

City of Cumming
Regular Meeting Agenda
April 19, 2022

- 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 April 5, 2022
 - B. Executive Session Meeting of April 5, 2022
- VI. Acknowledgements, Proclamations, Resolutions, etc.
- VII. Old Business
 - A. PTV Ordinance
- VIII. New Business
 - A. Planning and Zoning
 - 1. Annexation Application #2022105-Gateway to Lanier (Public Hearing)
 - B. Utilities
 - 1. Bid Results-Clearwell Project- Phase 1 (GEFA)
 - 2. Consider to Authorize the Mayor to sign all GEFA Loan Documents
 - 3. Consider to Authorize the City Clerk to Attest all GEFA Loan Documents
- IX. Announcements
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
APRIL 19, 2022**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, April 19, 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. Consider Agenda for Adoption: Mayor Brumbalow requested to remove under **New Business A. Planning and Zoning 1. Annexation Application #2022105-Gateway to Lanier (Public Hearing)**. A motion was made by Jason Evans and seconded by Joey Cochran to adopt the agenda as presented, leaving in the item requested to be removed by the Mayor. The motion carried 4-1 with Councilman Crane against.

V. Consider for adoption the following meeting minutes: A. Work Session Meeting of April 5, 2022: A motion was made by Chad Crane and seconded by Christopher Light to approve the minutes of the Work Session Meeting of April 5, 2022 as presented. The motion carried unanimously.

B. Executive Session Meeting of April 5, 2022: A motion was made by Jason Evans and seconded by Joey Cochran to approve the minutes of the Executive Session Meeting of April 5, 2022. The motion carried unanimously.

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

VII. Old Business: A. Administration: PTV Ordinance: City Attorney Kevin Tallant presented an Ordinance with the preamble as follows: **AN ORDINANCE OF THE CITY OF CUMMING, GEORGIA TO PROVIDE FOR THE USE OF PERSONAL TRANSPORTATION VEHICLES ON QUALIFIED MUNICIPAL STREETS; TO PROVIDE FOR THE REGISTRATION OF PERSONAL TRANSPORTATION VEHICLES; TO PROVIDE FOR OPERATIONAL AND EQUIPMENT REQUIREMENTS FOR PERSONAL TRANSPORTATION VEHICLES; TO PROVIDE FOR AN EFFECTIVE DATE; AND OR OTHER PURPOSES.**

A list of City streets where PTV are authorized was provided along with the ordinance.

After some discussion, a motion was made by Chad Crane and seconded by Jason Evans to adopt the PTV ordinance. The motion carried 4-1 with Councilmember Ledbetter against.

VIII. New Business- A. Planning and Zoning 1. Annexation Application #2022105-

Gateway to Lanier (Public Hearing): Planning Director Scott Morgan read into the record the following staff report: *The applicant has made application to the proper authorities, on behalf of the property owners, to annex and rezone 54.223 acres, more or less, and rezone from County Commercial Business (CBD), Lake Residential (LR) and Single-Family Residential (R2R, to City Multiple-Family Residential (R-3) and Highway Business (HB), to develop a 183-unit single-family detached residential subdivision, including requested variances for lot size and width. There is also a proposed 1.62- acre HB outparcel. The development includes realigning a portion of Bald Ridge Acres Drive, which will become City right-of-way upon annexation approval, to intersect with Bald Ridge Marina Road and Eagle Creek Trail. The resulting three-way intersection will be less efficient than the current road configuration and exacerbate traffic movement issues, between the existing and proposed subdivisions.*

This annexation request would extend the city limits into a predominantly residential area and, in the process, cut off several unincorporated parcels from the remainder of the unincorporated County area, due to the configuration of Lake Sidney Lanier as a limiting factor. While this does not create an “unincorporated island” under Georgia Annexation Law, the effect of annexations in this regard is something which should be carefully weighed by the City Council before proceeding. This is especially the case, considering the City and County are working on an intergovernmental agreement, related to roadway maintenance and responsibility for the same.

Moreover, in the past several years, the City has annexed and/or rezoned multiple properties, approved seven (7) large developments, four (4) of which are under construction and two (2) are imminent. The total area annexed and/or rezoned approximately 500 acres, resulting in approximately 3,000 additional residential units added to the City inventory. Given the 5-7year build-out of several of these projects, annexing this property is not in the City’s best interest.

In accordance with State Annexation Law, Forsyth County was properly notified of this annexation request and has filed an objection. The City of Cumming legal counsel has responded to their objection (see enclosures).

The Planning Commission held a public hearing on March 15, 2022 and several surrounding residents spoke in opposition to the proposed annexation. For the reasons stated above, the Board voted to recommend denial of this annexation request.

A motion was made by Chad Crane and seconded by Jason Evans to open the public hearing. The motion carried 4-0 with Councilman Christopher Light abstained. No one spoke in favor of or against the annexation request. A motion was made by Jason Evans and seconded by Joey Cochran to close the public hearing. A motion was made by Jason Evans and seconded by Joey Cochran to deny Annexation Application #2022105- Gateway to Lanier. The motion carried 3-1 with Councilman Crane against and Councilman Light abstained.

B. Utilities: 1. Bid Results- Clearwell Project- Phase 1 (GEFA): The Department of Utilities advertised for bids as per the Georgia Environmental Finance Authority (GEFA) bid requirements and received the following bids: **North Georgia Pipeline, Inc. \$4,913,950.00 and Allsouth Constructors, Inc. \$5,072,774.00.** It is the recommendation of the Department of Utilities to accept the low bid from North Georgia Pipeline, Inc. A motion was made by Christopher Light and seconded by Jason Evans to award the Clearwell Project- Phase 1 to North Georgia Pipeline, Inc. for the low bid of \$4,913,950.00. The motion carried unanimously.

2. Consider to Authorize the Mayor to sign all GEFA Loan Documents: A motion was made by Christopher Light and seconded by Joey Cochran to authorize Mayor Brumbalow to sign all GEFA Loan Documents. The motion carried unanimously.

3. Consider to Authorize the City Clerk to Attest all GEFA Loan Documents: A motion was made by Christopher Light and seconded by Chad Crane to authorize City Clerk Jeff Honea to attest all GEFA Loan Documents. The motion carried unanimously.

IX. Announcements: none

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 Chad Crane to recess into executive session. The motion carried unanimously.

After a brief executive session, a motion was made by Joey Cochran and seconded by Jason Evans to reopen the regular session. The motion carried unanimously.

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

Approved this 3th of May, 2022.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember