

**City of Cumming**  
**Regular Meeting Agenda**  
**March 21, 2023**

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 March 7, 2023

VI. Acknowledgements, Proclamations, Resolutions, etc.

A. Key to the City Recognition: Jimmy Goodson

VII. Old Business

A. Administration

1. Liability Insurance Quotes

B. Planning and Zoning

1. Amendment to Zoning Ordinance

2. Amendment to Alcohol Ordinance

VIII. New Business

A. Recreation and Parks

1. Report of Quotes - Volleyball Equipment Purchase

B. Planning and Zoning

1. Alcohol License Application - Kumo Sushi Restaurant, 911 Marketplace Blvd

C. Administration

1. Report of Quotes - HVAC Unit Replacement at Playhouse

D. Utilities

1. Request to Reject Proposals-Smithdale Heights Water Booster Station and Tank

IX. Announcements

X. Executive Session (If Needed)

XI. Adjourn.

**CITY OF CUMMING  
COUNCIL MINUTES  
REGULAR MEETING  
MARCH 21, 2023**

**I.** There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, March 21, 2023, 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 with the exception of Christopher Light. 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.** Boy Scout Troop #805 led everyone in the Pledge to the American Flag.

**IV. Consider Agenda for Adoption:** A motion was made by Joey Cochran and seconded by Jason Evans to adopt the agenda as presented. The motion carried 4-0 with Christopher Light absent.

**V. Consider for adoption the following meeting minutes: A. Work Session Meeting of February 14, 2023:** A motion was made by Chad Crane and seconded by Linda Ledbetter to approve the minutes of the Work Session Meeting of March 7, 2023 as presented. The motion carried 4-0 with Christopher Light absent.

**VI. Acknowledgements, Proclamations, Resolutions, etc.-A. Key to the City Recognition: Jimmy Goodson:** Mayor Brumbalow presented an honorary “Key to the City” to Jimmy Goodson for his service and dedication to the City of Cumming.

**VII. Old Business: A. Administration: 1. Liability Insurance Quotes:** City Administrator Phil Higgins explained that at the March 7, 2023 Work Session Gail Petree with Apex Insurance presented the renewal quotes for the City’s General Liability, Law Enforcement Liability, Public Officials Liability, Automobile, and Property coverages. A motion was made by Joey Cochran and seconded by Linda Ledbetter to accept the low quotes from Selective Insurance as presented by Gail Petree in the amount of \$426,427.00 for coverage from 4/01/23 to 4/01/24. The motion carried 4-0 with Christopher Light absent.

**B. Planning and Zoning: 1. Amendment to Zoning Ordinance:** City Attorney Kevin Tallant presented an ordinance as follows: **AN ORDINANCE TO AMEND THE**

**ZONING ORDINANCE OF THE CITY OF CUMMING, GEORGIA, TO COMPLY WITH RECENT AMENDMENTS TO THE ZONING PROCEDURES ACT, O.C.G.A. § 36-6-1 ET SEQ.; TO CORRECT THE TABLE OF DIMENSIONAL REQUIREMENTS; TO AMEND THE PROCEDURES FOR ZONING ANNEXED LAND; TO ADDRESS DESIGN REVIEW COMMITTEE APPOINTMENTS; AND FOR OTHER PURPOSES.**

A public hearing was held at the March 7, 2023 Work Session and no public comments were recorded. A motion was made by Jason Evans and seconded by Chad Crane to amend the Zoning Ordinance. The motion carried 4-0 with Christopher Light absent.

**2. Amendment to Alcohol Ordinance:** City Attorney Kevin Tallant presented an ordinance amending the City’s current Alcohol Ordinance as follows: **AN ORDINANCE TO AMEND THE CITY OF CUMMING ALCOHOLIC BEVERAGES ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.** The proposed amendment would, regardless of the day of the week of New Year’s Eve (December 31), alcoholic beverages may be sold for consumption on the premises from midnight until 2:00 a.m. on New Year’s Day. Alcoholic beverages may be sold for consumption on the premises on election days provided the outlet for such sale is not located within 250 feet of a polling place. A motion was made by Chad Crane and seconded by Jason Evans to adopt the amendment to the Alcohol Ordinance. The motion carried 4-0 with Christopher Light absent.

**VIII. New Business: A. Recreation and Parks: 1. Report of Quotes- Volleyball Equipment Purchase:** Park Director Jeremy Howell presented quotes for two (2) Volley ball Net systems for the Dobbs Creek Gym. This a new program for the Cumming Parks and Recreation Department. The quotes were as follows:

- United Volleyball Supply, LLC      \$12,695.00
- Anthem Sports, LLC                      \$12,789.31
- Sports Imports                              \$14,156.50

It is the recommendation of the Recreation Department to accept the low quote from United Volleyball Supply, LLC in the amount of \$12,695.00. This purchase would be funded by SPLOST VIII. A motion was made by Linda Ledbetter and seconded by Chad Crane to

approve the acceptance of the low quote from United Volleyball Supply, LLC. in the amount of \$12,695.00. The motion carried 4-0 with Christopher Light absent.

**B. Planning and Zoning: 1. Alcohol License Application- Kumo Sushi Restaurant, 911**

**Marketplace Boulevard:** Code Enforcement Officer Lenny Mancinelli stated that an application for the sale of malt beverages and wine for consumption on the premises for Kumo Sushi Restaurant located at 911 Marketplace Boulevard, Suite 6. Nothing in the background check was found to prevent the issuance of the license. All fees due the City have been received. It is the recommendation of the Planning Department to recommend approval of the license. A motion was made by Joey Cochran and seconded by Linda Ledbetter to approval the license for the sale of distilled spirits, malt beverages and wine for the consumption on the premises for Kumo Sushi Restaurant located at 911 Marketplace Boulevard, Suite 6. The motion carried 4-0 with Christopher Light absent.

**C. Administration: 1. Report of Quotes- HVAC Unit Replacement at Playhouse:**

City Administrator Phil Higgins reported on the quotes received for the HVAC Unit replacement at the Cumming Playhouse. The quotes received were as follows:

- Eddie's Refrigeration Heating and Air     \$17,251.00
- B and B Contractors, Inc.                             \$16,985.00

A motion was made by Jason Evans and seconded by Chad Crane to accept the low quote from B and B Contractors, Inc. for the replacement of the HVAC unit at the Cumming Playhouse. The motion carried 4-0 with Christopher Light absent.

**D. Utilities: 1. Request to Reject Proposals- Smithdale Heights Water Booster Station**

**and Tank:** The Department of Utilities received the following proposals for the Smithdale Heights Water Booster Station and Tank:

- North Georgia Pipeline     \$4,488,963.00
- F.S. Scarborough             \$5,130,460.00

The Department of Utilities recommends rejecting all the proposals and re-evaluating the scope to lessen the cost of the project. A motion was made by Linda Ledbetter and seconded by Jason Evans to reject all the proposals received and re-evaluate the project. The motion carried 4-0 with Christopher Light absent.

**IX. Announcements: none**

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

Session to discuss pending or threatened litigation and real estate acquisition. A motion was made by Linda Ledbetter and seconded by Chad Crane to recess into Executive Session. The motion carried 4-0 with Christopher 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 Christopher Light and Chad Crane absent.

A motion was made by Joey Cochran and seconded by Linda Ledbetter to authorize the Department of Utilities to purchase 11.00 acres of property off Mountain Road for \$495,000.00. The motion carried 3-0 with Christopher Light and Chad Crane absent.

**XI. Adjourn:** A motion was made by Jason Evans and seconded by Linda Ledbetter to adjourn the meeting. The motion carried 3-0 with Christopher Light and Chad Crane absent.

**Approved this 4th day of April, 2023.**

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**Mayor**

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**Councilmember**

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**Councilmember**

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**Councilmember**

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**Councilmember**

**Attest:**

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**City Clerk**

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**Councilmember**