Canton, Georgia

110 Academy Street
Canton, Georgia 30114

Minutes - Final - Final

Thursday, January 7, 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 Sophia Melbourne.

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. Nathan Ingram, Assistant City Manager
Mr. Ken Patton, Community Development Director
Mr. Stephen Merrifield, Police Chief
Mr. Dave Hatabian, Utility Engineer
Ms. Melissa Forrester, Finance Director
Ms. Bethany Watson, Development Services Manager
Ms. Lorrie Waters, Human Resources Director
Ms. Lauren Johnson, Communications and Marketing Specialist
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 real estate. 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. Citizen Recognition - Police Chief Stephen Merrifield - Attachment 4A

Attachments: Citizen Recognition

Police Chief Merrifield recognized Pastor Will Goodwin of Oakleaf Church for his efforts in assisting the Canton Police Department with Facebook Live audio/video and partnership in numerous activities including food drives and Easter egg hunts. Pastor Goodwin thanked the City for ten wonderful years.

5. Public Hearings

A.

Public Hearing for 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 5A

Attachments: MP2011-002 and CUP2011-003 Documentation

Community Development Director Ken Patton introduced the cases and provided Council a brief history of the subject property in addition to the application details. Mr. Patton stated the applicant has noted an intent to provide 10% of the units to work force housing. Mayor Grant opened the public hearing and called for the applicant to present their case. Parke Lammerts with Core Property Capital gave the presentation. Mr. Lammerts discussed the proposed buildings, amenities, units, and sidewalks/streetscapes. The property is currently vacant, and the request is to allow multifamily residential. The site is directly adjacent to the Paradise Shoppes of Prominence Point and will have connectivity through shared drives. Mr. Lammerts stated they would be setting aside 10% of the units for work force housing. Mr. Lammerts provided rough exterior elevation drawings and stated they will be going through the Oversight Committee for review of the colors and materials that will be used on the buildings. There being no one else to speak in support of or in opposition to the application, Mayor Grant closed the public hearing. Councilmember McGrew asked if the work force housing units would have the same finishes as the other units. Mr. Lammerts stated yes. Councilmember Schmidt asked if the development would be gated. Mr. Lammerts stated that has not been determined. Councilmember McGrew asked about the zoning of the property. Mr. Patton stated the zoning will stay Planned Development Mixed Use. The applicant is requesting additional acreage to be changed from commercial land uses to residential land uses. Mr. Patton provided a brief background of the original Master Plan approved in the late 1990s and the current request by the applicant. Mayor Grant asked if this site was identified in the housing study for a location for housing. Mr. Patton stated yes. Mayor Grant asked about the timeframe for construction. Mr. Lammerts stated once approved the design phase would begin immediately. Mr. Patton noted this development is within Cherokee County Water and Sewerage Authority's (CCWSA) service area and the applicant would need approval from them. Mayor Pro Tempore Wilson asked about the report on number of calls for service from the Police Department that was provided in the Council's packet. Chief Merrifield stated the numbers are average given the population in the area. Councilmember Tolan asked about the impacts of the density increase on infrastructure. Mr. Patton stated there are none that he is aware of noting the access points will be along existing roadways, water and sewer are within CCWSA's jurisdiction, and the Police Department has not indicated any concerns. Councilmember Tolan stated he would like to be included in the discussion of what the work force housing will look like. Mr. Patton stated staff has begun researching affordable and work force housing regulations and programs. Mayor Grant asked if the access point through the shopping center is public or private. Mr. Patton stated that would be private and the applicant would need an agreement with the owner of the shopping center. The access point along Prominence Point Parkway is a common access easement. Councilmember Carlan asked about job creation for this project. Mr. Patton

stated jobs would be at the management staffing level and then some temporary construction work. Councilmember Schmidt asked about the access points to the apartments and discussed her concern with the current intersections. Mr. Patton stated Development Services did not indicate any issues with access at that location. Due to the number of units within the development, a traffic study was not required. Residents would be able to walk to the shopping center. Mayor Grant asked if the access drive along Prominence Point Parkway is currently in place. Mr. Patton stated yes and that it will most likely be improved during the construction process. Councilmember McGrew asked if landscape plans have been submitted. Mr. Patton stated landscape plans are not submitted until construction drawings are submitted. Councilmember Estes asked if work force housing is a goal for a particular site or for across the City. Mayor Grant stated it is a goal for across the City. Mr. Patton stated staff has begun speaking to all potential developers about considering setting aside portions of their development to affordable/work force housing or possibly contributing to a housing or land bank fund. Councilmember McGrew asked if the development would have charging stations. Mr. Patton stated that has not been discussed but he will speak to the applicant about it.

B. Public Hearing for 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 5B

Attachments: MP2010-012 and CUP2010-013 Documentation

Mr. Patton introduced the cases and provided Council the application details. Mayor Grant opened the public hearing and called for the applicant to present their case. Greg Powell with Terwilliger Pappas gave the presentation. Mr. Powell stated this project is a catalyst for downtown development. Mr. Powell discussed the connectivity from downtown Canton to The Mill on Etowah. Mr. Powell provided proposed renderings of the apartment building and stated this will bring heads in beds downtown to support local retail. Mr. Powell noted they have received a letter of support from the school board. Meetings have also been held with the Cherokee Fire Department, City Planning Department, and members of Council to discuss this project. Mr. Powell discussed the proposed amenities for the apartments and the target renters. Robert Good, Civil Engineer and Consultant for Terwilliger Pappas, stated this project would fit into the City's Roadmap of Creating Great Neighborhoods, Enhancing Historic Downtown Canton, Sustaining Our Natural Environment, and Connecting Citizens to Parks and Recreation by increasing the downtown residential unit count, providing a downtown mixed-use development, providing pedestrian connection, and providing charging stations. Mr. Good stated they will work with City staff regarding the traffic study that was completed and will work with local landscape material. Mr. Good agreed with page 74 of the Housing Needs Assessment and Market Study which refers to this location as a major catalytic site for the City. Mr. Powell stated they are proposing to contribute to a housing fund and to set aside two units for first responders. There being no one else to speak in support of or in opposition to the application, Mayor Grant closed the public hearing. Mayor Grant asked about the 125 parking spaces designated to the City in the current Phase I of Academy & Main and how those spaces will be placed in the proposed parking deck. Mr. Patton stated that has not been identified at this

time. Mayor Grant asked about the total height of the complex. Mr. Patton stated the proposal shows a maximum height of 75 feet which is comparable to the height of the buildings in Phase I. Mayor Grant asked if the meeting spaces proposed will be available for rent by the public. Mr. Powell stated they will be available for rent by the public. Councilmember Estes asked about the value of heads in beds as it relates to economic development. City Manager Billy Peppers stated there have been some university studies across the country, but one has not been done for this particular project. Mr. Patton stated page 2 of the Letter of Intent from the applicant indicates $10 million per year of added value to the downtown area. Councilmember McGrew asked about rooftop amenities. Mr. Patton stated the specifics have not yet been submitted. Mayor Grant thanked the applicant for their attention to the City's Roadmap and Housing Study. Mayor Pro Tempore Wilson asked about the concerns from the Cherokee Fire Department. Mr. Patton stated there were issues with access on Academy Street due to vehicles parked in the roadway and an issue with a slope along Hill Street. The applicant is indicating another access point that will provide easier mobility for the fire trucks. Cherokee Fire Department will have additional conversations with the developer regarding this. Councilmember Carlan asked if the development is for residential only and will not contain any commercial. Mr. Patton stated that is correct.

6. Consideration to Approve Minutes

A. Special Called Council Meeting Draft Minutes - December 15, 2020 - Attachment 6A

Attachments: Minutes - Special Called Council Meeting - December 15, 2020

B. Council Meeting Draft Minutes - December 17, 2020 - Attachment 6B

Attachments: Minutes - Council Meeting - December 17, 2020

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

7. Informational Items

A. Employee Work Anniversary Recognitions - City Manager Billy Peppers - Attachment 7A

Attachments: Employee Anniversaries

Mr. Peppers stated staff will be recognized for every five-years of service with the City. Joey Ghorley and Brandon Poole have been with the City for five years. Mr. Ghorely is with the Parks Department within Public Works and helps maintain the parks. Mr. Poole is in charge of the Streets Department within Public Works and handles anything from paving to stormwater. Each employee will receive a service pin.

B. Review of November Financials - Finance Director Melissa Forrester - Attachment 7B

Attachments: November Financials

No comments.

C. Charter Amendment Request - Thomas Weaver - Attachment 7C

Attachments: Request - Thomas Weaver

Thomas Weaver requested Council consider deleting certain language from the City's Charter as it relates to the regulation of the sale of firearms. Mr. Weaver stated he believes it is unlawful for the City to regulate this. Mr. Weaver hoped Council considers this item along with other possible Charter amendments at their upcoming retreat.

8. Other Announcements

None.

9. Ten Minute Public Input

Thomas Weaver discussed newly acquired land by the Cherokee County School District and requested Council consider adopting this area into the school safety zone map.

10. Consent Agenda

None.

11. Old Business

A. Discussion and Possible Action to Adopt the Canton Housing Needs Assessment and Market Study - Community Development Director Ken Patton - Attachment 11A

Attachments: Canton Housing Study Final Draft

Mr. Patton noted projected demand for housing units is contained on page 33, housing fund examples are found beginning on page 52, and land bank examples start on page 54. Some typographical errors have been identified and submitted to the consultant for correction. Staff recommends adoption. Mayor Grant asked if the projection of housing needs on page 33 takes into consideration the existing housing developments. Mr. Patton stated yes and noted the consultant was provided approved developments. Councilmember McGrew made a motion to approve. Councilmember Tolan seconded the motion, and it was approved unanimously.

12. New Business

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

Patton - Attachment 12A

Attachments: Adoption of Annual Update

Mr. Patton provided Council a brief background of the annual update. Mr. Patton noted two administrative changes that were made per Department of Community Affairs' (DCA) request. Atlanta Regional Commission (ARC) and DCA have given approval for the City to adopt the annual update.

B. Discussion of Request for Abandonment of Hill Street Circle and Circle Court - Community Development Ken Patton - Attachment 12B

Attachments: Abandonment Request - Hill Street Circle and Circle Court

Mr. Patton stated this item was tabled from December to coincide with the Academy & Main Master Plan and Conditional Use Permit public hearings. Mayor Grant stated he would like to postpone making any determination on this matter until after the zoning decisions have been made. Councilmember McGrew asked if the City has any financial benefit for maintaining the property. Mr. Patton stated it would be dependent upon what Council decides on the Master Plan and Conditional Use Permit applications as the subject property is within the proposed development. Councilmember McGrew asked what the City is currently spending on these streets. Mr. Patton stated he does not believe the City has completed any maintenance on these streets.

C. Discussion of Local Administered Project Certification Application - Development Services Manager Bethany Watson - Attachment 12C

Attachments: LAP Certification Application

Development Services Manager Bethany Watson stated this certification will allow for the City to administer federal and state funded projects. Currently the City must go through a sponsor to complete these types of projects. This application is the next step in that certification process.

D. Discussion and Possible Action on Proposal for Traffic Engineering Services for the Intersections of Reinhardt College Parkway and Reservoir Drive and Reservoir Drive and Hickory Log Drive by Atkins - Development Services Manager Bethany Watson - Attachment 12D

Attachments: Traffic Engineering Services

Ms. Watson stated these two intersections are very dangerous and staff is asking for approval on this item to be able to get started right away. Councilmember Schmidt asked if the study can be done while school is in session. Ms. Watson stated yes and added the goal is to have normal traffic conditions during the study. Councilmember Schmidt asked if the study can be rescheduled should school be closed. Ms. Watson stated yes. Mayor Grant asked about the total cost of $62,000. Ms. Watson stated that is a not to exceed amount and the price could be lower. Mayor Grant asked about the source of funding. Ms. Watson stated this would be funded out of Impact Fees and SPLOST. Councilmember Estes asked about what would happen should the study find that a signal is not warranted. Ms. Watson stated Georgia Department of Transportation is allowing the addition of two developments that are to be under construction soon (residential and commercial). Councilmember Schmidt made a motion to

approve. Councilmember Carlan seconded the motion, and it was approved unanimously.

E. Discussion and Possible Action to Formally Request Cherokee County Water and Sewerage Authority to Relinquish Approximately 177 Acres from Their Water and Sewer Service Delivery Area - Utility Engineer Dave Hatabian - Attachment 12E

Attachments: Pole Cat Mountain Winery

Utility Engineer Dave Hatabian stated Council has in their packets a Master Plan for a winery located north of Laurel Canyon. The proposed project is outside of the City's service area for both water and sewer however it can be easily accessed. Some early conversations with the water authority have been had but for them to consider the request, a formal letter must be sent. Mr. Peppers stated the project will come before Council as an annexation and rezoning request as it currently is not within the City limits. A statement can be added to the letter noting the request is contingent on the property being annexed and zoned within the City. Councilmember McGrew made a motion to approve submitting a request letter to the Cherokee County Water and Sewerage Authority. Councilmember Estes seconded the motion, and it was approved unanimously.

F. Discussion of Supplemental Bond Resolution - Assistant City Manager Nathan Ingram - Attachment 12F

Attachments: Bond Supplemental Resolution

Assistant City Manager Nathan Ingram stated the supplemental resolution currently does not have the final numbers included. Those numbers will not be known for two weeks until after the sale of the bonds. This information will be distributed to Council ahead of voting on January 21st. Doug Gebhardt with Davenport & Company discussed the City's water and sewer rating. The City received a rating of AA- from S&P Global and Aa3 from Moody's (two bond rating agencies in Georgia). The ratings are considered very strong and is fantastic news for the City. Over the next week or so a Notice of Sale and Preliminary Official Statement will be sent to investors. The sale is scheduled for Thursday, January 21st at 11:00 am. Council will then approve the supplemental resolution at the meeting held at 6:00 pm on the 21st. Closing looks to take place in February.

G. Discussion of Intergovernmental Agreement with Cherokee County Board of Elections - City Manager Billy Peppers - Attachment 12G

Attachments: IGA - Cherokee County Elections

Mr. Peppers stated the Intergovernmental Agreement (IGA) matches the agreement that was approved this past summer and includes language of payment for if the City is the only one to hold an election or if there is a joint election with another municipality. The document also states the term and extensions of the agreement. Mr. Peppers noted he expects any future IGAs will match the term of Service Delivery Strategy (SDS). Staff recommends approval of the agreement. Councilmember Carlan clarified of the term of the agreement. Mr. Peppers stated the agreement is for two years with the option of two one-year extensions. The City generally only has one election in a two-year period. Current negotiations with the County regarding SDS states that any agreement

that is approved after SDS is agreed to will then match the term of SDS.

H. Discussion of Resolution Setting Qualifying Dates, Times, and Fee for the November 2, 2021 Municipal General Election - City Manager Billy Peppers - Attachment 12H

Attachments: Resolution for Qualifying

Mr. Peppers stated the City is required to approve a Resolution setting the qualifying fee, dates, and time for the upcoming election. Packets will be created for candidates. Councilmember McGrew asked about the qualifying fee and how that is set. Mr. Peppers stated it is based on state law and explained the option for candidates to file a Pauper's Affidavit if they are unable to pay the qualifying fee.

13. City Manager's Report

A. Monthly Roadmap Highlight - Attachment 13A

Attachments: January 2021 Roadmap Review

Mr. Peppers highlighted Roadmap projects completed and those in the works during January including Wi-Fi in the parks, translation of the Roadmap to Spanish, business license renewals, new business membership program, Airbnb regulation, Railroad Street mural, downtown parking deck, possible committee consolidations, trails, SR140 and Reinhardt College Parkway improvements, virtual meeting to discuss board appointments, and town hall meetings.

Mr. Peppers provided an update on the increase of COVID cases in Cherokee County and within the state. Mr. Peppers stated as of December 31st the Families First Coronavirus Response Act which required state and local governments to provide up to ten days of paid leave for employees relating to COVID cases has expired. Mr. Peppers stated employees now must use Paid Time Off (PTO) when out. Mr. Peppers stated he does not want employees to stress about not having enough PTO or not having a paycheck when needing to be out. Mr. Peppers discussed possible options to assist employees during this time and asked Council to provide guidance as to which direction to go. Councilmember Carlan asked if there was anything that would prevent the City from continuing with the providing the same number of days as before December 31st. Mr. Peppers stated staff feels like five days should cover employees, and the time provided should only be used for the employee only. It should not be used for time office to care for family members. Councilmember Carlan stated he thinks this is a time to be overly generous to the employees. Councilmember Tolan agreed and noted this is a time unlike any other. Councilmember McGrew stated she would like to see whatever plan Mr. Peppers and Human Resources come up with. Mr. Peppers stated a few options will be presented to Council, and whichever option Council chooses will be retroactive until January 1st.

Mr. Peppers discussed the possibility of moving to virtual Council meetings. One suggestion, should Council decide to move in this direction, would be to have them for a set for a period of time such as the first quarter of the year. Mr. Peppers asked Council to give him the authorization to not accept Special Event applications during the first quarter of the year. Mr. Peppers also requested the

mask policy within City facilities to be extended through the first quarter and to authorize him to alter service locations and hours based on the number of COVID cases. Every week the City will be sending out information to residents via email regarding specific data on cases, local healthcare facilities, changes to City operations, changes to state guidelines, and testing or vaccine information. Councilmember McGrew stated she agrees with moving to virtual meetings and extending the mask policy. Councilmember McGrew added she would rather go through the end of April and pull back if need be rather than having to extend the timeline. Councilmember Tolan stated he would like to move forward with virtual meetings and extending the mask policy. Councilmember Estes stated he supports extending the mask policy but does not support moving to virtual meetings. The City is taking many precautions to have safe meetings. Councilmember McGrew asked if there are any other cities that have gone to virtual meetings. Mr. Peppers stated the City of Douglasville is using virtual meetings and has been conducting public hearings virtually. Mayor Grant stated the City of Dunwoody has gone back to virtual meetings. Mayor Grant asked about other municipalities within Cherokee County. Mr. Peppers stated they are all meeting in person. Mayor Grant stated nothing replaces doing business in person but there are many ways to accomplish what needs to be done. Councilmember Carlan stated he supports extending the mask policy, going to virtual meetings, not accepting Special Event applications during the first quarter, and altering service locations and hours. Mr. Peppers discussed the need for preparations to conduct public hearings should Council move virtual. Councilmember Schmidt stated she is in favor of extending the mask policy and altering service locations and hours. Councilmember Schmidt stated moving to virtual meetings is the last thing she wants to do but healthcare workers are begging the community to make changes. Councilmember Estes stated at a time like this the community needs presence and leadership from Council. Councilmember McGrew stated she does not want to move to virtual meetings but feels it is something Council must do as long as public hearings can be conducted. Mr. Peppers discussed options for citizen participation in virtual public hearings and during the ten minute public input portion of a meeting. Mayor Grant spoke about the importance of ensuring the public can speak easily during meetings. Councilmember Schmidt asked if any discussions have been had about conducting the first Thursday and third Thursday Council meetings in person and having all other meetings held virtually. Councilmember Estes stated he would support that option. Mayor and Council discussed possibly having the Work Session meetings with public hearings in person and having the third Thursday meetings virtually. Councilmember McGrew made a motion to hold the first Thursday and third Thursday Council meetings in person and all other meetings virtually. Councilmember Schmidt seconded the motion. Councilmember Carlan stated he will vote in favor of the motion but believes the logic is flawed and is a half measure. Mayor Pro Tempore Wilson stated she is unable to hear those speaking with their masks on and thinks Council should set an example for economic health by staying open as a business. Mayor Grant commended Council for sharing their opinions civilly and respectfully. After a roll call vote conducted by the Mayor, the motion passes 4-2 with Councilmember Carlan, Mayor Pro Tempore Wilson, Councilmember Schmidt, and Councilmember McGrew voting for the motion. Councilmember Tolan and Councilmember Estes voted against the motion.

14. Council Introduced Items

None.

15. Mayor's Report

Mayor Grant suggested Council have a virtual work session to review the first quarter highlights of the Roadmap as well as the boards and commissions. Mayor Grant asked Mr. Peppers to look at available dates and times.

Mayor Grant reminded all citizens of the best practices for remaining safe and healthy during the pandemic.

16. Adjourn

Mayor Pro Tempore Wilson made a motion to adjourn to Executive Session to discuss real estate. Councilmember Estes seconded the motion, and it was approved unanimously.

____

Bill Grant, Mayor

Attest:

____

Annie Fortner, City Clerk

____

Dates Minutes Approved by Council