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AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, JULY 6, 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 of June 15, 2023
- (2) Work Session and Executive Session of June 20, 2023

VII. Consent Agenda

- (1) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Walker Farms Court, Pond View Drive, Durnwald Way, Dahlgren Court, and all other property and property rights as shown on the Subdivision Plat for Southbrooke, Phase 1, recorded in Plat Book 206, Pages 186-206, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering
- (2) Board ratification of the following Items that were discussed and voted on at a Work Session held on June 20, 2023 (to the extent that a Board Member was not present to vote on the Items presented below at the June 20, 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 90-day pilot program to allow City of Johns Creek residents to utilize Forsyth County Recycling Centers at normal Forsyth County rates with direction for this Item to return to the Board of Commissioners during a future Work Session upon the conclusion of the 90-day pilot - Manager of Environmental Programs, Department of Recycling and Solid Waste / County Attorney
 - (B) Board approval to award Bid 22-102-1620 to Current Edge Solutions in the amount of \$101,770.00 for Generator Replacement at Station # 5 for the Department of Public Facilities with approval of the associated fixed price contract and with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Public Facilities
 - (C) Board ratification of an Emergency Repair with Tekwell Services, LLC in the amount of \$41,552.00 regarding the Backwash Pump at the Antioch Water Treatment Plant - Interim Director, Department of Water and Sewer

- (D) Board approval of an Amended and Restated Services Agreement between Forsyth County and CHA Consulting, Inc. for Engineering Services related to the Coal Mountain Connector Project (P18CM, RFP 18-68-3150) with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Capital Projects
- (E) Board approval to award Bid 23-019-1514 to Natural Enclosures Fence Co. LLC in the amount of \$67,789.00 for Decorative Fencing for Ronald Reagan Boulevard Extension for the Department of Capital Projects with approval of the associated fixed pricing contract and with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Capital Projects
- (F) Board approval of Task Order 25 Amendment No. 1 between CH2M Hill, Inc. and Forsyth County Board of Commissioners (PO #20212578) at no cost to the County for Scope Revisions for the County's Water Intake Geotechnical Investigation Services - Director, Department of Capital Projects
- (G) Board approval of logo and style guidelines for newly branded "Community & Animal Safety" division that includes Code Compliance, Animal Shelter, Animal Services, and Park Rangers - Director, Department of Communications
- (H) Board approval of a Budget Resolution regarding Rebudgeting FY 2023 Open POs and Unfinished - Chief Financial Officer
- (I) Board approval of a Budget Resolution regarding Final Budget Amendment to close the FY 2022 Fiscal Year - Chief Financial Officer
- (J) Board approval of a Subgrant Agreement between Forsyth County and the Atlanta Regional Commission for remaining work and services related to the McFarland Livable Centers Initiative (LCI) Study Area Investment Feasibility Study for the Department of Public Transportation with authorization for the County Manager to execute documents in furtherance of same - County Manager
- (K) Board reappointment of Phillip ("Phill") Bettis to serve as a County-Appointed Representative on the Forsyth County / City of Cumming Land Bank Authority for a term to begin on June 24, 2023 and expire on June 24, 2025 - County Manager
- (L) Board reappointment of Lamar Wakefield to serve as a County-Appointed Representative on the Forsyth County / City of Cumming Land Bank Authority for a term to begin on June 24, 2023 and expire on June 24, 2025 - County Manager
- (M) Board appointment of Deborah Ross as a District 2 Citizen Stakeholder - County Manager
- (N) Board approval of a Resolution declaring Ernst & Young LLP's QUEST division a sole source for purposes of providing Forsyth County an economic impact / financial viability study related to The Gathering as presented - County Manager / County Attorney

