

City of Cumming
Regular Meeting Agenda
April 16, 2019

- 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 2, 2019
 - B. Executive Session Meeting of April 2, 2019
- VI. Acknowledgements, Proclamations, Resolutions, etc.
 - A. Cumming Police Officer Shaw Bowman
- VII. Old Business
 - A. Administration
 - 1. 2018 Audit Report
 - 2. Revision to Alcohol Ordinance
 - 3. Sunday Brunch Bill
- VIII. New Business
 - A. Administration
 - 1. Veterans War Memorial
 - 2. Donations for City Center Display Item
 - B. Streets
 - 1. Report on Bids- Atlanta Road Sidewalk
 - 2. Report on Bids- Resurfacing
 - C. I.T.
 - 1. Laserfiche Upgrade
 - D. Planning & Zoning
 - 1. Annexation #2019102 (Public Hearing)- Moss Walker Properties, LLC
 - 2. Annexation #2019106 (Public Hearing)- Mashburn Family Trust
 - 3. Conditional Use Permit #2019133 (Public Hearing)- Gary Bump
 - E. Utilities
 - 1. Report on Bids- Force Main, SR20 West to Post Road
 - 2. Update to Cumming Utilities Ordinance
 - 3. Updated Industrial Pretreatment Program
 - 4. Re-adopt City Water and Sewer Rates and Fees (No increases)
 - 5. Request to Advertise for Bids- Hickory Knoll Culvert Replacement Project
- IX. Announcements
 - A. Upcoming Fairgrounds Events
 - 1. Fridays at the Fairgrounds- April 19, 5 p.m. to 10 p.m.
 - 2. Taste of Forsyth- April 20, 11 a.m. to 5 p.m.
 - 3. Relay for Life- April 26, 6 p.m.
 - 4. Corinth Car Show- April 27, 10 a.m. to 3 p.m.
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
APRIL 16, 2019**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, April 16, 2019, 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. Shad Faulkner 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, seconded by Jason Evans, and unanimously passed to approve the agenda as presented.

V. Consider for adoption the following meeting minutes: A. Work Session Meeting of April 2, 2019: A motion was made by Lewis Ledbetter, seconded by Chad Crane, and unanimously passed to approve the minutes of the Work Session Meeting of April 2, 2019 as presented.

B. Executive Session Meeting of April 2, 2019: A motion was made by Lewis Ledbetter, seconded by Jason Evans, and unanimously passed to approve the minutes of the Executive Session Meeting of April 2, 2019.

VI. Acknowledgements, Proclamations, Resolutions, etc. A. Cumming Police Officer Shaw Bowman- Chief Tatum and Mayor Brumbalow acknowledged Cumming Police Officer Shaw Bowman for outstanding service and generosity shown on March 31, 2019 toward a man stranded in Cumming.

VII. Old Business A. Administration 1. 2018 Audit Report Mr. Charles Cole of the City's independent auditing firm of LeRoy, Cole and Stephens, LLC presented the Mayor and City Council an overview of the City of Cumming's annual audit for the year ending 12/31/18. A motion was made by Christopher Light, seconded by Lewis Ledbetter, and unanimously passed to accept the audit report for the year ended 12/31/18 as presented by the independent auditing firm of Leroy, Cole and Stephens.

2. Revision to Alcohol License Ordinance City Attorney Kevin Tallant presented a draft ordinance with the preamble as follows: **AN ORDINANCE TO AMEND THE**

CURRENT CITY OF CUMMING ALCOHOL ORDINANCE; TO PROVIDE NEW DEFINITIONS; TO DEFINE INDIVIDUALS WHO MAY ENFORCE THE ALCOHOL ORDINANCE; TO DEFINE LOCATIONS WHERE SERVICE OF ALCOHOL IS PERMITTED; TO ADD ADDITIONAL PERMITTING OPTIONS FOR SPECIAL EVENTS PERMITS; TO ADD PERMITTING OF ALCOHOL BEVERAGE CATERERS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES AS SET FORTH HEREIN. A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to adopt the ordinance to amend the City of Cumming Alcohol Ordinance as presented.

3. Sunday Brunch Bill City Attorney Kevin Tallant stated that the City would have to wait to ask the Forsyth Voter Registration and Elections Board to “call” the election to add the Sunday Brunch Bill. The draft resolution had a preamble as follows: A

RESOLUTION OF THE COUNCIL OF THE CITY OF CUMMING, GEORGIA, CALLING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 5, 2019, TO PERMIT THE VOTERS OF THE CITY OF CUMMING TO DECIDE WHETHER THE CITY OF CUMMING IS AUTHORIZED TO PERMIT AND REGULATE SUNDAY SALES OF DISTILLED SPIRITS OR ALCOHOLIC BEVERAGES FOR CONSUMPTION BY THE DRINK FROM 11:00 A.M. TO 12:30 P.M.; AND FOR OTHER PURPOSES. A motion was made by Lewis

Ledbetter, seconded by Linda Ledbetter, and unanimously passed to table the adoption of this resolution until it is within the time frame required by the Elections Board.

VIII. New Business A. Administration 1. Veterans War Memorial City Administrator Phil Higgins explained that the Veterans War Memorial has fallen into a state of disrepair. Mr. Higgins stated that after consulting with the designer of the existing monument and other independent contractors it is their recommendation that the monument needs to be taken down. This will not be a budgeted expenditure, therefore it would have to be paid for with Contingency money. The City’s Emergency contractor, Jimmy Ray Brown, could start on the demolition immediately in order to still have the Memorial Day Service at the site. A motion was made by Christopher Light, seconded by

Chad Crane, and unanimously passed to authorize the expenditure to take down the memorial.

2. Donations for City Center Display Mayor Brumbalow explained that donations have been pledged from local businesses/sponsors for the purchase and restoration of memorial vehicles for display at the Cumming City Center. One example included a 1969 Chevrolet Impala restored as a memorial to Deputy Bill Cantrell and Deputy Larry Mulkey who were murdered in 1972 while in service. A motion was made by Christopher Light, seconded by Lewis Ledbetter, and unanimously passed to acquire the items and restore them for memorial display and parade purposes, and then accept donations from the business community for the costs.

B. Streets- 1. Report on Bids- Atlanta Road Sidewalk City Administrator Phil Higgins reported that four (4) bids were received for the first phase of the Atlanta Road Sidewalk project ranging from \$212,364.00 to \$296,938.50. After considering all bids and with the recommendation of the Consulting Engineer it is my recommendation to accept the low bid from Construction 57, Inc. This project will be paid out of SPLOST VII. We also have applied for a grant from the DOT that would pay up to 70% of the project stated Higgins. A motion was made by Jason Evans, seconded by Chad Crane, and unanimously passed to award the bid to Construction 57, Inc. for the low bid of \$212,364.00.

2. Report on Bids- Resurfacing City Administrator Phil Higgins reported that four (4) bids were received for the resurfacing of 14th and 15th Streets, Darla Avenue, Ramey Drive, and Dave Drive ranging from \$147,055.00 to \$246,181.00. After considering all bids it is my recommendation to accept the low bid from Jasper Grading and Pipeline. This project will be paid out of SPLOST VII. A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to award the bid to Jasper Grading and Pipeline for the low bid of \$147,055.00.

C. I.T.1. Laserfiche Upgrade Director of Information Technology Shad Faulkner requested to purchase the upgrade to the City's document management software called Laserfiche. Upgrading to the latest version of Laserfiche will allow the City to accept online forms. Citizens will be able to fill out forms on our website and submit them to the correct employee at the City of Cumming. This was a 2019 budgeted item. A motion was

made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to authorize the purchase of the Laserfiche upgrade in the amount of \$33,075.00.

D. Planning & Zoning 1. Annexation #2019102 (Public Hearing)- Moss Walker

Before beginning, Councilman Christopher Light announced he needed to recuse from voting. Planning Director Scott Morgan read the staff report into the record as follows:

The property owner has made application to the proper authorities to annex 3.10 acres, more or less and rezone to Office Professional (OP), along with a Conditional Use Permit request, to construct a senior housing/assisted living facility on the subject property. The property currently zoned Office & Institutional in the County and has a vacant residence located on it, which will be demolished. The City's Future Land Use map shows OP on the adjacent properties, therefore; this annexation and rezoning is in conformance with our Comprehensive Plan. Forsyth County has stated they have no objection to the proposed annexation.

The applicant has submitted zoning conditions along with the annexation petition and CUP request, since the proposed facility will serve eighteen (18) or more persons.

The Planning Commission held a public hearing on the proposed annexation/rezoning/CUP and, with no public comments, recommended approval, with the applicant's attached conditions as well as the following City Condition:

1. The proposed facility build-out must occur within thirty-six (36) months.

A motion was made by Jason Evans and seconded by Chad Crane to open the public hearing. The motion carried 4-0 with Councilman Light recused. Representing the applicant was Mr. William Hansard with Lipscomb, Johnson, Sleister, Dailey & Smith, LLP. Mr. Hansard explained that their intent was to annex and rezone 3.10 acres to Office Professional along with a Conditional Use Permit to construct a senior housing/assisted living facility on the property. The property is located at 930 Sanders Road. No one spoke in opposition of the Annexation, Rezoning or the Conditional Use Permit. Mayor Brumbalow requested that Mr. Hansard ask if his client would consider requiring 100% masonry or stone exteriors instead of only 75%. A motion was made by Linda Ledbetter and seconded by Chad Crane to close the public hearing. The motion carried 4-0 with Councilman Light recused. A motion was made by Lewis Ledbetter and seconded by Linda Ledbetter to table any action on **Moss Walker Properties, LLC Annexation**

#2019102, Rezoning to Office Professional (OP) and Conditional Use Permit until the May 7, 2019 Work Session. The motion carried 4-0 with Councilman Light recused.

2. Annexation #2019106 (Public Hearing)- Mashburn Family Trust Planning Director Scott Morgan read the staff report into the record as follows:

The property owner has made application to the proper authorities to annex .935 acres, more or less and rezone to Restricted Industrial (M-1), for the purpose of maintaining an existing hobby garage and automobile mechanic's shop. The property is currently zoned HB in the County, therefore, the rezoning to City M-1 would be a more restrictive zoning. The City's Future Land Use map shows light industrial on the adjacent property, therefore; this annexation and rezoning in in conformance with our Comprehensive Plan. Forsyth County has stated they have no objection to the proposed annexation.

The Planning Commission held a public hearing and, with no public comments, recommended approval of the proposed annexation/rezoning with the following condition: •Any changes in land use must be approved by the Mayor and Council

A motion was made by Christopher Light, seconded by Jason Evans, and unanimously passed to open the public hearing. The application stated that plans were to maintain the property as a hobby garage and mechanics shop. The property is located at 807 Dahlonega Highway. No one spoke in opposition of the Annexation or Rezoning. A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to close the public hearing. A motion was made by Linda Ledbetter and seconded by Lewis Ledbetter to approve Annexation #2019106 Mashburn Family Trust. The motion failed 2-3. A motion was made by Chad Crane, seconded by Jason Evans, and unanimously passed to table Annexation #2019106 Mashburn Family Trust until the May 7, 2019 Work Session.

3. Conditional Use Permit #2019133 (Public Hearing)- Gary Bump Planning Director Scott Morgan read into the record the staff report: *The property owner has made application, to the proper authorities, for a Conditional Use Permit (CUP). To allow Ms. LaQuitta Rummler, a Licensed Massage Therapist, to re-establish a medical-based massage therapy business, The Oasis Therapeutic Retreat, at 611 Veterans Memorial Boulevard. Ms.Rummler's business was located here from 2004 until 2016, with no*

recorded complaints to the City. Ms. Rummler has certifications in several disciplines of massage therapy and is currently licensed by the Georgia Board of Massage Therapy.

The Planning Commission held a public hearing and, with no public comments, recommended approval of the CUP with the following condition: This CUP is issued to Ms. LaQuitta Rummler, d/b/a The Oasis Therapeutic Retreat at 611 Veterans Memorial Boulevard, Cumming, Georgia 30040, and cannot be transferred to any other individual or utilized at any other location.

A motion was made by Linda Ledbetter, seconded by Jason Evans, and unanimously passed to open the public hearing. Ms. Rummler spoke in favor of the application. No one else spoke in favor of or in opposition to the application. A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to close the public hearing. After a motion by Chad Crane and second by Linda Ledbetter, the Mayor and Council voted unanimously to approve the Conditional Use Permit with the conditions as recommended by the planning commission.

E. Utilities 1. Report on Bids- Force Main, SR20 West to Post Road Director of Utilities Jon Heard reported that the Department of Utilities requested bids for the installation of a sewer force main to serve properties at Post Road and Highway 20 West. Sealed bids were received ranging from \$887,187.60 to \$1,113,081.00. The Department of Utilities recommends accepting the low bid from North Georgia Pipeline. A motion was made by Chad Crane, seconded by Lewis Ledbetter, and unanimously passed to accept the low bid from North Georgia Pipeline in the amount of \$887,187.60 for the Sewer Force Main, SR20 to Post Road.

2. Update to Cumming Utilities Ordinance Director of Utilities Jon Heard explained that The Department of Utilities had made some minor changes to the Cumming Utilities Ordinance and would like to request that the Mayor and Council adopt the updated version of the Ordinance. A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to adopt the updated Cumming Utilities Ordinance.

3. Updated Industrial Pretreatment Program Director of Utilities Jon Heard explained that the Department of Utilities has made some minor changes to the Cumming Utilities Industrial Pretreatment Program and would like to request that the Mayor and Council

adopt the updated version of the Program. A motion was made by Linda Ledbetter, seconded by Chad Crane, and unanimously passed to adopt the updated version of the Industrial Pretreatment Program.

4. Re-adopt City Water and Sewer Rates and Fees (No increases) Director of Utilities

Jon Heard explained that The Department of Utilities had made some minor changes to the Cumming Utilities Fee Chart and would like to request that the Mayor and Council adopt the updated version. This requires a resolution. A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to adopt the resolution to update the Cumming Utilities Fee Chart.

5. Request to Advertise for Bids- Hickory Knoll Culvert Replacement Project:

Director of Utilities Jon Heard requested permission to bid the Hickory Knoll Storm Culvert. Mayor Brumbalow added that he had personally witnessed that during heavy rains, the safety hazard and flooding that occurred in this area. A motion was made by Chad Crane, seconded by Jason Evans, and unanimously passed to authorize the Department of Utilities to Advertise for bids the Hickory Knoll Culvert Replacement Project.

IX. Announcements

A. Upcoming Fairgrounds Events

1. Fridays at the Fairgrounds- April 19, 5 p.m. to 10 p.m.
2. Taste of Forsyth- April 20, 11 a.m. to 5 p.m.
3. Relay for Life- April 26, 6 p.m.
4. Corinth Car Show- April 27, 10 a.m. to 3 p.m.

X. Executive Session Mayor Brumbalow stated there was a need for Executive Session

to discuss the potential purchase of real property. A motion was made by Christopher Light, seconded by Jason Evans, and unanimously passed to recess into Executive Session. After a brief Executive Session, a motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to reopen the regular meeting.

XI. Adjourn: A motion was made by Chad Crane, and seconded by Linda Ledbetter to adjourn the meeting.

Approved this 7th day of May, 2019.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember