

City of Cumming
Regular Meeting Agenda
November 19, 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 November 6th 2024.

VI. Acknowledgements, Proclamations, Resolutions, etc.

A. National Native American Month

VII. Old Business

A. Planning and Zoning

1. Annexation #2024124 Virtue Investment-Dahlonge Highway. (Public Hearing)
2. Annexation #2024127 E-15, LLC-Turner Road (Public Hearing)

VIII. New Business

A. Administrative

1. 2025 Budget

B. Cumming Fairgrounds

1. Agreement with Northside Forsyth Hospital

C. Planning and Zoning

1. Alcohol License Application- Chichas Indian Café, 911 Marketplace Boulevard, Suite L.
2. Amendment to Alcohol License Ordinance
3. Capital Improvements Element Resolution.

D. Utilities

1. RFP Results-Hickory Ridge Subdivision Storm Drain Phase 2
2. RFP Results-Gravitt Road Gravity Sewer Extension.

IX. Announcements

X. Executive Session (If Needed)

XI. Adjourn.

**CITY OF CUMMING
COUNCIL MINUTES
REGULAR MEETING
NOVEMBER 19, 2024**

I. There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, November 19, 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 Joey Cochran to adopt the agenda as presented. The motion carried unanimously.

V. Consider for Adoption the Following Meeting Minutes: A. Work Session Meeting of November 06, 2024: A motion was made by Susie Carr and seconded by Christopher Light to approve the minutes of the Work Session Meeting of November 06, 2024. The motion carried unanimously.

VI. Acknowledgements, Proclamations, Resolutions, etc.: A. National Native American Heritage Month: Mayor Brumbalow read aloud a proclamation proclaiming November 2024 as **National Native American Heritage Month** in the City of Cumming.

VII. Old Business: A. Planning and Zoning: 1. Annexation #2024124 Virtue

Investment- Dahlenega Highway (Public Hearing): Planning Director Scott Morgan read in the record the following staff report:

The applicant, on behalf of the property owner, has filed an annexation petition, to annex 3.356 acres, more or less, and rezone from County Commercial Business District (CBD) to City Highway Business (HB). The subject property is located on Dahlenega Highway (SR9), between the Cumming Dobbs Creek Complex and the Veterans of Foreign Wars property, which creates continuity with the existing City boundary. The subject property is currently vacant and the owner is proposing to develop a freestanding office building in front and a separate office/storage structure in the back. Current City zoning in the area is HB and future land use designation is Institutional (INST), therefore; the requested zoning is in conformance with the City's

Comprehensive Plan. Also, annexing this property will reduce the unincorporated island, located along Dahlonega Highway. Forsyth County has stated they have no objection to the proposed annexation/rezoning.

The Planning Commission held a public hearing on July 16 and there were no public comments. Therefore, they voted unanimously to recommend approval of the annexation, with the fifteen (15) zoning conditions submitted.

A motion was made by Christopher Light and seconded by Joey Cochran to open the public hearing. The motion carried unanimously. Representing the applicant was Mr. Ethan Underwood with the law firm of Miles Hansford, LLC. Mr. Underwood explained that conditions were drafted to prohibit certain uses on the property. Also, Mr. George Notel spoke in opposition of the annexation. A motion was made by Christopher Light and seconded by Joey Cochran to close the public hearing. A motion was made by Christopher Light to deny Annexation #2024124 by Virtue Investment Group. The motion died due to lack of a second. A motion was made by Jason Evans and seconded by Susie Carr to postpone any decision on this annexation until the December 3, 2024 Work Session. The motion carried unanimously.

2. Annexation #2024127 E-15, LLC- Turner Road (Public Hearing): Planning

Director Scott Morgan read into the record the following staff report:

The applicant, on behalf of the property owner, has filed a petition to annex 2.00 acres, more or less, and rezone from County Office & Institutional (O & I) to City Office Professional (OP). The subject property is vacant, located on Turner Road, west of the intersection of with Market Place Boulevard, across from the Westshore development, which creates continuity with the existing City boundary. The adjacent City zoning is PUD and the future land use designation is mixed use-suburban, so the proposed OP zoning, as a transitional district, is in conformance with the City's Comprehensive Plan. Forsyth County has stated they have no objection to this proposed annexation/rezoning.

The Planning Commission held a public hearing was held on September 17 and there were no public comments. Therefore, they voted unanimously to recommended approval of the annexation, with the twelve (12) zoning conditions submitted.

A motion was made by Christopher Light and seconded by Joey Cochran to open the public hearing. The motion carried unanimously. Representing the applicant was Mr. Ethan Underwood with the Law Firm of Miles Hansford, LLC. No public comments were recorded. A motion was made by Jason Evans and seconded by Susie Carr to postpone any action on Annexation #2024127 by E-15, LLC until the December 3, 2024 Work Session. The motion carried unanimously. Christopher Light left the meeting at 6:30 pm.

VIII. New Business: A. Administration: 1. 2025 Budget: City Administrator Phil Higgins presented the Mayor and City Council a 2025 Budget Summary of revenues and expenses for the General Fund and Water Fund for their review. A public hearing would be held at the December 03, 2024 Work Session for discussion concerning the 2025 budget.

B. Cumming Fairgrounds: 1. Agreement with Northside Forsyth Hospital: City Administrator Phil Higgins explained that Northside Forsyth Hospital wishes to enter into a **PARKING LICENSE AGREEMENT** with the City of Cumming for use of the fairgrounds parking lot, located at 320 Castleberry Road, to provide supplemental off-site parking for a temporary period. In the agreement, Northside Forsyth Hospital would pay the City \$3,400/month for the use of the parking lot. A motion was made by Jason Evans and seconded by Chad Crane to authorize Mayor Brumbalow to sign the Parking License Agreement with Northside Forsyth Hospital. The motion carried 4-0 with Christopher Light absent.

C. Planning and Zoning: 1. Alcohol License Application- Chichas Indian Café, 911 Marketplace Boulevard, Suite L: The Department of Planning and Zoning received an Alcoholic Beverage License application for the sale of malt beverages and wine for consumption on the premises for the business of Chichs Indian Café, located at 911 Marketplace Boulevard, Suite L. City Code Enforcement Officer, Lenny Mancinelli, stated that in accordance with the City's alcohol ordinance, a background check was conducted on the license applicants and no issues were found to deny the applicants the licenses. Additionally, the applicants have met all the requirements of the application process and have paid all fees due the City. A motion was made by Jason Evans and seconded by Joey Cochran to approve the 2025 Alcoholic Beverage License for the sale of malt beverages

and wine for consumption on the premises to Chichas Indian Cafe located at 911 Marketplace Boulevard, Suite L. The motion carried 4-0 with Christopher Light absent.

2. Amendments to the Alcohol Ordinance: City Attorney Kevin Tallant presented an ordinance amendment with the preamble as follows:

AN ORDINANCE TO AMEND THE CURRENT CITY OF CUMMING ALCOHOL ORDINANCE PURSANT TO THE RIGHT OF THE CITY UNDER O.C.G.A. 3-3-7 (q.1); TO CHANGE THE SUNDAY TIME RESTRICTIONS ON PACKAGE SALES; 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 change would allow the Sunday package sales starting time to align with the consumption on the premises starting time for sales. A motion was made by Jason Evans and seconded by Susie Carr to approve the amendment to the Alcohol Ordinance. The motion carried 4-0 with Christopher Light absent.

3. Capital Improvements Element Resolution: Planning Director Scott Morgan presented the City of Cumming 2024 CIE Update, including our FY 2023 Impact Fee Annual Report and 2024-2028 Schedule of Capital Improvements, as approved by the Department of Community Affairs (DCA). The CIE is part of our on-going comprehensive planning efforts. The Council is requested to adopt the approved CIE Update, and authorize the Mayor to sign the Adoption Resolution. After receipt by DCA, they will extend our Qualified Local Government (QLG) status. A motion was made by Joey Cochran and seconded by Susie Carr to authorize Mayor Brumbalow to sign the Adoption Resolution for the CIE Update. The motion carried 4-0 with Christopher Light absent.

D. Utilities: 1. RFP Results- Hickory Ridge Subdivision Storm Drain Phase 2:

The Department of Utilities advertised for proposals for the Hickory Ridge Subdivision Storm Drain Phase 2 and the results were as follows:

1. Fowler Site Work, Inc.	\$104,501.83
2. Hughes Site Work	\$90,053.68
3. Jasper Grading and Pipeline	\$112,121.00
4. Forsyth Grading, LLC	\$117,155.80
5. NSEW, Inc.	\$130,000.00

6. Civil Construction Utilities, Inc.	\$164,200.00
7. R&B Developer, Inc.	\$146,292.90
8. Summit Construction & Development	\$233,340.40
9. SCA Construction	\$246,683.00

The Department recommends accepting the proposal from Fowler Site Work, Inc. A motion was made by Joey Cochran and seconded by Chad Crane to accept the proposal from Fowler Site Work, Inc. in the amount of \$104,501.83. The motion carried 4-0 with Christopher Light absent.

2. RFP Results- Gravitt Road Gravity Sewer Extension: The Department of Utilities budgeted in 2024 to install a gravity sewer line along Settingdown and Thalley Creeks. This is a segment of sewer line along Thalley Creek and we have 6 customers requesting to connect to this line as soon as possible. Eleven proposals were received as follows:

1. Fowler Site Work, Inc.	\$448,377.00
2. Professional Pipeline, LLC	\$559,402.00
3. North Georgia Pipeline, LLC	\$630,990.90
4. Summit Construction and Dev, Inc.	\$650,167.50
5. Strickland and Sons Pipeline, Inc.	\$677,334.00
6. K.M. Davis Contracting Co., Inc.	\$712,879.30
7. Mid-South Builders, Inc.	\$767,937.00
8. RDJE, Inc.	\$789,979.00
9. WL Griffin Co, LLC	\$845,023.71
10. GS Construction	\$879,280.00
11. Site Engineering, Inc.	\$1,029,799.00

The Department requests the Council approve the lowest proposal from Fowler Site Work, Inc. A motion was made by Susie Carr and seconded by Joey Cochran to approve the lowest proposal from Fowler Site Work in the amount of \$448,377.00. The motion carried 4-0 with Christopher Light absent.

IX. Announcements:

- 1. Employee Luncheon and Cumming City Park, Thursday, December 5 at 12 noon.**
- 2. Christmas Parade, Saturday December 14 at 6 pm.**

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

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

Approved this 3rd day of December, 2024.

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Attest:

City Clerk

Councilmember