

**City of Cumming**  
**Regular Meeting Agenda**  
**December 20, 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. Work Session Meeting of December 06, 2022

B. Executive Session Meeting of December 06, 2022 **(Removed)**

C. Special Called Meeting if December 13, 2022

VI. Acknowledgements, Proclamations, Resolutions, etc.

VII. Old Business

A. Administration

1. 2023 Budget (Public Hearing)

VIII. New Business

A. Administration

1. Development Authority- Reappointment of Members

2. Downtown Development Authority- Reappointment of Members

3. Local Option Sales Tax (LOST) IGA

B. Planning and Zoning

1. Zoning Ordinance Amendment (Public Hearing)

C. Utilities

1. Report of Bids- F550/C5500 HD Trucks

2. Report of Bids- F150/C1500 Trucks

3. Sludge Dryer Phase 1- Clarifier Repairs

4. Emergency Stabilization Sawnee Mountain Tanks

IX. Announcements

A. City of Cumming Holiday Closures: Friday, Dec. 23th, Monday, Dec.26<sup>th</sup>,

and Monday, Jan. 2<sup>nd</sup>.

X. Executive Session (If Needed)

XI. Adjourn.

**CITY OF CUMMING  
COUNCIL MINUTES  
REGULAR MEETING  
DECEMBER 20, 2022**

**I.** There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, December 20, 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:** Mayor Brumbalow requested to remove from the agenda under: **V. (B) Executive Session Meeting of December 6, 2022.** A motion was made by Jason Evans and seconded by Chad Crane to amend the agenda as requested by Mayor Brumbalow and adopt the remainder of the agenda as presented. The motion carried unanimously.

**V. Consider for adoption the following meeting minutes: A. Regular Meeting of December 6, 2022:** A motion was made by Joey Cochran and seconded by Christopher Light to approve the minutes of the Work Session Meeting of December 6, 2022 as presented. The motion carried unanimously.

**B. Executive Session Meeting of December 6, 2022: (Removed)**

**C. Special Called Meeting of December 13, 2022:** A motion was made by Jason Evans and seconded by Chad Crane to approve the minutes of the Special Called Meeting of December 13, 2022. The motion carried unanimously.

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

**VII. Old Business: A. Administration: 1. 2023 Budget (Public Hearing):** City Administrator Phil Higgins stated the 2023 Budget was presented to the Council last week at a Special Called Meeting, so now the public hearing could be held. A motion was made by Christopher Light and seconded by Joey Cochran to open the public hearing for the 2023 Budget. The motion carried unanimously. No public comments were recorded. A motion was made by Joey Cochran and seconded by Christopher Light to close the public

hearing. The motion carried unanimously. The 2023 Budget will be up for adoption at a Special Called Meeting on Tuesday, December 27, 2022.

**VIII. New Business- A. Administration: 1. Development Authority- Reappointment of Members.** City Administrator Phil Higgins explained that two members of the Development Authority had terms that expired at the end of the month. He recommended re-appointing: Kelly Lamb and Eric Kimbral for another 4-year term to the Development Authority. A motion was made by Jason Evans and seconded by Chad Crane to re-appointment Kelly Lamb and Eric Kimbral to the Development Authority. The motion carried 4-1 with Linda Ledbetter in opposition.

**2. Downtown Development Authority:** City Administrator Phil Higgins explained that two members of the Downtown Development Authority had terms that expired at the end of the month. He recommended re-appointing: David Leathers and Brad Garmon for another 4-year term to the Downtown Development Authority. A motion was made by Linda Ledbetter to nominate City residents Jason May and Tim LaBlanc to be on the Authority. The motion died for the lack of a second. Discussion was made if Council could add members to the Downtown Development Authority. Assistant City Attorney Jonah Howell responded that an ordinance change would have to be made to expand the Board beyond seven members and require those members to be City residents. A motion was made by Jason Evans and seconded by Christopher Light to re-appoint: David Leathers and Brad Garmon to the Downtown Development Authority. The motion carried 4-1 with Linda Ledbetter opposed.

**3. Local Option Sales Tax (LOST) IGA:** Assistant City Attorney Jonah Howell presented the IGA for the distribution of the Local Option Sales Tax (LOST). He stated that Forsyth County had signed the IGA which would remain in effect for a ten-year period. A motion was made by Jason Evans and seconded by Christopher Light to authorize Mayor Brumbalow to sign the LOST IGA with Forsyth County on behalf of the City of Cumming. The motion carried 4-1 with Linda Ledbetter opposed.

**B. Planning and Zoning: 1. Zoning Ordinance Amendment (Public Hearing):**

Planning Director Scott Morgan read into the record the following staff report:

*The Planning Commission, legal staff, our consultant and I have prepared, reviewed, revised and are ready to implement design review guidelines for the City. The Planning*

*Commission held a public hearing on November 15 and, after final revisions, have forwarded to you and recommended adoption of the Zoning Ordinance Amendment and the Cumming Design Code. Attached for your consideration is the final draft of the documents.* A motion was made by Joey Cochran and seconded by Christopher Light to open the public hearing. The motion carried unanimously. Planning Consultant Mr. Jerry Weitz gave a brief over-view of the amendment and the purpose of the Design Review Committee, which consists of one Planning Commission member and two members of the Council. A motion was made by Joey Cochran and seconded by Jason Evans to close the public hearing. The motion carried unanimously. A motion was made by Chad Crane and seconded by Joey Cochran to adopt the Zoning Ordinance Amendment, Design Guide and the Design Review Permit Application. The motion carried unanimously.

**C. Utilities: 1. Report of Bids- F550/C5500 HD Trucks:** The Department of Utilities requests to purchase a Chevrolet 5500 4X4 Service Truck and a Chevrolet 5500 4X4 Dump Truck from John Megal Chevrolet. Ford Motor Company has the State Contract but no dealer has one available. A motion was made by Linda Ledbetter and seconded by Joey Cochran to authorize the purchase of a Chevrolet 5500 4X4 Service Truck for \$85,416.29 and a Chevrolet 5500 4X4 Dump Truck for \$75,372.06 from John Megal Chevrolet in Dawsonville, Georgia. The motion carried unanimously.

**2. Report of Bids- F150/C1500 Trucks:** The Department of Utilities requests to purchase a Chevrolet 1500 from John Megal Chevrolet. Ford Motor Company has the State Contract but no dealer has one available. A motion was made by Christopher Light and seconded by Jason Evans to authorize the purchase of a 2023 Chevrolet 1500 4X4 4-Cylinder Turbo Truck for \$42,712.00 from John Megal Chevrolet in Dawsonville, Georgia. The motion carried unanimously.

**3. Sludge Dryer Phase 1- Clarifier Repairs:** The Department of Utilities requested to construct a Sludge Dryer at the Advanced Water Reclamation Facility in their 2022 budget. Utilities Engineer Andy Lovejoy explained that the first phase of the project includes repairs to the 1992 clarifiers at the AWRF. After advertising, the following bids were received:

- **Heavy Constructors, Inc.**                      **\$1,320,000.00**

- **All South Constructors, Inc.           \$1,394,500.00**
- **IHC Construction Services, Inc.     \$1,888,000.00**
- **Sol Construction, LLC                 \$1,750,000.00**
- **Western Summit Constructors, Inc. \$2,017,600.00**

The Department of Utilities recommends accepting the low bid from Heavy Constructors, Inc. A motion was made by Joey Cochran and seconded by Chad Crane to award the project to the low bid from Heavy Constructors, Inc. in the amount of \$1,320,000.00 and authorize Mayor Brumbalow and City Clerk Jeff Honea to execute the necessary GEFA documents. The motion carried unanimously.

**4. Emergency Stabilization Sawnee Mountain Tanks:** Utilities Director Jon Heard explained that last week the ground shifted in front of the Sawnee Mountain Water Storage Tank on Canton Highway and resulted in a water line leak. This leak led to more severe erosion and a landslide which damaged the Blount asphalt plant property below. The Department of Utilities has the water lines and the tanks back in service. However, the face of the mountain needs to be stabilized to prevent further erosion and protect the water tanks. The Department of Utilities has hired GeoStabilization International GSI and North Georgia Pipeline to conduct the emergency work in the amount of \$307,541.00. Additional work would have to be performed later next year. A motion was made by Jason Evans and seconded by Chad Crane to authorize the emergency repairs around the Sawnee Mountain Water Tanks by GeoStabilization International GSI and North Georgia Pipeline in the amount of \$307,541.00. The motion carried unanimously.

**IX. Announcements:** A. City of Cumming Holiday Closures: Friday, Dec. 23th, Monday, Dec.26<sup>th</sup>, and Monday, Jan. 2<sup>nd</sup>.

**X. Executive Session:** Mayor Brumbalow stated there was no need to have Executive Session.

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

**Approved this 3th day of January, 2023.**

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**Mayor**

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**Councilmember**

**Councilmember**

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**Councilmember**

**Councilmember**

**Attest:**

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**City Clerk**

**Councilmember**