

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, DECEMBER 7, 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) Recognition of the 2023-2024 Student Government Academy Class - County Manager

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of November 2, 2023
(Moved from the November 16, 2023 Agenda due to meeting being canceled for lack of a quorum)
- (2) Work Session and Executive Session of November 7, 2023
(Moved from the November 16, 2023 Agenda due to meeting being canceled for lack of a quorum)
- (3) Work Session and Executive Session of November 21, 2023

VII. Consent Agenda

- (1) Board withdrawal/revocation of offer/agreement to the City of Cumming to acquire 500 gpd of sewer capacity for Syks 400, LLC - Director, Department of Water and Sewer
- (2) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Wispy Hollow and all other property and property rights as shown on the Subdivision Plat for Brookemeade, Phase 3B1, recorded in Plat Book 208 Page 256-263, Forsyth County, Georgia Records - District 3 - Director, Department of Engineering
(Moved from the November 16, 2023 Consent Agenda due to meeting being canceled for lack of a quorum)
- (3) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Bergstrom Drive, Winderlea Lane, Stoller Drive, and all other property and property rights as shown on the Subdivision Plat for Courtyards at Traditions, recorded in Plat Book 209, Pages 91-109, Forsyth County, Georgia Records -

District 3 - Director, Department of Engineering

- (4) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Forsyth Commerce Way and all other property and property rights as shown on the Subdivision Plat for Forsyth Commerce Center, recorded in Plat Book 208, Pages 251-255, Forsyth County, Georgia records - District 5 - Director, Department of Engineering
(Moved from the November 16, 2023 Consent Agenda due to meeting being canceled for lack of a quorum)
- (5) Board ratification of the following Items that were discussed and voted on at the Work Session held on November 21, 2023 (as anticipated by Board Rule 1.07.01):
 - (A) Board approval to utilize Sourcewell Contract #113021-OKC-1 with Ten-8 Fire & Safety LLC in the amount of \$3,356,066.00 to purchase two Enforcer 1500 GPM Pumps and one Enforcer 2000 GPM Aerial (107') Truck for the Fire Department with approval of a Budget Resolution - Fire Chief
 - (B) Board approval of a Challenge Cost-Sharing Cooperative Management Agreement (CCSCMA) for Recreation Facility Operations and Maintenance between Forsyth County and the Department of the Army regarding Bald Ridge Campground and Sawnee Campground with authorization for the Chairman to execute documents in furtherance of same - Director, Department of Parks and Recreation
 - (C) Board ratification of the application for the Atlanta Hawks and the Atlanta Hawks Foundation FY23 funding in the amount of \$2,380.00 with no match required to eliminate registration fees for participants of the Therapeutic Recreation Program - Deputy Director, Department of Parks and Recreation
 - (D) Board approval to award RFP 23-046-3150 to Roadway Asset Services, LLC in the amount of \$146.66 per mile for a total of \$210,113.00 for providing Pavement Conditioning Index Ratings on Forsyth County roadways for the Department of Engineering with approval of the associated Services Agreement and with authorization for the County Manager to execute documents in furtherance of same - Assistant Director, Department of Engineering
 - (E) Board approval of the Georgia 811 (Call Before You Dig) annual membership with Georgia 811 Utilities Protection Center, Inc. in the amount of \$52,201.41 - Director, Department of Water and Sewer
 - (F) Board approval to award Bid 24-02-3330 to Curbco, Inc. and R&B Developer, Inc. for as-needed Concrete Repairs in 2024 for the Department of Water and Sewer with approval of the associated Standard Services Agreements and with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Water and Sewer
 - (G) Board approval of a revised Standard Utility Agreement Contract Item

Agreement and associated Resolution with the Georgia Department of Transportation in the amount of \$756,000.00 for reimbursement of the relocation of water and sewer infrastructure on State Route 9 from SR 141 to SR 20 due to road widening (PI 121690) - Director, Department of Water and Sewer

- (H) Board approval of a Contract Item Agreement Memorandum of Understanding and associated Resolution with the Georgia Department of Transportation in the amount of \$236,555.00 for reimbursement of the relocation of water and sewer infrastructure on State Route 9 at AC Smith Road due to construction of a roundabout (PI 0016348) - Director, Department of Water and Sewer
 - (I) Board approval of a Maintenance and Indemnification Agreement between Alta North Forsyth, LP and Forsyth County for maintenance of a private pressure reducing valve located within a County-owned and maintained vault with authorization for the Chairman to execute documents in furtherance of same - Director, Department of Water and Sewer
 - (J) Board approval to award Bid 24-01-1514 to Janus Title Works, Inc. for as-needed Title Searches for the Department of Capital Projects with approval of the associated Services Agreement and with authorization for the Chairman to execute documents in furtherance of same - Director, Department of Capital Projects
 - (K) Board approval of Contract Modification #2 between Forsyth County and the Georgia Department of Transportation (GDOT) for an additional 421 days to the existing SR 369/400 Interchange project (GDOT PI 0013369) with authorization for the County Manager to execute documents in furtherance of the same - Director, Department of Capital Projects
 - (L) Board approval to postpone the consideration of a Board generated rezoning for ZA4026, Nagesh Chilakapati, for twelve months - District 3 - Planning Manager, Department of Planning and Community Development
 - (M) Board denial 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) - AV230001 - District 4 - Director, Department of Planning and Community Development
 - (N) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated zoning condition amendment for parcel 094-227 - Hill / Semanson
 - (O) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated zoning condition amendment for AL01548 - John / Semanson
- (6) Board adoption of a Resolution authorizing Affidavit concerning the Executive

Session of November 7, 2023 - County Clerk
(Moved from the November 16, 2023 Consent Agenda due to meeting being canceled for lack of a quorum)

- (7) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of November 21, 2023 - County Clerk

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2106 (Fox Creek Properties, Inc.) by Jon Dolan with a variance to:
1.) Reduce the rear setback from 25 ft. to 8 ft. (Table 11.2(a)) - Parcel 251-069 - AZ230032 - District 4 - Director, Department of Planning and Community Development
- (2) Public Hearing and possible vote regarding the County-Initiated Variance to reduce the required paved surface for the display of used vehicles from 1 acre to 0 acres (UDC 16-4.37(G)(1)) - Parcels 250-166 and 250-012 - VA230057 - District 4 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the County-Initiated request to rezone from Commercial Business District (CBD) to Restricted Industrial District (M1) - Parcel 088-038 - ZA4146 - District 5 - Director, Department of Planning and Community Development

IX. Public Comments

X. 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; postponed from the July 20, 2023, August 17, 2023, and September 21, 2023 Agendas. Moved from the November 16, 2023 Agenda due to meeting being canceled for lack of a quorum.)
- (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, June 15, 2023, July 20, 2023, August 17, 2023, September 21, 2023, and November 2, 2023 Agendas.)

- (3) Board consideration regarding the approval of a Sketch Plat for Castleberry Village, LLC with the following variance 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. A Public Hearing was held before the Board of Commissioners on November 2, 2023; the Board voted 4-0-1 (Commissioner Mills absent) to postpone, for decision only, to the December 7, 2023 Agenda.)
- (4) Board consideration 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
(A Public Hearing was held before the Board of Commissioners on November 2, 2023; the Board voted 4-0-1 (Commissioner Mills absent) to postpone, for decision only, to the December 7, 2023 Agenda.)

XI. New Business

- (1) Martha Clarke - ZA4119 - to rezone from Lake Residential District (LR) to Commercial Business District (CBD) on 1.844 acres for a micro-brewery in existing buildings totaling 3,572 sq. ft. with 36 parking spaces with the following variance to: 1.) Reduce the zoning setback along the western property boundary adjacent to the existing structure only from 50 ft. to 25 ft. (UDC Table 12.2); and, 2.) Reduce the zoning buffer along the western property boundary adjacent to the existing structure only from 40 ft. to 25 ft. (UDC Table 12.2) - Parcel 194-021 - District 1 - Director, Department of Planning and Community Development
(Moved from the November 16, 2023 Agenda due to meeting being canceled for lack of a quorum.)
- (2) Teresa Curry - CP230020 - to build a 1,685 sq. ft. minor automobile service establishment with 5 parking spaces on 0.617 acres currently zoned Commercial Business District (CBD) - Parcel 042-717 - District 3 - Director, Department of Planning and Community Development
(Moved from the November 16, 2023 Agenda due to meeting being canceled for lack of a quorum.)
- (3) Agape Diem, LLC - CP230009 - to operate an open storage yard and container yard associated with an existing 10,700 sq. ft. office/warehouse with 16 parking spaces on 1.59 acres currently zoned Restricted Industrial District (M1) with the following variance to: 1.) Reduce the front landscape strip from 25 ft. to 0 ft. (UDC Table 14.2); and, 2.) Reduce the landscape strip along all side and rear lot or lease lines from 6 ft. to 0 ft. (UDC 14-4.13) - Parcel 236-083 - District 4 - Director, Department of Planning and Community Development
(Moved from the November 16, 2023 New Business due to meeting being canceled for lack of a quorum.)

quorum.)

- (4) 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 and November 2, 2023 Agendas. Moved from the November 16, 2023 Agenda due to meeting being canceled for lack of a quorum.)
- (5) Mason Properties, Inc. - ZA4129 - to rezone from Restricted Industrial District (M1) to Commercial Business District (CBD) on 14.71 acres with Conditional Use Permits (CUPs) for a new and used vehicle sales dealership and a vehicle rental establishment in buildings totaling 40,750 sq. ft. with 94 parking spaces with the following variance to: 1.) Increase the percentage of vehicles visible along the road frontage from 30% to 52% (UDC 12-10.9); 2.) Reduce the landscape strip abutting Georgia Highway 400 from 25 ft. to 10 ft. (UDC 10-1.10(B)(2)); 3.) Reduce the required paved surface for the display of used vehicles from 1 acre to .5 acres (UDC 16-4.37(G)(1)); and, 4.) Reduce the required number of parking spaces from 127 to 94 (UDC Table 17.1) - Parcels 250-166 and 250-012 - District 4 - Director, Department of Planning and Community Development
- (6) Board consideration 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
- (7) Board consideration and approval of a Workers' Compensation settlement between Forsyth County Board of Commissioners and Brandon L. Briggs in the amount of \$50,000.00 - Director, Department of Employment Services

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment