Canton, Georgia

110 Academy Street
Canton, Georgia 30114

Minutes - Final - Final

Thursday, October 7, 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 Pastor Brando of United Pentecostal Canton.

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
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
Mr. Scott Hooper, Public Works Director
Ms. Kelly Pendley, Sustainability Manager
Mr. Mike Morgan, Information Technology Director
Ms. Annie Fortner, City Clerk

Absent:

Councilmember Nick Estes

3. Consideration to Approve Agenda

Councilmember Carlan requested to add an item to Council Introduced Items for the discussion and possible action regarding improvements at Burge Park. Councilmember Schmidt made a motion to approve the agenda as amended. Councilmember Tolan seconded the motion, and it was approved unanimously.

4. Guests and Visitors

A. Employee Recognitions - Police Chief Stephen Merrifield - Attachment 4A

Attachments: Employee Recognitions

Police Chief Stephen Merrifield presented Samuel Snell as Employee of the Quarter and Officer John VanKints as Officer of the Quarter for the second quarter of 2021. Chief Merrifield also presented Officer Courtney Rogers with the Life Saving Award for her heroic initial response actions followed by her show of leadership while responding to an unresponsive male.

5. Public Hearing

A. Public Hearing and Discussion of Cases AX2107-001 and Z2107-002 for Grid Properties - Request to Annex 177 Acres and Zone the Property PD-MU (Planned Development Mixed Use) to Develop a Winery Resort Located at 2030 and 2050 Sam Nelson Road and 650 Talcmine Drive - Community Development Director Ken Patton - Attachment 5A

Attachments: Grid Properties - Polecat Mountain Documentation

Community Development Director Ken Patton introduced the case and provided Council the application details. The applicant has a Memorandum of Understanding (MOU) with Cherokee County for road improvements. The developer will be limited to 125 units out of their proposed 222 units until a second entrance is provided. Mayor Grant opened the public hearing. Ms. Linda Dunlavy presented for the applicant. Ms. Dunlavy discussed the proposed site location and how the development will be consistent with adjacent properties. Ms. Dunlavy provided a concept plan for the winery resort including a breakdown of each section in the development showing their size and uses. Ms. Dunlavy discussed the anticipated timeline for construction and noted the development will take place in phases. Ms. Dunlavy reviewed the MOU with Cherokee County and the conditions placed within it. Ms. Dunlavy stated a Development of Regional Impact (DRI) review is not required per Atlanta Regional Commission (ARC). Ms. Dunlavy noted meetings with surrounding residents have taken place and stated the main concerns are access to the development and traffic. Ms. Dunlavy stated she believes these concerns are addressed in the proposed conditions. Ms. Dunlavy informed the reason for the request for annexation is there is no zoning category in Cherokee County which enables this type of development. Mayor Grant asked for those who wish to speak in opposition to the application. Carey Lott spoke in opposition. Mr. Lott stated he is not opposed to the development but spoke of his concerns for traffic and how it will be handled. Debbie Benedit spoke in opposition. Ms. Benedit discussed concern with current road conditions, increased traffic, transient residents, buffers along the development, soil studies, and the diversion of business from the downtown area. Linda Holmes-Rubin spoke in opposition. Ms. Holmes-Rubin discussed concerns with traffic due to the inadequacy in site distance and poor road conditions. Bruce Rawley spoke in opposition. Mr. Rawley stated he agrees with the previous speakers and discussed concerns with trucks along Sam Nelson Road, multiple uses as proposed, and changing the complexity of the area. Scott Merrell spoke in opposition. Mr. Merrell stated this development is not in line with his vision for the area. Councilmember Schmidt made a motion to extend time for each side by five minutes. Mayor Pro Tempore Wilson seconded the motion, and it was approved unanimously. Mr. Merrell discussed issues with soil, industrial uses, the cell tower in the area, and traffic with a future school nearby. Mr. Merrell stated the development could be completed within Cherokee County without the residential component. Terry Gill spoke in favor of the application. Ms. Gill stated the development would be a huge asset and trusts the City and County will work together to resolve issues with the road. Dick Stewart, Principal of Grid Properties, spoke in rebuttal. Mr. Stewart discussed how building codes will help with construction and noted his company knows how to work with the property. Mr. Stewart stated he is committed to being a good neighbor. Mayor Grant closed the public hearing and opened the discussion to Council. Mayor Grant asked for clarification on

the number of units and second entrance. Mr. Patton stated a second entrance is required after 125 units per the Unified Development Code (UDC) and the MOU. All types of residential units are included in the proposed number of units. Councilmember Schmidt asked about the proposed conditions. Mr. Patton read the proposed conditions as follows:

1) The main entrance and primary access to the development shall be from Sam Nelson Road in the approximate location shown on Exhibit B of the Memorandum of Understanding.
2) The developer shall project related improvements on Sam Nelson Road in the area of their entrance to meet a 35-mph design speed and to adequately address any sight distance deficiencies.
3) The developer shall provide for secondary access to the development satisfactory to the City and in compliance with relevant codes prior to the issuance of a building permit for the 126th residential unit within the development.
4) Prior to the provision of approved secondary access, the total unit count shall not exceed 125. However, with the provision of adequate and approved secondary access, the total unit count for the development can exceed 125 units up to a maximum of 222 units. Said units shall be located in designated areas as follows: for the Center no more than 72 units; for the Residences no more than 45 units; for the Villas not more than 105 units. However, upon notification in writing to the Department of Planning and Zoning the developer may transfer units from one designated area to another so long as the total unit count is not exceeded.
5) 50-foot wide densely planted buffers, per the requirements of Section 103.03.08 of the City of Canton Code of Ordinances, shall be provided.
6) Talcmine Drive may continue to be used for access to the existing communication and water towers on the property.
7) The development shall be served by the City of Canton sewer system and the City of Waleska water system.
8) The following uses are to be permitted within the development: all uses identified on the Overall Development Summary Table of the Conceptual Master Plan prepared for Grid Properties by Niles Bolton Associates dated March 8, 2021.
9) The developer shall substantially adhere to the vineyard, gardens, groves, and orchards acreage stated in the Conceptual Master Plan prepared for Grid Properties by Niles Bolton Associates dated March 8, 2021.
10) No less than 100 acres of open space shall be provided and maintained in the development.

Councilmember Schmidt asked about specific changes to Sam Nelson Road that will address concerns of residents. Mr. Patton stated improvements will be made at the entrance to the development to meet speed and sight distance requirements. Mr. Patton stated ultimately Cherokee County is responsible for improvements of the road. Mayor Pro Tempore Wilson asked about construction trucks along Sam Nelson Road and if they are allowed. Mr. Patton stated he will check with Cherokee County. Mayor Pro Tempore Wilson asked if the cell tower will remain on the property. Mr. Patton stated yes. Mayor Pro Tempore Wilson asked about flooding in the mines. Mr. Patton stated that will be addressed as part of engineering of the project should the annexation and zoning be approved. Mr. Patton noted the applicant will still have to come before Council for Master Plan and Condition Use Permit approvals. Councilmember Tolan asked about the development timeline and sewer capacity. Mr. Patton stated the *applicant has been informed the Wastewater Treatment Plant is currently under construction for expansion and the capacity will not be available until late spring of 2023. Councilmember McGrew asked what is different about this development that does not allow it to be built in the County. Mr. Patton stated the residential and retail components make this product different. Councilmember McGrew asked if the development could be built if it is not annexed into the City. Mr. Patton stated not as it is currently proposed. Councilmember McGrew asked if the applicant is aware of the City's codes and regulations. Mr. Patton stated yes. Mayor Grant asked if the proposed open space would remain undisturbed. Mr. Patton stated yes. Councilmember Carlan asked if anyone has looked at impacts for economic development or tourism with this proposal. Mr. Patton stated no. Councilmember Carlan asked if the applicant is locked into the winery resort concept should they receive their requested zoning. Mr. Patton stated the MOU locks it in. Mayor Grant asked if a traffic study has been completed. Mr. Patton stated a study was completed earlier this year and is contained within the application documents.*

6. Consideration to Approve Minutes

A. Council Meeting Draft Minutes - September 16, 2021 - Attachment 6A

Attachments: Minutes - Council Meeting - September 16, 2021

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

7. Informational Items

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

Attachments: August Financials

No comments.

B. Request for the Adoption of the School Safety Zone Map - Mr. Thomas Weaver - Attachment 7B

Attachments: School Safety Zone Map Request Letter

Mr. Thomas Weaver requested Council update the school safety zone map to include the new Cherokee High School property. Mr. Weaver noted he received information from the Cherokee County School District stating the placement of a school on the property is contingent upon the Special Purpose Local Option School Tax (SPLOST) being approved in November. Mr. Weaver requested Council wait until that has been determined.

8. Other Announcements

Mayor Grant stated the Etowah Film Festival is at the Canton Theatre. Mayor Grant also noted the Think Pink Breast Cancer Awareness Walk will be held on Saturday, October 9th.

9. Ten Minute Public Input

Mr. Thomas Weaver stated he provided a letter to Council and hoped each member would review it at their earliest convenience. Mr. Weaver spoke about his concern with the increase in cost in the inmate housing agreement.

10. Consent Agenda

None.

11. Old Business

None.

12. New Business

A. Discussion and Possible Action on 2021 Local Maintenance and Improvement Grant (LMIG) and Special-Purpose Local-Option Sales Tax (SPLOST) Paving Projects - Public Works Director Scott Hooper - Attachment 12A

Attachments: 2021 LMIG-SPLOST Paving Project

Public Works Director Scott Hooper stated the City received three proposals with the lowest bidder being Bartow Paving Company. The bid is for $1,499,191.38. Mr. Hooper stated the City is on a tight timeline with the Local Maintenance and Improvement Grant (LMIG) portion of the project. The deadline for the contract is set for December 15th. City Manager Billy Peppers stated the LMIG portion is tied to being in compliance with Service Delivery Strategy. The City was out of compliance last year and came back into compliance in September. Mayor Pro Tempore Wilson made a motion to approve and award the contract to Bartow Paving Contract. Councilmember Tolan seconded the motion. Councilmember Schmidt asked about paving along River Green Avenue and the upcoming improvements associated with the new development. Mr. Hooper stated the City is working with the developer to coordinate the improvements and paving. Mayor Grant noted the street which he lives on is in the list of SPLOST roads to be paved. The motion passed unanimously.

B. Discussion of Proposed Cherokee County Sheriff's Office Inmate Housing Agreement - Police Chief Stephen Merrifield - Attachment 12B

Attachments: Inmate Housing Agreement

Chief Merrifield stated the proposal increases the daily charge from $35 to $55 due to rises in food and medical related costs. Chief Merrifield stated the City will not be charged for housing during the first 24 hours and not many of those taken to the jail are staying less than 24 hours. Mayor Grant asked if the only change was the $20 increase. Chief Merrifield stated yes.

C. Discussion of the City's Defined Benefit/Defined Contribution Retirement Plans - Assistant City Manager Nathan Ingram - Attachment 12C

Attachments: Retirement Plan

Assistant City Manager Nathan Ingram stated the last time the City's retirement plans were amended was in May of 2013. Mr. Ingram stated the current financial environment and employment market warrants another look at those plans. Management is requesting a committee be formed to review this information and bring back a proposal to Council in November or December. Mayor Grant asked if a Special Called Work Session meeting could be held to complete this task. Mr. Ingram stated a work session could be held to accomplish this and stated any changes need to be implemented by December 31st.

D. Discussion of Blight and Code Compliance Committee Report - Councilmember Tolan - Attachment 12D

Attachments: Blight and Code Compliance Committee Report

Councilmember Tolan presented Council a report from the Blight and Code Compliance Committee. The report reviewed the current status of code compliance regarding certified City staff, code violation procedures, and the issues or concerns with existing codes. Providing education, working with citizens, dividing the City into sections for code compliance mitigation, and overcoming financial barriers were discussed as future code compliance goals. Councilmember Tolan listed and discussed the common residential code concerns. Three major commercial code concerns were noted as improper use of commercial zoning, appearance, and rubbish. Mr. Peppers discussed the next steps as being narrowing the focus to five to ten specific code items to concentrate on and distributing information to the public which provides the City's expectations of properties. Mr. Peppers recommended coming back to Council in November with a proposed list of items to focus on using the information contained in the Blight and Code Compliance Committee report. Mr. Peppers discussed working with each property individually to assist with any financial hardship. Councilmember Carlan asked about funding the remediation efforts. Mr. Peppers stated the capital budget shows $500,000 for blight remediation, $500,000 for first time homebuyers, and $500,000 for acquisition. Mr. Peppers stated the new housing personnel should begin by January which gives time for the creation of the application process and legal documents for that program to start. Councilmember Carlan suggested collecting a city-wide inventory to see what the issues are instead of focusing on certain areas. Mayor Grant agreed with Councilmember Carlan's suggestion. Mr. Peppers noted the tactic may need to change if going city-wide and discussed funding sources. Mr. Peppers stated it is more on the implementation side of how neighborhoods are targeted. Councilmember Schmidt stated it is important to follow up on commercial properties and the codes that regulate them.

E. Presentation of Proposed Code of Ordinance Amendments for Retail Sales of Distilled Spirits by the Package (Liquor Stores) - Community Development Director Ken Patton and Unified Development Code (UDC) Committee Chair Councilmember Schmidt - Attachment 12E

Attachments: Liquor Store Ordinance

Mr. Patton stated a public hearing will be held for the ordinance amendments at the next Council meeting on October 21st. The bulk of the amendments are to Chapter 6 – Alcoholic Beverages. Mr. Patton reviewed the changes including

additional definitions and adding a division for liquor stores. Within the liquor store division of the alcohol ordinance are proposed regulations including limiting the number of locations based on population, having one owner per store, setting building requirements, providing an approval process for licensing, setting distance separation requirements, providing disallowed products within the stores, and restricting signage. The proposed adoption date of the ordinance is set for November 4th should the referendum pass on November 2nd. Mayor Grant clarified package stores would require a Conditional Use Permit (CUP). Mr. Patton stated yes. City Attorney Bobby Dyer discussed concern with the CUP process due to having such subjective criteria within the ordinance. Mayor Grant asked about how business owners would receive package store licenses and proposed offering the first licenses to City residents. Mr. Dyer and Mr. Patton discussed possible options for issuing licenses. Councilmember Schmidt asked if Council wanted to remove the requirement of a CUP process. Council agreed to remove that requirement. Councilmember Schmidt asked about the order in which licenses are granted. Mr. Peppers suggested opening applications for City residents for the first 90 or 120 days and then allowing others to apply. Mr. Dyer proposed defining what an owner means and how much they are involved in the business. Mr. Dyer suggested that the start of a license begins with the application submittal and payment of fees. Councilmember McGrew asked about the license application fee. Mr. Dyer said that still must be set. Mr. Patton stated generally they are around $5,000. Mr. Peppers stated applications will be date stamped and reviewed upon submission. Councilmember McGrew discussed her wish for the City's package stores to be clean and have open aisles. Following discussion, it was agreed not to have a period for City residents to apply for licenses.

13. City Manager's Report

Mr. Peppers stated interviews for the Economic Development and Tourism position have been completed. Next week begins interviews for the Housing and Residential Services Manager position. Interviews for the Development Inspector have also been completed and that hire is currently pending.

Mr. Peppers provided Council project updates on the Harmon Park expansion, the traffic signal at Reservoir Drive and Hickory Log Creek Drive, RedSpeed cameras at Cherokee High School, Water Pollution Control Plant expansion construction, Old Ball Ground sewer and trail connection, emergency generator installations at water booster pump stations, the Hickory Log Creek buffer study, and the Bluffs property surveying for closing. Mr. Peppers discussed recent and upcoming events including a report from KB Advisory Group that will be given at the next Council meeting regarding the Tax Allocation District (TAD), ground breaking ceremony for the parking deck, submittal of five proposals for automated meter reading, Canton Transportation Master Plan proposals submitted, ribbon cutting for the plyometric gym in Heritage Park, Georgia Power's Diversity, Equity and Inclusion workshop, a presentation by Brittany Anderson regarding historic neighborhoods within the City, the Police Department's food drive, and an electronic recycling event at Public Works.

14. Council Introduced Items

Councilmember Carlan stated he has provided Council a report on Stumptown and Burge Park. Councilmember Carlan provided the background for the area and discussed the creation of the park. Councilmember Carlan reviewed the *evolution of Burge Park through photographs contained within the report and discussed Council approved improvements. Some of these improvements have never been completed or installed. Councilmember Carlan noted he sent an email in August of 2020 regarding some issues in the park. Most of the items were quickly corrected and soon after wi-fi was added similarly to other City parks. Since then, Little Free Libraries have also been added. Councilmember Carlan discussed two major hazards currently located at the park. The amenities within Burge Park were compared to those in other City parks. A list of amenities not provided within the park was given. This included picnic tables, recycling, fountains, tables, message boards, signs, flowers, and a historical marker. Councilmember Carlan addressed traffic issues and provided two recommendations for traffic improvement. The first recommendation prohibits parking on the east side of the street. The second recommendation changes Crisler Street to a one-way street. Councilmember Carlan proposed expanding Burge Park onto land owned by the City adjacent to the park. This would allow for a half-court basketball court and swings. Councilmember Carlan discussed missing and inadequate equipment and suggested new park signage. Councilmember Carlan reviewed funding options for the proposed improvements, discussed placemaking and historical preservation in the neighborhood, noted how this project aligns with the City's Roadmap, and provided a list of priorities. Mayor Grant stated the safety issues need to be addressed first and suggested looking at options and priorities for the other improvements. Councilmember McGrew discussed how landscaping can be done quickly and make a big impact. Councilmember Tolan stated Burge Park needs to come up to the same standards as the other City parks. Mayor Pro Tempore Wilson stated attention should also be given to McCanless Park. Mr. Peppers stated a task order could be given to Atkins for surveying, soil study, and planning. Councilmember Schmidt suggested incorporating art within the park. Mr. Peppers stated Atkins could bring a cost estimate to Council for the construction of the improvements. Mr. Peppers discussed items which would be eligible for Impact Fees. Mr. Peppers estimated Atkins could provide a proposal on the task order to Council within 30 days. Mr. Peppers stated he believes the long-term solution for the traffic in the area will come from the Tax Allocation District (TAD) regarding parking, pedestrian access, stormwater projects, and sidewalks. Mr. Peppers suggested a study period to have all parking along one side of the street for residents to become accustomed to it. Mr. Peppers discussed the hazards within the park stating temporary fixes could be done and noted additional fill or mulch placed around the basketball court. Mr. Peppers discussed blacking out the double yellow lines along Crisler Street to allow for parking on one side and stated parking spaces could be delineated. Mayor Grant suggested having staff bring back recommendations for these improvements. Councilmember Carlan made a motion to request staff bring back recommendations for the study period for Crisler Street and fixing the hazards within the park at the next Council meeting. Councilmember Schmidt seconded the motion, and it was approved unanimously.*

15. Mayor's Report

Mayor Grant stated there are two openings on the Canton Housing Authority. Tyrone Gates and Nathan Brandon will no longer be serving. Mayor Grant stated at the next meeting he will be nominating Travis Johnson for Tyrone Gates' seat. A nomination for Nathan Brandon's seat will be made before the end of the year.

16. Adjourn

Councilmember McGrew made a motion to adjourn. Councilmember Carlan 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