

City of Cumming
Regular Meeting Agenda
February 18, 2020

- 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 February 4, 2020
 - B. Executive Session Meeting of February 4, 2020
- VI. Acknowledgements, Proclamations, Resolutions, etc.
- VII. Old Business
 - A. Administration
 - 1. Webb Street Impact Fees
 - 2. Report on Proposals- FCHS Parking Lot at City Center
 - B. Planning & Zoning
 - 1. Conditional Use Permit #2019470- Clutch Automotive, 328 Dahlonega Highway (Public Hearing)
 - 2. Annexation and Rezoning- Westshore
- VIII. New Business
 - A. Utilities
 - 1. Report of Bids- Heavy Duty Service Truck for Wastewater
 - 2. Report of Bids- Service Truck for Water Distribution (**Removed from agenda**)
 - 3. Request to Advertise for RFP- Rebel Road 8" Waterline
- IX. Announcements
 - A. Community Arbor Day Celebration- Feb. 21, 5:30-7:30 p.m. at the "Mini Park"
Next to Aquatic Center
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
FEBRUARY 18, 2020**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, February 18, 2020, 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 remove from the agenda under **VIII. New Business A. Utilities 2. Report of Bids- Service Truck for Water Distribution.** A motion was made by Chad Crane, seconded by Christopher Light, 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 February 4, 2020: A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to approve the minutes of the Work Session Meeting of February 4, 2020 as presented.

B. Executive Session Meeting of February 4, 2020: A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to approve the minutes of the Executive Session Meeting of February 4, 2020.

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

VII. Old Business A. Administration: 1. Webb Street Impact Fees: City

Administrator Phil Higgins stated that at the February 4, 2020 Work Session J W Property Group LLC requested to apply their construction cost of \$584,176.00 toward the Road Impact Fees for any new developments on Webb Street. While portions of this project were started before the City enacted the impact fee ordinance, others were not. J W Property Group LLC constructed Webb Street, connecting Highway 20 West (Canton Highway) to Tribble Gap Road, and that portion of the project, being an

improvement for which credit may be obtained for impact fees, is not yet complete. After further discussion, a motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to apply up to \$584,176 toward the portion of impact fees for Streets and Roads for the nine (9) lots facing Webb Street.

2. Report on Proposals- FCHS Parking Lot at City Center City Administrator Phil Higgins stated that at the January 7th, 2020 Work Session bids were presented for the FCHS Parking Lot at the City Center. The bids exceeded the amount the City had estimate and budgeted, and so the Council voted to reject all bids and have Mayor Brumbalow negotiate with the two lowest bidders. Bartow Paving had no response and Vertical Earth bid \$1,891,700.28. These bids were rejected, so the project was re-advertised as an RFP in the hope of getting bids closer to the original estimate. Vertical Earth submitted the following proposal: Base Price \$1,764,754, Alt 1 \$1,866,854, Alt 2 \$1,770,754, Alt 3 \$1,804,061, Alt 4 \$1,777,670 and Alt 5 \$1,762,999. After consulting with our Engineer in charge of this project, it is his recommendation to approve the Alt 4 proposal from Vertical Earth for this project stated Higgins. This is \$141,477 less than the original bid, and is within the original estimate and budget. A motion was made by Jason Evans, seconded by Christopher, and unanimously passed to approve the Alt 4 proposal from Vertical Earth for the FCHS Parking Lot at the City Center.

B. Planning and Zoning: 1. Conditional Use Permit #2019- Clutch Automotive, 328 Dahlonaga Highway (Public Hearing) Planning Director Scott Morgan presented the following staff report: *The applicant has made application, to the proper authorities, for Conditional Use Permit (CUP) to allow a used automobile sales establishment at 328 Dahlonaga Street. The property is zoned Highway Business (HB), is currently vacant, and has previously been granted a CUP for an automobile sales business. The Planning Commission held a public hearing on January 21, 2020 and recommended approval of the CUP request with the following conditions:*

- 1. No more than twenty-eight (28) vehicles for sale will be allowed to be parked on the subject property at one time.*
- 2. A loading/unloading zone, a minimum of fourteen feet (14') wide and forty feet (40') long, must be located on the subject property, it must remain continuously free of vehicles and be directly accessible from the street.*

3. There must be a minimum of four (4) parking spaces, including one (1) handicapped space, available for business customers, and directly accessible from the street.

4. This CUP is approved solely for this applicant, at this property, and is not transferable.

The applicant has also agreed to move the loading/unloading zone to the rear of the building and utilize a circular movement through the property, to access it for vehicle deliveries. They have also agreed to install four (4) large planters at the front of the property, to eliminate the vehicles from parking in front of the business, along the road right-of-way.

A motion was made by Linda Ledbetter, seconded by Jason Evans, and unanimously passed to open the public hearing. There was no comment made in favor of or against the Condition Use Permit. A motion was made by Linda Ledbetter, seconded by Joey Cochran, and unanimously passed to close the public hearing. A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to approve Conditional Use Permit #2019470- Clutch Automotive at 328 Dahlonga Highway with the conditions recommended by the Planning Staff and adding: **Condition #5- All landscaping must be approved by the Cumming Department of Planning and Zoning.**

2. Annexation and Rezoning- Westshore Atlantic Realty Development, Inc.

Annexation #2019363- Public Hearing- Planning Director Scott Morgan read into the record the following staff report: *The application has been made to the proper authorities, to annex and rezone 151.384 acres, more or less, from a combination of City Planned Shopping Center (PSC) and County Commercial Business District (CBD) and Restricted Industrial (MI) to City Planned Unit Development (PUD), with a Conditional Use Permit (CUP) for alcohol licenses and sales, and Highway Business (HB). The proposed development will consist of a 57.887-acre PUD mixed-use project, west of Market Place Boulevard (MPB), known as Westshore and 93.497 acres, east of MPB, which will be rezoned to HB and remain vacant at this time.*

Attached are the draft conditions and elevations for Zoning "A", the proposed 57.887-acre PUD Westshore, and the condition for Zoning "B", the 93.497 acres to be rezoned HB. Also attached are the letter from the County attorney and the Annexation

Dispute Joint Final Order, indicating the County and the Developer have reached agreement on the annexation of this property into the City of Cumming.

The City Council voted 4-0, with Councilman Light recusing, and held a public hearing for this proposed annexation/rezoning on January 21, 2020 and there were no recorded public comments. The Mayor then requested postponing any action on Annexation No. 2019363 until the February 18, 2020 Council meeting.

Mr. Sean Courtney, representing the applicant, explained changes requested in the percentages of the mix of two-bedroom and three-bedroom units in the Town Green development.

A motion was made by Joey Cochran, and seconded by Linda Ledbetter, to approve Westshore-Atlantic Development Annexation #2019263 with the conditions agreed upon by the developer and adding: **Condition #18- The developer shall install sidewalks, to be approved by the Cumming Department of Planning and Zoning, on the project-side of Turner Road along the development.** The motion carried 4-0 with Christopher Light recused.

VIII. New Business- A. Utilities 1. Report of Bids- Heavy Duty Service Truck for

Wastewater: The Department of Utilities requested bids for a F-550 4 x 4 heavy duty service truck for the wastewater maintenance division. The bids ranged from \$65,536.65 to \$79,630.00. The department of Utilities recommends accepting the low bid from Chestatee Ford in Dawsonville, GA. A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to authorize the Department of Utilities to purchase the pickup truck from Chestatee Ford for the low bid of \$65,536.65.

2. Report of Bids- Service Truck for Water Distribution: (Removed from agenda)

3. Request to Advertise for RFP- Rebel Road 8” Waterline: The Department of Utilities requested to advertise for an RFP for the Rebel Road 8” Waterline. Jon Heard explained that the new 8-inch water line along Rebel Road would replace an existing and poorly functioning 2-inch water line. This project is a 2020 budgeted project. A motion was made by Linda Ledbetter, seconded by Joey Cochran, and unanimously passed to authorize the Department of Utilities to advertise for an RFP for the Rebel Road 8” Waterline.

IX. Announcements: A. Community Arbor Day Celebration- Feb. 21, 5:30-7:30 p.m. at the “Mini Park” next to Aquatic Center

