

**CITY OF CUMMING  
DOWNTOWN DEVELOPMENT AUTHORITY  
100 MAIN STREET  
GALLERY A OF CITY HALL, 2ND FLOOR  
MARCH 23, 2023, 6:00 PM**

**-AGENDA-**

- I. Call to Order and Pledge of Allegiance: Chairman
- II. Adoption of Previous Meeting Minutes
- III. Consider Agenda for Adoption
- IV. Executive Session. (If needed)
- V. Cumming City Center Related Resolutions/ Actions
  - a) Consider Resolution to Commence Collecting Rents.
  - b) Consider Agreement of First Right of Refusal.
- VI. School Street Playhouse Agreement.
  - a) Consider Terms of Agreement for School Street Playhouse
- VII. Consider the Sale of Real Property
  - a) Kelly Mill Road Landfill
  - b) Buford Dam Road Landfill
- VIII. Adjournment

**CITY OF CUMMING  
DOWNTOWN DEVELOPMENT AUTHORITY  
MINUTES**

There was a Specially Called Meeting of the City of Cumming Downtown Development Authority on Thursday March 23, 2023 at 6:00 P.M., in Gallery A on 2<sup>nd</sup> floor of City Hall. Notice was given and properly posted as required by law. All appointed members of the Downtown Development Authority were present with the exception of Brad Garmon, and Jason Evans. Chairman David Leathers called the meeting to order and led the pledge to the American Flag.

**II. Adoption of Previous Meeting Minutes:** A motion was made by Eric Kimbral and seconded by Kelly Lamb to adopt the minutes of the May 10, 2023 DDA meeting. The motion carried 5-0 with Brad Garmon and Jason Evans absent.

**III. Consider Agenda for Adoption:** A motion was made by Kelly Lamb and seconded by Susie Carr to adopt the agenda as presented. The motion carried 5-0 with Brad Garmon and Jason Evans absent.

**IV. Executive Session: There was no need for executive session.**

**V. Cumming City Center Related Resolutions/Actions:** a) **Consider Resolution to Commence Collecting Rents:** City Attorney Kevin Tallant presented the following resolution: **A RESOLUTION REGARDING POST-TURNOVER DELAYS IN DEVELOPMENT CITY CENTER AFFECTING OPENING OF CERTAIN BUSINESS; TO IDENTIFY AFFECTED TENANTS; TO PROVIDE FOR MODIFICATION OF RENT OBLIGATIONS; AND FOR OTHER PURPOSES**

The following affected tenants shall be relieved of all obligation to pay rent to the Downtown Development Authority until the following dates, on which their first payment shall become due:

<b>Muse Cabin, LLC</b>	<b>June 1, 2023</b>
<b>Top Knotch Boutique</b>	<b>June 1, 2023</b>
<b>Lily Rose Co., LLC</b>	<b>June 1, 2023</b>
<b>Avenue of Oaks, LLC</b>	<b>June 1, 2023</b>
<b>Pieces and Peaches, LLC</b>	<b>June 1, 2023</b>
<b>Crooked Culture Brewing, LLC</b>	<b>June 1, 2023</b>
<b>Pop.In</b>	<b>July 1, 2023</b>

A motion was made by Eric Kimbral and seconded by Lisa Mason to approve the resolution regarding the post-turnover delays. The motion carried 5-0 with members Brad Garmon and Jason Evans absent.

**b) Consider Agreement of First Right of Refusal:** City Administrator Phil Higgins explained that the tenant, Tin Cup, that developed the putting golf course in the City Center has requested an agreement with the DDA for the First Right of Refusal should the City Center ever be returned back to the City of Cumming and sold. They have a substantial investment in the course and want to be protected. After some discussion, a motion was made by Eric Kimbral and seconded by Susie Carr to authorize Chairman David Leathers to sign the agreement on behalf of the Downtown Development Authority. The motion carried 4-0 with Kelly Lamb abstained and with Brad Garmon and Jason Evans absent.

**VI. School Street Playhouse Agreement: a) Consider Terms of Agreement for**

**School Street Playhouse:** City Administrator Phil Higgins explained the lease for the School Street Playhouse was originally amended, due to various economic issues caused by the pandemic, on August 31, 2020 by altering the fixed rental amount to a percentage of the gross revenue. Their request was to renew the lease with the same terms, expiring on December 21, 2023. On January 1, 2024 the fixed rental payments would resume. A motion was made by Kelly Lamb and seconded by Susie Carr to authorize Chairman David Leathers to sign the lease agreement extension on behalf of the Downtown Development Authority. The motion carried 5-0 with Brad Garmon and Jason Evans absent.

**VII. Consider the Sale of Real Property: a) Kelly Mill Road Landfill and b) Buford**

**Dam Road Landfill.** City Attorney Kevin Tallant and City Administrator Phil Higgins explained that since these City properties have been transferred over to the Downtown Development Authority, and the City has no planned uses for them, now is the time to offer them for sell to the public. After some discussion, a motion was made by Susie Carr and seconded by Kelly Lamb to authorize Chairman David Leathers to entertain the sale of these pieces of property. The motion carried 5-0 with Brad Garmon and Jason Evans absent.

**VII. Adjournment:** A motion was made by Kelly Lamb and seconded by Eric Kimbral to adjourn the meeting. The motion carried 5-0 with Brad Garmon, and Jason Evans absent.

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**DOWNTOWN DEVELOPMENT AUTHORITY**

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**David Leathers, Chairman**

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**Kelly Lamb, Vice Chair**

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**Susie Carr, Member**

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**Brad Garmon, Member**

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**Eric Kimbral, Member**

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**Lisa Mason, Member**

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**Jason Evans, Member**

**Attest:**

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**City Clerk**