

AGENDA
FORSYTH COUNTY BOARD OF COMMISSIONERS
THURSDAY, NOVEMBER 4, 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

- (1) Board presentation of a Proclamation declaring November 4, 2021 as the *Festival of Diwali* in Forsyth County - John / Levent
- (2) Presentation of *Milestone Service Awards* to various County employees for having reached twenty-five or more years of service from January 1, 2021 through September 2021 - County Manager

V. Public Comments

VI. Adoption of Minutes

- (1) Regular Meeting / Public Hearings of October 21, 2021
- (2) Work Session and Executive Session of October 26, 2021

VII. Consent Agenda

- (1) Board adoption of Resolution authorizing Affidavit concerning the Executive Session of October 26, 2021
- (2) Board ratification of a Sewer Reservation Agreement for the Fulton County/Big Creek Basin: Racetrac Petroleum, Inc. - 2,355 gpd - Director, Department of Water and Sewer
- (3) Board adoption of a Proclamation declaring November 4, 2021 as the *Festival of Diwali* in Forsyth County - John / Levent
- (4) Board ratification of the following items that were discussed and voted on at the Work Session held on October 26, 2021 (as anticipated by Board Rule 1.07.01):

- (A) Board approval to declare the list of items as surplus with authorization for the Department of Procurement to dispose of accordingly - Contract Administrator, Department of Procurement
- (B) Board approval to award Bid 21-123-3330 to Gainesville Waste and Recycling in the not to exceed amount of \$1,200,000 for Sludge Removal Services for the Department of Water and Sewer - Contract Administrator, Department of Procurement
- (C) Board approval of Change Order #3 with Reeves Young in the amount of \$732,311.52 with an associated contract extension of 120 calendar days - Contract Administrator, Department of Procurement
- (D) Board approval of a Task Order to Townley Construction Company in the amount of \$94,440.50 for Emergency Sewer Repairs for the Re-Lining of five (5) gravity sewer lines downstream from the Champions Run Lift Station - Contract Administrator, Department of Procurement
- (E) Board approval of Amendment #6 to the Task Order with American Engineers, Inc. in the amount of \$125,000 for the SR 369 Widening Project to provide additional construction administrative services - Contract Administrator, Department of Procurement
- (F) Board approval of Amendment #6 to the Task Order with T.Y. Lin International in the amount of \$19,950 regarding RFP 15-48-3150, Post Road widening from S.R. 9 to S.R. 20, for Bentley Road Intersection Improvements as presented by staff - Contract Administrator, Department of Procurement
- (G) Board approval of Amendment #7 to the Task Order with T.Y. Lin International in the amount of \$814,876 regarding RFP 15-48-3150 - Contract Administrator, Department of Procurement
- (H) Board acceptance of an \$8,000 donation from Dr. John McGruder and *The Friends of the Forsyth Animal Shelter* with authorization for the funds to be used renovating cat adoption condos at the Shelter with approval of an associated Budget Resolution - Director, Department of Code Compliance and Animal Services
- (I) Board approval of a funding contribution of \$75,000.00 to the Georgia Association of Conservation Districts over the next four years (\$18,750.00 per year for four years, 2022 through 2025) as presented by staff - Director, Department of Water and Sewer
- (J) Board authorization for staff to proceed with the Public Hearing process regarding revocation of the Conditional Use Permit (CUP) for CP190030, JBE Realty Holdings, LLC - District 3 - Planning Manager, Department of Planning and Community Development

- (K) Board approval to postpone the Item regarding consideration and possible direction regarding the revocation of the Conditional Use Permit (CUP) for CP190012, Norshaw Properties, LLC to the November 9, 2021 Work Session - District 5 - Planning Manager, Department of Planning and Community Development
- (L) Board approval of a Utility Easement Agreement between Forsyth County, Georgia and the Forsyth County Water and Sewerage Authority regarding Matt Park - County Attorney
- (M) Board approval of an Addendum to Escrow Holdback Agreement regarding the Trammel Road property acquired on July 30, 2021 - County Attorney
- (N) Board approval of a Mediated Settlement Agreement to fully resolve pending litigation captioned as *Forsyth County v. CRS Building Corporation and Fidelity and Deposit Company of Maryland; CRS Building Corporation v. Corrosion Control Specialists, Inc.*, Forsyth County Superior Court Civil Action No. 19CV-1677-3 and *Auto-Owners Insurance Company v. Corrosion Control Specialists, Inc., CRS Building Corporation, Fidelity and Deposit Company of Maryland, and Forsyth County*, United States District Court for the Northern District of Georgia Civil Action No. 2:20-cv-00155-RWS - County Attorney

VIII. Public Hearings

- (1) Public Hearing and possible vote regarding adoption of the FY 2022 Budget with approval of a Budget Resolution including Exhibit A and authorization to apply a 4% COLA increase as budgeted - County Manager
- (2) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit for Agritourism on property currently zoned Agricultural District (A1) - Parcel 290-013 - CP210032 - District 4 - Director, Department of Planning and Community Development
- (3) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit for Agritourism on property currently zoned Agricultural District (A1) - Parcels 269-045 and 281-004 - CP210033 - District 4 - Director, Department of Planning and Community Development
- (4) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit for Agritourism on property currently zoned Agricultural District (A1) - Parcels 120-038, 146-002, and 146-281 - CP210034 - District 4 - Director, Department of Planning and Community Development
- (5) Public Hearing and possible vote regarding the County-Initiated Conditional Use Permit for Agritourism on property currently zoned Agricultural District (A1) - Parcels 291-043 and 291-044 - CP210031 - District 4 - Director, Department of Planning and Community Development

Community Development

- (6) Public Hearing and possible vote regarding the County-Initiated request to rezone from Single Family Residential Restricted District (R2R) to Agricultural District (A1) with a Conditional Use Permit (CUP) for Agritourism - Parcels 221-535, 221-705, 221-754, and 221-777 - ZA4030 - District 5 - Director, Department of Planning and Community Development
- (7) Public Hearing and possible vote regarding the request for variances to the UDC, Table 11.2(b) by Toll Brothers, Inc. - Parcels 010-139 and 010-098 - VA210077 - District 1 - Director, Department of Planning and Community Development
- (8) Public Hearing and possible vote regarding the County-Initiated request to rezone from Single Family Residential District (RES2) to Agricultural District (A1) - Parcel 005-022 - ZA4032 - District 1 - Director, Department of Planning and Community Development
- (9) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3411 (Paces Battle Properties, LLC) by Blastoff Construction, Inc. - Parcel 084-006 - AZ210042 - District 3 - Director, Department of Planning and Community Development
- (10) Public Hearing and possible vote regarding the modification of conditions on existing zoning application ZA3897 in accordance with UDC Section 8-5.5(I) - Parcel 106-104 - District 3 - Director, Department of Planning and Community Development
- (11) 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 Agenda.)
- (12) Public Hearing and possible vote regarding the request for an Amendment of Zoning Conditions on ZA3171 (QBQ Properties, LLC) by Pari Chirag Patel - Parcel 216-202 - AZ210040 - District 4 - Director, Department of Planning and Community Development
- (13) Public Hearing and possible vote for approval of an Alternate Design for Floor and Decor Outlets of America, Inc. - Parcel 173-304 - AD210007 - District 5 - Director, Department of Planning and Community Development

- (14) Public Hearing and possible vote regarding amendments to the Unified Development Code related to Sheds in A1 within Chapters 3, 15, and 16 - Planning Manager, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on September 28, 2021)

IX. Public Comments

X. Old Business

- (1) Board discussion and possible vote regarding amendments to Chapter 20b related to Specialty Districts within the Unified Development Code of Forsyth County - Deputy Director, Department of Planning and Community Development
(The first Public Hearing was held before the Planning Commission on July 27, 2021; the second Public Hearing was held before the Board of Commissioners on September 2, 2021.)

XI. New Business

- (1) Board consideration of the request by Michael and Susan Fazio for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to deny a variance on VA210068 (Michael Fazio). The variance was denied on October 5, 2021 - AV210007 - District 3 - Director, Department of Planning and Community Development
- (2) Board consideration of the request by Aqua Blue Pools of Atlanta for a Public Hearing regarding an appeal of the Zoning Board of Appeals' (ZBA) decision to deny a variance on VA210070 (Aqua Blue Pools of Atlanta). The variance was denied on October 5, 2021 - AV210008 - District 3 - Director, Department of Planning and Community Development
- (3) Board selection of the Chair for calendar year 2022 - Board of Commissioners

XII. Recess Regular Meeting

XIII. Executive Session

XIV. Open Session following Executive Session

- (1) Board consideration of commencing a County-Initiated rezoning of the Denmark Park property (Tax Parcels 040-184, 040-002, and 040-037) to the MPD or similar zoning category - Levent / Semanson

XV. Adjournment