

City of Cumming
Work Session Agenda
August 6, 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. Special Called Meeting of July 22, 2019

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

VII. Old Business

A. Planning & Zoning

1. Rezoning Application #2018310- Lynwood Properties

VIII. New Business

A. Planning & Zoning

1. Alcohol License- Tokyo Steak and Sushi

2. GCIC Ordinance (Information Only)

3. Conditional Use Permit #2019341- Sawnee Mountain Motors

B. Administration

1. Impact Fee Ordinance Amendment- Definitions

2. Small Cell Technology Ordinance (Information Only)

3. Procurement Policy Revisions

C. Fairgrounds

1. Request for Change Order- Fairgrounds Wall Extension

2. Request for Approval- Construction of New Ticket Booth

D. Police

1. Report Quotes- Body & Car Cameras

IX. Announcements

A. Upcoming Events

1. Fridays at the Fairgrounds- Aug. 16, 5-10 p.m.

2. Rock for Rescue at the Fairgrounds- Aug. 17, 3-11 p.m.

3. Qualifying for City of Cumming Election, Council Posts 3, 4, and 5- Aug. 19-21, 8:30 a.m. to 4:30 p.m. at City Hall (Election Day is Nov. 5, 2019)

X. Executive Session (If needed)

XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
WORK SESSION
AUGUST 6, 2019**

I. There was a Work Session meeting of the Mayor and Council of the City of Cumming on Tuesday, August 6, 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 Linda Ledbetter, seconded by Chad Crane, and unanimously passed to adopt the agenda as presented.

V. Consider for adoption the following meeting minutes: A. Special Called Meeting of July 22, 2019: A motion was made by Chad Crane, seconded by Linda Ledbetter, and unanimously passed to approve the minutes of the Special Called Meeting of July 22, 2019 as presented.

VI. Acknowledgements, Proclamations, Resolutions, etc. A. Acknowledgement- None

VII. Old Business: A. Planning & Zoning- 1. Rezoning Application #2018310-

Lynwood Properties - Before any discussion Councilman Christopher Light stated he needed to recuse from voting. Planning Director Scott Morgan referred to the attached staff report: *An application has been submitted, on behalf of the property owner, to rezone 22.38 acres, more or less, from Highway Business (HB) to Planned Unit Development (PUD), at 1600 Ronald Reagan Boulevard. The proposed development, according to the Exhibit a rezoning plan, will consist of 336 multifamily residential units, one 8-story hotel totaling 300 rooms, to be completed in two phases, and 10,000 square feet of commercial space, to be constructed at a future time.*

The public hearing was held on June 18 and voting on this rezoning request has been postponed, while the zoning conditions have been finalized. The applicant's zoning stipulation letter, dated July 24, 2019, contains sixteen (16) conditions, to which the City and the developer have both agreed. Therefore, the recommendation is for

approval of the PUD rezoning request, according to conditions a) through p) of the above-referenced letter.

A motion was made by Linda Ledbetter, and seconded by Chad Crane to approve Rezoning Application #2018310- Lynwood Properties. The motion carried 4-0 with Councilman Christopher Light recused.

VIII. New Business A. Planning & Zoning 1. Alcohol License- Tokyo Steak and Sushi.

City of Cumming Code Enforcement Officer Lenny Mancinelli stated that the Department of Planning and Zoning had received an Alcoholic Beverage License application for the sale of distilled spirits, malt beverages and wine for consumption on the premises for business of Tokyo Steak and Sushi located at 170 Tri County Plaza, Cumming GA. In accordance with the City's alcohol ordinance, a background check was conducted on the license applicant, Yu Chin Lin, and no issues were found to deny the applicant the license. Additionally, the applicant has met all the requirements of the application process and has paid all fees due the City, therefore it is recommended that the license be granted. A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to grant the Alcoholic Beverage License for the sale of distilled spirits, malt beverages and wine for consumption on the premises for Tokyo Steak and Sushi.

2. GCIC Ordinance (Information Only) City Attorney Kevin Tallant presented a proposed ordinance for information only, with the preamble as follows: **AN**

ORDINANCE OF THE CITY OF CUMMING TO PROVIDE FOR RULES RELATED TO CRIMINAL BACKGROUND CHECKS FOR CERTAIN TYPES OF LICENSES AND PERMITS IN REGULATED FIELDS; TO PROVIDE FOR PROCEDURES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

3. Conditional Use Permit #2019341- Sawnee Mountain Motors- Planning Director Scott Morgan read the staff report into the record as follows:

The property owner has made application, to the properties, for a Conditional Use Permit (CUP), to allow an automobile sales establishment at 328 Dahlonega Street. The property is zoned Highway Business (HB), and is currently vacant, but has previously been the location of an automobile sales establishment. Automobile sales are permitted by right in the HB zoning district.

Per the attached plan, the business will park approximately 28 vehicles on site for sale. The Planning Commission held a public hearing on July 16 and, with no one in opposition, unanimously recommended approval of the CUP, with the following two conditions:

- 1. A loading/unloading zone, a minimum of fourteen (14') wide and forty (40') long, must be provided and it must remain continuously free of vehicles and accessible directly from the street.*
- 2. This CUP is specific for this applicant and the business for which this applicant currently holds a license. Only this applicant, operating the current business, may utilize this property for this use.*

A motion was made by Cristopher Light, seconded by Linda Ledbetter, and unanimously passed to open the Public Hearing. No one spoke in favor of or in opposition of the Conditional Use Permit. A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to close the Public Hearing.

A motion was made by Lewis Ledbetter, seconded by Linda Ledbetter, and unanimously passed to approve Conditional Use Permit (CUP) #2019341 by Sawnee Mountain Motors with the conditions recommended by the Planning Commission.

B. Administration 1. Impact Fee Ordinance Amendment- Definitions City Attorney Kevin Tallant explained that a conflict in the definition of “Public Safety Facility” existed in the original ordinance. The new definition read as follows: *Public safety facilities means land, buildings or equipment used for fire protection, suppression and rescue used by the City or Forsyth County’s fire department, land buildings or equipment used for police and/or law enforcement services, purposes, and protection, and emergency communications equipment used for the County E-911 system.* A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to adopt the Impact Fee Ordinance Amendment.

2. Small Cell Technology Ordinance (Information Only) City Attorney Kevin Tallant presented a sample ordinance, for information only, with a preamble as follows: **TO AMEND CHAPTER 20, ARTICLE II OF THE CODE OF THE CITY OF CUMMING BY ADOPTING REGULATIONS CONCERNING THE PLACEMENT OF SMALL WIRELESS FACILITIES, SUPPORT STRUCTURES, AND POLES IN**

CITY RIGHT(S)-OF-WAY; TO PROVIDE A HEIRARCHY FOR APPLICABILITY OF RIGHT(S)-OF-WAY REGULATIONS; TO PROVIDE FOR AESTHETIC REGULATIONS GOVERNING THE PLACEMENT OF FACILITIES AND EQUIPMENT IN PUBLIC RIGHT(S)-OF-WAY WITHIN THE CITY LIMITS; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; AND FOR OTHER PURPOSES.

3. Procurement Policy Revisions- Assistant City Attorney Molly Anderson explained that the State of Georgia raised the amounts required to be placed on the State Procurement Registry \$10,000.00 to \$100,000.00. This would allow the City to obtain three (3) quotes from different sources for supplies and/or services on amounts less than \$100,000.00. A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to strike the Part II, Section 2, paragraph 1, the section “and posting on the Georgia Procurement Registry”.

C. Fairgrounds 1. Request for Change Order- Fairgrounds Wall Extension City Administrator Phil Higgins explained that a change order was needed on the Fairgrounds Wall Extension to bring it up to grade. This will result in increased usable space for use in events. It will also include additional paving with increased drainage. The total price for this Change Order is \$127,356.98. A motion was made by Lewis Ledbetter, seconded by Christopher Light, and unanimously passed to approve the request for a change order to the Fairgrounds Wall Extension.

2. Request for Approval- Construction of New Ticket Booth City Administrator Phil Higgins requested approval to begin the construction of the New Ticket Booth for Gate C at the Cumming Fairgrounds. This was originally included in the Pedestrian Bridge Project. Those bids were rejected as we felt that we could construct this Ticket Booth much cheaper than that of the bid price, which was in excess of \$200,000.00. A motion was made by Lewis Ledbetter, seconded by Chad Crane, and unanimously passed to approve the Construction of the New Ticket Booth for Gate C at the Cumming Fairgrounds for an estimated cost of \$100,000.00.

D. Police 1. Report Quotes- Body & Car Cameras City Administrator Phil Higgins reported that bids had been received for the Body and Car Cameras for the Cumming Police Department. A bid was received from Axon Enterprises, Inc. for the Body Cameras in the

amount of \$18,664.00 and the Car Cameras in the amount of \$25,669.60. These are annual fees with this year's fee included in the 2019 budget. A motion was made by Linda Ledbetter, seconded by Christopher Light, and unanimously passed to award the bid for the Body Cameras to Axon Enterprises, Inc. in the amount of \$18,664.00. A motion was made by Linda Ledbetter, seconded by Chad Crane, and unanimously passed to award the bid for the Car Cameras to Axon Enterprises, Inc. in the amount of \$25,669.60.

IX. Announcements

A. Upcoming Events

1. Fridays at the Fairgrounds- Aug. 16, 5-10 p.m.
2. Rock for Rescue at the Fairgrounds- Aug. 17, 3-11 p.m.
3. Qualifying for City of Cumming Election, Council Posts 3, 4, and 5- Aug. 19-21, 8:30 a.m. to 4:30 p.m. at City Hall (Election Day is Nov. 5, 2019)

X. Executive Session Mayor Brumbalow stated there was a need to have Executive Session to discuss real property and potential litigation. A motion was made by Christopher Light and seconded by Chad Crane to recess into Executive Session. After Executive Session, a motion was made by Lewis Ledbetter, seconded by Chad Crane, and unanimously passed to reopen the regular meeting.

A motion was made by Christopher Light, seconded by Lewis Ledbetter, and unanimously passed to authorize Mayor Brumbalow to sign the IGA with the Forsyth County Board of Education to buy the land and build a parking lot to be used jointly by Forsyth Central High School and the Cumming City Center.

A motion was made by Christopher Light, seconded by Lewis Ledbetter, and unanimously passed to Quit-claim .0345 acres off Hutchinson Road to remove the property from the City street inventory.

A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to allow Dr. Joe Moses to pay a \$5,000.00 tap fee to settle his sewer service dispute.

XI. Adjournment: A motion was made by Christopher Light and seconded by Linda Ledbetter to adjourn the meeting.

Approved this 20th day of August, 2019.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember