

City of Cumming
Regular Meeting Agenda
February 16, 2021

- 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 2, 2021
 - B. Executive Session of February 2, 2021
- VI. Acknowledgements, Proclamations, Resolutions, etc.
- VII. Old Business
 - A. Planning and Zoning
 - 1. Pedestrian Event Ordinance
- VIII. New Business
 - A. Planning and Zoning
 - 1. Rezoning Application #2020402- Ashton Atlanta (Public Hearing)
 - 2. Annexation Request #2019263- 14905 Hopewell Group, LLC. (Public Hearing)
 - B. Utilities
 - 1. Hendrix Road Water Tank Renovation
 - 2. Renovations to Water Distribution Facility
 - C. City Center
 - 1. Christmas Lights Quotes
- IX. Announcements
 - A. Community Arbor Day Celebration- Friday, February 19, 2021
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
FEBRUARY 16, 2021**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, February 16, 2021, 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: A motion was made by Chad Crane and seconded by Jason Evans to adopt the agenda as presented. The motion carried unanimously.

V. Consider for adoption the following meeting minutes: A. Work Session Meeting of February 2, 2021: A motion was made by Jason Evans and seconded by Chad Crane to approve the minutes of the Work Session Meeting of February 2, 2021 as presented. The motion carried unanimously.

B. Executive Session of February 2, 2021: A motion was made by Jason Evans and seconded by Christopher Light to approve the minutes of the Executive Session of February 2, 2021 as presented. The motion carried unanimously.

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

VII. Old Business: A. Planning and Zoning: 1. Pedestrian Event Ordinance: At the previous meeting City Attorney Kevin Tallant presented information on the Pedestrian Event Ordinance with the preamble as follows: **AN ORDINANCE OF THE CITY OF CUMMING GEORGIA TO REGULATE USES IN THE RIGHT OF WAY; TO CONTROL CERTAIN GATHERINGS IN THE STREETS; TO PROVIDE FOR AN APPLICATION PROCESS; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.** This ordinance would require a permit and a thirty (30) day review window to evaluate the traffic burden and the need of police protection when planning an event such as a 5K Run. A motion was made by Christopher Light and seconded by Jason Evans to adopt the Pedestrian Event Ordinance. The motion carried unanimously.

VIII. New Business- A. Planning and Zoning 1. Rezoning Application #2020402-

Ashton Atlanta (Public Hearing): Planning Director Scott Morgan read into the record the following staff report: *The agent has made application, on behalf of the property owner and to the proper authorities, to rezone 80.28 acres, more or less, from a combination of Planned Shopping Center (PSC) and Office Commercial Multi-Story (OCMS) to Moderate-Family residential (R-2), for the purpose of constructing a conservation residential subdivision. The proposed development will include 85 townhomes and 183 single-family detached homes, for a total density of 3.84 units per acre, on 69.87 acres and a 2-story, 77,000 square foot office building, on 10.41 acres. This property requested to be rezoned will be combined with another 53.72 acres, more or less, already zoned commercial, or office commercial, to form a total development of approximately 134.00 acres, more or less. Included in the application were 22 proposed zoning conditions and a request for 7 variances.*

According to the City's Future Land Use Map, the designation for this property is a combination of Commercial, Office Commercial Multi-Story and Office Professional. Therefore, this rezoning request is in partial conformance with the City's future land use component of its Comprehensive Plan.

The Planning Commission held a public hearing on December 15, 2020 and there were public comments opposing the residential zoning requested, the residential lot size and the density being inconsistent with the surround neighborhood (enclosed). The zoning conditions were subsequently revised after discussion with the applicant (enclosed).

At their meeting on January 19, 2021, the Planning Commission voted unanimously to recommend approval of the rezoning and variances, in accordance with the revised twenty-six (26) conditions.

A motion was made by Jason Evans and seconded by Joey Cochran to open the public hearing. The motion carried 4-0 with Councilman Light recused. Representing the applicant was Mr. Emory Lipscomb. Also, the developer requested several changes be made on the proposed conditions concerning the amenity area, buffers/setbacks, site elevations of the townhomes and interior ceiling height. A motion was made by Joey Cochran and seconded by Jason Evans to close the public hearing. The motion carried 4-0 with Councilman Light recused. A motion was made by Jason Evans and seconded by

Joey Cochran to table any action on Rezoning Application #2020402- Ashton Atlanta until the March 2, 2021 Work Session. The motion carried 4-0 with Councilman Light recused.

2. Annexation Request #2019263- 14905 Hopewell Group, LLC. (Public Hearing)

Planning Director Scott Morgan read the following staff report: *The applicant has filed an annexation petition, to the proper authorities, to annex 43.24 acres, more or less, and rezone from County Agriculture (A-1) and Single-Family Residential (R-1) to City Planned Unit Development (PUD), in order to construct a mixed-use project. The subject property is contiguous with existing City boundary, therefore; this annexation request is in compliance with State Law. Existing City zoning and future land use adjacent to the subject property are commercial and multiple-family residential; both components of their PUD proposal, therefore; this annexation/rezoning request is in conformance with the City's future land use component of its Comprehensive Plan. Forsyth County did not object to this annexation/rezoning request (attached). The applicant had postponed this annexation/rezoning request, while negotiating with the Georgia Department of Transportation (GDOT), regarding GDOT's SR 20 widening project and are now ready to move forward with this rezoning request. The Planning Commission held a public hearing on November 17, 2020 and there were no public comments/objections to this propose rezoning/annexation. The applicant submitted revised zoning conditions and a development plan subsequent to the public hearing (enclosed). At their meeting on January 19, 2021, the Planning Commission voted unanimously to recommend approval of this annexation/rezoning request, with the revised plan and conditions.*

A motion was made by Jason Evans and seconded by Joey Cochran to open the public hearing. The motion carried 4-0 with Councilman Light recused. Mr. Sean Cortney represented the applicant. Mr. Don Henshaw, a resident of the Newbery Subdivision voiced his concern about the buffer planned between the developments. Other concerns were about how the traffic would be routed out of the development. A motion was made by Linda Ledbetter and seconded by Jason Evans to close the public hearing. The motion carried 4-0 with Councilman Light recused. A motion was made by Jason Evans and seconded by Joey Cochran to table any action on Annexation Request #2019263- 14905

Hopewell Group, LLC. until the March 2, 2021 Work Session. The motion carried 4-0 with Councilman Light recused.

B. Utilities: 1. Hendrix Road Water Tank Renovation: The Department of Utilities requested proposals for the repainting, repair, addition of cathodic protection and mixing for our Hendrix Road Elevated Water Storage Tank (EWST). This was a 2021 budgeted item. Three proposals were received ranging from \$556,300.00 to \$644,100.00. After negotiating with the lowest bidder and changing the scope of the project, the cost was further reduced to \$448,700.00. The Department of Utilities recommends accepting the low proposal from Utility Service Co, Inc. (SUEZ). A motion was made by Chad Crane and seconded by Linda Ledbetter to accept the low proposal from Utility Service Co, Inc. (SUEZ) in the amount of \$448,700.00. The motion carried unanimously.

2. Renovations to Water Distribution Facility: The Department of Utilities requested RFPs for two (2) buildings at the Distribution and Collection Division Shop on Highway 9 North. All proposals came back out of the budget range. A value-engineered bid for the foundation of each building was requested and the Department of Utilities recommends accepting the low bid on Building #1 from Old South General Contractors, LLC. A motion was made by Joey Cochran and seconded by Chad Crane to accept the low bid of \$36,400.00 for Building #1- 60' x 80' x 4" monolithic concrete slabs from Old South General Contractors, LLC. The motion carried unanimously. A motion was made by Joey Cochran and seconded by Linda Ledbetter to accept the low bid of \$36,400.00 for Building #2- 60' x 80' x 4" monolithic concrete slabs from Old South General Contractors, LLC. The motion carried unanimously.

The Department of Utilities recommend accepting the low bid for Shop Building #1 metal work and installation from Strong Building Systems. A motion was made by Jason Evans and seconded by Chad Crane to accept the low bid from Strong Building Systems in the amount of \$88,865.00 for Building #1 metal work and installation. The motion carried unanimously. The Department of Utilities recommend accepting the low bid for Shop Building #2 from Strong Building Systems. A motion was made by Chad Crane and seconded by Jason Evans to accept the low bid from Strong Building Systems in the amount of \$88,865.00 for metal work and installation of Building #2. The motion carried unanimously.

C. City Center 1. Christmas Lights Quotes: City Administrator Phil Higgins requested to purchase Christmas lights for the Cumming City Center. We have contacted several companies and have found two companies that are offering significant discounts if purchased by the end of February. The proposals include lighting on every lamp and pole in the City Center (130 individual fixtures) and a 30' pre-lit tree. The proposals received were 1). Universal Concepts for \$50,535.00 and 2). Temple Display for \$52,509.00. A motion was made by Linda Ledbetter and seconded by Jason Evans to accept the low proposal from Universal Concepts in the amount of \$50,535.00. The motion carried unanimously.

IX. Announcements: 1. Community Arbor Day Celebration- Friday, February 19, 5:30-7 p.m. at City Park

X. Executive Session Mayor Brumbalow stated there was a need for Executive Session to discuss the lease of real property. A motion was made by Jason Evans and seconded by Chad Crane to recess into Executive Session. The motion carried unanimously. After a brief Executive Session, a motion was made by Christopher Light and seconded by Linda Ledbetter to reopen the regular meeting. The motion carried unanimously.

XI. Adjourn: A motion was made by Christopher Light and seconded by Linda Ledbetter to adjourn the meeting. The motion carried unanimously.

Approved this 2nd day of March, 2021.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember

