

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, FEBRUARY 17, 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 February 3, 2022

(2) Work Session and Executive Session of February 8, 2022

VII. Consent Agenda

(1) Board adoption of Resolution authorizing Affidavit concerning the Executive Session of February 8, 2022

(2) Board ratification of the following items that were discussed and voted on at the Work Session held on February 8, 2022 (as anticipated by Board Rule 1.07.01):

(A) Board authorization for staff to apply to the Georgia Department of Agriculture / Dog and Cat Sterilization Grant Program for a grant in the amount of \$60,000.00 with no match required - Director, Animal Shelter

(B) Board approval to declare the list of items as surplus with authorization for the Department of Procurement to dispose of accordingly - Director, Department of Procurement

(C) Board approval of a Supplemental Agreement with Atlas in the amount of \$241,651.49 regarding the McGinnis Ferry Widening Project and thereby amending the original PO #20151708 by merging into one complete project instead of three sections - Director, Department of Capital Projects

(D) Board approval of a Change Order (CO#006) from G.P.'s Enterprises, Inc. in the amount of \$425,142.17 regarding the Ronald Reagan Boulevard Project

to modify storm drainage to eliminate long, steep down drains; increase quantities for multiple materials based on actual site conditions encountered; and, credit for materials not required during bridge construction - Director, Department of Capital Projects

- (E) Board approval of Supplemental Agreement No. 1, PI 0016975 CR 97/CR 104/PILGRIM MILL RD FM FREEDOM PKWY TO TIDWELL PARK, between the Georgia Department of Transportation (GDOT) and Forsyth County, which adds the following Supplemental Amounts to the Project Framework Agreement (PFA): Federal Supplement Amount \$281,492.00 - Federal Supplemental Amount; and, Local Participation/Match \$70,373.00 - Local Participation/Match. The total Supplemental Amount is \$351,865.00 - Director, Department of Capital Projects
- (F) Board approval of Supplemental Agreement No. 2, PI 0007526 SR 400 @ MCGINNIS FERRY RD; INC WIDENING & AUXILIARY LANES, between the Georgia Department of Transportation (GDOT) and Forsyth County, which adds the following Supplemental Amounts to the Project Framework Agreement (PFA): \$458,938.00 - Federal Supplemental Amount; \$115,984.00 - Local Participation/Match; \$467,750.00 - additional Federal Earmark; and, \$116,937.50 - Local Participation/Match (additional Federal Earmark). The total Supplemental Amount is \$1,159,609.50 - Director, Department of Capital Projects
- (G) Board approval of a Task Order in the amount of \$149,760.00 with Brown and Caldwell for On-Site Construction Services for the Laurel Springs Gravity Sanitary Sewer Replacement Project for the Department of Water and Sewer - Director, Department of Water and Sewer
- (H) Board approval of the Septage Receiving Program at the Fowler Water Reclamation Facility with approval of the Program's Rate Structure - Director, Department of Water and Sewer
- (I) Board approval to award RFP 21-193-0610 to USIS, Inc. in the not to exceed amount of \$35,000.00 for Workers' Compensation Third Party Claims Administrative Services in 2022 for the Department of Risk Management - Risk and Safety Manager, Department of Risk Management
- (J) Board approval of proposed modifications to the Employee Handbook Policy 4: *Compensation Plan* - Director, Department of Personnel Services
- (K) Board approval of proposed modifications to the Employee Handbook Policy 6: *Position Placement* - Director, Department of Personnel Services
- (L) Board approval to award RFP 21-179-3190 to Kimley-Horn and Associates, Inc. in the amount of \$300,000.00 to provide all labor, materials, and equipment for The McFarland Livable Centers Initiative (LCI) Investment Feasibility Study with approval of a Budget Resolution and to increase the scope of work to include the area between McFarland Parkway, Georgia 400

and Highway 9 - Assistant County Manager (Kenney)

- (M) Board approval to expend SPLOST 8 funding in the not to exceed amount of \$114,721.00 to extend an 8" waterline for additional fire protection and water services along Fleming Drive - County Manager
- (N) Board approval of a First Amended Memorandum of Understanding between Forsyth County and the Forsyth County / City of Cumming Land Bank Authority - County Manager
- (O) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated variance to reduce the exterior setback from 50 ft. to 3 ft. - Parcel 071-067 - District 4 - Mills / Cooper
- (P) Board approval to leave the *Corporate Sponsorship Plan* for the Department of Parks and Recreation 'as-is' but to include the language related to naming rights - Director, Department of Parks and Recreation

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding a County-Initiated Conditional Use Permit to operate an open storage yard with 14 parking spaces on 6.527 acres associated with warehouses/offices totaling 59,000 sq. ft. with 85 parking spaces currently zoned Restricted Industrial District (M1) with the following variance(s) to:
1.) Reduce the buffer abutting Georgia Highway 400 from 40 ft. to 20 ft. (UDC 10-1.10(A)) - Parcel 064-012 - CP210046 - District 3 - Director, Department of Planning and Community Development
- (2) Public Hearing and possible vote regarding the approval of a Sketch Plat for Cheer Investments, Inc. and variances to UDC Table 17.1 and UDC 21-7.5(B)(3) - Parcel 106-766 - SP210010 - District 3 - Director, Department of Planning and Community Development
(A Public Hearing was held at the January 20, 2022 Regular Meeting/Public Hearings; the Board voted 4-0-1 (Commissioners John, Levent, Mills, and Semanson in favor; Commissioner Cooper absent) to hold an additional Public Hearing at the February 17, 2022 Regular Meeting / Public Hearings.)
- (3) Public Hearing and possible vote regarding a County-Initiated variance to: 1.) Reduce the minimum lot width from 100 ft. to 90 ft. for no more than 20 lots (UDC Table 11.2 (b)) - Parcels 080-194, 080-231, 080-046, 080-086, and 080-156 - VA220006 - District 3 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding Jonathan Gonzalez - ZA4007 - to rezone from Agricultural District (A1) and Single Family Residential District (R1) to Commercial Business District (CBD) with a Conditional Use Permit (CUP) for an open air business on 2 acres associated with an existing 1,036 sq. ft. building with 8 parking spaces with the following variances to: 1.) Reduce the front setback from 40 ft. to 24 ft. (UDC Table 12.2); 2.) Reduce the front landscape strip from 20 ft. to 10 ft.

(UDC 21-6.5(A)(1)); and, 3.) Reduce the required number of parking spaces from 75 to 8 (UDC Table 17.1) - Parcel 017-055 - District 3 - Director, Department of Planning and Community Development

(Postponed from the August 19, 2021 Agenda. At the September 2, 2021 Regular Meeting / Public Hearings, the Board voted 4-0-1 (Commissioners Mills, John, Levent, and Semanson in favor; Commissioner Cooper absent) to hold an additional Public Hearing on November 4, 2021; postponed from the September 2, 2021, November 4, 2021, December 2, 2021, and January 20, 2022 Agendas.)

- (5) Public Hearing and possible vote regarding a 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
(At the December 16, 2021 Regular Meeting/Public Hearings, the Board voted 4-0-1 (Commissioners Mills, John, Levent, and Semanson; Commissioner Cooper absent) to hold an additional Public Hearing for this Item at the February 17, 2022 Regular Meeting/Public Hearings.)
- (6) Public Hearing and possible vote regarding proposed modifications related to the Forsyth County Sign Ordinance - Planning Manager, Department of Planning and Community Development
(First of two required Public Hearings)

IX. Public Comments

X. Old Business

- (1) Board consideration and authorization of a Resolution to execute documents related to the issuance of the Forsyth County Water and Sewerage Authority's Revenue Bonds - Chief Financial Officer
- (2) Board consideration and possible adoption of a Resolution increasing Board of Commissioner compensation, to become effective January 1, 2023 - County Attorney

XI. New Business

- (1) Eastern Orthodox Community of Northern Georgia, Inc. - CP210042 - to expand and operate a place of worship, fellowship hall, outdoor pavilion, bell tower, office, and gymnasium (10,000 sq. ft. or more) and a parochial primary school (10,000 sq. ft. or less) in buildings totaling 64,842 sq. ft. in addition to an existing 4,215 sq. ft. building with 245 total parking spaces on 15.792 acres currently zoned Agricultural District (A1) - Parcels 078-040 and 078-138 - District 1 - Director, Department of Planning and Community Development
- (2) Warehouse One-Cumming, L.L.C. - ZA4027 - to rezone from Single Family Residential District (R1) to Restricted Industrial District (M1) on 8.859 acres for an 8,000 sq. ft. office and a 50,000 sq. ft. office/warehouse with 137 parking spaces with the following variances to: 1.) Reduce the zoning buffer along the northern, eastern and western property boundaries from 60 ft. to 0 ft. (UDC Table 14.2); 2.)

Increase the maximum number of parking spaces from 107 to 137 (UDC Table 17.1); and, 3.) Reduce the required number of loading spaces from 4 to 2 (UDC 17-3.3) - Parcels 099-255 and 099-014 - District 1 - Director, Department of Planning and Community Development

- (3) Richard Kimbral - ZA4040 - to rezone from Restricted Industrial District (M1) and Agricultural District (A1) to Restricted Industrial District (M1) on 0.95 acres with a Conditional Use Permit (CUP) for a wrecked motor vehicle compound and wrecker services with the following variance to: 1.) Reduce the zoning buffer along the northern property boundary from 40 ft. to 0 ft. (UDC Table 14.2) - Parcels 076-034 and 076-033 - District 1 - Director, Department of Planning and Community Development
- (4) Dinesh B. Thampi - CP210025 - to operate a kennel (dog breeding) in 750 sq. ft. of an existing 4,092 sq. ft. home with 3 parking spaces on 1.147 acres currently zoned Agricultural District (A1) with the following variances to: 1.) Reduce the side setback along the eastern property boundary adjacent to the existing structure only from 25 ft. to 20 ft. (UDC Table 15.2); and, 2.) Reduce the side buffer along the eastern property boundary adjacent to the existing structure, concrete, and retaining wall only from 25 ft. to 5 ft. (UDC Table 15.2) - Parcel 136-048 - District 2 - Director, Department of Planning and Community Development
- (5) Enterprise Leasing Company of Georgia, LLC - CP210037 - to operate a 1,345 sq. ft. vehicle rental establishment with 5 parking spaces on 2.6187 acres currently zoned Commercial Business District (CBD) - Parcel 140-035 - District 2 - Director, Department of Planning and Community Development
- (6) Absolute Bonifay Corp. - CP210040 - to operate a 1,400 sq. ft. miscellaneous service establishment (pet grooming) in an existing building with 6 parking spaces on 15.61 acres currently zoned Commercial Business District (CBD) - Parcel 135-131 - District 2 - Director, Department of Planning and Community Development
- (7) Maltese Family Holdings, LLLP - CP210036 - to operate a 4,028 sq. ft. used vehicle sales dealership with 8 parking spaces on 1.77 acres currently zoned Highway Business District (HB) with the following variances to: 1.) Reduce the setback for parked, stored, or displayed vehicles from the right-of-way adjacent to the existing concrete only from 10 ft. to 8 ft. (UDC 16-4.37(G)(3)) (UDC 12-10.8); 2.) Reduce the landscape strip abutting McFarland 400 Boulevard adjacent to the existing concrete only from 15 ft. to 8 ft. (UDC Table 21.6); 3.) Reduce the landscape strip abutting McFarland Parkway adjacent to the existing concrete only from 20 ft. to 8 ft. (UDC 21-6.5(A)(1)); and, 4.) Reduce the area of paved surface for display of vehicles from 1 acre (43,560 sq. ft.) to .79 acres (34,560 sq. ft.) (UDC 16-4.37)(G)(1)) - Parcel 042-316 - District 3 - Director, Department of Planning and Community Development
- (8) Nail Properties, LLC - CP210039 - to operate an open storage yard on 2.40 acres currently zoned Restricted Industrial District (M1) with the following variance to: 1.) Reduce the zoning buffer along the western property boundary from 40 ft. to 0 ft. (UDC Table 14.2); 2.) Reduce the zoning setback along the southeastern property boundary adjacent to the existing detention pond only from 30 ft. to 10 ft. (UDC Table 14.2); 3.) Reduce the zoning buffer along the southeastern property boundary adjacent to the existing detention pond only from 20 ft. to 10 ft. (UDC Table 14.2);

and, 4.) Reduce the front building setback from 40 ft. to 10 ft. (UDC Table 21.6) - Parcel 130-074 - District 3 - Director, Department of Planning and Community Development

- (9) Kelly Mill Consultants Corporation - ZA3997 - to rezone from Agricultural District (A1) and Single Family Residential Restricted District (R2R) to Single Family Residential District (RES3) on 61.02 acres for 87 residential lots with a density of 1.43 units per acre - Parcels 080-041, 080-046, 080-086, 080-156, 080-231, 080-194, and 080-040 - District 3 - Director, Department of Planning and Community Development
- (10) Henrique Trevino - ZA4019 - to rezone from Agricultural District (A1) to Restricted Industrial District (M1) on 2.541 acres for a 9,750 sq. ft. warehouse with 11 parking spaces with a Conditional Use Permit (CUP) for an open storage yard with 8 parking spaces - Parcel 021-035 - District 3 - Director, Department of Planning and Community Development
- (11) Toll Brothers, Inc. - ZA4038 - to rezone from Agricultural District (A1) and Commercial Business District (CBD) to Single Family Residential District (RES2) on 33.663 acres for 35 residential lots with a density of 1.04 units per acre with the following variance to: 1.) Reduce the exterior buffer abutting Castleberry Road right-of-way from 40 ft. to 0 ft. (UDC 11-9.6(J)(1)); and, 2.) Reduce the landscape strip abutting Castleberry Road right-of-way from 10 ft. to 0 ft. (UDC 11-9.6(J)(1)) - Parcels 061-005, 060-051, and 061-004 - District 3 - Director, Department of Planning and Community Development
- (12) James R. Scienza - CP210038 - to operate a special event facility in buildings totaling 5,093 sq. ft. with 30 parking spaces on 5.18 acres currently zoned Agricultural District (A1) with the following variances to: 1.) Reduce the side buffer adjacent to the southern boundary of tax map/parcel 268-035 from 25 ft. to 10 ft. (UDC 15-3.3(F))(UDC Table 15.2); and, 2.) Reduce the side buffer adjacent to the western boundary of tax map/parcel 268-035 from 25 ft. to 0 ft. (UDC 15-3.3(F))(UDC Table 15.2) - Parcels 268-052, 268-058, and 268-036 - District 4 - Director, Department of Planning and Community Development
- (13) Yes 2 Farms LLC - CP210041 - to operate a special event facility in buildings totaling 18,267 sq. ft. with 202 parking spaces and short-term rentals in buildings totaling 5,222 sq. ft. for 10 overnight guests with 20 parking spaces on 22.625 acres currently zoned Agricultural District (A1) with the following variance to: 1.) Reduce the impervious setback from 75 ft. to 50 ft. adjacent to the existing structure only (UDC 18-11.2(B)) - Parcel 251-002 - District 4 - Director, Department of Planning and Community Development
- (14) Board consideration of a Resolution modifying the Board of Commissioners' Internal Rules of Procedure regarding method and/or time for collecting Public Comment forms - County Manager

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment