



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

**MINUTES
September 8, 2022**

Item 1: Meeting Called to Order by Mayor Rick Roberts

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

Absent – Council Member Andrenia Stoner

Staff Present: City Attorney Whit Frost, 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 Rogers put forth a motion, Seconded by Council Member Benefield to approve the agenda with the following amendment: Add Item 8(L) Consider Purchase of Kubota Compact Excavator at a cost of \$62,135.

Motion Unanimously Approved.

Item 4: Appearances/Public Comments

Roger Morse of 316 Taylor Leigh Ct, spoke of his concern of the lack of flaggers directing along Old Dawsonville Road where there is road construction.

Annett Homiller, of 130 Northridge Rd. introduces herself as a candidate for city council. She also asked council members to consider implementing parking time limits along Valley Street.

Item 5: Announcements/Informational Items

On Saturday, September 10th, 2022, the City of Ball Ground will be partnering with the Cherokee County Water and Sewer Authority to host our annual “Creek Clean-Up”. Volunteers are asked to meet at City Hall at 11:00 AM. The target area will be the creek south of Coy M. Holcomb Street.

Concert in the Park on September 24 at 7:00 PM featuring The Local Legends.

October 25 at 6:00 PM a Public Hearing will be held to view the 2023 Comprehensive Plan Update.

**Item 6: Consider Approval of Minutes: August 4, 2022 Work Session
August 11, 2022 Council Meeting**

Council Member Rogers put forth a motion, Seconded by Council Member Benefield to approve the minutes of the August 4, 2022 Work Session and August 11, 2022 Council Meeting as submitted in writing by the City Clerk.

Motion Unanimously Approved.

Item 7: Old Business

- a) **Consider 2nd Reading of Amendment to the Code of Ordinance, City of Ball Ground, Georgia to provide for the application and determination of maximum number and locations of retail liquor package stores; to provide an effective date; to repeal all ordinances and parts of ordinances in conflict herewith; and for other purposes was introduced for consideration.**

**Council Member Prettyman put forth a motion, Seconded by Council Member Benefield, to approve the second reading of this ordinance as submitted.
Motion Unanimously Approved.**

Item 8: New Business

- a) **Consider Resolution and Adoption Agreement to Approve a Defined Contribution and Deferred Compensation Plan for Eligible Employees**

Council Member Rogers put forth a motion, Seconded by Council Member Nelson to adopt a resolution approving the Adoption Agreement on behalf of the Participating Employer and to further approve the GMA 457(b) Deferred Compensation Plan Adoption Agreement. This is a new 457(b) deferred compensation plan adopted by the Participating Employer for its Employees. This plan does not replace or restate an existing deferred compensation plan.

Motion Unanimously Approved.

- b) **Consider an Addendum to the Adoption Agreement completed by the City of Ball Ground, Georgia to modify the Adoption Agreement providing for Roth Contributions to the Plan.**

Council Member Nelson put forth a motion, Seconded by Council Member Rogers to adopt an Addendum to Adoption Agreement completed by the City of Ball Ground. The Addendum modifies the Adoption Agreement by providing for Roth Contributions to the Plan. Effective October 1, 2022, Eligible Employees under the Employer's GMA 457(b) Deferred Compensation Plan shall be permitted to make Roth Contributions under the Plan and to receive Rollovers of Toth Contributions under the Plan, in accordance with the terms and conditions of the 457(b) Deferred Compensation Plan Master Plan Document.

Motion Unanimously Approved.

- c) **Consider Establishing All Way Stop at Mound St. & Chestnut St.**

City Manager Wilmarth stated residents living on Mound and Chestnut Streets submitted a request asking that consideration be given to designate the intersection of said streets as a four-way stop. Mr. Wilmarth stated there is no indication that declaring the intersection an all-way stop would impact traffic flow.

Council Member Rogers put forth a motion, Seconded by Council Member Benefield to declare the intersection of Mound and Chestnut Streets an all-way stop. Signs will be erected immediately.

Motion Unanimously Approved.

- d) Consider Repealing Sewage Base Rate Fee Established for Sewage Use on Non-Connected Residential Properties.**

City Manager proposed council members consider repealing the base rate for sewage for customers not connected to the sewage system. When the City received funding through the USDA Rural Development Authority a stipulation to receive the funding was that each customer must pay the base rate even though they did not connect to the system. The City has since received funding from other sources and is no longer obligated to follow the USDA guidelines.

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to cease charging the base rate for customers not connected to the sewage system as of November 1, 2022.

Motion Unanimously Approved.

- e) Consider Amendment to The Code of The City of Ball Ground Alcohol Ordinance DIVISION 2. - LICENSES AND SPECIAL PERMITS-Subdivision I. - In General; Sec. 4-54. - Distance of business from schools, churches, etc.**

Council Member Prettyman put forth a motion, Seconded by Council Member Benefield to approve the amendment to the Code of The City of Ball Ground Alcohol Ordinance DIVISION 2. - LICENSES AND SPECIAL PERMITS-Subdivision I. - In General; Sec. 4-54. - Distance of business from schools, churches, etc. as presented.

Motion Unanimously Approved.

- f) Consider Amendment to The Code of The City of Ball Ground Secs. 26-98—26-110. – Reserved; ARTICLE VI. - ALL-TERRAIN VEHICLES Sec. 26-111. – Definitions (Golf Carts).**

Council Member Benefield put forth a motion, Seconded by Council Member Nelson to approve the amendment to The Code of The City of Ball Ground Secs. 26-98—26-110. – Reserved; ARTICLE VI. - ALL-TERRAIN VEHICLES Sec. 26-111. – Definitions (Golf Carts) as presented.

Motion Unanimously Approved.

- g) Consider A Resolution to Impose a Temporary Moratorium on the Acceptance of any Applications of Zoning Petitions, Preliminary Plats/Concept Plans and Land Disturbance Permits (On projects not already in progress).**

Council Member Rogers put forth a motion, Seconded by Council Member Benefield to impose a temporary moratorium effective immediately on the acceptance of any applications of Zoning Petitions, Preliminary Plats/Concepts Plans and Land Disturbance Permits (On projects not already in progress). This moratorium is in effect for six months beginning this date.

Motion Unanimously Approved.

- h) Consider Agreement for Professional Services between Bureau Veritas and City of Ball Ground**

City Manager Wilmarth stated the contract has been reviewed by the city attorney and sent back to the attorneys of Bureau Veritas with modifications. Bureau Veritas has agreed to the changes and is in the process of preparing a new contract to send back to the City for final approval.

Once the city attorney has reviewed the contract it will be sent to the City for signing. City Manager Wilmarth asked Council Members to authorize him to sign the contract on behalf of the City.

Council Member Rogers put forth a motion, Seconded by Council Member Nelson to authorize City Manager Wilmarth to enter into the agreement with Bureau Veritas on behalf of the City of Ball Ground.

Motion Unanimously Approved.

- i) Consider First Reading of International Property Maintenance Code with Amendments to Section 302.4, Section 304.14, Section 308.2.2 and Other Points of Clarification.**

City Manager Wilmarth stated that the Maintenance Code once adopted would give a much more detailed and referenced source of information especially in reference to unsafe buildings. Bureau Veritas would function as agent for the City interpreting the code and when necessary, appearing in court as the “expert” on behalf of the City in any nuisance or unsafe building claims.

Council Member Rogers put forth a motion, Seconded by Council Member Nelson to approve the first reading of the International Property Maintenance Code with Amendments to Section 302.4, Section 304.14, Section 308.2.2 and Other Points of Clarification as presented.

Motion Unanimously Approved.

- j) Consider Adoption of Growth Boundary Agreement Resolution and Memorandum of Understanding between the Cherokee County Board of Commissioners and the City of Ball Ground**

Chris Luly presented the Growth Boundary Agreement between Cherokee County Board of Commissioners and the City of Ball Ground. The purpose of the Agreement stated both parties recognize the significance of cooperative planning efforts and believe that such efforts can offer a better model for accommodation population growth and its associated impacts and can often result in a more efficient and desirable pattern of development.

The Growth Boundary is established on the Growth Boundary Map dated August 8, 2022 and terminates October 1, 2047.

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to approve the Memorandum of Understanding between the Cherokee County Board of Commissioners and the City of Ball Ground as presented.

Motion Unanimously Approved.

Council Member Rogers put forth a motion, Seconded by Council Member Benefield to approve the Resolution of the Cherokee County Board of Commissioners and the City of Ball Ground City Council to establish a Growth Boundary Agreement.

Motion Unanimously Approved.

- k) Consider Purchase of Kubota Compact Excavator at a cost of \$62,135.**

Council Member Prettyman put forth a motion, Seconded by Council Member Nelson to approve the purchase of a Kubota Compact Excavator at a cost of \$62,135.

Motion Unanimously Approved.

- l) Appointment of Municipal Court Judge**

Mayor Roberts stated that recently our Municipal Court Judge Gary Markwell passed away. Judge Markwell served as the City's Municipal Court Judge for thirty-three years. Due to Judge Markwell's passing an appointment must be made to fill the position. Mayor Roberts recommended the City Council consider the appointment of Scott Poole to fill the vacancy.

Council Member Benefield put forth the motion, Seconded by Council Member Rogers to appoint Scott Poole to fill the vacancy of Municipal Court Judge.

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 August 31, 2022. The report showed cash on deposit totaled \$2,103,333.10.

City Manager Wilmarth also provided Mayor Roberts and Council Members with an update of ongoing city projects.

Chief Reeves presented a written report of the Police Department's activities for the month of August 31, 2022.

Item 10: Mayor Roberts Comments

Mayor Roberts announced that a public hearing concerning the Comprehensive Plan Update would be held Tuesday, October 25 at 6:00 PM. The public is invited to attend. The Comprehensive Plan is a tool used by cities and counties to plan how and where future development will occur. The City must update the plan every five years.

Item 11: Council Comments

Item 12: Executive Session (If Needed)

Item 13: Adjourn

There being no further business for council consideration a motion was duly made and seconded to adjourn at 8:25 PM.

The minutes of the this September 8, 2022 City Council Meeting approved this 13th Day of October 2022.