

**City of Cumming**  
**Regular Meeting Agenda**  
**May 19, 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 May 5, 2020
  - B. Executive Session Meeting of May 5, 2020
- VI. Acknowledgements, Proclamations, Resolutions, etc.
- VII. Old Business
- VIII. New Business
  - A. Administration
    - 1. Resolution- Update to Impact Fee Program Capital Improvement Element (Public Hearing)
  - B. Utilities
    - 1. Storm Water Facility Maintenance and Repair Agreement
    - 2. Franchise Fee Agreements
    - 3. Ground Lease for New Water Tank (**Removed from agenda**)
    - 4. Right of Way Ordinance Update
- IX. Announcements
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING  
COUNCIL MINUTES  
REGULAR MEETING  
MAY 19, 2020**

**I.** There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, May 19, 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 strike from the agenda **VIII. New Business, B. 3. Ground Lease for New Water Tank.** A motion was made by Chad Crane, seconded by Christopher Light, and unanimously passed amend the agenda as requested by Mayor Brumbalow and adopt the remainder of the agenda as presented.

**V. Consider for adoption the following meeting minutes: A. Work Session Meeting of May 5, 2020:** A motion was made by Chad Crane, seconded by Jason Evans, and unanimously passed to approve the minutes of the Work Session Meeting of May 5, 2020 as presented.

**B. Executive Session Meeting of May 5, 2020:** A motion was made by Christopher Light, seconded by Jason Evans, and unanimously passed to approve the minutes of the Executive Session Meeting of May 5, 2020.

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

**VII. Old Business- none**

**VIII. New Business- A. Administration 1. Resolution- Update to Impact Fee**

**Program Capital Improvement Element (Public Hearing)** Planning Director Scott Morgan explained that staff has prepared the FY 2019 Impact Fee Program Annual Report for your review and approval, and subsequent submission to the Georgia Mountains Regional Commission (GMRC). The City auditor has reviewed and approved numbers in the Annual Report. Our planning consultant and staff have updated our Capital Improvement Element (CIE) and Work Program, to reflect the new 5-year

timeframe of FY 2020-2024. Morgan explained that after holding the public hearing to solicit any public comments on the Annual Report and CIE, there is a transmitting resolution which must be signed and forwarded, along with the documents, to GMRC and GDCA.

A motion was made by Christopher Light, seconded by Jason Evans, and unanimously passed to open the public hearing. No comments were recorded concerning the Impact Fee Program Capital Improvement Element. A motion was made by Christopher Light, seconded by Jason Evans, and unanimously passed to close the public hearing. A motion was made by Christopher Light, seconded by Joey Cochran, and unanimously passed to adopt the resolution to submit the Impact Fee Program Capital Improvement Element to GMRC and GDCA.

**B. Utilities**

**1. Storm Water Facility Maintenance and Repair Agreement:** Utilities Director Jon Heard explained that the State of Georgia requires that the City of Cumming enter into Stormwater Facility Management and Repair Agreements with the owners of stormwater detention ponds and other stormwater structures. These agreements indicate to the owner that they are responsible for all maintenance and that the City is not. The City enforces compliance which requires ongoing maintenance by the property owner. This agreement is associated with the new Forsyth County Juvenile Justice Center. Both the City and County Attorneys have reviewed this document. A motion was made by Christopher Light, seconded by Jason Evans, and unanimously passed to approve the Storm Water Facility Maintenance and Repair Agreement with the Forsyth County Juvenile Justice Center.

**2. Franchise Fee Agreements:** City Attorney Kevin Tallant presented updated Franchise Fee Agreements for the following three (3) companies: Atlanta Gas Light Company, Norcross Power and Comcast. Each of these franchise agreements have been reviewed by Ryan Fender with the Georgia Municipal Association (GMA) and by our attorneys. AGL and Comcast are renewals of existing franchise agreements, but the Norcross Power is a new agreement. AGL and Norcross Power agreements are for 30 years, but the Comcast agreement is only a 10-year agreement. A motion was made by Joey Cochran, seconded by Linda Ledbetter, and unanimously passed to authorize Mayor Brumbalow to sign the franchise agreement with Atlanta Gas Light (AGL) for a 30-year term. A motion was made

by Joey Cochran, seconded by Linda Ledbetter, and unanimously passed to authorize Mayor Brumbalow to sign the franchise agreement with Norcross Power for a 30-year term. A motion was made by Joey Cochran, seconded by Linda Ledbetter, and unanimously passed to authorize Mayor Brumbalow to sign the franchise agreement with Comcast for a 10-year term.

**3. Ground Lease for New Water Tank: (Removed from the agenda)**

**4. Right of Way Ordinance Update:** The Department of Utilities requested the Mayor and City Council to adopt the revised Chapter 20 of the Right-of-Way Ordinance. The proposed changes have been reviewed by the Georgia Municipal Association (GMA) and our City Attorney, Kevin Tallant. Director of Utilities Jon Heard explained that this was not a new ordinance but just updating and streamlining the existing Right of Way Ordinance. A motion was made by Linda Ledbetter, seconded by Chad Crane, and unanimously passed to adopt the revised Chapter 20 of the Right-of-Way Ordinance.

**IX. Announcements- none**

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

**XI. Adjourn:** A motion was made by Linda Ledbetter and seconded by Jason Evans to adjourn the meeting.

**Approved this 2nd day of June, 2020.**

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**Mayor**

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**Councilmember**

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**Councilmember**

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**Councilmember**

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**Councilmember**

**Attest:**

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**City Clerk**

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**Councilmember**

