

**City of Cumming
Work Session Agenda
June 4, 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. Regular Meeting of May 21, 2019
- VI. Acknowledgements, Proclamations, Resolutions, etc.
 - A. Acknowledgement – None
- VII. Old Business
 - A. Planning & Zoning
 - 1. Update to Zoning Ordinance
 - B. I.T.
 - 1. Report on Quote- I.T. Simple
- VIII. New Business
 - A. Administration
 - 1. Emergency Management Ordinance
 - 2. Proposed IGA- Road Maintenance
 - 3. Agreement on Fees- 37Main and Rosati's
 - B. Planning & Zoning
 - 1. Rezoning Discussion- Lynwood Properties
 - 2. Rezoning Discussion- City Center Property
 - 3. Add-on: Watson Property Discussion**
 - C. Fairgrounds
 - 1. Contract Renewal- Cumming Country Fair & Festival
 - D. Utilities
 - 1. Report Quotes- Valve Crew Truck
 - 2. Report Quotes- Water Production Truck
 - 3. Report Quotes- Meter Reading Truck
 - 4. Report Quotes- SCAGG Mower
 - 5. Report Quotes- Settling Basin Covers
 - 6. Emergency Repair- 14th Street Gravity Sewer
- IX. Announcements
 - A. Upcoming Events
 - 1. Food Truck Friday on School Street- June 7, 5 p.m. to 10 p.m.
 - 2. Icon Music Fest at the Fairgrounds- June 8, 1 p.m. to 11 p.m.
 - 3. Fridays at the Fairgrounds- June 21, 5 p.m. to 10 p.m.
 - 4. Nashville Downtown Music Fest- June 29, 4 p.m. to 11 p.m.
 - 5. Add-on: GMRC Meeting at Recreation Center-June 27th @ 6 p.m.**
- X. Executive Session (If needed)
- XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
WORK SESSION
JUNE 4, 2019**

I. There was a Work Session meeting of the Mayor and Council of the City of Cumming on Tuesday, June 4, 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 Mayor Brumbalow requested to add to the agenda under **VIII. New Business: Item B. #3. Watson Property Discussion and IX. Announcements A. Upcoming Events #5 GMRC Meeting at Recreation Center.** A motion was made by Jason Evans, and seconded by Chad Crane to amend the agenda to add the items requested by Mayor Brumbalow and adopt the remainder of the agenda as presented.

V. Consider for adoption the following meeting minutes: A. Regular Meeting of May 21, 2019: A motion was made by Chad Crane, seconded by Jason Evans, and unanimously passed to approve the minutes of the Regular Meeting of May 21, 2019 as presented.

VI. Acknowledgements, Proclamations, Resolutions, etc. A. Acknowledgment-None

VII. Old Business A. Planning & Zoning 1. Update to Zoning Ordinance. City Attorney Kevin Tallant presented an ordinance with the preamble as follows: *AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CUMMING, GEORGIA, CODIFIED AS CHAPTER 113 OF THE CITY OF CUMMING CODE OF ORDINANCES, TO AMEND ARTICLE III, "ZONING DISTRICTS ESTABLISHED; ZONING MAP." SECTION 113-139, "DIVISION OF CITY INTO ZONING DISTRICTS," TO INCLUDE REFERENCE TO A NEW, "AP: ANNEXED PROPERTY" ZONING DISTRICT; TO PROVIDE FOR DEFINITIONS AND TO REGULATE USES; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY;*

TO PROVIDE FOR CODIFICATION; AND FOR OTHER LAWFUL PURPOSES. A motion was made by Chad Crane, seconded by Jason Evans, and unanimously passed to approve the amendment to the Zoning Ordinance.

B. Administration 1. Report on Quote- I.T. Simple- At the May 7, 2019 Work Session Mr. Ron Freeman, the founder of ITsimple presented information on their user-friendly mobile app that is connected to a secure and easy to use web-based portal for city residents and visitors to receive and submit information. City Administrator Phil Higgins reported that the annual subscription fee would be \$10,685.00 with no set-up fee. Mayor Brumbalow recommended postponing any action until after the 2020 budget discussions.

VIII. New Business A. Administration 1. Emergency Management Ordinance City Attorney Kevin Tallant presented for discussion only, an amendment to the Emergency Management Ordinance for consideration by the City. This ordinance would be considered for adoption at the June 18, 2019 regular Council Meeting.

2. Proposed IGA- Road Maintenance City Attorney Kevin Tallant presented for discussion only, an Intergovernmental Agreement Between Forsyth County, Georgia and the City of Cumming, Georgia Regarding Maintenance of Isolated Portions of Annexed Roads. The proposed IGA will be considered for adoption at the June 18, 2019 regular Council Meeting.

3. Agreement on Fees- 37 Main and Rosati's – City Administrator Phil Higgins stated that 37 Main and Rosati's had requested that in lieu of remitting a special permit fee for each event that they would remit to the City of Cumming a fee in the amount of 20% of all gross alcoholic beverages sales, which shall be remitted within ten (10) days of the event at which the sales were made. Both 37 Main and Rosati's would be considered as a "non-resident caterer" under the City of Cumming Alcohol Ordinance. The City would process "employee permits" (a/k/a "pouring permits") which are required for alcohol service. These would expire at December 31st of the year they were issued. After further discussion a motion was made by Chad Crane, seconded by Jason Evans, and unanimously passed to approve the proposed Agreement on Fees for 37Main and Rosati's.

B. Planning & Zoning 1. Rezoning Discussion- Lynwood Properties Planning Director Scott Morgan read into the record the following staff report: *An application has been*

submitted on behalf of the property owner, to rezone 22.38 acres, more or less, from Highway Business (HB) to Planned Unit Development (PUD), at 1600 Ronald Reagan Boulevard. The proposed development, according to the Exhibit A rezoning plan, will consist of 336 multifamily units, one 8-story hotel totaling 300 rooms, to be completed in two phases, and 10,000 square feet of commercial space. The applicant has attached 14 development conditions.

The Planning Commission held a public hearing on May 21 and voted to recommend approval with conditions, however; the rezoning plan has been revised since that vote and does not reflect the one they considered, which is attached to this report. Specifically, the hotel has increased from a 6-story, 200-room facility to an 8-story, 300-room facility. The parking has increased from 220 surface spaces to 270 surface spaces and 150 deck spaces, totaling 420 parking spaces. The commercial component has been reduced from 20,000 to 10,000 square feet. Also, several conditions were revised as recommended, however; condition n) was not written as recommended. Specifically, this condition stated the hotel design must be approved by the Mayor and Council, before any building permits would be issued for the apartments, however, that language was not included.

Mr. Emory Lipscomb introduced Mr. Woody Snell who is the developer representing Lynwood Development. Mr. Snell presented a site plan and drawings of the proposed development next to Northside Forsyth Hospital. A public hearing is scheduled for the June 18, 2019 regular meeting.

2. Rezoning Discussion- City Center Property Planning Director Scott Morgan read into the record the following staff report: *The City of Cumming proposed to rezone property it owns, 39.44 acres, more or less, from Highway Business (HB) to either Institutional (INST), with Conditional Use Permit (CUP) required, or Office Commercial Multi Story (OCMS). This property is part of the Cumming City Center Project.*

The Planning Commission held a public hearing on May 21 and voted to recommend approval of this rezoning, the appropriate district to be decided by the Mayor and Council.

The public hearing is scheduled for the June 18, 2019 regular meeting.

3. Add-on: Watson Property Discussion- Councilman Lewis Ledbetter explained that Mr. Larry Watson, who owns a commercial lot on Dahlonga Street, has a tenant that wants

to operate a used car dealership on the property. This tenant currently owns another dealership on Canton Highway at Bethelview Road in addition to leasing the property from Mr. Watson. He has not moved any cars to the lot on Dahlonga Street. He has been told that he needs a Conditional Use Permit to operate the used car lot. According to the City Ordinance, a permit must be obtained and public hearing held. A motion was made by Christopher Light and seconded by Chad Crane to allow an abbreviated process where the hearing and consideration of this request could be completed in approximately 45 days. The motion carried 4-0 with Lewis Ledbetter abstained.

C. Fairgrounds 1. Contract Renewal- Cumming Country Fair & Festival City Attorney Kevin Tallant explained that the City of Cumming agreed to enter into a memorandum of Agreement with Event Coordinators, Inc. for the Midway portion of the Cumming Country Fair and Festival for a period of ten (10) years. Mr. Tallant stated that the only changes from previous years was 1) The City of Cumming is listed as Additional Insured on Event Coordinators, Inc. liability policy, 2) Zip code was corrected from 30130 to 30040, and 3) Automatically renews each year as allowed by Georgia Law. A motion was made by Linda Ledbetter, seconded by Christopher Light, and unanimously passed to authorize Mayor Brumbalow to sign the memorandum of agreement with Event Coordinators, Inc. for the Midway during the next ten (10) years Cumming Country Fair and Festival.

D. Utilities 1. Report Quotes- Valve Crew Truck Director of Utilities Jon Heard reported that bids were received for a F-150 4x4 pickup for the Department of Utilities Valve Exercising and Maintenance Crew. It is the recommendation of the Department of Utilities to accept the low bid from Billy Howell Ford. A motion was made by Lewis Ledbetter and seconded by Linda Ledbetter to award the bid for the F-150 4x4 pickup to Billy Howell Ford for the low bid of \$28,775.00. The motion carried 4-0 with Christopher Light absent.

2. Report Quotes- Water Production Truck Director of Utilities Jon Heard reported that bids were received for a F-150 4x4 pickup for Water Production. It is the recommendation of the Department of Utilities to accept the low bid from Wade Ford. A motion was made by Linda Ledbetter, seconded by Lewis Ledbetter, and unanimously passed to award the bid for the F-150 4x4 pickup to Wade Ford for the low bid of \$29,524.00.

3. Report Quotes- Meter Reading Truck Director of Utilities Jon Heard reported that bids were received for a F-150 4x2 pickup to replace an aging meter reading vehicle. It is the recommendation of the Department of Utilities to accept the low bid from Chestatee Ford. A motion was made by Lewis Ledbetter, seconded by Linda Ledbetter, and unanimously passed to award the bid for the F-150 4x2 pickup to Chestatee Ford for the low bid of \$24,089.00.

4. Report Quotes- SCAGG Mower Director of Utilities Jon Heard reported that bids were received for the purchase of a new SCAGG Lawn Mower for the Water Production Division. It is the recommendation of the Department of Utilities to accept the low bid from Sosebee Auto Supply, Lawrenceville, GA. A motion was made by Christopher Light and seconded by Linda Ledbetter to award the bid for the SCAGG Lawn Mower to Sosebee Auto Supply for the low bid of \$13,129.00. The motion carried 4-0 with Lewis Ledbetter absent.

5. Report Quotes- Settling Basin Covers Director of Utilities Jon Heard reported that one bid was received for covers for the settling basins at the Bethelview Road AWRP. It is the recommendation of the Department of Utilities to accept the sole bid from Principal Environmental, Inc. A motion was made by Chad Crane and seconded by Linda Ledbetter to award the bid for the Settling Basin Covers to Principal Environmental, Inc. for \$23,400.00. The motion carried 4-0 with Lewis Ledbetter absent.

6. Emergency Repair- 14th Street Gravity Sewer- The Department of Utilities has been made aware of a severe issue with the old gravity sewer line along 14th Street due to several sags in the lines. This is causing backups in homes in the area and must be replaced. Two bids were received for the repair of the line. It is the recommendation of the Department of Utilities to accept the low bid from Strack, Inc. A motion was made by Chad Crane, seconded by Christopher Light, and unanimously passed to accept the low bid in the amount of \$240,505.00 from Strack, Inc.

IX. Announcements

A. Upcoming Events

1. Food Truck Friday on School Street- June 7, 5 p.m. to 10 p.m.
2. Icon Music Fest at the Fairgrounds- June 8, 1 p.m. to 11 p.m.
3. Fridays at the Fairgrounds- June 21, 5 p.m. to 10 p.m.
4. Nashville Downtown Music Fest- June 29, 4 p.m. to 11 p.m.
5. **Add-on: GMRC Meeting at Recreation Center-June 27 @ 6 p.m.**

X. Executive Session Mayor Brumbalow stated there was a need to have Executive

Session to discuss personnel and pending litigation. A motion was made by Christopher Light, 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 Chad Crane, and unanimously passed to open the regular meeting.

XI. Adjournment: A motion was made by Christopher Light and seconded by Jason Evans to adjourn the meeting.

Approved this 18th day of June, 2019.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember