

**City of Cumming**  
**Regular Meeting Agenda**  
**July 16, 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 July 2, 2019
  - B. Executive Session Meeting of July 2, 2019
- VI. Acknowledgements, Proclamations, Resolutions, etc.- None
- VII. Old Business
  - A. Planning & Zoning
    - 1. Rezoning Application #2018310
- VIII. New Business
  - A. Planning & Zoning
    - \* 1. (Removed) -Alcohol License- Tokyo Japanese Steakhouse
    - 2. Conditional Use Permit- 2019308- Carcraft, LLC
    - 3. Conditional Use Permit- 2019327- THKC, LLC
    - 4. Annexation #2019328
  - B. Utilities
    - 1. Request to Advertise for Bids- Ronald Reagan Blvd. Channel Grinder
    - 2. Request to Advertise for Bids- 369 Water and Sewer Line Relocation
    - 3. Request to Advertise for Bids- Haw Creek Force Main and Outfall
- IX. Announcements
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING  
COUNCIL MINUTES  
REGULAR MEETING  
JULY 16, 2019**

**I.** There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, July 16, 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 strike VIII. New Business, A. Planning and Zoning, 1. Alcohol License- Tokyo Japanese Steakhouse from the agenda. A motion was made by Chad Crane, seconded by Linda Ledbetter, and unanimously passed to amend the agenda as requested by Mayor Brumbalow and approve the remainder of the agenda as presented.

**V. Consider for adoption the following meeting minutes: A. Work Session Meeting of July 2, 2019:** A motion was made by Lewis Ledbetter, seconded by Linda Ledbetter, and unanimously passed to approve the minutes of the Work Session Meeting of July 2, 2019 as presented.

**B. Executive Session Meeting of July 2, 2019** A motion was made by Lewis Ledbetter, seconded by Chad Crane, and unanimously passed to approve the minutes of the Executive Session meeting of July 2, 2019.

**VI. Acknowledgements, Proclamations, Resolutions, etc.-None**

**VII. Old Business A. Planning & Zoning 1. Rezoning Application #2018310-  
Lynwood Properties**

**B. Planning & Zoning 1. Rezoning Application #2018310- Lynwood Development**

Before any discussion Councilman Christopher Light stated he needed to recuse from voting. The applicant requested to postpone and action on this Rezoning Application until the August 6, 2019 Work Session. A motion was made by Chad Crane and seconded by Jason Evans to postpone any action on Rezoning Application #2018310- Lynwood

Development until the August 6, 2019 Work Session. The motion carried 4-0 with Councilman Christopher Light recused.

**VIII. New Business A. Planning & Zoning 1. Alcohol License- Tokyo Japanese Steakhouse (Removed from agenda)**

**2. Conditional Use Permit- 2019308- Carcraft, LLC** Planning Director Scott Morgan read the staff report into the record as follows:

*The applicant has made application, to the proper authorities, for a Conditional Use Permit (CUP), to operate a vintage automobile broker business, at 321 Canton Road. This business has been located at 465 Tolbert Street for the past four years and we have received no complaints regarding its operation. Their vehicles are typically stored indoors and they rarely have customers on-site. They primarily do business via the internet and ship the vehicles directly to their customers.*

*The Planning Commission held a public hearing on June 18, 2019 and Phil Genetempo spoke in favor of the CUP request. They then voted and recommended 2-0, approval of the CUP as requested. A condition was added by staff, this CUP is specific to this applicant and the business for which this applicant currently holds a license. Only this applicant, operating under the current business license, may utilize this property for this use.*

A motion was made by Linda Ledbetter, seconded by Christopher Light, and unanimously passed to open the public hearing. No one spoke in favor or or in opposition to the Conditional Use Permit. A motion was made by Linda Ledbetter, seconded by Christopher Light, and unanimously passed to close the Public Hearing. A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to approve Conditional Use Permit- 2019308- Carcraft, LLC with the condition recommended by the Planning Staff along with limiting the number of vintage cars displayed outside the building to three (3) vehicles.

**3. Conditional Use Permit- 2019327- THKC, LLC** Planning Director Scott Morgan read into the record the following staff report: *The property owner, through their applicant, has made application to the proper authorities for a Conditional Use Permit (CUP), to establish a drive-thru facility for a Dunkin Donuts restaurant, within the*

*Central Business District (CBD). The location for this proposed restaurant is at the intersection of Canton Road (SR 20) and Samaritan Drive.*

*When developed, ingress/egress for the restaurant will be at two locations, on Samaritan Drive to the north and on an unnamed drive to the south. The drive-thru will be located on the south side of the building, furthest away from the Samaritan Drive entrance. The applicant has provided conditions and elevations for both the restaurant, and a professional office building, which will be constructed on the subject property, behind the restaurant, and with ingress/egress only to the unnamed drive.*

*The Planning Commission held a public hearing on June 18, 2019 and William Hansard spoke in favor of the CUP request. They voted and recommended approval of the CUP with the following conditions:*

**1. Exterior building elevations and materials for the proposed 2,000 sq. ft.**

**Dunkin Donuts restaurant should be substantially similar to the rendering attached hereto as Exhibit "A" and incorporated herein by this reference. The Mayor, or his representative, shall approve the final exterior building elevations, prior to the issuance of a building permit for this building. Should the Mayor, or his designated representative, determine that an alternate design, different from the attached Exhibit "A" is required, the Mayor, or his designated representative shall control**

**2. Exterior building elevations and materials for the propose 2,100 sq. ft.**

**professional office building, shall be approved by the Mayor or his designated representative, prior to the issuance of any building permit for this building.**

Councilmember Christopher Light announced he needed to recuse from voting. A motion was made by Chad Crane and seconded by Jason Evans to open the public hearing. The motion carried 4-0 with Councilmember Christopher Light recused.

Representing the applicant was Attorney, Mr. William Hansard who explained that his client planned to build a Dunkin Donuts restaurant with a drive-thru which requires a Conditional Use Permit (CUP). No one present spoke in opposition to the CUP. A motion was made by Lewis Ledbetter and seconded by Chad Crane to close the Public Hearing. The motion carried 4-0 with Councilmember Christopher Light recused. A motion was made by Lewis Ledbetter and seconded by Chad Crane to approve Conditional Use Permit

#2019327- THKC, LLC. The motion carried 4-0 with Councilmember Christopher Light recused.

**4. Annexation #2019328** Planning Director Scott Morgan read in the record the following staff report:

*The property owners have made application, to the proper authorities, to annex eight (8) parcels, totaling 125.41 acres, more or less, into the City of Cumming. The parcels are PIN'S 194-001, 104-049, 194-783, C31-013, C31-012, 172-025, 172-026 and 172-027 and are more commonly known as 1785 Pilgrim Road, 1735 Pilgrim Road, Pilgrim Road, Dahlonega Highway, 1390 Dahlonega Highway, 1405 Dahlonega Highway, 1415 Dahlonega Highway, and 1435 Dahlonega Highway, respectively. Subsequently, the owner of PIN 172-025, (1405 Dahlonega Highway) withdrew their annexation request (attached). Therefore, PIN 172-026 and 172-027 (1415 and 1435 Dahlonega Highway, respectively), lack contiguity, cannot legally be annexed into the City and should no longer be considered part of this request.*

*Three parcels, 1785 and 1735 Pilgrim Road, an unaddressed parcel at 1785 Pilgrim Road and 1415 Dahlonega Highway, are currently zoned County Agricultural (A1) and will be rezoned to City Annexed Property (AP), upon annexation. Two parcels, 1390 Dahlonega Highway and an unaddressed parcel adjacent to 1390, which combined make up Sawnee View Memorial Gardens Cemetery, are zoned County Single Family Residential (R-1), and will be rezoned to City Single-Family Residential (R-1), upon annexation.*

*The County was notified of these proposed annexation requests, sent confirmation, initially objected and finally withdrew objection to these remaining proposed parcel annexations (attachments).*

*Our current zoning and future land use in this area is HB, Institutional (INST) and R-1, which INST is an appropriate transitional district between commercial and residential land uses. Therefore, these proposed annexations and rezoning are in conformance with our Comprehensive and Future Land Use Plans.*

*The Planning Commission held a public hearing on June 16, 2019. Mr. Curtis Williams and Mr. Joey Cochran both spoke in favor of the annexations and rezoning as requested, with the condition, "Any future improvements to any of the annexed*

*properties must be approved by the Mayor, or his designated representative, before the issuance of any grading or building permits”.*

A motion was made by Linda Ledbetter, seconded by Christopher Light, and unanimously passed to open the Public Hearing. No one present spoke in favor of nor in opposition to Annexation #209328. A motion was made by Christopher Light, seconded by Jason Evans, and unanimously passed to close the Public Hearing. A motion was made by Lewis Ledbetter, seconded by Linda Ledbetter, and unanimously passed to approve Annexation #2019328, to include only parcel numbers 194-001, 194-049, 194-783, C31-013, C31-012, with the zonings contained in the staff report and the condition recommended by the Planning Commission.

**B. Utilities- 1. Request to Advertise for Bids- Ronald Reagan Blvd. Channel Grinder**

The Department of Utilities requests to advertise for bids to install an “Auger Grinder Monster” at the Ronald Reagan Boulevard Wastewater Pumping Station. This item is a 2019 budgeted item. Jon Heard explained that this piece of equipment will be utilized to remove large debris from the RRB Pump Station. At times, material such as bedsheets are washed into the station from the hospital along with other debris that clog the pumps. A motion was made by Linda Ledbetter, seconded by Christopher Light, and unanimously passed to authorize the Department of Utilities to advertise for bids the Ronald Reagan Blvd. Channel Grinder.

**2. Request to Advertise for Bids- 369 Water and Sewer Line Relocation**

The Department of Utilities requested to advertise for bid the 369 Water and Sewer Line Relocation Project. Jon Heard explained that the water and sewer line will be moved to make way for the Highway 369 Road Widening. A portion of these utilities are reimbursable because they currently exist within an easement outside of the Highway 369 Water Line. A motion was made by Linda Ledbetter, seconded by Chad Crane, and unanimously passed to authorize the Department of Utilities to advertise for bids for the 369 Water and Sewer Line Relocation.

**3. Request to Advertise for Bids- Haw Creek Force Main and Outfall**

The Department of Utilities requested to advertise for bid to replace the Haw Creek Force Main and Sewer Outfall Project. Jon Heard explained that this force main conveys sewage from the Samples Road Pump Station to the Haw Creek Road Gravity Outfall

