

**City of Cumming**  
**Work Session Agenda**  
**November 6, 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 October 15th, 2024
  - B. Executive Session Meeting of October 15th, 2024
- VI. Acknowledgements, Proclamations, Resolutions, etc.
- VII. Old Business
- VIII. New Business
  - A. Administration
    - 1. Consider Resolution- Forsyth County Legislative Office Building
    - 2. **Add-on: Resolution Authorizing Participation in Amicus Brief**
  - B. Cumming Fairgrounds
    - 1. Recap of 2024 Cumming Country Fair and Festival
  - C. Planning & Zoning
    - 1. Annexation #2024124 Virtue Investment- Dahlonge Highway (Information Only)
    - 2. Annexation #2024127 E-15, LLC- Turner Road (Information Only)
- IX. Announcements
  - A. Annual Veterans Day Ceremony will be Monday, Nov. 11<sup>th</sup> at the City Center beginning at 11 a.m.
- X. Executive Session (If Needed)
- XI. Adjourn.

**CITY OF CUMMING  
COUNCIL MINUTES  
WORK SESSION  
NOVEMBER 6, 2024**

**I.** There was a Work Session meeting of the Mayor and Council of the City of Cumming on Wednesday, November 6, 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 Chad Crane and Jason Evans. Mayor Troy Brumbalow presided over the meeting and called the meeting to order.

**II. Invocation:** Mayor Brumbalow asked City Administrator 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 add to the agenda under **VIII. New Business A. Administration: 2. Resolution Authorizing Participation in Amicus Brief.** A motion was made by Christopher Light and seconded by Joey Cochran to add the item requested by Mayor Brumbalow and adopt the remainder of the agenda as presented. The motion carried 3-0 with Chad Crane and Jason Evans absent.

**V. Consider for adoption the following meeting minutes: A. Regular Council Meeting of October 15th, 2024:** A motion was made by Susie Carr and seconded by Christopher Light to approve the minutes of the Regular Council Meeting of October 15th, 2024 as presented. The motion carried 3-0 with Chad Crane and Jason Evans absent.

**B. Executive Session Meeting of October 15, 2024:** A motion was made by Joey Cochran and seconded by Susie Carr to approve the minutes of the Executive Session Meeting of October 15, 2024. The motion carried 3-0 with Chad Crane and Jason Evans absent.

**I. Acknowledgements, Proclamations, Resolutions, etc.: none**

**VII. Old Business: none**

**VIII. New Business: A. Administration: 1. Consider Resolution – Forsyth County Legislative Office Building:** City Attorney Kevin Tallant explained that Forsyth County had sent a Resolution on September 30, 2024 to the City of Cumming requesting the City's support to allow the County's legislative office buildings to be located outside the county site and to allow voting to occur outside the county site. In response to the County's request,

the City of Cumming Mayor and City Council requested the City Attorney to draft a resolution expressing strong opposition to Forsyth County's request for a change in the law that would allow the County's legislative office buildings to be located outside the county site and to allow voting to occur outside the county site. A motion was made by Joey Cochran and seconded by Susie Carr to authorize Mayor Brumbalow to sign the City's resolution in response to Forsyth County's request. The motion carried 3-0 with Chad Crane and Jason Evans absent.

**2. Add-on: Resolution Authorizing Participation in an Amicus Brief:** City Attorney Kevin Tallant explained that there is presently pending before the Court of Appeals and/or Supreme Court of Georgia an appeal of a civil lawsuit that, at the trial court level, was referred to as Chang, et.al. v. City of Milton, State Court of Fulton County, Case No.18EV004442. The case involves a claim of liability against the City of Milton for personal injuries due to a 2016 vehicle collision with a fixed obstruction located on City-owned right of way where the obstruction was outside the motoring lanes of travel. It is the belief of the City that financial implications of the Court of Appeals decision could be devastating for Georgia municipalities. A motion was made by Christopher Light and seconded by Susie Carr to authorize Mayor Brumbalow to sign the resolution to participate in an amicus brief before the Georgia Supreme Court asking that the Chang appellate ruling be taken by the Supreme Court and reversed. An amicus brief so tendered may include the City's name as participating party. The motion carried 3-0 with Chad Crane and Jason Evans absent.

**B. Cumming Fairgrounds: 1. Recap of the 2024 Cumming Country Fair and Festival:** Fairgrounds Director Tracy Helms gave a recap of the 2024 Cumming Country Fair and Festival stating that perfect weather and great attendance made 2024 one of the best fairs on record.

**C. Planning and Zoning: 1. Annexation #2024124 Virtue Investment- Dahlonega Highway (Information Only):** 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*

*Dahlonaga Highway (SR9), between the Cumming Dobbs Creek Complex and the Veterans of Foreign Wars property. 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. 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.*

**2. Annexation #2024127 E-15, LLC. Turner Road (Information Only):** 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. At his time, there is no proposed site plan to accompany the zoning conditions. Therefore, they voted unanimously to recommended approval of the annexation, with the twelve (12) zoning conditions submitted.*

**IX. Announcements**

- A. Annual Veterans Day Ceremony will be Monday, Nov. 11<sup>th</sup> at the City Center beginning at 11 a.m.

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

**XI. Adjournment:** A motion was made by Susie Carr and seconded by Christopher Light to adjourn the meeting. The motion carried 3-0 with Chad Crane and Jason Evans absent.

**Approved this 19th day of November, 2024.**

---

**Mayor**

---

**Councilmember**

---

**Councilmember**

---

**Councilmember**

---

**Councilmember**

**Attest:**

---

**City Clerk**

---

**Councilmember**