

City of Cumming
Regular Meeting Agenda
January 15, 2019

I. Meeting Called to Order-Troy Brumbalow, Mayor.

II. Invocation

III. Pledge to Flag

IV. Consider Agenda for Adoption

V. Consider for adoption the following meeting minutes:

A. Work Session Meeting of January 2, 2019

B. Executive Session Meeting of January 2, 2019

VI. Acknowledgements, Proclamations, Resolutions, etc.

A. Business Spotlight- EC Signs, Inc.

VII. Old Business

A. Administration

1. Architectural Proposals- City Center

B. Utilities

1. Environmental Assessment Update- City Center Property

VIII. New Business

A. Administration

1. Development Authority Resolution- Transfer of DA Funds to General Fund

2. Qualifying Fee Notice- 2019 Election

3. Request Permission to Advertise for RFP- 2019 Sanitation and Recycling

B. Planning & Zoning

1. Conditional Use Permit #2018442- Nine Motors, Inc.

C. Fairgrounds

1. Report on Bids- Fairground Improvements

IX. Announcements- None

X. Executive Session (If Needed)

XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
JANUARY 15, 2019**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, January 15, 2019, at 6:00 P.M., at City Hall in Cumming, Georgia. The Mayor and all Council Members were properly notified as required by law and all were present. Mayor Troy Brumbalow presided over the meeting and called the meeting to order.

II. Invocation: Mayor Brumbalow asked Mr. Phil Higgins to deliver the invocation.

III. Pledge to the Flag. Mayor Brumbalow led everyone in the Pledge to the American Flag.

IV. Consider Agenda for Adoption A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to adopt the agenda as presented.

V. Consider for adoption the following meeting minutes: A. Work Session Meeting of January 2, 2018: A motion was made by Chad Crane, seconded by Jason Evans, and unanimously passed to approve the minutes of the Work Session Meeting of January 2, 2019 as presented.

B. Executive Session Meeting of January 2, 2019: A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to approve the minutes of the Executive Session Meeting of January 2, 2019.

VI. Acknowledgements, Proclamations, Resolutions, etc. A. Business Spotlight-

Mayor Brumbalow presented a certificate of recognition to local Cumming Business: EC Signs, Inc. and owner Joey Elzey and team for their many years of committed service to the Cumming and Forsyth County community.

VII. Old Business A. Administration- 1. Architectural Proposals- City Center City Administrator Phil Higgins explained that three proposals had been received for the proposed City Center. After consideration of all proposals and based on competency and price, Administrator Higgins recommended the City approve Dwell Design Studio, LLC to provide Architectural Services for the proposed City Center. A motion was made by Jason Evans, seconded by Chad Crane, and unanimously passed to accept Dwell Design Studio, LLC as the Architect for the Cumming City Center Project.

B. Utilities – 1. Environmental Assessment Update- City Center Property City Utility Engineer Andy Lovejoy updated the Mayor and City Council on the progress of the Phase I Environmental Site Assessment of the City Center Property. Mr. Brian King with Engineering 303 addressed the stream restoration process needed to use as much of the property identified as being in the 100-year flood plain for development.

VIII. New Business A. Administration 1. Development Authority Resolution- Transfer of DA Funds to General Fund City Attorney Kevin Tallant explained that the transfer of funds from the Development Authority to the General Fund required a resolution approved by the Development Authority in a called meeting. Mayor Brumbalow requested to schedule a Special-Called Meeting of the Development Authority and Downtown Development Authority to elect officers and sign the resolution to transfer funds. A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to call the first meeting of the Development Authority and the Downtown Development Authority for training on their responsibilities and to pass the resolution to transfer funds from the Development Authority to the General Fund. The meeting is scheduled for Tuesday, February 5, 2019 at 7:30 pm.

2. Qualifying Fee Notice- 2019 Election City Administrator Phil Higgins explained that State law sets the qualifying fees for municipal offices at 3 % of the salary earned for the office or \$180.00 for the office of councilman. Mr. Higgins stated that the dates for the qualifying for the 2019 Election would be the week of Monday, August 19, 2019 for a minimum of three days and no more than five days. His recommendation was to open qualifying Monday at 8:30 AM and ending at 4:30 PM on Wednesday. A motion was made by Christopher Light, seconded by Jason Evans, and unanimously passed to set the qualifying fees for the 2019 Election at 3% of the salary earned and the qualifying dates beginning Monday, August 19, 2019 through Wednesday, August 21, 2019. The hours would be from 8:30 AM to 4:30 PM each day. The date for the election is November 5, 2019.

3. Request Permission to Advertise for RFP- 2019 Sanitation and Recycling - City Administrator Phil Higgins requested to advertise for RFP's (Request for Proposals) on providers for Sanitation and Recycling providers for 2019. The current contract with Red Oak Sanitation expires on March 31 of this year. A motion was made by Christopher

Light, seconded by Linda Ledbetter, and unanimously passed to authorize City Administrator Phil Higgins to advertise for RFP's on Sanitation and Recycling Service providers for 2019.

B. Planning & Zoning- 1. Conditional Use Permit #2018442- Nine Motors, Inc.

Planning Director Scott Morgan read into the record the following staff report: *The applicant has made application to the proper authorities for a Conditional Use Permit (CUP), in order to establish an automobile sales establishment in the Highway Business (HB) zoning district. The Planning Commission held a public hearing on December 18, 2018 and voted unanimously to recommend approval of the CUP with the following conditions:*

1. **According to our off-street parking requirements, 6-8 customer and employee parking spaces and 14" wide by 40" long loading/unloading zone must be provided.**
2. **Based upon site plan provided (which is not to scale), no more than 20 sales vehicles are allowed, they must be parked off the public ROW and on dust-free (concrete and gravel) surfaces only. No vehicles can be parked on dirt or grass surfaces.**
3. **This CUP is specific to this applicant and the business for which this applicant will hold a business license. Only this applicant operating this proposed business may utilize this property for this use.**
4. **Any exterior lighting must be designed so as to minimize light spillage along the development to not more than two (2) candle-foot.**

A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to open the public hearing. Representing the applicant was Mr. Jeremy Scott Steiner. Mr. Steiner explained that he intends open a fully licensed and bonded used auto dealership at 596 Veterans Memorial Blvd. Mr. George Notel spoke in opposition of Conditional Use Permit #2018442. He stated that Cumming already had too many used car lots. In rebuttal, Mr. Steiner stated that his family-owned, community-driven business was different in that he offered lower mileage, newer model cars than the other lots. A motion was made by Linda Ledbetter, seconded by Jason Evans, and unanimously passed to close the public hearing. City Attorney Kevin Tallant reminded

the Council that under their Conditional Use Permit section of the zoning ordinance there were several considerations to be addressed before approving or denying a CUP. A motion was made by Lewis Ledbetter and seconded by Christopher Light to postpone any decision on Conditional Use Permit #2018442 by Nine Motors, Inc. until the February 5, 2019. The motion passed 4-1 with Councilman Jason Evans against the motion.

C. Fairgrounds 1. Report on Bids- Fairgrounds Improvements City Engineer Jason McCook reported that bids were received for the construction of the proposed Pedestrian Bridge, the Arena Retaining Wall and the New Ticket Booth. The projects were bid as four (4) options (individually and all together). It is my recommendation to reject the low bids for Alternates No. 1,2,3,4 due to budget concerns stated McCook. After further discussion, a motion was made by Chad Crane, seconded by Linda Ledbetter, and unanimously passed to reject the low bids for the construction of the Pedestrian Bridge, the Arena Retaining Wall and the bid for the Concession Stand.

IX. Announcements- none

X. Executive Session Mayor Brumbalow stated there was a need for Executive Session to discuss Pending or Threatened Litigation. A motion was made by Jason Evans, seconded by Chad Crane, and unanimously passed to recess into Executive Session. After a brief Executive Session, a motion was made by Christopher Light, seconded by Lewis Ledbetter, and unanimously passed to reopen the regular meeting.

XI. Adjourn: A motion was made by Christopher Light, and seconded by Lewis Ledbetter to adjourn the meeting.

Approved this 5th day of February, 2019.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember