

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, JULY 20, 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 July 6, 2023
- (2) Work Session and Executive Session of July 11, 2023

VII. Consent Agenda

- (1) Board ratification of the following Items that were discussed and voted on at a Work Session held on July 11, 2023 (to the extent that a Board Member was not present to vote on the Items presented below at the July 11, 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 Budget Resolution authorizing Risk Management to contribute funding towards the Sheriff's Office replacement of seven total loss vehicle units - Director of Business Operations, Sheriff's Office
 - (B) Board approval of a Budget Resolution to amend the adopted FY 2023 Budget to reflect a personnel transfer from the Tax Commissioner's Office to the Tax Assessor's Office - Chief Appraiser, Board of Assessors
 - (C) Board approval of a Third Amendment to the Services Agreement between Forsyth County and COMMONCOURTESY, INC. to increase the contractual "not to exceed" limit with COMMONCOURTESY to \$510,000.00 and increase the 2023 budgeted amount from \$250,000.00 to \$510,000.00 for an increase of \$260,000.00 with approval of an accompanying Budget Resolution - Director, Department of Public Transportation
 - (D) Board authorization of the final payment and closeout of the Hazard

Mitigation Grant Program (HMGP) Planning Project, HMGP-4338-0027, in the amount of \$38,201.00 with authorization for the Chairman to sign associated required documents - Director, Emergency Management Agency

- (E) Board approval to declare a presented list of Items as surplus with authorization for the Department of Procurement to dispose of accordingly - Director, Department of Procurement
- (F) Board approval to award Bid 22-110-1620 to Buildline, Inc. in the amount of \$440,758.23 for the Design-Build of Sawnee Mountain Community Center for the Department of Public Facilities with approval of a Fixed Price Contract and with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Public Facilities
- (G) Board approval to award Bid 23-018-1620 to Buildline, Inc. in the amount of \$74,824.81 for providing all materials, equipment, and labor for the Central Park Concession Stand Renovations for the Department of Public Facilities with approval of a Fixed Price Contract and with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Public Facilities
- (H) Board approval of a Right Of Way Easement between Forsyth County and Sawnee Electric Membership Corporation (Sawnee EMC) for Sawnee EMC to install, maintain, service, and repair the electrical service and equipment at the Big Creek Greenway Project, 1605 Canton Hwy - Director, Department of Public Facilities
- (I) Board approval of Change Orders PC2023-102R1 (\$63,040.30) and PC2023-103R1 (\$63,040.30) in the amount of \$126,080.60 to the Fire Station Alerting Agreement with Purvis Systems Inc. for the Fire Department - Fire Chief
- (J) Board approval to add additional services in the amount of \$3,650.00 to the previously executed agreement with Flock Group, Inc. to install one Falcon camera at Mary Alice Park for the Department of Parks and Recreation with approval of the associated agreement and with authorization for the County Manager to execute documents in furtherance of same - Natural Resources Division Manager, Department of Parks and Recreation
- (K) Board approval to renew the Annual Agreement with Black & Veatch, Corporation regarding as-needed Water and Sewer Engineering Services related to RFP 12-114-3440 for the remainder of 2023 - Deputy Director of Planning and Engineering, Department of Water and Sewer
- (L) Board approval to renew the Annual Agreement with Brown and Caldwell regarding as-needed Water and Sewer Engineering Services related to RFP 12-114-3440 for the remainder of 2023 with associated hourly rate increases - Deputy Director of Planning and Engineering, Department of Water and Sewer

- (M) Board approval to renew the Annual Agreement with ESG Engineering, Inc. regarding as-needed Water and Sewer Engineering Services related to RFP 18-196-3340 for the remainder of 2023 - Deputy Director of Planning and Engineering, Department of Water and Sewer
- (N) Board approval to renew the Annual Agreement with Freese and Nichols, Inc. regarding as-needed Water and Sewer Engineering Services related to RFP 18-196-3340 for the remainder of 2023 with associated hourly rate increases - Deputy Director of Planning and Engineering, Department of Water and Sewer
- (O) Board approval to renew the Annual Agreement with Hazen and Sawyer regarding as-needed Water and Sewer Engineering Services related to RFP 18-196-3340 for the remainder of 2023 with associated hourly rate increases - Deputy Director of Planning and Engineering, Department of Water and Sewer
- (P) Board approval to renew the Annual Agreement with Jacobs Engineering Group, Inc. regarding as-needed Water and Sewer Engineering Services related to RFP 12-114-3440 for the remainder of 2023 with associated hourly rate increases - Deputy Director of Planning and Engineering, Department of Water and Sewer
- (Q) Board approval to renew the Annual Agreement with Precision Planning, Inc. regarding as-needed Water and Sewer Engineering Services related to RFP 18-196-3340 for the remainder of 2023 with associated hourly rate increases - Deputy Director of Planning and Engineering, Department of Water and Sewer
- (R) Board approval to renew the Annual Agreement with Prime Engineering, Inc. regarding as-needed Water and Sewer Engineering Services related to RFP 18-196-3340 for the remainder of 2023 with associated hourly rate increases - Deputy Director of Planning and Engineering, Department of Water and Sewer
- (S) Board approval of a Contract for Acquisition of Right of Way between Forsyth County and the Georgia Department of Transportation regarding the Post Road Project (PEW22) with authorization for the Chairman to execute documents in furtherance of same - Transportation Project Manager, Department of Capital Projects
- (T) Board approval of Task Order No. 01 Supplemental Agreement No. 01 to the existing Roadway and Connectivity/Pedestrian Construction Engineering Inspection (CEI) Services between Jacobs Engineering Group, Inc. and the Forsyth County Board of Commissioners for McGinnis Ferry Widening (PEW08) to add a new labor category and rate - Transportation Project Manager, Department of Capital Projects
- (U) Board approval of Task Order No. 5 to the existing Roadway and Connectivity/Pedestrian Construction Engineering Inspection (CEI) Services

between BCC Engineering, LLC dba Heath & Lineback and the Forsyth County Board of Commissioners in the not-to-exceed amount of \$849,068.00 for Project Management Support and CEI Services for the Coal Mountain Connector Roadway Project until final completion and project closeout - Transportation Project Manager, Department of Capital Projects

- (V) Board approval of Task Order No. 1 to the Standard Services Agreement between Prime Engineering, Inc. and the Forsyth County Board of Commissioners in the amount of \$93,055.00 for Engineering Services associated with the Coal Mountain Park Sewer Improvements - Director, Department of Capital Projects
- (W) Board authorization for staff to proceed with the Public Hearing process regarding proposed amendments to the Unified Development Code related to Home Occupation Permits in A1 for Group Instruction within Chapter 16 as presented by staff - Planning Manager, Department of Planning and Community Development
- (X) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated rezoning from Neighborhood Shopping District (NS) to Agricultural District (A1) with a variance to reduce the rear setback from 25 ft. to 5 ft. (UDC Table 15.2) - Parcel 243-001, as described by staff - District 4 - Mills / Levent
- (Y) Board approval of a Lease Agreement between Forsyth County (Landlord) and Municipal Communications III, LLC (Tenant) for property located at Parcel 203-111 - Assistant County Manager (Tarnacki)
- (Z) Board authorization for staff to proceed with the Public Hearing process regarding proposed modifications to the Forsyth County Animal Control Ordinance, otherwise known as Ordinance Number 11 or Chapter 14 of the Forsyth County Code of Ordinances - Animal Services / County Attorney
- (AA) Board approval of a Deed of Conservation Easement between D.R. Horton, Inc., Briarwood Community Association, Inc. and Forsyth County regarding open space in the Briarwood Subdivision - County Attorney
- (BB) Board consideration of Metropolitan North Georgia Water Planning District's requested amendments to ordinance on Flow Rate Restrictions on Plumbing Fixtures and resolution related to legislative findings on same to be provided to the Department of Community Affairs, pursuant to O.C.G.A. § 8-2-25(c)(1) - County Attorney
- (CC) 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 and other relief in connection with Parcel 5 and \$1,288,300.00 and other relief in connection with Parcel 14, which amounts reflect the amount paid into the registry of the court as estimated just and adequate compensation as presented by Legal

Counsel - County Attorney

- (2) Board adoption of a Resolution authorizing an Affidavit concerning the Executive Session of July 11, 2023

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1929 (Silver Creek Development, LLC) by Mommies Properties, LLC with a variance to: 1.) Increase the maximum building height from 50 ft. to 85 ft. (UDC Table 12.2) - Parcel 229-017 - AZ230010 - District 2 - Director, Department of Planning and Community Development
(Postponed from the May 4, 2023 and June 15, 2023 Agendas)
- (2) Public Hearing and possible vote regarding an amendment to the Forsyth County Through Truck Traffic Code, otherwise known as Forsyth County Ordinance 89, concerning a proposed modification to the established state and county truck routes; to allow for certain truck weight variances; to repeal conflicting ordinances; and for other purposes - County Attorney
(First Public Hearing held before the Board of Commissioners on July 6, 2023.)
- (3) Public Hearing and possible vote regarding the adoption of the Proposed FY 2024 Budget with authorization to apply a 5% Cost of Living Adjustment (COLA) increase as budgeted - County Manager

IX. Time Set Public Hearing - 6:00 p.m.

- (1) Public Hearing and possible vote regarding the tentatively adopted Millage Rates - Chief Financial Officer

X. Public Comments

XI. Old Business

- (1) Northpoint Capital Investment Holdings LLC - ZA4017 - to rezone from Agricultural District (A1), Neighborhood Shopping District (NS), and Single Family Residential Restricted District (R2R) to Master Planned District (MPD) on 140.588 acres for 284 residential lots and 120 attached residential units with a density of 2.88 units per acre and commercial buildings totaling 88,000 sq. ft. with 359 parking spaces - Parcels 041-535, 062-016, 062-014, 062-015, 041-203, 041-075, and 062-002 - District 3 - Director, Department of Planning and Community Development
(Postponed from the May 18, 2023 Agenda. During the June 15, 2023 Regular Meeting / Public Hearings, the Board voted unanimously to postpone its decision regarding this Item to the Regular Meeting / Public Hearings of July 20, 2023.)
- (2) Board consideration and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2945 (Douglas Sorrells) by CCM, L.P. - Parcels 190-036 and 190-218 - AZ230002 - District 4 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on March 2, 2023; the Board

voted 4-0-1 (Commissioner Levent absent) to postpone, for decision only, to the March 16, 2023 Agenda. Postponed from the March 16, 2023, April 20, 2023, May 18, 2023, and June 15, 2023 Agendas.)

XII. New Business

- (1) Mickey Kapoor - CP220043 - to operate a convenience store with gas pumps in an existing 2,185 sq. ft. building with 12 parking spaces and future expansion to include an additional 1,857 sq. ft. on 0.719 acres currently zoned Commercial Business District (CBD) with the following variances to: 1.) Reduce the front setback abutting Browns Bridge Road adjacent to the existing underground fuel tanks and canopy only from 40 ft. to 0 ft. (UDC Table 12.2); 2.) Reduce the front landscape strip abutting Browns Bridge Road adjacent to the existing asphalt only from 10 ft. to 0 ft. (UDC Table 12.2); 3.) Reduce the side landscape strips along the eastern and western property boundaries adjacent to the existing parking and asphalt only from 10 ft. to 0 ft. (UDC Table 12-10.15); and, 4.) Reduce the required number of parking spaces from 19 to 12 (UDC Table 17.1) - Parcel 295-160 - District 4 - Director, Department of Planning and Community Development
- (2) Concord Baptist Church of Silver City, Inc. - CP230011 - to operate a place of worship in existing buildings totaling 32,500 sq. ft. with 159 parking spaces and expansion to include a 10,880 sq. ft. gymnasium on 14.162 acres currently zoned Agricultural District (A1) with the following variances to: 1.) Reduce the front setback abutting Concord Road adjacent to the existing structures only from 50 ft. to 7 ft. (UDC Table 15.2); 2.) Increase the maximum building height for the existing structures only from 30 ft. to 46 ft. (UDC Table 15.2); 3.) Increase the maximum number of parking spaces from 129 to 159 (UDC Table 17.1); and, 4.) Reduce the landscape strip between the front property line and the parking areas for the existing parking only from 10 ft. to 0 ft. (UDC 17-5.7) - Parcel 164-026 - District 4 - Director, Department of Planning and Community Development
- (3) Pet Paradise - South Forsyth County, LLC - ZA4111 - to rezone from Agricultural District (A1) to Commercial Business District (CBD) with a Conditional Use Permit (CUP) for a kennel (veterinarian, boarding, and grooming) with outdoor facilities on 2.246 acres in buildings totaling 14,900 sq. ft. with 35 parking spaces with the following variances to: 1.) Reduce the zoning setback along the eastern property boundary from 50 ft. to 25 ft. (UDC Table 12.2); 2.) Reduce the zoning buffer along the eastern property boundary from 40 ft. to 0 ft. (UDC Table 12.2); and, 3.) Reduce the required number of parking spaces from 53 to 35 (UDC Table 17.1) - Parcel 090-096 - District 5 - Director, Department of Planning and Community Development
- (4) Board adoption of 2023 Millage Rates - Maintenance & Operations (Net M&O Millage), Fire, and Bonds - Chief Financial Officer
(Note: The 2023 Millage Rates will be considered for adoption at 6:30 p.m.)
- (5) Board adoption of a Resolution to adopt the 2023 Millage Rate - Chief Financial Officer

XIII. Recess Regular Meeting

XIV. Executive Session (if needed)

XV. Adjournment