



The Office of Secretary of State

Brad Raffensperger
SECRETARY OF STATE

Blake Evans
ELECTIONS DIRECTOR

July 15, 2022

VIA USPS FIRST-CLASS MAIL

Ken E. Jarrard
Jarrard & Davis, LLP
222 Web Street
Cumming, GA 30040

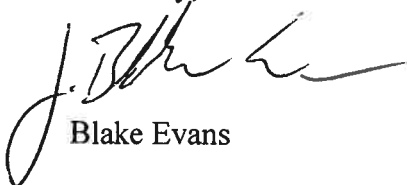
RE: Local Act Amendment for Forsyth County, Georgia

Dear Sir or Madam:

This letter acknowledges receipt of your notification letter and the required documentation with regard to an amendment to the Georgia Enabling Legislation regarding Board of Commissioner qualifications that was approved by the Forsyth County Board of Commissioners at its two consecutive meetings held on June 2, 2022, and June 16, 2022. The required documentation received included a copy of the amendment, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published.

A copy of your letter and the required documentation are enclosed for your reference. These documents bear a filing date of July 15, 2022, which is the date on which such documents were filed in this office. Should you have any questions, please contact Meaghan Kelling at 404-302-0464 or mkelling@sos.ga.gov.

Sincerely,



Blake Evans

Enclosures

Cc: H. Jeff Lanier, Office of Legislative Counsel (via email)



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STEPHANIE D. BANKS

July 8, 2022

VIA OVERNIGHT DELIVERY

Georgia Secretary of State
Elections Division
2 Martin Luther King Drive, S.E.
West Tower, Suite 802
Atlanta, Georgia 30334

SECRETARY OF STATE

JUL 15 2022

ELECTIONS DIVISION

**Re: Amendment to Forsyth County, Georgia Enabling Legislation Regarding
Board of Commissioner Qualifications**

To Whom It May Concern:

According to Article IX, Section 2, paragraph 1(g) of the Georgia Constitution, enclosed please find (1) a copy of the signed Resolution; (2) copies of the meeting minutes reflecting that this change was approved at two consecutive meetings of the Board of Commissioners (on June 2, 2022 and June 16, 2022); and (3) a copy of the Affidavit of Publication containing a copy of the publications that ran in the Forsyth County News on May 18, 2022, May 25, 2022, and June 1, 2022.

Please file the above documents and return a filed-stamped copy to our office in the self-addressed, stamped envelope provided. Please contact me if you have any questions. Thank you for your assistance in this matter.

Kindest regards.

Sincerely,

JARRARD & DAVIS, LLP


Ken E. Jarrard

KEJ/dkr
Encl.

**A RESOLUTION AND ORDINANCE BY THE FORSYTH COUNTY BOARD OF
COMMISSIONERS OF FORSYTH COUNTY TO AMEND THE FORSYTH COUNTY,
GEORGIA ENABLING LEGISLATION WITH RESPECT TO BOARD OF
COMMISSIONER QUALIFICATIONS**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that "each county shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and ... may, as an incident of its home rule power, amend or repeal the local acts applicable to its governing authority..."

SECRETARY OF STATE

WHEREAS, an Act to create a Board of Commissioners for Forsyth County, as approved by the General Assembly on June 30, 1964 (1964 Ga. Laws, Ex. Sess. p. 2250), ~~known as the "Election Division"~~ **ELECTION DIVISION**;

WHEREAS, the Local Act was amended on March 2, 1972 (1972 Ga. Laws, p. 2065) via local legislation such that Section 4 currently provides:

The commissioners shall be citizens of this State who have attained the age of twenty-five (25) years and who have been residents of Forsyth County not less than two (2) years next preceding their election, and they shall hold no other office of the county, a municipality, or of the State of Georgia during their terms of office.

WHEREAS, the Forsyth County Board of Commissioners desires to amend Section 4 of the Local Act, and otherwise modify the Local Act, as amended, to remove the prohibition against a Board Member holding another county, municipal, or state office;

WHEREAS, pursuant to Article IX, Section II, Paragraph I (b)(1) of the Constitution of the State of Georgia, local acts may be amended by a resolution or ordinance duly adopted at two regular consecutive meetings of the county governing authority not less than seven nor more than 60 days apart and a notice containing a synopsis of the proposed amendment shall be published in the official county organ once a week for three weeks within a period of 60 days immediately

preceding its final adoption;

WHEREAS, those requirements applicable to amendments to local acts of the General Assembly by a resolution or ordinance duly adopted by the county governing authority as set forth in the Georgia Constitution, Article IX, Sec. II, Par. I (b)(1) have been met and satisfied, and, specifically, notice of the consideration of this Resolution has been advertised and this Resolution has been duly adopted by the governing authority at two regularly consecutive meetings in compliance with the Constitution of the State of Georgia, Article IX, Section II, Paragraph I, Subparagraph (b)(1); and

NOW, THEREFORE, BE IT RESOLVED, by the Forsyth County Board of Commissioners that the Act creating the Board of Commissioners for Forsyth County, approved June 30, 1964 (1964 Ga. Laws, Ex. Sess., p. 2225), as amended, particularly by an Act approved March 2, 1972 (1972 Ga. Laws, p. 2065), is amended by modifying Section 4 as follows:

Section 4. - Qualifications.

The commissioners shall be citizens of this State who have attained the age of twenty-five (25) years and who have been residents of Forsyth County not less than two (2) years next preceding their election, and they shall hold no other office of the county, or of any municipality within or whose boundary abuts the county, or the State of Georgia. If a commissioner accepts a sworn position with a municipality (i.e., a paid or volunteer municipal police officer), the commissioner shall disclose same to the board of commissioners within a reasonable time.

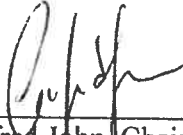
BE IT FURTHER RESOLVED that any other Ordinance, Resolution, or local law, or portion thereof, now in effect, that is in conflict with any of the provisions of this Resolution and Ordinance is hereby repealed.

BE IT FURTHER RESOLVED that this Resolution and Ordinance shall become effective when all required documents have been filed with the Secretary of State as required by Article IX, Section II, Paragraph I (g) of the Constitution of the State of Georgia.

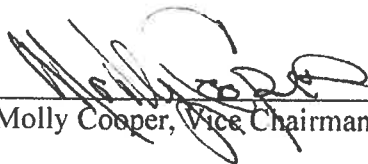
The public health, safety and welfare demanding it.

WITNESS my hand and official seal this 16th day of June, 2022.

FORSYTH COUNTY BOARD OF COMMISSIONERS



Alfred John, Chairman




Molly Cooper, Vice Chairman



Todd Levent, Secretary



Cindy Jones Mills, Member



Laura Semanson, Member

Attest:



Rienda P. Howard
Clerk to the Board

6/2/2022 Board of Commissioners Regular Meeting/Public Hearings

Minutes

FORSYTH COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING/PUBLIC HEARINGS

JUNE 2, 2022

On Thursday, June 2, 2022 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: Alfred John – Chairman, Molly Cooper – Vice Chairman, Todd Levent – Secretary, Cindy Jones Mills – Member, Laura Semanson – Member, Kevin Tanner – County Manager, Molly Esswein – Jarrard & Davis and Rhonda Hansard – County Clerk.

THE FORSYTH COUNTY BOARD OF COMMISSIONERS REGULAR MEETING / PUBLIC HEARINGS ON JUNE 2, 2022, AT 5:00 P.M. SHALL BE VIA IN-PERSON ASSEMBLY OF THE BOARD.

While the public may attend the meeting in-person, information regarding remote streaming and participation opportunities is available at www.forsythco.com

AGENDA

FORSYTH COUNTY BOARD OF COMMISSIONERS

THURSDAY, JUNE 2, 2022 AT 5:00 PM

110 EAST MAIN STREET, SUITE 220

CUMMING, GEORGIA 30040

SECRETARY OF STATE

JUL 15 2022

ELECTIONS DIVISION

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) Regular Meeting / Public Hearings of May 19, 2022

(2) Work Session of May 24, 2022

VII. Consent Agenda

(1) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of May 24, 2022

(2) Board ratification of the following items that were discussed and voted on at a Work Session held on May 24, 2022 (to the extent that Board Members were not present to vote on one of the items presented below at the May 24, 2022 Work Session, the absent Board Members have indicated having no objection to placement of the items on the Consent Agenda - at the request of County staff - as anticipated by Board Rule 1.07.01):

- (A) Board approval of the Ten Year Solid Waste Plan - Manager of Environmental Programs, Department of Recycling and Solid Waste
- (B) Board acceptance of the Georgia Transportation Infrastructure Bank (GTIB) Grant with authorization for the Chairman to sign to receive the approved funding in the amount of \$750,000.00 for the Coal Mountain Connector Project from the State Road and Tollway Authority (SRTA) and with approval of a Budget Resolution- Director, Department of Engineering
- (C) Board approval to award RFP 22-005-1620 to More Business Solutions in the not to exceed amount of \$119,039.50 for Mailroom and Copy Services for the Department of Public Facilities with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Public Facilities
- (D) Board approval to purchase thirty-two (32) RPZ Boxes with associated Backflow Preventers and Hoses as a Sole Source Purchase through Delta Municipal Supply in the amount of \$101,152 for the Cross Connection Control team / Department of Water and Sewer as presented - Director, Department of Water and Sewer
- (E) Board approval to purchase Lift Station Odor Control Chemicals from Evoqua Water Technologies in the not to exceed amount of \$195,202 and Southern Environmental Systems in the not to exceed amount of \$168,594 (total purchase price of \$363,796) for the Department of Water and Sewer as presented - Director, Department of Water and Sewer
- (F) Board approval of an Indefinite Quantities Construction Work Order with Lanier Contracting Company in the not to exceed amount of \$897,748 for Capacity Sharing Improvements at the Antioch Water Treatment Plant as presented - Director, Department of Water and Sewer
- (G) Board approval to purchase an Indefinite Quantities Construction Work Order with Lanier Contracting Company in a not to exceed amount of \$329,735 for Chemical Carrier Pipe Installation at the Antioch Water Treatment Plant as presented - Director, Department of Water and Sewer
- (H) Board approval to award Bid 22-009-3150 to DAF Concrete, Inc. in the amount of \$740,160 to provide all labor, materials, and equipment for the construction of the Brannon Road Sidewalk with authorization for the County Manager to execute documents in furtherance of the same as presented - Director, Department of Capital Projects
- (I) Board approval of Change Order 3 with NOVA Engineering and Environmental in the amount of \$8,125 for Construction and Special Inspection Testing of the Juvenile Justice Center - Director, Department of Capital Projects
- (J) Board approval of Task Order 22-01 with ESG Engineering, Inc. in the not to exceed amount of \$1,016,160 regarding Owner Advisor Services for the Fowler Wastewater Reclamation Facility Return Flow to Lake Lanier Project as presented - Director, Department of Capital Projects
- (K) Board authorization for the County Attorney to draft language to add to the existing Short-Term Rental Ordinance regarding Permit Display Requirement(s) with authorization to bring the recommendation back to a future Work Session as well as authorization for Brandon Kenney, Assistant County Manager, to collaborate with the Sheriff's Office to develop an internal inspection procedure - Semanson / John
- (L) Board approval to reappoint Sarah Pedarre' as the District 1 Representative to the Department of Family and Children Services (DFCS) Board of Directors for a five-year term to begin on July 1, 2022 and expire on June 30, 2027 as presented - County Manager
- (M) Board approval to reappoint Terry Hawkins as the Forsyth County Government (non-elected) Representative to the Avita Community Partners Board of Directors for a three-year term to begin on July 1, 2022 and expire on June 30, 2025 - County Manager
- (N) Board approval to reappoint Kathy Thomas as the District 4 Representative to the Library Board of Trustees for a four-year term to begin on July 1, 2022 and expire on June 30, 2026 - County Manager
- (O) Board approval to reappoint Christy Winters as the District 5 Representative to the Library Board of Trustees for a four-year term to begin July 1, 2022 and expire June 30, 2026 - County Manager

VIII. Public Hearings

- (I) Public Hearing and possible vote regarding an Alternate Design for Highway Nine Investors, LLC and variance to UDC 21-6.5(D) - Parcel C12-006 - AD220005 - District 1 - Director, Department of Planning and Community Development

(2) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3916 (Halvorsen Development Corporation) by Halvorsen Development Corporation with the following variance to: 1.) Increase the height of a freestanding pole-mounted light from 18 ft. to 26 ft. (UDC 21-11.6(E)(2)) - Parcels 031-192, 031-182, 031-110, 031-077, and 031-076 - AZ220018 - District 1 - Director, Department of Planning and Community Development

(3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2541 (Eagle Land Group Inc) by Christina Balkcom - Parcel 034-193 - AZ220019 - District 1 - Director, Department of Planning and Community Development

(4) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1794 (Peachtree Development Group, Inc.) by Timothy and Rebecca Griffith with the following variance to: 1.) Reduce the rear setback from 20 ft. to 6 ft. (UDC Table 11.2(a)) - Parcel 159-159 - AZ220013 - District 2 - Director, Department of Planning and Community Development

(Postponed from the May 5, 2022 Agenda)

(5) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3728 (RocaPoint Partners, LLC) by Max Feidelson - Parcel 065-211 - AZ220017 - District 2 - Director, Department of Planning and Community Development

(Postponed from the May 5, 2022 Agenda)

(6) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2431 (Vickery Land Co., LLC) by Luxe Properties, Inc. - Parcel 058-707 - AZ220005 - District 3 - Director, Department of Planning and Community Development

(Postponed from the March 3, 2022; April 7, 2022; and, May 5, 2022 Agendas)

(7) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3469 (ESES Properties, LLC) by Hema Muppala and Dasaratha Kumar Ghanta - Parcel 080-006 - AZ220008 - District 3 - Director, Department of Planning and Community Development

(Postponed from the April 7, 2022 and May 5, 2022 Agendas)

(8) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3282 (D7WBH, LLC) by Daniel Pham - Parcel 021-881 - AZ220022 - District 3 - Director, Department of Planning and Community Development

(9) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3756 (The Fields at Keith Bridge, LLC) by The Fields at Keith Bridge LLC - Parcel 267-103 - AZ220015 - District 4 - Director, Department of Planning and Community Development

(Postponed from the May 5, 2022 Agenda)

(10) Public Hearing and possible vote regarding the County-Initiated request to rezone from Agricultural District (A1) to Restricted Industrial District (M1) for industrial buildings totaling approximately 383,281 sq. ft. on 36.761 acres - Parcels 236-029 and 236-093 - ZA4071 - District 4 - Director, Department of Planning and Community Development

(11) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Parking Surfacing within Chapter 17 - Planner III, Department of Planning and Community Development

(The first Public Hearing was held before the Planning Commission on April 26, 2022.)

IX. Public Comments

X. Old Business

XI. New Business

(1) Board consideration of the request by 5152, LLC for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to deny a variance on VA220020 (5152, LLC). The variance was denied on April 12, 2022 - AV220002 - District 3 - Director, Department of Planning and Community Development

(2) Board consideration of adopting an amendment to the Forsyth County Enabling Legislation to modify the qualifications for service as a Commissioner such as would allow a BOC member to hold an official position in another municipality that is not within County limits or where the municipality does not share a border with Forsyth County - County Attorney

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment

Chairman John recognized a quorum and called the meeting to order.

The Invocation and Pledge of Allegiance were led by John Mullin, Code Compliance Director.

ADOPTION OF AGENDA

There was a motion by Commissioner Levent and a second by Commissioner Mills to withdraw, without prejudice, Public Hearing, Item #6 (Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2431 (Vickery Land Co., LLC) by Luxe Properties, Inc. - Parcel 058-707 - AZ220005 - District 3) from the Agenda. Motion carried unanimously.

There was a motion by Commissioner Levent and a second by Commissioner Semanson to move New Business, Item #1 (Board consideration of the request by 5152, LLC for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to deny a variance on VA220020 (5152, LLC). The variance was denied on April 12, 2022 - AV220002 - District 3) and New Business, Item #2 (Board consideration of adopting an amendment to the Forsyth County Enabling Legislation to modify the qualifications for service as a Commissioner such as would allow a BOC member to hold an official position in another municipality that is not within County limits or where the municipality does not share a border with Forsyth County) to be heard following adoption of the Consent Agenda and prior to Public Hearing, Item #1. Motion carried unanimously.

There was a motion by Commissioner Cooper and a second by Commissioner Semanson to postpone Public Hearing, Item #3 (Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2541 (Eagle Land Group Inc) by Christina Balkcom - Parcel 034-193 - AZ220019 - District 1) to the Regular Meeting/Public Hearings of July 7, 2022. Motion carried unanimously.

There was a motion by Commissioner Mills and a second by Commissioner Semanson to postpone Public Hearing, Item #9 (Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3756 (The Fields at Keith Bridge, LLC) by The Fields at Keith Bridge LLC - Parcel 267-103 - AZ220015 - District 4) to the Regular Meeting/Public Hearings of July 21, 2022. Motion carried unanimously.

There was a motion by Commissioner Semanson and a second by Commissioner Mills to adopt the agenda as amended. Motion carried unanimously.

UNDER ANNOUNCEMENTS AND REPORTS THE FOLLOWING ACTIONS WERE TAKEN:

None

UNDER PUBLIC COMMENTS THE FOLLOWING PERSONS ADDRESSED THE BOARD:

None

UNDER ADOPTION OF MINUTES THE FOLLOWING ACTIONS WERE TAKEN:

(1) Regular Meeting/Public Hearings of May 19, 2022

There was a motion by Commissioner Semanson and a second by Commissioner Cooper to adopt the minutes of the Regular Meeting/Public Hearings of May 19, 2022. Motion carried unanimously.

(2) Work Session of May 24, 2022

There was a motion by Commissioner Semanson and a second by Commissioner Cooper to adopt the minutes of the Work Session of May 24, 2022. Motion carried unanimously.

UNDER CONSENT AGENDA THE FOLLOWING ACTIONS WERE TAKEN:

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

- (1) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of May 24, 2022
- (2) Board ratification of the following items that were discussed and voted on at a Work Session held on May 24, 2022 (to the extent that Board Members were not present to vote on one of the items presented below at the May 24, 2022 Work Session, the absent Board Members have indicated having no objection to placement of the items on the Consent Agenda - at the request of County staff - as anticipated by Board Rule 1.07.01):
 - (A) Board approval of the Ten Year Solid Waste Plan - Manager of Environmental Programs, Department of Recycling and Solid Waste
 - (B) Board acceptance of the Georgia Transportation Infrastructure Bank (GTIB) Grant with authorization for the Chairman to sign to receive the approved funding in the amount of \$750,000.00 for the Coal Mountain Connector Project from the State Road and Tollway Authority (SRTA) and with approval of a Budget Resolution- Director, Department of Engineering
 - (C) Board approval to award RFP 22-005-1620 to More Business Solutions in the not to exceed amount of \$119,039.50 for Mailroom and Copy Services for the Department of Public Facilities with authorization for the County Manager to execute documents in furtherance of same as presented - Director, Department of Public Facilities
 - (D) Board approval to purchase thirty-two (32) RPZ Boxes with associated Backflow Preventers and Hoses as a Sole Source Purchase through Delta Municipal Supply in the amount of \$101,152 for the Cross Connection Control team / Department of Water and Sewer as presented - Director, Department of Water and Sewer
 - (E) Board approval to purchase Lift Station Odor Control Chemicals from Evoqua Water Technologies in the not to exceed amount of \$195,202 and Southern Environmental Systems in the not to exceed amount of \$168,594 (total purchase price of \$363,796) for the Department of Water and Sewer as presented - Director, Department of Water and Sewer
 - (F) Board approval of an Indefinite Quantities Construction Work Order with Lanier Contracting Company in the not to exceed amount of \$897,748 for Capacity Sharing Improvements at the Antioch Water Treatment Plant as presented - Director, Department of Water and Sewer
 - (G) Board approval to purchase an Indefinite Quantities Construction Work Order with Lanier Contracting Company in a not to exceed amount of \$329,735 for Chemical Carrier Pipe Installation at the Antioch Water Treatment Plant as presented - Director, Department of Water and Sewer
 - (H) Board approval to award Bid 22-009-3150 to DAF Concrete, Inc. in the amount of \$740,160 to provide all labor, materials, and equipment for the construction of the Brannon Road Sidewalk with authorization for the County Manager to execute documents in furtherance of the same as presented - Director, Department of Capital Projects
 - (I) Board approval of Change Order 3 with NOVA Engineering and Environmental in the amount of \$8,125 for Construction and Special Inspection Testing of the Juvenile Justice Center - Director, Department of Capital Projects
 - (J) Board approval of Task Order 22-01 with ESG Engineering, Inc. in the not to exceed amount of \$1,016,160 regarding Owner Advisor Services for the Fowler Wastewater Reclamation Facility Return Flow to Lake Lanier Project as presented - Director, Department of Capital Projects
 - (K) Board authorization for the County Attorney to draft language to add to the existing Short-Term Rental Ordinance regarding Permit Display Requirement(s) with authorization to bring the recommendation back to a future Work Session as well as authorization for Brandon Kenney, Assistant County Manager, to collaborate with the Sheriff's Office to develop an internal inspection procedure - Semanson / John
 - (L) Board approval to reappoint Sarah Pedarre' as the District 1 Representative to the Department of Family and Children Services (DFCS) Board of Directors for a five-year term to begin on July 1, 2022 and expire on June 30, 2027 as presented - County Manager
 - (M) Board approval to reappoint Terry Hawkins as the Forsyth County Government (non-elected) Representative to the Avita Community Partners Board of Directors for a three-year term to begin on July 1, 2022 and expire on June 30, 2025 - County Manager

(N) Board approval to reappoint Kathy Thomas as the District 4 Representative to the Library Board of Trustees for a four-year term to begin on July 1, 2022 and expire on June 30, 2026 - County Manager

(O) Board approval to reappoint Christy Winters as the District 5 Representative to the Library Board of Trustees for a four-year term to begin July 1, 2022 and expire June 30, 2026 - County Manager

Motion carried unanimously.

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

Vice Chairman Cooper left the meeting.

UNDER NEW BUSINESS THE FOLLOWING ACTIONS WERE TAKEN:

(1) Board consideration of the request by 5152, LLC for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to deny a variance on VA220020 (5152, LLC). The variance was denied on April 12, 2022 - AV220002 - District 3

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

Vice Chairman Cooper returned to the meeting.

Sean Courtney, Attorney, addressed the Board.

There was a motion by Commissioner Levent and a second by Commissioner Mills to grant the request by 5152, LLC for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to deny a variance on VA220020 (5152, LLC). Motion carried unanimously.

(2) Board consideration of adopting an amendment to the Forsyth County Enabling Legislation to modify the qualifications for service as a Commissioner such as would allow a BOC member to hold an official position in another municipality that is not within County limits or where the municipality does not share a border with Forsyth County

Molly Esswein, Jarrard & Davis, addressed the Board. There was a motion by Commissioner Levent and a second by Commissioner John to approve the amendment to the Forsyth County Enabling Legislation to modify the qualifications for service as a Commissioner such as would allow a BOC member to hold an official position in another municipality that is not within County limits or where the municipality does not share a border with Forsyth County as presented. Motion carried unanimously.

Note: This item will require a second approval.

At this time, the Board returned to Public Hearings.

UNDER PUBLIC HEARINGS THE FOLLOWING ACTIONS WERE TAKEN:

(1) Public Hearing and possible vote regarding an Alternate Design for Highway Nine Investors, LLC and variance to UDC 21-6.5(D) - Parcel C12-006 - AD220005 - District 1

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

Chairman John declared the Public Hearing open.

Speaking in favor:

Ethan Underwood

Speaking in opposition:

None

Chairman John declared the Public Hearing closed.

Mr. Underwood addressed the Board at the request of Vice Chairman Cooper.

There was a motion by Commissioner Cooper and a second by Commissioner Mills to approve the Alternate Design for Highway Nine Investors, LLC and variance to UDC 21-6.5(D) - Parcel C12-006 - AD220005 – with approval to change the number of parking spaces from 12 to 32 and with the condition that the structure shall comply to the rendering shown and as presented by Counsel. Motion carried unanimously.

(2) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3916 (Halvorsen Development Corporation) by Halvorsen Development Corporation with the following variance to: 1.) Increase the height of a freestanding pole-mounted light from 18 ft. to 26 ft. (UDC 21-11.6(E)(2)) - Parcels 031-192, 031-182, 031-110, 031-077, and 031-076 - AZ220018 - District 1

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

Chairman John declared the Public Hearing open.

Speaking in favor:

Ethan Underwood

Speaking in opposition:

Kurt Alford

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Cooper and a second by Commissioner Mills to deny the request for an Amendment of Zoning Conditions on ZA3916 (Halvorsen Development Corporation) by Halvorsen Development Corporation - Parcels 031-192, 031-182, 031-110, 031-077, and 031-076 - but to approve the requested variance increasing the height of freestanding pole-mounted lights from 18 feet to 26 feet with the 18 feet height being on the exterior and the 26 feet height being on the interior (UDC 21-11.6(E)(2)) and with a requirement that pole mounted banners shall be installed subject to approval by the District Commissioner and with the site plan as displayed - AZ220018. Motion carried unanimously.

(3) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2541 (Eagle Land Group Inc) by Christina Balkcom - Parcel 034-193 - AZ220019 - District 1 – Postponed [during adoption of the Agenda] to the Regular Meeting/Public Hearings of July 7, 2022

(4) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1794 (Peachtree Development Group, Inc.) by Timothy and Rebecca Griffith with the following variance to: 1.) Reduce the rear setback from 20 ft. to 6 ft. (UDC Table 11.2(a)) - Parcel 159-159 - AZ220013 - District 2

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

Chairman John declared the Public Hearing open.

Speaking in favor:

Ethan Underwood

Speaking in opposition:

None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner John and a second by Commissioner Semanson to approve the request for an Amendment of Zoning Conditions on ZA1794 (Peachtree Development Group, Inc.) by Timothy and Rebecca Griffith - Parcel 159-159 - AZ220013 – with the variances and conditions as displayed. The variances and conditions read as follows:

Variances:

1. Reduce the rear setback 15 feet to allow a rear setback to be 10 feet rather than the required 25 feet for Lot 512.
2. Reduce the exterior setback from 50 ft. to 25 ft. for Lot 725 (UDC Table 11.2 (a)).

3. Reduce the exterior setback from 50 ft. to 20 ft. for Lot 733 (UDC Table 11.2 (a)).

4. Reduce the rear setback from 20 ft. to 6 ft. (UDC Table 11.2(a)).

Conditions:

1. Provision of State and County approved Wastewater Treatment Service. No building permits shall be issued until the plans for the wastewater treatment service have been approved by the appropriate governmental agencies, and no Certificates of Occupancy shall be issued until the wastewater treatment service has been completed and approved by the appropriate governmental agencies. All expenses concerning wastewater treatment will be at the expense of the owner. All necessary easements for sewer (40' for temporary and 20' for permanent) shall be obtained by the owner. Forsyth County personnel and/or agents shall have access to and across such easements. Storm drainage and sediment controls must be in accordance with both State and County requirements.

2. Provision of water to the site by the developer in accordance with the County's water policy prior to the issuance of any building permit.

3. The entrance shall be landscaped, and signage shall be installed in accordance with plans submitted to and approved by the Forsyth County Planning Department. These plans must be submitted to the Planning Department upon application for the grading permit for roads to be constructed for the subdivision. Plans must be prepared by a licensed landscape architect.

4. All streets in development must be curbed and guttered, with sidewalks and streetlights.

5. Landscaping of lots: Every building site shall be landscaped in accordance with the plans and specifications submitted to and approved by the developer. Developer shall include his specifications in his protective covenants which must be attached to these zoning conditions. All disturbed or graded ground areas of a building site shall be grassed or covered with plants or landscaping materials. Landscaping shall be completed within sixty (60) days of occupancy or completion of building, whichever shall first occur. All landscaping shall be maintained by the owner or owners. This item must be covered by restrictive covenants of the developer. Final approval by Forsyth County Planning Department.

6. All utilities must be underground.

7. The minimum house size within this portion of the subdivision will be 2,200 square feet. Garage space is not to be included in calculation for minimum square footage.

8. The site plan submitted by the developer and approved by the Forsyth County Planning Department shall become the approved concept design plan for development, with the exception of the following:

(a) Lot #512 which will be allowed to have a 10-foot rear setback for the placement of the swimming pool; and,

(b) Lot #725 which will be allowed to have a 25-foot exterior setback for the placement of the swimming pool; and,

(c) Lot #733 which will be allowed to have a 20-foot exterior setback for the placement of the swimming pool; and,

(d) Lot #526 which will be allowed to have a six (6) foot rear setback for the placement of a swimming pool and cabana. Prior to issuance of a pool permit property owner shall submit a lot grading plan, for review by Department of Engineering, that includes mitigation of proposed impervious area.

9. Dedication of an additional fifty-foot (50') right-of-way along Laurel Springs western property boundary and Mathis Airport Road. This additional right-of-way shall be dedicated from the existing property intersection of the abandoned Sharon Road Connector running approximately 6000 feet to the intersection of Mathis Airport and Bagley Road, on the western side of Mathis Airport Road. This additional fifty-foot (50') right-of-way shall be defined from the center of road for a total right-of-way of eighty feet (30' existing and 50' additional) from center of Mathis Airport to the Laurel Springs property boundary on the eastern side of Mathis Airport Road.

10. Dedication of an additional ten-foot (10') right-of-way beginning at the intersection of Bagley Road and Mathis Airport Road and running south along the eastern side of Mathis Airport Road and Laurel Springs south of Aberdeen Parkway. This additional ten-foot (10') right-of-way shall be defined from the center of road for a total of forty feet (30' existing and 10' additional).

11. The development road entrance and turn lane road improvements as designated by Moreland Altobelli's traffic study dated September 20, 1994, as shown on Exhibit "A" and "B" attached hereto and made a part hereof shall be paid for by the

Developer after appropriate local and state authorities' approval.

12. Developer will pay its pro rata share of the cost of signalization at Aberdeen Parkway and Georgia Highway 141 intersection as approved by the DOT. The cost of such signalization is estimated at \$20,000.00 to \$30,000.00 and Developer's share shall be up to \$15,000.00. Developer will place its share of the signalization cost in escrow with Forsyth County upon approval of installations. Developer's share of signalization cost will be based on the traffic study performed for Developer by Moreland Altobelli which is dated September 20, 1994.

13. As to the buffer area, Developer will include a provision in the restrictive covenants which will be filed prior to any lot sales, prohibiting the cutting of any trees within ten feet (10') of the common boundary between Aberdeen and Laurel Springs in the area from the large lake to the intersection of Sutton and Hardwick Lanes. Excepted from the tree cutting prohibition would be trees which are located within the area required for the installation of utility lines or trees which pose a safety hazard or a threat to cause injury or damage.

14. The Developer will provide architectural services (not to exceed a total cost of \$1,000.00) at no expense to the Aberdeen Homeowners Association for design of their signage as requested and approved by Aberdeen. Laurel Springs will also provide the legal assistance necessary to draw the necessary deeds and/or other documents required for the division of the property located along the Aberdeen Parkway where the new Aberdeen signage will be located. The Developer will also provide financial assistance to Aberdeen towards the cost of construction and installation of the signage in an amount not to exceed \$14,000.00. The total cost of the project shall be less the \$25,000.00 and Developer will be given a rebate on a dollar-for-dollar basis below this amount. The attached Exhibit "C" shall be a model for defining the scope of the project. 1994

15. The Developer shall obtain an agreement from the operator of the wastewater treatment plant to freeze the monthly fees for the Aberdeen homeowners at twenty-five dollars (\$25.00) per house per month through June 30, 1996. The Developer shall further obtain an agreement for Aberdeen Homeowners which shall be the same as the rates charged to residents in Laurel Springs.

16. Developer shall pour a curb to close off the Hardwick/Sutton Lane unless the County prohibits Developer from doing so. Developer will also clean up the small piece of property located on that corner, subject to of course, the granting of permission to perform the work by the adjoining homeowners and their granting the necessary access for the work to be completed.

17. Private streets within the Laurel Springs Development will be allowed so long as they are inspected by Forsyth County and built to the applicable county standards, but for security reasons the ownership of the streets will remain with the developer and later with the Homeowners Association. Notice to prospective owners of the private ownership of these streets and obligation to maintain them shall be contained in the restrictive covenants.

18. All zoning conditions shall run with title to and bind the property and shall inure to the benefit of and be enforced by Forsyth County until legally removed by the Forsyth County Commissioners as permitted by law.

Motion carried unanimously.

(5) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3728 (RocaPoint Partners, LLC) by Max Feidelson - Parcel 065-211 - AZ220017 - District 2

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

Chairman John declared the Public Hearing open.

Speaking in favor:

Samantha Springfield

Speaking in opposition:

None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner John and a second by Commissioner Semanson to approve the request for an Amendment of Zoning Conditions on ZA3728 (RocaPoint Partners, LLC) by Max Feidelson - Parcel 065-211 - AZ220017 – as displayed which reads as follows:

Modify Condition #17 to read: The following uses are prohibited on the subject property:

- (a) Gas stations
- (b) Adult novelty stores
- (c) Adult entertainment centers
- (d) Pawn Shops and
- (e) Tattoo Parlors
- (f) Massage parlors
- (g) Clairvoyant, fortune teller, tarot card reader
- (h) Deleted
- (i) Self-storage
- (j) Thrift store
- (k) Billboard advertising
- (l) Drive-through restaurants, excluding coffee shops and Chick-fil-A. The architectural design of the Chick-fil-A, including signage, shall be comparable to and blend with the Halcyon development. Additionally, facades will consist of brick.

Motion carried unanimously.

(6) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2431 (Vickery Land Co., LLC) by Luxe Properties, Inc. - Parcel 058-707 - AZ220005 - District 3 – The Board voted unanimously [during adoption of the Agenda] to withdraw this item, without prejudice, from the Agenda

(7) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3469 (ESES Properties, LLC) by Hema Muppala and Dasaratha Kumar Ghanta - Parcel 080-006 - AZ220008 - District 3

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

Chairman John declared the Public Hearing open.

Speaking in favor:

Ryan Jones

Speaking in opposition:

None

Chairman John declared the Public Hearing closed.

Toni Boyd, Constituent Services Liaison, addressed the Board.

Andrea Smerek, Brighton Lakes HOA, was recognized and addressed the Board. Ms. Smerek stated that she agreed to the conditions and sketch plat.

There was a motion by Commissioner Levent and a second by Commissioner Semanson to approve AZ220005 on the original ZA2431 as displayed and in accordance with the Sketch Plat as presented. The conditions read as follows:

1. The development must meet fire flows of 1500 gpm, or irrigation demands, or maximum ISO Needed Fire Flow, whichever is greater. All improvements to the County water system that are required to serve this development, as determined by the Forsyth County Water and Sewer Department, shall be designed, and constructed at the expense of the developer.

2. Any sewer lines installed to serve this development will be sized to serve the entire basin. Line sizes must be in accordance with the Forsyth County Sewer Master Plan. Sewer access must be provided to all upstream properties. In areas of the project where public sewer is not installed, the developer shall provide a separate sewer easement (permanent and construction easement) for future installation of public sewer, in all areas designated by the Department or by the Forsyth County Sewer Master Plan.
3. Sewer capacity is not guaranteed for this property. All sewer capacity agreements must be approved by the Forsyth County Board of Commissioners.
4. Developer shall dedicate right of way on Bethelview Road as per road widening project prepared by Moreland Altobelli.
5. Developer shall dedicate right of way on Kelly Mill Road as per road widening project prepared by Moreland Altobelli.
6. Proposed entrance on Kelly Mill Road as shown on zoning site plan to be right turn in/right turn out only. If entrance on Kelly Mill Road can be relocated to the western end of site, entrance can be full access.
7. Developer shall construct per Ordinance #101 a left turn lane on Kelly Mill Road at entrance, if entrance is relocated to western end of site.
8. Proposed entrance on Bethelview Road as shown on zoning site plan to be right turn in/right turn out only.
9. Developer shall construct improvements as required by Department of Engineering based upon final configuration of site plan.
10. Exterior lighting fixtures shall be not closer than 5 feet of the perimeter of a parking lot.
11. Hours of operation will be no earlier than 6:00 a.m. and no later than 11 p.m. Sunday through Thursday and 6:00 a.m. to 12 a.m. on Friday and Saturday.
12. The following uses shall not be permitted on the subject property:
 - (a) Convenience stores, with or without gasoline pumps.
 - (b) Gas stations.
 - (c) Bars, Lounges or night clubs provided this shall not preclude a restaurant such as, but not limited to, Applebee's from having a bar.
 - (d) 24-hour businesses.
 - (e) Hotels or Motels.
 - (f) Theaters.
 - (g) Electronic game playing centers.
 - (h) Adult novelty stores.
 - (i) Adult entertainment centers.
 - (j) Pawn shops.
 - (k) Pool halls.
 - (l) Tattoo parlors.
 - (m) Private or Parochial Schools.
13. All commercial building facades visible shall consist of brick, stone, or glass. Stucco and painted dimensioned wood or cement material, such as hardi plank, may be used as accent material only, not to exceed 10% of surface area. Remainder of exterior may consist of brick, precast concrete, split block, stone, or glass. Exterior building material shall not be of concrete masonry units, aluminum or vinyl siding, or corrugated steel.

14. Signage shall conform to that version of the Forsyth County Sign Ordinance in existence at the time that a sign permit application is submitted.
15. No Commercial deliveries or garbage pick-up will occur between the hours of 9:00 p.m. and 7:00 a.m.
16. There may be a drive way or dumpsters located on the rear of the building. No parking shall be permitted on the rear of the building.
17. Outdoor seating shall be permitted at inner corner or vertex of the building; however, no live music, speakers, or similarly amplifying equipment shall be permitted outside the subject property. The outdoor patio shall close at 10 p.m. daily.
18. There shall be no dry cleaning performed on site. Any dry cleaner located on the subject property shall be a drop-off and pick-up facility only and shall be located in the northern most suite of the project.
19. Developer shall install a 6' foot high vinyl coated chain link fence along with the common boundary of the subject property adjacent to Brighton Lakes Subdivision. Said fence shall not encroach into any stream buffer or impervious surface setbacks.
20. Developer shall plant a row of Leland Cypress trees a minimum of 6 feet in height along the common boundary of the subject property adjacent to Brighton Lakes Subdivision and map and parcel number 080-005.
21. Buildings located on the subject property shall only be one-story.
22. Developer shall have eighteen (18) months from the date of zoning approval to apply for the initial land disturbance permit (LDP) based upon those County development standards existing at the time of rezoning. If no LDP is sought within eighteen (18) months after rezoning approval, unless otherwise permitted by law, the developer shall comply with the County development standards in existence at the time of LDP application submittal.
23. Final engineered plan to be approved by District County Commissioner prior to issuance of the Land Disturbance Permit (LDP).
24. Garbage and solid waste pickup shall be a minimum of two (2) times per week between the hours of 9 a.m. and 4 p.m. only.
25. In order to provide visual screening between adjoining uses, required buffers must be planted where vegetation is non-existent or where disturbed in accordance with the Forsyth County Buffer Standards. Supplemental planting, incorporating existing trees, will be required in cases where the buffer is sparsely vegetated in order to satisfy these standards as well as the Forsyth County Tree Replacement and Protection Ordinance.

Motion carried unanimously.

Following the vote, it was noted that the motion for approval included AZ220005 (ZA2431) rather than AZ220008 (ZA3469).

There was a motion by Commissioner Levent and a second by Commissioner Mills to reconsider the previous motion. Motion carried unanimously.

There was a motion by Commissioner Levent and a second by Commissioner Mills to approve the request for an Amendment of Zoning Conditions on ZA3469 (ESES Properties, LLC) by Hema Muppala and Dasaratha Kumar Ghanta - Parcel 080-006 - AZ220008 – subject to the conditions as displayed and in accordance with the Sketch Plat as presented. The conditions read as follows:

1. The development must meet fire flows of 1500 gpm, or irrigation demands, or maximum ISO Needed Fire Flow, whichever is greater. All improvements to the County water system that are required to serve this development, as determined by the Forsyth County Water and Sewer Department, shall be designed, and constructed at the expense of the developer.
2. Any sewer lines installed to serve this development will be sized to serve the entire basin. Line sizes must be in accordance with the Forsyth County Sewer Master Plan. Sewer access must be provided to all upstream properties. In areas of the project where public sewer is not installed, the developer shall provide a separate sewer easement (permanent and construction easement) for future installation of public sewer, in all areas designated by the Department or by the Forsyth County Sewer Master Plan.

3. Sewer capacity is not guaranteed for this property. All sewer capacity agreements must be approved by the Forsyth County Board of Commissioners.
4. Developer shall dedicate right of way on Bethelview Road as per road widening project prepared by Moreland Altobelli.
5. Developer shall dedicate right of way on Kelly Mill Road as per road widening project prepared by Moreland Altobelli.
6. Proposed entrance on Kelly Mill Road as shown on zoning site plan to be right turn in/right turn out only. If entrance on Kelly Mill Road can be relocated to the western end of site, entrance can be full access.
7. Developer shall construct per Ordinance #101 a left turn lane on Kelly Mill Road at entrance, if entrance is relocated to western end of site.
8. Proposed entrance on Bethelview Road as shown on zoning site plan to be right turn in/right turn out only.
9. Developer shall construct improvements as required by Department of Engineering based upon final configuration of site plan.
10. Exterior lighting fixtures shall be not closer than 5 feet of the perimeter of a parking lot.
11. Hours of operation will be no earlier than 6:00 a.m. and no later than 11 p.m. Sunday through Thursday and 6:00 a.m. to 12 a.m. on Friday and Saturday.
12. The following uses shall not be permitted on the subject property:
 - (a) Convenience stores, with or without gasoline pumps.
 - (b) Gas stations.
 - (c) Bars, Lounges or night clubs provided this shall not preclude a restaurant such as, but not limited to, Applebee's from having a bar.
 - (d) 24-hour businesses.
 - (e) Hotels or Motels.
 - (f) Theaters.
 - (g) Electronic game playing centers.
 - (h) Adult novelty stores.
 - (i) Adult entertainment centers.
 - (j) Pawn shops.
 - (k) Pool halls.
 - (l) Tattoo parlors.
 - (m) Private or Parochial Schools.
13. All commercial building facades visible shall consist of brick, stone, or glass. Stucco and painted dimensioned wood or cement material, such as hardi plank, may be used as accent material only, not to exceed 10% of surface area. Remainder of exterior may consist of brick, precast concrete, split block, stone, or glass. Exterior building material shall not be of concrete masonry units, aluminum or vinyl siding, or corrugated steel.
14. Signage shall conform to that version of the Forsyth County Sign Ordinance in existence at the time that a sign permit application is submitted.
15. No Commercial deliveries or garbage pick-up will occur between the hours of 9:00 p.m. and 7:00 a.m.

16. There may be a drive way or dumpsters located on the rear of the building. No parking shall be permitted on the rear of the building.
17. Outdoor seating shall be permitted at inner corner or vertex of the building; however, no live music, speakers, or similarly amplifying equipment shall be permitted outside the subject property. The outdoor patio shall close at 10 p.m. daily.
18. There shall be no dry cleaning performed on site. Any dry cleaner located on the subject property shall be a drop-off and pick-up facility only and shall be located in the northern most suite of the project.
19. Developer shall install a 6' foot high vinyl coated chain link fence along with the common boundary of the subject property adjacent to Brighton Lakes Subdivision. Said fence shall not encroach into any stream buffer or impervious surface setbacks.
20. Developer shall plant a row of Leland Cypress trees a minimum of 6 feet in height along the common boundary of the subject property adjacent to Brighton Lakes Subdivision and map and parcel number 080-005.
21. Buildings located on the subject property shall only be one-story.
22. Developer shall have eighteen (18) months from the date of zoning approval to apply for the initial land disturbance permit (LDP) based upon those County development standards existing at the time of rezoning. If no LDP is sought within eighteen (18) months after rezoning approval, unless otherwise permitted by law, the developer shall comply with the County development standards in existence at the time of LDP application submittal.
23. Final engineered plan to be approved by District County Commissioner prior to issuance of the Land Disturbance Permit (LDP).
24. Garbage and solid waste pickup shall be a minimum of two (2) times per week between the hours of 9 a.m. and 4 p.m. only.
25. In order to provide visual screening between adjoining uses, required buffers must be planted where vegetation is non-existent or where disturbed in accordance with the Forsyth County Buffer Standards. Supplemental planting, incorporating existing trees, will be required in cases where the buffer is sparsely vegetated in order to satisfy these standards as well as the Forsyth County Tree Replacement and Protection Ordinance.

Motion carried unanimously.

(8) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3282 (D7WBH, LLC) by Daniel Pham - Parcel 021-881 - AZ220022 - District 3

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

Chairman John declared the Public Hearing open.

Speaking in favor:

Daniel Pham

Speaking in opposition:

None

Chairman John declared the Public Hearing closed.

Mr. Pham submitted a letter of support to the County Clerk.

There was a motion by Commissioner Levent and a second by Commissioner Mills to approve the request for an Amendment of Zoning Conditions on ZA3282 (D7WBH, LLC) by Daniel Pham - Parcel 021-881 - AZ220022 – modifying Condition #2 as displayed. Condition #2 shall read as follows:

Modify Condition #2 to read: Construction plans shall demonstrate consistency with the zoning site plan and the Deerfield Township Theming Guidelines dated May 28, 2013 prior to issuance of land disturbance permit except for Lot 157 which shall have a 44 ft. exterior setback and Lot 242 which shall have a 42 ft. exterior setback.

Motion carried unanimously.

(9) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3756 (The Fields at Keith Bridge, LLC) by The Fields at Keith Bridge LLC - Parcel 267-103 - AZ220015 - District 4 – Postponed [during adoption of the Agenda] to the Regular Meeting/Public Hearings of July 21, 2022

(10) Public Hearing and possible vote regarding the County-Initiated request to rezone from Agricultural District (A1) to Restricted Industrial District (M1) for industrial buildings totaling approximately 383,281 sq. ft. on 36.761 acres - Parcels 236-029 and 236-093 - ZA4071 - District 4

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

Chairman John declared the Public Hearing open.

Speaking in favor:

Kevin Siefert

Slade Gullede

Speaking in opposition:

Pamela Hulbert

Joe Hecht

Tina Hecht

Chairman John declared the Public Hearing closed.

Kevin Siefert addressed the Board.

Commissioner Mills addressed the Board.

Kevin Siefert addressed the Board.

Board discussion was held.

Molly Esswein, Jarrard & Davis, reminded the Board that Mr. Siefert should address questions from the Board only and not make additional statements.

There was a motion by Commissioner Mills and a second by Commissioner Levent to postpone the decision on the County-Initiated request to rezone from Agricultural District (A1) to Restricted Industrial District (M1) for industrial buildings totaling approximately 383,281 sq. ft. on 36.761 acres - Parcels 236-029 and 236-093 - ZA4071 – to the Regular Meeting/Public Hearings of June 16, 2022. Motion carried unanimously.

Note: This item will appear on the Agenda under “Old Business”.

(11) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Parking Surfacing within Chapter 17

Beth Garmon, Planner III, addressed the Board.

Chairman John declared the Public Hearing open.

Speaking in favor:

Kirk Wintersteen

Ethan Underwood

Speaking in opposition:

None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Levent to approve the amendments to the Unified Development Code related to Parking Surfacing within Chapter 17 as presented. Motion carried unanimously.

UNDER PUBLIC COMMENTS THE FOLLOWING PERSONS ADDRESSED THE BOARD:

None

UNDER OLD BUSINESS THE FOLLOWING ACTIONS WERE TAKEN:

None

UNDER NEW BUSINESS THE FOLLOWING ACTIONS WERE TAKEN:

(1) Board consideration of the request by 5152, LLC for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to deny a variance on VA220020 (5152, LLC). The variance was denied on April 12, 2022 - AV220002 - District 3 – This item was moved [during adoption of the Agenda] to be heard following adoption of the Consent Agenda and prior to Public Hearing, Item #1 – See Page #8 for action taken

(2) Board consideration of adopting an amendment to the Forsyth County Enabling Legislation to modify the qualifications for service as a Commissioner such as would allow a BOC member to hold an official position in another municipality that is not within County limits or where the municipality does not share a border with Forsyth County – This item was moved [during adoption of the Agenda] to be heard following adoption of the Consent Agenda and prior to Public Hearing, Item #1 – See Page #9 for action taken

There was a motion by Commissioner Semanson and a second by Commissioner Cooper to adjourn. Motion carried unanimously.

**FORSYTH COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING/PUBLIC HEARINGS
JUNE 16, 2022**

On Thursday, June 16, 2022 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: Alfred John – Chairman, Molly Cooper – Vice Chairman, Todd Levent – Secretary, Cindy Jones Mills – Member, Laura Semanson – Member, Ken Jarrard – County Attorney and Rhonda Hansard – County Clerk.

**THE FORSYTH COUNTY BOARD OF COMMISSIONERS REGULAR MEETING / PUBLIC
HEARINGS ON JUNE 16, 2022, AT 5:00 P.M. SHALL BE VIA IN-PERSON ASSEMBLY OF
THE BOARD.**

***While the public may attend the meeting in-person, information regarding remote
streaming and participation opportunities is available at www.forsythco.com***

**AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, JUNE 16, 2022 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) *Regular Meeting / Public Hearings of June 2, 2022*
 - (2) *Work Session of June 7, 2022*
- VII. *Consent Agenda*
 - (1) *Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of June 7, 2022*
 - (2) *Board adoption of a Resolution recognizing Clara Hamilton, Ambassador Girl Scout Troop 11805 - Mills / Cooper*

- (3) *Board consideration and approval of Memorandums of Understanding for contractors to provide treatment services, substance screening, and 4th Amendment waiver searches (Folk and Wakim) with authorization for the Chairman to execute all related documents - Director, Accountability Courts*
- (4) *Board consideration and approval of a Resolution approving a Roundabout Lighting Agreement between Forsyth County and the Georgia Department of Transportation related to installation and ongoing maintenance and upkeep of lighting at SR9@CR3705 - Director, Department of Engineering*
- (5) *Board consideration and approval of a Resolution approving a Roundabout Lighting Agreement between Forsyth County and the Georgia Department of Transportation related to installation and ongoing maintenance and upkeep of lighting at SR9@CR741 - Director, Department of Engineering*
- (6) *Board ratification of a Sewer Reservation Agreement for the City / Hammonds Crossing: Sahni's Holdings, LLC - 6,250 gpd - Director, Department of Water and Sewer*
- (7) *Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Pulte Home Company, LLC - 460 gpd; Taylor Morrison of Georgia, LLC - 25,110 gpd; and, Forsyth County Board of Education - 8,456 gpd-Director, Department of Water and Sewer*
- (8) *Board ratification of a Sewer Reservation Agreement for Fulton Big Creek: Branch Drive Properties, LLC - 850 gpd; Highlands 2 Holding Company - 2,876 gpd; and, FGAPW, LLC - 1,568 gpd - Director, Department of Water and Sewer*
- (9) *Board ratification of a Sewer Reservation Agreement for the James Creek Water Reclamation Facility: AMA Real Estate Holdings - 1,064 gpd - Director, Department of Water and Sewer*
- (10) *Board ratification of the following items that were discussed and voted on at the Work Session held on June 7, 2022 (as anticipated by Board Rule 1.07.01):*
 - (A) *Board authorization for the Department of Senior Services to apply to join the Atlanta Regional Commission's Aging and Independence Services Division - Director, Department of Senior Services*
 - (B) *Board approval of an Integrated Supply Agreement between Genuine Parts Company (d/b/a NAPA Auto Parts) and Forsyth County authorizing the Department of Fleet Services to be an in-house auto parts provider with authorization for the Chairman to execute documents in furtherance of the same as presented by the Department of Fleet Services Director - Director, Department of Fleet Services*
 - (C) *Board approval to award Bid 22-44-5211 to Steele & Associates, Inc. in the amount of \$371,800 for the Chattahoochee Pointe Lower Boardwalk Construction for the Department of Parks and Recreation with authorization*

for the County Manager to execute documents in furtherance of same - Director, Department of Parks and Recreation

- (D) *Board approval to award Bid 22-048-5211 to The Surface Masters, Inc. in the amount of \$68,835 for Resurfacing and Restriping at Midway Park for the Department of Parks and Recreation with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Parks and Recreation*
- (E) *Board approval to award quote to Delta Municipal Supply in the amount of \$89,434.49 for Manhole Riser Assemblies to adjust sewer manholes to grade for the 2022 County Road Resurfacing Projects as presented by staff - Director, Department of Water and Sewer*
- (F) *Board authorization for staff to proceed with the Public Hearing process regarding the draft 2021 Impact Fee Annual Update as presented - Chief Financial Officer*

VIII. *Public Hearings*

- (1) *Public Hearing 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 to: 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 3 - Director, Department of Planning and Community Development
(Postponed from the January 6, 2022, February 3, 2022, March 17, 2022, April 21, 2022, and May 19, 2022 Agendas)*
- (2) *Public Hearing and possible vote regarding an amendment to the Forsyth County Animal Control Ordinance, otherwise known as Forsyth County Ordinance Number 11 or Chapter 14 of the Forsyth County Code of Ordinances, concerning proposed modifications to definitions provided in the ordinance; to prohibit the retail sale of animals at pet shops; to establish requirements for offering animals for adoption at pet shops; to prohibit the outdoor sale of animals; to provide authority for the enforcement of the ordinance; to provide for violations; to repeal conflicting ordinances; and for other purposes - County Attorney*

IX. *Public Comments*

X. Old Business

- (1) *Board consideration and possible direction regarding a County-Initiated variance to: 1.) Reduce the exterior buffer from 40 ft. to 20 ft. adjacent to tax map/parcels 130-048 and 130-069 adjacent to the existing driveway only (UDC 16-4.6(C)) - Parcels 130-068 and 130-049 - VA220034 - District 3 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on May 19, 2022; the Board voted unanimously to postpone, for decision only, to the June 16, 2022 Regular Meeting / Public Hearings.)*
- (2) *Surya Realty LLC - ZA4034 - to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 18.30 acres for 26 residential lots with a density of 1.42 units per acre with the following variance to: 1.) Reduce the exterior buffer along the southern and western property boundaries from 25 ft. to 0 ft. (UDC Table 11.2(b)) - Parcels 102-005, 102-075, 102-119, 102-076, and 102-062 - District 3 - Director, Department of Planning and Community Development
(Postponed from the April 21, 2022 and May 19, 2022 Agendas)*
- (3) *Toll Brothers, Inc. - ZA4037 - to rezone from Agricultural District (A1) and Single Family Residential Restricted District (R1R) to Single Family Residential District (RES2) Conservation Subdivision on 115.253 acres for 128 residential lots with a density of 1.11 units per acre with the following variances to: 1.) Reduce the minimum building setback from all primary conservation areas for lots 18, 19, 20, 36, 37, 38, 39, 40, 41, 64, 65, 66, 67, 101, 114, amenity area, and stormwater ponds 1 and 2 from 75 ft. to 0 ft. (UDC 19-5.1(D)); and, 2.) Reduce the minimum number of lots entirely abutted by open space on at least one side from 85% to 70% (UDC 19-5.1(C)) - Parcels 145-073 and 145-021 - District 4 - Director, Department of Planning and Community Development
(Postponed from the April 21, 2022 and May 19, 2022 Agendas)*
- (4) *Board consideration and possible direction regarding a County-Initiated request to rezone from Agricultural District (A1) to Restricted Industrial District (M1) for industrial buildings totaling approximately 383,281 sq. ft. on 36.761 acres - Parcels 236-029 and 236-093 - ZA4071 - District 4 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners on June 2, 2022; the Board voted unanimously to postpone, for decision only, to the June 16, 2022 Regular Meeting / Public Hearings.)*
- (5) *Board consideration of adopting an amendment to the Forsyth County enabling legislation to modify the qualifications for service as a commissioner such as would allow a BOC member to hold an official position in another municipality that is not within County limits or where the municipality does not share a border with Forsyth County - County Attorney*

XI. New Business

- (1) *Long Phan - CP210047 - to build a 2,000 sq. ft. detached accessory apartment on 0.72 acres zoned Single Family Residential Restricted District (R2R) with the following variances to: 1.) Increase the total floor area of all accessory buildings and structures on a lot from fifty percent (50%) to ninety percent (90%) of the total floor area of the primary building on that same lot (UDC 11-9.7(C)(6)(b)); and, 2.) Reduce the side setback adjacent to tax map/parcel 155-116 from 10 ft. to 5 ft. (UDC Table 11.2(a)) - Parcel 155-115 - District 2 - Director, Department of Planning and Community Development*
- (2) *New Heights Academy, Inc. - CP220009 - to operate a 3,465 sq. ft. private school in an existing building with 19 parking spaces on 5.90 acres currently zoned Commercial Business District (CBD) - Parcel 019-154 - District 3 - Director, Department of Planning and Community Development*
- (3) *Jamie Hobbs - ZA4048 - to rezone from Single Family Residential District (R1) to Commercial Business District (CBD) on 4.515 acres with Conditional Use Permits (CUPs) for an open air business and a contractor's establishment in buildings totaling 3,941 sq. ft. with 43 parking spaces with the following variances to: 1.) Reduce the zoning buffer adjacent to tax map/parcel 191-063 from 40 ft. to 10 ft. for the existing structures and gravel driveway only (UDC Table 12.2); and, 2.) Reduce the zoning setback adjacent to tax map/parcel 191-063 from 50 ft. to 10 ft. for the existing structures only (UDC Table 12.2) - Parcel 191-062 - District 4 - Director, Department of Planning and Community Development*
- (4) *Board consideration and adoption of a Resolution regarding the appointment of Kathy Autry to serve as the District 2 Representative on the Forsyth County Board of Assessors - County Manager*

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment

Chairman John recognized a quorum and called the meeting to order.

The Invocation and Pledge of Allegiance were led by John Jefferson, Capital Projects Director.

ADOPTION OF AGENDA

There was a motion by Commissioner Levent and a second by Commissioner Semanson to postpone Public Hearing, Item #1 (Public Hearing 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 to: 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 3) to the Regular Meeting/Public Hearings of July 21, 2022. Motion carried unanimously.

There was a motion by Commissioner Levent and a second by Commissioner Cooper to postpone Old Business, Item #2 (Surya Realty LLC - ZA4034 - to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 18.30 acres for 26 residential lots with a density of 1.42 units per acre with the following variance to: 1.) Reduce the exterior buffer along the southern and western property boundaries from 25 ft. to 0 ft. (UDC Table 11.2(b)) - Parcels 102-005, 102-075, 102-119, 102-076, and 102-062 - District 3) to the Regular Meeting/Public Hearings of July 7, 2022. Motion carried unanimously.

There was a motion by Commissioner Levent and a second by Commissioner Semanson to withdraw, without prejudice, Old Business, Item #1 (Board consideration and possible direction regarding a County-Initiated variance to: 1.) Reduce the exterior buffer from 40 ft. to 20 ft. adjacent to tax map/parcels 130-048 and 130-069 adjacent to the existing driveway only (UDC 16-4.6(C)) - Parcels 130-068 and 130-049 - VA220034 - District 3) from the Agenda. Motion carried unanimously.

There was a motion by Commissioner Mills and a second by Commissioner Semanson to postpone Old Business, Item #3 (Toll Brothers, Inc. - ZA4037 - to rezone from Agricultural District (A1) and Single Family Residential Restricted District (R1R) to Single Family Residential District (RES2) Conservation Subdivision on 115.253 acres for 128 residential lots with a density of 1.11 units per acre with the following variances to: 1.) Reduce the minimum building setback from all primary conservation areas for lots 18, 19, 20, 36, 37, 38, 39, 40, 41, 64, 65, 66, 67, 101, 114, amenity area, and stormwater ponds 1 and 2 from 75 ft. to 0 ft. (UDC 19-5.1(D)); and, 2.) Reduce the minimum number of lots entirely abutted by open space on at least one side from 85% to 70% (UDC 19-5.1(C)) - Parcels 145-073 and 145-021 - District 4) to the Regular Meeting/Public Hearings of July 7, 2022. Motion carried unanimously.

There was a motion by Commissioner Mills and a second by Commissioner Semanson to postpone Old Business, Item #4 (Board consideration and possible direction regarding a County-Initiated request to rezone from Agricultural District (A1) to Restricted Industrial District (M1) for industrial buildings totaling approximately 383,281 sq. ft. on 36.761 acres - Parcels 236-029 and 236-093 - ZA4071 - District 4) to the Regular Meeting/Public Hearings of August 18, 2022. Motion carried unanimously.

There was a motion by Commissioner Mills and a second by Commissioner Semanson to adopt the agenda as amended. Motion carried unanimously.

UNDER ANNOUNCEMENTS AND REPORTS THE FOLLOWING ACTIONS WERE TAKEN:

None

UNDER PUBLIC COMMENTS THE FOLLOWING PERSONS ADDRESSED THE BOARD:

Laura LaFave
Guilherme Santanna
John Roberts
Debra Berger

UNDER ADOPTION OF MINUTES THE FOLLOWING ACTIONS WERE TAKEN:

(1) Regular Meeting/Public Hearings of June 2, 2022

There was a motion by Commissioner Semanson and a second by Commissioner Mills to adopt the minutes of the Regular Meeting/Public Hearings of June 2, 2022. Motion carried unanimously.

(2) Work Session and Executive Session of June 7, 2022

There was a motion by Commissioner Semanson and a second by Commissioner Mills to adopt the minutes of the Work Session and Executive Session of June 7, 2022. Motion carried unanimously.

UNDER CONSENT AGENDA THE FOLLOWING ACTIONS WERE TAKEN:

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

- (1) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of June 7, 2022
- (2) Board adoption of a Resolution recognizing Clara Hamilton, Ambassador Girl Scout Troop 11805 - Mills / Cooper
- (3) Board consideration and approval of Memorandums of Understanding for contractors to provide treatment services, substance screening, and 4th Amendment waiver searches (Folk and Wakim) with authorization for the Chairman to execute all related documents - Director, Accountability Courts
- (4) Board consideration and approval of a Resolution approving a Roundabout Lighting Agreement between Forsyth County and the Georgia Department of Transportation related to installation and ongoing maintenance and upkeep of lighting at SR9@CR3705 - Director, Department of Engineering
- (5) Board consideration and approval of a Resolution approving a Roundabout Lighting Agreement between Forsyth County and the Georgia Department of Transportation related to installation and ongoing maintenance and upkeep of lighting at SR9@CR741 - Director, Department of Engineering

- (6) Board ratification of a Sewer Reservation Agreement for the City / Hammonds Crossing: Sahni's Holdings, LLC - 6,250 gpd - Director, Department of Water and Sewer
- (7) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility: Pulte Home Company, LLC - 460 gpd; Taylor Morrison of Georgia, LLC - 25,110 gpd; and, Forsyth County Board of Education - 8,456 gpd - Director, Department of Water and Sewer
- (8) Board ratification of a Sewer Reservation Agreement for Fulton Big Creek: Branch Drive Properties, LLC - 850 gpd; Highlands 2 Holding Company - 2,876 gpd; and, FGAPW, LLC - 1,568 gpd - Director, Department of Water and Sewer
- (9) Board ratification of a Sewer Reservation Agreement for the James Creek Water Reclamation Facility: AMA Real Estate Holdings - 1,064 gpd - Director, Department of Water and Sewer
- (10) Board ratification of the following items that were discussed and voted on at the Work Session held on June 7, 2022 (as anticipated by Board Rule 1.07.01):
 - (A) Board authorization for the Department of Senior Services to apply to join the Atlanta Regional Commission's Aging and Independence Services Division - Director, Department of Senior Services
 - (B) Board approval of an Integrated Supply Agreement between Genuine Parts Company (d/b/a NAPA Auto Parts) and Forsyth County authorizing the Department of Fleet Services to be an in-house auto parts provider with authorization for the Chairman to execute documents in furtherance of the same as presented by the Department of Fleet Services Director - Director, Department of Fleet Services
 - (C) Board approval to award Bid 22-44-5211 to Steele & Associates, Inc. in the amount of \$371,800 for the Chattahoochee Pointe Lower Boardwalk Construction for the Department of Parks and Recreation with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Parks and Recreation
 - (D) Board approval to award Bid 22-048-5211 to The Surface Masters, Inc. in the amount of \$68,835 for Resurfacing and Restriping at Midway Park for the Department of Parks and Recreation with authorization for the County Manager to execute documents in furtherance of same - Director, Department of Parks and Recreation
 - (E) Board approval to award quote to Delta Municipal Supply in the amount of \$89,434.49 for Manhole Riser Assemblies to adjust sewer manholes to grade for the 2022 County Road Resurfacing Projects as presented by staff - Director, Department of Water and Sewer

- (F) Board authorization for staff to proceed with the Public Hearing process regarding the draft 2021 Impact Fee Annual Update as presented - Chief Financial Officer

Motion carried unanimously.

UNDER PUBLIC HEARINGS THE FOLLOWING ACTIONS WERE TAKEN:

- (1) **Public Hearing 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 to: 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 3 – Postponed [during adoption of the Agenda] to the Regular Meeting/Public Hearings of July 21, 2022**
- (2) **Public Hearing and possible vote regarding an amendment to the Forsyth County Animal Control Ordinance, otherwise known as Forsyth County Ordinance Number 11 or Chapter 14 of the Forsyth County Code of Ordinances, concerning proposed modifications to definitions provided in the ordinance; to prohibit the retail sale of animals at pet shops; to establish requirements for offering animals for adoption at pet shops; to prohibit the outdoor sale of animals; to provide authority for the enforcement of the ordinance; to provide for violations; to repeal conflicting ordinances; and for other purposes**

Ken Jarrard, County Attorney, addressed the Board. A copy of the proposed amendment was displayed. Additional proposed language, provided by The Humane Society of the United States, was displayed.

Chairman John declared the Public Hearing open.

Speaking in favor:

Ann-Margaret Johnston
Susan Bova
Samantha Shelton
Peggy McCarthey
John Copenhaver

Speaking in opposition:

None

Chairman John declared the Public Hearing closed.

There was a motion by Commissioner Semanson and a second by Commissioner Levent to adopt the amendment to the Forsyth County Animal Control Ordinance, otherwise known as Forsyth County Ordinance Number 11 or Chapter 14 of the Forsyth County Code of Ordinances, as presented, with authorization for staff to proceed to further amend the Ordinance and to commence the Public Hearing process regarding the proposed amendment. Motion carried unanimously.

UNDER PUBLIC COMMENTS THE FOLLOWING PERSONS ADDRESSED THE BOARD:

Steve Burrows
Deborah Burrows

UNDER OLD BUSINESS THE FOLLOWING ACTIONS WERE TAKEN:

- (1) Board consideration and possible direction regarding a County-Initiated variance to: 1.) Reduce the exterior buffer from 40 ft. to 20 ft. adjacent to tax map/parcels 130-048 and 130-069 adjacent to the existing driveway only (UDC 16-4.6(C)) - Parcels 130-068 and 130-049 - VA220034 - District 3 – The Board voted unanimously [during adoption of the Agenda] to withdraw this item, without prejudice, from the Agenda**
- (2) Surya Realty LLC - ZA4034 - to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 18.30 acres for 26 residential lots with a density of 1.42 units per acre with the following variance to: 1.) Reduce the exterior buffer along the southern and western property boundaries from 25 ft. to 0 ft. (UDC Table 11.2(b)) - Parcels 102-005, 102-075, 102-119, 102-076, and 102-062 - District 3 – Postponed [during adoption of the Agenda] to the Regular Meeting/Public Hearings of July 7, 2022**
- (3) Toll Brothers, Inc. - ZA4037 - to rezone from Agricultural District (A1) and Single Family Residential Restricted District (R1R) to Single Family Residential District (RES2) Conservation Subdivision on 115.253 acres for 128 residential lots with a density of 1.11 units per acre with the following variances to: 1.) Reduce the minimum building setback from all primary conservation areas for lots 18, 19, 20, 36, 37, 38, 39, 40, 41, 64, 65, 66, 67, 101, 114, amenity area, and stormwater ponds 1 and 2 from 75 ft. to 0 ft. (UDC 19-5.1(D)); and, 2.) Reduce the minimum number of lots entirely abutted by open space on at least one side from 85% to 70% (UDC 19-5.1(C)) - Parcels 145-073 and 145-021 - District 4 – Postponed [during adoption of the Agenda] to the Regular Meeting/Public Hearings of July 7, 2022**
- (4) Board consideration and possible direction regarding a County-Initiated request to rezone from Agricultural District (A1) to Restricted Industrial District (M1) for industrial buildings totaling approximately 383,281 sq. ft. on 36.761 acres - Parcels 236-029 and 236-093 - ZA4071 - District 4 - Postponed [during adoption of the Agenda] to the Regular Meeting/Public Hearings of August 18, 2022**

- (5) **Board consideration of adopting an amendment to the Forsyth County enabling legislation to modify the qualifications for service as a commissioner such as would allow a BOC member to hold an official position in another municipality that is not within County limits or where the municipality does not share a border with Forsyth County**

Ken Jarrard, County Attorney, addressed the Board. A copy of the proposed amendment was displayed. There was a motion by Commissioner Levent and a second by Commissioner John to adopt the amendment to the Forsyth County enabling legislation to modify the qualifications for service as a commissioner such as would allow a BOC member to hold an official position in another municipality that is not within County limits or where the municipality does not share a border with Forsyth County as presented. Motion carried unanimously.

UNDER NEW BUSINESS THE FOLLOWING ACTIONS WERE TAKEN:

- (1) **Long Phan - CP210047 - to build a 2,000 sq. ft. detached accessory apartment on 0.72 acres zoned Single Family Residential Restricted District (R2R) with the following variances to: 1.) Increase the total floor area of all accessory buildings and structures on a lot from fifty percent (50%) to ninety percent (90%) of the total floor area of the primary building on that same lot (UDC 11-9.7(C)(6)(b)); and, 2.) Reduce the side setback adjacent to tax map/parcel 155-116 from 10 ft. to 5 ft. (UDC Table 11.2(a)) - Parcel 155-115 - District 2**

Tom Brown, Director of Planning & Community Development, addressed the Board. There was a motion by Commissioner John and a second by Commissioner Semanson to deny the request by Long Phan - CP210047 - to build a 2,000 sq. ft. detached accessory apartment on 0.72 acres zoned Single Family Residential Restricted District (R2R) with variances. Motion carried unanimously.

- (2) **New Heights Academy, Inc. - CP220009 - to operate a 3,465 sq. ft. private school in an existing building with 19 parking spaces on 5.90 acres currently zoned Commercial Business District (CBD) - Parcel 019-154 - District 3**

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

Vivian Gesualdi, New Heights Academy, Inc., addressed the Board at the request of Commissioner Levent.

There was a motion by Commissioner Levent and a second by Commissioner Semanson to approve the request by New Heights Academy, Inc. - CP220009 - to operate a 3,465 sq. ft. private school in an existing building with 19 parking spaces on 5.90 acres currently zoned Commercial Business District (CBD) - Parcel 019-154. Motion carried unanimously.

- (3) **Jamie Hobbs - ZA4048 - to rezone from Single Family Residential District (R1) to Commercial Business District (CBD) on 4.515 acres with Conditional Use Permits (CUPs) for an open air business and a contractor's establishment in buildings totaling 3,941 sq. ft. with 43 parking spaces with the following variances to: 1.)**

Reduce the zoning buffer adjacent to tax map/parcel 191-063 from 40 ft. to 10 ft. for the existing structures and gravel driveway only (UDC Table 12.2); and, 2.) Reduce the zoning setback adjacent to tax map/parcel 191-063 from 50 ft. to 10 ft. for the existing structures only (UDC Table 12.2) - Parcel 191-062 - District 4

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

There was a motion by Commissioner Mills and a second by Commissioner Levent to approve the request by Jamie Hobbs - ZA4048 - to rezone from Single Family Residential District (R1) to Commercial Business District (CBD) on 4.515 acres with Conditional Use Permits (CUPs) for an open air business and a contractor's establishment in buildings totaling 3,941 sq. ft. with 43 parking spaces - Parcel 191-062 – with the variances and conditions as displayed (redlines). The final conditions read as follows:

Variances:

1. Reduce the zoning buffer adjacent to tax map/parcel 191-063 from 40 ft. to 10 ft. for the existing structures and existing gravel driveway only (UDC Table 12.2).
2. Reduce the zoning setback adjacent to tax map/parcel 191-063 from 50 ft. to 10 ft. for the existing structures only (UDC Table 12.2).

Conditions:

1. Development shall be substantially in accordance with the site plan on file in the Department of Planning and Community Development, except the "PROPOSED WORK TRUCK PARKING" AND "(5) PROPOSED PARKING" adjacent to tax parcel 191-063 shall not be allowed.
2. Fencing shall comply with UDC 21-12.8(C)(1)(a), required stone or brick columns shall be installed a maximum of seventy-five (75) feet apart with four (4) inch wooden support posts interspersed a maximum of ten (10) feet apart.
3. There shall be a minimum ten (10) foot wide multi-use path along Dahlenega Highway.
4. Owner/Developer shall reserve right-of-way eighty (80) feet from the centerline of S.R. 9 (Dahlenega Highway), to accommodate the ten (10) foot multi-use trail per the Bicycle Transportation and Pedestrian Walkways 2025 Plan: 2015 Update, as part of site development or when needed for road improvement projects as determined by GDOT or Forsyth County Department of Engineering

Motion carried unanimously.

- (4) Board consideration and adoption of a Resolution regarding the appointment of Kathy Autry to serve as the District 2 Representative on the Forsyth County Board of Assessors**

David McKee, Assistant County Manager, addressed the Board.

There was a motion by Commissioner John and a second by Commissioner Semanson to adopt the Resolution regarding the appointment of Kathy Autry to serve as the District 2 Representative on the Forsyth County Board of Assessors with the term of office to begin June 16, 2022 and expiring on December 7, 2024. Motion carried unanimously.

There was a motion by Commissioner Semanson and a second by Commissioner Mills to adjourn. Motion carried unanimously.

Clerk/Deputy Clerk of Commission

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

ALFRED JOHN, CHAIRMAN

MOLLY COOPER, VICE CHAIRMAN

TODD LEVENT, SECRETARY

CINDY J. MILLS, MEMBER

LAURA SEMANSON, MEMBER

For detailed information concerning this meeting please reference the streaming video located on the Forsyth County Web site at www.forsythco.com.

AFFIDAVIT OF PUBLICATION

State of Georgia
County of Forsyth

Personally appeared before the undersigned, Megan Smarz, who having been duly sworn, on oath, says that she is the Inside Sales Representative of Forsyth County News, and that the Advertisement was Published in Forsyth County News:

Ad# 107897

Miscellaneous

Home Rule

Published:

FCN Forsyth County News: 5/18/2022, 5/25/2022, 6/1/2022

Megan
Smarz

Megan Smarz, Affiant

Digitally signed by Megan Smarz
DN: cn=Megan Smarz gn=Megan Smarz
c=US United States l=US United States
Reason: I attest to the accuracy and integrity
of this document
Location:
Date: 2022-06-16 15:32-04:00

Verified X

SECRETARY OF STATE

15 2022

Sworn to and Subscribed before me

ELECTIONS DIVISION

This 1st day of June 2022.



Notary Public, my commission expires September 22, 2024.

