

City of Cumming
Regular Meeting Agenda
January 18, 2022

- I. Meeting Called to Order-Troy Brumbalow, Mayor.
- II. Invocation
- III. Pledge to Flag
- IV. Swearing In
 - A. Mayor Brumbalow, Councilman Crane and Councilman Evans
- V. Consider Agenda for Adoption
- VI. Consider for adoption the following meeting minutes:
 - A. Work Session Meeting of December 7, 2021
 - B. Executive Session Meeting of December 7, 2021
- VII. Acknowledgements, Proclamations, Resolutions, etc.
 - A. Future Business Leaders of America- Forsyth Central High School and Alliance Academy for Innovation
- VIII. Old Business
 - A. Planning and Zoning
 - 1. Rezoning Application #2021293- Providence Group of Georgia, LLC.
- IX. New Business
 - A. Administration
 - 1. Right of Way Abandonment Resolution- Industrial Park Drive
 - B. Planning and Zoning
 - 1. Alcohol License- Dice Goblin Games, 1532 Marketplace Boulevard
 - 2. Variance #2021351- Wash Factory Cumming, LLC
 - 3. Comprehensive Plan Update
- X. Announcements
 - 1. City of Cumming non-essential offices will be closed on December 23rd and 24th for the Christmas Holiday and December 31st for the New Year Holiday.
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
JANUARY 18, 2022**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, January 18, 2022, 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. Swearing In: A. Mayor Brumbalow, Councilman Crane and Councilman Evans. Municipal Court Judge Rich Neville administered the oath of office for Mayor Brumbalow, Councilman Crane and Councilman Evans.

V. 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.

VI. Consider for adoption the following meeting minutes: A. Work Session Meeting of January 4, 2022: A motion was made by Chad Crane and seconded by Jason Evans to approve the minutes of the Work Session Meeting of January 4, 2022 as presented. The motion carried unanimously.

B. Executive Session Meeting of January 4, 2022: A motion was made by Jason Evans and seconded by Chad Crane to approve the minutes of the Executive Session Meeting of January 4, 2022. The motion carried unanimously.

VII. Acknowledgements, Proclamations, Resolutions, etc.- Add-on: A. Future Business Leaders of America- Forsyth Central High School and Alliance Academy for Innovation. Mayor Brumbalow read aloud a proclamation proclaiming the second week in February, 2022 as **NATIONAL FBLA-PBL WEEK** in the City of Cumming, Georgia.

VIII. Old Business: A. Planning and Zoning: 1. Rezoning Application #2021293-Providence Group of Georgia, LLC.: Councilman Christopher Light explained that after many hours of gathering community input on this project, he feels this is the best option for this piece of property. The previous Comprehensive Plan designated this

property for mixed-use development, as indicated in its Future Land Use Map, which led to the amendment of the Cumming Zoning Ordinance, creating the Planned Unit Development (PUD) Zoning District.

Councilmember Linda Ledbetter announced that she had been requested to abstain from voting on this rezoning request by the developer's attorneys. She stated that she was against this project from the very beginning due the high density of the development. A motion was made by Christopher Light and seconded by Joey Cochran to approve Rezoning Application #2021293- Providence Group of Georgia, LLC with the conditions agreed upon by the developer and the City with the exception of striking the phrase "and right of way dedication" from the last sentence of Condition 11(b). As amended, the last sentence of Condition 11(b) now reads "Developer shall receive Impact Fee credits for design and construction expenses pursuant to sa separate Impact Fee Agreement between Developer and City executed prior to commencement of construction." The motion carried 4-0 with Councilmember Ledbetter abstained.

IX. New Business- A. Administration 1. Right of Way Abandonment Resolution-

Industrial Park Drive: City Attorney Kevin Tallant presented a Resolution & Certification Regarding Road Abandonment: A portion of Former Industrial Park Drive in the City of Cumming, Georgia. He explained that with the re-alignment of the Buford Dam Extension and Industrial Park Drive, a portion of the old road bed would not be used. This is the first step of the abandonment process, so ownership of the abandoned property has not been assigned. A motion was made by Joey Cochran and seconded by Jason Evans to approve the Right of Way Abandonment Resolution. The motion carried unanimously.

B. Planning and Zoning 1. Alcohol License- Dice Goblin Games, 1532 Marketplace

Boulevard: City of Cumming Code Enforcement Officer, Lenny Mancinelli stated that the Department of Planning and Zoning has received an Alcoholic Beverage License application for the sale of malt beverages and wine for consumption on the premises for Dice Goblin Games at 1532 Marketplace Boulevard. The background check has been completed and all appropriate fees have been paid. It is the recommendation of the Cumming Planning Department that this license be approved. Then a motion was made by Christopher Light and seconded by Chad Crane to approve the alcohol license for the

sale of malt beverages and wine for Consumption on the Premises for Dice Goblin Games at 1532 Marketplace Boulevard. The motion carried unanimously.

2. Variance #2021351- Wash Factory Cumming, LLC: Planning Director Scott Morgan read into the record the following staff report: *The property owner has made application, to the proper authorities, for an 8' variance to the minimum landscape strip, required along right-of-way (ROW), for any non-residential use. The owner has requested reducing the landscape strip from 10' to 2', to accommodate two drive lanes for their proposed car wash facility. There is an additional 10' landscaped common area, belonging to the shopping center, beyond their requested reduction to the ROW. Therefore, if you grant the variance, there would still be adequate buffer between the car wash drive lanes and North Corners Parkway.*

The Planning Commission held a public hearing on December 21, 2021 and, with no public comment, recommended approval of the variance as requested, with the condition should traffic stack-up from the drive lanes out onto North Corners Parkway, an attendant will be available to direct customers around the facility, to its entrance from the shopping center parking lot.

Prior to the public hearing the Council had several questions about the variance. Mr. Travis Smith, the owner and operator of the proposed car wash explained that the variance requested was to reduce the west side landscape strip adjacent to North Corners Parkway from 10' down to 2' for approximately 103' to accommodate the drive isle for development of a 4,725 sf Express Car Wash Facility.

Councilman Cochran voiced his concern about the line of cars waiting to be washed backing up into North Corners Parkway. Mr. Smith stated that attendants would direct traffic so as to prevent the line backing up into North Corners Parkway.

A motion was made by Jason Evans and seconded by Chad Crane to open the public hearing. Councilman Christopher Light announced he would recuse from voting due to a conflict of interest. The motion carried 4-0 with Councilman Light recused. No one spoke in favor or against. A motion was made by Chad Crane and seconded by Jason Evans to close the public hearing. The motion carried 4-0 with Councilman Light recused. A motion was made by Councilmember Ledbetter and seconded by Jason Evans to approve Variance Request #2021351- Wash Factory Cumming, LLC. with the

condition recommended by the Planning Commission. The motion carried 4-0 with Councilman Light recused.

3. Comprehensive Plan Update: City Planner Scott Morgan stated that the City of Cumming is conducting the 5-year Update to our Comprehensive Plan. To begin this project, an initial public hearing would be held by the City Council. Planner Ms. Nancy Lovingood, with Jerry Weitz & Associates gave a brief explanation of the update process and the schedule needed to make the deadline for submission. The first item was the appointment of the Steering Committee. Planning Director Scott explained that the Committee consists of two Councilmembers, the three Planning Commission member and up to three Cumming citizens. The recommendations were Councilmember Christopher Light, Councilmember Joey Cochran, Planning Commission members: Ralph Webb, Robert Brent Otwell and Ricky Noles. The Cumming Citizens recommended were Jason May, Susie Carr and Zack McMillian. A motion was made by Jason Evans and seconded by Christopher Light to approve the nomination of the members of the Steering Committee. The motion carried 4-1 with Councilmember Ledbetter against. A motion was made by Chad Crane and seconded by Joey Cochran to open the public hearing. The motion carried unanimously. Ms. Lovingood explained that as much public input as possible was needed to guide them on the plan update. Surveys and other information gathering options would be made available on the City's website and Facebook page. A motion was made by Christopher Light and seconded by Jason Evans to close the public hearing. The motion carried unanimously.

IX. Announcements: None

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

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

Approved this 1st of February, 2022.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember