

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, DECEMBER 21, 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 December 7, 2023
- (2) Work Session and Executive Session of December 12, 2023

VII. Consent Agenda

- (1) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Hillshire Drive and all other property and property rights as shown on the Subdivision Plat for Hillshire Commons, recorded in Plat Book 209, Pages 194-208, 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 Callan Trail, Aiden Way, Harlow Circle, Greyson Manor Drive, and all other property and property rights as shown on the subdivision plat for Arden on Lanier, Phase II recorded in Plat Book 209, Pages 62-75, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering
- (3) Board clarification of scrivener's error and authorization for the County Clerk to manually adjust prior Minutes: On the November 2, 2023 Public Hearing Agenda, with respect to the public hearing and Board action related to AZ230029, the zoning conditions displayed on the screen were substantively correct but the Site Plan's 'date of submittal' to the department, identified in Condition 1., contained a scrivener's error. The screen contained a reference to an October 8, 2023 Site Plan. The intended (and correct) date of the Site Plan was October 6, 2023. This was a scrivener's error. The Board does hereby clarify that its approval of AZ230029 on November 2, 2023, with specific reference to condition 1, was intended to reference an October 6, 2023 Site Plan. The County Clerk is hereby authorized to manually affix an "***" on the November 2, 2023 Minutes at the location of Board action on AZ230029, cross-referencing to this Agenda Item so as to advise of this clarification.

- (4) Board ratification of the following Items that were discussed and voted on at the Work Session held on December 12, 2023 (as anticipated by Board Rule 1.07.01):
- (A) Board approval of the proposed fee schedule for Forsyth County Environmental Health as presented - Forsyth County Environmental Health Manager, Department of Environmental Health
 - (B) Board approval of an ASTRO 25 Managed Detection and Response Firm Fixed Price Proposal and Contract Addendum with Motorola Solutions, Inc. for Motorola Astro 25 Managed Detection & Response CyberSecurity Services (Active Eye) with authorization for the Chairman to execute documents in furtherance of same - Director, Emergency Management Agency
 - (C) Board approval of a Budget Resolution authorizing Risk Management to contribute funding towards Code Compliance replacement of (1) vehicle - Director, Department of Code Compliance
 - (D) Board approval of Option 1 in the amount of \$369,986.00 regarding a Workers Compensation Excess Policy for the policy period beginning January 1, 2024 through January 1, 2025 with authorization for the Chairman to execute documents in furtherance of same - Director, Department of Employment Services
 - (E) Board approval to renew various Annual Agreements for calendar year 2024 - Director, Department of Procurement
 - (F) Board approval to declare the presented list of items as surplus with authorization for the Department of Procurement to dispose of accordingly - Director, Department of Procurement
 - (G) Board approval to award Bid 24-06-3150 to North Cherokee Electrical Inc. for Traffic Signal Maintenance As-Needed in 2024 for the Department of Engineering with approval of the associated Service Agreement and with authorization for the Chairman to execute documents in furtherance of same - Assistant Director, Department of Engineering
 - (H) Board approval to award Bid 24-08-3150 to Peek Pavement Marking, LLC to provide Striping and Paving Marker Installation on an as-needed basis for calendar year 2024 for the Department of Engineering with approval of the associated services contract and with authorization for the Chairman to execute documents in furtherance of same - Assistant Director, Department of Engineering
 - (I) Board approval to award Bid 23-049-5211 to Southeastern Dock Supply, LLC in the amount of \$82,147.44 for Dock Replacements at Young Deer Creek and Six Mile Creek Parks for the Department of Parks and Recreation with approval of the associated Fixed Price Agreement and with

authorization for the County Manager to execute documents in furtherance of same - Director, Department of Parks and Recreation

- (J) Board authorization to accept the award of the Atlanta Hawks and Atlanta Hawks Foundation FY23 GRPA-Hawks Partnership Grant in the amount of \$2,380.00, with no match required, to provide special needs and adaptive sports scholarships to Parks and Recreation Therapeutic Programs participants with approval of a Budget Resolution - Director, Department of Parks and Recreation
- (K) Board approval to award Bid 24-11-1620 to Red Oak Sanitation, Inc. for Waste Collection Services for Various Departments in 2024 for the Department of Public Facilities with approval of the associated Service Agreement and with authorization for the Chairman to execute documents in furtherance of same - Director, Department of Public Facilities
- (L) Board approval of Change Order #1 with Unity Construction Company, Inc. (Contract Number 1202200020) in the amount of \$2,478,362.19 for additional work with 455 additional calendar days for the Keith Bridge Road Water Transmission Main Project (WW0260) - Director, Department of Water and Sewer
- (M) Board approval of an Encroachment Agreement with Atlanta Gas Light Company (AGL) for the construction, installation, and maintenance of a 12" PVC gravity sewer line for a perpendicular crossing of an existing AGL gas main off Howard Road with authorization for the Chairman to execute documents in furtherance of same - 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 (40,500 gpd) with authorization for the Chairman to execute documents in furtherance of same - Director, Department of Water and Sewer
- (O) Board approval of Task Order 2 Amendment 3 with ESG Engineering, Inc. in a not to exceed amount of \$57,316.00 to provide additional construction management services on the replacement of the ozone system at the Antioch Water Treatment Plant with authorization for the Chairman to execute documents in furtherance of same - Director, Department of Water and Sewer
- (P) Board approval of a Sole Source Purchase from Southern Environmental Systems, LLC in the amount of \$294,709.44 for Cal-X Odor Control Chemicals, Specialized Dosing Equipment, and Technical Services at ten lift stations with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Water and Sewer
- (Q) Board approval of Task Order 7 Amendment 1 with ESG Engineering, Inc. in a not to exceed amount of \$53,100.00 for Shakerag WRF Expansion Design and Construction Management Support with authorization for the Chairman

to execute documents in furtherance of same - Director, Department of Water and Sewer

- (R) Board approval to award Bid 23-050-1514 to Vertical Earth, Inc. in the amount of \$7,226,582.70 for the Coal Mountain Connector Project (P18CM) for the Department of Capital Projects 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 Capital Projects
- (S) Board approval of Supplemental Agreement #4 (PO20221829) in the amount of \$101,209.00 for Atlas Technical Consultants to redesign the McGinnis Ferry Road Widening Project into two phases - Director, Department of Capital Projects
- (T) Board postponement of the consideration regarding a Board generated rezoning for ZA3997, Kelly Mill Consultants Corporation, to the Work Session of December 10, 2024 - District 3 - Planning Manager, Department of Planning and Community Development
- (U) Board authorization for staff to proceed with the Public Hearing process regarding amendments related to Coal Mountain Overlay Tree Selection and Parking Requirements within the Unified Development Code as presented - Planning Manager, Department of Planning and Community Development
- (V) Board authorization for authorize staff to proceed with the Public Hearing process regarding a County-Initiated Conditional Use Permit (CUP) to build a new vehicle sales dealership on property zoned Commercial Business District (CBD) - Parcels 107-018 and 107-027 - as depicted with all site plans and details, requirement of a Public Participation Meeting, requirement for the property owner to pay all applicable fees, and with authorization for staff oversight - Parcels 107-018 and 107-027 - District 5 - Semanson / John
- (W) Board reappointment of Corey McLane as the District 3 Representative to the Parks and Recreation Board for a two-year term to begin on January 1, 2024 and end on December 31, 2025 - County Manager
- (X) Board reappointment of Scot Rucker as the Rescue Group Member Representative to the Forsyth County Animal Control Board for a two-year term to begin January 1, 2024 and expire on December 31, 2025 - County Manager
- (Y) Board reappointment of Penny Penn as the Avita Community Partners Board's Elected Office Representative for a three-year term to begin on January 1, 2024 and end on December 31, 2026 - County Manager
- (Z) Board appointment of Julia Bonogofsky as the Board of Commissioners' Representative for the Keep Forsyth County Beautiful (KFCB) Board of Directors for a two-year term to begin January 1, 2024 and expire December 31, 2025 - County Manager

- (AA) Board approval of an Agreement for Sale of Realty to dispose of County real property located on Meadow Lane (TPN 088-016) to DOXTADER ENTERPRISES, LLC, a Georgia limited liability company, for a total sale price of \$82,000.00 following a competitive sealed bid process in accordance with O.C.G.A. § 36-9-3(a)(1) - County Attorney
- (BB) Board ratification of Letter of Credit Release Agreement between Forsyth County and GDIC GA 4, L.P. - County Attorney
- (5) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of December 12, 2023 - County Clerk
- (6) Board approval of the Forsyth County 2023 DFACS contract funding amendment - County Attorney

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the request for a County-Initiated Amendment of Zoning Conditions on ZA3487 (Matt Highway Investors, LLC) by Forsyth County Board of Commissioners - Parcel 094-227 - AZ230034 - 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 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, June 15, 2023, July 20, 2023, and September 21, 2023 Agendas)
- (3) Public Hearing and possible vote regarding the request for a renewal of an Alcohol License to sell malt beverages (beer), wine, and distilled spirits by the package on the premises for Maharshi 3010 LLC dba Gary's Wine & More located at 3010 River Club Dr - Named Licensee is Hiral Patel - AL01548 - District 2 - Business License Manager, Department of Business License
- (4) Public Hearing and possible vote regarding the request for a County-Initiated Amendment of Conditions on AL01548 by Forsyth County Board of Commissioners - Parcel 228-193 - AZ230033 - District 2 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the request for a renewal of an Alcohol License to sell malt beverages (beer), wine, and distilled spirits by the package on the premises for Golden Liquor LLC dba Blue Glass Liquor and Wine located at 6015 Post Rd, Suite C - Named Licensee is Akshaykumar Patel - AL01553 - District 3 - Business License Manager, Department of Business License
- (6) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2106 (Fox Creek Properties, Inc.) by Jamont Homes, Inc. with a

variance to: 1.) Reduce the minimum lot width from 100 ft. to 38 ft. (UDC Table 11.2(a)) - Parcel 251-138 - AZ230025 - District 4 - Director, Department of Planning and Community Development
(Postponed from the October 5, 2023 and October 19, 2023 Agendas; moved from the November 16, 2023 Public Hearing Agenda due to meeting being canceled for lack of a quorum.)

- (7) 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
(Postponed from the November 2, 2023 Agenda)
- (8) ZA4113. MKW Capital, LLC. Board consideration of amending something previously adopted with respect to ZA4113 (approved on October 5, 2023), to modify 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
(Moved from the November 16, 2023 Public Hearing Agenda due to meeting being canceled for lack of a quorum.)
- (9) Public Hearing and possible vote regarding a proposed amendment to Ordinance 69, Flow Rate Restrictions on Plumbing Fixtures, to modify definitions; to amend the Georgia State Minimum Standard Plumbing Code as required by the Metropolitan North Georgia Water Planning District where new and replacement plumbing fixtures and equipment are required related to new construction or alterations, repairs or additions to existing buildings or plumbing systems, or the installation or modification of an irrigation system requiring a permit; to revise maximum flow and water consumption requirements for plumbing fixtures and fittings; to incorporate standards for water efficiency and to avoid water waste; and, for other purposes - County Attorney
(Moved from the November 16, 2023 Public Hearing Agenda due to meeting being canceled for lack of a quorum.)

IX. Public Comments

X. Old Business

- (1) First Light, LLC - ZA4125 - to rezone from Agricultural District (A1) and Commercial Business District (CBD) to Mixed-Use Center District (MCD) on 31.055 acres for a 6,008 sq. ft. convenience store with gas pumps conducting around the clock business with 31 parking spaces, a 120,000 sq. ft. climate controlled self-service storage facility with 20 parking spaces, commercial buildings totaling 61,400 sq. ft. conducting around the clock business with 209 parking spaces, light industrial buildings totaling 83,000 sq. ft. conducting around the clock business with 210 parking spaces and an open storage yard with a variance to: 1.) Reduce the zoning buffer along the northern and eastern property boundaries from 40 ft. to 25 ft. (UDC 20B-2.3(A)(4)) - Parcels 236-041 and 236-040 - District 4 - Director, Department of Planning and Community Development
(Postponed from the August 17, 2023, September 7, 2023, and September 21, 2023 Agendas)

XI. New Business

- (1) Jason Hoang - ZA4114 - to rezone from Single Family Residential District (R1) to Commercial Business District (CBD) on 0.887 acres with Conditional Use Permits (CUPs) for a vehicle rental establishment in 64 sq. ft. of an existing building with 2 parking spaces, an open storage yard and a residence for a caretaker in an existing 1,653 sq. ft. building with an overall site including an existing 844 sq. ft. salon with 6 parking spaces with the following variance to: 1.) Reduce the front landscape strip adjacent to the existing pavement and gravel only from 10 ft. to 0 ft. (UDC Table 12.2); 2.) Reduce the zoning setback along the southern property boundary adjacent to the existing structures only from 50 ft. to 27 ft. (UDC Table 12.2); 3.) Reduce the zoning buffer along the southern property boundary adjacent to the existing pavement, gravel and structures only from 40 ft. to 0 ft. (UDC Table 12.2); 4.) Reduce the zoning setback along the northern property boundary adjacent to the existing structures only from 50 ft. to 5 ft. (UDC Table 12.2); 5.) Reduce the zoning buffer along the northern property boundary adjacent to the existing structures and gravel only from 40 ft. to 5 ft. (UDC Table 12.2); 6.) Reduce the zoning buffer along the eastern property boundary adjacent to the existing gravel only from 40 ft. to 9 ft. (UDC Table 12.2); and, 7.) Reduce the landscape strip along all side and rear lot or lease lines from 10 ft. to 0 ft. (UDC 12-10.15) - Parcel 125-001 - District 1 - Director, Department of Planning and Community Development
- (2) SSL Ventures, LLC - ZA4141 - to rezone from Agricultural District (A1) and Single Family Residential District (R1) to Commercial Business District (CBD) on 7.686 acres for a 28,800 sq. ft. indoor commercial recreational facility with 122 parking spaces - Parcels 053-034 and 053-032 - District 1 - Director, Department of Planning and Community Development
- (3) Anthony M. Gold - CP230004 - to build 10,000 sq. ft. warehouses with an overall site including 2,000 sq. ft. offices with 14 parking spaces on 2.556 acres currently zoned Commercial Business District (CBD) with the following variance to: 1.) Reduce the zoning buffer along the southern and eastern property boundaries from 40 ft. to 10 ft. (UDC Table 12.2); and, 2. Reduce the zoning setback from 50 ft. to 25 ft. (UDC Table 12.2) - Parcel 019-083 - District 3 - Director, Department of Planning and Community Development
- (4) Diamond Investment Properties LLC - CP230023 - to build a 5,100 sq. ft. convenience store with gas pumps conducting around the clock business with 22 parking spaces associated with retail/office/restaurant buildings totaling 7,800 sq. ft. with 32 parking spaces on 2.16 acres currently zoned Neighborhood Shopping District (NS) - Parcel 021-006 - District 3 - Director, Department of Planning and Community Development
- (5) Viera Holding Company - CP230026 - to operate a 9,980 sq. ft. kennel (boarding, grooming and training) in an existing building with outdoor facilities with 37 parking spaces on 0.7982 acres currently zoned Commercial Business District (CBD) with the following variance to: 1.) Reduce the zoning buffer along the eastern and southern property boundaries from 40 ft. to 10 ft. (UDC Table 12.2); 2.) Reduce the zoning setback along the eastern and southern property boundaries from 50 ft. to 10 ft. (UDC Table 12.2); 3.) Reduce the front setback from 40 ft. to 30 ft. (UDC Table 12.2); and, 4.) Reduce the landscape strip along the northern property boundary from 10 ft. to 6 ft. (UDC 12-10.15); 5. Reduce the landscape strip between the front property line and vehicular use area from 10 ft. to 0 ft. (UDC 17-5.7) - Parcel 057-

371 - District 3 - Director, Department of Planning and Community Development

- (6) Michael Tessier - CP230014 - to operate a 2,500 sq. ft. minor automobile service establishment in an existing building with 2 parking spaces on 6.874 acres currently zoned Commercial Business District (CBD) - Parcel 256-012 - District 4 - Director, Department of Planning and Community Development
- (7) Forsyth Choice Properties, LLC - ZA4139 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 35.78 acres for 48 residential lots with a density of 1.35 units per acre with the following variance to: 1.) Reduce the minimum lot width from 100 ft. to 85 ft. (UDC Table 11.2(b)); and, 2.) Increase the maximum retaining wall height from 6 ft. to 25 ft. (UDC 11-9.6(C)) - Parcels 167-213, 167-101, 167-205, and 166-032 - District 4 - Director, Department of Planning and Community Development
- (8) Board discussion and possible direction regarding amendments related to Conservation Subdivisions within the Unified Development Code - Planning Manager, Department of Planning and Community Development
(During the Work Session of December 12, 2023, the Board voted 4-1 (Commissioners John, Semanson, Mills, and Hill in favor; Commissioner Levent opposed) to authorize staff to proceed with the Public Hearing process regarding amendments related to Conservation Subdivisions within the Unified Development Code.)
- (9) Board consideration to commence a County-Initiated rezoning of tax parcel 065-048, owned by CL-RP MCFARLAND LLC, comprised of .684 acres, to be rezoned from M1 to MPD, with further direction to County staff to cause a tandem UDC modification to Section 20B-1.7 Enhanced Entitlements - County Attorney
- (10) Board consideration of a Resolution asking the Local Delegation to introduce an amendment to the Forsyth County Civil Service Local Act increasing the number of exempt Forsyth County Sheriff's Command Staff - John / Hill

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment