

Information regarding remote streaming is available at [www.forsythco.com](http://www.forsythco.com)

**REVISED**

**AGENDA  
FORSYTH COUNTY BOARD OF COMMISSIONERS  
THURSDAY, JANUARY 5, 2023 AT 5:00 PM  
110 EAST MAIN STREET, SUITE 220  
CUMMING, GEORGIA 30040**

**I. Call Meeting to Order**

**II. Invocation and Pledge of Allegiance**

**III. Adoption of Agenda**

**IV. Adoption of Rules and Procedures for 2023**

**V. Election of Officers for 2023**

**VI. Announcements and Reports**

- (1) Board presentation of a Resolution recognizing the Department of Communications for winning multiple National Association of County Information Officers (NACIO) annual awards - John / Hill
- (2) Presentation by Assistant County Manager - Assistant County Manager

**VII. Public Comments**

**VIII. Adoption of Minutes**

- (1) Regular Meeting / Public Hearings of December 15, 2022
- (2) Work Session and Executive Session of December 20, 2022

**IX. Consent Agenda**

- (1) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of December 20, 2022
- (2) Board ratification of a Sewer Reservation Agreement for the Fulton/Big Creek Basin: EPIC Homes, LLC - 4,860 gpd - Director, Department of Water and Sewer
- (3) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility (WRF): AJT Holdings, LLC - 1,652 gpd - Director, Department of Water and Sewer
- (4) Board approval and authorization to correct October 6, 2022 consent agenda minutes (Consent Agenda item 2), by authorizing the Clerk to the Board of Commissioners to place an "\*\*\*" on said minutes, with a cross reference to this date and agenda header, correcting the street name on the October 6, 2022 minutes from Bentwood Path to Benchwood Path - Director, Department of Engineering

- (5) Board adoption of a Resolution recognizing the Department of Communications for winning multiple National Association of County Information Officers (NACIO) annual awards - John / Hill
- (6) Board ratification of the following items that were discussed and voted on at a Work Session held on December 20, 2022 (to the extent that a Board Member was not present to vote on the Items presented below at the December 20, 2022 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 the Forsyth County Emergency Management Agency and the University of Georgia College of Public Health as presented - Director, Emergency Management Agency
  - (B) Board approval to declare a tendered list of items as surplus with authorization for the Department of Procurement to dispose of accordingly - Director, Department of Procurement
  - (C) Board approval to award Bid 22-120-3401 to Latham Home Sanitation for Litter/Trash Removal on various roadways within the County as presented - Manager of Environmental Programs, Department of Recycling and Solid Waste
  - (D) Board approval to award Bid 22-121-5211 to No Ego, Inc., Express Press, and Digital Dash Creative for Screen-Printed Apparel Items for the Department of Parks and Recreation for calendar year 2023 as presented - Director, Department of Parks and Recreation
  - (E) Board approval of a Service Agreement and Addendum with Schindler Elevator Corporation in the amount of \$20,196.00, exclusive of applicable taxes, for annual service of the Juvenile Justice Court elevators - Director, Department of Public Facilities
  - (F) Board approval of Change Order 1 with Strickland & Sons Pipeline, Inc. in the amount of \$209,480.65 to deduct the remaining balance of the contract for final payment and closeout of the Bentley/Derby Waterline Extension Project with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Water and Sewer
  - (G) Board approval of Pay Applications 1 and 2 with Lanier Contracting Company in the total amount of \$128,355.63 for providing emergency response and repair services to repair a buried leaking chemical line and damaged storm drain at the Antioch Water Treatment Plant with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Water and Sewer
  - (H) Board approval to award Bid 22-115-3320 to Tank Pro, Inc. in the amount of \$757,740.00 for the Gilbert Road Water Tank Improvements for the Department of Water and Sewer with authorization for the County Manager to execute documents in furtherance of same as presented - Deputy Director Water/Wastewater Operations, Department of Water and Sewer

- (I) Board approval to award RFP 22-108-3320 to Black & Veatch, Brown and Caldwell, ESG Engineering, Freese & Nichols, Hazen and Sawyer, HDR Engineering, Jacobs Engineering Group, Precision Planning, and Prime Engineering for Water and Sewer Engineering Services on an as-needed basis for the Department of Water and Sewer with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Water and Sewer
- (J) Board approval of a Service Agreement with SwiftComply in a not to exceed amount of \$24,281.00 for software support for the Department of Water and Sewer's Backflow and FOG programs - Director, Department of Water and Sewer
- (K) Board approval of a Sewer Reservation Agreement with RD Links Investment, LLC for 580 gallons per day (gpd) of sewer capacity with authorization for the Department of Water and Sewer to purchase said sewer capacity from the City of Cumming - Director, Department of Water and Sewer
- (L) Board approval of Change Order #14 in the amount of \$649,587.23 with fourteen (14) additional workdays for the SR 369/400 Interchange (PEW29) project portion under contract with Vertical Earth (Contract Number 1202000030) with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Capital Projects
- (M) Board approval of a Supplemental Agreement between Forsyth County and the Georgia Department of Transportation (GDOT) in the amount of \$649,587.23 for the SR 369/400 Interchange (PEW29) project under contract with Vertical Earth (Contract Number 1202000030) with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Capital Projects
- (N) Board authorization for Nova Engineering and Environmental, LLC to perform three (3) Soil Test Borings at SR 369/400 to determine the cause for continued cracking in existing SR 369 travel lanes adjacent to the Stage 1 West Approach Ramp in the amount of \$13,750 - Director, Department of Capital Projects
- (O) Board approval of AZ220040, an application seeking an Amendment of Zoning Conditions on ZA3866 (PPNJS, LLC) by Prime Peach Little Mill, LLC - Parcels 280-026 and 280-016, with the conditions and exhibits - Director, Department of Planning and Community Development
- (P) Board authorization for staff to proceed with the Public Hearing process regarding County-Initiated variances for Parcel 269-078, 5115 Archer Avenue - Mills / Levent
- (Q) Board approval to postpone the discussion regarding whether to return Work Sessions to the Large Conference Room to the February 21, 2023 Agenda - Cooper / Semanson

**X. Public Hearings**

- (1) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3249 (Green Acres Development, Inc.) by Toll Brothers, Inc. - Parcels 010-098 and 010-139 - AZ220038 - District 1 - Director, Department of Planning and Community Development  
**(Postponed from the November 3, 2022 and December 1, 2022 Agendas. The application was withdrawn without prejudice during the December 15, 2022 Regular Meeting / Public Hearings.)**
- (2) Public Hearing and possible vote for approval of an Alternate Design for Passport Experiences, LLC with the following variances to: 1.) Reduce the minimum percentage of primary wall materials from 75% to 0% (UDC 12-13.9(A)); 2.) Increase the maximum percentage of accent wall materials from 25% to 100% (UDC 12-13.9(B)); 3.) Reduce the horizontal offset spacing from every 60 ft. to 0 ft. (UDC 12-13.10(A)); 4.) Reduce the depth of roof overhang from 10% of the wall height to 0% (UDC 12-13.11(C)(1)); 5.) Reduce the parapet height from 2 ft. to 0 ft. (UDC 12-13.11(D)(1)); 6.) Reduce the depth of roof overhang from 5% of the wall height to 0% (UDC 12-13.11(D)(2)); 7.) Reduce the minimum percentage of window glazing comprising the area of each building façade that faces a public right-of-way from 45% to 0% (UDC 12-13.12(A)); and, 8.) Reduce the requirement of 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 - AD220009 - District 5 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3771 (Razmi Ventures, LLC) by Gayathri Morampudi - Parcel 081-055 - AZ220041 - District 3 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Sign Standards within the Coal Mountain Overlay - Planning Manager, Department of Planning and Community Development  
**(The first Public Hearing was held before the Planning Commission on November 15, 2022)**
- (5) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Salons and Personal Service Establishments within Chapters 3, 12, 14, 16, 17, and 21 - Planner II, Department of Planning and Community Development  
**(The first Public Hearing was held before the Planning Commission on November 15, 2022)**
- (6) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Car Wash and Drive-Through - Planning Manager, Department of Planning and Community Development  
**(The first Public Hearing was held before the Planning Commission on November 15, 2022)**
- (7) Public Hearing and possible vote regarding proposed modifications to the Forsyth County Sign Ordinance, to include changes to the type of public road upon which an electronic message board may be installed and the land uses which may qualify for an electronic message board - Planning Manager, Department of Planning and Community Development  
**(The first Public Hearing was held before the Board of Commissioners on December 1, 2022)**

- (8) Public Hearing and possible vote regarding proposed modifications to the Forsyth County Unified Development Code to include changes to the permitted window signs in the Buford Highway Overlay; changes to the Atlanta Highway-McFarland Parkway-Mullinax Road Overlay District, the Castleberry-Bethelview Crossroads Overlay District, the Campground-Castleberry-Kelly Mill-Pittman-Post-Shiloh Road Overlay District, and the Buford Highway Overlay District regarding electronic message boards; applicability of South Forsyth sign regulations; and, the addition of "conference centers" to the definition of Commercial Recreational Facility, Indoor - Planning Manager, Department of Planning and Community Development **(The first Public Hearing was held before the Board of Commissioners on October 25, 2022)**

#### **XI. Public Comments**

#### **XII. Old Business**

- (1) Board consideration and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2699 (Aaron J. Land) by Chris Cowart Properties, LLC with the following variances: 1.) Reduce the zoning buffer along the northern property boundary adjacent to tax map/parcel 062-020 from 40 ft. to 0 ft. (UDC Table 14.2); 2.) Reduce the zoning setback along the northern property boundary adjacent to tax map/parcel 062-020 from 50 ft. to 0 ft. (UDC Table 14.2); 3.) Reduce the landscape strip along the side lot line adjacent to tax map/parcel 063-191 from 6 ft. to 0 ft. (UDC 14-4.13); 4.) Reduce the undisturbed buffer abutting Georgia Highway 400 from 40 ft. to 0 ft. to allow for utilities and existing structures within the required buffer and replanting the undisturbed buffer per the County Buffer Standards (UDC 10-1.10(A)(1)); 5.) Reduce the setback abutting Georgia Highway 400 from 60 ft. to 30 ft. (UDC 10-1.10(A)(1)); 6.) Reduce the side setback adjacent to tax map/parcel 063-191 from 15 ft. to 0 ft. (UDC Table 14.2); and, 7.) Reduce the front setback from 50 ft. to 38 ft. (UDC Table 14.2) - Parcel 063-057 - AZ210045 - District 5 - Director, Department of Planning and Community Development **(Postponed from the January 6, 2022, February 3, 2022, March 17, 2022, April 21, 2022, May 19, 2022, June 16, 2022, July 21, 2022, August 18, 2022, and September 15, 2022 Agendas. A Public Hearing was held before the Board of Commissioners on October 20, 2022 - the Board voted 4-0-1 (Chairman John absent) to postpone, for decision only, to the November 3, 2022 Agenda. Postponed from the November 3, 2022, November 17, 2022, December 1, 2022, and December 15, 2022 Agendas.)**

#### **XIII. New Business**

- (1) Reid Family Partnership II, LLLP - ZA4070 - to rezone from Highway Business District (HB) and Agricultural District (A1) to Highway Business District (HB) on 3.10 acres with Conditional Use Permits (CUPs) for an open storage yard and open-air business associated with existing buildings totaling 1,637 sq. ft. with 6 parking spaces with the following variances to: 1.) Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18); 2.) Reduce the landscape strips abutting Majors Road and Shiloh Road from 15 ft. to 0 ft. (UDC Table 21.6); 3.) Reduce the front setback abutting Majors Road adjacent to the existing structures only from 40 ft. to 15 ft. (UDC Table 21.6); and, 4.) Increase the maximum number of parking spaces from 5 to 6 (UDC 21-6.5(D)(1)) - Parcels 084-374 and 084-157 - District 5 - Director, Department of Planning and Community Development **(Postponed from the December 15, 2022 Agenda)**
- (2) Board consideration of a Resolution appointing Jarrard & Davis, LLP to serve as the County Attorneys - Mills / Semanson

- (3) Board appointment / reappointment of the Veterinarian to serve on the Animal Control Board for a term to begin effective immediately and expire on December 31, 2024 - County Manager
- (4) Board appointment / reappointment of the Adult Resident to serve on the Animal Control Board for a term to begin effective immediately and expire on December 31, 2024 - County Manager
- (5) Board appointment / reappointment of the Consumer Advocate to serve on the Board of Health for a term to begin effective immediately and expire on December 31, 2028 - County Manager
- (6) Board reappointment of Jason Shivers to serve as a member on the North Georgia Region 2 EMS Advisory Council for a term to begin effective immediately and expire on December 31, 2025 - County Manager
- (7) Board appointment of a Commissioner to serve on the Administrative Committee for a term to begin effective immediately and expire on December 31, 2024 - County Manager
- (8) Board reappointment of Matt McClure to serve as the District 1 Representative on the Parks and Recreation Board for a term to begin effective immediately and expire on December 31, 2024 - County Manager
- (9) Board reappointment of Gary Cooper to serve as the District 4 Representative on the Parks and Recreation Board for a term to begin effective immediately and expire on December 31, 2024 - County Manager
- (10) Board appointment / reappointment of the District 5 Representative to serve on the Parks and Recreation Board for a term to begin effective immediately and expire on December 31, 2024 - County Manager
- (11) Board appointment of Nedal Shawkat to serve as the District 1 Representative on the Planning Commission for a term to begin effective immediately and expire on December 31, 2026 - County Manager
- (12) Board appointment of the District 3 Representative to serve on the Planning Commission for a term to begin effective immediately and expire on December 31, 2026 - County Manager
- (13) Board appointment of Adrian Flack to serve as the District 4 Representative on the Planning Commission for a term to begin effective immediately and expire on December 31, 2026 - County Manager
- (14) Board appointment / reappointment of the District 1 Representative to serve on the Public Facilities Authority for a term to begin effective immediately and expire on December 31, 2026 - County Manager
- (15) Board appointment / reappointment of the District 3 Representative to serve on the Public Facilities Authority for a term to begin effective immediately and expire on December 31, 2026 - County Manager
- (16) Board appointment / reappointment of the District 1 Representative to serve on the Zoning Board of Appeals for a term to begin effective immediately and expire on December 31, 2026 - County Manager

- (17) Board appointment / reappointment of the District 3 Representative to serve on the Zoning Board of Appeals for a term to begin effective immediately and expire on December 31, 2026 - County Manager

**XIV. Recess Regular Meeting**

**XV. Executive Session (if needed)**

**XVI. Adjournment**