

**City of Cumming
Work Session Agenda
December 7, 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. Regular Meeting of November 16, 2021
- VI. Acknowledgements, Proclamations, Resolutions, etc.
 - A. 2021 Cumming Police Service Awards
- VII. Old Business
 - A. Administration
 - 1. 2022 Budget
 - 2. Hotel/Motel Tax Resolution (Information only)
 - B. Planning and Zoning
 - 1. Rezoning Application #2021275- Southern General Development Corp.
 - 2. Capital Improvements Element- Resolution
- VIII. New Business
 - A. Administration
 - 1. Right of Way Abandonment- Oakwood Drive
 - B. Planning and Zoning
 - 1. Professional Planning Services Agreement
 - C. Utilities
 - 1. Storm Water Ordinance Enforcement Amendment
- IX. Announcements
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
WORK SESSION
DECEMBER 7, 2021**

I. There was a Work Session meeting of the Mayor and Council of the City of Cumming on Tuesday, December 7, 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 Cumming Police Department Chaplin Ron Nelson 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 Joey Cochran to adopt the agenda as presented. The motion carried unanimously.

V. Consider for adoption the following meeting minutes: A. Regular Council Meeting of November 16, 2021: A motion was made by Chad Crane and seconded by Jason Evans to approve the minutes of the Regular Council Meeting of November 16, 2021 as presented. The motion carried unanimously.

VI. Acknowledgements, Proclamations, Resolutions, etc.- A. 2021 Cumming Police Service Awards: Cumming Police Chief David Marsh presented the annual Service Awards for the Cumming Police Department. These included the Life Saving Medal, Supervisor of the Year, and Officer of the Year.

VII. Old Business: A. Administration: 1. 2022 Budget: Consider for Adoption City Administrator Phil Higgins presented the 2022 Budget to the Mayor and Council for consideration of adoption. Councilmember Jason Evans left the meeting. A public hearing was held on November 16, 2021 stated Higgins. A motion was made by Christopher Light and seconded by Chad Crane to adopt the 2022 budget as presented by signing the attached **2022 Budget Resolution.** The motion carried 4-0 with Councilman Evans absent. Councilman Evans returned to the meeting.

2. Hotel/Motel Tax Resolution (Information Only): At the last meeting, 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. The following resolution was presented: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CUMMING, GEORGIA, REQUESTING THAT THE GEORGIA GENERAL ASSEMBLY ADOPT LOCAL LEGISLATION AUTHORIZING THE CITY OF CUMMING TO ADOPT THE HOTEL/MOTEL EXCISE TAX UNDER O.C.G.A. 48-13-51 (b); TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE ALL NECESSARY ACTS TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE FOR TOURISM PRODUCT DEVELOPMENT PURPOSES; TO PROVIDE FOR THE ALLOCATION OF PROCEEDS; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.** City Attorney Kevin Tallant explained that the Georgia General Assembly would have to introduce local legislation to continue the process.

B. Planning and Zoning: 1. Rezoning Application #2021275- Southern General Development Corp.: Councilmember Joey Cochran stated that he, along with Councilmembers Christopher Light and Jason Evans had met with the developer and revised the proposed 24 conditions (see attached). Councilmember Cochran made a motion to approve Rezoning Application #2021275- Southern General Development Corp. with the attached 24 conditions and the motion was seconded by Christopher Light. Under discussion, Councilmember Linda Ledbetter voiced her concerns over the high density of the proposed project. The motion carried 4-1 with Councilmember Ledbetter against.

2. Capital Improvements Element- Resolution: Planning Director Scott Morgan stated at once a year the City is required to update the Capital Improvements Element of the Comprehensive Plan. This updates the progress of the existing projects and adds any new ones needed. A motion was made by Christopher Light and seconded by Jason Evans to authorize Mayor Brumbalow to sign the resolution to update of the Capital Improvements Element of the Comprehensive Plan. The motion carried unanimously.

VIII. New Business A. Administration: 1. Right of Way Abandonment- Oakwood Drive: City Attorney Kevin Tallant explained that a plat recorded in 1966 contemplated a

road with a 40 foot right of way proceeding in a Southeasterly direction off of Oakwood Drive. No such right of way was ever dedicated to the City of Cumming, no right of way was ever accepted by the City, and no such road was ever opened. There was only a plat that contemplated a road, and the City has never exercised any ownership over the property. The property owner has agreed to grant the City an easement from stormwater purposes, and in exchange is requesting the City release any rights it might have in the roadway. A motion was made by Christopher Light and seconded by Chad Crane to authorize Mayor Brumbalow to sign the necessary documents (Quit Claim Deed) to abandon a portion of Right of Way on Oakwood Drive. The motion carried unanimously.

B. Planning and Zoning: 1. Professional Planning Services Agreement: Planning Director Scott Morgan presented the proposed agreement with Jerry Weitz & Associates, for services to include the five-year update of the Comprehensive Plan and annual update of our Capital Improvements Element (CIE). This project is a budgeted item for FY 2022. A motion was made by Christopher Light and seconded by Joey Cochran to approve the contact with Jerry Weitz & Associates to update the Comprehensive Plan. The motion carried unanimously.

C. Utilities: 1. Storm Water Ordinance Enforcement Amendment: City Attorney Kevin Tallant proposed the following: **AN ORDINANCE OF THE CITY OF CUMMING, GEORGIA, TO AMEND THE STORMWATER ORDINANCE, TO PROVIDE FOR ADDITIONAL ENFORCEMENT MECHANISMS; TO PROVIDE FOR NOTICE AND PROCESS RELATED TO DECISIONS OF THE CITY OF CUMMING, TO PROVIDE FOR AN EFFECTIVE DATE, TO PROVIDE FOR SEVERABILITY, AND FOR OTHER PURPOSES.** A motion was made by Joey Cochran and seconded by Chad Crane to amend the Storm Water Enforcement Amendment. The motion carried unanimously.

IX. Announcements

X. Executive Session: Mayor Brumbalow stated there was a need to have Executive Session to discuss Real Property Acquisition. A motion was made by Jason Evans and seconded by Christopher Light to recess into Executive Session. The motion carried unanimously.

After a brief Executive Session, a motion was made by Chad Crane and seconded by Jason Evans to re-open the regular meeting. The motion carried 4-0 with Councilmember Ledbetter absent.

XI. Adjournment: A motion was made by Christopher Light and seconded by Chad Crane to adjourn. The motion carried 4-0 with Councilmember Linda Ledbetter absent.

Approved this 21st day of December, 2021.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember