

City of Cumming
Regular Meeting Agenda
October 15, 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 October 1st, 2024
- VI. Acknowledgements, Proclamations, Resolutions, etc.
 - A. National First Responders Day
 - B. Family Promise Week
 - C. Retired Educators Day
- VII. Old Business
 - A. Cumming Police Department
 - 1. Real Time Crime Center
 - B. Planning and Zoning
 - 1. 14905 Hopewell Group, LLC-PUD Amendment (Public Hearing)
 - 2. Annexation #2024184- Hollywood Properties, LLC-Bettis Tribble Gap Road (Public Hearing)
 - 3. Rezoning #2024191 Fast Easy Offer, LLC- Bettis Tribble Gap Road (Public Hearing)
- VIII. New Business
 - A. Parks and Recreation
 - 1. Basketball Goals- Wench and Safety Belts
 - B. Cumming Police Department
 - 1. Swearing-In of New Officers
 - C. Planning and Zoning
 - 1. Capital Improvement Element (Public Hearing)
 - D. Utilities
 - 1. Brooks Farm Drive Storm Drain Installation
 - 2. Habersham Mariana Wastewater Pumping Station Bypass Diesel Pump
 - 3. Highway 20 Additional Cost to Cure Agreement with DOT
 - 4. Emergency Bypass Sewer Line at AWRP
 - E. Administration
 - 1. Reschedule November Work Session
- IX. Announcements
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
OCTOBER 15, 2024**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, October 15, 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 Susie Carr 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 October 01, 2024: A motion was made by Chad Crane and seconded by Susie Carr to approve the minutes of the Work Session Meeting of October 01, 2024. The motion carried unanimously.

VI. Acknowledgements, Proclamations, Resolutions, etc.: A. National First Responders Day: Mayor Brumbalow read aloud a proclamation proclaiming October 28, 2024 as **National First Responders Day** in the City of Cumming.

B. Family Promise Week: Mayor Brumbalow read aloud a proclamation proclaiming October 19th to October 27th, 2024 as **Family Promise Week** in the City of Cumming, and in so doing, urge all citizens to recognize and raise awareness of the issue of homeless children and families in our community.

C. Retired Educators Day: Mayor Brumbalow read aloud a proclamation proclaiming Sunday, November 3rd, 2024 as, **Retired Educators Day** in the City of Cumming.

VII. Old Business: A. Cumming Police Department: 1. Real Time Crime Center: At the last meeting Chief Girvan presented information on establishing a Real-Time Crime Center (RTCC) for the Cumming Police Department. A RTCC is designed to maximize law enforcement's ability to respond to crimes as they occur, and to do so with precision and speed. By centralizing various technologies, such as surveillance cameras, license plate readers, and data analysis tools the RTCC can provide real-time intelligence to officers in

the field. This leads to faster response times, increased officer safety, and more effective policing overall stated Girvan. The initial set-up and cost of equipment would be funded by the Cumming Police Foundation. A request was made to enter into an agreement with Axon Enterprise, Inc. in the amount of \$54,163.32 annually for an initial term of five years and up to \$25,000.00 to purchase the equipment to set up the center. A motion was made by Christopher Light and seconded by Susie Carr to authorize the Mayor to sign the agreement with Axon Enterprises, Inc. and approve up to \$25,000.00 for the purchase of the equipment for the Real-Time Crime Center. The motion carried unanimously.

B. Planning and Zoning: 1. 14905 Hopewell Group, LLC- PUD Amendment (Public Hearing): *The property owner has made application, to the proper authorities, to amend a Planning Unit Development (PUD), approved by the City on April 20, 2021. The subject property is 43.24 acres and is located on both sides of SR 20, at 519 and 521 Canton Highway. The development plan has been revised from 191 townhomes and 207 condominiums, to 240 townhomes and 61 single-family detached homes. The applicant has submitted twenty-four (24) revised conditions, including twelve (12) variances and a Conditional Use Permit (CUP) for the Life Church, along with elevations and a revised site plan.*

In reviewing these revised PUD amendment documents, legal and planning staff have determined this proposed development no longer meets the requirements of a PUD, according to the land use and design guidelines of the PUD Ordinance. Therefore, the Planning Commission recommended approval of this development proposal as Multi-Family Residential (R-3) rezoning, with conditions and variances, including allowing approximately 6.96 residential units per acre. The residential density of this proposed development will actually be decreasing, due to the replacement of the condominiums, with townhomes and single-family detached homes, as well as the elimination of freestanding and vertical mixed-use units. The revised site plan, conditions and elevations, as submitted, will be utilized for this rezoning. Advertising requirements for a rezoning have been met, because our advertising regulations are the same, as for a PUD amendment.

The Planning Commission held a public hearing on September 17, 2024 and there were no public comments. The Board voted unanimously to rezone the property R-3 with the attached conditions, elevations and site plan.

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 recused. Representing the applicant was Mr. Sean Courtney with the Lipscomb Johnson Law Firm. Mr. Courtney presented the revised site plan including elevations from two of the proposed builders, Toll Brothers and Empire. No one spoke in opposition. A motion was made by Joey Cochran and seconded by Jason Evans to close the public hearing. The motion carried 4-0 with Christopher Light recused. A motion was made by Jason Evans and seconded by Chad Crane to approve the PUD amendment for 14905 Hopewell Group, LLC with the revised conditions. (attached) The motion carried 4-0 with Christopher Light recused.

2. Annexation #2024184 Hollywood Properties, LLC- Bettis Tribble Gap Road

(Public Hearing): The property owner has filed a petition, to the proper authorities, to annex 9.98 acres, more or less, and rezone from County Agricultural (A1) to City Single-Family Residential (R-1), for the purpose of constructing ten (10) single-family detached homes. The owner has submitted a sketch plan and zoning conditions as part of this proposed annexation. The subject property located at 1630 Bettis Tribble Gap Road and has contiguity with the existing City boundary. City zoning and future land use in the area is single-family residential, therefore, the property, if annexed and rezoned residential, will conform to the City's Comprehensive Plan. Forsyth County stated they have no objection to the proposed annexation.

The Planning Commission held a public hearing on September 17, 2024 and there were no recorded public comments. The Board voted unanimously to recommend approval of this annexation and rezoning, and added a condition, the final site plan must be approved by the Mayor and Council. A motion was made by Christopher Light and seconded by Joey Cochran to open the public hearing. The motion carried unanimously. The property developer, Phil Beniamino, explained that plans were to build 10 (ten) single-family homes on 30,000 sq. ft lots with a private drive. No opposition was recorded. A motion was made by Jason Evans and seconded by Chad Crane to close the public hearing. The motion carried unanimously. After some discussion, a motion was

made by Joey Cochran and seconded by Chad Crane to approve Annexation #2024184 by Hollywood Properties, LLC adding three (3) conditions, for a total of eleven (11).

Condition 8 was changed to read “Final site plan to be approved by the Planning and Zoning Department”. Condition 9 was added to read “Front setback will be forty-feet (40’) from the center of the private drive.” Condition 10 was added to read “Final Elevations to be approved by the Design Review Committee.” Condition 11 was added to read “Final landscape plan to be approved by the Design Review Committee”. The motion carried 4-1 with Christopher Light opposed.

3. Rezoning #2024191 Fast Easy Offer, LLC- Bettis Tribble Gap Road (Public Hearing): *The property owner has made application, to the proper authorities, to rezone 0.69 acres, more or less, from Single-Family Residential (R-1A) to Office Professional (OP), in order to reestablish the use of the existing structure as an office. This location has been used by The Place, a non-profit, community assistance service, for a number of years, but is currently vacant. This rezoning is necessary in order to continue what was a legal, nonconforming use, in residential zoning. As part of the rezoning request, there are requested variances from the front, rear and side building setbacks, to accommodate the existing deck, porch and sheds. There will be improvements made to the existing structure and paving, for new parking spaces. OP zoning is a proper transitional district, relative to the surrounding residential land use.*

The Planning Commission held a public hearing on September 17, 2024 and there were no recorded public comments. The Board voted unanimously to recommend approval of this rezoning, including the variances, with the provided variances. A motion was made by Christopher Light and seconded by Jason Evans to open the public hearing. The motion carried unanimously. The agent for the property, Mr. Samuel Bagwell stated that they currently have no tenant for the property, but plan to renovate and upgrade the building and parking area. No opposition to the rezoning was recorded. A motion was made by Christopher Light and seconded by Joey Cochran to close the public hearing. The motion carried unanimously. A motion was made by Christopher Light and seconded by Jason Evans to approve Rezoning Request #2024191 by Fast Easy Offer, LLC with the variances and conditions as presented. The motion carried unanimously.

VIII. New Business: A. Parks and Recreation: 1. Basketball Goals- Winch and Safety

Belts: City Administrator Phil Higgins explained that Dobbs Creek Recreation Center currently has 12 basketball goals suspended from the ceiling of the gymnasium which can be raised to the ceiling and lowered back down for use. The are currently raised and lowered by a hand crank that is attached to a wooden wall that goes around the perimeter of the gym. These goals and winches at Dobb Creek Gym are 23 years old and need to be replaced for the safety of the public and staff. Two bids were received as follows for the equipment and installation of 12 wireless Remote Winches with cable replacement and Safety Strap:

1. H.E. Hodge Company- \$41,910.00

2. Success Sports Surfacing, LLC- \$47,332.00

It is the recommendation of the Park staff to go with the lowest bid from H.E. Hodge Company.

Three bids were received for the Wiring of the Electric Winches and Remote-Control Receiver.

1. J. Pruitt Electrical Contractors- \$29,950.00

2. ARC Angel Electric- \$43,111.12

3. Dehart and Hill Electric, Inc.- \$69,500.00

It is the recommendation of the Park Staff to go with the lowest bid from J. Pruitt Electrical Contractors.

A motion was made by Christopher Light and seconded by Susie Carr to accept the low bid from H.E. Hodge Company in the amount of \$41,910.00 for the installation of the 12 wireless Remote Winches with cable replacement and Safety Strap and J. Pruitt Electrical Contractors in the amount of \$29,950.00 for the wiring of the Electrical Winches and Remote-Control Receiver. The motion carried unanimously

B. Cumming Police Department: 1. Swearing-In of New Officers: Chief Patrick

Girvan swore in new Officers Misty Howell and Justin Blackwell.

C. Planning and Zoning: 1. Capital Improvement Element (Public Hearing) Planning Director Scott Morgan presented the City of Cumming Capital Improvements Element for FY 2023, including the Impact Fee Annual Report and Schedule of Improvements, for the next five years. The CIE is part of our on-going comprehensive planning efforts. After

holding a public hearing, the Council is requested to authorize the Mayor to sign the Transmittal Resolution. Then the documents are forwarded to Atlanta Regional Commission and the Department of Community Affairs for their review. After addressing any comments by ARC and DCA, then the Council would be asked to adopt the approved CIE, to certify our Qualified Local Government (QLG) status.

A motion was made by Jason Evans and seconded by Susie Carr to open the public hearing. The motion carried unanimously. No public comments were recorded. A motion was made by Joey Cochran and seconded by Christopher Light to close the public hearing. The motion carried unanimously. A motion was made by Jason Evans and seconded by Susie Carr to authorize Mayor Brumbalow to sign the Transmittal Resolution. The motion carried unanimously.

D. Utilities: 1. Brooks Farm Drive Storm Drain Installation: The Department of Utilities advertised for proposals for the Brooks Farm Storm Drain Installation and the results were as follows:

1. Jasper Grading and Pipeline	\$66,160.00
2. Townley Construction	\$120,500.00
3. ALGC Grading Contractors	\$254,093.73

The Department recommends accepting the low proposal from Jasper Grading and Pipeline. A motion was made by Christopher Light and seconded by Joey Cochran to accept the low proposal from Jasper Grading and Pipeline in the amount of \$66,160.00. The motion carried unanimously.

2. Habersham Marina Wastewater Pumping Station Bypass Diesel Pump: The Department of Utilities budgeted in 2024 to install a standby Diesel Pump at the Habersham Marina Wastewater Pumping Station. Three proposals were received as follows:

1. Xylem Godwin	\$68,467.17
2. Yancy Rents	\$74,200.00
3. Pro Pump	\$77,680.00

The Department requests the Council approve the lowest proposal from Xylem Godwin. A motion was made by Jason Evans and seconded by Susie Carr to approve the lowest proposal from Xylem Godwin in the amount of \$68,467.17. The motion carried

unanimously.

3. Highway 20 Additional Cost to Cure Agreement with DOT: The Department of Utilities has discovered additional infrastructure in conflict with the GDOT widening of Highway 20 West, GDOT has agree to pay the City \$27,671.32 as compensation and Cost-to-cure. The Council is requested to authorize Mayor Brumbalow to sign the “Actual Cost to Cure Agreement” with GDOT. A motion was made by Susie Carr and seconded by Joey Cochran to authorize Mayor Brumbalow to sign the Cost-to-Cure Agreement with GDOT in the amount of \$27,671.32. The motion carried unanimously.

4. Emergency Bypass Sewer Line at AWRP: The Department of Utilities requests to move forward with the installation of an emergency bypass sewer line for our Advanced Water Reclamation Facility. Three proposals were received as follows:

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|---------------------------------------|--------------------|
| 1. Townley Construction | \$42,730.00 |
| 2. Townsend Pipeline | \$43,100.00 |
| 3. Jasper Grading and Pipeline | \$49,430.00 |

The Department recommends accepting the low proposal from Townley Construction. A motion was made by Jason Evans and seconded by Chad Crane to accept the low proposal from Townley Construction in the amount of \$42,730.00. The motion carried unanimously.

E. Administration: 1. Reschedule November Work Session: City Administrator Phil Higgins requested to reschedule the November Work Session to Wednesday, November 6th due to the meeting falling on Election Day November 5.

IX. Announcements: none

X. Executive Session: Mayor Brumbalow stated there was a need for Executive Session to discuss the acquisition or sale of real property. A motion was made by Jason Evans and seconded by Chad Crane to recess into Executive Session. The motion carried unanimously. After a brief Executive Session, a motion was made by Chad Crane and seconded by Jason Evans to reopen the regular meeting. The motion carried unanimously.

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

Approved this 5th day of November, 2024.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember