

City of Cumming
Regular Meeting Agenda
November 15, 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 October 18, 2022
 - B. Executive Session Meeting of October 18, 2022
- VI. Acknowledgements, Proclamations, Resolutions, etc.
- VII. Old Business
- VIII. New Business
 - A. Planning and Zoning
 - 1. Zoning Condition Amendment Application #2022261- Providence Group of Georgia, LLC (Public Hearing)
 - 2. Rezoning Application #2022261- Central Forsyth Properties, LLC. (Public Hearing)
 - 3. Rezoning Application #2022260- Market Place 400 Area, LLC. (Public Hearing)
 - 4. Alcoholic Beverage License Application- Top Knotch Boutique, 441 Vision Drive, Suite G105
 - 5. Alcoholic Beverage License Application- Tin Cup Grill, 450 Vision Drive, Suite D001
 - B. Fairgrounds
 - 1. 2022 Cumming Country Fair and Festival- Final Report
 - C. Administration
 - 1. Resolution- Forsyth County Hazard Mitigation Plan
 - 2. Cumming Housing Authority Appointment
 - D. Utilities
 - 1. Report of Quotes- Emergency Liner for Sanders Road Sewer Outfall
 - 2. Report of Quotes- Emergency Creek Bank Repairs
 - 3. RFP Results- Highway 20 Water Line Improvements, Phase 1
- IX. Announcements
 - A. Thanksgiving Holiday Closure- Thursday, Nov.24th and Friday, Nov.25th
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
NOVEMBER 15, 2022**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, November 15, 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 Joey Cochran 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 October 18, 2022: A motion was made by Joey Cochran and seconded by Jason Evans to approve the minutes of the Regular Meeting of October 18, 2022 as presented. The motion carried unanimously.

B. Executive Session Meeting of October 18, 2022: A motion was made by Chad Crane and seconded by Joey Cochran to approve the minutes of the Executive Session Meeting of October 18, 2022. The motion carried unanimously.

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

VII. Old Business: None

VIII. New Business- A. Planning and Zoning: 1. Zoning Condition Amendment Application #2022293- Providence Group of GA, LLC. (Public Hearing): Planning Director Scott Morgan read into the minutes the following staff report:

The applicant has requested amendments to their zoning conditions, which were approved by the Council, for Rezoning #2021293, on January 18, 2022. Attached please find their most recent requested revisions.

The Planning Commission held a hearing on October 18, 2022 and there were no public comments. They voted to recommend approval of the condition amendments, provided Providence's proposed changes comply with all building and fire codes.

A motion was made by Chad Crane and seconded by Christopher Light to open the public hearing. The motion carried unanimously. Mr. Warren Jolly, with The Providence Group, went over the requested condition changes. After ten minutes of discussion, a motion was made by Christopher Light and seconded by Joey Cochran to extend the discussion time ten additional minutes. The motion carried unanimously. No one present spoke in opposition. A motion was made by Christopher Light and seconded by Joey Cochran to close the public hearing. The motion carried unanimously. Councilman Light left the meeting at 6:30 PM. A motion was made by Joey Cochran and seconded by Chad Crane to approve Zoning Condition Amendment Application #2022293- Providence Group of GA, LLC. The motion carried 3-0 with Councilman Light absent and Councilmember Ledbetter abstained.

2. Rezoning Application #2022261- Central Forsyth Properties, LLC. (Public Hearing): Planning Director Scott Morgan read into the record the following staff report:
The applicant has made application, on behalf of the property owner, to rezone 7.7 acres, more or less, from Office Commercial Multi-Story (OCMS), to Planned Shopping Center (PSC), with conditions, to construct a retail establishment. Future Land Use for this area is designated commercial, so the rezoning is in conformance with the City's Comprehensive Plan.

In addition to the submitted conditions, the following conditions also apply:

- 1. The architectural design of the building shall be substantially similar to those requirements in the pending Cumming Design Guide.
- 2. A landscape plan must be submitted and approved by the Department of Planning and Zoning.
- 3. Forsyth County Engineering must approve both proposed entrances for this development.
- 4. Any site plan changes must be resubmitted to the City for approval.
- 5. Revised site plan must be submitted, tying this proposed development to the overall concept for the entire property.

The Planning Commission held a hearing on October 18, 2022 and there were no public comments. They voted to recommend approval of the rezoning, with the attached and stated conditions.

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 absent. Mr. Ryan Jones, Project Engineer explained the plans for the project. No one spoke in opposition. A motion was made by Joey Cochran and seconded by Chad Crane to close the public hearing. The motion carried 4-0 with Councilman Light absent. A motion was made by Linda Ledbetter and seconded by Jason Evans to approve Rezoning Application #2022261- Central Forsyth Properties, LLC with the attached and stated conditions. The motion carried 4-0 with Councilman Light absent.

3. Rezoning Application #2022260- Market Place 400 Area, LLC. (Public Hearing)

Planning Director Scott Morgan read into the record the following staff report: *The Agent has made application on behalf of the property owner, to the proper authorities, to rezone 2.092 acres, more or less, from Office Commercial Multi-Story (OCMS) to Highway Business (HB), with conditions, for the construction of a retail establishment. The applicant is requesting a 50' variance to the 100' building setback adjacent to SR 400 and a parking variance of 3 spaces, reducing parking to 48 spaces provided. Future Land Use designates this area commercial, so the rezoning request is in conformance with the City's Comprehensive Plan.*

In addition to the submitted conditions, the following conditions also apply:

- **1. A landscaped plan must be submitted and approved by the Department of Planning & Zoning.**
- **2. The proposed entrance to this development, on Market Place Boulevard, must be approved by the Forsyth County Engineering Department.**
- **3. Any site plan changes must be resubmitted to the City for approval.**

The Planning Commission held a public hearing on October 18, 2022 and there were no public comments. They voted to recommend approval of the rezoning and variances, with the attached and stated conditions.

A motion was made by Joey Cochran and seconded by Chad Cochran to open the public hearing. The motion carried 4-0 with Councilman Light absent. Mr. Sean Courtney, with Lipscomb and Johnson, LLP explained the plans for this development. No one spoke in opposition to the application. A motion was made by Linda Ledbetter and seconded by Joey Cochran to close the public hearing. The motion carried 4-0 with Councilman Light

absent. A motion was made by Linda Ledbetter and seconded by Jason Evans to approve Rezoning Application #2022260- Market Place 400 Area, LLC with the attached and stated conditions. The motion carried 4-0 with Councilman Light absent.

4. Alcoholic Beverage License Application- Top Knotch Boutique, 441 Vision Drive,

Suite G105: The Department of Planning and Zoning received an Alcoholic Beverage License application for the sale of malt beverages and wine for consumption on the premises for the business of Top Knotch Boutique located at 441 Vision Drive- Suite G105 in the Cumming City Center. City Code Enforcement Officer, Lenny Mancinelli, stated that in accordance with the City's alcohol ordinance, a background check was conducted on the license applicants and no issues were found to deny the applicants the licenses. Additionally, the applicants have met all the requirements of the application process and have paid all fees due the City. A motion was made by Jason Evans and seconded by Chad Crane to approve the 2023 Alcoholic Beverage License for the sale of malt beverages and wine for consumption on the premises to Top Knotch Boutique located at 441 Vision Drive- Suite G105 in the Cumming City Center. The motion carried 4-0 with Councilman Light absent.

5. Alcoholic Beverage License Application- Tin Cup Grill, 450 Vision Drive, Suite

D001: The Department of Planning and Zoning received an Alcoholic Beverage License application for the sale of distilled spirits, malt beverages and wine for consumption on the premises for the business of Tin Cup Grill located at 450 Vision Drive- Suite D001 in the Cumming City Center. City Code Enforcement Officer, Lenny Mancinelli, stated that in accordance with the City's alcohol ordinance, a background check was conducted on the license applicants and no issues were found to deny the applicants the licenses. Additionally, the applicants have met all the requirements of the application process and have paid all fees due the City. A motion was made by Chad Crane and seconded by Jason Evans to approve the 2023 Alcoholic Beverage License for the sale of distilled spirits, malt beverages and wine for consumption on the premises to Tin Cup Grill located at 450 Vision Drive- Suite D001 in the Cumming City Center. The motion carried 4-0 with Councilman Light absent.

B. Fairgrounds: 1. 2022 Cumming Country Fair and Festival- Final Report:

Fairgrounds Director Tracy Helms presented a recap on the success of the 2022 Cumming Country Fair and Festival.

C. Administration- 1. Resolution- Forsyth County Hazard Mitigation Plan: City Administrator Phil Higgins introduced Mr. Joey Smith, the Deputy Director of the Forsyth County Emergency Management Agency. He explained that the County and City were required to update their Hazard Mitigation Plan every five years to be compliant with FEMA and GEMA standards. He presented a copy of the plan and a resolution to formally adopt the Plan. A motion was made by Joey Cochran and seconded by Linda Ledbetter to authorize Mayor Brumbalow to sign the resolution to adopt the Hazard Mitigation Plan on behalf of the City of Cumming. The motion carried 4-0 with Councilman Light absent.

2. Cumming Housing Authority Appointment: City Administrator Phil Higgins reported that Joel “Chigger” Webb notified the City of his desire to resign his appointment to the Cumming Housing Authority effective December 31, 2022. After some discussion, a motion was made by Joey Cochran and seconded by Chad Crane to appoint Ralph Webb as a board member of the Cumming Housing Authority. The motion carried 4-0 with Councilman Light absent.

D. Utilities: 1. Report of Quotes- Emergency Liner for Sanders Road Sewer Outfall:

The Department of Utilities requested the consideration of the following proposals for lining the Sander Road Sewer Outfall. This is a much-needed project to protect this sewer line and keep it from having a catastrophic failure due to deterioration. The two bids were as following:

1. Southeast Pipe Survey, Inc. \$338,480.60

2. Federal EC LLC \$350,370.00

The Department of Utilities recommends the proposal from Southeast Pipe Survey, Inc. in the amount of \$338,480.60 and a Project Score of 100. A motion was made by Chad Crane and seconded by Linda Ledbetter to award the proposal to Southeast Pipe Survey, Inc. The motion carried 4-0 with Councilman Light absent.

2. Report of Quotes- Emergency Creek Bank Repairs: The Department of Utilities requested consideration of the following proposals for reinforcing a couple of creek

banks to keep our nearby gravity sewer lines in place. There were two emergency contractor proposals as follows:

1. North Georgia Pipeline, Inc. \$248,912.42 Score 100
2. Jackie Townley Construction \$365,050.00 Score 92

The Department of Utilities recommends the proposal from North Georgia Pipeline, Inc.

A motion was made by Jason Evans and seconded by Linda Ledbetter to award the proposal to North Georgia Pipeline, Inc. in the amount of \$248,912.42. The motion carried 4-0 with Councilman Light absent.

3. RFP Results- Highway 20 Water Line Improvements, Phase I: The Department of Utilities requests consideration of the following bids for the Highway 20 Water Line Improvements, Phase I (at Tribble Road). Utility Engineer Andy Lovejoy presented the following seven bids:

- | | |
|--|-----------------------|
| 1. North Georgia Pipeline, Inc. | \$1,296,274.00 |
| 2. Unity Construction Co., Inc. | \$1,408,312.00 |
| 3. JDA, Inc. | \$1,574,273.00 |
| 4. Helix Group, Inc. | \$1,578,704.62 |
| 5. F.S. Scarbrough, LLC | \$1,642,104.51 |
| 6. Site Engineering, Inc. | \$2,073,820.00 |
| 7. The Dickerson Group, Inc. | \$2,217,930.00 |

The Department of Utilities recommends the low bid from North Georgia Pipeline, Inc.

This project is being funded through a GEFA loan. A motion was made by Chad Crane and seconded by Joey Cochran to accept the low bid in the amount of \$1,296,274.00 from North Georgia Pipeline, Inc. and authorize Mayor Brumbalow to sign and the City Clerk to attest the GEFA loan documents. The motion carried 4-0 with Councilman Light absent.

IX. Announcements: A. Thanksgiving Holiday Closure- Thursday, Nov.24th and Friday, Nov.25th

X. Executive Session: Mayor Brumbalow stated there was a need to have Executive Session to discuss real estate acquisition. A motion was made by Joey Cochran and seconded by Chad Crane to recess into Executive Session. The motion carried 4-0 with Councilman Light absent.

After a brief Executive Session, a motion was made by Joey Cochran and seconded by Jason Evans to reopen the regular meeting. The motion carried 3-0 with Councilmembers Light and Ledbetter absent. A motion was made by Chad Crane and seconded by Jason Evans to authorize Mayor Brumbalow to sign necessary documents to release certain sewer easements in exchange for replacement of easements from M&B Forsyth Farms, LLC.

The motion carried 3-0 with Councilmember Light and Ledbetter absent.

XI. Adjourn: A motion was made by Joey Cochran and seconded by Chad Crane to adjourn the meeting. The motion carried 3-0 with Councilmember Light and Ledbetter absent.

Approved this 6th day of December, 2022.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember