

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, NOVEMBER 2, 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

- (1) Board presentation of a Proclamation declaring the month of November as *Pancreatic Cancer Awareness Month* in Forsyth County - Semanson / Hill
- (2) Recognition of the Department of Geographic Information Services (GIS) for winning the *2023 SAG Award* from ESRI - Chief Information Officer

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of October 19, 2023
- (2) Work Session and Executive Session of October 24, 2023

VII. Consent Agenda

- (1) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Broadmoor Court, Barclay Court, and all other property and property rights as shown on the Subdivision Plat for Addison Grove, Phase 1, recorded in Plat Book 208, Pages 38-47, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering
- (2) Board acceptance of Right of Way as County maintained with a speed limit of 25 MPH on Kennison Way, Lansdale Court, Trescott Path and all other property and property rights as shown on the Subdivision plat for Kennison Creek, Phase 1, recorded in Plat Book 208, Pages 126-165, Forsyth County, Georgia Records, located in Commission District 4 - Director, Department of Engineering
- (3) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH Bennett Parkway, Parkway Downs Drive, and all other property and property rights as shown on the Subdivision Plat for The Park at Bethelview, Phase 2, recorded in Plat Book 207, Pages 162-171, Forsyth County, Georgia Records - District 5 - Director, Department of Engineering

- (4) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Market Place 400 Area, LLC - 14,040 gpd - Director, Department of Water and Sewer
- (5) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Orchards of Coal Mountain, L.P. - 17,820 gpd - Director, Department of Water and Sewer
- (6) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Ronnie Rock, LLC - 2,700 gpd - Director, Department of Water and Sewer
- (7) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Southern Heritage Development - 14,310 gpd - Director, Department of Water and Sewer
- (8) Board ratification of a Sewer Reservation Agreement for the Manor Water Reclamation Facility: Toll Southeast LP Company, Inc. - 11,610 gpd - Director, Department of Water and Sewer
- (9) Board ratification of a Sewer Reservation Agreement for the Manor Water Reclamation Facility: Toll Southeast LP Company, Inc. - 15,930 gpd - Director, Department of Water and Sewer
- (10) Board ratification of the following Items that were discussed and voted on at the Work Session held on October 24, 2023 (as anticipated by Board Rule 1.07.01):
 - (A) Board approval of a Memorandum of Understanding between Forsyth County Schools, Forsyth County Government, and Forsyth County Sheriff's Office regarding Notification of Exposure to Trauma - Sarah Pedarre with Forsyth County Community Connection
 - (B) Board approval of boundary modifications to multiple precinct lines due to changes in polling places and pursuant to procedure in O.C.G.A. 21-2-262(d) - Director, Department of Voter Registrations and Elections
 - (C) Board approval to renew the County Extension Personnel Contract/Memorandum of Understanding between The Board of Regents of the University System of Georgia on Behalf of The University of Georgia Cooperative Extension and the Forsyth County Board of Commissioners with authorization of a 5% salary increase for personnel on the contract - Extension Coordinator, UGA Extension Forsyth County
 - (D) Board authorization to declare a presented list of items as surplus with authorization for the Department of Procurement to dispose of accordingly - Director, Department of Procurement

- (E) Board approval of the purchase of YubiKeys for the Multifactor Authentication (MFA) Project with approval of associated Budget Resolutions - Chief Information Officer
- (F) Board approval of the Master Services Agreement and Contract Addendums 1 and 2 with MCCi, LLC in the amount of \$61,039.37 for Laserfiche Cloud System Order - Chief Information Officer
- (G) Board approval of a Sole Source Purchase from Municipal Emergency Services in the amount \$144,119.40 for Hurst Extrication Equipment for the Fire Department - Fire Chief
- (H) Board approval to award RFP 23-039-2410 to Southeast Emergency Medicine Consultants, LLC in the not to exceed amount of \$48,000.00 for EMS Medical Director Services for the calendar year 2024 with approval of the associated Services Agreement, and authorization for the County Manager to execute documents in furtherance of same - Fire Chief
- (I) Board authorization for staff to apply for the State and Community Energy Programs Energy Efficiency and Conservation Block Grant in the amount of \$259,710.00 with no match required to be used to purchase propane buses with authorization for the Chairman to sign associated required documents - Director, Department of Public Transportation
- (J) Board approval to award Bid 23-040-1620 to K-Team Engineering & Construction, Inc. in the amount of \$369,510.00 for Bathroom Renovations at Central Park, Coal Mountain Park, and South Forsyth Soccer Complex for the Department of Public Facilities with approval of the associated Fixed Pricing Agreement, and with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Public Facilities
- (K) Board approval of a Sewer Extension and Service Agreement with Utilities, Inc. of Georgia in the estimated amount of \$38,759.00 to extend the sewer system and approval of a \$3,500.00 sewer tap fee to tie into the Bethelview Trailhead Restrooms with authorization for the Chairman to execute documents in furtherance of same - Director, Department of Public Facilities
- (L) Board approval of Amendment to Master Services Agreement with Delta Municipal Supply Company for the integration of the Water Smart Web Portal with the Invoice Cloud Bill Payment Web Portal - Director, Department of Water and Sewer
- (M) Board approval of a Sewer Reservation Agreement with Syks 400 LLC for 500 gallons per day (gpd) of Sewer Capacity with authorization for the Department of Water and Sewer to purchase said Capacity from the City of Cumming - Director, Department of Water and Sewer
- (N) Board approval of a Sewer Reservation Agreement and Addendum # 1 with Toll Southeast LP Company, Inc. for the Fowler Water Reclamation Facility -

79,380 gpd - and approval of a Project Framework Agreement with Toll Bros., Inc. - Director, Department of Water and Sewer

- (O) Board approval of the Regions Delegation of Authority - Director, Department of Finance
- (P) Board approval of a Submerchant Agreement with NIC Services, LLC, First Data Merchant Services LLC, and MetaBank N.A. and a Contract Addendum with NIC Services, LLC for the County to outsource credit card transactions processing through the "Tyler Technologies" Tyler Payments solution with authorization for the Chairman to sign documents in furtherance of same - Director, Department of Finance
- (Q) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated request to rezone from CBD to M1 with a requirement for the property owner to hold a Public Participation Meeting and with authorization for the County to waive all fees - District 2 - Semanson / John
- (R) Board approval of the Board of Commissioners' 2024 Meeting Schedule as presented - County Clerk
- (S) Board approval of a First Amendment to Project Framework Agreement between Forsyth County and Toll Bros, Inc. related to the Coal Mtn. Connector - County Attorney
- (T) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated variance for Parcel 268-001 to eliminate the requirement for a minimum of 1 acre of paved surface to be reserved solely for display of vehicles as described - Mills / Semanson
- (U) Board authorization for staff to proceed with the Public Hearing process to consider amending something previously adopted with respect to zoning approval ZA4113 by adjusting three (3) conditions of zoning approval ZA4113. The Board seeks to change the conditions pertaining to (1) the percentage of homes with basements from 50% to 30%, (2) the foundation offset on the rear façade from 18 inches to 16 inches, and (3) the post-development stormwater discharge from 80% to 85% - County Attorney
- (11) Board adoption of a Proclamation declaring the month of November as Pancreatic Cancer Awareness Month in Forsyth County - Semanson / Hill
- (12) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of October 24, 2023
- (13) Board approval of a Resolution authorizing the law firm of Buckley Christopher & Hensel P.C to represent Board of Registrations and Election member Joel Natt, in the quo warranto action Stefan Bartelski v. Joel Elliott Natt; civil action no. 23CV-1718-3, at the same rate as the County Attorney - County Attorney

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the County-Initiated request to rezone from Multi Family Residential District (Res6) to Master Planned District (MPD) on 7.97 acres with a variance to 1.) Reduce the zoning buffer from 40 ft. to 0 ft. (UDC 20B-1.5(B)(1)(d)); and, 2.) Reduce the zoning setback from 50 ft. to 0 ft. (UDC 20B-1.5(B)(1)(d)) - Parcel 236-064 - ZA4144 - District 4 - Director, Department of Planning and Community Development
- (2) 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
(Postponed from the August 3, 2023, September 7, 2023, and October 5, 2023 Agendas)
- (3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3304 (Carson Developments, Inc.) by J. Wesley Robinson, Jr. with a variance to: 1.) Reduce the rear setback from 25 ft. to 15 ft. (UDC Table 11.2(b)) - Parcel 014-372 - AZ230028 - District 3 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on CP220032 (Forsyth County Board of Commissioners) by Hughes Commercial Real Estate - Parcel 018-216 - AZ230029 - District 3 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the request for a variance to UDC 11-9.5(K) by Brendan O'Dwyer - Lots 1 through 33 of the Chattahoochee Reserve Subdivision (Tax Map Parcels 240-259 through 240-263 and Tax Map Parcels 240-266 through 240-293) - VA230041 - District 4 - Director, Department of Planning and Community Development
- (6) 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); 6.) Reduce the side landscape strip adjacent to tax map/parcel 128-067 from 10 ft. to 0 ft. (UDC 12-10.15); and, 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
(Postponed from the August 3, 2023, September 7, 2023, and September 21, 2023 Agendas)
- (7) Public Hearing and possible vote regarding the revocation of the existing Conditional Use Permit (CUP) for a hotel and modification of conditions on ZA4123 - Parcels 107-011, 107-012, and 107-036 - District 5 - Director, Department of Planning and

Community Development

- (8) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Conditional Use Permits for Retail Package Liquor Stores within Chapters 3 and 12 - Planner II, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on September 19, 2023.)
- (9) Public Hearing and possible vote regarding amendments to the Unified Development Code related to variance requests for Undisturbed Areas of Separation within Chapter 8 - Planner II, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on September 19, 2023.)
- (10) Public Hearing and possible vote regarding the Soil Erosion and Sedimentation Control Ordinance, otherwise known as Forsyth County Ordinance 73, to amend language that pertains to the Variance Application Procedure - Planner II, Department of Planning and Community Development
- (11) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Color Requirements and Fuel Dispensers within Chapters 3, 12, 14, 16, and 21 - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on September 19, 2023.)
- (12) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Specialty District Standards within Chapter 20B - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on September 19, 2023.)
- (13) Public Hearing and possible vote regarding proposed amendments to the Forsyth County Water Use and Water Conservation Code, otherwise known as Forsyth County Ordinance 88, to modify definitions; to consolidate prohibitions; to provide for non-drought restrictions and restrictions on water wasting activities; to amend procedures and response to varying levels of drought; to incorporate standards for landscape irrigation systems; and, for other purposes - County Attorney
- (14) Public Hearing and possible vote to consider an amendment to the Forsyth Animal Control Ordinance, otherwise known as Forsyth County Ordinance 11, to modify certain definitions; to amend provisions for the ownership, care, control of animals; to amend regulations related to animal disturbing the peace; to amend definitions of animal under restraint and animal at large; to provide for the disposal of deceased animals; to amend provisions related to the impoundment of animals; and, for other purposes - County Attorney

IX. Public Comments

X. Old Business

- (1) 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, June 15, 2023, July 20, 2023, August 17, 2023, and September 21, 2023 Agendas.)

XI. New Business

- (1) Board consideration of the request by Lori Leonhardt for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to approve a variance on VA230039 (Aqua Design Pools & Spas, LLC/Delinda Umberger). The variance was approved on October 3, 2023 - AV230001 - District 4 - Director, Department of Planning and Community Development
- (2) R.D. Links Investments, LLC - ZA4128 - to rezone from Commercial Business District (CBD) to Restricted Industrial District (M1) on 1.964 acres for a 14,850 sq. ft. office/warehouse/contractor's establishment with 32 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); 2.) Reduce the zoning setback from 30 ft. to 15 ft. (UDC Table 14.2); 3.) Reduce the zoning buffer from 20 ft. to 12 ft. (UDC Table 14.2); and, 4.) Reduce the setback abutting Sandy Court from 50 ft. to 32.5 ft. (UDC Table 14.2) - Parcel 250-013 - District 4 - Director, Department of Planning and Community Development
(Postponed from the October 19, 2023 Agenda)
- (3) Board consideration and approval to award RFP 23-028-2410 to Central Emergency Medical Services, LLC in the amount of \$2,398,000.00 for Emergency Medical Care and Transport Services for the calendar year 2024 with approval of the associated Services Agreement, Budget Resolution, and authorization for the County Manager to execute documents in furtherance of same; 2024 General Fund - County Manager
- (4) Board selection of the Chair for calendar year 2024 - Board of Commissioners

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment