

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, JULY 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

V. Public Comments

VI. Adoption of Minutes

- (1) Special Called Joint Meeting of June 20, 2024
- (2) Regular Meeting / Public Hearings of June 20, 2024
- (3) Work Session of June 25, 2024
- (4) Work Session and Executive Session of July 9, 2024

VII. Consent Agenda

- (1) Board ratification of the following Items that were discussed and voted on at the Work Session held on June 25, 2024 (to the extent that a Board Member was not present to vote on the Items presented below at the June 25, 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 a Memorandum of Understanding between Forsyth County Pet Resource Center and Healthy Paws for a Cause, Inc. to establish a working relationship in order to provide services and supplies for the Pet Resource Center - Manager, Pet Resource Center
 - (B) 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
 - (C) Board approval of the Purchasing Card Policy - Director, Department of Procurement

- (D) Board approval of proposed modifications to the Forsyth County Employee Handbook Policy 22, Travel Reimbursement Policy - Director, Department of Employment Services
- (E) Board approval of revision to Policy 1 Section 2: Applicability to the Civil Service Handbook to reflect the Forsyth County Sheriff's Office may exempt not more than two per 100 authorized Sheriff's Office positions holding the rank of Captain or above from the Civil Service System in accordance with the May 6, 2024 approval of Act 639 amending the Forsyth County Civil Service System Act - Director, Department of Employment Services
- (F) Board authorization to increase the Forsyth County Sheriff's Office headcount by one (1) Deputy First Class, Grade 114, to be added to Position Control effective August 1, 2024 - Director, Department of Employment Services
- (G) Board approval of a Public Safety Radio System User Agreement with the Forsyth County Board of Education - Director, Emergency Management Agency
- (H) Board approval of the 2024 Radio System User - Policy and Procedures - Director, Emergency Management Agency
- (I) Board approval to add a Radio System Technician to the Radio System Organization in the amount of \$45,372.00 with approval of a Budget Resolution - Director, Emergency Management Agency
- (J) Board approval of a Non-Residential Gas Extension Contract with Atlanta Gas Light Company for Freedom Park Campus - Vertical Capital Projects Manager, Department of Capital Projects
- (K) Board approval of a Budget Resolution in the amount of \$31,335,889.00 regarding the annual transfer and for an additional one-time transfer from General Fund to Capital Fund - Director, Department of Finance
- (L) Board approval of a Budget Resolution to re-budget encumbered and carry over items from 2023 - Director, Department of Finance
- (M) Board approval of a Budget Resolution for the final Budget Amendment to close the 2023 Fiscal Year - Director, Department of Finance
- (2) Board ratification of the following Items that were discussed and voted on at the Work Session held on July 9, 2024 (as anticipated by Board Rule 1.07.01):
 - (A) Board approval to award Bid 24-27-3320 to Vertical Earth Incorporated in the amount of \$1,994,000.00 for State Route 9 Gravity Sewer Main and Low Pressure Force Main Construction for the Department of Water and Sewer

with approval of the associated Construction Services Agreement - Director,
Department of Water and Sewer

- (B) Board approval to award Bid 24-22-1514 to Albion General Contractors, Inc. in the amount of \$8,800,000.00 for construction of the Water and Sewer Maintenance Warehouse Project for the Department of Water and Sewer with approval of the associated Construction Services Agreement - Director, Department of Capital Projects
- (C) Board approval of Change Order No. 6 with Vertical Earth Incorporated (Contract Number 1202400013) in the amount of \$113,953.00 for the Coal Mountain Connector Project (P18CM) for increased construction quantities due to plan revisions - Transportation Project Manager, Department of Capital Projects
- (D) Board postponement of the consideration of a Board generated rezoning for CP210024, Gary R Bagley, for eighteen months - District 1 - Comprehensive Planning Manager, Department of Planning and Community Development
[Note: the 2025 and 2026 Meeting Schedules for the Board of Commissioners have not been adopted. This Item will be added to the first Work Session of January 2026 once the 2026 calendar is adopted.]
- (E) Board authorization for staff to proceed with rescinding the Conditional Use Permit (CUP) that had been approved for 5650 Howard Road, LLC via CP220023 - District 1 - Comprehensive Planning Manager, Department of Planning and Community Development
- (F) Board postponement of the consideration of a Board generated rezoning for ZA4034, Surya Realty LLC, for twelve months - District 3 - Comprehensive Planning Manager, Department of Planning and Community Development
[Note: the 2025 Meeting Schedule for the Board of Commissioners has not been adopted. This Item will be added to the first Work Session of July 2025 once the 2025 calendar is adopted.]
- (G) Board removal of the consideration and possible direction of a Board generated rezoning for CP220029, Squirrel Tree Service, thereby taking no action to modify or rescind the Conditional Use Permit (CUP) - District 4 - Comprehensive Planning Manager, Department of Planning and Community Development
- (H) Board approval of a Resolution to remove the need for mobile home decals to be issued as evidence of tax payments - County Attorney
- (I) Board approval of Quitclaim Deeds to property owners affected by the Thunder River Right-of-Way Project - County Attorney
- (J) Board approval of a Third Amendment to the Tri-Party Agreement between Forsyth County and Waterscape Utility and Settendown Public Utility - County Attorney

- (3) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Near Star Lane, Newburn Court, Gallery Chase, and all other property and property rights as shown on the Subdivision Plat for Briarwood Phase 3, recorded in Plat Book 213, Pages 80 - 93, Forsyth County, Georgia Records - District 1- Director, Department of Engineering
- (4) Board acceptance of Right of Way as County-maintained with a speed limit of 25 MPH on Ellorie Drive, Eloise Drive, and all other property and property rights as shown on the Subdivision Plat for Ellorie Estates Phase 1, recorded in Plat Book 213, Pages 130 - 158, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering
- (5) Board acceptance of Right of Way as County-maintained with speed limit of 25 MPH on Hemingway Trail, Marjorie Drive, Macomber Lane, Kongoni Court, Paravicini Place, Abdulla Drive, and all other property and property rights as shown on the Subdivision Plat for Hemingway Farm Phase 1A, recorded in Plat Book 212, Pages 192-204, Forsyth County, Georgia Records - District 4 - Director, Department of Engineering
- (6) Board acceptance of Right of Way as County-maintained with a speed limit of 25MPH on Beechnut Circle, Buttonwood Drive, Briscoe Drive, and all other property and property rights as shown on the Subdivision Plat for Settingdown Farms Phase 1, recorded in Plat Book 213, Pages 99-115, Forsyth County, Georgia Records, located in Commissioner District 4 - Director, Department of Engineering
- (7) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of July 9, 2024 - County Clerk

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding an Alternate Design for VergesRome Architects, APAC - Parcel 031-289 - AD240010 - 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 ZA3698 (Land Solution Associates, LLC) by Epcon Post Road, LLC - Parcels 033-087, 033-034, 033-037, and 033-033 - AZ240021 - District 1 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA4039 (Haven Investments LLC) by Beazer Homes, LLC - Parcel 175-261 - AZ240022 - District 2 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding the approval of a Sketch Plat for DPIF4 GA 13 New Boyd, LLC - Parcel 140-019 - SP240009 - District 2 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding an Alternate Design for North Fulton

Feed & Seed Company - Parcels 018-001, 018-365, 018-366, and 017-053 - AD240007 - District 3 - Director, Department of Planning and Community Development

- (6) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2431 (Vickery Land Co., LLC) by Dawn Dalangin Hawk - Parcel 058-455 - AZ240019 - District 3 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding the County-Initiated request for an Amendment of Zoning Conditions on ZA3163 (Prime Interest, Inc.) by Forsyth County Board of Commissioners - Parcel 189-003 - AZ240018 - District 4 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3890 (Richardson Living Trust) by Gilbert P & Millie L Richardson Irrevocable Trust with the following variance to: 1.) Reduce the percentage of bicycle parking from 2.5% of the total parking spaces to 0% (UDC 21-12.5(G)(1)); and, 2.) Reduce the width of the sidewalk from the right-of-way to the main building from 5 ft. to 0 ft. (UDC 21-12.8(A)(13)) - Parcel 295-059 - AZ240020 - District 4 - Director, Department of Planning and Community Development
- (9) Public Hearing and possible vote regarding the approval of a Sketch Plat for Powers Development LLC with the following variance to: 1.) Reduce the side setback for the single family detached dwellings only from 10 ft. to 5 ft. (UDC Table 11.2(b)) - Parcels 250-036, 250-008, and 250-003 - SP240007 - District 4 - Director, Department of Planning and Community Development
- (10) Public Hearing and possible vote regarding the request for a variance to UDC 16-4.20(B) and UDC Chapter 15, Table 15.2 by Moxie Construction, LLC - 7470 and 7464 Windy Oaks Dr, Gainesville, GA 30506 (Tax Map Parcel 289-069) - VA240010 - District 4 - Director, Department of Planning and Community Development
- (11) Public Hearing and possible vote regarding an Alternate Design for WorldSprings Atlanta LLC with the following variance to: 1.) Reduce the depth of the roof overhang from 10% of the wall height to 0% (UDC 12-13.11(C)(1)); 2.) Reduce the percentage of window glazing on each building façade facing the public right-of-way from 45% to 0% (UDC 12-13.12(A)); 3.) Reduce the requirement for windows, doors or window displays on walls facing a pedestrian walkway, driveway or public right-of-way from every 20 ft. to 0 ft. (UDC 12-13.12(B)) - Parcel 107-047 - AD240008 - District 5 - Director, Department of Planning and Community Development
- (12) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on CP220013 (Passport Experiences, LLC) by WorldSprings Atlanta LLC with the following variance to: 1.) Reduce the landscape strip along the side and rear lot or lease lines from 10 ft. to 1 ft. (UDC 12-10.15); 2.) Reduce the front landscape strip from 10 ft. to 1 ft. (UDC Table 12.2); 3.) Increase the maximum number of parking spaces from 285 to 376 (UDC Table 17.1 and UDC 17-2.7); 4.) Reduce the landscaped parking islands from 1 for every 10 parking spaces to 1 for every 13 parking spaces (UDC 12-13.6(A)); 5.) Reduce short-term parking from 1 space per 50 required spaces to 0 (UDC 12-13.7(B)(2)); and, 6.) Reduce the front setback from

40 ft. to 5 ft. (UDC Table 12.2) - Parcel 107-047 - AZ240014 - District 5 - Director, Department of Planning and Community Development

- (13) Public Hearing and possible vote regarding an Alternate Design for Allan Williams - Parcel 131-075 - AD240009 - District 5 - Director, Department of Planning and Community Development
- (14) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on CP220010 (Fuqua Acquisitions II, LLC) by Fuqua Acquisitions II, LLC with the following variance to: 1.) Reduce the Pedestrian Landscape Zone in areas indicated on the site plan from 8 ft. to 0 ft. (UDC Table 12.3); 2.) Reduce the Sidewalk Zone in areas indicated on the site plan from 6 ft. to 0 ft. (UDC Table 12.3); 3.) Reduce the Façade Landscape Zone in areas indicated on the site plan from 6 ft. to 0 ft. (UDC Table 12.3); 4.) Reduce the sides of the building exterior that parking is distributed on from 2 sides to 1 side (UDC 21-8.5(A)); 5.) Increase the percentage of parking that fronts the main building entrance from 60% to 100% (UDC 21-8.5(A)); 6.) Reduce the landscaped parking islands from 1 for every 10 parking spaces to 1 for every 12 parking spaces (UDC 12-13.6(A)); 7.) Increase the distance each parking space must be from a tree from 50 ft. to 75 ft. (UDC 17-5.7(B)); 8.) Reduce short-term parking from 1 space per 50 required spaces to 0 (UDC 12-13.7(B)(2)); and, 9.) Reduce the landscape strip along all internal side and rear lot or lease lines from 10 ft. to 0 ft. (UDC 12-10.15) - Parcels 107-027 and 107-018 - AZ240023 - District 5 - Director, Department of Planning and Community Development
- (15) Public Hearing and possible vote regarding amendments to the Unified Development Code related to building materials within the Buford Highway Overlay - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on May 21, 2024)
- (16) Public Hearing and possible vote regarding amendments to the Animal Control Ordinance, otherwise known as Forsyth County Ordinance 11, to adjust definitions; add a prohibition on hoarding animals; and, create a new Article for the issuance of Dog Permits including a description of the purpose and intent, the requirements for when such a permit is needed following certain criminal convictions related to animals, the application procedures and review, and enforcement of same - County Attorney
(This is the first of two required Public Hearings)
- (17) Public Hearing and possible vote regarding amendments to the Alcohol Ordinance, otherwise known as Forsyth County Ordinance 68, to amend language and definitions that pertain to alcohol beverage catering; limited liability company application procedures; bar seating; special event permits; collecting alcohol excise taxes; and, for other purposes - County Attorney
(The first Public Hearing was held before the Board of Commissioners on June 6, 2024)
- (18) Public Hearing and possible vote regarding 2nd Amendment to the Forsyth County Ordinance Setting Prohibitions and Use Parameters on Sewer Expansion Funded by American Rescue Act Proceeds, Ordinance 133 - County Attorney
(This is the first of two required Public Hearings)
- (19) Public Hearing and possible vote regarding changes to the Forsyth County Impact Fee Ordinance (Ord. 125, County Code 47), to increase Road Impact Fees - County

Attorney
(This is the first of two required Public Hearings)

- (20) Public Hearing and possible vote regarding the 2023 Impact Fee Annual Update and Capital Improvements Element with Board adoption of a Resolution to submit to the Atlanta Regional Commission - Impact Fee Administrator, Department of Finance
- (21) Public Hearing and possible vote regarding the proposed FY 2024 Millage Rates - Chief Financial Officer
(This is the first of three required Public Hearings)

IX. Public Comments

X. Old Business

- (1) NP Square LLC - ZA4161 - to rezone from Agricultural District (A1) to Commercial Business District (CBD) on 2.163 acres for a 21,000 sq. ft. retail/office building with 78 parking spaces with the following variance to: 1.) Reduce the distance of the sidewalk from the façade on the front, rear and sides of the building from 6 ft. to 0 ft. (UDC 21-7.5(B)(3)); and, 2.) Reduce the front landscape strip from 15 ft. to 10 ft. (UDC 21-7.5(A)(4)) - Parcel 106-106 - District 3 - Director, Department of Planning and Community Development
(Postponed from the June 20, 2024 Agenda)

XI. New Business

- (1) Nashgan Systems LLC - CP240023 - to operate a 1,400 sq. ft. miscellaneous service establishment (pet grooming) in an existing building with 10 parking spaces on 12.612 acres zoned Commercial Business District (CBD) - Parcel 218-048 - 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
(Postponed from the April 18, 2024, May 16, 2024, and June 6, 2024 Agendas)
- (3) Capital City View Homes LLC - ZA4167 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 10.503 acres for 14 residential lots with a density of 1.33 units per acre - Parcel 033-022 - District 1 - Director, Department of Planning and Community Development
- (4) Grant Kierpa and Alysa Poss - ZA4166 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 1.667 acres for 2 residential lots with a density of 1.2 units per acre with the following variance to: 1.) Reduce the side setback adjacent to the existing shed only from 15 ft. to 14 ft. (UDC Table 11.2(b)) - Parcels 226-006 and 226-090 - District 2 - Director, Department of Planning and

Community Development

- (5) Morsco Properties, LLC - CP240022 - to operate an open storage yard with an overall site including a 25,726 sq. ft. wholesale trade establishment in an existing building with 13 parking spaces on 1.934 acres zoned Restricted Industrial District (M1) with the following variance to: 1.) Reduce the landscape strip abutting Industrial Trace from 25 ft. to 0 ft. (UDC Table 14.2) - Parcel 019-112 - District 3 - Director, Department of Planning and Community Development
- (6) QuikTrip Corporation - CP240002 - to build a 5,312 sq. ft. convenience store with fuel dispensing units conducting around the clock business with 50 parking spaces on 2.58 acres zoned Commercial Business District (CBD) with the following variance to: 1.) Increase the maximum number of parking spaces from 40 to 50 (UDC 17-2.7); 2.) Reduce the setback abutting Georgia Highway 400 from 60 ft. to 0 ft. (UDC 10-1.10(B)(1)); and, 3.) Reduce the landscape strip abutting Georgia Highway 400 from 25 ft. to 10 ft. (UDC 10-1.10(B)(2)) - Parcel 249-008 - District 4 - Director, Department of Planning and Community Development
- (7) Tipton Development LLC - ZA4163 - to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 10.04 acres for 13 residential lots with a density of 1.3 units per acre - Parcel 159-018 - District 5 - Director, Department of Planning and Community Development
- (8) Board consideration and possible ratification of the District 1 appointment [Jakima McCall] to the Forsyth County Library Board, with said appointment becoming effective August 1, 2024 - Hill / John
- (9) Board consideration of Intergovernmental Agreement with the City of Cumming related to SPLOST IX - County Attorney
- (10) Board consideration and vote on a Resolution continuing a one percent sales and use tax specifying the purpose of which the proceeds of the tax are to be used, specifying the duration of the tax, the estimated cost of the projects to be funded from the proceeds, authorizing the issuance of general obligation debt secured by the proceeds of the tax, specifying the principal amount of the general obligation debt to be issued, specify the purpose of the general obligation debt, requesting that the Board of Elections issue the call of an election of the voters of Forsyth County to approve continuation of the sales and use tax and the issuance of general obligation debt, approving a form of ballot, and for other purposes - County Attorney
- (11) Board consideration of City of Cumming annexation of parcel C36-005 (+/- 2.0 acres of land) - County Attorney
(During the Work Session held on July 9, 2024, the Board voted unanimously to postpone the decision regarding this Item to the Regular Meeting / Public Hearings of July 18, 2024.)
- (12) Board consideration of City of Cumming annexation of parcels 196-482, 196-498, 196-561, and 196-394 (+/- 18.292 acres of land) - County Attorney
(During the Work Session held on July 9, 2024, the Board voted unanimously to postpone the decision regarding this Item to the Regular Meeting / Public Hearings of July 18, 2024.)

- (13) Board appointment of Kristen Marsella to serve as a Citizen Stakeholder for District 3 - Levent / John
- (14) Board consideration and possible direction regarding a County-Initiated Alternate Design utilizing black or brown pre-finished metal coping, gutters, and standing seam metal roofs - Parcel 106-106 - District 3 - Levent / Mills

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment