

**City of Cumming**  
**Regular Meeting Agenda**  
**July 18, 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. Regular Meeting of June 20, 2023
  - B. Executive Session Meeting of June 20, 2023
  - C. Special Called Meeting of June 28, 2023
  - D. Executive Session Meeting of June 28, 2023
- VI. Acknowledgements, Proclamations, Resolutions, etc.
  - A. Key to the City Recognition- Gene Hansard
- VII. Old Business
- VIII. New Business
  - A. Police
    - 1. Swearing-In of New Chief of Police- P.J. Girvan (Ceremonial)
    - 2. Lieutenant Promotions
  - B. Administration
    - 1. Report from Request from Forsyth County Board of Registration and Elections-Advanced Voting
    - 2. Report from Forsyth County Board of Registration and Elections-Relocation of Cumming Precinct
  - C. Planning and Zoning
    - 1. Alcoholic Beverage License- Crooked Culture Brewery, 421 Vision Drive
    - 2. Alcoholic Beverage License- Los Rios Cantina, 440 Vision Drive, Suite C001
    - 3. Annexation Application #2023076- Haw Creek Baptist Church (Public Hearing)
    - 4. Rezoning Application #2023117- Marvin Hirsh (Public Hearing)
  - D. Streets
    - 1. 2023 LMIG Resurfacing Quotes
  - E. Utilities
    - 1. Bethelview AWRP Sludge Dryer (Phase 2)- Reject All Bids
- IX. Announcements
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING  
COUNCIL MINUTES  
REGULAR MEETING  
JULY 18, 2023**

**I.** There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, July 18, 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:** Mayor Brumbalow requested to remove Item B. Executive Session Meeting of June 20, 2023 under V. Consider for adoption the following meeting minutes. A motion was made by Joey Cochran and seconded by Jason Evans 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 June 20, 2023:** A motion was made by Jason Evans and seconded by Chad Crane to approve the minutes of the Regular Meeting of June 20, 2023 as presented. The motion carried unanimously.

**B. Executive Session Meeting of June 20, 2023: Removed**

**C. Special Called Meeting of June 28, 2023:** A motion was made by Chad Crane and seconded by Jason Evans to approve the minutes of the Special Called Meeting of June 28, 2023 as presented. The motion carried unanimously.

**D. Executive Session Meeting of June 28, 2023:** A motion was made by Christopher Light and seconded by Jason Evans to approve the minutes of the Executive Session Meeting of June 28, 2023. The motion carried unanimously.

**VI. Acknowledgements, Proclamations, Resolutions, etc.: A. Key to the City Recognition-** Mayor Brumbalow presented the Key to the City Recognition to Mr. Gene Hansard for his years of dedicated service to the City of Cumming.

**VII. Old Business: None**

**VIII. New Business: A. Police: 1. Swearing- In of New Chief of Police- P.J. Girvan**

**(Ceremonial):** Municipal Court Judge Richard Neville presided over the Swearing- In of New City Chief of Police- P.J. Girvan.

**2. Lieutenant Promotions:** Chief Girvan recognized Nicole K. Esquilin-Nieves and Anthony A. Hodgkins for their promotion to Lieutenant for the Cumming Police Department.

**B. Administration: 1. Report of Request from Forsyth County Board of Registrations**

**and Elections- Advanced Voting:** City Administrator Phil Higgins explained that for the Municipal Election this fall the Board has requested for us to consider to allow them to hold advanced voting at their office at 1201 Sawnee Drive. Their reasoning behind this request is it is easier for them to staff the location at their building. Other factors to be considered is that their facility doesn't have stairs or an elevator, more accessible parking and their equipment would be secured in their building. Election Day for this election will be held here at Cumming City Hall as usual. After some discussion, a motion was made by Christopher Light and seconded by Chad Crane to honor the request of the Forsyth County Board of Registrations and Elections. The motion carried unanimously.

**2. Report of Request From Forsyth County Board of Registrations and Elections-**

**Relocation of Cumming Precinct:** City Administrator Phil Higgins explained that the Board of Registrations and Elections have requested for us to consider a change in the location of the Cumming precinct beginning in 2024. Their request is to move the Cumming precinct to the Cumming Recreation and Parks Facility on Pilgrim Mill Road. This facility has more parking, plenty of space and no stairs or elevators to contend with. Another option would be to divide the Cumming precinct into two precincts. One precinct at Cumming City Hall and the other at the Recreation building. Factors considered in making this request are much like the previous item. Ms. Mandi Smith with the Board of Registrations and Elections answered questions from the Council. A motion was made by Christopher Light and seconded by Linda Ledbetter to authorize the change in location of the Cumming Voting precinct to the Cumming Recreation and Parks facility beginning in 2024 and forward. The motion carried unanimously.

**C. Planning and Zoning 1. Alcoholic Beverage License- Crooked Culture Brewery,**

**421 Vision Drive:** Planning Director Scott Morgan stated that the Department of Planning

and Zoning has received an Alcoholic Beverage License application for the manufacture of and sale of malt beverages for consumption on the premises for the business of Crooked Culture Brewery located at 421 Vision Drive in the Cumming City Center. 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. It is the recommendation of the Planning and Zoning Department that the applicants be approved for the requested licenses by the City of Cumming. A motion was made by Jason Evans and seconded by Chad Crane to approve the Alcoholic Beverage License Application for the manufacture of and sale of malt beverages for consumption on the premises for the business of Crooked Culture Brewery, 421 Vision Drive. The motion carried unanimously.

**2. Alcoholic Beverage License- Los Rios Cantina, 440 Vision Drive:** Planning Director Scott Morgan stated that the Department of Planning and Zoning has 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 Los Rios Cantina located at 440 Vision Drive- Suite C001 in the Cumming City Center. 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. It is the recommendation of the Planning and Zoning Department that the applicants be approved for the requested licenses by the City of Cumming. A motion was made by Chad Crane and seconded by Joey Cochran to approve the Alcoholic Beverage License Application for the sale of distilled spirits, malt beverages and wine for consumption on the premises for the business of Los Rios Cantina, 440 Vision Drive- Suite C001. The motion carried unanimously.

**3. Annexation Application #2023076-Haw Creek Baptist Church (Public Hearing):**

Planning Director Scott Morgan read the following staff report:

*The property owner has made application to annex 8.602 acres, more or less, and rezone from a combination of County Single-Family Residential (R1 and R2R) to City Institutional (INST). Located on the property is a church, fellowship hall, cemetery,*

*playground area and surface parking. The property owner has stated they will not be developing or selling any of their property. The adjacent City property is owned by Northside Forsyth Hospital, which is also zoned INST. Therefore, this requested annexation/rezoning would conform to the existing and future land use of the Comprehensive Plan.*

*City Attorney Kevin Tallant notified Forsyth County of the annexation request. The County sent a letter, noting approval of the proposed annexation would result in sections of Haw Creek Road and Haw Creek Circle becoming City right-of-way, under annexation law. The County subsequently notified the City of their objection to the proposed annexation (attachments).*

*The Planning Commission held a public hearing on June 20, 2023. There were comments from Grand Forest subdivision residents, regarding the possible closure of a section of Haw Creek Road. However, the County, separate from the proposed annexation, would address any potential County Road closure. The Planning Commission then voted unanimously to recommend approval of the requested annexation, with the condition the County does not object.*

*Therefore, based upon the County's objection to this proposed annexation, the annexation process is halted, until this objection is resolved between the property owner and the County.*

A motion was made by Linda Ledbetter and seconded by Joey Cochran to open the public hearing. The motion carried unanimously. No one spoke in favor of the annexation request. A resident of the Grand Forest Subdivision spoke in opposition of the annexation. A motion was made by Linda Ledbetter and seconded by Joey Cochran to close the public hearing. The motion carried unanimously. A motion was made by Christopher Light to deny the annexation request. The motion died due to the lack of a second. A motion was made by Chad Crane and seconded by Joey Cochran to table any decision on Annexation Request 2023076- Haw Creek Baptist Church. The motion carried unanimously.

**4. Rezoning Application #2023117- Marvin Hirsh (Public Hearing):** Planning

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

*The City of Cumming, on behalf of the property owner, has made application to rezone 1.45 acres, more or less, from Office Commercial Multi-Story (OCMS) to Single-Family Residential (R-1). The adjacent properties on Mary Alice Park Road are zoned a combination of R-1 and Institutional (INST). This property contains a single-family detached home and was inadvertently zoned from R-1 to OCMS in 2003, as part of the City-wide rezoning. The City is now correcting this situation.*

*The Planning Commission held a public hearing on June 20, 2023 and there were no public comments.*

*Therefore, they voted unanimously to recommended rezoning this property from OCMS to R-1.*

A motion was made by Jason Evans and seconded by to open the public hearing. The motion carried unanimously. No public comments were recorded.

A motion was made by Joey Cochran and seconded by Chad Crane to close the public hearing. The motion carried unanimously. A motion was made by Jason Evans and seconded by Chad Crane to rezone this property from OCMS to R-1. The motion carried unanimously.

**D. Streets: 1. 2023 LMIG Resurfacing Quotes:** City Administrator Phil Higgins stated that every year the City applies for and receives a grant from GDOT for resurfacing City Streets as part of their Local Maintenance Grant program. The area identified as most in need to resurfacing this year is Atlanta Road and East Main Street. The quotes received through a recent RFP for this work are as follows:

<b>Vertical Earth, Inc.</b>	<b>\$1,572,571.43</b>
<b>C.W. Matthews Contracting, Inc.</b>	<b>\$2,129,467.00</b>
<b>Summit Construction and Development, LLC</b>	<b>\$1,847,296.00</b>
<b>Magnum Paving, LLC.</b>	<b>\$1,843,252.25</b>

After negotiating with the contractors and consulting with our Engineer, I recommend approving the low proposal from Vertical Earth. This project would be funded from LMIG Grant, Street Infrastructure Capital Fund and SPLOST 8 funds.

A motion was made by Joey Cochran and seconded by Chad Crane to accept the low proposal from Vertical Earth, Inc. in the amount of \$1,572,571.43 for the repaving of the identified streets. The motion carried unanimously.

**E. Utilities 1. Bethelview AWWRF Sludge Dryer (Phase 2)- Reject all Bids:** Director of Utilities Jon Heard explained that the City secured a loan from GEFA to fund this project for 2023. Due to project bids coming in over budgeted amounts, the Department of Utilities requests the Mayor and Council to reject all bids for this project and consider bidding segments of this project out individually in phases. The bids received were as follows:

**Reeves & Young                      \$37,400,000.00**

**IHC Construction Services   \$39,314,682.00**

**Lakeshore Engineering         \$41,383,737.52**

A motion was made Linda Ledbetter and seconded by Joey Cochran to reject all the bids for this project. The motion carried unanimously.

**IX. Announcements-none**

**X. Executive Session:** Mayor Brumbalow stated there was a need for Executive Session to discuss pending and threatened litigation. A motion was made by Chad Crane and seconded by Jason Evans to recess into Executive Session. The motion carried unanimously.

After a brief Execution Session, a motion was made by Jason Evans and seconded by Chad Crane to reopen the regular meeting. The motion carried 3-0.

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

**Approved this 1st day of August, 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**