

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, DECEMBER 16, 2021 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 December 2, 2021

(2) Work Session and Executive Session of December 7, 2021

VII. Consent Agenda

(1) Board adoption of Resolution authorizing Affidavit concerning the Executive Session of December 7, 2021

(2) Board ratification of Distributor and J&J Participation Agreement(s) related to Forsyth County's expressed willingness to compromise the opioid litigation as it pertains to the Distributor and J&J, as was approved by the Board of Commissioners on November 23, 2021 - County Attorney

(3) Board ratification of the following items that were discussed and voted on at a Work Session held on December 7, 2021 (to the extent that a Board Member was not present to vote on two of the items presented below at the December 7, 2021 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 adoption of the Link Forsyth Public Transportation Master Plan - Director, Department of Public Transportation

(B) Board approval to renew various Annual Agreements for the calendar year 2022 - Contract Administrator, Department of Procurement

- (C) Board approval of an Agreement with AT&T in the amount of \$513,411 to upgrade the Viper 911 Phone System for the Department of E911 with approval of a Budget Resolution as presented - Contract Administrator, Department of Procurement
- (D) Board approval to award Bid 21-152-5211 to Steele and Associates, Inc. for Repair and Rehabilitation of existing Boardwalk sections of the Big Creek Greenway as needed for the calendar year 2022 for the Department of Parks and Recreation - Contract Administrator, Department of Procurement
- (E) Board approval to award Bid 21-158-3120 in an amount not to exceed \$107,000.00 to all three submitting firms: 1.) Martin Marietta; 2.) Vulcan Materials; and, 3.) Midsouth Aggregates for as-needed Aggregate for the calendar year 2022 for the Departments of Water and Sewer, Roads and Bridges, and Parks and Recreation - Contract Administrator, Department of Procurement
- (F) Board approval of a Task Order in the amount of \$138,936.50 with Freese and Nichols, Inc. to provide engineering services for the design of approximately 4,000 linear feet of proposed sewer main at Church Road and Martin Road as recommended and presented by staff - Contract Administrator, Department of Procurement
- (G) Board approval of Task Order 4 with Prime Engineering Inc. in the not to exceed amount of \$1,265,767.08 regarding the Forsyth County Raw Water Transmission Main Design - Director, Department of Capital Projects
- (H) Board approval of Task Order 26 with CH2M Hill, Inc. in the not to exceed the amount of \$4,236,700.00 for the Forsyth County Water Intake, Tunnel, and Pump Station Design - Director, Department of Capital Projects
- (I) Board approval to renew the Workers' Compensation Stop Loss Policy with Midwest Employers in the amount of \$287,139.00 including an \$8,000 Risk Management Fee to Arthur J. Gallagher for a policy effective date of January 1, 2022 - Risk and Safety Manager, Department of Risk Management
- (J) Board approval to renew the Firefighter Cancer Insurance Policy with American Insurance Company (ACE) in the amount of \$36,955.00 for a policy effective date of January 1, 2022 - Director, Department of Personnel Services
- (K) Board authorization for the Chair to sign the Positive Pay Enrollment Form and ACH Debit Block/Filter Enrollment Form from United Community Bank to provide additional fraud protection as presented - Chief Financial Officer
- (L) Board postponement of the consideration and possible direction regarding a Board generated rezoning for ZA3952, Yousef Emtairah, to the June 7, 2022 Work Session (six-months) - District 4 - Planning Manager, Department of Planning and Community Development

- (M) Board authorization for staff to proceed with the Public Hearing process regarding a proposed County-Initiated Conditional Use Permit (CUP) for agritourism on property currently zoned Agricultural District (A1) - Cooper / John
- (N) Board authorization for staff to proceed with the Public Hearing process for a proposed Ordinance regarding sewer infrastructure access for extensions funded by ARP funds - Assistant County Manager (McKee) / Director, Department of Water and Sewer / County Attorney
- (O) Board appointment of Cristy Ferencie as the *Underprivileged Representative* to the Forsyth County Board of Health for a six-year term to begin January 1, 2022 and expire on December 31, 2027 as presented by the County Manager - County Manager
- (P) Board reappointment of Scot Rucker as the *Rescue Group Member Representative* to the Forsyth County Animal Control Board for a two-year term to begin January 1, 2022 and expire on December 31, 2023 - County Manager
- (Q) Board authorization for staff to proceed with the Public Hearing process regarding consideration of a modification to the District 3 Overlay regarding Tattoo Parlors - Levent / Semanson

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding the request for a variance to the UDC, Table 15.2 by KC Construction of Georgia, Inc. - Parcel 027-021 - VA210087 - District 1 - Director, Department of Planning and Community Development
- (2) Public Hearing and possible vote regarding the County-Initiated request to rezone from Agricultural District (A1) to Commercial Business District (CBD) on 21.259 acres for a 31,000 sq. ft. club, non-profit more than 10,000 sq. ft. in aggregate size with ancillary uses including a 2,220 sq. ft. office and athletic fields with 142 parking spaces with the following variances to: 1.) Increase the maximum building height from 30 ft. to 40 ft. (UDC Table 12.2); and, 2.) Reduce the zoning buffer along the northern property boundary from 40 ft. to 35 ft. (UDC Table 12.2) - Parcels 193-491 and 193-016 - ZA4031 - District 1 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the County-Initiated request to rezone from Single Family Community Residential District (CR1) to Single Family Residential District (RES2) Conservation Subdivision on 36.6895 acres - Parcel 081-666 - ZA4042 - District 3 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding proposed modifications to the Hotel,

Motel and Lodging Excise Tax Ordinance, otherwise known as Forsyth County Ordinance 86, to update imposition of tax, definitions, collection and remittance requirements, electronic notices; to repeal conflicting ordinances; and for other purposes - Business License Manager, Department of Business License

IX. Public Comments

X. Old Business

- (1) Board consideration and possible vote regarding the approval of a Sketch Plat for Marthinus Krige Holdings, LLC and variances to UDC 18-5.18 and UDC Table 14.2 - Parcel 040-126 - SP210008 - District 3 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners at its December 2, 2021 Regular Meeting/Public Hearings; the Board voted unanimously to postpone the decision to the December 16, 2021 Regular Meeting/Public Hearings.)

XI. New Business

- (1) Capkey Clifton Partners LLC - CP210022 - to build an 8,670 sq. ft. miscellaneous service establishment (funeral home/mortuary) with a future 20,000 sq. ft. expansion with a total of 63 parking spaces and an open storage yard with 110 parking spaces on 7.724 acres currently zoned Commercial Business District (CBD) with the following variance to: 1.) Reduce the landscape strips along the side and rear lot lines from 10 ft. to 0 ft. (UDC 12-10.15) - Parcels 139-125, 139-132, and 139-255 - District 2 - Director, Department of Planning and Community Development
- (2) JWC Atlanta Holdings, LLC - ZA4022 - to rezone from Master Planned District (MPD) and Commercial Business District (CBD) to Master Planned District (MPD) on 23.767 acres for 16 attached units and 62 detached residential lots with a density of 3.29 units per acre and commercial buildings totaling 15,000 sq. ft. with 67 parking spaces - Parcels 137-030, 137-032, 137-033, 137-485, and 137-486 - District 2 - Director, Department of Planning and Community Development
- (3) Freeman Berrong Properties, LLC - ZA4028 - to rezone from Agricultural District (A1) to Single Family Residential District (RES3) on 24.24 acres with a Conditional Use Permit (CUP) for Senior Independent Living with 43 residential lots with a density of 1.78 units per acre with the following variance to: 1.) Reduce the exterior buffer abutting Sharon Road right-of-way from 40 ft. to 20 ft. (UDC Table 11-9.6(J)(1)) - Parcel 135-075 - District 2 - Director, Department of Planning and Community Development
- (4) Board approval of Site Development and Building Plans per zoning condition on ZA1316 (Atlanta Polo, Limited) by Mark G. Whitley - District 3 - Director, Department of Planning and Community Development
- (5) Board appointment of Lon Tanner to the Zoning Board of Appeals as the *District 5 Representative* - Semanson / John

- (6) Board discussion and possible direction regarding compensation of the Board of Commissioners - Board of Commissioners
(At the December 7, 2021 Work Session, the Board voted unanimously to bring this Item back to the December 16, 2021 Regular Meeting / Public Hearings for additional discussion.)

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Open Session following Executive Session

- (1) Board consideration and possible approval of an acquisition contract between Forsyth County and Mike and Kimberly Domenicone regarding parcels 058-023 and 059-011 (+/- 39.24 acres) for \$7.2 million - County Attorney
(At the December 7, 2021 Work Session, the Board voted unanimously to postpone this Item to the December 16, 2021 Agenda.)

XV. Adjournment