



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

**Minutes
July 23, 2015**

Item 1: Meeting Called to Order by Mayor Pro Tem Frank Homiller in the absence of Mayor Roberts.

Council Members Frank Homiller, Mickey O'Malley, Lee Prettyman and Andrenia Stoner were present

Staff members Present: Tom Roach, Michael Chapman, Donna England, Bryon Reeves, Eric Wilmarth and Karen L. Jordan

Item 2: Pledge of Allegiance

Item 3: Appearances: Lucille Rich on behalf of Ball Ground Historical Society

Mrs. Lucille Rich came before Council Members asking for their assistance to pay honor to a lifelong community resident and business person for his 19 years of involvement and contribution to the Ball Ground Baseball League. Mrs. Rich stated the Ball Ground Historical Society is playing to surprise this person at their October 27, 2015 meeting by honoring him for his working in the community.

Mayor Pro Tem Homiller thanked Mrs. Rich for her appearance tonight and extended Councils support in honoring Mr. Cheshire.

Item 4: Announcements/Informational Items/Project

City Manager Wilmarth announced the following upcoming events.

- **In efforts to encourage recycling in our community residents can bring their electronic devices and other unwanted recyclable items to City Hall parking lot on Saturday, July 25, 2015 between the hours of 10AM and 2PM for disposal.**
- **Ball Ground Rocks the Park Concert on Saturday, July 25, 2015 at 6PM.**

Item 5: Approval of Minutes – June 11, 2015 Meeting

Council Member Stoner put forth a motion, Seconded by Council Member Prettyman to approve the minutes of the June 11, 2015 meeting as submitted in writing by the City Clerk.

Motion Unanimously Approved

Item 6: Old Business

a) Consider 2nd Reading of Change to City Alcohol Ordinance

City Manager Wilmarth outlined the changes of the Alcohol Ordinance to be considered. He stated the current Alcohol Ordinance includes parks in the 300 foot radius which does not permit the sale of alcohol and therefore does not allow the downtown businesses to obtain an alcohol license. The proposed change would take the word "parks" out of the ordinance. Also, the ordinance would permit a 3% excise tax on all poured distilled spirits

Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language:

That section 7-3-14-Distance of business from schools, churches, etc. of the Code of the City of Ball Ground, Georgia, is hereby amended to read as follows: . . . No license shall be issued under this chapter where the place of business of the applicant is located within a radius distance of three hundred (300) feet of any church or within three (300) feet of any school ground, public library, alcohol treatment facility, or college campus.

State Law Reference: O.C.G.A. §3-3-21. Note: State law measures distance by the most direct route of travel on the ground.

That the Code of the City of Ball Ground, Georgia, is hereby amended by adding a section to be numbered Chapter 5 - Finance and Taxation; Article D-Malt Beverages, Alcohol and Wine Excise Taxes; Section 2-5-44, which section reads as follows:

That section Chapter 5 – Finance and Taxation; Article D as related to Malt Beverages, Alcohol and Wine Excise Taxes of the Code of the City of Ball Ground, Georgia, is hereby amended to read as follows: (a) In addition, an excise tax of three percent is hereby levied and imposed on the sale of distilled spirits by the drink on charges to the public for the beverages.

(b) The excise tax imposed in subsection (a) of this section shall not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage.

(c) Each person responsible for the payment of the excise tax levied under this section shall remit payments and file reports as provided, however, that persons collecting the tax authorized by this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due if the amount is not delinquent at the time of payment. The rate of the deduction shall be three percent of the amount due, only if the amount due was not delinquent at the time of payment. Failure to submit timely reports will result in the imposition of a ten-percent penalty. After 30 days, interest will accrue at the rate of five percent per month, or fraction thereof, from the due date of the taxes.

There being no discussion on this matter a motion was put forth by Council Member Prettyman, Seconded by Council Member Stoner to approve the stated amendments.

Motion Unanimously Approved.

- b) Consider 2nd Reading of Application for Pouring License for Burger Doc LLC, 290 Gilmer Ferry Road
Mayor Pro Tem Homiller asked Council Members to consider the second reading of the second reading of this application.

Council Member O'Malley put forth a motion, Seconded by Council Member Prettyman to approve the second reading of the Application for Alcohol Pouring License for Burger Doc LLC.

Council Member Prettyman expressed his concern that there is not supposed to be alcohol

Item 7: New Business

- a) **Consider Setting Millage Rate for 2015 Property Tax Digest**
- b) **Consider Establishing Fire District Tax Millage Rate**
- c) **Consider 1st Reading of Joint Cherokee County Emergency Management/City of Ball Ground Disaster Debris Management Plan Ordinance**
- d) **Consider Property Lease Agreement Between Georgia Northeastern Railroad and City of Ball Ground**

Item 8: City Manager Comments

Item 9: Mayor Roberts & City Council Comments

Item 10: Public Comments

Item 11: Executive Session:

Item 12: Adjourn