

**City of Cumming**  
**Regular Meeting Agenda**  
**August 21, 2018**

- I. Meeting Called to Order-Troy Brumbalow, Mayor.
- II. Invocation
- III. Pledge to Flag-Cub Scout Pack 207
- IV. Consider Agenda for Adoption
- V. Consider for adoption the following meeting minutes:
  - A. Work Session Meeting of August 7, 2018
  - B. Executive Session Meeting of August 7, 2018
- VI. Acknowledgements, Proclamations, Resolutions-None
- VII. Old Business
  - A. Planning & Zoning
    - 1. Capital Improvement Element Resolution
- VIII. New Business
  - A. Administration
    - 1. Fair Tickets
    - 2. Defined Benefit Retirement Plan-Ordinance and Adoption Agreement
    - 3. Parking on City Property
    - 4. Add-on: Cyber Security Engagement Agreement**
    - 5. Add-on: “Welcome to Cumming” Sign**
  - B. Planning & Zoning
    - 1. Conditional Use Permit #2018257- Brave Acres, LLC
    - 2. Zoning Application 2018154 and 2018155- Lynwood Development Group
    - 3. Vape Shop Application- Victorious Vapers, LLC
  - C. Utilities
    - 1. Request to Advertise for Bids- Sewer Force Main Extension, Hwy. 20 West
    - 2. Request to Advertise for Bids-Williams Circle Low Pressure Sewer System
    - 3. Request to Award Bid- Sawnee Mountain Water Booster, Water Lines and Storage Tank
    - 4. Request to Award Bid- Phase IV 36-inch Westside Water Line
- IX. Announcements
  - A. Upcoming Playhouse Shows
    - 1. “Smoke on the Mountain” Sept. 6-30; Thursdays, Fridays, and Saturdays at 8 p.m., Sundays at 3 p.m.
  - B. Upcoming Fairgrounds Events
    - 1. Mt. Pisgah Church Show- Aug. 24 & 25
    - 2. IRPA World Championship Rodeo- Aug. 31 and Sept. 1 at 8 p.m., Sept. 2 at 7 p.m.
- X. Executive Session (If needed)
- XI. Adjourn.

**CITY OF CUMMING  
COUNCIL MINUTES  
REGULAR MEETING  
AUGUST 21, 2018**

**I.** There was a regular meeting of the Mayor and Council of the City of Cumming on Tuesday, August 21, 2018, 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. Shad Faulkner to deliver the invocation.

**III. Pledge to the Flag.** Cub Scout Pack 207 led everyone in the Pledge to the American Flag.

**IV. Consider Agenda for Adoption** Mayor Brumbalow requested to add to the agenda the following items under **New Business: A. Administration (4) Cyber Security Agreement and (5) “Welcome to Cumming” Sign.** A motion was made by Linda Ledbetter, seconded by Lewis Ledbetter, and unanimously passed to add the agenda items requested by Mayor Brumbalow and adopt the remainder of the agenda as presented.

**V. Consider for adoption the following meeting minutes: A. Work Session Meeting of August 7, 2018:** A motion was made by Linda Ledbetter, seconded by Lewis Ledbetter, and unanimously passed to approve the minutes of the Work Session Meeting of August 7, 2018 as presented.

**B. Executive Session Meeting of July 3, 2018:** A motion was made by Linda Ledbetter, seconded by Lewis Ledbetter, and unanimously passed to approve the minutes of the Executive Session Meeting of August 7, 2018.

**VI. Acknowledgement, Proclamation, Resolutions-None**

**VII. Old Business A. Planning & Zoning-1. Capital Improvement Element**

**Resolution Agreement (Public Hearing)** City Attorney Kevin Tallant explained that in order for the City to collect impact fees, the City must include a Capital Improvements Element (CIE) in its Comprehensive Plan and update it annually. The Department of Community Affairs requires that the CIE be submitted by the City to Georgia Mountains Regional Commission office 60 days prior to adoption of the CIE. The CIE amendment to the comprehensive plan and the ordinance adopting the impact fees could be adopted at the same meeting. The Development Impact Fee Act requires two (2) duly noticed public

hearings held at least two (2) weeks apart prior to adoption. Changes recommended by the Mayor and Council have been made and the resolution to submit the CIE is ready for adoption. A motion was made by Christopher Light, seconded by Jason Evans, and unanimously passed to authorize Mayor Brumbalow to sign the Resolution to submit the Capital Improvement Element to the Georgia Mountains Regional Commission on behalf of the City of Cumming.

**VIII. New Business A. Administration 1. Fair Tickets** City Administrator Phil Higgins made the recommendation that Elected Officials receive 10 VIP Tickets and 20 one day tickets for the Cumming Country Fair & Festival. All employees shall receive 6 (six) one day tickets each. Additional tickets may be purchased at the Advanced Ticket prices of \$45 each for VIP tickets and \$5 each for the one day tickets. Mayor Brumbalow, Councilman Evans and Councilman Crane requested to go on record that they would only accept two (2) VIP tickets, one for themselves and one for their spouse. A motion was made by Jason Evans, seconded by Chad Crane, and unanimously passed to approve the City Administrator's recommendation less the tickets declined by Brumbalow, Crane and Evans.

**2. Defined Benefit Retirement Plan- Ordinance and Adoption Agreement** City Administrator Phil Higgins explained that the purpose of this item is to restate the City's Defined Benefit Retirement Plan. IRS Regulations require that all GMEBS member employers adopt the restated plan documents. The purpose is to ensure continued tax-favored treatment for the GMEBS member plans. This allows employee to accrue benefits tax-free until retirement benefits are distributed to them. A motion was made by Lewis Ledbetter, seconded by Linda Ledbetter, and unanimously passed to authorize Mayor Brumbalow to sign the Defined Benefit Retirement Plan.

**3. Parking on City Property** City Attorney Kevin Tallant presented an ordinance with the preamble as follows: *AN ORDINANCE OF THE CITY OF CUMMING, GEORGIA TO REGULATE THE PARKING OF VEHICLES; TO IMPOSE TIME LIMITS ON VEHICLES PARKED ON PUBLIC PROPERTY; TO PROVIDE FOR THE REMOVAL OF VEHICLES THAT ARE PARKED BEYOND TIME LIMITS OR FOR AN UNAUTHORIZED PURPOSE; TO PROVIDE FOR REGULATIONS AS TO USE OF PARKING FACILITIES; TO PROVIDE FOR AN EFFECTIVE*

**DATE; AND FOR OTHER PURPOSES.** He explained that the ordinance is intended to address concerns about city owned parking being used inappropriately and for non-public purposes. Additional parking signage, indication these changes, will be installed. This ordinance would replace an existing parking ordinance covering only the City Hall lot and West Courthouse Square. The new ordinance would also include parking at City Park, Brannon-Heard House, Aquatics Center, Mary Alice Park and City Parking Deck. Special exceptions can be made by the City Administrator, in writing. A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to adopt the **PARKING ORDINANCE as presented.**

**4. Add-on: Engagement Agreement for Cyber Security Services** The request is to authorize the agreements between Kivu Consulting, Inc. (“Kivu”), Mullen Coughlin LLC (“Law Firm”) and the City of Cumming (“Client”) concerning consulting services to be performed pertaining to Cyber-Security issues. The City has insurance coverage for Cyber Security and will only be responsible for the \$2,500.00 deductible. A motion was made by Jason Evans, seconded by Chad Crane, and unanimously passed to authorize the agreements for Cyber Security.

**5. Add-on: “Welcome to Cumming” Sign** Mayor Brumbalow proposed constructing a “Welcome to Cumming” sign at the Pirkle Ferry/Maple Street area. The sign would include electronic messages for City-sponsored events and also accept paid advertising. His recommendation was to secure three (3) quotes not to exceed \$35,000.00 total for the various trades and services needed to construct the sign. A motion was made by Linda Ledbetter, seconded by Christopher Light, and unanimously passed to construct a “Welcome to Cumming” sign with the total project cost not to exceed \$35,000.00.

**B. Planning & Zoning 1. Conditional Use Permit #2018257- Brave Acres, LLC**  
Planning Director Scott Morgan read into the record the following Staff Report: *The property owner has made application to the proper authorities for a Conditional Use Permit (CUP) to allow outside storage in the Highway Business (HB) zoning district. The subject property consists of 3.53 acres and is located at 500 Buford Dam Road, near the intersection with Advantage Drive. It has been used previously as a “lay-down lot” for utility companies and others. Due to topographical limitations, only approximately two acres of the property is usable, and a natural buffer is present along*

*the back of the property, as it abuts the Kingswood subdivision. The applicant, Advantage Boat Center, is requesting this CUP and currently has three such facilities in the City, all without any operational issues, including one at the end of Advantage Drive.*

The Planning Commission held a public hearing on July 17, 2018 and recommended approval of the CUP as requested, with the following conditions:

- 1. Fence the perimeter of, and gravel, the usable portion of the property.**
- 2. Install an electronic gate for access, and landscape the entrance along Buford Dam Road.**
- 3. Install the necessary business signage to identify the land use.**
- 4. Grade the property, as necessary, to insure no erosion or runoff issues.**

A motion was made by Chad Crane, seconded Linda Ledbetter, and unanimously passed to open the public hearing. Mr. Bill Reins, managing partner, stated that he and his wife currently operate three other storage facilities without any operational issues. No one spoke in opposition. A motion was made by Linda Ledbetter, seconded by Christopher Light, and unanimously passed to close the public hearing. After further discussion concerning their landscaping plan for the entrance and road frontage, a motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to postpone any decision on the CUP until the September 4, 2018 Council Work Session by which time the Applicant is expected to have submitted information on the landscaping/entrance plan for the proposed use.

## **2. Zoning Applications 2018154 and 2018155- Lynwood Development Group**

Planning Director Scott Morgan read into the record the following Staff Report: *The owners have made application to the proper authorities to annex and rezone two properties totaling 3.69 acres, more or less, from Single-Family Residential (R1) and Commercial Business District (CBD) to Highway Business (HB). The properties are more commonly identified as 4470 Deputy Bill Cantrell Memorial Road (PIN 152-040, 2.69 acres) and Old Atlanta Road (PIN 152-039, 1 acre). The 2.69-acre parcel currently has a vacant home located on it, which will be demolished. The 1-acre parcel is currently vacant. Forsyth County has stated they have no land use objection to the proposed annexations (enclosed).*

The Planning Commission held a public hearing on July 17, 2018 and recommends approval of the annexation, and rezoning both parcels to HB, with the following conditions:

- 1. The existing residential structure on 2.69-acres will be demolished and removed within ninety (90) days of the approved annexation, prior to any new construction.**
- 2. All future designs and development on either parcel shall be approved by the Mayor and Council and permitted by the Planning and Zoning Department.**

There was a motion by Linda Ledbetter and a second by Chad Crane to open the public hearing. The motion carried 4-0 with Councilman Christopher Light abstaining. The applicant, Lynwood Development Group, LLC is proposing the annexation of two parcels identified as Forsyth County Tax Parcels 152-039 and 152-040. No one present spoke in favor of or in opposition of this annexation and rezoning. A motion was made by Linda Ledbetter and seconded by Chad Crane close the public hearing. The motion carried 4-0 with Councilman Christopher Light abstaining. A motion was made by Linda Ledbetter and seconded by Jason Evans to approve the annexation, and rezoning both parcels to HB with the conditions recommended by the Planning Commission. The motion carried 4-0 with Councilman Christopher Light abstained.

**3. Vape Shop Application- Victorious Vapers, LLC** Mr. Scott Wilson with City of Cumming Code Enforcement stated that the Department of Planning and Zoning has received an application for the operation of a vape shop for Victorious Vapors LLC, located at 1746 Market Place Boulevard. In accordance with the City's new Vape Shop Ordinance, a background check on the owner and license applicant was performed and no reason was found to deny the license. All fees have been paid stated Wilson, so his recommendation was to grant the requested license. A motion was made by Christopher Light, seconded by Linda Ledbetter, and unanimously passed to grant the Vape Shop License to Victorious Vapers, LLC.

**C. Utilities 1. Request to Advertise for Bids- Sewer Force Main Extension, Hwy. 20** West Director of Utilities Jon Heard stated that two commercial developers along Highway 20 at Post Road have requested sewer service for their proposed facilities.

These proposed commercial building include a RacTrac Gas Station, three restaurant out parcels, and a grocery store. The total estimated sewer capacity charge will be \$400,000.00 and the total cost to extend the sewer line to the proposed project will be \$650,000.00. The project will be a total of 7,000 feet long and will provide sewer service to several additional customers along Highway 20. The Department of Utilities requests to advertise for bids the Sewer Force Main Extension on Highway 20 West. A motion was made by Linda Ledbetter and seconded by Lewis Ledbetter to authorize the Department of Utilities to advertise for bids the Sewer Force Main Extension on Highway 20 West. The motion carried 4-0 with Councilman Christopher Light abstained.

## **2. Request to Advertise for Bids- Williams Circle Low Pressure Sewer System**

Director of Utilities Jon Heard stated that the citizens along Williams Circle have come to the Department of Utilities to request that the City install a low pressure sewer system along Williams Circle and provide sewer service to their homes on Lake Lanier. Seven property owners have paid a sewer connection fee of \$6,250.00 per home for total payment of \$43,750.00. The total projected cost of the project is \$78,000.00 of which over 50% has already been collected. The Department of Utilities requests authorization to advertise for bids. A motion was made by Christopher Light, seconded by Jason Evans, and unanimously passed to authorize the Department of Utilities to advertise for bids the Williams Circle Low Pressure Sewer System.

## **3. Request to Award Bid –Sawnee Mountain Water Booster Station, Water Lines and Storage Tank**

Director of Utilities Jon Heard explained that the water system in Mountainside Subdivision is dilapidated with many leaks and lacking fire protection for the citizens living in the subdivision. The Department of Utilities advertised for bids and received four (4) bids ranging from \$1,984,350.00 to \$3,101,488.00. It is the recommendation of the Department of Utilities to accept the low bid from Legacy Water Group, LLC. There was a question on whether the Sawnee Mountain Preserve/Forsyth County would grant an easement for the placement of a 250,000 gallon water storage tank and what conditions would be required to make the tank aesthetically pleasing. A motion was made by Christopher Light, seconded by Chad Crane, and unanimously passed to postpone any action on the bid for the Sawnee Mountain Water Booster Station, Water Lines and Storage Tank until the September 4, 2018 Council Work Session.

**4. Request to Award Bid- Phase IV 36-inch Westside Water Line** The Department of Utilities advertised for bids for four (4) weeks in the Forsyth County News. Although six companies held plans for this project, the Department only received the one bid of \$7,553,853.40 from John D. Stephens, Inc. The Department took an additional step to make certain the price received was a price the City should consider – a solicited quote from another contract came in over one million dollars higher than the bid from John D. Stephens, Inc. It is the recommendation of the Department of Utilities to accept the bid from John D. Stephens, Inc. A motion was made by Chad Crane, seconded by Christopher Light, and unanimously passed to award the bid for the Phase IV 36-inch Westside Water Line to John D. Stephens, Inc. in the amount of \$7,553,853.40.

**IX. Announcements**

A. Upcoming Playhouse Shows

1. “Smoke on the Mountain” Sept. 6-30; Thursdays, Fridays, and Saturdays at 8 p.m.,Sundays at 3 p.m.

B. Upcoming Fairgrounds Events

1. Mt. Pisgah Church Show- Aug. 24 & 25
2. IRPA World Championship Rodeo- Aug. 31 and Sept. 1 at 8 p.m., Sept. 2 at 7 p.m.

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

**XI. Adjourn:** A motion was made by Linda Ledbetter, and seconded by Lewis Ledbetter to adjourn the meeting.

**Approved this 4th day of September, 2018.**

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**Mayor**

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**Councilmember**

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**Councilmember**

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**Attest:**

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**City Clerk**

**Councilmember**