

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, AUGUST 3, 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) Special Called Public Meeting/Hearing of July 20, 2023
- (2) Regular Meeting / Public Hearings of July 20, 2023
- (3) Work Session and Executive Session of July 25, 2023

VII. Consent Agenda

- (1) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Inkberry Trail, Burningbush Way, Walking Fern Lane, and all other property and property rights as shown on the Subdivision Plat for Bramblett Grove, Phase 2B, recorded in Plat Book 207, Pages 80-92, Forsyth County, Georgia Records - District 1 - Director, Department of Engineering
- (2) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Mynawood Place, Near Star Lane, Harvest Moon Court, Gallery Chase, Alba Court, and all other property and property rights as shown on subdivision plat for Briarwood, Phase 1, recorded in Plat Book 207, Pages 131-160, Forsyth County, Georgia Records - District 1 - Director, Department of Engineering
- (3) Board ratification of a Sewer Reservation Agreement for the Dick Creek Water Reclamation Facility: PSC Holdings-Suwanee, LLC - 2,790 gpd - Director, Department of Water and Sewer
- (4) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Blastoff Construction, Inc. - 1,013 gpd - Director, Department of Water and Sewer
- (5) Board ratification of a Sewer Reservation Agreement for the Fowler Water

Reclamation Facility: David Weekley Homes - 9,990 gpd - Director, Department of Water and Sewer

- (6) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Epcon Post Road, LLC - 7,560 gpd - Director, Department of Water and Sewer
- (7) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: McDonalds USA, LLC - 3,030 gpd - Director, Department of Water and Sewer
- (8) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Taylor Morrison of Georgia, LLC - 24,300 gpd - Director, Department of Water and Sewer
- (9) Board adoption of a Proclamation declaring the week of August 6, 2023 through August 12, 2023 as *National Health Center Week* in Forsyth County - Mills / Levent
- (10) Board adoption of a Resolution authorizing an Affidavit concerning the Executive Session of July 25, 2023
- (11) Board ratification of the following Items that were discussed and voted on at a Work Session held on July 25, 2023 (to the extent that a Board Member was not present to vote on the Items presented below at the July 25, 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 authorization for staff to declare a presented list of Items as surplus with authorization for the Department of Procurement to dispose of accordingly - Director, Department of Procurement
 - (B) Board approval of a Sole Source Purchase from VenTek International in the amount of \$49,950.00 for three (3) Credit Card Readers at Mary Alice Park for the Department of Parks and Recreation - Director, Department of Parks and Recreation
 - (C) Board authorization for the Department of Water and Sewer to submit a Loan Pre-Application for grant or low-interest financing regarding the 2023 Drinking Water State Revolving Fund (DWSRF) Bipartisan Infrastructure Law (BIL) Lead Service Line Replacement Request for Interest to assist with a Lead Service Line Inventory Project in the amount of \$500,000.00 and a Lead Service Line Replacement Project in the amount of \$3,000,000.00 - Director, Department of Water and Sewer
 - (D) Board approval of a Non-Residential Gas Extension Contract between Forsyth County and Atlanta Gas Light Company for Fire Station Number 15, 1725 Trammel Road - Vertical Capital Projects Manager, Department of Capital Projects

- (E) Board approval of a Distribution Line Relocation Stipulations Agreement with Georgia Power Company in the not to exceed amount of \$104,242.00 regarding a power line located at Freedom Park with authorization for the Chairman to sign documents in furtherance of same - Vertical Capital Projects Manager, Department of Capital Projects
 - (F) Board approval of an Underground Distribution Construction Agreement with Georgia Power Company regarding the relocation of its facilities located at Freedom Park - Vertical Capital Projects Manager, Department of Capital Projects
 - (G) Board approval of a Budget Resolution regarding the transfer of available funds from the General Fund to the Capital Outlay Fund - Chief Financial Officer
 - (H) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated variance to increase the maximum number of parking spaces - Parcel 164-026 - as described - District 4 - Mills / Levent
 - (I) Board authorization for the County Manager and County Attorney to proceed with marketing the property at 0 Meadow Lane (Parcel 088-016) and obtaining any interest in the property - County Attorney
 - (J) Board approval of amendments to the ordinance on Water Use and Water Conservation as requested in an action item from the Metropolitan North Georgia Water Planning District as presented - County Attorney
 - (K) Board approval of an Encroachment Agreement and Indemnification Agreement with Concord Baptist Church of Silver City, Inc. as presented - County Attorney
 - (L) Board authorization for the County Attorney to proceed with abatement actions in magistrate court against 5029 Elrod Circle and 6246 Valley Stream as described - County Attorney
- (12) Board Resolution authorizing the commencement of civil litigation against the owners of property at 6715 Breeze Bay to seek injunctive relief related to possible violations of the County's Short-Term Rental Code - County Attorney

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
(Postponed from the July 6, 2023 Agenda)

- (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 031-290 - AZ230017 - District 1 - Director, Department of Planning and Community Development
(Postponed from the July 6, 2023 Agenda)
- (3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA4009 (Nitsye LLC) by Nitsye LLC - Parcel 202-016 - AZ230020 - District 2 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3180 (WELLSTONE DEVELOPMENT GROUP, LLC) by BethelviewMD, LLC - Parcel 106-082 - AZ230019 - District 3 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the approval of a Sketch Plat for SYRA LLC - Parcel 269-074 - SP230004 - 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 ZA2532 (Peachtree Property Group) by Kyle Cartledge - Parcel 130-511 - AZ230021 - District 5 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding the approval of a Sketch Plat for Castleberry Village, LLC with the following variances to: 1.) Reduce the zoning buffer along the southern property boundary adjacent to tax map/parcel 128-071 from 40 ft. to 25 ft. (UDC Table 12.2); 2.) Reduce the zoning setback along the southern property boundary adjacent to tax map/parcel 128-071 from 50 ft. to 25 ft. (UDC Table 12.2); 3.) Reduce the zoning buffer along the eastern property boundary adjacent to tax map/parcels 128-071 and 128-068 from 40 ft. to 10 ft. (UDC Table 12.2); 4.) Reduce the zoning setback along the eastern property boundary adjacent to tax map/parcels 128-068 and 128-071 from 50 ft. to 10 ft. (UDC Table 12.2); 5.) Reduce the side setback adjacent to tax map/parcel 128-067 from 10 ft. to 0 ft. (UDC Table 12.2); and, 6.) Reduce the side landscape strip adjacent to tax map/parcel 128-067 from 10 ft. to 0 ft. (UDC 12-10.15); 7. Increase the maximum number of parking spaces from 25 to 29 (UDC 17-2.7) - Parcel 128-558 - SP230003 - District 5 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Cottage Food Permits within Chapters 3, 7, 15, and 16 - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on June 27, 2023.)
- (9) 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

Development
(The first Public Hearing was held before the Board of Commissioners on July 6, 2023.)

IX. Public Comments

X. Old Business

- (1) Board consideration 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
(A Public Hearing was held before the Board of Commissioners on July 6, 2023; the Board voted 4-0-1 to postpone, for decision only, to the August 3, 2023 Agenda.)
- (2) Board consideration of 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, and second Public Hearing held before the Board of Commissioners on July 20, 2023. During the Regular Meeting / Public Hearings, the Board voted unanimously to postpone this Item for decision only to the August 3, 2023 Agenda.)

XI. New Business

- (1) Board consideration and approval of the Gallagher proposal for Cyber Excess Insurance with Berkley Assurance Company for Option #3 for Cyber Liability Coverage of \$4M (\$2M Retention) with authorization for the Chair to sign documents to bind coverage. This is a new annual insurance coverage policy to take effect July 1, 2023 through July 1, 2024 - Risk and Safety Manager, Department of Employment Services
- (2) Board discussion and possible direction regarding amendments to the Unified Development Code related to Conditional Use Permits (CUPs) for Retail Package Liquor Stores within Chapters 3 and 12 - Planning Manager, Department of Planning and Community Development
(During the Work Session of July 25, 2023, the Board voted 3-1-1 (Commissioners John, Semanson, and Mills in favor; Commissioner Levent opposed; and, Commissioner Hill absent) to authorize staff to proceed with the Public Hearing process regarding amendments to the Unified Development Code related to Conditional Use Permits (CUPs) for Retail Package Liquor Stores within Chapters 3 and 12.)
- (3) Board termination of the acquisitions contract between Forsyth County and Stevenson Asset Management, related to all that tract of land in Land Lots 1190, 1191, 1257, 1258, and 1259, 3rd District 1st Section, on Bald Ridge Marina Road, containing 48.78 +/- acres, otherwise known as Forsyth County Tax Parcel 196-002,

with authorization for County staff and/or the County Attorney to promptly provide notice of termination to the Seller - County Attorney

- (4) Board consideration and approval to submit a formal response requested in reference to the invitation from the Department of Housing and Urban Development to accept or defer entitlement funding of the Community Development Block Grant Funding (CDBG) (a response is due to the HUD/Atlanta office by August 4, 2023); the County is eligible for up to \$951,000.00 over the next two years - Chief Financial Officer

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment