

City of Cumming
Regular Meeting Agenda
November 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 November 3, 2021
 - B. Executive Session Meeting of November 3, 2021
- VI. Acknowledgements, Proclamations, Resolutions, etc.
 - A. Police Proclamation- Ascension MMA
- VII. Old Business
 - A. Administration
 - 1. 2022 Budget (Public Hearing)
 - 2. Opioid Resolution
 - B. City Center
 - ***Removed**-1. Change Order- Steel
- VIII. New Business
 - A. Planning and Zoning
 - 1. 2022 Alcohol License Renewals
 - 2. Rezoning Application #2021275- Southern General Development Corp. (Public Hearing)
 - B. Administration
 - 1. Hotel/ Motel Tax
 - C. Utilities
 - 1. Report on Quotes- Storm Drain Line at Distribution Shop
 - 2. Report of RFP- Spot Road Pump Station
 - 3. Report of RFP- Spot Road Force Main and Gravity Sewer
 - 4. IGA with Forsyth County- 900 HP Pump
- IX. Announcements
 - 1. City of Cumming non-essential offices will be closed on November 25th and 26th for the Thanksgiving Holiday.
 - 2. Christmas Parade will be Saturday, December 4th at 5 p.m., followed by Fairgrounds' Christmas Festival from 6-8 p.m.
- X. Executive Session (If Needed)
- XI. Adjourn.

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

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, November 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. Cub Scout Troop 207 led everyone in the Pledge to the American Flag.

IV. Consider Agenda for Adoption: Mayor Brumbalow requested to remove under Old Business, B. City Center, 1) Change Order- Steel. A motion was made by Chad Crane and seconded by Jason Evans to amend the agenda as requested by Mayor Brumbalow and adopt the remainder of the agenda as presented. The motion carried unanimously.

V. Consider for adoption the following meeting minutes: A. Work Session Meeting of November 3, 2021: A motion was made by Chad Crane and seconded by Christopher Light to approve the minutes of the Work Session Meeting of November 3, 2021 as presented. The motion carried unanimously.

B. Executive Session Meeting of November 3, 2021: A motion was made by Jason Evans and seconded by Chad Crane to approve the minutes of the Executive Session Meeting of November 3, 2021.

VI. Acknowledgements, Proclamations, Resolutions, etc.- A. Police Proclamation- Ascension MMA: Police Chief David Marsh recognized Junior Asuncau, the owner/manager of Ascension MMA for instituting a training program for local law enforcement officers. He has given generously of his time and energy to help with the Department's defensive tactics training. Mr. Asuncau has been selected by the Peace Officers Standards and Training Council to help rewrite the state mandated defensive tactics training curriculum at the request of the Governor. Mr. Asuncau and two of his instructors were presented a plaque in appreciation.

VII. Old Business: A. Administration: 1. 2022 Budget (Public Hearing): City Administrator Phil Higgins explained that the purpose of this hearing was to allow public

comment on the City of Cumming's 2022 Proposed Budget. A motion was made by Chad Crane and seconded by Joey Cochran to open the public hearing. The motion carried unanimously. No one present commented on the 2022 Proposed Budget. A motion was made by Christopher Light and seconded by Jason Evans to close the public hearing. The motion carried unanimously. The 2022 City of Cumming Budget would be considered for adoption at the December 7, 2020 Work Session.

2. Opioid Resolution: City Attorney Kevin Tallant presented the following: **A RESOLUTION OF THE CITY OF CUMMING, GEORGIA ("CITY") AGREEING TO BE BOUND BY THE MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF GEORGIA AND CERTAIN LOCAL GOVERNMENT ENTITIES CONCERNING THE NATIONAL DISTRIBUTOR AND J&J SETTLEMENTS AND DIRECTING THE EXECUTION OF THE "ACKNOWLEDEMENT AND AGREEMENT TO BE BOUND BY MEMORANDUM OF UNDERSTANDING," "SUBDIVISION DISTRIBUTOR SETTLEMENT PARTICIPATION FORM," AND "JANSSEN SETTLEMENT PARTICIPATION FORM."** A motion was made by Joey Cochran and seconded by Chad Crane to authorize Mayor Brumbalow to sign the resolution on behalf of the City of Cumming.

B. City Center: 1. Change Order- Steel: (Removed from Agenda)

VIII. New Business- A. Planning and Zoning 1. 2022 Alcohol License Renewals: City of Cumming Code Enforcement Officer, Lenny Mancinelli presented the Mayor and Council a list (Attachment A) of fifty-two (52) businesses which currently hold an alcohol license and who have successfully completed their renewal applications for their 2022 alcohol license. Investigations have been completed and all appropriate fees have been paid. All of these businesses are complying with the alcohol ordinance adopted by the City of Cumming stated Mancinelli. There is one license transfer and one late application. It is the recommendation of the Cumming Planning Department that each of these licenses be approved. Then a motion was made by Jason Evans and seconded by Christopher Light approving the renewal of fifty-two (52) alcohol licenses as presented by of the Cumming Planning Department. The motion carried unanimously.

2. Rezoning Application #2021275- Southern General Development Corp. (Public Hearing): Planning Director Scott Morgan read in the record the following staff report:

The applicant, on behalf of the property owner, has made application to the proper authorities, to rezone 78.307 acres, more or less, from Single-Family Residential (R-1) to Multiple-Family Residential (R-3), in order to construct a residential subdivision, with a mixture of housing types. The existing zoning in this area is a combination of R-1 and Institutional (INST). The future land use is designated low-density residential and public-institutional.

The applicant has requested R-3 zoning, which allows up to six (6) units per acre, with variances on front, side and rear setbacks, distance between buildings, minimum lot size and width, as well as maximum lot coverage. They are proposing two development entrances on Pilgrim Road, the configuration of which will require final approval, according to County Ordinance 101, regarding turn lanes, driveways and encroachment control. Due to the fact the developer removed the attached townhomes, which reduces the number of units to 176 and lowered the project density to 2.25 units per acre, staff recommended approval of the rezoning to R-2 (Moderate-Family Residential), with the requested variances granted according to the R-2 dimensional requirements.

The Planning Commission held a public hearing on September 28, 2021 and, due to public comments and the need for further revision of the zoning conditions, action on this item was postponed. At their October 19, 2021 meeting, the Planning Commission voted unanimously to recommend approval of this rezoning, with the revised zoning conditions, housing elevations, concept plan and planting plan for their entire boundary with Sawnee View Memorial Gardens.

A motion was made by Christopher Light and seconded by Jason Evans to open the public hearing. The developer for the property, Mr. David Hole along with a member of the Williams family spoke in favor of the project. A representative of the Sawnee Corners HOA also spoke during this period. Several residents along Pilgrim Road including residents of Emerald Springs Subdivision spoke in opposition of the development. In the interest of time, a motion was made by Christopher Light and seconded by Jason Evans to extend the time limit for speakers by ten minutes so that both those speaking in favor and those opposed would then have a total of twenty minutes to speak. The motion carried unanimously. Among their concerns were increased traffic,

high density and the placement of zoning signage. Lisa Bennett spoke regarding the neighboring cemetery. A motion was made by Christopher Light and seconded by Chad Crane to close the public hearing. The motion carried unanimously. A motion was made by Linda Ledbetter to deny the Southern General Development Corporation Rezoning #2021275. The motion died due to the lack of a second. A motion was made by Joey Cochran and seconded by Christopher Light to postpone any action on Rezoning Application #2021275 until the December 7, 2021 Work Session. The motion carried unanimously.

B. Administration 1. Hotel/ Motel Tax: Ms. Joni Buford, the Director of Tourism Development at the Forsyth Chamber of Commerce presented a plan to raise the Hotel/ Motel tax rate to 8% and explained options to promote tourism development. Most surrounding cities and counties have the 8% rate. A resolution would be made available at the December Work session to begin the process.

C. Utilities: 1. Report on Quotes- Storm Drain Line at Distribution Shop: The Department of Utilities requested proposals for the installation of a storm drain pipe and building gutter connections for the Distribution and Collection Division Shop and received proposals from our two pre-approved demand services contractors as follows:

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|--------------------------------|-------------|
| 1. Jasper Grading and Pipeline | \$38,500.00 |
| 2. Townley Construction | \$42,040.00 |

The Department recommends accepting the low proposal from Jasper Grading and Pipeline. Mayor Brumbalow temporarily left the meeting so Mayor Pro-tem Christopher Light called for a motion. A motion was made by Linda Ledbetter and seconded by Joey Cochran to approve the low proposal from Jasper Grading and Pipeline in the amount of \$38,500.00. The motion carried 4-0. Mayor Brumbalow returned to the meeting.

2. Report of RFP- Spot Road Pump Station: The Department of Utilities advertised and requested proposals for the Spot Road Wastewater Pumping Station. This proposal is for the wastewater pumping station portion only. Four proposals were received as follows:

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|--------------------------------|----------------|
| 1. W.L. Griffin Company, LLC | \$1,342,339.70 |
| 2. Allsouth Constructors, Inc. | \$1,498,400.00 |
| 3. Willow Construction, Inc. | \$1,715,000.00 |

4. Sol Construction, LLC \$1,821,000.00

The Department recommends accepting the low proposal from W.L. Griffin Company, LLC. A motion was made by Chad Crane and seconded by Christopher Light to approve the low proposal from W.L. Griffin Company, LLC in the amount of \$1,342,339.70. The motion carried unanimously.

3. Report of RFP- Spot Road Force Main and Gravity Sewer: The Department of Utilities advertised and requested proposals for the Spot Road Force Main and Gravity Sewer. This proposal is for the gravity sewer and force main portion only. Six proposals were received as follows:

1. Mid-South Builders, Inc. \$629,180.00
2. North Georgia Pipeline, Inc. \$719,307.00
3. Strickland & Sons Pipeline, Inc. \$889,088.00
4. W.L. Griffin Company, LLC \$991,236.20
5. Strack, Inc. \$1,180,948.00
6. Site Engineering, Inc. \$2,252,999.00

The Department recommends accepting the low proposal from Mid-South Builders, Inc. A motion was made by Jason Evans and seconded by Chad Crane to approve the low proposal from Mid-South Builders, Inc. in the amount of \$629,180.00. The motion carried unanimously.

4. IGA with Forsyth County- 900 HP Pump: The Department of Utilities requested the Council to approve the IGA with Forsyth County regarding the City being reimbursed for the installation of an additional 900 HP Raw Water pump in the City's Raw Water Intake Facility (RWIF). The project was awarded to IHS Construction in the amount of \$1,626,152.75. A motion was made by Christopher Light and seconded by Jason Evans to authorize Mayor Brumbalow to sign the IGA on behalf of the City of Cumming. The motion carried unanimously.

IX. Announcements:

1. City of Cumming non-essential offices will be closed on November 25th and 26th for the Thanksgiving Holiday.
2. Christmas Parade will be Saturday, December 4th at 5 p.m., followed by Fairgrounds' Christmas Festival from 6-8 p.m.

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