- (O) Board authorization for staff to bring back a proposed objection letter to the Work Session of July 11, 2023, as referenced by Ms. Esswein, regarding the consideration of City of Cumming annexation of parcels 173-046, 173-049, and 173-292 (+/- 8.8602 acres of land) - County Attorney
- (P) Board approval of Clearing and Grading Plans per zoning condition on ZA2420 (Dan Wolf) by CSC Design, Inc. as presented - Director, Department of Planning and Community Development
- (Q) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated Variance at the Overlook at Old Atlanta subdivision for a variance of two feet to reduce the front setback for lots 62 and 66 from 10 feet to 8 feet - John / Mills
- (3) Board approval of Amendment #1, Section 8, to the American Rescue Plan Act State Fiscal Recovery Fund Water/Sewer Infrastructure Terms and Conditions for the Return Flow Project to increase the allocated amount from \$32,600,000.00 to \$35,860,000.00 with authorization for the Chairman to execute documents in furtherance of same and with approval of an amended Budget Resolution [this corrects the budget Resolution approved by the Board of Commissioners on June 15, 2023] - Interim Director, Department of Water and Sewer
- (4) Board approval of the Terms and Conditions between Forsyth County and Comcast Cable Communications Management, LLC dba Effectv regarding a pilot program for a media buy in the amount of \$10,000.00 for multimedia and television advertising for a County employee recruitment campaign with authorization for the Chairman to execute documents in furtherance of same - Director, Department of Communications
- (5) Board approval to “amend something previously adopted” per Board of Commissioners' Rule 3.02.01. On May 18, 2023, the Board of Commissioners approved ZA4108, an application from A1 and R1 to CBD. In the approved conditions, condition 14 contained a scrivener's error, stating that “all exterior lights shall be turned off between the hours of 12:00 p.m. and 5:00 a.m. unless activated by motion on the subject property and programmed to turn off no more than fifteen (15) minutes after last detecting motion on the subject property”. The reference to “12 p.m.” was in error. This motion will authorize changing the “p.m.” to “a.m.” as was the intended objective of the Board of Commissioners and the District Commissioner. In approving this motion, County staff are authorized to issue a corrected Zoning Confirmation Letter and the County Clerk is authorized to place a manual asterisk on the May 18, 2023 Minutes cross-referencing to this approval to identify the condition being corrected - County Attorney
- (6) Board adoption of a Resolution authorizing an Affidavit concerning the Executive Session of June 20, 2023

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2817 (Dexter D Strickland) by Rivermont Homes, L.L.C. - Parcels 169-285, 169-281, 169-282, 169-284, 169-283, and 169-146 - AZ230016 - District 1 - Director, Department of Planning and Community Development

- (2) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3916 (Halvorsen Development Corporation) by QuikTrip Corporation with variances to: 1.) Reduce the required landscape strip abutting Canton Highway to 0 ft. (UDC 21-11.5(H)(3)) and (UDC Table 12.2); and, 2.) Reduce the setback abutting Canton Highway from 40 ft. to 23 ft. (UDC Table 12.2) - Parcel 031-192 - AZ230017 - District 1 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1744 (Howard Hobby) by Vivekanandan Subramanian with a variance to: 1.) Reduce the exterior setback from 50 ft. to 46 ft. (UDC Table 11.2(a)) - Parcel 179-069 - AZ230014 - District 2 - Director, Department of Planning and Community Development

XI. New Business

- (1) Guaranteed Real Estate LLC - ZA4112 - to rezone from Agricultural District (A1) to Commercial Business District (CBD) on 5.25 acres for a 16,920 sq. ft. retail trade establishment with 27 parking spaces and offices in buildings totaling 7,000 sq. ft. with 23 parking spaces with a Conditional Use Permit (CUP) for warehouses in buildings totaling 16,000 sq. ft. with 19 parking spaces with the following variance to: 1.) Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18) - Parcels 234-378 and 234-377 - District 4 - Director, Department of Planning and Community Development

VIII. Public Hearings (continued)

- (4) Public Hearing and possible vote for approval of an Alternate Design for Forsyth County Board of Commissioners with the following variance to: 1.) Reduce the landscape strip abutting Settingdown Road from 20 ft. to 0 ft. (UDC 21-12.5(B)(2)) - Parcels 234-377 and 234-378 - AD230003 - District 4 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the request for a variance to the UDC, Table 11.2(a) by Alan Ried Thiel, Jr. and Pamela Leigh Martin - Parcel 308-057 - VA230019 - District 4 - Director, Department of Planning and Community Development
- (6) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2859 (WILDCAT SPRINGS, FLP) by Sujnana Religious and Charitable Foundation Inc with variances to: 1.) Reduce the setbacks abutting South Clement Road and Peachtree Parkway from 40 ft. to 25 ft. (UDC Table 12.2); 2.) Reduce the zoning buffer adjacent to tax map/parcel 110-328 from 40 ft. to 25 ft. (UDC Table 12.2); 3.) Reduce the zoning setback adjacent to tax map/parcel 110-328 from 50 ft. to 25 ft. (UDC Table 12.2); and, 4.) Reduce the rear setback adjacent to tax map/parcel 110-098 from 25 ft. to 10 ft. (UDC Table 12.2) - Parcel 110-007 - AZ230001 - District 5 - Director, Department of Planning and Community Development

- (7) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1590 (Robert Czekala) by SS2 Peachtree LLC with variances to: 1.) Reduce the required pedestrian landscape zone along the south side of the building and portions of the east side to 0 ft. (UDC 12-13.5(A)(2)) and (Table 12.3); 2.) Reduce the required sidewalk zone along the south side of the building to 0 ft. (UDC 12-13.5(A)(3)) and (Table 12.3); 3.) Reduce the required facade landscape zone along the south side and portions of the north and east sides of the building to 0 ft. (UDC 12-13.5(A)(4)) and (Table 12.3); 4.) Reduce the number of benches from 1 for every 100 linear ft. to 0 along the south side of the building (UDC 12-13.5(G)(1)(a)); and, 5.) Reduce the number of trash/recycling cans from 1 for every 100 linear ft. to 0 along the south side of the building (UDC 12-13.5(G)(1)(b)) - Parcel 108-562 - AZ230018 - District 5 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote regarding adoption of Ordinance 135, also known as the Broadband Network Projects Ordinance, to regulate broadband projects, to include appointment of a single point of contact; to set time limits on application review; and, for other purposes - Planner II, Department of Planning and Community Development
- (9) Public Hearing and possible vote regarding a proposed Unified Development Code amendment related to Chapter 20B that would authorize Master Planned Development (MPD) developments of no less than 130 acres that were zoned to MPD in 2015 and were approved for 690 residential units and between 250,000 to 550,000 square feet of commercial space to have certain enhanced land use allowances, to include an additional two-hundred sixty five (265) multi-family dwellings - County Attorney
(The first Public Hearing was held before the Planning Commission on June 27, 2023)
- (10) Public Hearing and possible vote regarding a proposed amendment to the Forsyth County Through Truck Traffic Code, Ordinance 89, to modify the established state and county truck routes; to repeal conflicting ordinances; and, for other purposes - County Attorney
- (11) Public Hearing and possible vote regarding the 2022 Impact Fee Annual Update and Capital Improvements Element with Board adoption of a Resolution to submit to the Atlanta Regional Commission - Chief Financial Officer
- (12) Public Hearing and possible vote regarding the tentatively adopted Millage Rates - Chief Financial Officer

IX. Public Comments

X. Old Business

XI. New Business (continued)

- (2) Robert J. Draper Jr - CP220027 - to operate a 2,400 sq. ft. vehicle sales dealership in an existing building with 10 parking spaces on 20.061 acres currently zoned Restricted Industrial District (M1) - Parcel 065-087 - District 5 - Director, Department of Planning and Community Development
(Postponed from the June 15, 2023 Agenda)

- (3) Board consideration and possible approval of an Encroachment Agreement between Forsyth County and H2SMARTPOINT, LLC d/b/a business as SMARTPOINT.IO that would authorize the installation and operation of seven smart devices/kiosks on County right of way as part of a pilot project - County Attorney
(During the Work Session of May 23, 2023, the Board voted 4-1 (Commissioners John, Semanson, Hill, and Levent in favor; Commissioner Mills opposed) to approve an Encroachment Agreement between Forsyth County and H2SMARTPOINT, LLC d/b/a business as SMARTPOINT.IO that would authorize the installation and operation of seven smart devices/kiosks on County right of way as part of a pilot project with the additional language as stated by Counsel (“The grant of access hereunder shall not be construed as a commitment by the County that a Device or Devices may be installed or constructed at the locations identified in Exhibit A or at any location.”) with direction for staff, the County Manager, to research and report back to the Board as the benefits to the County of the smart devices/kiosks and whether the same could be accomplished without the billboard/advertising component. Postponed from the June 1, 2023 Agenda.)
- (4) Board consideration and possible approval of an assignment agreement, assigning the Development Agreement between Forsyth County and Robinson/Croy; 1601 & 1609 Canton Hwy to GVR Group Sawnee Ventures LLC - County Attorney
- (5) Board approval of a proposed Settlement and Release Agreement Concerning Pending Condemnation Cases in regard to Civil Action File No(s) 20CV-1540-1 (Parcel 5) and 20CV-1568-2 (Parcel 14) of the McGinnis Ferry Interchange Project, in the amount of \$43,200.00 in connection with Parcel 5 and \$1,288,300.00 in connection with Parcel 14, which amounts reflect the amount paid into the registry of the court as estimated just and adequate compensation. (Parcel Owners: WB Holdings-Windward, LLC.) This Agreement was approved by the Board of Commissioners in Executive Session on June 20, 2023, with Parcel Owners receiving a total of \$1,331,500.00 - County Attorney

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment