



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

**MINUTES
June 9, 2022**

Item 1: In the absence of Mayor Rick Roberts Mayor Pro-Tem Dennis Nelson called the June 9, 2022 meeting to order at 7:00 pm.

Council Members Present: Vicki Benefield, Lee Prettyman and Kristine Rogers

Council Member Absent: Andrenia Stoner

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

Item 2: Pledge of Allegiance

Item 3: Approve Agenda

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to amend the agenda by removing items 7. (b) Consider second reading of annexation petition and item 8.(c) Consider rezoning application from the Davia Group as both items had been withdrawn by the applicant. Motion Unanimously Approved.

Item 4: Appearances/Public Comments

Mr. Joel Larkin of the law firm Sams, Larkin & Huff addressed the Mayor and Council in reference to item 8. (a) on the agenda pertaining to the first reading of alcohol license on behalf of MS Innara Enterprises, Inc. Mr. Larkin stated that the applicants request was zoning compliant and that he was present to answer any questions should they arise.

Mr. Alexander Denton of the Robbins Firm addressed the Mayor and Council speaking in opposition to the requested license in item 8. (a). Mr. Denton stated the application was the same as the previous application that had been rejected and that this application should also be rejected.

Mr. Joe Larkin addressed Mayor and Council a second time to state that the application was significantly different in that no stand-alone package store was being requested as with the previous application, and that this license was for beer/wine in the convenience store only. He further stated a listing of uses the applicant was willing to attach as restrictions to his license.

Mayor Pro-Tem Nelson advised Mr. Larkin that the elected body had copies of the application and was aware of the changes in the application.

Item 5: Announcements/Informational Items

June 25 at 7:30 PM the Fly Betty Band will be in concert in City Park, followed by the annual fireworks display at 9:45 pm

**Item 6: Consider Approval of Minutes: May 17, 2022 Work Session
May 19, 2022 Council Meeting**

Council Member Rogers put forth a motion Seconded by Council Member Prettyman to approve the minutes of the May 17, 2022 Work Session and May 19, 2022 Regular Meeting Minutes.

Motion unanimously approved

Item 7: Old Business

- a) Consider Second Reading of Alcohol License – Applicant: Kevin Todd Marin on behalf of The Pig & Pearl LLC/DBA Dot’s Fine Wine & Craft 280 Gilmer Ferry Rd**

Council Member Rogers questioned if food would be offered along with the wine. Mr. Marin advised that they carry charcuterie items to complement the wine, but the focus will be on the wine.

Council Member Rogers put forth a motion, Seconded by Council Member Benefield, to grant the application.

Motion Unanimously Approved

- b) Item Withdrawn**

- c) Consider Second Reading of An Ordinance to amend and restate the City Retirement Plan**

Council Member Prettyman put forth a motion Seconded by Council Member Rogers to approve the amendment and restatement.

Motion Unanimously Approved.

Item 8: New Business

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

Council member Rogers put forth a motion, Seconded by Council Member Benefield to approve the first reading of the application.

Motion unanimously approved.

Council Member Benefield made a statement for the record that while there are uses that may not be popular or well received in the community, that when applicants are within their zoning rights, and qualified, there is not a legal way to deny the established right.

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

Council Member Benefield put forth a motion, Seconded by Council Member Prettyman, to accept the first reading of the proposed annexation application.

Motion Unanimously Approved

c) Item Withdrawn by Applicant

d) Consider Adoption of Growth Boundary Map

It was the consensus of the City Council to accept the Growth Boundary Map as submitted by Planning Director Chris Luly and to submit the Map to Cherokee County for consideration

e) Consider Acceptance of "Old Canton Circle as Public Right of Way"

City Manager Wilmarth explained that the ten houses on Old Canton Circle were originally developed on a private street. Over time the HOA has disbanded, and the residents are now requesting the City take over maintenance of the road and sidewalk. The street and sidewalk measure 520 feet in length with a road value of \$82,158 and a sidewalk value of \$23,760. Mr. Wilmarth stated that the roadway had been constructed to City standards and is not a substandard roadway.

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to accept Old Canton Circle for City Maintenance.
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 May 31, 2022. The report showed cash on deposit totaled \$2,358,549.

Chief Reeves presented a written report of the Police Department's activities for the month of May 2022.

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

Item 10: Mayor Pro-Tem Nelson Remarks:

Mayor Pro-Tem Nelson addressed attendees, stating that each member of the elected body ran for office because they loved the City and wanted what was best for the City. He explained that the elected body relied heavily on the input from legal counsel while making their decisions and that they would continue to work hard on behalf of the city, and while their decisions would not always be the popular decisions, they would always do their best to make the right decisions according to law.

Mayor Pro-Tem Nelson further stated his appreciation for the work accomplished daily by City employees, and his appreciation of their service.

Item 11: Council Comments

Council Member Benefield concurred with the comments of Mayor Pro-Tem Nelson.

Council Member Rogers concurred with the comments of Mayor Pro-Tem Nelson and further stated that the City was obligated to work within the existing zoning conditions and code.

Council Member Prettyman stated he echoed the comments of Mayor Pro-Tem Nelson.

Item 12: Executive Session (If Needed)

Mayor Pro-Tem Nelson asked if there was a need for an Executive Session. Being None, he asked for a motion to Adjourn

Item 13: Adjourn

There being no further business for Council discussion Council Member Benefield put forth a motion, Seconded by Council Member Rogers to adjourn the meeting.

Motion unanimously approved.

The minutes of this June 9, 2022 City Council Meeting approved this 14th Day of July, 2022.