



City of Cumming Downtown Development Authority Meeting Called Meeting June 12, 2025

I. Call to Order and Pledge of Allegiance – David Leathers, DDA Chairman

The Downtown Development Authority of Cumming held a Called Meeting on Thursday, June 12, 2025 at 6:00 pm. The meeting was held on the second floor, Gallery B of City Hall located at 100 Main Street, Cumming, Georgia 30040. The purpose of the called meeting was to consider matters as set forth in the below agenda. All interested persons were invited to attend.

Present for the meeting were City Administrator Phil Higgins, Downtown Development Authority Members Jason Evans, Rachel Mooney, David Leathers, Shakeeb Ali, Whitney Barnhart, and Carrie Patterson, Cumming City Center Property Manager Jennifer Archer, DDA Clerk Alison B. Smith, and DDA Attorney Kevin Tallant.

II. Adoption of Previous Meeting Minutes

Chairman Leathers requested a motion to adopt the minutes from the previous meeting. A motion to adopt was made by Carrie Patterson and seconded by Jason Evans. The motion carried unanimously.

III. Consider Agenda for Adoption

Chairman Leathers requested a motion to adopt the agenda for the meeting. A motion to adopt the agenda was made by Jason Evans and seconded by Carrie Patterson. The motion carried unanimously.

IV. Swearing in of Two New Downtown Development Authority Members

Due to the recent resignations of Brad Garmon and Lisa Mason, new members recommended and accepted by City Council were to add Rachel Mooney and Whitney Barnhart as new members to the Downtown Development Authority. City Administrator Phil Higgins read the oath and both members promised to uphold the oath in serving the Downtown Development Authority in accordance with the law.

V. Executive Session

A motion was made by Jason Evans to dismiss for Executive Session for the purpose of discussing potential real estate acquisition, sale, leasing, or other matters. The motion was seconded by Carrie Patterson, Motion carried unanimously. All present members of the Downtown Development Authority met in Gallery A for Executive Session along with City Center Property Manager Jennifer Archer, City Administrator Phil Higgins, DDA Clerk Alison B. Smith, and DDA Attorney Kevin Tallant.

VI. Consider Potential Non-Compete

The meeting reconvened from Executive Session. A motion to reconvene was made by Shakeeb Ali and seconded by Jason Evans. The motion carried unanimously. Chairman Leathers advised all visitors wishing to speak on this item that they have a ten (10) minute limit. A timer was set for each speaker.

Nick Estes, co-owner of Crooked Culture Brewery took the podium and introduced himself, his business partner Patrick Leonard, and subtenant Miranda Napolitano with Dominic's. Mr. Estes explained the original agreement made with the City Center included that pizza could not be served due to a noncompete agreement for tenants within the Cumming City Center. It was understood that the original menu would include wood fired items and that pizza and flatbread would not be

acceptable as defined in noncompete. City Center tenant, SliceAbility, was already under agreement with rights for providing pizza. However, focaccia bread, with toppings added, would be an acceptable item with the understanding that it would be called “Crooked Crust”. The product would be made with water and beer, and including other fresh ingredients. The business plan was accepted by both parties. Dominic’s opened in March 2025 and received a letter on March 29, 2025 stating they were in violation of tenant agreement. Mr. Estes followed up on Monday, March 31, 2025 rejecting the claim, feeling they were compliant with the business plan and not infringing on rights. On April 2, they met with Phil Higgins and Jennifer Archer to discuss the matter. The focus of the meeting was based on the “perception of pizza”. Mr. Estes claimed the dough was Neapolitan Focaccia Dough and proprietary because of the ingredients. Mr. Higgins and Mrs. Archer advised that the item was in the shape of a pizza, was being sliced like pizza, was served in a box that read “pizza” and was advertised on social media in ways that led readers to believe it was pizza. Mr. Estes, in describing the product during the meeting (of the DDA) called it a “Neapolitan style pizza” on two occasions. Recommendations were made by Mr. Higgins and Mrs. Archer to change the shape of the product, change the box to not read “pizza” and change wording on menu to read “Neapolitan Focaccia Bread” as description of item. Mr. Estes received a formal Cease and Desist letter on May 5 requiring the item be removed if the recommended changes weren’t made. The ten-minute time limit was met and after allowing Mr. Estes to go briefly over and wrap up his remarks, his presentation ended.

Jeni Smith from SliceAbility took the podium and shared her desire to be a good neighbor to the surrounding businesses. After sharing the mission of SliceAbility, she explained the impact of job offerings and meaningful opportunities for adults with disabilities. When discussing the original business plan, she explained that upon signing her lease, she was told there wouldn’t be another

pizza place in the Cumming City Center. She continued to explain that when searching Dominic's on Google and in their social media, all advertisements reflect that they are a pizza operation. Mrs. Smith explained that 80% of her sales are pizza sales. Since the opening of Dominic's, she has lost an average of \$10,000 per month in sales and when customers have inquired about her donations to the community, they ask if she is the food truck at Crooked Culture. She was seeking the help of the Downtown Development Authority to protect her business pursuant to the agreement that her business be the only pizza service at the City Center.

Chairman Leathers offered the members of the Downtown Development Authority the opportunity to ask questions to the speakers. Jason Evans asked Crooked Culture to verify the validity of the current menu and asked if the menu presented was in fact the menu currently available for customers to use at the location. Mr. Estes confirmed that the menu Mr. Evans provided was the menu used. Mr. Evans pointed out the use of the word "pizza" on the menu under the "Crooked Culture" section. Menu is included to reflect the usage of the word "pizza" that Mr. Evans defined.

No additional speakers presented on this item.

VII. Consider and Amendment to the Lease-Vampire Penguin

Vampire Penguin owner, Jared Willis, was not present but sent a request to City Administrator Phil Higgins. The business owner was requesting an amendment to the lease be made to include the sale of pre-packaged cakes and cookies. Chairman Leathers advised all visitors wishing to speak on this item that they have a ten (10) minute limit. A timer was set for each speaker.

Albert Reeves, owner of Washington Warf and the new operation Rise and Slice Bakery, took the podium to explain his desire to be a good neighbor and abide by the regulations outlined in the lease agreement. When establishing the menu for Rise and Slice Bakery, he amended his menu in order to not impede on other owners within the City Center. He expressed that this should apply to all tenants and that allowing Vampire Penguin to offer the baked items would violate his rights as agreed at the time he signed his lease.

VIII. City Center Update

City Center Property Manager, Jennifer Archer advised the new Rise and Slice Bakery would be opening soon. New banners and visible pieces promoting the upcoming events and tenants were in place. Potential tenants are in the works.

City Administrator, Phil Higgins advised that 74 lots have been approved consisting of 50 townhomes and 24 single family units. Multiple-family tract has filed for LDP in hopes of a late summer closing. Discussion about a hotel has been paused. Parking lot contractors are ahead of schedule in hopes of having the project complete by the first of August pending weather. Jason Evans suggested the builder for the approved lots consider giving a presentation with the details of the development.

Following the conclusion of Administrator Higgins report, Chairman Leathers stated the importance of being good neighbors and honoring the agreements. A motion was made by Carrie Patterson to move into a second Executive Session. The motion was seconded by Jason Evans, Motion carried unanimously. All present members of the Downtown Development Authority met

in Gallery A for Executive Session for the purpose of discussing potential real estate acquisition, sale, leasing, or other matters. Not present for second Executive Session was Jennifer Archer.

The members returned to reconvene the meeting. A motion was made by Jason Evans to reconvene and was seconded by Rachel Mooney. The motion carried unanimously.

In reference to Item VI on the agenda, a motion was made by Shakeeb Ali to find Crooked Culture and Dominic's "Crooked Crust" in violation of the business plan portion of the lease/tenant agreement. He instructed the Downtown Development Authority Attorney to begin enforcement proceedings within thirty (30) days unless a remedy is reached. Motion was seconded by Carrie Patterson. The motion carried unanimously.

In reference to Item VII on the agenda, a motion was made by Carrie Patterson to deny the lease amendment for Vampire Penguin and was seconded by Jason Evans. The motion carried unanimously.

IX. Adjournment

A motion was made by Carrie Patterson and seconded by Jason Evans to adjourn the meeting. The motion carried unanimously.

Approved this _____ day of _____, 2025.

David Leathers, Downtown Development Authority Chairman

Jason Evans, Downtown Development Authority Member

Carrie Patterson, Downtown Development Authority Member

Shakeeb Ali, Downtown Development Authority Member

Rachel Mooney, Downtown Development Authority Member

Whitney Barnhart, Downtown Development Authority Member

Attest:

Clerk, Alison B. Smith