

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, AUGUST 18, 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 August 31, 2022 as *Overdose Awareness Day* in Forsyth County - Mills / Levent

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of August 4, 2022
- (2) Work Session and Executive Session of August 9, 2022

VII. Consent Agenda

- (1) Board adoption of a Resolution authorizing Affidavit concerning the Executive Session of August 9, 2022
- (2) Board adoption of a Proclamation declaring August 31, 2022 as *Overdose Awareness Day* in Forsyth County - Mills / Levent
- (3) Board ratification of an Agreement for Legal Services regarding Tri-State Water Wars and Related Matters between the Forsyth County Department of Water and Sewer and Jones Fortuna LP - County Manager
- (4) Board ratification of an Agreement for Legal Services between the Department of Water and Sewer and Jones Fortuna LP - County Manager
- (5) Board ratification of the following items that were discussed and voted on at a Work Session held on August 9, 2022 (to the extent that a Board Member was not present to vote on one of the Items presented below at the August 9, 2022 Work Session, the absent Board Member has indicated having no objections to placement of the Item on the Consent Agenda - at the request of County staff - as

anticipated by Board Rule 1.07.01):

- (A) Board authorization for the Sheriff's Office to accept the award of the BJA FY 22 Byrne Discretionary Community Project Funding in the amount of \$235,000.00 with no required match and with approval of an accompanying Budget Resolution - Grant Coordinator, Sheriff's Office
- (B) Board approval of a Memorandum of Understanding between the Forsyth County Accountability Courts and Nathan A. Burks to provide treatment services, substance screening, and 4th Amendment waiver searches with authorization for the Chairman to execute all related documents as presented - Director, Accountability Courts
- (C) Board approval of a Sub-Grant Agreement with the Georgia Department of Transportation (GDOT) for the award of FTA 5311 Operating Grant Funds (Project Number - T007228) in the amount of \$170,671.00 with a 50/50 required match (\$170,671.00) with authorization for the Chairman to execute documents in furtherance of the same - Director, Department of Public Transportation
- (D) Board authorization for staff to apply for the State of Georgia FY2023 Local Maintenance & Improvement Grant (LMIG) for an amount not to exceed \$2,739,311.67 with a required match of up to \$1,173,990.60 with authorization for the Chairman to execute any related application documents - Director, Department of Engineering
- (E) Board approval to award Bid 22-47-1514 to Cooper & Company General Contractors, Inc. in the amount of \$7,400,000.00 to provide all labor, materials, and equipment for the renovation of the Central Park Recreation Center with authorization for the County Manager to execute documents in furtherance of the same as presented - Director, Department of Capital Projects
- (F) Board authorization for staff to implement a 4% Cost of Living Adjustment (COLA) for FY 2022, as of September 26, 2022, for specific positions identified to receive a Market Salary Adjustment in FY 2023 in the following Departments: Sheriff's Office; Fire; and, E-911 in the not to exceed amount of \$827,750.00 with approval of a Budget Resolution as presented - Chief Financial Officer
- (G) Board authorization for staff to amend Revenues and Expenses on behalf of the Department of Parks and Recreation in the amount of \$51,000.00 with approval of a Budget Resolution as presented - Chief Financial Officer
- (H) Board approval to postpone the consideration and possible direction regarding a Board generated rezoning for ZA3952, Yousef Emtairah, for thirty days - District 4 - Planning Manager, Department of Planning and Community Development
(Note: this Item will appear on the September 6, 2022 Work Session

Agenda.)

- (I) Board authorization for staff to proceed with the Public Hearing process regarding amendments to the Unified Development Code related to variances to parking surfacing within Chapters 8 and 17 - Planning Manager, Department of Planning and Community Development
- (J) Board authorization for staff to approve the correction, realignment, modification, and clarification to the boundaries and site plan of the Coal Mountain Town Center as presented - Planning Manager, Department of Planning and Community Development
- (K) Board authorization for staff to proceed with the Public Hearing process regarding amendments to the Unified Development Code related to the Coal Mountain Overlay within Chapter 21, to include amendments that would incorporate the Coal Mountain Town Center Design Standards into the existing Overlay - with the one change as discussed - Planning Manager, Department of Planning and Community Development
- (L) Board authorization for staff to proceed with the Public Hearing process regarding a County-Initiated Amendment to Zoning Conditions for ZA2548 tax map/parcel 237-002 - District 4 - Mills / John
- (M) Board approval to proceed with the mediation process regarding LOST negotiations as described by Legal Counsel with authorization for the County Attorney to take necessary processes in order to move forward - Mills / Levent
- (N) Board approval/ratification of the ARC LCI McFarland Feasibility Study Contract, that was the product of RFP 21-179-3130, where the Board having awarded the RFP to Kimley-Horn on February 17, 2022 as presented - Assistant County Manager (Kenney) / County Attorney
- (O) Board approval to add an Indigent Defense Director position for the remainder of FY 2022, as of September 26, 2022, in the amount of \$37,700.00 with approval of a Budget Resolution - County Manager

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, May 19, 2022, June 16, 2022, and July 21, 2022 Regular Meeting/Public Hearings Agendas)

- (2) Public Hearing and possible vote regarding the County-Initiated request to rezone from Agricultural District (A1), Highway Business District (HB), and Commercial Business District (CBD) to Restricted Industrial District (M1) with Conditional Use Permits (CUPs) for breweries and distilleries, cold storage plants and frozen food lockers, food processing plants, kennels, animal hospitals, veterinary clinics, micro-breweries, micro-distilleries, an open storage yard, research laboratories and ancillary manufacturing, self-service storage, climate controlled, transportation, communication and utility facility facilities, except truck terminals, truck terminals, conducting around the clock business hours with the following variances to: 1.) Reduce the landscape strips along the side and rear lot or lease lines from 6 ft. to 0 ft. (UDC 14-4.13); and, 2.) Reduce the zoning buffer from 40 ft. to 25 ft. (UDC Table 14.2) - Parcels 235-056, 235-218, 235-036, and 235-045 - ZA4056 - District 4 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding adoption of the proposed FY 2023 Budget with authorization to apply a 4% Cost of Living Adjustment (COLA) increase as budgeted and to apply an increase of 2% to the Salary Range Schedule to maintain competitive salary ranges for recruiting purposes in 2023 and regular maintenance of the Salary Schedule - Chief Financial Officer
- (4) Public Hearing and possible vote regarding Occupational Tax Receipts for FY 2021, wherein those receipts were higher than the receipts for FY 2020. O.C.G.A. 48-13-28 requires the County to hold a Public Hearing as part of the County's process to determine how to use the additional revenue - Chief Financial Officer

IX. Public Comments

X. Old Business

- (1) 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, May 19, 2022, June 16, 2022, July 7, 2022, July 21, 2022, and August 4, 2022 Agendas)
- (2) Board consideration and possible vote 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; postponed to the August 18, 2022 Regular Meeting/Public Hearings.)

XI. New Business

- (1) Gary R. Bagley - CP210024 - to build a 1,000 sq. ft. vehicle sales dealership with 5 parking spaces on 1.36 acres currently zoned Highway Business District (HB) with the following variance to: 1.) Eliminate the 5,000 ft. sewer distance requirement to facilitate the use of an on-site septic disposal system (UDC 18-5.18) - Parcel 009-071 - District 1 - Director, Department of Planning and Community Development
- (2) Southern Gentry Homes, LLC - ZA4067 - to rezone from Agricultural District (A1) to Single Family Residential District (RES2) on 26.443 acres for 21 residential lots with a density of 0.80 units per acre with the following variances to: 1.) Reduce the exterior setback abutting Shiloh Road adjacent to the existing structure only, from 50 ft. to 33 ft. (UDC Table 11.2(b)); and, 2.) Reduce the exterior buffer abutting Shiloh Road adjacent to the existing structure only, from 40 ft. to 33 ft. (UDC 11-9.6(J)(1)) - Parcels 085-019 and 085-018 - District 3 - Director, Department of Planning and Community Development
- (3) One Street Residential, LLC - ZA4075 - to rezone from Single Family Residential District (R1), Agricultural District (A1), Highway Business District (HB), and Office and Institutional District (O & I) to Urban Village District (UV) on 22.7 acres with a Conditional Use Permit (CUP) for a Senior Independent Living with 113 multi-family residential units with a density of 4.98 units per acre and commercial buildings totaling 29,900 sq. ft. with 112 parking spaces with the following variances to: 1.) Reduce the number of primary support services from 6 to 1 (UDC 16-4.9(B)); and, 2.) Reduce the exterior setback abutting Atlanta Highway from 50 ft. to 40 ft. (UDC 16-4.9(E)(3)(d)) - Parcels 039-036, 061-029, 039-031, 039-037, 039-034, 039-035, 039-032, 039-033, and 039-030 - District 3 - Director, Department of Planning and Community Development
- (4) MG Enterprises 9 LLC - ZA4033 - to rezone from Agricultural District (A1) to Commercial Business District (CBD) on 2.465 acres for retail buildings totaling 9,690 sq. ft. with 58 parking spaces with Conditional Use Permits (CUPs) for a 4,500 sq. ft. convenience store with gas pumps conducting around the clock business with the following variances to: 1.) Reduce the zoning buffer adjacent to tax map/parcel 302-027 from 40 ft. to 20 ft. (UDC Table 12.2); and, 2.) Reduce the zoning setback adjacent to tax map/parcel 302-027 from 50 ft. to 30 ft. (UDC Table 12.2) - Parcel 302-027 - District 4 - Director, Department of Planning and Community Development
- (5) Orchards Development, L.L.C. - ZA4074 - to rezone from Agricultural District (A1) to Single Family Residential District (RES4) on 26.40 acres for 66 attached residential units with a density of 2.5 units per acre - Parcels 190-039, 190-038, and 190-037 - District 4 - Director, Department of Planning and Community

Development

- (6) Board selection of Delegate for the ACCG 2022 Legislative Leadership Conference (September 28-30, 2022 at the Jekyll Island Convention Center in Glynn County) - County Attorney
- (7) Board consideration and adoption of a Resolution regarding the appointment of Rupal Vaishnav to serve as the District 3 Representative on the Forsyth County Board of Assessors - County Manager

XII. Recess Regular Meeting

XIII. Executive Session (if needed)

XIV. Adjournment