



**City of Cumming Council Meeting
Regular Meeting
July 15, 2025**

I. Call Meeting to Order – Troy Brumbalow, Mayor

The scheduled meeting of the Mayor and Council of the City of Cumming was held Tuesday, July 15, 2025, 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.

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 adopt the agenda for the July 15 meeting. Motion was made by Chad Crane and seconded by Jason Evans. The motion carried unanimously 5-0.

V. Consider for Adoption the Following Meeting Minutes:

1. Regular Meeting of June 17, 2025. A motion was made by Susie Carr and seconded by Christopher Light to approve the minutes of the Regular Meeting Minutes of June 17, 2025. The motion carried unanimously 5-0.

2. Executive Session Meeting of June 17, 2025. A motion was made by Christopher Light and seconded by Susie Carr to approve the minutes of the Executive Session Meeting Minutes of June 17, 2025. The motion carried unanimously 5-0.

VI. Acknowledgements, Proclamations, Resolutions, etc.

No acknowledgments, proclamations, or resolutions were presented.

VII. Old Business:

A. Planning and Zoning

1. Annexation Application #2025002-Hoff Homes, LLC

Annexation Application for property located at the corner of Hutchinson and Castleberry road was presented to consideration of annexation. Ken Vanderhoff, owner of the property, presented the request to annex and rezone the 4.53 acres located at 3300 Hutchinson Road from County R-3 to City R-3, and the .44 acres located at 3215 Castleberry Road from County A-1 to City R-1. Pending approval, the plan includes adding two (2) units that include seven (7) additional apartments to the existing 20 apartments. The breakdown per unit would be four (4)

apartments in one unit and three (3) apartments in the second unit. This would create a total of 27 apartments if approved. Mr. Vanderhoff explained that 25% or more of his tenants are at least 65 years of age. His reasons for the request include that city government is more approachable and better response time for emergencies. He also advised that his property managers are certified to handle tenants without escalating issues to involve the city. The following questions were posed to Mr. Vanderhoff by council members:

1. Jason Evans asked if he understood it correctly that there would be a total of 27 apartments (twenty (20) existing plus seven (7) new apartments). He also asked if rent would be affordable and if there would be any updates to the existing apartments. Mr. Vanderhoff advised there would be 27 total units and that rent would be slightly more than the current tenant rates. Updating to current units is not likely in the close future.
2. Joey Cochran asked if he would consider reducing rent for first responders to which Mr. Vanderhoff advised was possible.

A motion was made by Christopher Light to approve the annexation based on the following conditions:

1. 4.53 acres would be zoned from County R3 to City R3. The remaining 0.44 acres located at 3215 Castleberry Road would be zoned from County R1 to City R1.
2. Units 3,4,5, and 6 would require a developer to provide enhanced landscaping at Hutchinson Road
3. Reduced rent be considered for first responders
4. No vinyl siding on units.

The motion was seconded by Joey Cochran. The motion carried unanimously 5-0.

VIII. New Business

A. Planning and Zoning

1. Rezoning Application #2025061 – Matt Highway Land Co., LLC (Public Hearing)

Director of Planning and Zoning Scott Morgan provided a staff report on the rezoning application for the Matt Highway Land Co., LLC. The application is to rezone 5.068 acres, more or less, from Highway Business (HB) and Office Professional (OP) to Central Business District (CBD). This rezoning request involves two properties and a portion of a third, including a restaurant and a vacant residence. The future land use designation for these properties is commercial, therefore; this request is in conformance with the City's

Comprehensive Plan. The site plan proposes 60,000 square feet of retail space and 298 parking spaces, The Planning Commission held a public hearing on June 17 and there was no recorded opposition. The Board voted unanimously to recommend approval of the proposed rezoning with the submitted site plan and the thirteen (13) revised zoning conditions.

Mayor Brumbalow requested a motion to open the Public Hearing. A motion was made by Christopher Light and seconded by Jason Evans. The motion carried unanimously 5-0. No public spokesmen were present for the Public Hearing. A motion was made by Chad Crane to close the Public Hearing and seconded by Susie Carr. The motion carried unanimously 5-0.

A motion was made by Christopher Light to approve the application as presented by Director Morgan with conditions one (1) through twelve (12) as recommended by Planning Commission Board. The motion was seconded by Chad Crane. The motion carried unanimously 5-0.

B. Administration

1. 2024 Audit Report-Rushton Group

Will Merritt from Rushton Group presented the audit report for the 2024 calendar year. Mr. Merritt applauded the work of administration and shared the findings with printed reports and through slides. Audit report reflected positive findings of finances and internal controls. All documentation is attached with minutes and available on the public website. A motion was made by Susie Carr to accept the Audit Report and seconded by Jason Evans. The motion carried unanimously 5-0.

2. Underground Storage Tanks

City Administrator Phil Higgins presented a request to officially close the underground fuel storage tanks located at the Cumming Police Department facility. Due to the Cumming Police Department moving to a new location next year, the tanks are no longer needed and will not be transported to the new location. This scope of work requires certified contractors per the EPD. Administrator Higgins obtained a quote from Georgia Oilmen's Services in Lawrenceville, Georgia as the City of Cumming has used them for many years for testing purposes on the tanks. A quote was provided by Georgia Oilmen's Services in the amount of \$41,365.00. Administrator Higgins has recommended the approval of the quote. A motion was made by Joey Cochran to approve the quote of \$41,365.00 from Georgia Oilmen's Services and seconded by Jason Evans. The motion carried unanimously 5-0.

3. Consider Resolution – Amicus Brief

City Attorney Kevin Tallant updated Council on issuing a resolution in support of the City of Milton's effort to the Supreme Court to hear a case involving a citizen hitting a planter that was in their right of way in hopes of requesting to overturn a ruling by the Court of Appeals. The Supreme Court has agreed to hear the case. The goal of overturning this ruling would include reinstating the Claim of Sovereign immunity to protect government entities. Attorney Tallant explained the importance of the nature from the judgment of the Court of Appeals and how this can financially impact city government as these types of lawsuits can often exceed insurance limits. Without a claim of Sovereign Immunity, the City of Milton would be responsible for the excess judgment that isn't covered by insurance. The City of Milton is requesting the Supreme Court to overturn the Court of Appeals and reinstate the Claim for Sovereign Immunity and Attorney Tallant's recommendation is that the City of Cumming join in the effort to overturn the ruling and seek reinstatement. A motion was made by Jason Evans to approve the report and recommendations provided by Kevin Tallant and was seconded by Chad Crane. The motion carried unanimously 5-0.

C. Police

1. Real Time Crime Center

City of Cumming Police Chief PJ Girvan provided a detailed presentation for approval of the Real Time Crime Center to be housed in the new Cumming Police Department Building. This system will provide City of Cumming Police Department with the most innovative technology for keeping the community safe. The total cost of this system is \$547,183.34 and Chief Girvan advised that the project will be funded 100% by the Cumming PD Foundation and will not impact the budget. A motion was made by Jason Evans to approve the purchase of the Real Time Crime Center and was seconded by Chad Crane. The motion carried unanimously 5-0.

2. Report of Quotes – 3 Patrol Vehicles

City of Cumming Police Chief PJ Girvan provided a proposal for approval of three (3) patrol cars for the Cumming Police Department. Quotes were as follows:

2025 Dodge Durango Pursuit (Jacky Jones) \$42,361.00 per vehicle

2025 Ford Police Intercep (John Megel) \$49,868.00 per vehicle

2025 Dodge Durango (Carville Chrysler) \$44,000 per vehicle

In addition to the vehicles, the outfitting of all gear and supplies would be handled by West Chatham Warning Devices. The proposal for all vehicles would be \$24,242.87. The funding of these vehicles will be 100% from the Cumming PD Foundation and will not impact the budget. Chief Girvan recommended the quote of \$42,361.00 from Jacky Jones, and all supporting outfitting from West Chatham Warning Devices for \$24,242.87. A motion was made by Jason Evans to approve the purchase of the three (3) 2025 Dodge Durangos from Jacky Jones at \$42,361.00 per vehicle and all additional gear from West Chatham Warning Devices for \$24,242.87. The motion was seconded by Susie Carr and carried unanimously 5-0.

D. Utilities

1. Reports of Quotes – Smithdale Heights Booster Pump

Director of Utilities Jon Heard requested approval for budgeted improvement items to the Smithdale Heights water system. A water booster pump system is required to allow the equipment to function properly and the department obtained three (3) quotes for the job.

GWI	\$44,080.00
Allan J. Harris Company, Inc.	\$49,500.00
Southeast Pump Specialist	\$55,100.00

The Utilities Department recommends accepting the bid from GWI in the amount of \$44,080.00. A motion was made by Joey Cochran to approve the recommended bid from GWI for \$44,080.00 and was seconded by Chad Crane. The motion carried unanimously 5-0.

2. Report of Quotes – HVAC System for PWPF Upgrade

Director of Utilities Jon Heard requested approval for budgeted improvement items to the Potable Water Production Facility (PWPF). One of the areas of improvement is the Water Treatment Laboratory and SCADA building. The department obtained four (4) quotes for the job.

Linda Clay Fashions & Accessories	\$171,000.00
United Maintenance	\$162,422.00
Eddies Heating and Air	\$151,000.00
Max-air Mechanical	\$129,897.00

The Utilities Department recommends accepting the bid from Eddies Heating and Air in the amount of \$151,000.00. Based on specific items requested for the project, Max-air was not responsive to the proposal request and was removed as the recommended vendor for this project. A motion was made by Jason Evans to approve the recommended bid from Eddie's Heating and Air for \$151,000.00 and was seconded by Susie Carr. The motion carried unanimously 5-0.

3. Settingdown Creek Sewer Trunk Line Change Order

Director of Utilities Jon Heard requested approval for a change order in the amount of \$4,531,636.00 to add the Thalley Creek Trunk Sewer portion of the Settingdown Creek Trunk Sewer project back to the project. JDS, Inc., which was the low proposal, has agreed to hold their price from their 2024 bid. The Utilities Department requests continuing with the JDS, Inc proposal of \$4,531,636.00. A motion was made by Jason Evans to approve the bid from JDS, Inc. proposal of \$4,531,636.00 and was seconded by Chad Crane. The motion carried unanimously 5-0.

4. Supplemental GEFA Loan #GF2024022 – Thalley Creek Gravity Sewer Main

Director of Utilities Jon Heard requested approval for a supplemental loan from the Georgia Environmental Finance Authority, GEFA, (GF2024022) totaling \$3,625,000.00 for the extension of the Thalley Creek Gravity Sewer Main. The interest is 2.35% interest for 20 years but the City of Cumming Utilities are generating approximately 3.6% in interest income. A motion was made by Joey Cochran to approve the loan of \$3,625,000.00 and was seconded by Christopher Light. The motion carried unanimously 5-0.

5. Supplemental GEFA Loan #GF2025007 – AWRF Solids Handling Facility

Director of Utilities Jon Heard requested approval for a supplemental loan from the Georgia Environmental Finance Authority, GEFA, (GF2025007) totaling \$5,100,000.00 for the completion of the Bethelview Road AWRF Solids Handling Facility. The interest is 2.35% interest for 20 years but the City of Cumming Utilities are generating approximately 3.6% in interest income. A motion was made by Jason Evans to approve the loan of \$5,100,000.00 and was seconded by Joey Cochran. The motion carried unanimously 5-0.

6. Supplemental GEFA Loan #GF2024023 – PWPF 6MG Clearwell

Director of Utilities Jon Heard requested approval for a supplemental loan from the Georgia Environmental Finance Authority, GEFA, (GF2024023) totaling \$3,250,000.00 for the

completion of the PWPF6 MG Clearwell project. The interest is 2.35% interest for 20 years but the City of Cumming Utilities are generating approximately 3.6% in interest income. A motion was made by Susie Carr to approve the loan of \$3,250,000.00 and was seconded by Chad Crane. The motion carried unanimously 5-0.

7. Sales and Use Tax Refund Engagement Agreement

City Attorney Kevin Tallant presented a recommendation to engage in an agreement with Tax Specialist of Georgia-Southeast, LLC. to recover sales tax paid to contractors and organizations for public projects. The City of Cumming is sales tax exempt and should not have been charged the tax. This agreement defines terms that Tax Specialist of Georgia-Southeast, LLC. would not receive any funds unless the taxes are recovered. In the event funds are recovered, a fee of 25% of the recovered amount would be incurred. A motion was made by Jason Evans to approve engaging in an agreement with Tax Specialist of Georgia-Southeast, LLC. and was seconded by Susie Carr. The motion carried unanimously 5-0.

IX. Announcements: None

X. Executive Session (If Needed) Mayor Brumbalow asked City Attorney, Kevin Tallant if there was a need for Executive Session. Mr. Tallant advised executive session was needed pursuant to matters relating to Real Estate Acquisitions. A motion was made by Chad Crane and seconded by Joey Cochran to dismiss to Executive Session. The motion carried unanimously 5-0.

Council reconvened following Executive Session.

A motion was made by Christopher Light to close Executive Session and was seconded by Chad Crane. The motion carried 5-0. A motion was made by Chad Crane and seconded by Susie Carr to reconvene from Executive Session. The motion carried unanimously 4-0 as Christopher Light recommended motion.

XI. Adjourn A motion was made by Susie Carr and seconded by Chad Crane to adjourn the meeting. The motion carried unanimously 4-0 as Christopher Light recommended motion.

Approved this 15th day of July, 2025.

Troy Brumbalow, Mayor

Councilmember, Chad Crane

Councilmember, Jason Evans

Councilmember, Joey Cochran

Councilmember, Christopher Light

Councilmember, Susie Carr

Attest:

City Clerk, Alison B. Smith