

City of Cumming
Regular Meeting Agenda
August 16, 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. Regular Meeting of July 19, 2022
- B. Executive Session Minutes of July 19, 2022
- C. Special Called Meeting of July 25, 2022

VI. Acknowledgements, Proclamations, Resolutions, etc.

VII. Old Business

VIII. New Business

A. Cumming Aquatic Center

- 1. Report of Proposals- Roof Coating Systems

B. Planning and Zoning

- 1. Alcoholic Beverage License Application- Old Harbor Seafood Kitchen, 911 Marketplace Boulevard
- 2. Conditional Use Permit #2022181-Bernadette's Hair Salon Inc., 512 Dahlonega Street
- 3. Annexation #2022192-Anthony Austin-1425 Pilgrim Road (Public Hearing)
- 4. Annexation #2022194-Jan Allen-1435 Pilgrim Road (Public Hearing)

C. Utilities

- 1. Sanders Road Creek Culvert-Emergency Repair
- 2. Property Purchase-Smithdale Heights Water Booster Station
- 3. Encroachment Agreement-Atlanta Gas Light

IX. Announcements

- A. City Hall and all other non-essential City departments and facilities will be closed in observance of Labor Day on Monday, September 5, 2022

X. Executive Session (If Needed)

XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
AUGUST 16, 2022**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, August 16, 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: A motion was made by Chad Crane and seconded by Christopher Light to adopt the agenda as presented. The motion carried unanimously.

V. Consider for adoption the following meeting minutes: A. Regular Meeting of July 19, 2022: A motion was made by Jason Evans and seconded by Joey Cochran to approve the minutes of the Regular Meeting of July 19, 2022 as presented. The motion carried unanimously.

B. Executive Session Minutes of July 19, 2022: A motion was made by Jason Evans and seconded by Chad Crane to approve the Executive Session Minutes of July 19, 2022 as presented. The motion carried unanimously.

C. Special Called Meeting of July 25, 2022: A motion was made by Jason Evans and seconded by Joey Cochran to approve the minutes of the Special Called Meeting of July 25, 2022 as presented. The motion carried unanimously.

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

VII. Old Business-none

II. New Business- A. Cumming Aquatic Center: 1. Report of Proposals- Roof

Coating System: City Administrator Phil Higgins explained that an RFP was sent out in June requesting proposals from qualified contractors to install a roof coating system. This was a 2022 budgeted item. The results were as follows:

1. Edge Roofing LLC \$315,625.00
2. Alpha Roofing Systems, LLC. \$395,435.00

- | | |
|-----------------------------|--------------|
| 3. Roof Technology Partners | \$329,200.00 |
| 4. Bone Dry Roofing Co. | \$263,836.00 |
| 5. CGS Waterproofing | \$241,250.00 |

After consulting with our Aquatic Staff and negotiating with each proposing contractor it is their recommendation to approve the second lowest proposal from Bone Dry Roofing Co. in the amount of \$263,836.00. Mr. Higgins stated that the reason for approving the second lowest proposer is due to the fact that the lowest proposer is not certified to use the product that is desired to be used. This fact would affect the manufacturer's warranty. A motion was made by Christopher Light and seconded by Joey Cochran to approve the second lowest proposal from Bone Dry Roofing Co. in the amount of \$263,836.00. The motion carried unanimously.

B. Planning and Zoning: 1. Alcoholic Beverage License Application-Old Harbor

Seafood Kitchen, 911 Marketplace Boulevard: 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 the business of Old Harbor Seafood Kitchen located at 911 Marketplace Boulevard- Suite L, Cumming, GA. In accordance with the City's alcohol ordinance, a background check was conducted on the license applicant 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 their recommendation the license be granted. A motion was made by Jason Evans and seconded by Chad Crane to approve the Alcoholic Beverage License Application for the sale of malt beverages and wine for consumption on the premises for Old Harbor Seafood Kitchen located at 911 Marketplace Boulevard-Suite L. The motion carried unanimously.

2. Conditional Use Permit #2022181-Bernadette's Hair Salon Inc., 512 Dahlonga

Street: Planning Director Scott Morgan read into the record the following staff report: *The property owner has made application, to the proper authorities, for a Conditional Use Permit (CUP), to operate a personal service establishment (hair salon), in the Office Professional (OP) zoning district.*

As part of the CUP request, the owner has requested a variance to allow six (6) off-street parking spaces above the maximum, for a total of seventeen (17) spaces. The existing curb cut will be utilized for ingress/egress to the business

The Planning Commission held a public hearing on July 19, 2022 and, with no public comments, recommended approval of the CUP with the following conditions:

- 1. Parking spaces must be marked a minimum of nine (9) feet wide by eighteen (18) feet long, including providing one marked handicapped space, which meets ADA dimensional requirements.*
- 2. Hours of operation shall be Monday thru Saturday, no earlier than 8:00 AM to no later than 7:00 PM.*
- 3. All existing landscape areas are to remain as is, at a minimum.*
- 4. Any future ADA/building code, life safety or ingress/egress changes must be approved and permitted by the Cumming Department of Planning and Zoning, the County Fire Marshall and the Georgia DOT, respectively.*

A motion was made by Chad Crane and seconded by Joey Cochran to open the public hearing. The motion carried 4-0 with Christopher Light recused. Representing the applicant was Mr. Sean Courtney who stated the property was currently vacant. No opposition was recorded. A motion was made by Jason Evans and seconded by Chad Crane to close the public hearing. The motion carried 4-0 with Christopher Light recused. A motion was made by Jason Evans and seconded by Chad Crane to approve Conditional Use Permit #2022181-Bernadette's Hair Salon, Inc. located at 512 Dahlonga Street. The motion carried 4-0 with Christopher Light recused.

3. Annexation #2022192-Anthony Austin- 1425 Pilgrim Road (Public Hearing):
Planning Director Scott Morgan read into the record the following staff report: *The property owner has made application to the proper authorities to annex and rezone 0.99 acres, more or less, from County R-1R single-family residential to City R-1 single-family residential, for the purpose of maintaining a private, single-family residence. The owner will continue to occupy this residence, with no plans for any additions or changes to the structure. The City's future land use map shows R-1, up to 1.5 units per acre, on adjacent properties, therefore; this annexation and rezoning is in conformance with the City's Comprehensive Plan. Forsyth County stated they have no objection to the proposed annexation request.*

The Planning Commission held a public hearing on July 19, 2022 and, with no public opposition, recommended approval of the annexation with the following condition:

1. Any additions or improvements to the structure or property must be approved and permitted by the Department of Planning and Zoning.

A motion was made by Chad Crane and seconded by Jason Evans to open the public hearing. The motion carried unanimously. No opposition was recorded. A motion was made by Chad Crane and seconded by Joey Cochran to close the public hearing. The motion carried unanimously. A motion was made by Joey Cochran and seconded by Chad Crane to approve Annexation #2022192 by Anthony Austin located at 1425 Pilgrim Road. The motion carried 4-1 with Christopher Light against.

4. Annexation #2022194-Jan Allen-1435 Pilgrim Road (Public Hearing): Planning Director Scott Morgan read into the record the following staff report: *The property owner has made application to the proper authorities to annex and rezone 1.35 acres, more or less, from County R-1R single-family residential to City R-1 single-family residential, for the purpose of maintaining a private, single-family residence. The owner will continue to occupy this residence, with no plans for any additions or changes to the structure. The City's future land use map shows R-1, up to 1.5 units per acre, on adjacent properties, therefore; this annexation and rezoning is in conformance with the City's Comprehensive Plan. Forsyth County has stated they have no objection to his proposed annexation request.*

The Planning Commission held a public hearing on July 19, 2022 and, with no public opposition, recommended approval of the annexation request with the following condition:

1. Any additions or improvements to the structure or property must be approved and permitted by the Department of Planning and Zoning.

A motion was made by Jason Evans and seconded by Chad Crane to open the public hearing. The motion carried unanimously. No one spoke in opposition to the application. A motion was made by Christopher Light and seconded by Joey Cochran to close the public hearing. A motion was made by Joey Cochran and seconded by Jason Evans to approve Annexation Request #2022194 by Jan Allen. The motion carried 4-1 with Christopher Light against.

C. Utilities- 1. Sanders Road Creek Culvert-Emergency Repair: The Department of Utilities advertised for proposals for the Sanders Road Creek Culvert-Emergency Repair.

The proposals were as follows:

1. The Dickerson Group, Inc. \$291,485.00
2. Wilson Construction Management, LLC \$ 562,436.07
3. North Georgia Concrete, Inc. \$607,440.60

The Department of Utilities recommends accepting the low proposal from the Dickerson Group. A motion was made by Christopher Light and seconded by Linda Ledbetter to approve the low proposal from The Dickerson Group in the amount of \$291,485.00. The motion carried unanimously.

2. Property Purchase-Smithdale Heights Water Booster Station: The Department of Utilities has been working with Hugh Smith to purchase a small tract of land from him (a portion of PIN 125-021) for the Smithdale Heights Water Booster Station and Elevated Water Storage Tank. The Department and Mr. Smith have reached a settlement amount of \$19,000.00. A motion was made by Christopher Light and seconded by Chad Crane to authorize the Department of Utilities to purchase the portion of PIN 125-021 needed to locate the Smithdale Heights Water Booster Station and Elevated Water Storage Tank. The motion carried unanimously.

3. Encroachment Agreement-Atlanta Gas Light: City Attorney Kevin Tallant and the Department of Utilities has been working with the Atlanta Gas Light Company to allow the gas company to encroach on a small section of one of the City's sewer line easements. An agreement would need to be approved and signed by the City. A motion was made by Jason Evans and seconded by Christopher Light to authorize Mayor Brumbalow to sign the necessary documents to allow the Atlanta Gas Light Company to encroach on the City's parcels of land lying in Land Lots 614, 615,682 and 754 of the 3rd District, 1st Section, Forsyth County, Georgia. The motion carried unanimously.

IX. Announcements: A. City Hall and all other non-essential City departments and facilities will be closed in observance of Labor Day on Monday, September 5, 2022.

X. Executive Session: Mayor Brumbalow stated there was a need to have Executive

Session to discuss threatened litigation and IGA negotiation. A motion was made by Chad Crane and seconded by Jason Evans to recess into Executive Session. The motion carried unanimously.

After a brief Executive Session, a motion was made by Chad Crane and seconded by Linda Ledbetter to reopen the regular meeting. The motion carried unanimously. A motion was made by Chad Crane and seconded by Christopher Light to reject all bids on the Lanier 400 Parkway Water Booster Station and Elevated Tank and rebid the project. The motion carried unanimously.

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

Approved this 6th day of September, 2022.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember