

City of Cumming
Regular Meeting Agenda
May 16, 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 May 2, 2023

B. Executive Session Meeting of May 2, 2023

VI. Acknowledgements, Proclamations, Resolutions, etc.

A. Key to the City Recognition: Doug Sorrells

B. National Gun Violence Awareness Day

VII. Old Business

VIII. New Business

A. Planning and Zoning

1. Rezoning Application #2023040-Cumming Leasing, LLC

B. Administration

1. Joint Resolution with Forsyth County Board of Commissioners- De-Annexed Property

2. Report of RFP Results- Sawnee Drive Extension

C. Utilities

1. Mountain Road Property- Assign Authority to Sign Closing Documents

IX. Announcements

A. Memorial Day Ceremony: Friday, May 26th at 11 a.m. at the Veterans War Memorial

X. Executive Session (If Needed)

XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
MAY 16, 2023**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, May 16, 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. 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 Christopher Light and seconded by Jason Evans to adopt the agenda as presented. The motion carried unanimously.

V. Consider for adoption the following meeting minutes: A. Work Session Meeting of May 2, 2023: A motion was made by Chad Crane and seconded by Jason Evans to approve the minutes of the Work Session Meeting of May 2, 2023 as presented. The motion carried unanimously.

B. Executive Session Meeting of May 2, 2023: A motion was made by Jason Evans and seconded by Chad Crane to approve the minutes of the Executive Session meeting of May 2, 2023.

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

B. National Gun Violence Awareness Day: Mayor Brumbalow read aloud a proclamation proclaiming Friday, June 2, 2023, as National Gun Violence Awareness Day in the City of Cumming, and encourage all citizens to support their local communities’ efforts to prevent the tragic effects of gun violence, and to wear orange in honor of human life.

VII. Old Business: None

VIII. New Business: A. Planning and Zoning: 1. Rezoning Application #2023040-Cumming Leasing, LLC: 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 1.26 acres, more or less, from Central Business District (CBD) to Highway Business (HB), for the purpose of constructing office/warehouse or “flex space”. The future land use of the subject property is Office Professional, so the rezoning request is in conformance with the Future Land Use Map of the Comprehensive Plan.

The property is currently vacant. As part of the rezoning request, the applicant is requesting a Conditional Use Permit (CUP), to allow the warehouse space, within the HB zoning district. The applicant is also requesting a variance to the required thirty-foot (30’) natural buffer and will replace it with a ten-foot (10’) planted buffer. The adjacent properties will be screened using these planted buffers.

The Planning Commission held a public hearing on April 18, 2023 and there were no public comments. They voted unanimously, with Chairman Webb recusing, to approve the rezoning, CUP and variance.

For the above-mentioned reasons and given the proposed use, the Planning Commission recommends approval of the rezoning, CUP and the variance as requested.

A motion was made by Jason Evans and seconded by Joey Cochran to open the public hearing. The motion carried unanimously. Representing the applicant was Ralph Webb. Mr. Webb explained that the request was to rezone 1.26 acres from Central Business District (CBD) to Highway Business (HB), to construct an office/warehouse along with a variance for the required planted buffer. No other public comments were recorded. A motion was made by Christopher Light and seconded by Joey Cochran to close the public hearing. The motion carried unanimously. A motion was made by Jason Evans and seconded by Jason Evans to approve the rezoning, CUP and variance as requested. The motion carried unanimously.

B. Administration: 1. Joint Resolution with Forsyth County Board of Commissioners- De-Annexed Property: City Administrator Phil Higgins presented a joint resolution prepared by the attorneys of Forsyth County and the City of Cumming. It explained that Title 36, Chapter 36 of the Official Code of Georgia Annotated gives the power to municipal corporations of the State to deannex property. While the City has the power to deannex, it does not have the power to zone the property once deannexed, such power and

responsibility falling to the County unto which a tract of land is deannexed. The City and County have determined, that the most appropriate way to accomplish the deannexation is via a joint resolution, which shall not be effective until such time as the County adopts this resolution and is able to then assign a zoning district to the deannexed property pursuant to the Zoning Procedures Act (“ZPA”). With the approval of the City, all portions of Tax Map Parcel 194-022, is hereby deannexed from the City’s jurisdictional limits with the effective date of the first day of the month following the County’s adoption of the Resolution.

A motion was made by Joey Cochran and seconded by Christopher Light to authorize the signing of the resolution to deannex Tax Map Parcel 194-022. The motion carried unanimously.

2. Report of RFP Results- Sawnee Drive Extension: City Administrator Phil Higgins reported the RFP results for the Sawnee Drive Extension project. This project will extend the existing Sawnee Drive from where it currently terminates at the intersection of SR9 to the property line of Sawnee Village property owned by the Providence Group. The Providence Group will be responsible for extending the road to Pilgrim Mill Road. The results were as follows:

- | | |
|---------------------------------------|------------------------|
| 1. C.W. Matthews- | \$2,590,817.00 |
| 2. J.G. Leone- | \$3,283,213.83 |
| 3. Vertical Earth- | \$2,026,949.26 |
| 4. Jasper Grading and Pipeline | \$ 1,964,972.00 |

The staff’s recommendation is to accept the low proposal from Jasper Grading and Pipeline. This does not include the cost of any stream mitigation credits. This would be funded from Road Impact Fees and SPLOST 8 funds. A motion was made by Christopher Light and seconded by Joey Cochran to accept the low proposal from Jasper Grading and Pipeline in the amount of \$1,964,972.00. The motion carried unanimously.

C. Utilities: 1. Mountain Road Property- Assign Authority to Sign Closing Documents: City Administrator Phil Higgins explained that authorization was needed for someone to sign the closing documents for the Mountain Road property. A motion was made by Christopher Light and seconded by Joey Cochran to authorize City Administrator Phil Higgins to sign the closing documents for the Mountain Road Property. The motion carried unanimously.

IX. Announcements: A. Memorial Day Ceremony: Friday, May 26th at 11 a.m. at the Veterans War Memorial

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

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

Approved this 6th day of June, 2023.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember