



**Regular Meeting of the Mayor and City Council
City of Ball Ground, Georgia
Ball Ground City Hall ~ 7:00 P.M.**

**MINUTES
July 14, 2022**

Item 1: Meeting Called to Order by Mayor Rick Roberts

Council Members Present: Vicki Benefield, Dennis Nelson, Lee Prettyman, Kristine Rogers and Andrenia Stoner

Staff Present: City Attorney Darrell Caudill, City Manager Eric Wilmarth, Police Chief Bryon Reeves, Finance Director Donna England, City Planner Chris Luly and City Clerk Karen Jordan.

Item 2: Pledge of Allegiance

Item 3: Approve Agenda

Council Member Prettyman put forth a motion, Seconded by Council Member Rogers to approve the agenda with the following amendments: Add Item 8(g) Consideration of Valley District Request (The Hub) and 8(h) Consideration of Funding Allocation for Downtown Murals (Color the World Bright)

Motion Unanimously Approved.

Item 4: Appearances/Public Comments

Mr. Mike Giles, President of the Georgia Poultry Federation presented Mayor and City Council with a letter expressing the concerns that the proposed amendments to the Litter Control Ordinance is inconsistent with the Georgia Constitution and existing Georgia law.

Mayor Roberts suggested there be a work session with Mr. Giles in attendance to discuss the amendments. Mr. Giles stated he would welcomes the opportunity to meet in a work session to further discuss the concerns expressed.

Mr. Joel Larkin of Sams, Larkin & Huff, LLP stated he was present to answer any questions anyone may have regarding the second reading of the application for a new alcohol license submitted by Siraj Ali on behalf of MS Innara Enterprises, Inc. for 3010 Canton Hwy. Suite B.

Mr. Sams quoted the conditions his client had agreed to pending the approval of the license. The conditions prohibit the following businesses.

- **Tattoo Parlors**
- **Package Liquor Sales**
- **Massage Parlors**
- **Day Spas**
- **Vape Shops**
- **Adult Book Stores**
- **Pool Halls**

Mayor Roberts thanked Mr. Sams for his comments.

Mr. Wyatt Holcomb of 360 Old Canton Rd. questioned the addition of Item 8(g) to the meeting agenda. He also expresses opposition to Mound Street being designated as a one-way street in 2012 and the proposed development by Mr. Josh Briggs located on Mound Street.

Mayor Roberts thanked Mr. Holcombe for his comments.

M. Tony Parrott, owner of Old Iron Rides addressed Mayor and Council Members regarding a letter he received from Chief Reeves concerning him being in violation of city ordinances. Mr. Parrott disputed his property was in violation of city ordinances.

Mayor Roberts thanked Mr. Parrott for his comments and asked him to meet with Chief Reeves to further discuss this matter.

Item 5: Announcements/Informational Items

Upcoming Events

July 23 – Soul Purpose Band

August 6 - Guardians of the Jukebox

August 27 - Vintage Vixens

Item 6: Consider Approval of Minutes

Council Member Nelson put forth a motion, Seconded by Council Member Rogers to approve the minutes of the June 2, 2022, Work Session and June 9, 2022 Council Meeting as submitted in writing by the City Clerk.

Motion Unanimously Approved

Item 7: Old Business

- a) **Consider Second Reading of Alcohol License – Applicant: Siraj Ali on behalf of MS Innara Enterprises, Inc. Location: 3010 Canton Hwy. Suite B**

Council Member Stoner put forth a motion, Seconded by Council Member Nelson to approve the application for a new alcohol license as submitted by Siraj Ali with the following conditions stated in a letter dated June 8, 2022 to Karen Jordan, City Clerk.

- (1) The site will be developed in conformity to the site plans that have been submitted to the city by the applicant and approved by Chris Luly.
- (2) The building architecture will be consistent with the attached architectural rendering.
- (3) The applicant will agree that the following uses will not be permitted: Tattoo parlor, Liquor/Package Store, Massage Parlor, Day Spa, Vape Shop, Adult Book Store and Pool Hall.

Motion Unanimously Approve with conditions.

- b) **Consider Second Reading - Annexation Application 2022-A02
Applicant: Robert G. Magbee Location TIN: 03N03 034 – Address: 7380 Ball Ground Hwy**

Council Member Prettyman put forth a motion, Seconded by Council Member Benefield to approve Annexation Petition 2022-A02 as submitted.

Motion Unanimously Approved.

Item 8: New Business

a) Consider Adoption of Millage Rate for 2022 Property Tax

City Manager Wilmarth stated based on the information provided by the Cherokee County Tax Commissioner an increase in taxes would not be necessary this year. As discussed at the June Work Session it was the consensus of council to maintain a revenue neutral millage rate of 3.938

Mayor Roberts stated that he believed this is the lowest millage rate set by the council during his years of service as council member and mayor.

Council Member Stoner put forth a motion, Seconded by Council Member Rogers to levy a millage rate of 3.898 for the 2022 year.

Motion Unanimously Approved.

b) Consider Adoption of Fire Tax Millage Rate for 2022

City Manager Wilmarth stated that each year the Fire Tax is levied by the Cherokee County Board of Commissioners, which we adopt. This year the BOC has not yet set the millage rate but recommended adopting the millage rate as levied by the BOC at their next meeting. It is anticipated the BOC will levy a millage rate of 2.984.

Council Member Stoner put forth a motion Seconded by Council Member Nelson to adopt the Fire Tax Millage Rate as levied by the Cherokee County Board of Commissioners.

Motion Unanimously Approved

c) Consider 1st Reading of Amendment to Litter Control Ordinance

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to approve the first reading of the proposed amendments to the Litter Control Ordinance.

Motion Unanimously Approved.

d) Consider 1st Reading of Amendment to Code of Ordinances, City of Ball Ground to provide for the Application and Determination of Maximum Number and Location of Retail Liquor Package Stores; to Provide and Effective Date; to Repeal all Ordinances and Parts of Ordinances in Conflict Herewith and for Other Purposes.

Council Member Rogers put forth a motion, Seconded by Council Member Benefield, to table this item of business for further discussion.

Motion Unanimously Approved.

e) Consider 1st Reading of Convenience Store Ordinance

This proposed ordinance defines the definition of convenience store and gas station and provides regulations for gas stations in the City of Ball Ground Zoning Ordinance

Council Member Benefield put forth a motion, Seconded by Council Member Rogers, to accept the first reading of the proposed ordinance.

Motion Unanimously Approved.

f) Consider Intergovernmental Sales Tax Agreement with Cherokee County

As stated in the Intergovernmental Sales Tax Agreement between the City of Ball Ground and Cherokee County deem it to be in the best interest of the special district of Cherokee County created by Section 48-8-110.1(a) of the Official Code of Georgia Annotated (the "Special District") to improve public services in the Special District by carrying out the hereinafter described capital outlay projects, and the most feasible plan for providing funds to pay the costs of such capital outlay projects is to reimpose a special one percent sales and use tax (the "Sales Tax"), for a period of six years beginning upon the termination of the special one percent sales and use tax presently in effect, pursuant to Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated (the "Sales Tax Law"); and

The IGA further states the Sales Tax Law allows the proceeds of the Sales Tax to be distributed pursuant to the terms of a contract entered into pursuant to Article IX, Section III, Paragraph 1 of the Constitution of the State of Georgia between the County and one or more 'qualified municipalities' (as defined in the Sales Tax Law) located within the Special District containing a combined total of no less than 50 percent of the aggregate municipal population located within the Special District.

Mayor Roberts stated the referendum will be held on November 8, 2022 on whether to extend the Sales Tax. The collections of this tax will begin on July 1, 2024 and end on June 30, 2030. Mayor Roberts stated that the money allocated for Ball Ground will be of great benefit to us. He further stated he is happy about the joint projects the city will share with the county and that the county is giving us more than what we should receive based on our population. The proposed joint projects are the construction of the bypass, round-a-bout at the intersection of Howell Bridge and Hwy 5 and a sidewalk along Old Dawsonville Road.

City Manager Wilmarth stated that Ball Ground is projected to receive an estimated \$3,760,114. Or 1.033% to fund the following capital outlay projects.

City Hall Debt Service	\$ 654,000.
Roberts Lake Park/Green Space Debt Service	\$ 149,000.
Law Enforcement Facilities, Vehicles & Equipment	\$ 500,000.
Community Center, Parks & Recreation	\$ 750,000.
Transportation Facilities & Improvements	\$1,707,114.

The IGA further stated the County and City acknowledge that several cross-jurisdictional projects will be considered joint projects. The specific details of each project and the funding arrangements for each project will be spelled out in a separate Intergovernmental Agreement. The project to be considered is construction of the Ball Ground Bypass.

Council Member Stoner put forth a motion, Seconded by Council Member Rogers, to approve Mayor Roberts signing this agreement.

Motion Unanimously Approved.

g) Consideration of Valley District Request (The Hub)

Council Member Rogers put forth a motion, Seconded by Council Member Nelson, to table this item of business.

Council Members stated they would like Mr. Briggs to submit a revised plan for the council to review before moving forward with a decision.

Motion Unanimously Approved.

h) Consideration of Funding Allocation for Downtown Murals (Color the World Bright)

Council Member Rogers recently attended the Georgia Municipal Association Annual Conference where she attended several training sessions. One of the sessions “Color the World Bright” focused on painting murals downtown and how to fund them. The Dodd School of Art University of Georgia provides students to paint the murals. City Manager Wilmarth contacted the school to learn how to take advantage of what the school has to offer. He was told that there would be a fee of \$15,000.00 to paint the two murals. The city would also be responsible for providing lodging and meals for the students. This cost would be approximately \$2,000.00. The City Manager stated this is not a budgeted expense and the money would be taken out of the reserve fund.

City Manager Wilmarth stated one of the murals would depict an old Coca-Cola emblem and the other would include images of a marble mill worker, a locomotive and a Native American depicting the history of Ball Ground. The locations chosen for the murals are the side of the building where Parlour and Main is located and the second one is the historic Roberts Store Building owned by Bo Pollard. Upon council approval the project is anticipated to be completed by the end of August.

Council Member Stoner put forth a motion, Seconded by Council Member Rogers to proceed with this project with he anticipated cost of \$17, 000.00.

Discussion. Council Members said they would like to see a picture of the murals before the project begins.

Motion Unanimously Approved.

Item 9: City Manager Report

City Manager Wilmarth provided Council Members with an unaudited report of account balances, and statement of revenue and expenditures for the month ended June 30, 2022. The report showed cash on deposit totaled \$1,838,040.28

Chief Reeves presented a written report of the Police Department’s activities for the month ended June 30, 2022.

City Manager Wilmarth Updated Mayor and Council on project within the City over the preceding month.

Item 10: Mayor Roberts Comments

Mayor Roberts stated that he and City Manager Wilmarth met with Woodstock Mayor Michael Caldwell who serves on the Board of the Atlanta Regional Commission asking for his assistance to expedite the Ball Ground Bypass. Mayor Roberts said Mayor Caldwell was very much on board to assist.

Item 11: Council Comments

Council Member Nelson gave a report on the meeting he and City Manager Wilmarth had with Andrea Wiggins, Outreach Representative for the office of Senator Raphael Warnock. The meeting was to ask for Senator Warnock's assistance in construction of the Ball Ground Bypass. Council Member Nelson stated he thought the meeting went well and was hopeful we would have the support of Senator Warnock for his project. Ms. Wiggins also offered helpful information regarding grant funding for infrastructure projects.

Item 12: Executive Session (If Needed)

Item 13: Adjourn

There being no further business or consideration a motion was duly made and seconded to adjourn the meeting.

The minutes of this July 14, 2022 City Council Meeting approved this 11th Day of August 2022.