Canton, Georgia

110 Academy Street
Canton, Georgia 30114

Minutes - Final - Final

Thursday, January 21, 2021

6:00 PM

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 Nick Estes
Councilmember Brooke Schmidt
Councilmember Sandy McGrew
Councilmember Will Carlan
Mr. Billy Peppers, City Manager
Mr. Bobby Dyer, City Attorney
Mr. Ken Patton, Community Development Director
Mr. Mike Morgan, Information Technology Director
Ms. Annie Fortner, City Clerk

Absent:
None

3. Consideration to Approve Agenda

Mayor Grant requested an Executive Session be added to discuss litigation. City Manager Billy Peppers requested an item be added to Old Business (Item 10F) for Board and Commission Appointments. Councilmember Carlan requested an item be added under Council Introduced Items to discuss time off for City employees due to COVID. Councilmember Estes made a motion to approve the agenda as amended. Councilmember Schmidt seconded the motion, and it was approved unanimously.

4. Guests and Visitors

A. Advanced Disposal Updates - Steve Edwards

Steve Edwards with Advanced Disposal provided Council a presentation discussing the City's history with the company, the merger with Waste Management, and options for a renewal or Request for Proposals (RFP). Mr. Peppers stated staff spoke with Advanced Disposal about hydraulic and service issues that were noted during the presentation, and these issues are being addressed. This topic would be a good item for discussion for the upcoming Council retreat, but Council should be mindful of timelines if they wish to go out for RFPs since those would need to go out sooner rather than later. Councilmember Estes asked about Advanced Disposal's service goals. Mr. Edwards stated they look at the number of stops versus the number of complaints. Advanced Disposal reviews these trends each day. Councilmember Estes asked about the renewal period and how long the City would forgo the rate

increase if they chose to renew. Mr. Edwards stated the renewal period would begin on October 1, 2021 and the rate would not increase for twelve months after that date.

5. Consideration to Approve Minutes

A. Council Meeting Draft Minutes - January 7, 2021 - Attachment 5A

Attachments: Minutes - Council Meeting - January 7, 2021

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

6. Informational Items

None.

7. Other Annoucements

None.

8. Ten Minute Public Input

None.

9. Consent Agenda

A. Approval of Annual Update to Capital Improvements Plan and 5 Year Short Term Work Plan for Impact Fees - Community Development Director Ken Patton - Attachment 9A

Attachments: Adoption of Annual Update

B. Approval of Local Administered Project Certification Application - Development Services Manager Bethany Watson - Attachment 9B

Attachments: LAP Certification Application

C. Approval of Intergovernmental Agreement with Cherokee County Board of Elections - City Manager Billy Peppers - Attachment 9C

Attachments: IGA - Cherokee County Elections

D. Approval of Resolution Setting Qualifying Dates, Times, and Fee for the November 2, 2021 Municipal General Election - City Manager Billy Peppers - Attachment 9D

Attachments: Resolution for Qualifying

Mayor Grant read the items under the Consent Agenda. Councilmember Tolan made a motion to approve the Consent Agenda. Councilmember Carlan seconded the motion, and it was approved unanimously.

10. Old Business

A. Discussion and Possible Action on Cases MP2011-002 and CUP2011-003 - Request by Core Properties Capital for Approval of a Master Plan Amendment and a Conditional Use Permit for the Construction of a 168 Unit Apartment Complex along Prominence Point Parkway - Community Development Director Ken Patton - Attachment 10A

Attachments: MP2011-002 and CUP2011-003 Documentation

Community Development Director Ken Patton introduced the cases and provided the application details. Staff did confirm that an easement is recorded and in place with the existing shopping center for access to the apartment complex. Staff also received an email from the owner of the shopping center in support of the applications. Staff recommends approval with the following conditions:

1. The project shall provide seventeen (17) affordable housing units or ten percent of the total approved units. The criteria of affordable housing and who qualifies shall be determined by an agreement with the applicant and the Mayor and City Council.
2. The development shall be subject to the applicant's Letter of Intent and any modifications that may be made to said Letter of Intent.
3. The fifty (50) foot buffer along the western property line shall be undisturbed except in areas of sparse vegetation and possible utility crossings. These areas shall be replanted at the discretion of the Community Development staff.
4. Non-substantial changes may be administratively approved.

Councilmember Schmidt asked if a traffic study was completed. Mr. Patton stated a traffic study was not done due to the complex being under the number of units that would require a study. Staff feels Prominence Point Parkway is sufficient for the additional traffic. Should any site distance issues arise, they would be addressed during the Land Disturbance construction plan review. Councilmember Schmidt asked if staff could approve the architecture of the gate should the developer decide to install one. Mr. Patton stated that could be an additional condition to add to the other four discussed previously. Mayor Grant noted the Housing Study supports a development at this location. Councilmember Schmidt made a motion to approve the Master Plan with the four listed conditions by staff as well as a condition that gate architecture be approved by City staff. Councilmember Carlan seconded the motion, and it was approved unanimously. Councilmember Schmidt made a motion to approve the Conditional Use Permit with the same five conditions as the Master Plan. Councilmember Carlan seconded the motion, and it was approved unanimously.

B. Discussion and Possible Action on Cases MP2010-012 and CUP2010-013 - Request by Terwilliger Pappas Multi-Family Partners, LLC for Master Plan Approval and a Conditional Use Permit for the Construction of a Multi-Family Apartment Complex (Maximum of 250 Units) and a Parking Deck in the Academy & Main Development - Community Development Director Ken Patton - Attachment 10B

Attachments: MP2010-012 and CUP2010-013 Documentation

Mr. Patton introduced the cases and provided the application details. Staff has confirmed a total of 522 parking spaces in the proposed parking deck which is greater than the number required to support the commercial portion of the Master Plan development, 100 spaces designated for public parking, and for the apartment complex itself. Staff recommends approval with the following suggested conditions:

1. Provide 10%/30k square feet of open space on the site.
2. There shall be a commercial component associated with the project. This may include but not be limited to ground floor retail, office space, or roof top dining.
3. There shall be a twenty (20) foot buffer around the property known as 41 Hill Street. This buffer shall contain evergreen plantings of Leyland cypress or arborvitae. This material shall be planted in two rows on 20' staggered centers. The material shall be a minimum of 12 to 14 feet tall at the time of planting. These plantings shall be maintained in perpetuity by the owners of the apartment development.
4. The pathway/trail leading to and from The Mill on the Etowah shall provide "panic" phones for pedestrian safety. The location of these phones shall be as directed by the Canton Police Department.
5. Adequate pathway/trail lighting shall be provided for pedestrian safety.
6. Charging stations shall be provided within the parking deck.
7. A four-way stop shall be provided at the intersection of Academy and Archer Streets. Pedestrian crosswalks shall be provided.
8. Funds should be placed in escrow for future road improvements for the intersection of Waleska and Railroad Streets.
9. Green infrastructure/low impact design shall be required prior for site plan submittal.
10. Hydro study shall be required for site plan submittal.
11. A total of ten percent of the provided units shall be set aside for affordable/work force housing.
12. Non-substantial changes to the approved plans may be administratively approved.

Mr. Patton noted the applicant did not agree with condition #3 stating the site is very tight. The applicant does agree to provide a 5' buffer around the northern side of the property known as 41 Hill Street. The provided 5' buffer shall contain evergreen plantings. The evergreens will be planted in a single row, 15' on center. The material shall be a minimum of 10' at the time of planting. To the extent the property is owned by a third party, these plantings shall be maintained in perpetuity by the owners of the apartment development. Mr. Patton also noted the applicant requested condition #11 be amended to state that they will contribute a one-time payment of up to $10,000 to a housing fund once set up or established by the City of Canton. In addition, the applicant will reserve 2 units in the residential building for officers of the Canton Police Department. These units will be discounted by 50%. Councilmember Estes made a motion to approve the Master Plan with the twelve conditions suggested by staff except for condition #3 and condition #11 in which the language would be replaced with the changes as requested by the applicant. Councilmember Schmidt seconded the motion. Councilmember McGrew asked if the $10,000 payment was in place of providing 10% affordable/work force housing. Mr. Patton stated yes. Mayor Grant stated the Housing Study supports a development at this location and fits

in the Roadmap for Enhancing Downtown Canton. Councilmember Tolan asked where the $10,000 figure came from. Mr. Patton stated it was proposed by the applicant. Councilmember Tolan asked if the condition could be changed to state that the amount would be determined once staff arrives at what that number should be. Mayor Grant stated the applicant will also be setting aside two units at 50% cost for first responders for the full time of the project providing additional value. Councilmember Estes discussed continuing to finding work force housing opportunities around the City but recommends looking at other areas of the City for that. Mayor Grant stated it would be in the best interest to determine the value of work force housing for future developments. Councilmember Tolan asked how long it would take staff to determine those figures. Mr. Patton stated one to two months. Councilmember Carlan stated he would prefer to see work force housing in downtown. Councilmember McGrew discussed work force housing units being discreet within the development and stated they are not segregated from the other units. Mayor Pro Tempore Wilson discussed the establishment of a land bank so that funds can be used at the City's discretion. Councilmember Schmidt discussed the project at hand as being needed as part of the Roadmap and noted the target renters are millennials and empty nesters. Mayor Grant stated he is hopeful this will not be the only housing option for downtown. The motion passed 5-1 with Councilmember Carlan voting against the motion. Councilmember Estes made a motion to approve the Conditional Use Permit with the same conditions as the Master Plan. Councilmember Schmidt seconded the motion. The motion passed 5-1 with Councilmember Carlan voting against the motion.

C. Discussion and Possible Action on Request for Abandonment of Hill Street Circle and Circle Court - Community Development Ken Patton - Attachment 10C

Attachments: Abandonment Request - Hill Street Circle and Circle Court

Mr. Patton stated the right-of-way for Hill Street Circle and Circle Court is incorporated within the now approved development at Academy & Main. These streets will have to be abandoned for the project to move forward. Mayor Pro Tempore Wilson made a motion to approve the requested abandonment of Hill Street Circle and Circle Court. Councilmember Estes seconded the motion. Councilmember Estes asked if the property could be abandoned to the Downtown Development Authority. Mayor Pro Tempore Wilson stated her motion is for abandonment only and that disposition will take place later. Councilmember McGrew asked if there are residents that live on these streets. Mr. Patton stated no. Councilmember McGrew asked who will complete maintenance if the streets fall in disrepair. Mr. Patton stated the developer of Academy & Main completed the last repairs to these streets as part of Phase I. Mayor Pro Tempore Wilson stated that the applicant can request ownership of the subject property but that is another issue. The matter at hand is abandonment only so the City has no responsibility for the upkeep of the streets. Councilmember Estes stated he understood. Councilmember Tolan asked about who would repair something such as a major crack in these streets if they are abandoned by the City. City Attorney Bobby Dyer stated no one should be on the roads if abandoned because they would no longer be considered a public road. The motion passed unanimously.

D. Discussion and Possible Action to Approve Supplemental Bond Resolution for the Issuance of the Water & Sewerage Series 2021 Bonds - Assistant City

Manager Nathan Ingram - Attachment 10D

Attachments: Bond Resolution Agenda Item

Doug Gebhardt with Davenport & Company provided Council a presentation for the Series 2021 Bonds. Mr. Gebhardt reviewed the City's credit ratings, spoke about factors that lead to receiving such a great rating from Moody's and S&P, discussed interest rates, and revealed the bid results from the fourteen bidders. The winning bid was Piper Sandler & Co with a True Interest Cost (TIC) of 1.81% for a 30-year debt issuance. The bond closing is hoped to take place on February 4th. Mr. Gebhardt noted some outstanding Georgia Environmental Finance Authority (GEFA) loans that were able to be refinanced to save the City just over $130,000. Mr. Gebhardt stated because of receiving a lower interest rate as compared to the planning rates, the City will avoid approximately $9 million in debt service payments over the life of the loan. Mayor Pro Tempore Wilson made a motion to approve the Supplemental Bond Resolution. Councilmember McGrew seconded the motion, and it was approved unanimously.

E. Discussion and Possible Approval to Engage Atkins Engineering for Conceptual Planning at Harmon Field - Assistant City Manager Nathan Ingram - Attachment 10E

Attachments: Harmon Pitch Agenda Item

Mr. Peppers stated the City received grant funding for a mini-pitch soccer field at Harmon Park. Staff reached out to Atkins to see if they could assist with the layout for the field. The provided request is for around $5,700 to help with the layout so that project can move forward. Councilmember Tolan made a motion to approve. Councilmember Carlan seconded the motion, and it was approved unanimously.

Item 10F - Board and Commission Appointments:
Mr. Peppers provided Council a list of the board appointments that were discussed during the Special Called Work Session held on January 20th. Mr. Peppers stated he assigned terms to each of the members of the boards. The terms have been set to get back on to a staggered schedule. Mr. Peppers read the appointments to be as follows:

Board of Appeals (Staggered 3-Year Terms):
David Johnson – Ward 2 – Term ending 12/31/21 (remaining member)
New Appointments:
Dustin Davey – Ward 1 – Term ending 12/31/23
Louis Smith – Ward 1 – Term ending 12/31/21
Karen Randall – Ward 1 – Term ending 12/31/22
Richard Kemp – Ward 2 – Term ending 12/31/23
Rajpal Sagoo – Ward 3 – Term ending 12/31/23
Allison Christou – Ward 3 – Term ending 12/31/22

Downtown Development Authority (Staggered 4-Year Terms):
Zach Kell (business interest) – Term ending 12/31/21 (remaining member)
Rebecca Johnston (resident) – Term ending 12/31/21 (remaining member)
New Appointments:
Brooke Schmidt (Councilmember) – Term ending 12/31/23 (matches term of office)
Jose Luna (business interest) – Term ending 12/31/24

Jennifer Hughes (business interest) – Term ending 12/31/24
Tammy Perkins (resident) – Term ending 12/31/24
Cindy Brooks (business interest) – Term ending 12/31/21 (puts terms back on correct cycle)

Historic Preservation Commission (Staggered 3-Year Terms):
Addie Price – Term ending 07/31/21 (to be extended to 12/31/21)
Jeff Brown – Term ending 07/31/21 (to be extended to 12/31/21)
Nell Magruder – Term ending 07/31/22 (to be extended to 12/31/22)
Bill Teasley – Term ending 07/31/22 (to be extended to 12/31/22)
New Appointments:
Joe Sellers – Term ending 12/31/23
Jane Shelnutt – Term ending 12/31/23
Michele Waterman – Term ending 12/31/23

Main Street Board of Directors (4-Year Terms):
Jack Shampine – Term ending 12/31/24
Sharon Ware – Term ending 12/31/24
Brandi Rouselle – Term ending 12/31/24

Mr. Peppers also provided Council a copy of the by-laws for Main Street Board of Directors. Additional items discussed during the Work Session included staff moving forward with a public hearing application to eliminate the Planning Commission, staff bringing back a recommendation for combining Tree Commission and Stormwater Advisory Board functions into a new Sustainability Commission for consideration at the next retreat, and staff bringing back ideas on Tourism for consideration at the next retreat. Councilmember McGrew asked about the Chair for the Board of Appeals. Mr. Peppers stated the board would have to elect a chair. Councilmember McGrew asked if Council could assign a Chair for the board. Mr. Dyer stated the City's ordinance states the board is to elect their Chair. Mr. Patton stated generally the Chairs of each board are elected during the first meeting of the calendar year. Mayor Grant thanked Mr. Peppers for setting the terms to get each board back on cycle. Mayor Grant also thanked those who have served on City boards and residents who have shown interest to serve by completing Citizen Participation Applications. Councilmember Schmidt asked if discussions regarding Tourism could be had before the retreat. Mayor Grant stated a Special Called Work Session can be scheduled. Councilmember Estes discussed his concerns with continuing to have Rebecca Johnston serve on the Downtown Development Authority as it could be a conflict of interest with her husband being the Chairman of the County Commission. Councilmember Estes made a motion to approve the appointments of the Board of Appeals as presented. Councilmember Tolan seconded the motion, and it was approved unanimously. Mayor Pro Tempore Wilson made a motion to approve the appointments of the Downtown Development Authority as presented. Councilmember McGrew seconded the motion, and it was approved unanimously. Councilmember McGrew made a motion to approve the appointments of the Historic Preservation Commission as presented. Councilmember Estes seconded the motion, and it was approved unanimously. Councilmember Carlan made a motion to approve the appointments to the Main Street Board of Directors as presented. Councilmember Schmidt seconded the motion, and it was approved unanimously. Mayor Grant spoke about Council's discussion of eliminating the Planning Commission during the Special Called Work Session held on January 20th. This would help streamline the process and not confuse residents as to when they are able to speak on cases. Mayor Pro

Tempore Wilson asked if Planning and Zoning training is included in Newly Elected Officials training. Mr. Peppers stated he believes that is an elective course to be taken. Councilmember Estes asked if Planning and Zoning training is required. Mr. Peppers said no. Mayor Grant discussed required training for other boards. Councilmember Estes made a motion to direct staff to move forward with a public hearing application to eliminate the Planning Commission. Councilmember Schmidt seconded the motion, and it was approved unanimously. Councilmember McGrew discussed interest in learning about Downtown Development Authority training. Mr. Peppers stated there are many training options and if Council would like to do so then staff will work on having someone come to City Hall to deliver that training.

11. New Business

None.

12. City Manager's Report

None.

13. Council Introduced Items

Councilmember Carlan stated he would like to cut and paste the COVID program that was in place for employees prior to December 31st and make it retroactive back to January 1st for those dealing with their own sickness or taking care of a loved one. Councilmember Carlan discussed the benefits as being easier on City administrative staff and a minimum cost to the City. Mayor Grant thanked Councilmember Carlan for his concerns and stated he would like to hear from staff on this matter. Mayor Pro Tempore Wilson stated she was not comfortable getting into administrative duties and does not know the implications of having this program continue for another year. Mr. Peppers discussed the current Personal Time Off reimbursement policy in place. Mr. Peppers stated the City spent about $20,000 in paid time for employees due to COVID last year which is not enough to worry about. One administrative trouble is to determine the dependent care situation as it relates to Health Insurance Portability and Accountability Act (HIPPA) issues. Mr. Peppers discussed that the ultimate goal is to treat employees fairly and would like to communicate back to the employees that Council cares about their wellbeing. Mr. Dyer stated he believes Council has authorized the City Manager to decide administratively how best to handle employees' time. Councilmember Tolan stated he would like to revisit this topic later if the need arises. Councilmember Schmidt asked about the difference from the program in place in 2020 for dependents and how the City is handling them now. Mr. Peppers stated in 2020 there were no rules regarding documentation for dependent care cases. Mr. Peppers stated he does not believe HIPPA would allow the City to require any paperwork now. Mr. Peppers suggested providing Council a weekly report on what has occurred relating to COVID time off. Updates will also be provided of any new federal guidelines or best practices.

14. Mayor's Report

None.

15. Adjourn

Councilmember Tolan made a motion to adjourn into Executive Session to discuss litigation. Councilmember Estes seconded the motion, and it was approved unanimously.

Bill Grant, Mayor

Attest:

Annie Fortner, City Clerk

Dates Minutes Approved by Council