

City of Cumming
Regular Meeting Agenda
April 20, 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. Work Session Meeting of April 6, 2021
- VI. Acknowledgements, Proclamations, Resolutions, etc.
- VII. Old Business
 - A. Administration
 - 1. IGA with Forsyth County- Creation of a Land Bank Authority
 - B. Planning and Zoning
 - 1. Annexation Request #2019263- 14905 Hopewell Group, LLC
- VIII. New Business
 - A. Planning and Zoning
 - 1. Conditional Use Permit #20211152- Advantage Boat Center
 - B. Utilities
 - 1. Small Cell Towers Design Criteria
- IX. Announcements
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
APRIL 20, 2021**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, April 20, 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 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: A motion was made by Chad Crane and seconded by Jason Evans to adopt the agenda as presented. The motion carried unanimously.

V. Consider for adoption the following meeting minutes: A. Work Session Meeting of April 6, 2021: A motion was made by Joey Cochran and seconded by Jason Evans to approve the minutes of the Work Session Meeting of April 6, 2021 as presented. The motion carried unanimously.

VI. Acknowledgements, Proclamations, Resolutions, etc.

VII. Old Business: A. Administration: 1. IGA with Forsyth County- Creation of a Land Bank Authority: City Attorney Kevin Tallant explained that the Land Bank Act permits any county or counties and at least one city located in each participating county to enter into an intergovernmental contract establishing a land bank, the purpose of which would be to acquire tax delinquent and other properties in order to foster the public purpose of returning property which is nonrevenue generating and nontax producing to an effective utilization status in order to provide housing, new industry, and jobs for the citizens of the State of Georgia. A motion was made by Christopher Light and seconded by Jason Evans to authorize Mayor Brumbalow to sign on behalf of the City of Cumming, the IGA creating the Forsyth County/ City of Cumming Land Bank Authority. The motion carried unanimously.

B. Planning and Zoning: Annexation Request #2019263- 14905 Hopewell Group, LLC.: Mr. Danny Bennett, applicant and developer, explained that the percentage breakdown for the total project shall be: 17.5% Institutional, 48.3% Residential, 20.0%

Open Space and 14.2% Vertical Mixed Use. This consists of 191 Fee-Simple Townhomes and 207 Condo Units with a maximum density of 9.5 units per acre. The non-residential shall be 65,000 square feet, 20,000 square feet for institutional and 45,000 square feet for retail/commercial. After further discussion, a motion was made by Jason Evans and seconded by Chad Crane to approve Annexation Request #2019263- 14905 Hopewell Group, LLC. and rezoning the property to City Planned Unit Development (PUD) per the development plan dated 4/19/21 and the 47 zoning conditions. The motion carried 3-1-1 with Councilman Light recused and Councilmember Linda Ledbetter voting against.

VIII. New Business- A. Planning and Zoning: 1. Conditional Use Permit #202152-

Advantage Boat Center: Planning Director Scott Morgan read into the record the following Staff report: *The applicant, on behalf of the property owner has made application to the proper authorities for a Conditional Use Permit (CUP), in order to establish an open storage facility as a principal use on property zoned Planned Shopping Center (PSC). The subject property is PIN C27-024, located at 318 Bald Ridge Road, is currently vacant and consists of 7.944 acres, more or less. Given the property topography and the existing easements, this would be an appropriate use and not visible from the road.*

The applicant/operator will grade, gravel and install perimeter fencing around the entire property. The front portion of the fencing will be screened, as it runs on both sides of the entrance, which will be controlled by an electronic gate. The entrance will have an approximate sixty to seventy foot (60-70') paved driveway, curved from the existing curb cut at the road, to the secured gated entrance and will travel behind existing trees, thereby minimizing visibility of the entrance from the road. Each storage space will be cleared marked, keeping the entire parking area neat and organized. A monument sign for the storage facility will be installed at the entrance driveway, near the road

The Planning Commission held a public hearing on March 16, 2021, and with no recorded opposition, voted unanimously to recommended approval of the CUP with the following conditions:

1. Occupant agrees at all times to keep all items stored on the premises in “drivable” or working condition and to keep trailers road-worthy. Occupants shall not use the facility or space as a shop to service, repair, restore, modify or otherwise work on stored items.

2. All exterior lights located at the facility shall be facing in, illuminating only the storage area, and approved by the Department of Planning and Zoning.

3. Any facility signage will be approved and permitted by the Department of Planning and Zoning.

4. The design and the land disturbance of the site will not increase runoff on any adjacent properties and the applicant will comply with all six (6) plan items, as stated in February 08, 2021 letter of intent and all five (5) items, as stated in their February 10, 2021 plan details.

A motion was made by Christopher Light and seconded by Jason Evans to open the public hearing. The motion carried unanimously. The applicant, Mr. Bill Reins explained that plans had changed on how the driveway would enter the development due the steep slope of the property. Some of the uncovered parking sites would be removed from the plan. No opposition to the development was recorded. A motion was made by Joey Cochran and seconded by Jason Evans to close the public hearing. The motion passed unanimously. A motion was made by Joey Cochran and seconded by Christopher Light to postpone any action on this Conditional Use Permit until the applicant could revise their site plan. Staff will also have additional conditions to add before adoption. The motion carried unanimously.

B. Utilities: 1. Small Cell Tower Design Criteria: City Attorney Kevin Tallant explained that the City’s Small Cell Tower ordinance already has a section on aesthetic compliance, it just needs enforcing. The ordinance requires poles/tower to conform with the existing infrastructure. If the surrounding poles/towers are decorative metal poles, that is what is required. Director of Utilities, Jon Heard stated that the Utilities Department could follow up on the installation of the poles/tower to ensure that what is installed matches the existing infrastructure.

IX. Announcements: None

X. Executive Session Mayor Brumbalow stated there was a need for Executive Session to discuss the acquisition and sale of real property. A motion was made by Jason Evans and seconded by Joey Cochran to recess into Executive Session. The motion carried unanimously.

After a brief executive session, a motion was made by Christopher Light and seconded by Joey Cochran to reopen the regular meeting. The motion carried unanimously. A motion was made by Christopher Light and seconded by Linda Ledbetter to authorize the purchase Lot # 116 of Phase 2 of Park Shore Subdivision, Tax Map Parcel # 197-281, for \$100,000.00 with 3% earnest money. The property will be used for a sanitary sewer pump station. The motion carried unanimously.

XI. Adjourn: A motion was made by Linda Ledbetter and seconded by Joey Cochran to adjourn the meeting. The motion carried unanimously.

Approved this 4th day of May, 2021.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember