

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, MAY 5, 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 presentation of a Proclamation declaring May 1, 2022 through May 7, 2022 as *Travel and Tourism Week* in Forsyth County - John / Semanson
- (2) Board presentation of a Resolution recognizing the Alliance Academy for Innovation's 2022 graduating class - Mills / Levent
- (3) Board presentation of a Resolution recognizing 4-H Project Achievement - John / Cooper

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of April 21, 2022
- (2) Work Session and Executive Session of April 26, 2022

VII. Consent Agenda

- (1) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of April 26, 2022
- (2) Board acceptance of Right of Way as County maintained with a speed limit of 25 MPH on Bennett Parkway, Pinnacle View Road, Parkway Downs Drive and all other property and property rights as shown on subdivision plat for The Park at Bethlevue, recorded in Plat Book 200, Pages 169-179, Forsyth County, Georgia Records - District 3 - Director, Department of Engineering
- (3) Board adoption of a Proclamation declaring May 1, 2022 through May 7, 2022 as *Travel and Tourism Week* in Forsyth County - John / Semanson

- (4) Board adoption of a Resolution recognizing the Alliance Academy for Innovation's 2022 graduating class - Mills / Levent
- (5) Board adoption of a Resolution recognizing 4-H Project Achievement - John / Cooper
- (6) Board ratification of the following items that were discussed and voted on at the Work Session held on April 26, 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 - Director, Department of Procurement
 - (B) Board approval to award RFP 21-165-2410 to Ten-8 Fire and Safety Equipment in the amount of \$856,329.00 for the purchase of three (3) replacement Brush Trucks - Fire Chief
 - (C) Board approval to enter into an Agreement with ESi Acquisition, Inc. in the amount of \$13,940.00 to upgrade the hosting services for WebEOC Crisis Information Management Software with authorization for the County Manager to execute documents in furtherance of same - Director, Emergency Management Agency
 - (D) Board approval of Amendment 2 to Task Order 2 with ESG Engineering in the amount of \$123,058.00 for providing Engineering and Construction Oversight Services for the Ozone System Replacement Project at the Antioch Water Treatment Plant - Director, Department of Water and Sewer
 - (E) Board approval of a Construction Work Order for Western Summit Constructors Inc. in the amount of \$442,488.00 under the Water and Sewer Indefinite Quantity Mechanical Contractor Program for providing Phase 3 Construction Services to complete the Ozone System Replacement Project at the Antioch Water Treatment Plant - Director, Department of Water and Sewer
 - (F) Board approval of a Contract Item Agreement between the Georgia Department of Transportation and Forsyth County at an estimated cost of \$4,364,340.00 for Waterline and Sanitary Sewer Relocation on State Route 9 from McFarland Road to Post Road due to road widening - Director, Department of Water and Sewer
 - (G) Board approval to renew the Joint Funding Agreement with the U.S. Department of the Interior, U.S. Geological Survey, in the amount of \$49,750.00 for 2022 Stream Flow Monitoring of Dick Creek at Old Atlanta Road, Big Creek at Hwy 9, and the Chattahoochee River upstream and downstream of McGinnis Ferry Road - Director, Department of Water and Sewer

- (H) Board approval to award RFP 22-010-1620 to Atlas Technical Consultants, LLC and Jacobs Engineering Group, Inc. for Project Management Roadway Connectivity and Pedestrian Services and to provide all labor, materials, and equipment on an as-needed basis for roadway connectivity and pedestrian services with authorization for the County Manager to execute documents in furtherance of same - Director, Capital Projects Department
- (I) Board approval to award RFP 22-11-1620 to Heath & Lineback Engineers, Inc. and Jacobs Engineering Group, Inc. for Roadway Connectivity Pedestrian Construction Engineering Inspection (CEI) Services and to provide all labor, materials, and equipment on an as-needed basis for roadway connectivity and pedestrian CEI services with authorization for the County Manager to execute documents in furtherance of same - Director, Capital Projects Department
- (J) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated rezoning from Agricultural District (A1) to Restricted Industrial District (M1) for industrial buildings totaling approximately 383,281 sq. ft., Parcels 236-029 and 236-093 - District 4 - Mills / Levent
- (K) Board approval of an Intergovernmental Agreement between the Lumpkin County Water and Sewerage Authority and Forsyth County as presented - County Manager / County Attorney
- (L) Board approval to postpone the consideration of accepting two lots in the Pebblebrook subdivision for County ownership to the May 10, 2022 Work Session - County Manager / County Attorney
- (M) Board approval of a Sewer Easement in favor of the City of Cumming, with the easement running through a small portion of Tax Parcel #C19-002, for the temporary construction and permanent use and maintenance of a new sewer manhole to be located at the boundary line of the property as more particularly described in Exhibit A of the Easement document - County Attorney
- (N) Board approval of the Agreement for Exchange of Realty with Thomas R. Wojtczak, as Trustee of the Thomas R. Wojtczak Revocable Trust dated January 24, 2012, regarding the exchange of 0.328 acre of County property (from Parcel 125-116) for 0.246 acre of Wojtczak property (Parcel 125-110) at or near 1 Cunningham Point, Cumming, Georgia as presented - Director, Department of Parks and Recreation / County Attorney

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, February 3, 2022, March 3, 2022 and April 7, 2022 Agendas)

- (2) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3900 (RaceTrac Petroleum, Inc.) by Pepperwood, Inc. with the following variance(s) to: 1.) Reduce the side setback from 10 ft. to 0 ft. adjacent to tax map/parcel 031-068 (UDC Table 12.2); 2.) Reduce the landscape strip along the side and rear lot lines adjacent to tax map/parcels 031-068 and 031-069 from 10 ft. to 0 ft. (UDC 12-10.15). - Parcel 031-263 - AZ220011 - 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 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
- (4) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA1590 (Robert Czekala) by Dalton S2 Properties LLC with the following variance to: 1.) Reduce the zoning buffer along the rear property boundary from 40 ft. to 20 ft. (UDC Table 12.2). - Parcel 108-562 - AZ220016 - District 2 - Director, Department of Planning and Community Development
- (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
- (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 and April 7, 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 Agenda)
- (8) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2532 (Peachtree Property Group) by Brian Hartigan - Parcel 130-178 - AZ220012 - 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
- (10) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA2679 (Donald H Burruss) by Ravi Chintalapati - Parcel 155-365 -

AZ220014 - District 5 - Director, Department of Planning and Community Development

- (11) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Tattoo Parlors within Chapter 21- Planner III, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on March 22, 2022)
- (12) 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. The second Public Hearing was held before the Planning Commission on March 22, 2022.)
- (13) Board consideration and possible adoption of a Resolution that will impose and/or extend a moratorium prohibiting the acceptance of rezoning applications to the conservation subdivision zoning designation or zoning condition amendments for existing conservation subdivisions for 180 days – County Attorney

IX. Public Comments

X. Old Business

XI. New Business

- (1) Board approval of a Settlement and Release Agreement in connection with Parcels 5 and 14 of the McGinnis Ferry Interchange Project, parcels owned by WB Holdings, LLC (connected to the Orkin family) (the "Agreement"), with authorization for the County Manager to execute documents in furtherance of same. The Agreement, discussed and agreed upon in the April 12, 2022 Executive Session, was not brought to vote in Open Session that same day. The original pay-in for Parcel 5 is \$43,200.00. The original pay-in for Parcel 14 is \$1,288,300.00. The Agreement would be for the amount paid into the registry of the court by the County, plus additional non-monetary consideration detailed in the Agreement. The Agreement is subject to final GDOT approval which is pending - County Attorney

XII. Administrative Hearings

XIII. Recess Regular Meeting

XIV. Executive Session (if needed)

XV. Adjournment

