

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, FEBRUARY 16, 2023 AT 5:00 PM
110 EAST MAIN STREET, SUITE 220
CUMMING, GEORGIA 30040

I. Call Meeting to Order

II. Invocation and Pledge of Allegiance

III. Adoption of Agenda

IV. Announcements and Reports

V. Public Comments

VI. Adoption of Minutes

(1) Regular Meeting / Public Hearings and Executive Session of February 2, 2023

(2) Work Session and Executive Session of February 7, 2023

VII. Consent Agenda

(1) Board ratification of an Indemnification and Hold Harmless Agreement for Encroachment Permit A-117-009027-1 on SR9 with Georgia Department of Transportation for the Coal Mountain Connector Project - Director, Department of Engineering

(2) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Garrick Way, Tanner Crescent, Lattimore Street, and all other property and property rights as shown on the Subdivision Plat for Stratford Hills, Ph 1C, recorded in Plat Book 205, Pages 32-50, Forsyth County, Georgia Records - District 1 - Director, Department of Engineering

(3) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Forbes Street, Vale Court, Heathfield Court, and all other property and property rights as shown on the Subdivision Plat for Harvest Creek, recorded in Plat Book 205, Pages 1-17, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering

(4) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Eagle Cry Drive, Scenic Ridge Way, and all other property and property rights as shown on the Subdivision Plat for River Rock, Phase II-Unit II, recorded in Plat Book 205, Pages 62-90, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering

- (5) Board ratification of an Agreement for Reserved Sewer Capacity for the City North End: Warehouse One-400, LLC - 450 gpd - Director, Department of Water and Sewer
- (6) Board ratification of an Agreement for Reserved Sewer Capacity for the Fowler Water Reclamation Facility: Albert's Transport, Inc. - 400 gpd - Director, Department of Water and Sewer
- (7) Board ratification of an Agreement for Reserved Sewer Capacity for the Fowler Water Reclamation Facility: HCBP-3, LLC - 3,998 gpd - Director, Department of Water and Sewer
- (8) Board ratification of an Agreement for Reserved Sewer Capacity for the Fowler Water Reclamation Facility: KFCRE, LLC - 735 gpd - Director, Department of Water and Sewer
- (9) Board ratification of an Agreement for Reserved Sewer Capacity for the Fowler Water Reclamation Facility: Southern Gentry Homes - 5,130 gpd - Director, Department of Water and Sewer
- (10) Board ratification of an Agreement for Reserved Sewer Capacity for the Fowler Water Reclamation Facility: Superior Landscape - 250 gpd - Director, Department of Water and Sewer
- (11) Board ratification of an Agreement for Reserved Sewer Capacity for the Fowler Water Reclamation Facility: Taylor Morrison of Georgia, LLC - 558 gpd - Director, Department of Water and Sewer
- (12) Board ratification of an Agreement for Reserved Sewer Capacity for the Fulton/Johns Creek capacity: EP Suwanee, LP - 429 gpd - Director, Department of Water and Sewer
- (13) Board ratification of the following Items that were discussed and voted on at a Work Session held on February 7, 2023 (to the extent that a Board Member was not present to vote on some of the Items presented below at the February 7, 2023 Work Session, the absent Board Member has indicated having no objections to placement of the Items on the Consent Agenda - at the request of County staff - as anticipated by Board Rule 1.07.01):
 - (A) Board approval of a Sole Source Purchase from ATI Systems in the amount of \$53,982.34 for the Emergency Management Agency to upgrade two existing Outdoor Warning Sirens to work with the existing system as presented - Interim Director, Emergency Management Agency
 - (B) Board approval of a Budget Resolution regarding the recognition of parts and repair expenses and associated revenues based on auditor recommended changes in current accounting procedures as presented - Director, Department of Fleet Services

- (C) Board ratification of the Civil Service Board's reappointment of Kathy Echols as the Civil Service Board Clerk for calendar year 2023 as presented - Director, Department of Employment Services
- (D) Board ratification of the Civil Service Board's reappointment of Richard Neville as General Counsel and Hearing Officer to the Civil Service Board for calendar year 2023 as presented - Director, Department of Employment Services
- (E) Board approval to award Bid 22-111-1620 to Phoenix Elevator Service, Inc. in the amount of \$67,300 for Elevator Maintenance and Repair with approval of the associated services contract and authorization for contract execution by the County Manager as presented - Director, Department of Public Facilities
- (F) Board approval of a Budget Resolution regarding a 10% increase, total amount of \$801,597.50, to the contract of Carter Goble Lee, LLC for providing facilities maintenance services for the County's Courthouse, Jail, and Courthouse Annex with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Public Facilities
- (G) Board approval of a proposed 10' water line easement across the County's Midway Park property (Parcel 057-015) to be granted to the Forsyth County Water and Sewerage Authority as presented - Director, Department of Public Facilities
- (H) Board approval of standardized sports lighting replacement at Coal Mountain Park with Musco Lighting in the amount of \$998,500 - Interim Director, Department of Parks and Recreation
- (I) Board approval of a revised Memorandum of Understanding between the Georgia Department of Transportation and Forsyth County to include water and sewer infrastructure relocations within the contract of the roadway improvements planned for the GA 400 Express Lanes (GDOT Project No. 0001757) with authorization for the County Manager to execute as presented - Director, Department of Water and Sewer
- (J) Board approval of a Sole Source Purchase from Southern Environmental Systems, LLC in the amount of \$246,153.60 for Cal-X odor control chemicals, specialized dosing equipment, and technical services at ten lift stations with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Water and Sewer
- (K) Board approval of Task Order 23-01 with ESG Engineering, Inc. in the not to exceed amount of \$734,600 for Construction Management of the Phase 3A Expansion at the Antioch Water Treatment Plant with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Water and Sewer

- (L) Board approval of a Work Proposal from MR Systems, LLC in the amount of \$55,582 to upgrade the existing Obsolete Membrane PLC System at the Manor Water Reclamation Facility to a CompactLogix PLC with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Water and Sewer
- (M) Board approval of Change Order 2 with Excellere Construction, LLC (Contract Number 1202100027) in the amount of \$2,245.83 for the Big Creek Greenway Phase 2 Project with authorization for the County Manager to execute documents in furtherance of same as presented - Transportation Project Manager, Department of Capital Projects
- (N) Board approval of Change Order 18 with Vertical Earth, Inc. in the amount of \$77,390.06 to add approximately 350' of storm drain, curb and gutter, and sidewalk at SR369/SR400/SR9 (PEW29) with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Capital Projects
- (O) Board approval of an Agreement for Electrical Service with Sawnee EMC for the Freedom Park Campus with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Capital Projects
- (P) Board approval of the FY 2023 Annual Non-Profit Agreement between The Forsyth County Division of Family and Children Services and Forsyth County as presented - Chief Financial Officer
- (Q) Board approval of a Resolution authorizing the redemption of a portion of the County's Refunding General Obligation Bonds, Series 2015B, and the execution of documents related thereto, including an Escrow Deposit Agreement - Chief Financial Officer and Davenport & Company, LLC
- (R) Board authorization to opt in to class action opioid settlement involving Teva, Allergan, CVS, Walgreens, and Wal-Mart with authorization for the Chair to sign necessary documents as presented - County Attorney
- (S) Board approval of a Request for Traffic Signal to the Georgia Department of Transportation (GDOT) for a traffic signal located at Bottoms Road at State Route 400 - Assistant Director, Department of Engineering
- (T) Board authorization for staff to place out to bid the lease and use of the barn at the Polo Fields with a stipulation that the public understands the expectations that were discussed during today's Work Session and with direction for staff to hold off from any demolition until at least the end of April 2023 to allow time for the Board of Commissioners to review submitted bids and to determine the future use of the barn. The Commissioners directed that any proposed Lease Agreement for this project should incorporate the County's standard language holding the lessee responsible for the upkeep, maintenance, and etc. of the property - Levent / Mills

- (U) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated zoning condition amendment regarding ZA3916 to amend Exhibit B2 and substitute the landscaping plans as discussed - Hill / Semanson
- (V) Board authorization for staff to proceed with the Public Hearing process regarding a Resolution providing guidance such that the Director of Planning & Community Development may enforce zoning conditions related to “wood garage doors” in a manner that fulfills the objectives of the Board, with direction for staff to follow zoning procedure laws regarding both an advertisement and Public Hearing - Mills / Levent
- (14) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of February 2, 2023
- (15) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of February 7, 2023

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to erect a telecommunication tower (195 ft. monopole) on a leased area of 0.1469 acres on property currently zoned Agricultural District (A1) - Parcel 025-003 - CP220033 - District 1 - Director, Department of Planning and Community Development
(Postponed from the October 6, 2022, November 3, 2022, December 15, 2022, and January 19, 2023 Agendas)

IX. Public Comments

X. Old Business

- (1) Board consideration and possible vote regarding the County-Initiated request for an Amendment of Zoning Conditions on ZA2548 (OCS Enterprises, Inc.) by Forsyth County Board of Commissioners - Parcel 237-002 - AZ220034 - District 4 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on November 17, 2022; the Board voted unanimously to postpone, for decision only, to the December 15, 2022 Regular Meeting / Public Hearings. Postponed from the December 15, 2022 Agenda.)

XI. New Business

- (1) The Vine Community Church, Inc. - CP220038 - to operate a place of worship in an existing 20,923 sq. ft. building with 212 parking spaces and future expansion to include a 9,300 sq. ft. amphitheater, a 2,500 sq. ft. pavilion, a soccer field, and a 4,740 sq. ft. boy's home with 8 parking spaces on 10.6221 acres currently zoned Single Family Community Residential District (CR1) - Parcel 081-381 - District 3 - Director, Department of Planning and Community Development

- (2) Gajanana Builders LLC - ZA4095 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 11.949 acres for 14 residential lots with a density of 1.18 units per acre - Parcels 129-441, 129-045, and 129-016 - District 3 - Director, Department of Planning and Community Development
- (3) First Christian Church of Cumming, Inc. dba Canvas Christian Church - CP220048 - to build a place of worship (15,000 sq. ft. sanctuary) and a 6,700 sq. ft. pavilion with 102 parking spaces in addition to a minister's residence, sheds, and a temporary office to be located in existing buildings totaling 4,955 sq. ft. with 4 parking spaces on 8.27 acres currently zoned Agricultural District (A1) - Parcels 236-049 and 236-027 - District 4 - Director, Department of Planning and Community Development
- (4) Mindful Montessori LLC - CP220041 - to operate a family day care home in 1,400 sq. ft. of an existing 4,800 sq. ft. detached single family residence with 2 parking spaces on 0.25 acres currently zoned Single Family Residential District (RES4) - Parcel 139-412 - District 5 - Director, Department of Planning and Community Development
- (5) Stoney Rock, LLC - ZA4098 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 19.148 acres for 24 residential lots with a density of 1.26 units per acre with the following variances to: 1.) Reduce the exterior buffer along the northern property boundary adjacent to the existing easement only from 30 ft. to 0 ft. (UDC 11-9.7(D)(6)(d)); 2.) Reduce the exterior buffer abutting Stoney Point Road adjacent to the existing wire and iron fence and gate only from 40 ft. to 0 ft. (UDC 11-9.6(J)(1)); and, 3.) Reduce the front setback on lots 1-3 only from 30 ft. to 25 ft. (UDC Table 11.2(b)) - Parcels 086-036, 086-035, and 086-008 - District 5 - Director, Department of Planning and Community Development
- (6) SkyLand Homes, LLC - ZA4099 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 32.117 acres for 41 residential lots with a density of 1.28 units per acre - Parcels 155-017, 155-392, and 155-014 - District 5 - Director, Department of Planning and Community Development
- (7) Board consideration of a Workers' Compensation Settlement Agreement between Forsyth County Board of Commissioners and James E. Callahan in the amount of \$65,000 plus funding of the Medicare Set-Aside in the amount of \$17,536 - Director, Department of Employment Services
- (8) Board consideration of a Resolution asking the local delegation to introduce legislation increasing the County's entitlement to Hotel/Motel excise taxes - County Attorney
- (9) Board consideration to proceed with Nuisance Abatement action against 5650 Tanglewood Circle - County Attorney

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment