

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, MARCH 21, 2024 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 Resolution recognizing the 2023-2024 North Forsyth High School Lady Raiders Basketball Team - Mills / Levent

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings and Executive Session of March 7, 2024
- (2) Work Session of March 12, 2024

VII. Consent Agenda

- (1) Board ratification of the following Items that were discussed and voted on at the Work Session held on March 12, 2024 (as anticipated by Board Rule 1.07.01):
 - (A) Board approval of a Concept Site Master Plan for the Fire Department's future Training Academy and Logistics Center - Fire Chief
 - (B) Board authorization for the Fire Department to apply for the FY2024 Firehouse Subs Public Safety Foundation Grant in the amount of \$33,990.00 with no match required to be used to purchase six AquaEye Handheld Sonar Devices - Fire Chief
 - (C) Board authorization for staff to apply for the FY2025 Congressionally Directed Spending Request in the amount of \$1.8 million with the County's match to be determined for the renovation completion of the Historic Matt Schoolhouse - Grant Manager, Department of Finance
 - (D) Board authorization for staff to apply for the FY2025 Congressionally Directed Spending Request in the amount of \$5 million with the County's match to be determined for the Return Flow System Project - Grant Manager, Department of Finance

- (E) Board authorization for staff to apply for the FY2025 Congressionally Directed Spending Request in the amount of \$5 million with the County's match to be determined for the Water Intake Project - Grant Manager, Department of Finance
- (F) Board approval of a Budget Resolution in the amount of \$71,500.00 for the Axon Contract for Year 1 for twenty-eight (28) body cameras - Director, Department of Code Compliance
- (G) Board authorization for staff to apply for the FY2024 Environmental Protection Agency (EPA) Climate Pollution Reduction Implementation Grant (CPRG) with no match required to fund Propane Buses and a Propane Fill Station for the Department of Public Transportation - Director, Department of Public Transportation
- (H) Board acceptance of the award from the United States Tennis Association (USTA) Adaptive Tennis Grant in the amount of \$750.00 with no match required with approval of a Budget Resolution - Director, Department of Parks and Recreation
- (I) Board approval to award Bid 24-21-5211 to Zaveri Enterprises, Inc. in the amount of \$180,000.00 for the Windermere Dog Park Renovation for the Department of Parks and Recreation 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 Parks and Recreation
- (J) Board approval of a Memorandum of Understanding between Forsyth County and Special Olympics Forsyth County regarding the Special Olympics Program for Forsyth County Residents - Director, Department of Parks and Recreation
- (K) Board ratification of an emergency Sole Source Purchase with Templeton & Associates Equipment Sales, Inc. in the amount of \$37,526.00 for rebuilding the Control Valve at the South Tank - Director, Department of Water and Sewer
- (L) Board approval of a Sole Source Purchase with ABB Inc. in the amount of \$44,914.00 to upgrade the Entellisys System for the Shakerag Wastewater Treatment Facility for the Department of Water and Sewer - Director, Department of Water and Sewer
- (M) Board consideration and preliminary agreement with the estimated cost of \$492,051.00 for relocation work associated with the AT&T RT site along Old Atlanta Road. Preliminary agreement allows the Project to continue while a related contract is finalized. At a future meeting, staff will return an "Estimate to Support Agreement for Relocation, or Adjustment of Facilities in Conflict with Proposed Transportation Construction with Bellsouth Telecommunications, LLC d/b/a/ AT&T Georgia" - Transportation Project

Manager, Department of Capital Projects

- (N) Board approval of the First Amendment to Amended and Restated Services Agreement with Pond & Company in the amount of \$43,358.00 for SR 9 at Jewell Bennet Road Design Services with authorization for the County Manager to execute documents in furtherance of same - Transportation Project Manager, Department of Capital Projects
- (O) Board approval of a Fee Proposal for 133 Property Appraisals and 86 Specialty Reports based on an As-Needed Services Agreement with Greg Malcolm & Associates, Inc. in the amount of \$505,480.00 for the Post Road Widening Project (PEW22) - Director, Department of Capital Projects
- (P) Board authorization for staff to proceed with the Public Hearing process regarding amendments related to Expiration Periods for Land Disturbance Permits within the Unified Development Code as discussed - Mills / Levent
- (Q) Board authorization to postpone the consideration of modifications to the Alcohol Ordinance, Ord. No. 68, codified as Chapter 6 in the Forsyth County Code of Ordinances, related to Special Event Permits; Catering Licenses; Bar Seating; License Qualifications for Business Entities; Excise Tax Remittance; and, general updates as may be needed to the Work Session of March 26, 2024 - County Attorney
- (R) Board authorization for staff to proceed with the Public Hearing process regarding modifications to the Solid Waste Ordinance, Ord. No. 84, also referred to as Chapter 70 of the Forsyth County Code of Ordinances, to add requirements for general Property Maintenance, including but not limited to requirements for Structure Maintenance and Security; Swimming Pool Maintenance; Grass Height; and, Vermin and Insect Infestation Control - County Attorney
- (2) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Northerly Drive, Mills Creek Drive, and all other property and property rights as shown on the Subdivision Plat for Alta North, recorded in Plat Book 209, Pages 248-251, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering
- (3) Board ratification of the Business Associate Agreement, Universal Subscription Agreement, and Addendum to the Universal Subscription Agreement between Forsyth County and Total Administrative Services Corporation (TASC) for the provision of Flexible Spending, COBRA, and Direct Billing Administration services executed in accordance with direction for Employee 2024 health plan offerings - Director, Department of Employment Services
- (4) Board approval of a Resolution authorizing retention of conflict counsel, Brandon Bowen, related to The Gathering and NHL franchise recruitment upon the same terms and conditions as exist for the County Attorney - County Attorney
- (5) Board adoption of a Resolution authorizing Affidavit concerning the Executive

Session of March 7, 2024 - County Clerk

- (6) Board adoption of a Resolution recognizing the 2023-2024 North Forsyth High School Lady Raiders Basketball Team - Mills / Levent

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding an Alternate Design for Abernathy Development Company LLC with a variance to: 1.) Reduce the front setback abutting internal roads from 40 ft. to 20 ft. (UDC Table 12.2) - Parcel 105-004 - AD230011 - District 3 - Director, Department of Planning and Community Development
- (2) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1602 (Eric Liu) by Liu Investment Partners, L.L.L.P. with a variance to: 1.) Increase the maximum number of parking spaces for lot 1 from 7 to 16 (UDC Table 17.1); 2.) Reduce the minimum lot width for lot 4 from 60 ft. to 59 ft. (UDC 18-4.5); 3.) Increase the percentage of parking that fronts the main building entrance for lot 2 from 60% to 66% (UDC 21-8.5(A)); and, 4.) Reduce the minimum lot width for lot 6 from 60 ft. to 36 ft. (UDC 18-4.5) - Parcel 113-050 - AZ230031 - District 5 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the County-Initiated request to rezone from Restricted Industrial District (M1) to Master Planned Development (MPD) - Parcel 065-048 - ZA4159 - District 5 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding a 180-day extension on the existing Moratorium regarding acceptance of rezoning applications or zoning conditions amendment applications related to conservation subdivisions - County Attorney

IX. Public Comments

X. Old Business

XI. New Business

- (1) Sweet Stables, LLC - CP230039 - to operate a 4,032 sq. ft. commercial horse stable in an existing building with 17 parking spaces on 10.615 acres zoned Agricultural District (A1) with the following variance to: 1.) Reduce the side and rear setbacks adjacent to the existing structures only from 25 ft. to 0 ft. (UDC Table 15.2); and, 2.) Reduce the side and rear buffers from 25 ft. to 0 ft. (UDC Table 15.2) - Parcels 178-899, 178-898, and 178-034 - District 2 - Director, Department of Planning and Community Development
- (2) Abernathy Development Company LLC - ZA4134 - to rezone from Agricultural District (A1) to Commercial Business District (CBD) on 16.944 acres with an overall site including drive-through restaurants/retail/office/drive-through finance establishment in buildings totaling 58,602 sq. ft. with 434 parking spaces with a

Conditional Use Permit (CUP) to conduct around the clock business with the following variance to: 1.) Increase the maximum number of parking spaces from 402 to 434 (UDC 17-2.7); 2.) Reduce the landscape strips along all side and rear lot or lease lines from 10 ft. to 0 ft. (UDC 12-10.15); and, 3.) Reduce the zoning buffer along the eastern property boundary from 40 ft. to 25 ft. (UDC Table 12.2) - Parcel 105-004 - District 3 - Director, Department of Planning and Community Development

- (3) ABAD Development LLC - ZA4149 - to rezone from Agricultural District (A1) and Single Family Residential District (R1) to Restricted Industrial District (M1) on 10.283 acres for offices/warehouses in buildings totaling 102,000 sq. ft. with 169 parking spaces - Parcel 106-115 - District 3 - Director, Department of Planning and Community Development
- (4) Toll Brothers, Inc. - ZA4145 - to rezone from Agricultural District (A1) and Single Family Residential Restricted District (R1R) to Single Family Residential District (RES2) on 115.253 acres for 118 residential lots with a density of 1.03 units per acre - Parcels 145-073 and 145-021 - District 4 - Director, Department of Planning and Community Development
- (5) CBD Investments, LLC - ZA4152 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 111.48 acres for 103 residential lots with a density of 0.93 units per acre - Parcel 301-015 - District 4 - Director, Department of Planning and Community Development
- (6) Witts End Properties, L.L.C. - ZA4154 - to rezone from Agricultural District (A1) to Office Residential District (OR) on 1.501 acres for an office in an existing 1,496 sq. ft. building with 5 parking spaces with an overall site including a 200 sq. ft. storage building with the following variance to: 1.) Reduce the zoning buffer along the western property boundary adjacent to the existing structure and driveway only from 15 ft. to 0 ft. (UDC Table 12.2); 2.) Reduce the zoning setback along the western property boundary adjacent to the existing structure only from 30 ft. to 0 ft. (UDC Table 12.2); 3.) Reduce the zoning setback along the southern property boundary adjacent to the existing structure only from 30 ft. to 20 ft. (UDC Table 12.2); and, 4.) Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18) - Parcel 234-017 - District 4 - Director, Department of Planning and Community Development
- (7) Liu Investment Partners, L.L.L.P. - CP230027 - to conduct around the clock business with an overall site including a drive-through finance establishment/drive-through restaurant buildings totaling 7,900 sq. ft. with 75 parking spaces on 18.213 acres currently zoned Commercial Business District (CBD) - Parcel 113-050 - District 5 - Director, Department of Planning and Community Development
- (8) Vamsi Mylavarapu - ZA4156 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 4.91 acres for 6 residential lots with a density of 1.23 units per acre with the following variance to: 1.) Increase the maximum number of lots accessed by an easement from 3 to 4 (UDC 18-7.2) - Parcel 108-069 - District 5 - Director, Department of Planning and Community Development
- (9) Board consideration of "Claim, Request and Demand for [Tax] Refund" requested by Edward and Lisa McCrimmon concerning ad valorem (property) taxes for property

located at 3930 Mathis Airpark Road, Parcel ID 137 020, for tax year 2019 in the amount of \$162.09 plus interest, for tax year 2020 in the amount of \$163.72 plus interest, and tax year 2022 in the amount of \$870.34 plus interest - County Attorney
(Postponed from the January 18, 2024 and February 15, 2024 Agendas)

- (10) Board consideration of ad valorem tax refund requested by NTT America, Inc. concerning ad valorem personal property taxes for property located at 6225 Shiloh Road, Suite A, Personal Property ID 322470, for tax year 2020 in the amount of \$193,124.00, for tax year 2021 in the amount of \$133,080.00, tax year 2022 in the amount of \$203,429.00, and tax year 2023 in the amount of \$200,901.00 - County Attorney
(Postponed from the January 18, 2024 and February 15, 2024 Agendas)

- (11) Board consideration and approval of a Resolution Creating the Forsyth County Mental Health Advisory Committee - County Attorney

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment