

**FORSYTH COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING / PUBLIC HEARINGS
AUGUST 21, 2025**

Official Minutes

On Thursday, August 21, 2025, at 5:00 p.m. in the Commissioners' Meeting Room of the Forsyth County Administration Building, the Forsyth County Board of Commissioners held a Regular Meeting / Public Hearings with the following persons present: Kerry Hill – Vice Chairman, Mendy Moore - Secretary, Todd Levent - Member, Laura Semanson – Member, Ken Jarrard – County Attorney, and Kiersten Law - County Clerk.

Chairman John was absent.

**AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, AUGUST 21, 2025 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 Meeting / Public Hearing of August 7, 2025*
 - (2) Regular Meeting / Public Hearings and Executive Session of August 7, 2025*
 - (3) Work Session and Executive Session of August 12, 2025*
- VII. Consent Agenda*
 - (1) Per Board of Commissioners Rule 3.02.01, the Board hereby amends its approval of AZ250020 - which was approved on July 17, 2025. By the present Board action, the Board of Commissioners clarifies that condition 28 stands amended as requested in application AZ250020, with two sub-conditions and the associated site plan (as displayed at the July 17, 2025 meeting) with sub-condition 1 to be corrected to reflect that the relief granted by AZ250020 is not in the nature of a variance. Following this amendment, amended condition 28 shall now read:*

Condition 28 - The building setback on Holdbrook Road shall be 75 feet from the right of way, except for Lot 58 which shall have a 65-foot setback in order to make space for a larger enclosed patio, subject to the following additional restrictions:

 - 1. The reduced building setback for lot 58 is only to accommodate the area of the existing patio (15x23 feet) as seen in the concept plan.*
 - 2. Plant two rows of evergreen trees behind the patio.*

*The Forsyth County Clerk is hereby authorized to affix a manual "****" on the official*

July 17, 2025 minutes at AZ250020 cross-referencing to this evening's approval. - County Attorney

- (2) *Board Ratification of the following item that was discussed and voted on at the Work Session held on August 12, 2025 (as anticipated by Board Rule 1.07.01):*
- (A) *Board approval for staff to commence the Public Hearing process with the Planning Commission regarding amendments to the Unified Development Code related to the residential moratorium - Planning Manager, Department of Planning and Community Development*
 - (B) *Board approval of the Groundwater Remediation Project Pilot Test C proposal at the Hightower Road Landfill with Atlantic Coast Consulting, Inc. in the amount of \$140,000.00 – Environmental Scientist Manager, Department of Recycling and Solid Waste*
 - (C) *Board approval of a Fifth Amendment to the agreement with Common Courtesy to increase the fares as previously approved by the Board on July 17, 2025, as well as extend the term of the Services Agreement from October 22, 2025 to December 31, 2025 - Director, Department of Public Transportation*
 - (D) *Board approval to grant a Right of Way Easement to Sawnee Electric Membership Corporation in the amount of \$1.00 for the installation of an electrical conductor at the Forsyth County Pet Resource Center located at 4055 County Way Road, Cumming, GA – Director, Department of Public Facilities*
 - (E) *Board approval to award Bid 25-77-1620 to Townley Construction Company, Inc. in the amount of \$134,873.00 for concrete repairs and stormwater mitigation at the Coal Mountain Recycling Center for the Department of Recycling & Solid Waste with approval of the associated Construction Services Agreement – Director, Department of Public Facilities*
 - (F) *Board approval to postpone consideration and approval of the award of RFP 25-73-5211 to Lose & Associates, Inc., d/b/a Lose Design, in the amount of \$46,770.00 for Consulting Services: Polo Fields Park Master Plan for the Department of Parks and Recreation with approval of the associated Professional Services Agreement to the August 26, 2025 Work Session Agenda – Director, Department of Parks and Recreation*
 - (G) *Board acceptance of the award from the United States Tennis Association (USTA) Adaptive Tennis Grant in the amount of \$500.00 with no match required with approval of a Budget Resolution - Director, Department of Parks and Recreation*
 - (H) *Board approval of Change Order #17 to Contract #1202000014 with G.P.'s Enterprises, Inc. in the amount of \$161,781.00 for Ronald Reagan Boulevard (PEN12) - Director, Department of Capital Projects*
 - (I) *Board approval of Amendment No. 2 to Task Order 28 with CH2M Hill, Inc. under the Standard Services Agreement for Water and Sewer Engineering Services As-Needed (PO 20220991) in the amount of \$227,178.23 for Construction Phase Services for the Forsyth County Water Intake Road*

Improvements project (Bid No. 25-84-1514) - Director, Department of Capital Projects

- (J) Board approval of Electrical Service Agreements between Sawnee EMC and Forsyth County for the Bennett Park Redevelopment project - Project Manager, Department of Capital Projects*
- (K) Board approval of Task Order #06 to the As Needed Services Agreement with Comprehensive Program Services, Inc. in the amount of \$650,790.00 for Program Management Services for the Sharon Springs Campus Redevelopment - Project Manager, Department of Capital Projects*
- (L) Board approval to award RFP 25-50-3340 to PC Construction Company in the amount of \$31,110,000.00 for the Shakerag Water Reclamation Facility Phase II Expansion with approval of the associated Construction Agreement – Director, Department of Water and Sewer*
- (M) Board approval of Task Order No. 7 with Brown and Caldwell under the Standard Services Agreement for Water and Sewer Engineering Services As-Needed (Contract No. 1202300008) in the amount of \$1,475,111.00 for Engineering Services during construction for the Shakerag WRF Phase 2 Expansion Project - Director, Department of Water and Sewer*
- (N) Board approval of Task Order No. 25-02 with ESG Engineering, Inc. under the Standard Services Agreement for Water and Sewer Engineering Services As-Needed (Contract No. 1202300006) in the amount of \$205,130.00 to provide consulting services during construction of the Shakerag WRF Phase 2 Expansion Project - Director, Department of Water and Sewer*
- (O) Board approval of Amendment No. 1 to Task Order No. 24-01 with ESG Engineering, Inc. under the Standard Services Agreement for Water and Sewer Engineering Services As-Needed (Contract No. 1202300006) in the amount of \$275,000.00 for providing continued Program Management, Engineering, and Construction Oversight Support on the Indefinite Quantities (IDQ) Program - Director, Department of Water and Sewer*
- (P) Board approval of the Hydrant Water Use Rate Schedule Periodic Rate Increase, in accordance with Section 1 (J) of the Water and Sewer Rates Resolution - Director, Department of Water and Sewer*
- (Q) Board denial of “Claim, Request and Demand for [Tax] Refund” requested by Edward McCrimmon concerning ad valorem (property) taxes with regard to property located at 3930 Mathis Airport Road, Parcel Identification Number 137 020 for Tax Year 2020, in the amount of \$30.00 plus future interest at the rate of 11.5% per annum - County Attorney
(Postponed from the March 20, 2025, May 15, 2025, June 19, 2025 and July 8, 2025 Agendas)*
- (R) Board denial of “Claim, Request and Demand for [Tax] Refund” requested by Edward McCrimmon concerning ad valorem (property) taxes with regard to property located at 3930 Mathis Airport Road, Parcel Identification Number 137 020 for Tax Year 2020, in the amount of \$30.00 plus future interest at the rate of 11.5% per annum - County Attorney
(Postponed from the March 20, 2025, May 15, 2025, June 19, 2025 and July 8, 2025 Agendas)*

- (S) *Board denial of "Claim, Request and Demand for [Tax] Refund" requested by Edward McCrimmon concerning ad valorem (property) taxes with regard to property located at 5775 Truman Mountain Road, Parcel Identification Number 322 012 for Tax Year 2024, in the amount of \$1,585.66 plus interest of \$15.20, plus future interest at the rate of 11.5% per annum - County Attorney (Postponed from the March 20, 2025, May 15, 2025, June 19, 2025 and July 8, 2025 Agendas)*
- (3) *Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of August 7, 2025 – County Manager*
- (4) *Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of August 21, 2025 – County Manager*

VIII. Public Hearings

- (1) *Public Hearing and possible vote regarding the request for a Conditional Alcohol License to sell malt beverages (beer), wine, and distilled spirits by the package on the premises for Sawnee Wine & Spirits LLC located at 1740 Dr. Bramblett Rd - Named Licensee is Poornima Banda - AL2505482 - District 1 - Director, Department of Building and Licensing*
- (2) *Public Hearing and possible vote regarding the revocation of existing Conditional Use Permit (CUP) CP220023 - Parcel 010-013 - District 1 - Director, Department of Planning and Community Development (Postponed from the August 15, 2024 Agenda)*
- (3) *Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on CP200014 (QuikTrip Corporation) by QuikTrip Corporation with a variance to: 1. Reduce the front setback abutting McGinnis Ferry Road from 50 ft. to 20 ft. (UDC Table 14.2); 2. Reduce the landscape strips abutting McGinnis Ferry Road and Windward Concourse from 25 ft. to 0 ft. as shown on the site plan (UDC Table 14.2); 3. Reduce the buffer abutting Georgia Highway 400 from 40 ft. to 30 ft. as shown on the site plan (UDC 10-1.10(A)(1)) - Parcels 022-009, 022-008 and 022-001 - AZ250001 - District 5 - Director, Department of Planning and Community Development (Postponed from the April 17, 2025, May 15, 2025, June 19, 2025 and July 17, 2025 Agendas)*
- (4) *Public Hearing to consider an amendment to the Forsyth County Ethics Ordinance, otherwise known as Forsyth County Ordinance 77 or Article III of Chapter 2 of the Forsyth County Code of Ordinances - County Attorney (This is the second of two required Public Hearings; the first was held on July 17, 2025)*
- (5) *Public Hearing regarding a proposed amendment to the Forsyth County Pawn Shop and Pawnbroker Ordinance, otherwise known as Forsyth County Ordinance 96 or Chapter 22, Article III of the Forsyth County Code of Ordinances. This proposed amendment will modify the definition of "pawnbroker." - County Attorney (This is the first of two required Public Hearings)*

IX. Public Comments

X. Old Business

- (1) *Board consideration and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1421 (Technology Park/Atlanta, Inc.) by Carmel Holding Co., LLC with a variance to: 1. Reduce the side setbacks along internal lot or lease lines*

for Tracts 1 & 2 from 15 ft. to 12 ft. (UDC Table 14.2); 2. Reduce the landscape strip abutting McGinnis Ferry Road from 25 ft. to 0 ft. (UDC Table 14.2); 3. Reduce the landscape strip along internal lot or lease lines for Tracts 1 & 2 from 6 ft. to 0 ft. (UDC Table 14.2); 4. Increase the maximum number of parking spaces for Tract 1 from 18 to 36 (UDC 17-2.7); 5. Reduce the required number of parking spaces for Tract 2 from 31 to 26 (UDC Table 17.1); 6. Reduce the side landscape strip for Tract 2 only from 6 ft. to 0 ft. as shown on the site plan (UDC 14-4.13) - Parcel 141-002 - AZ250022 - District 2 - Director, Department of Planning and Community Development

(A Public Hearing was held before the Board of Commissioners on August 7, 2025; the Board voted unanimously to postpone, for decision only, to the August 21, 2025 Agenda)

XI. New Business

- (1) Board consideration and adoption of the 2026 Proposed Budget - Chief Financial Officer, Department of Finance
(Note: the 2026 Proposed Budget will be considered for Adoption at 6:30 p.m.)*
- (2) Board consideration and adoption of the Capital Improvement Program (CIP) - Chief Financial Officer, Department of Finance
(Note: the Capital Improvement Plan (CIP) will be considered for Adoption at 6:30 p.m.)*
- (3) Board consideration of Boundary modifications to 07-Cumming, 16-Otwell, and City of Cumming Municipal Voting Precinct Lines due to annexations and pursuant to procedure in O.C.G.A. § 21-2-262(d) - Director, Department of Voter Registrations and Elections*
- (4) Wendell Smith - CP240037 - to operate a 2,528 sq. ft. minor automobile service establishment in an existing building with 13 parking spaces on 2.0 acres zoned Commercial Business District (CBD) with the following variance to: 1. Reduce the landscape strip abutting Bethelview Road from 25 ft. to 0 ft. (UDC 21-8.5(D)(3)); 2. Reduce the landscape strip between the front property line and any vehicular use area from 10 ft. to 0 ft. (UDC 17-5.7); 3. Reduce the landscape strip along all side lot or lease lines from 10 ft. to 0 ft. (UDC 12-10.15) - Parcel 077-393 - District 1 - Director, Department of Planning and Community Development
(Postponed from the May 15, 2025, June 19, 2025 and July 17, 2025 Agendas)*
- (5) Rockhaven Homes, LLC - ZA4212 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 90.35 acres for 100 residential lots with a density of 1.11 units per acre - Parcels 002-029 and 002-032 - District 1 - Director, Department of Planning and Community Development*
- (6) Rishi Gankidi - ZA4230 - to rezone from Single Family Residential Restricted District (R2R) and Agricultural District (A1) to Single Family Residential District (RES2) on 4.414 acres for 6 residential lots with a density of 1.36 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 037-011 - District 3 - Director, Department of Planning and Community Development
(Postponed from the July 17, 2025 and August 7, 2025 Agendas)*
- (7) Eastwood Homes of Georgia, LLC - ZA4224 - to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 12.51 acres for 18 residential lots with a density of 1.44 units per acre with the following variance to: 1. Reduce the exterior buffer along the northern and western property boundaries adjacent to the existing*

utility easement only from 25 ft. to 0 ft. as shown on the site plan (UDC Table 11.2(b)); 2. Reduce the exterior buffer abutting Post Road adjacent to the existing utility easement only from 40 ft. to 0 ft. (UDC 11-9.6(J)(1)); 3. Reduce the landscape strip abutting Post Road adjacent to the existing utility easement only from 15 ft. to 0 ft. (UDC 21-10.5) - Parcel 057-009 - District 3 - Director, Department of Planning and Community Development

- (8) *Romelia Garcia Lopez - CP240071 - to operate an open storage yard and container yard with an overall site including a 1,616 sq. ft. minor automobile service establishment in an existing building with 4 parking spaces on 0.78 acres zoned Highway Business District (HB) with the following variance to: 1. Reduce the zoning setback along the western property boundary adjacent to the existing structures only from 50 ft. to 14 ft. (UDC Table 12.2); 2. Reduce the zoning buffer along the western property boundary from 40 ft. to 14 ft. (UDC Table 12.2); 3. Reduce the zoning setback along the northern property boundary adjacent to the existing structures only from 50 ft. to 25 ft. (UDC Table 12.2); 4. Reduce the zoning buffer along the northern property boundary from 40 ft. to 25 ft. (UDC Table 12.2); 5. Reduce the zoning setback along the eastern property boundary adjacent to the existing structures only from 50 ft. to 2 ft. (UDC Table 12.2); 6. Reduce the zoning buffer along the eastern property boundary from 40 ft. to 2 ft. (UDC Table 12.2); 7. Reduce the landscape strip along the eastern property boundary from 10 ft. to 2 ft. (UDC 21-6.5(A)(2)); 8. Reduce the landscape strip abutting McFarland Parkway from 20 ft. to 0 ft. (UDC 21-6.5(A)(1)); 9. Reduce the landscape strip between McFarland Parkway and any vehicular use area from 10 ft. to 0 ft. (UDC 17-5.7); 10. Reduce the open space from 25% to 0% (UDC Table 21.6) - Parcel 041-410 - District 3 - Director, Department of Planning and Community Development*
- (9) *320 Brannon Road, LLC - ZA4222 - to rezone from Commercial Business District (CBD) to Restricted Industrial District (M1) on 10.03 acres for offices/warehouses in buildings totaling 121,250 sq. ft. with 220 parking spaces - Parcels 107-012, 107-036 and 107-011 - District 5 - Director, Department of Planning and Community Development*
- (10) *Board ratification of Right-of-Way Settlement Authorization executed by the Forsyth County Attorney, Forsyth County Capital Projects Director, and the Forsyth County Manager, for Parcel 91 of the Post Road Widening Project (PI# 0006915) (Owners: Jeffrey S. Bagley and Janet Bagley Coleman). Staff requests this item be considered on a "Time-Sensitive" basis - County Attorney*

XII. *Recess Regular Meeting*

XIII. *Executive Session (if needed)*

XIV. *Adjournment*

Vice Chairman Hill called the meeting to order at 5:00 p.m. with four members present (Hill, Moore, Levent and Semanson), and one member absent (John).

The Invocation and Pledge of Allegiance were led by Mandi Smith, Director, Forsyth County Voter Registrations & Elections.

ADOPTION OF AGENDA

There was a motion by Commissioner Levent and a second by Commissioner Moore to allow New Business, Item #7 (Eastwood Homes of Georgia, LLC - ZA4224 - to rezone from Agricultural District

(A1) to Single Family Residential District (RES3) on 12.51 acres for 18 residential lots with a density of 1.44 units per acre with the following variance to: 1. Reduce the exterior buffer along the northern and western property boundaries adjacent to the existing utility easement only from 25 ft. to 0 ft. as shown on the site plan (UDC Table 11.2(b)); 2. Reduce the exterior buffer abutting Post Road adjacent to the existing utility easement only from 40 ft. to 0 ft. (UDC 11-9.6(J)(1)); 3. Reduce the landscape strip abutting Post Road adjacent to the existing utility easement only from 15 ft. to 0 ft. (UDC 21-10.5) - Parcel 057-009 - District 3) to be withdrawn without prejudice. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

There was a motion by Commissioner Hill and a second by Commissioner Semanson to postpone Public Hearing, Item #2 (Public Hearing and possible vote regarding the revocation of existing Conditional Use Permit (CUP) CP220023 - Parcel 010-013 - District 1) to the Regular Meeting / Public Hearings of October 16, 2025. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

There was a motion by Commissioner Hill and a second by Commissioner Semanson to postpone New Business, Item #4 (Wendell Smith - CP240037 - to operate a 2,528 sq. ft. minor automobile service establishment in an existing building with 13 parking spaces on 2.0 acres zoned Commercial Business District (CBD) with the following variance to: 1. Reduce the landscape strip abutting Bethelview Road from 25 ft. to 0 ft. (UDC 21-8.5(D)(3)); 2. Reduce the landscape strip between the front property line and any vehicular use area from 10 ft. to 0 ft. (UDC 17-5.7); 3. Reduce the landscape strip along all side lot or lease lines from 10 ft. to 0 ft. (UDC 12-10.15) - Parcel 077-393 - District 1) to the Regular Meeting / Public Hearings of November 20, 2025. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

There was a motion by Commissioner Levent and a second by Commissioner Moore to add New Business, Item #11 (Board consideration of a Resolution of the Forsyth County Board of Commissioners Authorizing a Narrow Lifting of the Existing Moratoriums on the Filing of Residential Zoning Applications such as will Allow Rezoning Application to Be Filed for Two Specific Parcels that have Current Appeals Filed with the County) to the Agenda at the request of the County Attorney. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

There was a motion by Commissioner Semanson and a second by Commissioner Levent to adopt the Agenda as amended. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

UNDER ANNOUNCEMENTS AND REPORTS THE FOLLOWING ACTIONS WERE TAKEN:

None

UNDER PUBLIC COMMENTS THE FOLLOWING PERSON ADDRESSED THE BOARD:

Kirk Wintersteen

UNDER ADOPTION OF MINUTES THE FOLLOWING ACTIONS WERE TAKEN:

(1) Special Called Meeting / Public Hearings of August 7, 2025

There was a motion by Commissioner Semanson and a second by Commissioner Moore to adopt the Minutes of the Special Called Meeting / Public Hearings of August 7, 2025. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

(2) Regular Meeting / Public Hearings and Executive Session of August 7, 2025

There was a motion by Commissioner Semanson and a second by Commissioner Moore to adopt the Minutes of the Regular Meeting / Public Hearings and Executive Session of August 7, 2025. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

(3) Work Session and Executive Session of August 12, 2025

There was a motion by Commissioner Semanson and a second by Commissioner Moore to adopt the Minutes of the Work Session and Executive Session of August 12, 2025. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

UNDER CONSENT AGENDA THE FOLLOWING ACTIONS WERE TAKEN:

There was a motion by Commissioner Moore and a second by Commissioner Semanson to adopt the Consent Agenda as presented:

- (1) Per Board of Commissioners Rule 3.02.01, the Board hereby amends its approval of AZ250020 - which was approved on July 17, 2025. By the present Board action, the Board of Commissioners clarifies that condition 28 stands amended as requested in application AZ250020, with two sub-conditions and the associated site plan (as displayed at the July 17, 2025 meeting) with sub-condition 1 to be corrected to reflect that the relief granted by AZ250020 is not in the nature of a variance. Following this amendment, amended condition 28 shall now read:

Condition 28 - The building setback on Holdbrook Road shall be 75 feet from the right of way, except for Lot 58 which shall have a 65-foot setback in order to make space for a larger enclosed patio, subject to the following additional restrictions:

1. The reduced building setback for lot 58 is only to accommodate the area of the existing patio (15x23 feet) as seen in the concept plan.
2. Plant two rows of evergreen trees behind the patio.

The Forsyth County Clerk is hereby authorized to affix a manual "****" on the official July 17, 2025 minutes at AZ250020 cross-referencing to this evening's approval. - County Attorney

- (2) Board Ratification of the following item that was discussed and voted on at the Work Session held on August 12, 2025 (as anticipated by Board Rule 1.07.01):
 - (A) Board approval for staff to commence the Public Hearing process with the Planning Commission regarding amendments to the Unified Development Code related to the residential moratorium - Planning Manager, Department of Planning and Community Development
 - (B) Board approval of the Groundwater Remediation Project Pilot Test C proposal at the Hightower Road Landfill with Atlantic Coast Consulting, Inc. in the amount of \$140,000.00 – Environmental Scientist Manager, Department of Recycling and Solid Waste
 - (C) Board approval of a Fifth Amendment to the agreement with Common Courtesy to increase the fares as previously approved by the Board on July 17, 2025, as well as extend the term of the Services Agreement from October

22, 2025 to December 31, 2025 - Director, Department of Public Transportation

- (D) Board approval to grant a Right of Way Easement to Sawnee Electric Membership Corporation in the amount of \$1.00 for the installation of an electrical conductor at the Forsyth County Pet Resource Center located at 4055 County Way Road, Cumming, GA – Director, Department of Public Facilities
- (E) Board approval to award Bid 25-77-1620 to Townley Construction Company, Inc. in the amount of \$134,873.00 for concrete repairs and stormwater mitigation at the Coal Mountain Recycling Center for the Department of Recycling & Solid Waste with approval of the associated Construction Services Agreement – Director, Department of Public Facilities
- (F) Board approval to postpone consideration and approval of the award of RFP 25-73-5211 to Lose & Associates, Inc., d/b/a Lose Design, in the amount of \$46,770.00 for Consulting Services: Polo Fields Park Master Plan for the Department of Parks and Recreation with approval of the associated Professional Services Agreement to the August 26, 2025 Work Session Agenda – Director, Department of Parks and Recreation
- (G) Board acceptance of the award from the United States Tennis Association (USTA) Adaptive Tennis Grant in the amount of \$500.00 with no match required with approval of a Budget Resolution - Director, Department of Parks and Recreation
- (H) Board approval of Change Order #17 to Contract #1202000014 with G.P.'s Enterprises, Inc. in the amount of \$161,781.00 for Ronald Reagan Boulevard (PEN12) - Director, Department of Capital Projects
- (I) Board approval of Amendment No. 2 to Task Order 28 with CH2M Hill, Inc. under the Standard Services Agreement for Water and Sewer Engineering Services As-Needed (PO 20220991) in the amount of \$227,178.23 for Construction Phase Services for the Forsyth County Water Intake Road Improvements project (Bid No. 25-84-1514) - Director, Department of Capital Projects
- (J) Board approval of Electrical Service Agreements between Sawnee EMC and Forsyth County for the Bennett Park Redevelopment project - Project Manager, Department of Capital Projects
- (K) Board approval of Task Order #06 to the As Needed Services Agreement with Comprehensive Program Services, Inc. in the amount of \$650,790.00 for Program Management Services for the Sharon Springs Campus Redevelopment - Project Manager, Department of Capital Projects
- (L) Board approval to award RFP 25-50-3340 to PC Construction Company in the amount of \$31,110,000.00 for the Shakerag Water Reclamation Facility Phase II Expansion with approval of the associated Construction Agreement – Director, Department of Water and Sewer
- (M) Board approval of Task Order No. 7 with Brown and Caldwell under the Standard Services Agreement for Water and Sewer Engineering Services As-

Needed (Contract No. 1202300008) in the amount of \$1,475,111.00 for Engineering Services during construction for the Shakerag WRF Phase 2 Expansion Project - Director, Department of Water and Sewer

- (N) Board approval of Task Order No. 25-02 with ESG Engineering, Inc. under the Standard Services Agreement for Water and Sewer Engineering Services As-Needed (Contract No. 1202300006) in the amount of \$205,130.00 to provide consulting services during construction of the Shakerag WRF Phase 2 Expansion Project - Director, Department of Water and Sewer
- (O) Board approval of Amendment No. 1 to Task Order No. 24-01 with ESG Engineering, Inc. under the Standard Services Agreement for Water and Sewer Engineering Services As-Needed (Contract No. 1202300006) in the amount of \$275,000.00 for providing continued Program Management, Engineering, and Construction Oversight Support on the Indefinite Quantities (IDQ) Program - Director, Department of Water and Sewer
- (P) Board approval of the Hydrant Water Use Rate Schedule Periodic Rate Increase, in accordance with Section 1 (J) of the Water and Sewer Rates Resolution - Director, Department of Water and Sewer
- (Q) Board denial of "Claim, Request and Demand for [Tax] Refund" requested by Edward McCrimmon concerning ad valorem (property) taxes with regard to property located at 3930 Mathis Airport Road, Parcel Identification Number 137 020 for Tax Year 2020, in the amount of \$30.00 plus future interest at the rate of 11.5% per annum - County Attorney
- (R) Board denial of "Claim, Request and Demand for [Tax] Refund" requested by Edward McCrimmon concerning ad valorem (property) taxes with regard to property located at 3930 Mathis Airport Road, Parcel Identification Number 137 020 for Tax Year 2020, in the amount of \$30.00 plus future interest at the rate of 11.5% per annum - County Attorney
- (S) Board denial of "Claim, Request and Demand for [Tax] Refund" requested by Edward McCrimmon concerning ad valorem (property) taxes with regard to property located at 5775 Truman Mountain Road, Parcel Identification Number 322 012 for Tax Year 2024, in the amount of \$1,585.66 plus interest of \$15.20, plus future interest at the rate of 11.5% per annum - County Attorney
- (3) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of August 7, 2025 – County Manager
- (4) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of August 21, 2025 – County Manager

Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

UNDER PUBLIC HEARINGS THE FOLLOWING ACTIONS WERE TAKEN:

- (1) **Public Hearing and possible vote regarding the request for a Conditional Alcohol License to sell malt beverages (beer), wine, and distilled spirits by the package on the**

premises for Sawnee Wine & Spirits LLC located at 1740 Dr. Bramblett Rd - Named Licensee is Poornima Banda - AL2505482 - District 1

Jake Hill, Director, Department of Building and Licensing, addressed the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:
None

Speaking in opposition:
None

Vice Chairman Hill declared the Public Hearing closed.

There was a motion by Commissioner Hill and a second by Commissioner Semanson to approve the request for a Conditional Alcohol License to sell malt beverages (beer), wine, and distilled spirits by the package on the premises for Sawnee Wine & Spirits LLC located at 1740 Dr. Bramblett Rd – Named Licensee Poornima Banda – AL2505482. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

- (2) **Public Hearing and possible vote regarding the revocation of existing Conditional Use Permit (CUP) CP220023 - Parcel 010-013 - District 1 - This Item was postponed [during adoption of the Agenda] to the Regular Meeting / Public Hearings of October 16, 2025**
- (3) **Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on CP200014 (QuikTrip Corporation) by QuikTrip Corporation with a variance to: 1. Reduce the front setback abutting McGinnis Ferry Road from 50 ft. to 20 ft. (UDC Table 14.2); 2. Reduce the landscape strips abutting McGinnis Ferry Road and Windward Concourse from 25 ft. to 0 ft. as shown on the site plan (UDC Table 14.2); 3. Reduce the buffer abutting Georgia Highway 400 from 40 ft. to 30 ft. as shown on the site plan (UDC 10-1.10(A)(1)) - Parcels 022-009, 022-008 and 022-001 - AZ250001 - District 5**

Tom Brown, Director, Department of Planning and Community Development, addressed the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:
Ethan Underwood

Speaking in opposition:
Kirk Wintersteen

Vice Chairman Hill declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to approve the request for an Amendment of Zoning Conditions on CP200014 (QuikTrip Corporation) by QuikTrip Corporation with the conditions, variances and Exhibits A,B, and C and the site plan as displayed. The conditions and variances read as follows:

Conditions:

Delete Condition 25(c) in its entirety.

Add Condition #27 to read: Development shall be substantially in accordance with the site plan attached as Exhibit A.

Add Condition #28 to read: Elevations for the convenience store with fuel pumps and the car wash shall be substantially in accordance with the elevations attached as Exhibit B. District Commissioner approval of the final elevation design must be obtained before issuance of an LDP.

Add Condition #29 to read: Landscaping for the convenience store with fuel pumps and the car wash shall be substantially in accordance with the elevations attached as Exhibit C. District Commissioner approval of the final landscape design must be obtained before issuance of an LDP.

Variances:

1. Reduce the front setback abutting McGinnis Ferry Road from 50 ft. to 20 ft. as depicted on site plan. (UDC Table 14.2).
2. Reduce the landscape strips paralleling rights-of-way abutting McGinnis Ferry Road and Windward Concourse from 25 ft. to 0 ft. as depicted on site plan. (UDC Table 14.2).
3. Reduce the buffer abutting GA Highway 400 from 40 ft. to 30 ft. as depicted on site plan. [UDC § 10-1.10(A)(1)].

Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

(4) Public Hearing to consider an amendment to the Forsyth County Ethics Ordinance, otherwise known as Forsyth County Ordinance 77 or Article III of Chapter 2 of the Forsyth County Code of Ordinances

Ken Jarrard, County Attorney, addressed the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:
None

Speaking in opposition:
None

Vice Chairman Hill declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Levent to approve an amendment to the Forsyth County Ethics Ordinance, otherwise known as Forsyth County Ordinance 77 or Article III of Chapter 2 of the Forsyth County Code of Ordinances. Motion passed with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

- (5) **Public Hearing regarding a proposed amendment to the Forsyth County Pawn Shop and Pawnbroker Ordinance, otherwise known as Forsyth County Ordinance 96 or Chapter 22, Article III of the Forsyth County Code of Ordinances. This proposed amendment will modify the definition of "pawnbroker"**

Ken Jarrard, County Attorney, addressed the Board.

Vice Chairman Hill declared the Public Hearing open.

Speaking in favor:
None

Speaking in opposition:
None

Vice Chairman Hill declared the Public Hearing closed.

This was the first of two required Public Hearings; no Board action was taken.

UNDER PUBLIC COMMENTS THE FOLLOWING PERSON ADDRESSED THE BOARD:

None

UNDER OLD BUSINESS THE FOLLOWING ACTIONS WERE TAKEN:

- (1) **Board consideration and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1421 (Technology Park/Atlanta, Inc.) by Carmel Holding Co., LLC with a variance to: 1. Reduce the side setbacks along internal lot or lease lines for Tracts 1 & 2 from 15 ft. to 12 ft. (UDC Table 14.2); 2. Reduce the landscape strip abutting McGinnis Ferry Road from 25 ft. to 0 ft. (UDC Table 14.2); 3. Reduce the landscape strip along internal lot or lease lines for Tracts 1 & 2 from 6 ft. to 0 ft. (UDC Table 14.2); 4. Increase the maximum number of parking spaces for Tract 1 from 18 to 36 (UDC 17-2.7); 5. Reduce the required number of parking spaces for Tract 2 from 31 to 26 (UDC Table 17.1); 6. Reduce the side landscape strip for Tract 2 only from 6 ft. to 0 ft. as shown on the site plan (UDC 14-4.13) - Parcel 141-002 - AZ250022 - District 2**

Tom Brown, Director, Department of Planning and Community Development, addressed the Board.

Commissioner Semanson spoke regarding this Item at the request of Chairman John and asked that Staff display the condition.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to approve the request for an Amendment of Zoning Conditions on ZA1421 (Technology Park/Atlanta, Inc.) by Carmel Holding Co., LLC with a variance to: 1. Reduce the side setbacks along internal lot or lease lines for Tracts 1 & 2 from 15 ft. to 12 ft. (UDC Table 14.2); 2. Reduce the landscape strip abutting McGinnis Ferry Road from 25 ft. to 0 ft. (UDC Table 14.2); 3. Reduce the landscape strip along internal lot or lease lines for Tracts 1 & 2 from 6 ft. to 0 ft. (UDC Table 14.2); 4. Increase the maximum number of parking spaces for Tract 1 from 18 to 36 (UDC 17-2.7); 5. Reduce the required number of parking spaces for Tract 2 from 31 to 26 (UDC Table 17.1); 6. Reduce the side landscape strip for Tract 2 only from 6 ft. to 0 ft. as shown on the site plan (UDC 14-4.13) - Parcel 141-002 - AZ250022 - with the condition and site plan as displayed. The condition reads as follows:

1. A landscape plan showing plantings to supplement the existing front landscaping is to be submitted to the County Arborist for review and approval. The approved landscaping is to be installed prior to approval of any plat to subdivide parcel 141-002.

Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

At this time, there was a motion by Commissioner Semanson and a second by Commissioner Moore to go to New Business, Item #3 (Board consideration of Boundary modifications to 07-Cumming, 16-Otwell, and City of Cumming Municipal Voting Precinct Lines due to annexations and pursuant to procedure in O.C.G.A. § 21-2-262(d)) so that New Business Item #1 (Board consideration and adoption of the 2026 Proposed Budget) and New Business, Item #2 (Board consideration and adoption of the Capital Improvement Program (CIP)) could be heard at the time required adoption of 6:30 p.m. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

UNDER NEW BUSINESS THE FOLLOWING ACTIONS WERE TAKEN:

- (1) Board consideration and adoption of the 2026 Proposed Budget – This Item will be considered at 6:30 p.m. – See Page #29 for action taken**
- (2) Board consideration and adoption of the Capital Improvement Program (CIP) – This Item will be considered at 6:30 p.m. – See Page #29 for action taken**
- (3) Board consideration of Boundary modifications to 07-Cumming, 16-Otwell, and City of Cumming Municipal Voting Precinct Lines due to annexations and pursuant to procedure in O.C.G.A. § 21-2-262(d)**

Mandi Smith, Director, Department of Voter Registrations and Elections, addressed the Board.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to approve the Boundary modifications to 07-Cumming, 16-Otwell, and City of Cumming Municipal Voting Precinct Lines due to annexations and pursuant to procedure in O.C.G.A. § 21-2-262(d) as presented. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

- (4) Wendell Smith - CP240037 - to operate a 2,528 sq. ft. minor automobile service establishment in an existing building with 13 parking spaces on 2.0 acres zoned Commercial Business District (CBD) with the following variance to: 1. Reduce the landscape strip abutting Bethelview Road from 25 ft. to 0 ft. (UDC 21-8.5(D)(3)); 2. Reduce the landscape strip between the front property line and any vehicular use area from 10 ft. to 0 ft. (UDC 17-5.7); 3. Reduce the landscape strip along all side lot or lease lines from 10 ft. to 0 ft. (UDC 12-10.15) - Parcel 077-393 - District 1 - This Item was postponed [during adoption of the Agenda] to the Regular Meeting / Public Hearings of November 20, 2025**
- (5) Rockhaven Homes, LLC - ZA4212 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 90.35 acres for 100 residential lots with a density of 1.11 units per acre - Parcels 002-029 and 002-032 - District 1**

Tom Brown, Director, Department of Planning and Community Development, addressed the Board.

There was a motion by Commissioner Hill and a second by Commissioner Semanson to approve the request by Rockhaven Homes, LLC - ZA4212 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 90.35 acres for 100 residential lots with a density of 1.11 units per acre – Parcels 002-029 and 002-032 - with the conditions, site plan and elevations as displayed. The conditions read as follows:

1. The development shall include no more than one-hundred (100) lots.
2. Owner/developer shall dedicate a minimum right-of-way of ten (10) feet from the back of curb for any required road improvements on Old Federal Road as part of site development, when applicable as determined by GDOT and/or Forsyth County Department of Engineering.
3. Development shall tie onto Forsyth County sewer system by gravity, unless otherwise approved by the Director of Water and Sewer. A lift station will be required if adjacent property does not construct their lift station.
4. Gravity sewer outfalls shall follow natural contours to minimize depth.
5. Sewer access must be provided to all upstream properties, to include the conveyance at no cost of any easements needed for sewer connectivity.
6. Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be done at the developer's expense.
7. There shall be a ten (10) foot minimum setback between any building and all Utility Easements, unless otherwise approved by the Forsyth County Department of Water and Sewer.
8. There shall be no trees planted within the right-of-way or in Utility Easements unless otherwise approved by the Department of Water and Sewer or the Department of Engineering.
9. Full construction left and right turn lanes into the proposed development shall be required.
10. An eighty-five (85) foot conservation area shall be provided along the common boundary with Old Federal Road.
 - (a) Homes shall be located no closer than 30 feet from this conservation area;
 - (b) The first fifty (50) feet along Old Federal Road shall include a minimum six (6) foot tall berm;
 - (c) This conservation area shall be undisturbed except,;
 - (i) where necessitated by utilities and stormwater drainage features that may be located therein;
 - (ii) the above-referenced berm;

- (iii) inclusion of the entry monument, CBU structure, Amenity, and parking area for CBU within this conservation area; and
 - (iv) Plantings to create a visual screen between Old Federal Road and structures within the development.
 - (d) This conservation area shall be made subject to a conservation easement for the benefit of the Homeowners Association (HOA), which shall require the consent of the Homeowners Association (HOA) for removal of vegetation therein. In this regard, a minimum 4-foot tall, black four-board wooden fence shall be installed along any interior boundary of this conservation area that is included within any lot, with signage posted that state's "no disturbance beyond this point".
11. A 35-foot conservation area shall be provided along all exterior boundaries:
- (a) The 35-foot conservation area shall be planted or supplemented to satisfy Forsyth County Buffer Standards except within areas otherwise subject to and landscaped to comply with UDC § 11-9.6(J).
 - (b) The conservation area(s) may include and count towards any required exterior buffers.
 - (c) Primary structures shall be located no closer than thirty (30) feet from the conservation area(s).
 - (d) All conservation areas shall be undisturbed except,
 - (i) Where necessitated for inclusion of the Amenity, including, but not limited to, the CBU (Cluster Box Unit) structure, and parking area for CBU;
 - (ii) Where necessitated by utilities and stormwater drainage features that may be located therein.
12. Any and all portions of an exterior buffer or stream buffer shall be made subject to a Conservation Easement for the benefit of the Homeowners Association (HOA), which shall require the consent of the Homeowners Association (HOA) for removal of vegetation therein. In this regard, a minimum 4 foot tall, black four-board wooden fence shall be installed along all exterior buffers and stream buffers included within any lot, with signage posted that states "No Disturbance Beyond This Point".
13. Maintenance and upkeep of exterior buffers shall be the responsibility of the Homeowners Association (HOA).
14. Homes shall be located no closer than thirty (30) feet from a stream buffer.
15. FEMA Certificates of Elevation, or a substitute equivalent deemed acceptable by the Director of Planning & Community Development, shall be verified and provided to purchasers of homes with lots abutting flood zones.

16. Lots containing any slopes greater than 3:1 shall be stabilized using sod and/or maintained plantings, excluding stormwater management ponds.
17. If disturbed, the exterior buffers shall be supplemented with two (2) rows of plantings with plant sizes and spacings in accordance with the County Buffer Standards and as approved by the County Arborist.
18. Prior to the filing of the Final Plat, an accurate scale map of the development shall be created which clearly shows the location of, at a minimum, lot boundaries, common areas, tree groupings, tree protection areas, significant trees, wetlands, flood plain, stormwater facilities, conservation areas, exterior buffers, stream buffers, trails, amenities, and roads. Exterior buffers and stream buffers shall be clearly marked as Tree Protection Areas and shall include a notation stating "Removal of any tree within any Tree Protection Area is prohibited by law". Copies of said map shall be maintained at any sales office and copies thereof shall be furnished to any lot owner on request upon payment of a reasonable charge therefore. A print of said map measuring no less than twenty-four (24) inches by thirty-six (36) inches shall be displayed in a prominent location within the development's primary amenity area and maintained in good condition.
19. Any specimen tree located within an exterior buffer or within a stream buffer shall not be removed without written attestation by the Georgia Forestry Commission or a Certified Arborist that the subject tree is dead, diseased, hazardous, or infested. Pruning shall only be permitted if recommended by a Certified Arborist and shall require the consent of the Homeowners Association (HOA). Any pruning shall be done in accordance with ANSI A300 (part 1) "Standards for tree care operations - Pruning".
20. Tree topping is not allowed, crown reduction pruning must be used instead.
21. Prior to or at the time of recording a Final Plat, a Homeowners Association (HOA) shall be created by recording a declaration with the Forsyth County Clerk of Court creating covenants upon the development which are administered by a Homeowners' Association (HOA). Said covenants shall include, but not be limited to, the following:
 - (a) Membership in the Homeowners Association (HOA) shall be required of every lot owner. Membership in the POA shall be a condition of closing on any lot within the development;
 - (b) Control of the Homeowners Association (HOA) shall be transferred to purchaser-owners of lots no later than the sale of ninety percent (90%) of the lots;
 - (c) No more than ten percent (10%) of the dwelling units may be rented or leased at any one time;
 - (d) The Homeowners Association (HOA) shall, at a minimum, maintain the landscaped entrance area, monument sign, road frontage fencing, road frontage landscaping, buffers, stormwater facilities/structures, and amenity areas/structures;

- (e) If applicable, the seller of any lot shall, prior to closing, notify prospective purchasers that the subject property is adjacent to an active agricultural facility and agricultural operation, in operation for more than one (1) year, which produces offensive conditions including, but not limited to, unpleasant smells, loud and/or unpleasant noises, dust, and traffic;
 - (f) An accurate scale map of the development shall be created, if not already created, which clearly shows the location of, at a minimum, lot boundaries, common areas, tree groupings, tree protection areas, significant trees, wetlands, flood plain, stormwater facilities, conservation areas, exterior buffers, stream buffers, trails, amenities, and roads. Exterior buffers and stream buffers shall be clearly marked as Tree Protection Areas and shall include a notation stating "Removal of any tree within any Tree Protection Area is prohibited by law". Copies of said map shall be maintained at any sales office and copies thereof shall be furnished to any lot owner on request upon payment of a reasonable charge therefore;
 - (g) Any specimen tree located within an exterior buffer or within a stream buffer shall not be removed without written attestation by the Georgia Forestry Commission or a Certified Arborist that the subject tree is dead, diseased, hazardous, or infested. Pruning shall only be permitted if recommended by a Certified Arborist and shall require the consent of the Homeowners Association (HOA). Any pruning shall be done in accordance with ANSI A300 (part 1) "Standards for tree care operations - Pruning". Tree topping is not allowed, crown reduction pruning must be used instead.
22. The stormwater ponds, ponds, and any other areas with standing water shall be landscaped and maintained in keeping with entrance areas, amenity areas, and other landscaped areas within the community and shall include a diversity of plant material based on species recommendations referenced in the Georgia Stormwater Management Manual. The planting selection shall achieve adequate screening and shall promote natural mosquito control through providing appropriate habitat for various insects that feed on mosquitos throughout the mosquito life cycle. A landscaping plan to comply with the requirements of this condition shall be reviewed and approved by the County Arborist.
23. Minimum heated floor area per dwelling unit, exclusive of basements or partial basements, garages, and porches:
- (a) One-story homes shall be a minimum of two-thousand two-hundred (2,200) square feet of heated floor area, exclusive of basements or partial basements, garages, and porches;
 - (b) Two-story homes shall be a minimum of three-thousand (3,000) square feet of heated floor area, exclusive of basements or partial basements, garages, and porches;
 - (c) Any home having more than twenty-four hundred (2,400) square feet of heated floor area, exclusive of garages and porches, on the main level shall qualify as a one-story home for the purpose of this condition such that any

additional heated square footage on the second level shall not constitute a two-story home for the purpose of this condition.

24. Landscaping of individual lots

- (a) Species Diversity. No more than 33% of shrubs on a lot may be a single species
- (b) Minimum Size.
 - (i) New understory trees must be a minimum of six (6) feet in height at time of planting.
 - (ii) New overstory trees must be a minimum of eight (8) feet in height at time of planting.
 - (iii) New shrubs must be a minimum of two (2) feet in height at time of planting.
- (c) Unless determined by County staff to be infeasible due to site constraints, each lot shall contain a minimum of four (4) trees, at least two of which must be located in the front yard.
- (d) Corner Lots shall contain a minimum of six (6) trees with at least two (2) trees located in each yard abutting the streets.

25. Homes may be constructed with front façade elevations generally consistent with the elevations submitted with the zoning application for the subject property dated March 21, 2025 labeled "elevations_za4212_rev_032125" and/or include a mix of brick, shake, board and batten, stacked stone and/or fiber cement siding. The use of vinyl siding is strictly prohibited.

26. Windows.

- (a) False windows shall be prohibited;
- (b) Shutters: Where present, shutters must match one half the width and shape of the window opening to which they are adjacent;
- (c) Front Window Coverage: All walls facing the front yard must provide window openings whose total area equals or exceeds fifteen percent (15%) of the total area of that wall;
- (d) Side Window Coverage. All walls facing the side yard must provide window openings whose area equals or exceeds ten percent (10%) of the total area of that wall. Gable fronts and basements shall be excluded from this calculation;
- (e) Window Depth. Where no trim is provided or trim is provided but is less than 3.5 inches in width, windowpanes must be recessed a minimum of one and one half (1.5) inches from the outermost finished surface of the adjacent exterior wall. Where trim of at least three and a half (3.5) inches wide is

provided, windowpanes must be recessed a minimum of one and one half (1.5) inches from the surface of the adjacent trim.

27. Eaves and Overhangs.

- (a) All overhangs, including gables, at a height of fifteen (15) feet or less, as measured from the lowest ground level of the structure's exterior, shall extend a minimum of twelve (12) inches from the face of the building.
- (b) All overhangs, including gables, at a height of more than fifteen (15) from the ground or another roofed surface that is directly vertically adjacent, as measured from the lowest ground level of the structure's exterior or the directly vertically adjacent lower roofed surface, shall extend a minimum of sixteen (16) inches from the face of the building.

28. Garages.

- (a) At least 80% of homes in the development shall have a side entry garage;
- (b) All homes shall have a garage that shall accommodate no less than two (2) cars. In addition, at least 80% of all homes shall have a third garage that can accommodate a third car, provided that this third garage door may be oriented toward a street or public right-of way;
- (c) Garage doors facing a street must be recessed at least ten (10) feet from the surface of the frontmost exterior wall of the dwelling;
- (d) Front facing garages shall not exceed fifty percent (50%) of the width of the home;
- (e) Garage doors shall be carriage style.

29. Porches.

- (a) All homes shall include a covered main entrance.
- (b) At least 80 % of the homes shall have covered porches at the main entrance that comply with the following:
 - (i) Each covered front porch must be at least one hundred (100) square feet in size and the area satisfying the minimum one hundred (100) square feet shall be a minimum of six (6) feet deep. This condition shall not prohibit the construction of porches with areas less than six (6) feet deep provided that such areas shall not count toward the mandatory minimum one hundred (100) square feet porch area;
 - (ii) The depth of each covered front porch shall be measured from the outer most edge of the walking surface to the lowest projecting face of the wall cladding;

- (iii) Each covered front porch must be at least thirty-three percent (33%) of the width of the exterior wall from which it projects;
 - (iv) Each covered front porch must be covered and continuous.
- 30. Building Orientation to Street.
 - (a) Pedestrian Entrance. The primary pedestrian entrance for each main building must face a street or public open space. A walkway with a minimum width of three (3) feet must be provided between the primary pedestrian entrance and the driveway.
- 31. No more than three (3) adjacent houses located on the same side of the street may have identical facade designs or dominant color schemes.
- 32. Accessory Buildings and Structures if any are constructed.
 - (a) Exterior Materials: Accessory buildings and structures must use the same exterior wall materials as the primary building;
 - (b) Floor Area: The total floor area of all accessory buildings and structures excluding swimming pools, on a lot may not exceed fifty percent (50%) of the total floor area of the primary building on that same lot.
- 33. Subdivision Monument Sign. The subdivision shall have a monument sign located at the entrance which shall comply with the following standards:
 - (a) Sign Supports. The supporting sign structure may be constructed with the following durable materials:
 - (i) Brick: Full-depth masonry brick, but not adhered brick veneers;
 - (ii) Stone: Unpainted natural stone, unpainted cast stone having the appearance of natural stone, and unpainted terra cotta;
 - (b) Sign Supports Disallowed. The supporting structure may not be constructed of wood, treated or untreated, unless approved by the District Commissioner.
 - (c) Sign Face. Sign faces may be composed of the following materials:
 - (i) Metal: painted or unpainted;
 - (ii) Wood: treated to withstand water or painted;
 - (iii) Synthetic material having the appearance of wood or metal;
 - (iv) Any material permitted for the supporting structure.
 - (d) Lighting. Internally illuminated signs and upward facing lights are prohibited.

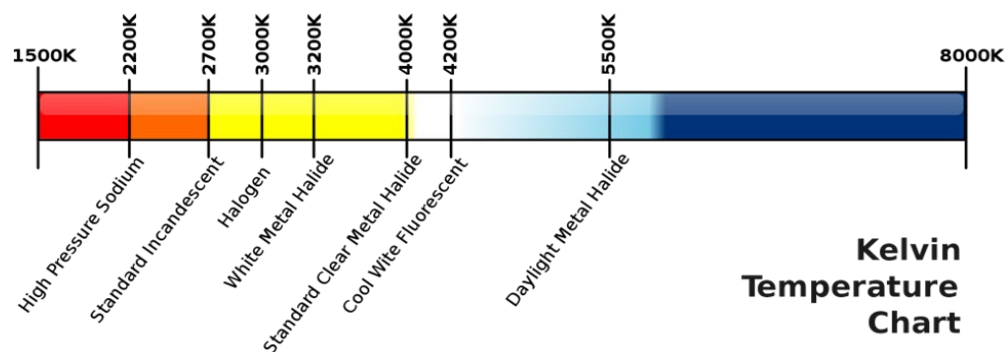
34. Subdivision Landscaping.

- (a) Diversity of Trees. No more than 33% of newly planted trees in a development may be of a single species.

35. Subdivision Lighting.

- (a) All subdivision lighting shall be (i) full cut-off fixtures or (ii) residential lighting available from the power utility company that most restricts light spillage;
- (b) Consistency. The subdivision must provide a consistent streetlight fixture throughout the development.

36. All developer installed lighting, including, but not limited to, streetlights shall emit a low color temperature light having a Kelvin temperature of no more than three-thousand (3,000). Thereby, light emitted from any source on site will be in the “warm” spectrum and light with a bluish color, sometimes referred to as “daylight” lights, which are in the “cool” spectrum are prohibited. See the chart below for guidance.



37. All amenity conditions shall be fully met before any certificates of occupancy are issued. Developer shall install the following elements (collectively, “the Amenity”):

- (a) A structure with a floor area measuring no less than twenty-five (25) feet by twenty-five (25) feet. The floor of the structure shall be concrete or decking. There shall be a roof covering the entire floor area and that extends no less than twenty-four (24) inches from the edge of the floor. The minimum height of any part of the ceiling shall be ten (10) feet. The structure shall be equipped with interior and exterior lighting on separate switches. The structure shall be equipped with no less than two (2) fifty-eight (58) inch outdoor-rated fans. The structure shall be equipped with lightning protection including, but not limited to, a properly grounded lightning rod and power surge protectors rated for lightning protection. Walls are optional;
- (b) A sitting area with a firepit that is a safe distance from, but adjacent to, the aforementioned structure. The firepit shall be no less than five (5) feet in diameter. The firepit sitting area shall have a floor area of no less than eighty (80) square feet, exclusive of the aforementioned firepit, constructed with stone, pavers, and/or stamped concrete;

- (c) A play structure for children of all ages sized for occupancy of a minimum of twelve (12) children at one time and equipped with equipment suitable for children up to the age of twelve (12);
 - (d) At least two (2) pickleball courts;
 - (e) A Cluster Box Unit ("CBU") structure; and
 - (f) Shade trees and seating which is shaded by said shade trees or a shade structure matching the community aesthetic on all community space intended for shared use by the residents of the development.
38. Development shall be substantially in accordance with the site plan attached as Exhibit A.

Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

- (6) **Rishi Gankidi - ZA4230 - to rezone from Single Family Residential Restricted District (R2R) and Agricultural District (A1) to Single Family Residential District (RES2) on 4.414 acres for 6 residential lots with a density of 1.36 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 037-011 - District 3**

Tom Brown, Director, Department of Planning and Community Development, addressed the Board.

Ethan Underwood, Attorney, addressed the Board at the request of Commissioner Levent.

There was a motion by Commissioner Levent and a second by Commissioner Semanson to postpone the request by Rishi Gankidi - ZA4230 - to rezone from Single Family Residential Restricted District (R2R) and Agricultural District (A1) to Single Family Residential District (RES2) on 4.414 acres for 6 residential lots with a density of 1.36 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 037-011 to the Regular Meeting / Public Hearings of October 16, 2025. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

- (7) **Eastwood Homes of Georgia, LLC - ZA4224 - to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 12.51 acres for 18 residential lots with a density of 1.44 units per acre with the following variance to: 1. Reduce the exterior buffer along the northern and western property boundaries adjacent to the existing utility easement only from 25 ft. to 0 ft. as shown on the site plan (UDC Table 11.2(b)); 2. Reduce the exterior buffer abutting Post Road adjacent to the existing utility easement only from 40 ft. to 0 ft. (UDC 11-9.6(J)(1)); 3. Reduce the landscape strip abutting Post Road adjacent to the existing utility easement only from 15 ft. to 0 ft. (UDC 21-10.5) - Parcel 057-009 - District 3 - This Item was withdrawn without prejudice [during adoption of the Agenda]**

- (8) **Romelia Garcia Lopez - CP240071 - to operate an open storage yard and container yard with an overall site including a 1,616 sq. ft. minor automobile service establishment in an existing building with 4 parking spaces on 0.78 acres zoned Highway Business District (HB) with the following variance to: 1. Reduce the zoning setback along the western property boundary adjacent to the existing structures only from 50 ft. to 14 ft. (UDC Table 12.2); 2. Reduce the zoning buffer along the western property boundary from 40 ft. to 14 ft. (UDC Table 12.2); 3. Reduce the zoning setback along the northern property boundary adjacent to the existing structures only from 50 ft. to 25 ft. (UDC Table 12.2); 4. Reduce the zoning buffer along the northern property boundary from 40 ft. to 25 ft. (UDC Table 12.2); 5. Reduce the zoning setback along the eastern property boundary adjacent to the existing structures only from 50 ft. to 2 ft. (UDC Table 12.2); 6. Reduce the zoning buffer along the eastern property boundary from 40 ft. to 2 ft. (UDC Table 12.2); 7. Reduce the landscape strip along the eastern property boundary from 10 ft. to 2 ft. (UDC 21-6.5(A)(2)); 8. Reduce the landscape strip abutting McFarland Parkway from 20 ft. to 0 ft. (UDC 21-6.5(A)(1)); 9. Reduce the landscape strip between McFarland Parkway and any vehicular use area from 10 ft. to 0 ft. (UDC 17-5.7); 10. Reduce the open space from 25% to 0% (UDC Table 21.6) - Parcel 041-410 - District 3**

Tom Brown, Director, Department of Planning and Community Development, addressed the Board.

There was a motion by Commissioner Levent and a second by Commissioner Semanson to deny the request by Romelia Garcia Lopez – CP240071 – to operate an open storage yard and container yard with an overall site including a 1,616 sq. ft. minor automobile service establishment in an existing building with 4 parking spaces on 0.78 acres zoned Highway Business District (HB) with the following variance to: 1. Reduce the zoning setback along the western property boundary adjacent to the existing structures only from 50 ft. to 14 ft. (UDC Table 12.2); 2. Reduce the zoning buffer along the western property boundary from 40 ft. to 14 ft. (UDC Table 12.2); 3. Reduce the zoning setback along the northern property boundary adjacent to the existing structures only from 50 ft. to 25 ft. (UDC Table 12.2); 4. Reduce the zoning buffer along the northern property boundary from 40 ft. to 25 ft. (UDC Table 12.2); 5. Reduce the zoning setback along the eastern property boundary adjacent to the existing structures only from 50 ft. to 2 ft. (UDC Table 12.2); 6. Reduce the zoning buffer along the eastern property boundary from 40 ft. to 2 ft. (UDC Table 12.2); 7. Reduce the landscape strip along the eastern property boundary from 10 ft. to 2 ft. (UDC 21-6.5(A)(2)); 8. Reduce the landscape strip abutting McFarland Parkway from 20 ft. to 0 ft. (UDC 21-6.5(A)(1)); 9. Reduce the landscape strip between McFarland Parkway and any vehicular use area from 10 ft. to 0 ft. (UDC 17-5.7); 10. Reduce the open space from 25% to 0% (UDC Table 21.6) - Parcel 041-410. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

- (9) **320 Brannon Road, LLC - ZA4222 - to rezone from Commercial Business District (CBD) to Restricted Industrial District (M1) on 10.03 acres for offices/warehouses in**

buildings totaling 121,250 sq. ft. with 220 parking spaces - Parcels 107-012, 107-036 and 107-011 - District 5

Tom Brown, Director, Department of Planning and Community Development, addressed the Board.

Sean Courtney, Attorney, addressed the Board at the request of Commissioner Semanson.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to approve the request by 320 Brannon Road, LLC – ZA4222 - to rezone from Commercial Business District (CBD) to Restricted Industrial District (M1) on 10.03 acres for offices/warehouses in buildings totaling 121,250 sq. ft. with 220 parking spaces – Parcels 107-012, 107-036 and 107-011 with the site plan, renderings and conditions as displayed. The conditions read as follows:

1. Development shall be substantially similar to the site plan on file, with the exception that the west entrance on Brannon Road be eliminated.
2. A right-in/right-out only drive with a raised concrete median and appropriate striping shall be required at the only entrance on Brannon Road. A decel lane leading to the right-in/right out drive shall be required.
3. Development shall tie onto Forsyth County sewer system by gravity unless otherwise approved by Director of W&S.
4. Gravity sewer outfalls shall follow natural contours to minimize depth.
5. Sewer access must be provided to all upstream properties.
6. Any improvements to the water or sewer systems required to meet fire flow or other requirements shall be done at developer's expense.
7. There shall be a 10-foot minimum setback from all Utility Easements to any building, unless otherwise approved by Forsyth County W&S.
8. There shall be no trees planted within the right of way or in utility easements.
9. Development shall be managed by a Property Owners Association ("POA"), with covenants enforceable by the POA that will ensure the quality, cleanliness and appearance of the development as to landscaping, common areas, open space, trash collection and building maintenance.
10. Exterior building elevations shall be a minimum of (3) three sides masonry with accents such as but not limited to Architectural metal panels/siding, synthetic or natural stone, stucco, decorative CMU. Vinyl siding is prohibited. The (3) three masonry sides shall cover 75% of each side of the building excluding window, doors and glass. District Commissioner shall have final approval of the elevations.
11. Any doors or windows located on the front elevations shall be insulated storefront glass with two- inch (2") metal frames, not including garage doors.

12. Metal siding shall only be allowed on the side or rear elevations with the exception of elevations that face Brannon Road.
13. Dumpster enclosures are required, shall be opaque and shall enclose the dumpster on three sides. Enclosures shall be constructed of materials and colors that match the building on site and shall be at least one (1) foot taller than the highest point of the dumpster or compactor. A gate is required and shall be composed of metal or other durable material which shall reach the height of the three-sided enclosure. Gate color shall be coordinated to match the design of the dumpster enclosure and gates shall be oriented towards the interior of the site. All dumpsters and compactors shall be equipped with lids.
14. Buildings located on the subject property shall be one-story. This does not prohibit buildings from having mezzanine levels.
15. The maximum square footage of any individual tenant or ownership suite shall be limited to 5,000 square feet.
16. It is encouraged to incorporate branding and placemaking elements—such as monument signage, enhanced landscaping, themed lighting, and/or public art—that reflect the character and vision of South Forsyth.
17. The following uses shall not be permitted on the subject property:
 - (a) Adult entertainment and adult materials establishments
 - (b) Automobile services establishment, major
 - (c) Automobile service establishments, minor (except for low intensity uses including but not limited to detailing and window tinting)
 - (d) Escort Services
 - (e) Palm reading and fortune telling
 - (f) Crematories
 - (g) Open storage yards
 - (h) Recycling and recovery facilities
 - (i) Solid waste transfer stations
 - (j) Tire retreading and recapping facilities
 - (k) Convenience stores, with or without gasoline pumps
 - (l) Gas stations
 - (m) Bars, Lounges, or nightclubs provided this shall not preclude a restaurant from having a bar
 - (n) Theaters
 - (o) Dry cleaning plants
 - (p) Fuel oil distributors
 - (q) Fuel uses associated with production, management and harvesting of timber
 - (r) Lumber yards, planning and sawmills
 - (s) Open air business and open storage yards
 - (t) Service stations
 - (u) Truck terminals
 - (v) Junk yards, wrecked motor vehicle compounds, and wrecker services
 - (w) Salvage yards

- (x) Massage parlors
 - (y) Electronic message board signs
 - (z) The manufacturing, distributing, licensing, and/or selling of drug paraphernalia on the subject property is prohibited. For purposes of this condition, drug paraphernalia" shall mean instrument designed to facilitate the smoking, consumption, preparation, or ingestion of tobacco, drugs, or nicotine in any form. The terms shall include, but is not limited to, items such as bonges, hookah pipes, grinders, drug/tobacco sales, faux jewelry, bracelets, necklaces, er ether devices or objects commonly associated with tobacco, vaping, or drug preparation or use.
18. There shall be no portion of the subject property utilized for outside storage of junk vehicles. boats, recreational vehicles, vehicles sales, vehicle service or vehicle detailing. The storage of trash, junk or refuse on the property is prohibited.
19. Tractor-trailer access, including loading bays, docking facilities, and parking areas, is strictly prohibited on the premises.
20. Lighting located in the parking areas shall be LED full cut off fixtures and shall not exceed 30 feet in height. Any decorative lighting shall be such fixtures that complement the architectural system of the buildings.
21. Building mounted lighting shall be Gooseneck style decorative and shall highlight architectural features and not illuminate the entire building facade.
22. Metal entry doors, awnings, canopies, gutters, gooseneck exterior lighting and other decorative elements that are non-structural, architectural details attached to a building facade shall be dark in color with a minimum of three such elements incorporated for every building. Metallic tones of silver, gold, light bronze, bright copper and painted effects that result in a non-muted or lightened appearance shall be prohibited.
23. Burglar bars, fiberglass awning, and steel-roll down curtains are prohibited.
24. Covered structures within parking lots are prohibited. This does not apply to dumpster enclosures as contemplated in Condition 13.
25. The front landscape strip along Brannon Road shall include a black four board fence and be planted to Forsyth County Buffer Standards. Developer should make good faith efforts to save and preserve existing specimen trees in front of the current home. The District Commissioner shall have final approval of the landscape plan.
26. During anytime a unit is vacant after its initial opening (a "Vacant Building") for a period of at least thirty (30) days ("Vacancy Period"), the owner of the building or POA shall:
- (a) Clean and maintain the unit, including its exterior facing, and window treatments;
 - (b) Maintain all on-site parking areas and landscaping in the same condition as they had been maintained prior to vacancy;

- (c) Operate all lighting in the parking lot and other external areas, exclusive of identification signs, in the same manner as they had been prior to the vacancy period;
 - (d) To minimize possible criminal activity associated with a vacant building, the developer or POA shall ensure that no outdoor signage or like materials visible to the general public that emphasize the building is a Vacant Building be erected or posted;
 - (e) Keep the building free of graffiti;
 - (f) Repair all other acts of vandalism in a timely manner.
27. The owner of the building or POA, regardless of the building's occupancy status, shall be responsible for:
- (a) Maintaining cleanliness of the entire site by removing any trash, rubbish, or other debris from the premises;
 - (b) Maintaining landscaping and replacing dead or damaged plants;
 - (c) Repair or replace building elements that are damaged, dilapidated or in disrepair (such as, but not limited to, broken windows).

Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

- (10) **Board ratification of Right-of-Way Settlement Authorization executed by the Forsyth County Attorney, Forsyth County Capital Projects Director, and the Forsyth County Manager, for Parcel 91 of the Post Road Widening Project (PI# 0006915) (Owners: Jeffrey S. Bagley and Janet Bagley Coleman). Staff requests this item be considered on a "Time-Sensitive" basis**

Ken Jarrard, County Attorney, addressed the Board.

John Jefferson, Director, Department of Capital Projects, addressed the Board at the request of Vice Chairman Hill.

There was a motion by Commissioner Levent and a second by Commissioner Semanson to ratify the Right-of-Way Settlement Authorization executed by the Forsyth County Attorney, Forsyth County Capital Projects Director, and the Forsyth County Manager, for Parcel 91 of the Post Road Widening Project (PI #0006915) (Owners: Jeffrey S. Bagley and Janet Bagley Coleman) as presented and that this Item be approved Time Sensitive. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

- (11) **Board consideration of a Resolution of the Forsyth County Board of Commissioners Authorizing a Narrow Lifting of the Existing Moratoriums on the Filing of Residential Zoning Applications such as will Allow Rezoning Application to Be Filed for Two Specific Parcels that have Current Appeals Filed with the County**

Ken Jarrard, County Attorney, addressed the Board. A proposed Resolution was provided to the Board.

Ethan Underwood, Attorney, addressed the Board at the request of Commissioner Levent.

There was a motion by Commissioner Levent to approve the Resolution of the Forsyth County Board of Commissioners Authorizing a Narrow Lifting of the Existing Moratoriums on the Filing of Residential Zoning Applications such as will Allow Rezoning Application to Be Filed for Two Specific Parcels that have Current Appeals Filed with the County but that the Planning Commission and Board of Commissioners have discretion on placement of conditions on the applications, and that the zoning chart offers only RES1. The motion was withdrawn.

There was a motion by Commissioner Levent and a second by Commissioner Moore to approve the Resolution of the Forsyth County Board of Commissioners Authorizing a Narrow Lifting of the Existing Moratoriums on the Filing of Residential Zoning Applications such as will Allow Rezoning Application to Be Filed for Two Specific Parcels that have Current Appeals Filed with the County with the exceptions and changes to require a minimum lot size of 37,000 square feet and that all conditions stay within the purview of the Planning Commission and Board of Commissioners. Motion carried with three members in favor (Hill, Moore and Levent), one member in opposition (Semanson) and one member absent (John).

At this time, Vice Chairman Hill proposed to recess the Regular Meeting / Public Hearings until time to discuss New Business, Item #1 (Board consideration and adoption of the 2026 Proposed Budget) and New Business, Item #2 (Board consideration and adoption of the Capital Improvement Program (CIP)) which will be considered at 6:30 p.m.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to recess the Regular Meeting / Public Hearings meeting for ten (10) minutes at 6:17 p.m. Motion carried with four members in favor (Hill, Moore, Levent and Semanson) and one member absent (John).

There was a motion by Commissioner Semanson and a second by Commissioner Hill to reconvene the Regular Meeting / Public Hearings at 6:27 p.m. Motion carried with three members in favor (Hill, Moore and Semanson) and two members absent (John and Levent).

At this time, the Board considered New Business, Item #1 and New Business, Item #2.

UNDER NEW BUSINESS (CONTINUED) THE FOLLOWING ACTIONS WERE TAKEN:

(1) Board consideration and adoption of the 2026 Proposed Budget

Brian Clark, Chief Financial Officer, Department of Finance, addressed the Board.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to adopt the 2026 Proposed Budget. Motion carried with three members in favor (Hill, Moore and Semanson) and two members absent (John and Levent).

(2) Board consideration and adoption of the Capital Improvement Program (CIP)

Brian Clark, Chief Financial Officer, Department of Finance, addressed the Board.

There was a motion by Commissioner Semanson and a second by Commissioner Moore to adopt the Capital Improvement Program (CIP). Motion carried with three members in favor (Hill, Moore and Semanson) and two members absent (John and Levent).

There was a motion by Commissioner Semanson and a second by Commissioner Hill to adjourn the Regular Meeting / Public Hearings at 6:34 p.m. Motion carried with three members in favor (Hill, Moore and Semanson) and two members absent (John and Levent).

Kiersten Law

Clerk of Commission



The above and foregoing Minutes are hereby certified as being correct and ordered as recorded.

Alfred John

Alfred John, Chairman

Kerry Hill

Kerry Hill, Vice Chairman

Mendy Moore

Mendy Moore, Secretary

Todd Levent

Todd Levent, Member

Laura Semanson, Member

Please reference the streaming video located on the Forsyth County website, www.forsythco.com, for detailed information concerning this Meeting.