Canton, Georgia

110 Academy Street
Canton, Georgia 30114

Minutes - Final - Final

Thursday, September 2, 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 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 (virtually)
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
Ms. Bethany Watson, Development Services Manager
Ms. Lorrie Waters, Human Resources Director
Mr. Stephen Merrifield, Police Chief
Ms. Annie Fortner, City Clerk

Absent:
None

3. Consideration to Approve Agenda

Mayor Grant stated the public hearing for Item 5B – Polecat Mountain Winery Resort has been postponed until October 7th due to a technical issue. Councilmember Schmidt made a motion to approve the agenda with the removal of Item 5B. Councilmember Estes seconded the motion, and it was approved unanimously.

4. Guests and Visitors

A. Meritorious Award Presentation - Police Chief Stephen Merrifield - Attachment 4A

Attachments: Meritorious Service Award

Police Chief Stephen Merrifield presented the Meritorious Service Award to Deputy Chief Wendell Turner for his heroic actions on May 25, 2021 in which he rescued a man who was being electrocuted. This is the second highest award in the Police Department.

5. Public Hearings

A. Public Hearing and Discussion for Cases AX2107-003 and Z2107-004 for the Cherokee County Board of Education Request to Annex and Zone 2.2 Acres Located within the Riverstone Planned Development-Mixed Use Project - Community Development Director Ken Patton - Attachment 5A

Attachments: CCBOE Documentation

Community Development Director Ken Patton introduced the case and provided Council the application details. The surrounding properties are also zoned Planned Development-Mixed Use. No comments have been received by staff either for or against the application. Mayor Grant opened the public hearing. City Manager Billy Peppers stated the City is helping to get the proposed new high school site opened. Mr. Thomas Weaver spoke in support of the application and asked that Council adopt an updated school safety zone map once this property is officially designated as a school. Mayor Grant closed the public hearing and there was no further discussion.

B. Public Hearing and Discussion for Cases AX2107-001 and Z2107-002 for Grid Properties Requesting to Annex and Zone 177 Acres for the Development of Polecat Mountain Winery Resort - Community Development Director Ken Patton - Attachment 5B

Attachments: Polecat Mountain Documentation

This item has been postponed until October 7, 2021.

6. Consideration to Approve Minutes

A. Council Meeting Draft Minutes - August 19, 2021 - Attachment 6A

Attachments: Minutes - Council Meeting - August 19, 2021

B. Special Called Council Meeting Draft Minutes - August 23, 2021 - Attachment 6B

Attachments: Minutes - Special Called Council Meeting - August 23, 2021

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

7. Informational Items

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

Attachments: July Financials

No comments.

8. Other Announcements

None.

9. Ten Minute Public Input

Ms. Nell Magruder discussed her opposition to the proposed Cherokee County parking deck in downtown Canton. Ms. Magruder noted having family in the Riverview Cemetery, spoke about the parking deck obscuring the view to the cemetery, and stated she looks forward to finding a happy solution.

Mr. Bill Magruder Jr. stated he is with the Save Our View Canton group, understands that the City does not have authority over this development, and discussed the appearance of other courthouses around the state.

Mr. Brian Groves, President of the Riverview Cemetery Association, discussed the history of the cemetery and stated he does not want it hidden behind a concrete structure.

Mr. Thomas Weaver discussed his concern with the change of the License Plate Reader Vendor and the privacy of motorists.

10. Consent Agenda

None.

11. Old Business

A. Discussion and Possible Action on Case CUP1910-001 for Great Sky Pod 16 - Community Development Director Ken Patton - Attachment 11A

Attachments: Great Sky Pod 16 Documentation

City Attorney Bobby Dyer explained that there are two versions of conditions, one proposed by staff and one proposed by the applicant. The applicant has stated they are not opposed to conditions #3, #5, and #7 from the list provided by staff and would consider adding those to their list as well. Mayor Pro Tempore Wilson discussed litigation costs, possible court outcomes, and the new proposal submitted by the applicant. Councilmember Carlan made a motion to approve the Conditional Use Permit with the conditions as proposed by the applicant along with items #3, #5, and #7 from the staff proposed conditions. Councilmember Carlan stated he would like to also add "public parking" to item #5 from the applicant's list. Councilmember Schmidt read the conditions as follows:

1. There will be a total of 700 residential units, no more than 502 of which may be multifamily (stacked flat) units with the remainder to be any combination of duplexes, triplexes, quadruplexes, townhomes, and detached units.

2. Applicant will contribute the sum of $75,000 to assist in the payment for installation of a traffic signal at the intersection of Reservoir Drive and Hickory Log Drive. Payment shall be made within 30 days after approval of the traffic light by the City.

3. Applicant will work with the City to evaluate two at grade pedestrian crossings of Reservoir Drive to connect the east and west sides of Pod 16 and will install the crossings as approved.

4. The front of any multifamily buildings facing Reservoir Drive will be located close to Reservoir Drive and will have the ground level appearance of townhomes or brownstones. Brick and other materials will be utilized to break up the façade, as well as darker contrasting elements on windows, awnings, etc. There will be no more than sixty units in any one multifamily building and such buildings will have a maximum height of four stories at their fronts, with the possibility of a basement level at the rear, depending on grade.
5. Applicant will install trails on the property to allow public access to the reservoir with public parking.
6. The plan will include land for a restaurant, brewery, or event space in a location adjacent to the reservoir within the east side of Pod 16.
7. The development in this pod will not be marketed as being a part of the Great Sky development, will not be included in the Great Sky Homeowner's Association, and will no have access to any of the Greak Sky amenities.
8. All streets within the development shall be private streets.
9. Design of amenities and access within the 150-foot reservoir buffer will be approved by Council.
10. Land disturbance permits may not be issued prior to any access easements with adjacent property owners required to meet the Unified Development Code (UDC) regulations on number of entrances.
11. All landscape around the pods, including any right of ways adjacent to Reservoir Drive be maintained by the development.
Councilmember Tolan seconded the motion. Councilmember Estes stated he feels like the Conditional Use Permit (CUP) process would be upheld in court and discussed feedback received from citizens. Councilmember McGrew noted the residents are overwhelmingly opposed to the project. Mayor Grant stated he also believes the CUP process would be upheld and understands the need for strong conditions. Mayor Grant asked about possible changes to the pedestrian crossing and about sewer capacity. Councilmember Tolan reiterated that this development would not be part of the Great Sky community. Mr. Patton discussed the process for projects receiving a sewer capacity letter and noted capacity is not available until the middle of 2023. Development Services Manager Bethany Watson discussed that site distance requirements could not be met for pedestrian crossings. Ms. Watson noted the developer could possibly install pedestrian hybrid beacons to allow for crossings. Ms. Watson stated sidewalks could be installed to the church to allow for a safer crossing. Councilmember Carlan stated he believes condition #3 states that the developer will work with the City to install a safe crossing. Mr. Dyer and Council discussed possible changes to condition #3. Councilmember Carlan amended his motion altering condition #3 to require one crossing and to give the alternative to connect to the nearest, safest place or add a pedestrian hybrid beacon. Councilmember Tolan seconded the amended motion. Councilmember McGrew reminded of the traffic study on Reservoir Drive and the number of speeders in the area. Councilmember Schmidt stated the upcoming school zone cameras and traffic lights should slow speeders. The motion passes with Councilmember Carlan, Mayor Pro Tempore Wilson, Councilmember Tolan, and Councilmember Schmidt voting for the motion. Councilmember McGrew and Councilmember Estes voted against the motion.

B. Discussion and Possible Action on Cases ZCA2106-002 and CUP2106-001 for J.W. Collection, LLC Requesting Zoning Condition Amendment and Conditional Use Permit Approval to Develop 55 Townhome Units, 12 Condominium Flats, and 18,000 Square Feet of Commercial/Office Space at 200 River Green Avenue - Community Development Director Ken Patton -

Attachment 11B

Attachments: River Green Documentation

Mr. Patton stated staff has supplied a recommended list of conditions to Council. The applicant is in agreement with the list of conditions. The applicant has also provided an amended site plan which reflects the first three suggested conditions and notes the residential component will not be gated. Mr. Patton suggested adding a condition to require the dedication for public streets to be for the drive aisles only and will not include any parking spaces off the drive aisles.
Councilmember Schmidt read the conditions proposed as follows:
1. The 1st and 3rd entrance along River Green Avenue going north from Knox Bridge Highway (SR20) shall be right in/right out only.
2. The intersection at the 1st entrance along River Green Avenue shall be reconstructed by extending the median through the intersection to provide additional vehicle stacking for the left turn lane onto Knox Bridge Highway (SR20). Pedestrian crosswalk markings shall be removed.
3. The dedicated left turn lane from River Green Avenue to Brooks Drive shall be removed. The left through lane at this intersection shall be constructed as a left turn or through lane. The median at this intersection shall be reconstructed to provide additional south-bound left turn lane toward Knox Bridge Highway (SR20).
4. River Green Avenue improvements shall be coordinated with the City of Canton and the paving project for River Green Avenue which the City is preparing for.
5. There shall be a fifty-foot buffer adjacent to unincorporated Cherokee County property. If disturbed, this buffer area shall be replanted to provide a solid opaque screen of plant materials to a height of 6 feet at the time of planting.
6. Streetlights installed shall match existing streetlights within River Green.
7. Architecture shall be of a cottage style as reflected in the application packages for Cases ZCA2106-002 and CUP2106-001.
8. No retail/office structure may be constructed as a drive-through only structure.
9. Dedication of public streets will only be for the drive aisles and will not include any parking spaces off the drive aisles.
Councilmember Schmidt made a motion to approve with the mentioned conditions. Councilmember Estes seconded the motion. The motion passed unanimously on a roll call vote.

C. Discussion and Possible Action on Cases Z2106-003, CUP2106-005, and MP2106-004 for W.P. Group Acquisitions Requesting to Rezone 17.85 Acres to PD-MU (Planned Development-Mixed Use) for the Purpose of Developing 260 Multiple-Family Apartment Units and 50 Townhome Units - Community Development Director Ken Patton - Attachment 11C

Attachments: Hospital Road Documentation

Mr. Patton stated both staff and the applicant have submitted potential conditions. Both lists are about the same. The applicant's list includes a donation for traffic improvements to be used outside the development. Staff does have one condition which states streets within the development must be private. Mary Lane will be a public street. Mr. Patton read the applicant's proposed conditions as follows:
1. Provide a landscape buffer along the southernly property line adjacent to parcels used for residential purposes. The plant material shall vary in height and be approved by the Department of Community Development.

2. As part of the development, Mary Lane will be realigned through the property and the City shall abandon the section of Hospital Drive between Hospital Road and Medical Lane. The abandonment shall take place as part of the permitting process for the development.
3. The property facing the Mary Lane extension shall have a ten-foot buffer.
4. The building height shall not exceed four stories or sixty feet.
5. Building setbacks shall be fifty feet from external property lines unless a variance is granted by the Board of Appeals. Building separation shall conform to building and life safety codes.
6. The proposed green space at the corner of Mary Lane and Hospital Road shall be developed as a passive park.
7. A financial contribution of $30,000 shall be placed in an escrow account for the City's use for sidewalks and/or road improvements.
Mayor Pro Tempore Wilson made a motion to approve the applications with the conditions as stated by Mr. Patton. Mayor Pro Tempore Wilson discussed that the development would generate less traffic than the hospital when it was at this location and noted sewer capacity is not available until middle of 2023. During this time, road improvements to the intersection of Highway 140 and Riverstone Parkway should be completed by Georgia Department of Transportation (GDOT). Councilmember Estes seconded the motion. Mayor Grant discussed his concern with the timeline of the improvements to be completed by GDOT and the additional residential development that has taken place along Highway 140 since the hospital has left the site. Councilmember Carlan asked about a signal at the Medical Lane and Riverstone Parkway intersection. Mr. Patton noted there is an upcoming meeting between staff and representatives of GDOT and stated that is an item on the list for discussion. Mr. Patton discussed how the previous offer for signalization at that intersection was declined by Council several years ago. Councilmember Carlan asked about a timeline of the intersection improvements at Highway 140 and Riverstone Parkway. Ms. Watson stated the City is currently working through Requests for Qualifications (RFQ) to select a consultant for design. Design is slated to last about two to three years. With sewer capacity not available until middle of 2023, construction for both projects would happen around the same time. Councilmember Schmidt stated she is uncomfortable with all the intersections surrounding this project and suggested postponing a vote on the motion for two weeks. Ms. Watson and Mr. Patton discussed the history of approval for intersection improvements and traffic signal installation at Medical Lane. Mayor Pro Tempore Wilson made a motion to postpone the vote on her original motion until September 16th. Councilmember Schmidt seconded the motion. The motion passed unanimously on a roll call vote.

D. Discussion and Possible Action on the Award of the Downtown Parking Deck Construction Contract to Astra Group, LLC in the Amount of $2,975,000 and Special Inspections Proposal from ECS in the Amount of $18,730 - Development Services Manager Bethany Watson - Attachment 11D

Attachments: Parking Deck Contract

Ms. Watson stated this is the parking deck adjacent to City Hall and staff recommends approval. Mayor Grant noted this is the City's parking deck. Councilmember Estes asked if the deck is still needed. Mayor Grant stated this is a scaled down version from the original proposal and will improve the existing parking lot. Mayor Grant also noted the solar array component and electric vehicle charging stations. Councilmember Schmidt made a motion to approve. Mayor Pro Tempore Wilson seconded the motion. The motion passed

unanimously on a roll call vote.

E. Discussion and Possible Action on Georgia Power Proposal for Electric Vehicle Charging Stations for the Downtown Parking Deck Not to Exceed $50,000 - Development Services Manager Bethany Watson - Attachment 11E

Attachments: EV Charging Stations

Ms. Watson stated the City is receiving $104,283 in grant funds through Georgia Power for the charging stations. The amount requested ($50,000) is in addition to the grant funds. Councilmember McGrew made a motion to approve. Councilmember Carlan seconded the motion. The motion passed unanimously on a roll call vote.

F. Discussion and Possible Action on Georgia Power Proposal for Solar Array for the Downtown Parking Structure Not to Exceed $311,708 - Development Services Manager Bethany Watson - Attachment 11F

Attachments: Solar Array

Ms. Watson stated the solar array will power the deck and a portion of City Hall. Staff recommends approval. Mayor Grant asked about the estimated time for payback. Ms. Watson stated it was around six years. Mayor Pro Tempore Wilson made a motion to approve. Councilmember McGrew seconded the motion. The motion passed unanimously on a roll call vote.

G. Discussion and Possible Action to Award a Task Order Contract to Atkins for Harmon Park Improvements in the Amount of $171,500 - Development Services Manager Bethany Watson - Attachment 11G

Attachments: Harmon Park

Ms. Watson stated the proposal from Atkins includes surveying, design, permitting, and construction management. The improvements of Harmon Park consist of a sidewalk addition, parking addition, mini pitch field, half-court basketball, stadium seating, existing pavement improvements, and stormwater improvements. Councilmember Estes made a motion to approve. Councilmember Schmidt seconded the motion. The motion passed unanimously on a roll call vote.

12. New Business

A. Discussion of Awarding a Task Order Contract to Atkins for Reservoir Drive and Hickory Log Drive Traffic Signal Design - Development Services Manger Bethany Watson - Attachment 12A

Attachments: Traffic Signal Design

Ms. Watson stated this signal design is for the intersection of Reservoir Drive and Hickory Log Drive (Teasley Middle School). The proposal also includes the design of a left and right turn lane. Mayor Grant asked if this was for design and engineering only. Ms. Watson stated that is correct. Mayor Pro Tempore Wilson noted this in not under the control of GDOT. Councilmember Schmidt made a motion to approve. Mayor Pro Tempore Wilson seconded the motion. The

motion passed unanimously on a roll call vote.

B. Discussion of Proposed Fiscal Year 2021 Budget Amendments - Finance Director Melissa Forrester - Attachment 12B

Attachments: 2021 Budget Amendments

Finance Director Melissa Forrester stated the amendments are a formal summary of items reviewed by Council throughout the year. There will be one more budget amendment once the audit is complete. Ms. Forrester noted all the adjustments to the expenditures are covered by increased revenues over budgeted projections. The City has also received American Rescue Plan Act (ARPA) funds and those funds are being distributed as directed. The proposed amendments encompass adjustments to the budget for receipt of the ARPA funds, distribution of ARPA monies to various projects and funds, recognition of increased revenues from business licenses over previous years, and allocation of previously approved budget contingencies for purchases and merit pay. Councilmember Estes asked what happens to the ARPA funds should they not be spent. Ms. Forrester stated they carry over like a reserve. The monies are not required to be spent until December 2026. Ms. Forrester discussed an opportunity to pay off or refinance the City's Canton Building Authority Refunding Revenue Bond, Series 2014A. Staff suggests paying off the debt. The payoff amount would be just over $3 million and would save the City over $360,000 in interest. If the City refinances, savings would be just over $98,000 in interest charges. This will be brought back to Council at the next meeting.

C. Discussion of Cable Franchise Fee Compliance Review - Finance Director Melissa Forrester - Attachment 12C

Attachments: Cable Franchise Fee Audit

Ms. Forrester stated the issue has been resolved after 35 months of auditing. The City has collected over $218,000 for unpaid or underpaid franchise fees from Comcast. The results of the audit will produce future recurring revenues of over $100,000 each year.

D. Discussion of Proposed Intergovernmental Agreement between Cherokee County and the City of Canton for the Use of Geographic Information System (GIS) Data - Assistant City Manager Nathan Ingram - Attachment 12D

Attachments: IGA for with Cherokee County for GIS

Assistant City Manager Nathan Ingram stated the City and Cherokee County have exchanged this information in the past. The County has now requested the City sign an Intergovernmental Agreement (IGA) for them to share this information with the City. There is no cost associated with this. Action will be requested in two weeks.

E. Discussion of License Plate Reader Vendor Change Proposal - Police Chief Stephen Merrifield - Attachment 12E

Attachments: Flock Safety Proposal

Chief Merrifield discussed the history of the City's License Plate Readers (LPR) and spoke about the issues with the current provider. Chief Merrifield discussed

other jurisdictions which use Flock Safety. Currently the City has three LPR locations at a cost of $28,260. The proposal with Flock Safety is for six LPR locations at a cost of $16,500 for the first year. Chief Merrifield discussed how videos are used in multiple businesses and locations. Chief Merrifield discussed how Flock Safety can help protect citizens and solve crimes. Councilmember Carlan made a motion to approve the change of LPR vendor to Flock Safety. Councilmember Scmidt seconded the motion. The motion passed with Councilmember Carlan, Mayor Pro Tempore Wilson, Councilmember Tolan, Councilmember Schmidt, and Councilmember Estes voting for the motion. Councilmember McGrew voted against the motion.

13. City Manager's Report

Mr. Peppers read a letter from the City to Cherokee County dated August 25th regarding the City's position on the location of the County's parking deck, an email received by the City on September 1st from the Cherokee County Art Council regarding the Art Center building being vacated and deeded back to the County, and a Resolution of Support from the Downtown Development Authority supporting the City's letter dated August 25th that was submitted to Cherokee County.

Mr. Peppers spoke about vaccination incentives for City employees. Mr. Peppers stated management staff would recommend a $500 incentive to employees that provide proof of full vaccination before December 31, 2021 and up to five days of leave for a confirmed breakthrough case for the employee.

Councilmember Estes discussed that the County parking deck is not a City decision and stated he appreciates the opportunity to provide feedback. Councilmember Schmidt agreed with Councilmember Estes and reiterated the parking deck is not a City decision. Councilmember Schmidt discussed three concerns with the deck: scale, architecture, and access. Councilmember Schmidt clarified that the Art Center building will be vacated and deeded back to Cherokee County. Mayor Pro Tempore Wilson stated the Historic Preservation Commission has no jurisdiction over the parking deck. Mr. Dyer stated the County is not subject to the City's building regulations. Mayor Grant stated future discussions should include the residents of the North Street apartments.

Mayor Pro Tempore Wilson asked about those employees who may have medical reasons for not getting vaccinated and if they would be left out of the incentives. Mr. Peppers stated the City would have to make considerations. Mayor Pro Tempore Wilson stated she likes the proposal but is concerned with the amount of compensation. Mr. Peppers stated staff reviewed other jurisdictions and their incentives. Staff believes the financial compensation needs to be large enough encourage someone who is on the fence to move forward with getting vaccinated. Mayor Grant noted ARPA funds will be used to compensate employees. Councilmember McGrew asked about part-time employees. Mr. Peppers suggested the rate be the same across the board. Part-time employees may not get the same benefit on paid time off.

Mr. Peppers provided Council Census data information about the City. The population is 32,973 which makes Canton the 34th largest city in the state. Canton is the 9th fastest growing city in the state by total residents.

14. Council Introduced Items

None.

15. Mayor's Report

Mayor Grant appointed Chance Morris to the Environmental and Sustainability Advisory Board.

Mayor Grant stated Unified Development Code (UDC) updates and amendments have been recommended by Mr. Patton and Zoning Administrator Steve Green. Mayor Grant appointed Councilmember McGrew, Councilmember Schmidt, and Councilmember Tolan to a committee to review and prioritize these items. The committee will then bring a recommendation to Council for consideration.

Mayor Grant appointed Mayor Pro Tempore Wilson, Councilmember Estes, and Councilmember Carlan to a committee to review the City's ordinances and stated they will work alongside Mr. Peppers and Mr. Dyer.

Mayor Grant urged citizens to get vaccinated, wear a mask when not social distancing, wash hands vigorously, and stay safe.

16. Adjourn

Mayor Pro Tempore Wilson made a motion to adjourn. Councilmember Estes 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