

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, APRIL 18, 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 Proclamation declaring April 19, 2024 as *Education and Sharing Day* in Forsyth County - Levent / John
- (2) Board recognition of the Department of Water and Sewer for receiving the Georgia Association of Water Professional (GAWP) awards for: Education Excellence in Community Engagement (2024), Plant of the Year Award for both Dick Creek and Shakerag (2024), Platinum Award for Collection System Excellence (2023), and Platinum Award for Distribution System Excellence (2023) - Director, Department of Water and Sewer

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of March 21, 2024
- (2) Work Session of March 26, 2024
- (3) Special Called Joint Meeting of March 26, 2024
- (4) Special Called Meeting of March 26, 2024
- (5) Work Session and Executive Session of April 9, 2024

VII. Consent Agenda

- (1) Board ratification of the following Items that were discussed and voted on at the Work Session held on March 26, 2024 (to the extent that a Board Member was not present to vote on some of the Items presented below at the March 26, 2024 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 approval of the 2024 Annual Service Agreement with Motorola Solutions, Inc. in the amount of \$833,346.59 for the Radio Systems Tower Locations and Public Safety Radio Equipment for the Emergency Management Agency with approval of the associated Service Agreement and with authorization for the County Manager to execute documents in furtherance of same - Director, Emergency Management Agency
 - (B) Board approval of a Service Agreement and Addendum 1 with TargetSolutions Learning, LLC, d/b/a Vector Solutions in the amount of \$6,508.80 to acquire Annual Guardian Tracking Subscriptions Licenses for the E-911 Center and Fire Department with authorization for the County Manager to execute documents in furtherance of same - Director, Emergency Management Agency
 - (C) Board authorization to enter into a Mutual Aid Agreement between the Atlanta Humane Society and Forsyth County Georgia, on behalf of Forsyth County Animal Services - Animal Services Supervisor, Department of Code Compliance
 - (D) Board approval to terminate the Master Services Agreement with Healthstat, Inc. as presented by staff - Director, Department of Employment Services
 - (E) Board approval of a Memorandum of Agreement with the Georgia Recreation and Park Association, Inc. (GRPA) in the amount of \$25,000.00 with no required match for the Department of Parks and Recreation to provide Out-of-School Time Services under the Year 3 Building Opportunities in Out-of-School Time (BOOST) Summer Program Grant, with approval of the Georgia Department of Education Conflict of Interest and Disclosure Policy and with approval of a Budget Resolution - Director, Department of Parks and Recreation
 - (F) Board approval of a Resolution of the Board of Commissioners authorizing the County Manager to execute certain Right of Entry Agreements, subject to ratification by the Board of Commissioners - County Attorney
 - (G) Board approval of a First Amendment to Option and Ground Lease Agreement with Towercom V-B, LLC to change the recipient of the lump sum payment from Forsyth County Park Foundation to Forsyth County as presented by Legal Counsel - County Attorney
 - (H) Board authorization for the County Attorney to proceed with drafting modifications to the Alcohol Ordinance, Ord. No. 68, codified as Chapter 6 in the Forsyth County Code of Ordinances, related to Special Event Permits and Catering Licenses as described - County Attorney
- (2) Board ratification of the following Items that were discussed and voted on at a Work Session held on April 9, 2024 (to the extent that a Board Member was not present to vote on an Item presented below at the April 9, 2024 Work Session, the absent Board Member has indicated having no objections to placement of the Item 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 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 Budget Resolution to transfer one full-time position from the Department of Water and Sewer and funding from Contingency to the Department of Procurement for the creation of a Deputy Director position for the Department of Procurement - Director, Department of Procurement
- (C) Board approval of adding one Bailiff Position to Probate Court - Director, Department of Employment Services
- (D) Board authorization for staff to apply for a Federal Transit Administration (FTA) Grant under the FY 2024 Low or No Emission Grant Program in the amount of \$1,956,968.00 with a required 20 percent match in the amount of \$489,242.00 to purchase Propane Buses and construct a Propane Fill Station for the Department of Public Transportation - Director, Department of Public Transportation
- (E) Board approval of a Resolution Adjusting Impact Fee Schedules to Account for Inflation - Impact Fee Administrator, Department of Finance
- (F) Board approval of a Financial Advisory Services Agreement with Davenport & Company LLC for Retainer Services such as financial planning, policy development, and services related to debt planning and transaction related services regarding a Comprehensive Plan of Finance regarding timing and structuring for debt issuance - Director, Department of Finance
- (G) Board authorization for staff to apply for the State of Georgia FY 2024 Local Road Assistance Administration funds for Resurfacing of County Roads for an amount not to exceed \$3,753,891.94 with no match required - Assistant Director, Department of Engineering
- (H) Board approval of a Special Facility Use Agreement with Burton Outdoor Adventures LLC to offer Paddlesport Rental Services - Director, Department of Parks and Recreation
- (I) Board approval of an Amending Agreement to the Standard Service Agreement with Pinnacle Data Systems Inc. for Bill Printing and Mailing for the Department of Water and Sewer with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Water and Sewer
- (J) Board approval of a Contract Item Agreement (CIA) with the Georgia Department of Transportation for reimbursement of an estimated \$527,150.00 for the Relocation of Water Infrastructure on State Route 9 at

CR 184/Jewell Bennett Road due to road construction (PI 0016066) -
Director, Department of Water and Sewer

- (K) Board approval of Task Order 6 with Freese and Nichols, Inc. (Contract 1202300003) in the amount of \$513,587.00 for Design of a new Lift Station and Force Main to be near the intersection of County Way and Georgia 400 -
Director, Department of Water and Sewer
- (L) Board approval to award Quote 24-26-3310 to Diversified Adjustment Service, Incorporated for Debt Collection Services for the Department of Water and Sewer with approval of the associated Service Agreement -
Director, Department of Water and Sewer
- (M) Board approval of Amendment #2 to Task Order 1 of the Roadway and Connectivity/Pedestrian Construction Engineering and Inspection Services As-Needed Services Agreement with Jacobs Engineering Group Inc. to allow Construction, Engineering, and Inspection Services for Phase I of the McGinnis Ferry Widening Project from Douglas Road to Hospital Drive -
Director, Department of Capital Projects
- (N) Board approval of Supplemental Agreement #2 to the Construction Agreement with the Georgia Department of Transportation (GDOT) dated November 13, 2020 for PI 0013369 SR 369/400 Interchange in the amount of \$808,693.22 - Director, Department of Capital Projects
- (3) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Hawkins Manor Drive, and all other property and property rights as shown on the Subdivision Plat for Hawkins Manor, recorded in Plat Book 211, Pages 40-69, 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 Streamsong Way, Wallace Creek Court, Namon Pond Lane, Wallace Pond Way, Wallace Farms Drive, and all other property and property rights as shown on the Subdivision Plat for Northbrooke Ph 2, recorded in Plat Book 211, Pages 175-189, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering
- (5) Pursuant to Board of Commissioners Rule of Procedure 3.02.01, the Board of Commissioners hereby Amends the conditions associated with CP240005 by removing certain scrivener errors, as reflected by the red strikethroughs on that attached set of conditions. These corrections are nominal and are the product of a non-final version of the conditions being displayed to the Board of Commissioners on March 7, 2024. Upon approval of this Agenda Item, the Forsyth County Clerk is authorized to place a manual asterisk on the March 7, 2024 Minutes at the CP240005 Agenda Header cross-referencing to this scrivener's correction - County Attorney
- (6) Board adoption of a Proclamation declaring April 19, 2024 as *Education and Sharing Day* in Forsyth County - Levent / John

- (7) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of April 9, 2024 - County Clerk

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to operate an open container yard on property zoned Master Planned District (MPD) - Parcel 177-558 - CP240013 - District 2 - Director, Department of Planning and Community Development
- (2) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1621 (Mary Tritt) by Olde Towne Cutlery, LLC with a variance to: 1.) Reduce the landscape strip abutting Georgia Highway 400 from 25 ft. to 10 ft. (UDC 10-1.10(B)(2)); 2.) Reduce the front setback from 40 ft. to 25 ft. (UDC Table 12.2); and, 3.) Reduce the front landscape strip from 10 ft. to 0 ft. (UDC Table 12.2) - Parcel 250-073 - AZ240001 - District 4 - Director, Department of Planning and Community Development
(Postponed from the March 7, 2024 Agenda)
- (3) Public Hearing and possible vote regarding the County-Initiated 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) - Parcel 250-073 - VA240009 - District 4 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding the approval of a Sketch Plat for Raj Gangaram - Parcel 239-018 - SP220002 - District 4 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the County-Initiated request to rezone from Master Planned District (MPD) to Mixed Residential District (MRD) - Parcel 220-017 - ZA4165 - 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 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
(Postponed from the March 21, 2024 Agenda)
- (7) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA4004 (Epic Homes, LLC) by Epic Homes, LLC - Parcel 089-470 - AZ240007 - District 5 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit to build a new vehicle sales dealership on property zoned Commercial

Business District (CBD) - Parcel 107-018 - CP230042 - District 5 - Director,
Department of Planning and Community Development

- (9) Public Hearing and possible vote regarding an Alternate Design for J&G Baranco Holdings, LLC with the following variance to: 1.) Increase the percentage of vehicles visible along the right-of-way from 10% to 100% (UDC 12-13.13(A)); 2.) Reduce the Pedestrian Landscape Zone on a portion of the eastern and western sides of the building from 8 ft. to 0 ft. (UDC Table 12.3); 3.) Reduce the Sidewalk Zone on a portion of the eastern and western sides of the building from 6 ft. to 0 ft. (UDC Table 12.3); and, 4.) Reduce the Façade Landscape Zone on a portion of the eastern and western sides of the building from 6 ft. to 0 ft. (UDC Table 12.3) - Parcel 107-018 - AD240001 - District 5 - Director, Department of Planning and Community Development
- (10) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Tree Selection and Parking Requirements within the Coal Mountain Overlay - Planner II, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on February 27, 2024)
- (11) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Hotels, Motels, and Extended Stay Hotels and Motels - Planner II, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on February 27, 2024; Postponed from the March 7, 2024 Agenda; The second Public Hearing was held before the Planning Commission on March 26, 2024)
- (12) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Conservation Subdivisions - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on February 27, 2024)

IX. Public Comments

X. Old Business

XI. New Business

- (1) Daedra Marshall - CP230025 - to operate a kennel (breeding and sales) in 3,900 sq. ft. of an existing 5,319 sq. ft. home with 6 parking spaces on 2.306 acres zoned Agricultural District (A1) with the following variance to: 1.) Reduce the required number of parking spaces from 10 to 6 (UDC Table 17.1); and, 2.) Reduce the buffer along the southern property boundary from 25 ft. to 0 ft. (UDC Table 15.2) - Parcel 006-087 - District 1 - Director, Department of Planning and Community Development
- (2) 2637 Paradise LLC - ZA4155 - to rezone from Agricultural District (A1) to Commercial Business District (CBD) on 5.1875 acres for a retail/office/restaurant/day care center in buildings totaling 50,954 sq. ft. with 202 parking spaces with the following variance to: 1.) Increase the maximum building height from 30 ft. to 40 ft. (UDC Table 12.2); and, 2.) Reduce the zoning buffer along the northern property boundary from 40 ft. to 25 ft. (UDC Table 12.2) - Parcel 077-

085 - District 1 - Director, Department of Planning and Community Development

- (3) Atlantic Resorts LLC - CP230038 - to build a 67,000 sq. ft. hotel with 120 parking spaces with an overall site including a 3,330 sq. ft. retail trade establishment with 10 parking spaces on 2.89 acres zoned Commercial Business District (CBD) - Parcel 042-672 - District 3 - Director, Department of Planning and Community Development
- (4) Board consideration of the request by Kevin and Kathleen Tyndall for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to approve a variance on VA230075 (David & Rebekah Wassmer). The variance was approved on March 5, 2024 - AV240001 - District 4 - Director, Department of Planning and Community Development
- (5) 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
(Postponed from the March 21, 2024 Agenda)
- (6) Anamaria Hazard Meanes - ZA4153 - to rezone from Single Family Residential District (R1) to Office and Institutional District (O&I) on 2.72 acres for a 20,000 sq. ft. office with 106 parking spaces with the following variance to: 1.) Reduce the zoning buffer along the northern property boundary as depicted on the site plan from 30 ft. to 15 ft. (UDC Table 12.2); 2.) Increase the maximum gross square footage per business establishment from 10,000 sq. ft. to 20,000 sq. ft. (UDC Table 12.2); and, 3.) Increase the required number of parking spaces from 67 to 106 (UDC Table 17.1) - Parcel 108-079 - District 5 - Director, Department of Planning and Community Development
- (7) 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, February 15, 2024, and March 21, 2024 Agendas)
- (8) Board consideration of a Conservation Easement between Taylor Morison of Georgia, LLC, Kennison Creek Community Association, Inc., and Forsyth County regarding open space in the Kennison Creek Subdivision - County Attorney
- (9) Update on The Gathering's Memorandum of Understanding - Mills / Levent

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment

