three options staff recommends. Ms.

Anderson stated staff would recommend all three options. Councilmember Tolan noted there are conflicting ordinances regarding where bicycling is allowed. Councilmember Carlan asked how much the existing sidewalks need to be widened. City Manager Billy Peppers stated most jurisdictions are widening sidewalks so that they become trails for connectivity. Mr. Peppers discussed amending the Unified Development Code (UDC) to have different requirements for sidewalks within a development as opposed to those outside of a development.

C. Review of September Financials - Finance Director Melissa Forrester - Attachment 7C

Attachments: September Financials

No comments.

8. Other Announcements

None.

9. Ten Minute Public Input

Mr. Thomas Weaver discussed the election outcomes.

10. Consent Agenda

None.

11. Old Business

A. Discussion and Possible Action on Street Acceptance for City Maintenance for Towne Mill Pod M Phase I and Pod N Phase I - City Engineer Bethany Watson - Attachment 11A

Attachments: Street Acceptance - Towne Mill

City Engineer Bethany Watson stated the streets are ready for acceptance and meet the City's UDC standards. Mayor Pro Tempore Wilson made a motion to approve. Councilmember Schmidt seconded the motion, and it was approved unanimously.

B. Discussion and Possible Action on Task Order Contract to Atkins for Burge Park Concept Planning and Survey in the amount of $28,350 - City Engineer Bethany Watson - Attachment 11B

Attachments: Burge Park Task Order

Ms. Watson stated staff received a proposal from Atkins for surveying and concept planning. Atkins will create two concept alternatives to present to Council. Mayor Grant noted a typographical error in the draft agreement. Ms. Watson stated she will correct the agreement before it is ready for signatures.

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

C. Discussion and Possible Action on Task Order Contract to Atkins for Traffic Engineering Report for Riverstone Parkway and Hospital Drive in the amount of $14,000 - City Engineer Bethany Watson - Attachment 11C

Attachments: Traffic Engineering Report Task Order

Ms. Watson stated this is the first step in obtaining Georgia Department of Transportation (GDOT) approval for the pedestrian improvements. Councilmember Schmidt made a motion to approve. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously.

D. Discussion and Possible Action on Proposed Code of Ordinance Amendments for the Retail Sales of Distilled Spirits by the Package (Liquor Stores) - Community Development Director Ken Patton - Attachment 11D

Attachments: Package Sales Ordinance

Mr. Patton stated the public hearing for this ordinance was held and the referendum passed on Tuesday, November 2nd. Staff recommends a license fee of $5,000. Mr. Peppers stated the proposed application fee is $300 with the license fee of $5,000. Mr. Peppers stated a resolution will be presented on November 18th to amend the fee schedule to add these fees. Mr. Peppers suggested that staff begin receiving applications on December 1st. This would allow time for application documents to be created and a fact sheet of the ordinance information to be distributed. Councilmember Estes asked about the application process. Mr. Peppers stated applications will be submitted in-person and will be issued on a first come, first served basis. Mr. Peppers discussed documentation which is to be included with the application. Councilmember Schmidt made a motion to approve. Councilmember McGrew seconded the motion, and it was approved unanimously.

12. New Business

A. Discussion of Keep Cherokee Beautiful Adopt-A-Mile Annual Program Agreement - City Manager Billy Peppers - Attachment 12A

Attachments: Keep Cherokee Beautiful

Mr. Peppers suggested that staff meet with the Keep Cherokee Beautiful group to answer all questions regarding the applications, trash pickup logistics, and coordination with the City. Mr. Peppers stated a Memorandum of Understanding (MOU) with the group should outline the process. This will be brought back to Council as soon as it is drafted.

B. Discussion of the Award of the Transportation Master Plan Contract to Modern Mobility in the Amount of $199,636.46 - City Engineer Bethany Watson - Attachment 12B

Attachments: Transportation Master Plan

Ms. Watson stated the development of a comprehensive transportation master

plan was identified within the Roadmap. Ms. Watson reviewed the scope of the master plan. The plan will identify existing conditions as well as the current and future needs of the City. From this, a report will be presented to Council which will include suggestions and information on funding to complete the suggested items. The City received three proposals. Two of these did not meet the requirements of the Request for Qualifications (RFQ) and had to be disqualified. The remaining proposal is from a highly qualified company. Staff recommends approval of the contract. Mayor Grant noted Council received a copy of the scope of work at their seats for review. Mayor Grant confirmed this project has been budgeted and will be paid for using Impact Fees. Ms. Watson stated that is correct. Councilmember Carlan clarified the points scoring system.

C. Discussion of Resolution to Submit Application for Transportation Improvement Project Solicitation 2022 and Funding Commitment - City Engineer Bethany Watson - Attachment 12C

Attachments: Transportation Improvement Project Solicitation and Funding

Ms. Watson stated staff would like to apply for two projects. The City would be responsible for a 20% match. The first project would be the intersection of Marietta Highway and Highway 140. The City currently has approval for engineering funding for this project. This application would be for construction funding. The second project would be at Hospital Road and Old Donaldson intersection. This application would be for both construction and engineering costs. Mayor Grant asked when the deadline is for application submittals. Ms. Watson stated the deadline is December 15th.

D. Discussion of the Award of the Transportation Improvement Project on Marietta Highway/Riverstone Parkway at Highway 140 Intersection for Design Services to Michael Baker International and the Award of Task Order 1 in the Amount of $95,769.37 - City Engineer Bethany Watson - Attachment 12D

Attachments: Intersection Improvement Project

Ms. Watson stated the City has moved forward with two rounds of RFQs. Following those reviews, staff has selected Michael Baker International to move into negotiations. GDOT has recommended the City enter into a master contract with the contractor for the project and then move forward with task orders. The first task order is for concept planning. Ms. Watson discussed funding for the project.

E. Discussion of Accepting 11.069 Acres Below the Hickory Log Creek Dam from Bright-Sasser Canton, LLC - Utility Engineer Dave Hatabian - Attachment 12E

Attachments: Quitclaim Property Acceptance

Utility Engineer Dave Hatabian stated the land is not beneficial to the current owner which is why they would like to donate it. Councilmember McGrew asked if the land would be split between the Water Authority and the City. Mr. Hatabian stated yes. The ownership will be split 75%/25%. Mr. Peppers stated the Water Authority may ask that the quitclaim deed be amended to show that ownership.

F. Discussion of 5 Year Contract with Axon Enterprise (Taser) - Police Chief

Stephen Merrifield - Attachment 12F

Attachments: Axon Enterprises Contract

Police Chief Stephen Merrifield stated the current tasers being used have been discontinued. Chief Merrifield discussed the advantages of the new tasers as having two cartridges, laser targets, a warning signal, color identification, and record of use. Chief Merrifield further discussed the accompanying training equipment and cost savings. Councilmember Estes confirmed the City would receive the products up front and pay for them over a five-year period. Chief Merrifield stated that is correct. Councilmember Carlan asked if the tasers are larger in addition to having a different color. Chief Merrifield stated they are slightly larger. Councilmember Tolan asked about replacement cartridges. Chief Merrifield stated Axon may not stand by the City if other cartridges are used. Mayor Grant asked when the quote expires. Chief Merrifield stated the quote expires November 12th. Councilmember Estes made a motion to approve. Councilmember Carlan seconded the motion, and it was approved unanimously.

G. Discussion to Amend Ordinance Requiring an Annual Insurance License Fee - Assistant City Manager Nathan Ingram - Attachment 12G

Attachments: Insurance Fee Ordinance Amendment

Assistant City Manager Nathan Ingram stated the City received a letter from Georgia Municipal Association (GMA) in September. This letter states that given the growth in population the City should raise the insurance license fee from $75 to $100. This change will come in the form of an ordinance which will require two readings.

H. Discussion of Gaming Room Ordinance - City Attorney Bobby Dyer

City Attorney Bobby Dyer stated the proposed ordinance is based on state law and includes all of the matters the City is allowed to do as a local jurisdiction. Mr. Dyer stated implementation of this will begin at the business license renewal period. This matter will be voted on at the November 18th meeting. Councilmember McGrew asked if existing businesses with gaming would have to comply as soon as the ordinance is implemented. Mr. Dyer stated yes.

I. Discussion of Gas Station Ordinance - City Attorney Bobby Dyer - Attachment 12I

Attachments: Gas Station Ordinance

Mr. Dyer discussed the moratorium on convenience stores and stated the name has now changed to gas stations. A public hearing will be held on November 18th and Council can vote on the ordinance after that. Mr. Dyer discussed the amended definitions, setbacks, and advertisement limitations.

13. City Manager's Report

Mr. Peppers stated the City has closed on the property at The Bluffs and now owns around 320 acres in the area. Mr. Peppers provided an update on the reapportionment of wards and discussed two potential options. The City could work with the state's reapportionment office or with our own mapping group.

Mr. Peppers stated he has met with the City's mapping group, and they are working on reviewing current standards for redistricting and uploading the most recent census information. Mr. Peppers stated the goal is to be as least disruptive as possible when drawing the wards and noted he hopes to have a draft map to Council by the end of the calendar year. Mr. Dyer discussed recent updates to state law regarding reapportionment. Mr. Peppers provided Council updates from the Operations Report regarding the City's blanket drive for homeless veterans, construction along Archer Street, continued construction at the Wastewater Treatment Plant, and approval from the Environmental Protection Division (EPD) on the Water Treatment Plan improvements.

14. Council Introduced Items

Mayor Pro Tempore Wilson discussed a proposal for plaques on City benches. Mayor Pro Tempore Wilson stated the cost to purchase a plaque to be installed on an existing park bench is $200. The City would be responsible for choosing a bench and placing the plaque. To purchase a bench and a plaque, the cost is $1,300. The City would determine the location for the bench and install the plaque and bench. All proceeds and expenditures would be made through the General Fund.

Councilmember McGrew stated a ribbon cutting for the home for community cats will be held on Tuesday, November 9th at 12:30 p.m. at City Hall.

15. Mayor's Report

Mayor Grant congratulated Councilmember Carlan and Councilmember McGrew on their re-election and Mr. Dwayne Waterman who will be a new Councilmember beginning in January for Ward 3.

16. Adjourn

Councilmember Tolan made a motion to adjourn to Executive Session to discuss real estate. 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