

City of Cumming
Regular Meeting Agenda
September 17, 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. Regular Meeting of August 20th, 2024

B. Executive Session Meeting of August 20th, 2024

VI. Acknowledgements, Proclamations, Resolutions, etc.

A. Childhood Cancer Awareness Month

B. Hispanic Heritage Month

C. Constitution Week

VII. Old Business

VIII. New Business

A. Administration

1. Emergency Repair- City Hall Roof

B. Planning and Zoning.

1. Rezoning Application #2024173- Mictier Enterprises, LLC, 223 Kelly Mill Road. (Public Hearing)

2. Amendment to Alcohol Ordinance

3. Special Exception Permit #2024215- Grazezy Girls, LLC.

4. Alcohol License Application- Grazezy Girls, LLC. 230 Elm Street, Suite 400

5. Rezoning Application # 2024177- Boxville Storage, LLC Mary Alice Park and Marketplace Boulevard (Public Hearing)

6. Conditional Use Permit #2024176- Ford's Place, LLC. 529 Canton Highway (Public Hearing)

C. Utilities

1. GEFA Grant

2. AWRP Fencing Project

3. Report of Proposals- Highway 20 West Water Line Proposals

IX. Announcements

X. Executive Session (If Needed)

XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 17, 2024**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, September 17, 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 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. Mayor Brumbalow led everyone in the Pledge to the American Flag.

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

V. Consider for Adoption the Following Meeting Minutes: A. Regular Meeting of August 20, 2024: A motion was made by Susie Carr and seconded by Joey Cochran to approve the minutes of the Regular Meeting of August 20, 2024. The motion carried 4-0 with Christopher Light absent.

B. Executive Session Meeting of August 20th, 2024: A motion was made by Susie Carr and seconded by Jason Evans to approve minutes of the Executive Session Meeting of August 20th, 2024. The motion carried 4-0 with Christopher Light absent.

VI. Acknowledgements, Proclamations, Resolutions, etc.: A. Childhood Cancer Awareness Month: Mayor Brumbalow read aloud a proclamation proclaiming the month of **September 2024** as **Childhood Cancer Awareness Month** in the City of Cumming in support of the American Cancer Society's Relay for Life.

B. Hispanic Heritage Month: Mayor Brumbalow read aloud a proclamation proclaiming September 15 through October 15, 2024 as **National Hispanic Heritage Month** in the City of Cumming.

C. Constitution Week: Mayor Brumbalow read aloud a proclamation proclaiming the week of **September 17th through 23rd**, as **Constitution Week** in the City of Cumming.

VII. Old Business: none

VIII. New Business: A. Administration: 1. Emergency Repair-City Hall Roof: City Administrator Phil Higgins reported that over the course of the last 6 months the City Hall building has experienced many leaks in the roof of the building. The following four (4) quotes were received for the emergency repairs:

- Bone Dry Roofing \$72,087.00
- Zurix Roofing Systems \$88,790.00
- Edge Roofing \$89,630.00
- Reset Roofing \$124,468.85

After reviewing and discussing the four quotes with our two most senior Building Inspectors and a third-party roofing company, it is the staff recommendation to approve Bone Dry Roofing. A motion was made by Susie Carr and seconded by Jason Evans to approve the low quote from Bone Dry Roofing in the amount of \$72,087.00. The motion carried 4-0 with Christopher Light absent.

B. Planning and Zoning: 1. Rezoning Application #2024173- Mictcr Enterjprises, LLC. 223 Kelly Mill Road (Public Hearing): Planning Director Scott Morgan read into the record the following staff report:

The agent has made application, on behalf of the property owner, to rezone 0.935 acres, more or less, at 223 Kelly Mill Road, from Single-Family Residential (R-1A) to Office Professional (OP), to convert the existing structure to an office use. The adjacent properties are zoned OP and future land use in the area is designated office-professional and public-institutional, as this section of the corridor is transitioning from residential use. Therefore, the rezoning request conforms with the City's Comprehensive Plan.

The Planning Commission held a public hearing on August 20, 2024 and no public comments were made. The Board voted unanimously to recommend approval of the rezoning, with the six (6) conditions in your packet.

A motion was made by Jason Evans and seconded by Chad Crane to open the public hearing. The motion carried 4-0 with Christopher Light absent. Representing the applicant was Mr. Sean Courtney with the law firm of Lipscomb Johnson, LLP. Mr. Courtney explained that plans were to convert the existing house into an office space. No other public

comments were recorded. A motion was made by Susie Carr and seconded by Jason Evans to close the public hearing. The motion carried 4-0 with Christopher Light absent.

A motion was made by Jason Evans and seconded by Susie Carr to approve Rezoning Application #2024173- Micter Enterprises. The motion carried 4-0 with Christopher Light absent.

2. Amendment to Alcohol Ordinance: City Attorney Kevin Tallant presented an ordinance with following preamble:

AN ORDINANCE TO AMEND THE CURRENT CITY OF CUMMING ALCOHOL ORDINANCE; TO PROVIDE A NEW SPECIAL EXCEPTION PERMIT FOR THE SALE AND CONSUMPTION OF ALCOHOL; TO PROVIDE FOR AN AMENITY PERMIT; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES AS SET FORTH HEREIN.

Mr. Tallant explained that the purpose of the ordinance change was to: 1: Change the terminology used for specific uses, such as the Special Exception Permit, 2. Address the Alcohol amenity permit, and 3. Define the PUD Self-serve permit. After some discussion, a motion was made by Jason Evans and seconded by Chad Crane to approve the amendment to the alcohol ordinance. The motion carried 4-0 with Christopher Light absent.

3. Special Exception Permit #2024215- Grazey Girls, LLC: Planning Director Scott Morgan stated that the business owners have made application, for a Special Exception Permit (SEP), for the sale and consumption of alcohol on the premises, in the Office Professional (OP) zoning district. The business, known as Grazey Girls, is located in Central Plaza, at 230 Elm Street, Suite 400. The Planning Department staff have evaluated their application, according to the special exception criteria in the Alcohol Ordinance, and concur they comply with them. Therefore, staff recommends approval of the SEP, as requested. A motion was made by Jason Evans and seconded by Chad Crane to approve Special Exception Permit #2024215 by Grazey Girls, LLC. The motion carried 4-0 with Christopher Light absent.

4. Alcohol License Application- Grazey Girls, LLC: The Department of Planning and Zoning has received an Alcoholic Beverage License application for the sale of malt

beverages and wine for consumption on the premises for the business of Grazezy Girls, LLC located at 230 Elm Street- Suite 400, Cumming GA. In accordance with the City's alcohol ordinance, a background check was conducted on the license applicant and no issues were found to deny the applicant the license. Additionally, the applicant has met all the requirements of the application process and has paid all fees due the City. This information is for your consideration of the applicant to be approved for the requested license by the City of Cumming. A motion was made by Joey Cochran and seconded by Chad Crane to approve the Alcoholic Beverage License for the sale of malt beverages and wine for consumption on the premises for the business of Grazezy Girls, LLC. The motion carried 4-0 with Christopher Light absent.

5. Rezoning Application #2024177- Boxville Storage, LLC. – Mary Alice Park Road and Marketplace Boulevard (Public Hearing): Planning Director Scott Morgan read into the record the following staff report: *The agent has made application, on behalf of the property owner, to rezone 3.697 acres, more or less, from Planned Shopping Center (PSC) to Highway Business (HB), to construct a climate-controlled storage facility, at the SE corner of Market Place Boulevard and Mary Alice Park Road. The adjacent properties are zoned HB and future land use designation for the area is commercial, therefore, the rezoning request conforms with the City's Comprehensive Plan. The Planning Commission held a public hearing on August 20, 2024 and no public comments were made. The Board voted unanimously to approve the rezoning, with the twelve (12) conditions contained in your packet.*

A motion was made by Chad Crane and seconded by Joey Cochran to open the public hearing. The motion carried 4-0 with Christopher Light absent. Representing the applicant was Mr. Sean Courtney with the law firm of Lipscomb Johnson, LLP. Mr. Courtney explained that plans were to construct a three-story, 125,000 square foot storage facility. No one spoke in opposition of the rezoning. After some discussion, a motion was made by Susie Carr and seconded by Joey Cochran to close the public hearing. The motion carried 4-0 with Christopher Light absent. A motion was made by Joey Cochran and seconded by Susie Carr to postpone any action on Rezoning Application #2024177-Boxville Storage, LLC. until the next Council Meeting. The motion carried 4-0 with Christopher Light absent.

6. Conditional Use Permit #2024176- Ford's Place, LLC. 529 Canton Highway

(Public Hearing): Planning Director Scott Morgan read into the record the following staff report: *The agent has submitted, on behalf of the property owner, a Conditional Use Permit (CUP) request, to establish a wrecked motor vehicle compound, in the Highway Business (HB) zoning district, at 529 Canton Highway. The applicant already operates an automotive repair establishment at this location and the vehicle compound would be utilized as a supplemental use for that business.*

The Planning Commission held a public hearing on August 20, 2024 and no public comments were made. The Board voted unanimously to approve the CUP, with the four (4) conditions contained in your packet.

A motion was made by Jason Evans and seconded by Chad Crane to open the public hearing. The motion carried 4-0 with Christopher Light absent. Representing the Applicant was Mr. Sean Courtney, with the Law Firm Lipscomb Johnson, LLP. Mr. Courtney explained that the applicant already operates an automotive repair establishment at this location and requests to establish a wrecked motor vehicle compound. No opposition was recorded. A motion was made by Susie Carr and seconded by Joey Cochran to close the public hearing. The motion carried 4-0 with Christopher Light absent. After some discussion, a motion was made by Joey Cochran and seconded by Susie Carr to postpone any action on Conditional Use Permit #2024176-Ford's Place, LLC until the next Council meeting. The motion carried 4-0 with Christopher Light absent.

C. Utilities: 1. GEFA Grant: The Department of Utilities requested a grant from the Georgia Environmental Facilities Authority to pay for the new lead service line requirements of the USEPA and Georgia EPD. We have received documents from GEFA and are requesting the Mayor to sign these documents on behalf of the City. A motion was made by Joey Cochran and seconded by Susie Carr to authorize Mayor Brumbalow to sign the GEFA Grant documents on behalf of the City of Cumming. The motion carried 4-0 with Christopher Light absent.

2. AWRP Fencing Project: The Department of Utilities budgeted in 2024 to replace the barbed-wire fence along Environmental Campus Drive with a black chain-link fence. A total of \$95,000.00 was received by the City in settlement for providing access to the neighboring development towards this project. Three proposals were received as follows:

- Foster Fence **\$91,100.00**
- Five Oaks Fence, Inc. **\$93,410.00**
- Harrison Fence, LLC **\$95,120.00**

The Department recommends the Council approve the lowest proposal from Foster Fence. A motion was made by Susie Carr and seconded by Joey Cochran to accept the lowest proposal from Foster Fence in the amount of \$91,100.00. The motion carried 4-0 with Christopher Light absent.

3. Report of Proposals- Highway 20 West Water Line Proposals: The Department of Utilities budgeted during 2024 to replace a water main along Highway 20 West due to the GDOT road widening project. The Department of Utilities requested and received a loan from GEFA to pay for this project. Three bids were received as follows:

- C.W. Matthews Contracting Company, Inc. **\$28,398,055.54**
- JDS, Inc., Lawrenceville, GA **\$35,169,842.00**
- North Georgia Pipeline **\$35,368,527.35**

The Department of Utilities recommends accepting the low bid from C.W. Matthews Contracting Company, Inc. The Department currently has 100% of the funds required for the Water Line portion of the project, but is working with GEFA to acquire an additional loan in 2025 in the amount of \$2,741,229.30 for the sewer portion of this project. A motion was made by Joey Cochran and seconded by Jason Evans to award the low bid to C.W. Matthews Contracting Company, Inc. in the amount of \$28,398,055.54. The motion carried 4-0 with Christopher Light absent.

IX. Announcements: none

X. Executive Session: Mayor Brumbalow stated there a no need for Executive Session.

XI. Adjourn: A motion was made by Jason Evans and seconded by Joey Cochran to adjourn the meeting. The motion carried 4-0 with Christopher Light absent.

Approved this 1st day of October, 2024.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember