



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

**MINUTES
October 10, 2024**

Item 1: Meeting Called to Order by Mayor Rick Roberts

Council Members present: Vicki Benefield, Annette Homiller, Dennis Nelson, and Kristine Rogers were present.

Council Member Scott Barnes absent.

Staff Present: Donna England, Chris Luly, Darell Caudill, Jamie Gianfala, Eric Wilmarth and Karen Jordan

Item 2: Pledge of Allegiance

Item 3: Approve Meeting Agenda

Council Member Homiller put forth a motion, Seconded by Council Member Rogers to approve the meeting agenda as submitted.

Motion Unanimously Approved

Item 4: Appearances/Public Comments - None

Item 5: Announcements/Informational Items

October 19 – Stream Clean Up, Chili Cook-Off

October 25 – Spooktacular in Downtown & Halloween in the Garden

November 11 – Veterans Day Ceremony

Item 6: Consider Approval of Minutes: September 12, 2024

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to approve the minutes of the September 12, 2024, meeting as submitted in writing by the City Clerk.

Motion Unanimously Approved.

Item 7: Old Business

a) Consider the Adoption Resolution of the Capital Improvement Element

Council Member Nelson put forth a motion, Seconded by Council Member Benefield to approve the adoption of Resolution 2024-06 stating that the Capital Improvement Element per the requirements of the Development Impact Fee Compliance Requirements is hereby adopted and in effect and continues thereafter until amended.

Motion Unanimously Approved.

- b) Consider the Second Reading of An Ordinance in accordance with the authority provided by Chapter 9, Section 2, Paragraph III of the Constitution of the State of Georgia, the Georgia Development Impact Fee Act (O.C.G.A. 36-71-1 et seq. as amended), and such other laws as may apply to the provision of public facilities and the power to charge fees for such facilities

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to approve the second reading of An Ordinance in accordance with the authority provided by Chapter 9, Section 2, Paragraph III of the Constitution of the State of Georgia, the Georgia Development Impact Fee Act (O.C.G.A. 36-71-1 et seq. as amended), and such other laws as may apply to the provision of public facilities and the power to charge fees for such facilities.

Motion Unanimously Approved

- c) Consider Second Reading Case #2024-R-02 Fred Snell for Hunter Trail, LLC – Roberts East

Request to rezone 59.97 acres of property from AG (General Agriculture) and R-40 (Single-Family Residential) to R-20 (Single Family Residential). The Applicant is also requesting concurrent variances to City Zoning Code Section 106.16 (C) Residential Development Standards Chart to reduce the minimum lot area for lots 14-18, 25-30, 33, 36-40, 49-51, 53-58, 67-75, and 77-78 with minimum lot sizes to be no less than those provided on the lot size chart Table B given in the application on zoning plan “Z-2.”; a concurrent variance to reduce the lot width minimum for lots 72-76 from 80”, not to be less than 70 feet; a concurrent variance to increase the maximum impervious surface area for all lots from 30%, not to exceed 40%; and a concurrent variance to reduce the front building setback from 25’ to 15’, to reduce the rear building setback from 25’ to 10’ for all lots.

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to approve the second reading of Case #2024-R-02 Fred Snell for Hunter Trail, LLC-Roberts East as presented with the following conditions and stipulations.

1. *Applicant agrees to develop the property according to the Site Plan design that was prepared by TS3 Studio dated May 3, 2024, received by the City on May 6, 2024, and revised on September 13, 2024.*
2. *For all lots, variances for building setback lines shall be granted and may be no less than:*
 - a. *Front: 15 feet*
 - b. *Side: 10 feet.*
 - c. *Rear: 10 feet.*
3. *Lot size variances are granted only to lots*
Lot size variances are granted only to lots 14-18, 25-30, 33, 36-40, 49-51, 53-58, 67-75 and 77-78, and these may be no smaller than the square footage given in Table B on the site plan presented herein.
4. *Variances to reduce the lot width minimum from 80’ to 70’ are only granted to lots 72-76. These lots may not be less than the minimum 70’ width granted by the variance.*
5. *For all lots, a maximum impervious surface variance is granted increasing the maximum impervious surface per lot from 30% to 40%.*
6. *No more than 80 single family residential for sale units may be developed across the entire site.*
7. *The maximum overall density of residential units in the development shall not exceed 1.33 units per acre.*

8. Residential structures shall be limited to single-family detached structures with a minimum heated square footage of 2,000 square feet.

9. Signage at each entrance point shall be ground based, monument style. The entrance areas shall be professionally designed, landscaped, maintained, and themed to the architecture and style of the community.

Lighting shall be environmentally sensitive, decorative, and themed to architecture and style of the respective components of the development and approved by the Planning Director prior to final plat approval.

11. Owner/developer shall establish a mandatory homeowner's association for the development and shall submit all restrictive covenants and homeowner's documents for review by the Planning Director prior to final plat approval. The homeowner's association shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, private roads, mail kiosk and other community features to protect the quality and integrity of the overall development.

12. Developer shall record and enforce a Declaration of Restrictive Covenants prior to recording of a final plat for the development. This shall contain covenants, rules and regulations applicable to the proposed residential community, including requirements that all residential building lots shall be sold on a fee simple basis, all homes within the proposed community shall "for sale" homes and the number of homes available which may be leased at any one time shall be restricted to no more than ten percent.

13. The developer agrees to construct all new roadways to City standards, which may include but is not limited to, the development of acceleration and deceleration lanes, installation of curb and gutter, installation of sidewalks, installation of decorative lampposts similar in style to those found throughout the City and completion of other streetscape requirements of the City.

14. Developer shall provide a roadway stub out for "Roadway C" between lots 35 and 36 that extends public right-of-way all the way to the development property line shared with the adjacent "Wheeler House Land Holdings" property in order to provide for future inter-parcel vehicular access in accordance with the goals of the Comprehensive plan, prior to issuance of the first building permit. The roadway itself shall be constructed to the property line.

15. Developer agrees to record and dedicate the private roadway presently known as "Roberts Pass" to the City of Ball Ground, establishing legal, two-way public access to this site.

16. Developer agrees to restore the entirety of Roberts Pass and sections of Roberts Lake Road adjoining the project and utilized for the development and construction of the project to pre-development levels of construction prior to the issuance of the 70th certificate of occupancy for a dwelling in this development. The developer shall improve the right-of-way of Roberts Lake Road to City standards, including but not limited to curb, gutter, sidewalk, and similar, adjacent to 1-15 and 71- 78 prior to the issuance of the CO for each lot.

18. All open space, green space, trails, and buffer areas may only be penetrated for purposes of establishing public roadways, public utilities, and public stormwater management. These penetrations will only be approved at the discretion of City staff after a submittal demonstrating the intention is reviewed by City staff.

19. Developer shall preserve a 15' undisturbed buffer adjacent to Cherokee County property currently zoned AG.

20. Developer shall bear all costs associated with extending water and sewer service lines necessary to serve the project.

Motion Unanimously Approved.

- d) Consider the Second Reading of AN ORDINANCE TO ENACT AND IDENTIFY RULES AND REGULATIONS FOR THE USE OF MOTORIZED CARTS; TO IDENTIFY THE PROCEDURE FOR ESTABLISHING A MOTORIZED CART DISTRICT; TO IDENTIFY PENALTIES FOR VIOLATION OF SAID ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AN FOR OTHER PURPOSES.

No action was taken. This item of business died for lack of a motion.

- e) Consider Second Reading of AN ORDINANCE CREATING SUBPART A. – GENERAL ORDINANCES; CHAPTER 4. – ALCOHOL BEVERAGES; ARTICLE III.- OPEN CONTAINER ALCOHOL DISTRICT, OF THE CODE OF THE CITY OF BALL GROUND, GEORGIA TO ESTABLISH A GEOGRAPHICAL BOUNDARY FOR THE GENERAL PUBLIC TO CARRY OPEN CONTAINERS AND CONSUME ALCOHOLIC BEVERAGES IN PUBLIC SPACES; TO DEFINE RULES FOR THE OPEN CARRY AND CONSUMPTION OF ALCOHOL BEVERAGES IN SAID DISTRICT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

Council Member Homiller put forth a motion, Seconded by Council Member Rogers to approve the second reading of this ordinance to become effective January 1, 2025.

Motion Unanimously Approved.

- f) Consider the Second Reading of AN ORDINANCE TO INCREASE THE ANNUAL SALARY OF THE CITY OF BALL GROUND ELECTED OFFICIALS, SPECIFICALLY THE POSITIONS OF MAYOR AND CITY COUNCIL MEMBERS. MAYOR'S SALARY INCREASE FROM \$300.00 PER MONTH TO AN ANNUAL SALARY OF \$7,800.00. CITY COUNCIL COMPENSATION INCREASE FROM \$25.00 PER MEETING, WITH A MAXIMUM COMPENSATION OF \$50.00 PER MONTH TO AN ANNUAL SALARY OF \$4,800.00

Council Member Benefield put forth a motion, Seconded by Council Member Homiller to approve the second reading of this Ordinance to increase the annual salary of the City of Ball Ground Elected Officials as stated.

Motion Unanimously Approved.

Item 8: New Business

- a) Consider a Memorandum of Understanding ("MOU") between the CITY OF BALL GROUND, and CHEROKEE COUNTY, Georgia, to make pedestrian and associated storm drainage improvements along Old Dawsonville Road, between William Court and Tom Avery Drive.

Council Member Rogers put forth a motion, Seconded by Council Member Nelson to enter a Memorandum of Understanding (MOU) between the City of Ball Ground and Cherokee County to make pedestrian and associated storm drainage improvements along Old Dawsonville Road, between William Court and Tom Avery Drive.

Motion Unanimously Approved.

- b) Consider intent to enter into a land exchange agreement with Hunter Trail, LLC/BG Partners, LLC. In this proposed agreement the City would give 0.331 acres of City property valued at \$160,500.00 to Hunter Trail, LLC/BG Partners, LLC and in exchange would receive 0.331 acres valued at \$160,500.00 from Hunter Trail LLC/BG Partners, LLC.

Council Member Homiller put forth a motion, Seconded by Council Member Benefield to enter into a land exchange agreement with the Lynwood Development Group. In this proposed agreement the City would give 5.28 acres of City property valued at \$401,700 to Lynwood Development, and in exchange would receive 12.03 acres valued at \$665,700 from Lynwood Development. An appraisal to determine property values was performed by Manning Appraisal Service, LLC. City Manager Eric Wilmarth will sign all documents related to this transaction.

TRACT I to be received by the city.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 337 OF THE 4TH DISTRICT, 2ND SECTION, AND LAND LOT 11 OF THE 3RD DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA. SAID TRACT OF LAND CONTAINS 3.15 ACRES, MORE OR LESS. BEING PART OF TAX PARCEL IDENTIFICATION NUMBER 04N04 031B

TRACT II to be received by the City.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 337 OF THE 4TH DISTRICT, 2ND SECTION, AND LAND LOTS 11 AND 12 OF THE 3RD DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA. SAID TRACT OF LAND CONTAINS 8.88 ACRES, MORE OR LESS. BEING PART OF TAX PARCEL IDENTIFICATION NUMBER 04N04-031B.

TRACT III to be conveyed to the City.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 337 OF THE 4TH DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA. SAID TRACT OF LAND CONTAINS 0.51 ACRES, MORE OR LESS. PART OF TAX PARCEL IDENTIFICATION NUMBER 04N04-031A

TRACT IV to be conveyed by the City.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 11 OF THE 3RD DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA. SAID TRACT OF LAND CONTAINS 4.77 ACRES, MORE OR LESS. BEING PART OF TAX PARCEL IDENTIFICATION NUMBER 94N06-005B

Motion Unanimously Approved.

Item 9: City Manager Comments

Chief Gianfala presented a monthly report of the department's activities for the month of September.

City Manager Wilmarth presented the mayor and council with an unaudited report of account balances and a statement of revenue and expenditures for the month ended September 30, 2024.

City Manager Wilmarth provided updates on the following city projects. We are still awaiting comments from GDOT as they review the final easement adjustments. We remain hopeful, and a notice to proceed with bidding on the project will be issued soon.

372 Ball Ground Bypass – Progress continues however as potential growth continues along the proposed route, we are working with GDOT and property owners to ensure we preserve the route without issues.

The paving of Groove Street is scheduled to begin on October 18.

Groover St. and Civic Drive realignment and traffic patterns concept plans are under review. Staff will meet with businesses and property owners affected by this project to determine the best possible plan.

Item 10: Mayor Roberts

Mayor Roberts stated he met with Stefanie Joyner to discuss efforts to complete the Historic Preservation Ordinance for the Council to review and consider adopting.

Item 11: Council Comments

Council Member Benefield reminded those in attendance about the upcoming Veterans Day Ceremony.

Council Member Nelson thanked everyone for their attendance at the Blue Star and Gold Star Family Memorial Ceremony. He also thanked the Police Department, Public Works Department, and the Ball Ground Garden Club for all their work in making the event a success.

Item 12: Public Comments

Item 13: Executive Session

Item 14: Adjourn

There being no further business for Council consideration a motion was duly made and seconded to adjourn.

I Karen L. Jordan, City Clerk attest that the minutes of this October 8, 2024 City of Ball Ground Council Meeting were unanimously approved at the November 14, 2024 City Council Meeting.

Respectfully Submitted By:

[Upon review of the video recording of the Regular Meeting of the Mayor and City Council on October 10, 2024 it is to be documented that the following motions were made for Item 14]

Item 14: Adjourn

Council Member Benefield made a motion, Seconded by Council Member Rogers to adjourn the meeting with no further business to consider.

Motion unanimously approved.

These minutes were approved at the November 14, 2024 Regular Meeting of the Mayor and City Council.

Reviewed By:

A handwritten signature in black ink, appearing to read "Kaylyn Bush", written over a horizontal line.

Kaylyn Bush, City Clerk