

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, FEBRUARY 3, 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

- (1) Board recognition of Keep Forsyth County Beautiful and the impact they have made by exemplary work in Forsyth County from late 2020 through 2021 - County Manager

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings and Executive Session of January 20, 2022
- (2) Work Session and Executive Session of January 25, 2022
- (3) Special Called Meeting of January 28, 2022

VII. Consent Agenda

- (1) Board adoption of Resolutions authorizing Affidavits concerning the Executive Sessions of January 20, 2022 and January 25, 2022
- (2) Board acceptance of Right of Way as County maintained with a speed limit of 25 MPH on Andover Street and all other property and property rights as shown on the Subdivision Plat for Holbrook Reserve, Phase 2, recorded in Plat Book 199, Pages 148-155, Forsyth County, Georgia Records - District 1 - Director, Department of Engineering
- (3) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility (WRF): Boles Construction - 1,126 gpd - Director, Department of Water and Sewer
- (4) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility (WRF): Hawkins Manor, LLC - 12,960 gpd - Director,

Department of Water and Sewer

- (5) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility (WRF): Jorwell Properties, LLC - 18,900 gpd - Director, Department of Water and Sewer
- (6) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility (WRF): Majors Road Development, LLC - 11,340 gpd - Director, Department of Water and Sewer
- (7) Board ratification of a Sewer Reservation Agreement for the Fowler Water Reclamation Facility (WRF): Taylor Morrison of Georgia, LLC - 776 gpd - Director, Department of Water and Sewer
- (8) Board ratification of a Sewer Reservation Agreement for Fulton Big Creek: Apogee Properties Group, LLC - 270 gpd - Director, Department of Water and Sewer
- (9) Board ratification of a Sewer Reservation Agreement for Fulton Big Creek: GT-RP Halcyon, LLC - 931 gpd - Director, Department of Water and Sewer
- (10) Board ratification of a Sewer Reservation Agreement for Fulton Big Creek: Furkids, Inc - 250 gpd - Director, Department of Water and Sewer
- (11) Board adoption of a Resolution recognizing Lambert FBLA - Semanson / John
- (12) Board ratification of the following items that were discussed and voted on at the Work Session held on January 25, 2022 (as anticipated by Board Rule 1.07.01):
 - (A) Board approval to declare list of items as surplus with authorization for the Department of Procurement to dispose of accordingly as presented - Director, Department of Procurement
 - (B) Board approval to award Bid 21-154-5211 to Diversified Construction of Georgia, Inc. in the amount of \$1,689,000 for Construction of the Phase 5 Big Creek Greenway Tailhead for the Department of Parks and Recreation as presented - Director, Department of Parks and Recreation
 - (C) Board approval to award RFP 21-188-5211 to PlaySouth Playground Creators in the amount of \$249,996.00 for Phase 2 Lanierland Park Playground Design and Installation for the Department of Parks and Recreation as presented - Director, Department of Parks and Recreation
 - (D) Board approval to award Bid 21-145-1620 to Total Systems Commissioning Authority Services, Inc. in the amount of \$84,000.00 to provide Commissioning Services for the County's new Administration Building as presented - Director, Department of Capital Projects

- (E) Board authorization for the Fire Department to apply for the Fiscal Year 2021 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program - Fire Chief
- (F) Board authorization for staff to proceed with the Public Hearing process regarding a proposed abandonment of a portion of Era Road (a/k/a Old Tribble Road) as requested by HEPCM, LLC, a Florida limited liability company, to facilitate the Publix-anchored commercial development at the intersection of SR20 and Tribble Road - Director, Department of Engineering
- (G) Board reappointment of Richard Neville as Counsel and Hearing Officer to the Civil Service Board for calendar year 2022 - Director, Department of Personnel Services
- (H) Board reappointment of Kathy Echols as Clerk to the Civil Service Board for calendar year 2022 - Director, Department of Personnel Services
- (I) Board authorization for the County Attorney's office to work with the Department of Planning and Community Development to draft a plan to provide Conditional Use Permits or rezoning for build-for-rent communities and for said draft to be brought back at a future Work Session for presentation to the Board - Semanson / Levent
- (J) Board approval of the future Employee Center - County Manager
- (K) Board authorization to hire an additional Deputy Sheriff for the purposes of adding an additional inmate litter and grass detail with approval of a Budget Resolution as presented - County Manager
- (L) Board approval of the 2022-2026 5 year Capital Improvement Program as presented - Chief Financial Officer
- (M) Board authorization for Legal Counsel to prepare a Home Rule amendment to the County's enabling legislation that will remove certain language regarding qualifications for being a Board of Commission member - Levent / Semanson

VIII. Public Hearings

- (1) Public Hearing and possible vote for approval of an Alternate Design for Rene Melendez - Parcel C20-030 - AD210008 - District 1 - Director, Department of Planning and Community Development
(Postponed from the January 6, 2022 Agenda)
- (2) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3022 (Eastbrooke Properties LLC) by Aqua Design Pools & Spas,

LLC and variances to UDC Table 11.2(b) and UDC 18-11.2(B) - Parcel 032-511 - AZ220001 - 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 ZA2699 (Aaron J. Land) by Chris Cowart Properties, LLC and variances to UDC Table 14.2, UDC 14-4.13 and UDC 10-1.10(A)(1) - Parcel 063-057 - AZ210045 - District 3 - Director, Department of Planning and Community Development
(Postponed from the January 6, 2022 Agenda)
- (4) Public Hearing and possible vote regarding the approval of a Sketch Plat for Century Communities of Georgia, LLC - Parcels 058-023 and 059-010 - SP210006 - District 3 - Director, Department of Planning and Community Development
(Postponed from the December 2, 2021 and January 6, 2022 Agendas)
- (5) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3837 (Bennett Capital Partners, LLC) by Tipton Development, LLC - Parcel 211-017 - AZ220002 - District 4 - Director, Department of Planning and Community Development
- (6) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit for agritourism on 39.21 acres currently zoned Agricultural District (A1) - Parcel 188-039 - CP220001 - District 4 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding the County-Initiated request to rezone from Agricultural District (A1) to Restricted Industrial District (M1) with Conditional Use Permits (CUPs) for open storage yards not exceeding 20%, kennels, animal hospitals, veterinary clinics, food processing plants, frozen food lockers, micro-breweries, micro-distilleries, and breweries and distilleries, and conducting around the clock business with variances to UDC 10-1.10(B)(1), UDC Table 14.2, UDC 14-4.13, UDC 21-12.5 (F)(1), and UDC Table 17.1 - Parcel 237-013 - ZA4018 - District 4 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote regarding amendments to Chapters 3 and 12 related to Specialty Pharmacy within the Unified Development Code of Forsyth County - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on October 26, 2021; postponed from the December 2, 2021 and January 6, 2022 Agendas)
- (9) Public Hearing and possible vote regarding proposed modifications related to the Forsyth County Tree Protection and Replacement Ordinance, Forsyth County Ordinance 98 - Development Services Manager, Department of Planning and Community Development
- (10) Public Hearing and possible vote concerning a proposed new Ordinance setting forth prohibitions and use parameters on sewer infrastructure expansion funded by American Rescue Act proceeds; to repeal conflicting ordinances; and for other purposes - County Attorney

IX. Public Comments

X. Old Business

- (1) Board consideration and possible direction regarding RUS-AL (USA), Inc., CP190014, to operate an open storage yard with 133 parking spaces associated with existing buildings totaling 18,000 sq. ft. with 26 parking spaces on 6.680 acres currently zoned Restricted Industrial District (M1) with variances to: 1.) Reduce the zoning buffer along the eastern property boundary from 60 ft. to 0 ft. (UDC, Table 14.2); 2.) Reduce the front setback from 50 ft. to 35 ft. abutting Union Hill Road right-of-way adjacent to the existing structure only (UDC, Table 14.2); and, 3.) Reduce the zoning setback from 75 ft. to 65 ft. along the eastern property boundary adjacent to the existing structure only (UDC, Table 14.2) - District 3 - Director, Department of Planning and Community Development
(At the November 21, 2019 Regular Meeting / Public Hearings, the Board voted unanimously to authorize staff to proceed with advertising for additional Public Hearings for AZ190005 (RUS-AL), SP190002 (RUS-AL), and CP190014 (RUS-AL) to be heard at the December 5, 2019 Regular Meeting / Public Hearings (Consent Agenda (5)(P)). At the December 5, 2019 Regular Meeting / Public Hearings, the Board voted unanimously to deny the CUP and variances. At the January 9, 2020 Regular Meeting / Public Hearings, the Board voted unanimously to rescind the denial of the CUP. Postponed from the March 19, 2020, April 16, 2020, June 4, 2020, July 9, 2020, July 23, 2020, August 6, 2020, August 20, 2020, October 8, 2020, November 5, 2020, November 19, 2020, December 17, 2020, January 21, 2021, May 6, 2021, June 3, 2021, July 8, 2021, August 19, 2021, October 7, 2021, and December 2, 2021 Agendas.)
- (2) Board consideration and possible direction regarding Sketch Plat approval for RUS-AL (USA), Inc. and Variances to the UDC Section 14-1.3 and Table 14.2 - Parcel 041-099 - SP190002 - District 3 - Director, Department of Planning and Community Development
(A Public Hearing was held before the Board of Commissioners at its November 7, 2019 Regular Meeting / Public Hearings; the Board voted unanimously to postpone its decision to the November 21, 2019 Regular Meeting / Public Hearings. At the November 21, 2019 Regular Meeting / Public Hearings, the Board voted unanimously to authorize staff to proceed with advertising Public Hearings for AZ190005 (RUS-AL), SP190002 (RUS-AL), and CP190014 (RUS-AL) to be heard at the December 5, 2019 Regular Meeting / Public Hearings (Consent Agenda (5)(P)). A Public Hearing was held before the Board of Commissioners at its December 5, 2019 Regular Meeting / Public Hearings; the Board voted unanimously to move Item to the February 20, 2020 Regular Meeting / Public Hearings Agenda to hold an additional Public Hearing. Postponed from the February 20, 2020, March 19, 2020, and April 16, 2020 Agendas. A Public Hearing was held before the Board of Commissioners at its June 4, 2020 Regular Meeting / Public Hearings; the Board voted unanimously to postpone its decision to the July 9, 2020 Regular Meeting / Public Hearings. Postponed from the July 9, 2020, July 23, 2020, August 6, 2020, August 20, 2020, October 8, 2020, November 5, 2020, November 19, 2020, December 17, 2020, January 21, 2021, May 6, 2021, June 3, 2021, July 8, 2021, August 19, 2021, October 7, 2021, and December 2, 2021 Agendas.)

XI. New Business

- (1) Board consideration of the request by Uday Golambade for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to deny a variance on VA210086 (Uday Golambade). The variance was denied on January 4, 2022 - AV220001 - District 2 - Director, Department of Planning and Community Development

- (2) Board consideration of an acquisitions contract between Forsyth County and Kimberly J. Domenicone and Michael S. Domenicone, individually and Kimberly J. Domenicone and Michael S. Domenicone as Co-Administrators of the Estate of Paso Domenicone, deceased, for a 39.3 acre parcel located at Forsyth County Tax Parcel Numbers 058-023 and 059-010, for an acquisition price of \$7.5 million, otherwise referred to as the Polo Fields - County Attorney
- (3) Board consideration of initiating a County sponsored Res3 zoning of Forsyth County-owned property located at 500 Windy Hill Drive, Tax Parcel 040-037, otherwise referred to as a portion of Denmark Park - County Attorney
- (4) Board consideration of a Resolution authorizing the sale and/or disposition of Forsyth County property located at 500 Windy Hill Drive, Forsyth County Georgia, Tax Parcel 040-037, otherwise known as a portion of Denmark Park property, in accord with all legal and statutory requirements of Georgia law - County Attorney

XII. Administrative Hearings

- (1) Administrative Hearing in reference to a violation(s) of the Massage and Spa Ordinance for FY Health Services, LLC dba Sunset Massage - Named Licensee is Fengxia Yao - MT009634 - District 2 - Business License Manager, Department of Business License
(Postponed from the January 20, 2022 Agenda)

XIII. Recess Regular Meeting

XIV. Executive Session (if needed)

XV. Adjournment