

**City of Cumming**  
**Regular Meeting Agenda**  
**December 17, 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 December 3, 2019
- VI. Acknowledgements, Proclamations, Resolutions, etc.
  - A. GMA Lifetime Service Award
- VIII. New Business
  - A. Fairgrounds
    - 1. Cumming Country Fair & Festival Grand Marshall
  - B. Administration
    - 1. Promotional Video
    - 2. 2019 Budget Amendment
    - 3. Distribution of Monies Between Funding Divisions
    - 4. Tree City Ordinance
    - 5. Report of Bids- FCHS Parking Lot at City Center
    - 6. ARC Resolution
  - C. Planning & Zoning
    - 1. Transfer of Alcohol License- Mia's Pizza & Eats
    - 2. Annexation #2019425- Northside Hospital, Inc.
  - D. Police
    - 1. Lifesaving Award
    - 2. Officer of the Year Award
- VII. Old Business
  - A. Planning & Zoning
    - 1. Zoning Ordinance Amendment
- IX. Announcements
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING  
COUNCIL MINUTES  
REGULAR MEETING  
DECEMBER 17, 2019**

**I.** There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, December 17, 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 revise the agenda to address **VIII. New Business first and then VII. Old Business next.** A motion was made by Chad Crane, seconded by Jason Evans, and unanimously passed to revise 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 December 3, 2019:** A motion was made by Linda Ledbetter, seconded by Christopher Light, and unanimously passed to approve the minutes of the Work Session Meeting of December 3, 2019 as presented.

**VI. Acknowledgements, Proclamations, Resolutions, etc.- A. GMA Lifetime Service Award-** GMA Executive Director Larry Hanson presented retiring Councilman Lewis Ledbetter with the Lifetime Service Award for his 49 years served as a City Councilman.

**VIII. New Business A. Fairgrounds 1. Cumming Country Fair & Festival Grand Marshall-** A motion was made by Linda Ledbetter and seconded by Christopher Light to appoint retiring Councilman Lewis Ledbetter as Grand Marshall for the Cumming Country Fair & Festival and name the proposed picnic pavilion area located at the Cumming Fairgrounds “Ledbetter Overlook”. The motion carried 4-0.

**B. Administration 1. Promotional Video** A Promotional Video was shown to the Mayor and City Council that highlighted the different events happening in the City of Cumming. The City contracted with MTech Pro Media to video these events and create the promotional video.

**2. 2019 Budget Amendment** City Administrator Phil Higgins explained that the City of Cumming, in order to comply with State of Georgia Audit regulations, has to amend its 2019 Budget to account for any increases in revenue received or any unexpected expenditures. A motion was made by Lewis Ledbetter, seconded by Linda Ledbetter, and unanimously passed approving the 2019 Budget Amendment.

**3. Distribution of Monies Between Funding Divisions** City Administrator Phil Higgins explained that the City has several employees in City Hall that have job duties that cross-over between the General Fund and Utilities. Periodically, we audit these positions to determine how much of their time is spent in each department and the associated cost to be allocated to each department. A motion was made by Christopher Light, seconded by Jason Evans, and unanimously passed to approve the Distribution of Monies Between Funding Divisions.

**4. Tree City Ordinance** City Attorney Kevin Tallant presented an ordinance with a preamble as follows: **AN ORDINANCE ESTABLISHING THE REGULATION OF THE PLANTING, REMOVAL, AND MANAGEMENT OF SHADE AND ORNAMENTAL TREES ON PUBLIC PROPERTY AND RIGHTS OF WAYS IN THE CITY OF CUMMING, GEORGIA.** Tallant explained that this ordinance was part of the Tree City USA Program and affected only trees located on public property or on the right-of-way in the City of Cumming, or those which interfere with safe traffic. A motion was made by Chad Crane, seconded by Christopher Light, and unanimously passed to adopt the Tree City Ordinance as presented.

**5. Report of Bids- FCHS Parking Lot at City Center** City Administrator Phil Higgins reported that four (4) bids were received for the FCHS Parking Lot at City Center ranging from \$3,604,000.00 to \$1,919,147.97. After reviewing these bids with staff and our engineers it is my recommendation to reject these bids and approve Mayor Brumbalow to negotiate with the two lowest bidders, stated Higgins. A motion was made by Linda Ledbetter, seconded by Jason Evans, and unanimously passed to reject the bids received and authorize Mayor Brumbalow to negotiate with the two lowest bidders for the best price.

**6. ARC Resolution** City Attorney Kevin Tallant presented the following resolution: **A RESOLUTION OF THE CITY OF CUMMING CITY COUNCIL REGARDING FORSYTH COUNTY'S REQUEST TO ADJUST REGIONAL COMMISSION**

**BOUNDARIES TO REMOVE FORSYTH COUNTY FROM THE GEORGIA MOUNTAINS REGIONAL COMMISSION AND PLACE FORSYTH COUNTY IN THE ATLANTA REGIONAL COMMISSION.** Tallant explained that this was not a joint resolution as Forsyth County had requested, but a resolution stating that the City of Cumming has no objection to Forsyth County making a request to move to ARC. A motion was made by Chad Crane and seconded by Christopher Light to approve the Resolution to reflect no City opposition to Forsyth County making a request to change the regional boundaries such that Forsyth County becomes a member of the ARC. The motion carried 4-1 with Linda Ledbetter opposed.

**C. Planning & Zoning 1. Transfer of Alcohol License- Mia's Pizza & Eats Code**

Enforcement Officer Lenny Mancinelli explained that Tiger Fang LLC/ Moneco Walker has applied for a change of ownership for the City alcohol license for the business of Mia's Pizza & Eats located at 911 Marketplace Blvd, Suite L, Cumming, GA 30041. The applicants have met all the requirements of the application transfer process and have paid all fees due the City. Code Enforcement Officer Lenny Mancinelli recommended that the license transfer be granted. A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to approve the Alcohol License Transfer to Tiger Fang LLC.

**2. Annexation #2019425- Northside Hospital, Inc.** Planning Director Scott Morgan read into the record the following staff report: *The property owner has made application, to the proper authorities, to annex and rezone 12.122 acres, more or less, and rezone from County Agricultural and Commercial Business District to City Institutional (INST), for the purpose of constructing medical office facilities and an associated parking structure. The surrounding property is zoned INST and the City Future Land Use Plan also shows public institutional, therefore; the requested annexation and rezoning is in conformance with the City Comprehensive Plan. Forsyth County has stated they have no objection to the proposed annexation. The Planning Commission held a public hearing on November 19, 2019 and with no recorded opposition, voted unanimously to approve the annexation and rezoning, with the accompanying conditions and elevations.*

A motion was made by Linda Ledbetter and seconded by Jason Evans to open the public hearing for Annexation #2019425- Northside Hospital, Inc. The motion carried 4-0 with Christopher Light recused. Representing the applicant was Mr. Emory Lipscomb. Mr. Lipscomb stated that plans were to annex and rezone 12.122 acres from A1 and CBD to City Institutional to construct a medical office facility and a five (5) story parking deck. No one else spoke for or against the request. A motion was made by Linda Ledbetter and seconded by Chad Crane to close the public hearing. The motion carried 4-0 with Christopher Light recused. A motion was made by Lewis Ledbetter and seconded by Jason Evans to approve Annexation #2019425- Northside Hospital, Inc and rezone 12.122 acres from A1 and CBD to City Institutional.

**D. Police 1. Lifesaving Award** Chief David Marsh recognized Officer Shaw Bowman for his life-saving efforts to revive an unresponsive drug-overdose victim.

**2. Officer of the Year Award** Chief David Marsh recognized Officer Tracy See-Holbrook for her service above and beyond in the Cumming and Forsyth County communities with the Officer of the Year Award.

**VII. Old Business- Planning & Zoning 1. Zoning Ordinance Amendment** City Attorney Kevin Tallant presented a Zoning Ordinance Amendment with a preamble as follows: **AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CUMMING, GEORGIA, TO PROVIDE FOR PERMISSIBLE USES; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR APPLICATION PROCEDURES; TO PROVIDE FOR PUBLIC NOTICE; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.** City Attorney Kevin Tallant explained that the ordinance amendment was presented at the December 3, 2019 Work Session and several revisions were recommended. These revisions are incorporated in the amendment presented stated Tallant. A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to open the public hearing. No one spoke in favor of or against the Zoning Ordinance Amendment. A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to close the public hearing. A motion was made by Christopher Light, seconded by Lewis Ledbetter, and unanimously passed to adopt the Zoning Ordinance Amendment.

**IX. Announcements** (none)

**X. Executive Session** Mayor Brumbalow stated there was no need for Executive Session.

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

**Approved this 7th day of January, 2019.**

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**Mayor**

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**Councilmember**

**Councilmember**

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**Councilmember**

**Councilmember**

**Attest:**

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**City Clerk**

**Councilmember**