

City of Cumming
Regular Meeting Agenda
April 16, 2024

- 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 April 2, 2024
- VI. Acknowledgements, Proclamations, Resolutions, etc.
 - A. Key to the City Recognition
- VII. Old Business
 - A. Administration
 - 1. Sales Agreement with Access Area, LLC- Mary Alice Park Road
 - B. Planning and Zoning
 - 1. Annexation Application #2023265- Horizon Christian Academy
- VIII. New Business
 - A. Cumming Aquatic Center
 - 1. Emergency Repair-Comp Pool Boiler
 - B. Planning and Zoning
 - 1. Rezoning Application #2023156-Providence Group (Public Hearing)
 - C. Cumming Police
 - 1. Swearing-In New Police Officer-Karli Pate
 - 2. Swearing-In New Reserve Officer-Kane Southard
 - 3. Report of Quotes-New Patrol Car
 - D. Utilities
 - 1. Report of Quotes- Changeable Message Board
 - 2. Report of Quotes- Leak Detection Survey
- IX. Announcements
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
APRIL 16, 2024**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, April 16, 2024, 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 Chad Crane, 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 April 2, 2024: A motion was made by Jason Evans, and seconded by Chad Crane to approve the minutes of the Work Session Meeting of April 2, 2024 as presented. The motion carried unanimously.

VI. Acknowledgements, Proclamations, Resolutions, etc.: A. Key to the City Recognition: Mayor Brumbalow presented Dr. Bob Jolly, pastor of the First Baptist Church, a symbolic Key to the City and proclamation. In recognition of his immeasurable contributions and with immense gratitude, the City proclaimed Sunday, April 21, 2024, as Dr. Bob Jolly day in the City of Cumming.

VII. Old Business: A. Administration: 1. Sales Agreement with Access Area, LLC. Mary Alice Park Road: City Administrator, Phil Higgins explained that at the work Session Meeting on December 5th, 2023 the Council approved the sale of a small section of City ROW to Access Area, LLC at the corner of Mary Alice Park Road and Marketplace Boulevard (attached exhibit A). The sale of the property has not closed, but soon will. Access Area LLC. desires to assign rights, duties and obligations as the purchaser of this property to TRB Bethelview, LLC. Authorization is needed to approve Access Area, LLC's request to reassign the rights as purchaser of the property mentioned (Exhibit A) to TRB Bethelview, LLC. A motion was made by Joey Cochran and seconded by Jason Evans to

reassign the rights as purchaser from Access Area, LLC. to TRB Bethelview, LLC. The motion carried unanimously.

B. Planning and Zoning: Annexation Application #2023265- Horizon Christian Academy: City Attorney Kevin Tallant explained that Council held a public hearing on February 20, 2024. Forsyth County objected to the proposed annexation/rezoning and this matter was decided by the State appointed Arbitration Panel on March 25, 2024. A list of conditions were approved by the Arbitration Panel (see attached). The Council may now vote to approve or deny this requested annexation/ rezoning. A motion was made by Susie Carr and seconded by Jason Evans to approve Annexation Application #2023265 by Horizon Christian Academy. The motion carried unanimously.

VIII. New Business: A. Cumming Aquatic Center: 1. Emergency Repair- Comp Pool Boiler: City Administrator Phil Higgins explained that in preparing for the opening of the pool for the spring season, it was discovered that the Heat Exchanger for the Outdoor Leisure Pool boiler has ruptured and needs to be replaced. It's the original boiler installed in 2011. Southeastern Heating and Air Conditioning returned the following quotes:

1. Replace the Heat Exchanger for \$28,745.74.

2. Replacement of the whole boiler for \$72,750.00.

It is staff's recommendation to proceed with Option 1, to replace the Heat Exchanger and budget for a replacement boiler in the next few years. A motion was made by Christopher Light and seconded by Jason Evans to authorize Southeastern Heating and Air Conditioning to replace the Heat Exchanger in the amount of \$28,745.74. The motion carried unanimously.

B. Planning and Zoning: 1. Rezoning Application #2023156- Providence Group (Public Hearing): Planning Director Scott Morgan read into the record the following staff report:

The applicant has made application, on behalf of the property owners, to rezone 93.393 acres, more or less, from Highway Business (HB) to Multi-Family Residential (R-3), to construct a townhome and single-family detached residential subdivision.

The adjacent properties are zoned HB, Planned Unit Development (PUD) and Planned Shopping Center (PSC). Future Land Use designation in the Market Place Boulevard corridor is commercial and mixed-use.

The Planning Commission held a public hearing for this rezoning on February 20 and adjacent property owners made comments. There was no vote taken after the public hearing. The applicant subsequently made revisions to their zoning plan, exhibits and conditions. The Planning Commission then voted 2-1 on March 19, 2024, to recommend denial of this rezoning, based on its lack of conformance to the Future Land Use Map of the City's Comprehensive Plan.

A motion was made by Jason Evans and seconded by Chad Crane to open the public hearing. The motion carried unanimously. Mr. Warren Jolly, with The Providence Group explained that after modifying the site plan to make the development more pleasing to the adjoining property owners, he feels this is the best option available. A Parkshore Subdivision resident spoke favorably on the landscaping and buffer options offered. A motion was made by Jason Evans and seconded by Chad Crane to close the public hearing. A motion was made by Jason Evans and seconded by Joey Cochran to postpone any action on Rezoning Application #2023156 by Providence Group, LLC. until the May 21, 2024 regular meeting. The motion carried unanimously.

C. Cumming Police: 1. Swearing-In New Officer- Karli Pate: Chief of Police Patrick Girvan administered the Oath of Office for Police Officers for new Officer Karli Pate.

2. Swearing-In New Reserve Officer- Kane Southard: Chief of Police Patrick Girvan administered the Oath of Office for Police Officers for new Reserve Officer Kane Southard.

3. Report of Quotes- New Patrol Car: Chief Girvan reported the following quotes for a replacement of the totaled Patrol Car earlier this year:

1. Wade Ford-Smyrna	\$48,500.00
2. Brannen Ford-Unadilla	\$49,500.00
3. Akins Ford Dodge-Winder	\$47,137.00

It is the recommendation of the Police Department to accept the quote from Wade Ford-Smyrna due to the availability of the vehicle. A motion was made by Joey Cochran and seconded by Chad Crane to accept the quote from Wade Ford in Smyrna in the amount of \$48,500.00. The motion carried unanimously.

D. Utilities: 1. Report of Quotes- Changeable Message Board: The Department of Utilities budgeted for two changeable message boards for the Department to use during

work along the busy roadways. The Department advertised on the Georgia Procurement Website and received 2 proposals as follows:

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|---------------------------|--------------------|
| 1. Prologistic ITS | \$33,111.12 |
| 2. Aramsco | \$34,793.20 |

The Department of Utilities recommends accepting the low quote from Prologistic ITS. A motion was made by Christopher Light and seconded by Susie Carr to accept the low quote in the amount of \$33,111.12 from Prologistic ITS. The motion carried unanimously.

2. Report of Quotes- Leak Detection Survey: The Department of Utilities budgeted to conduct a leak survey during 2024 for the final 33% of our service area. Past leak studies have proven beneficial and we have discovered and repaired many leaks in the system, especially in the older segments of our system. The City advertised on the State procurement website and the following five (5) proposals:

- | | |
|----------------------------------|---------------------|
| 1. M.E. Simpson Co | \$58,960.00 |
| 2. Second Light Systems | \$21,000.00 |
| 3. McKim & Creed | \$45,000.00 |
| 4. Rye Engineering | \$42,000.00 |
| 5. Consulting Engineering | \$ 38,500.00 |

The Department of Utilities recommends accepting the proposal from McKim and Creed. This Company has performed the other two phases of the study on the City's water system. A motion was made by Jason Evans and seconded by Chad Crane to accept the proposal from McKim and Creed in the amount of \$45,000.00. The motion carried unanimously.

IX. Announcements: none

X. Executive Session: Mayor Brumbalow stated there was a need for Executive Session to discuss Real Property Acquisition. A motion was made by Chad Crane and seconded by Jason Evans to recess into executive session. The motion carried unanimously. After a brief executive session, a motion was made by Jason Evans and seconded by Chad Crane to reopen the regular meeting. The motion carried unanimously.

A motion was made by Jason Evans and seconded by Chad Crane to authorize the Department of Utilities to pay Howell Properties \$91,500.00 to obtain three (3) separate

water line easements on the Highway 9 South widening project. The motion carried 4-0 with Councilman Light abstained.

A motion was made by Jason Evans and seconded by Joey Cochran to authorize the Department of Utilities to pay the Ghorley Family \$80,000.00 for the necessary easements for the Settingdown Creek force main sewer along Matt Highway. The motion carried unanimously.

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

Approved this 7th day of May, 2024.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember