



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

**AGENDA
March 10, 2016**

Item 1: Mayor Pro Tem Frank Homiller called the meeting to order in the absence of Mayor Roberts who was at a Downtown Development Conference.

Council Members Present: John Byrd, Mickey O'Malley, Lee Prettyman and Andrenia Stoner

Staff Present: Michael Chapman, Donna England, Bryon Reeves, Darrell Caudill, Eric Wilmarth and Karen Jordan

Item 2: Pledge of Allegiance

Item 3: Appearances

Linda Cronan Cantrell appeared before Council to request Council's consideration to approve the replacement an older mobile home located at 235 Northridge Road. Mrs. Cantrell stated the older mobile home would be removed and replaced with a new one.

Mayor Pro Tem Homiller stated in the past if a resident wanted to replace an older mobile home with a new one provided proper permitting, etc was followed it was approved.

Council Member O'Malley put forth a motion, Seconded by Council Member Byrd to approve Mrs. Cantrell's request provided the old mobile home was removed from the property and proper permitting procedures was followed.

Motion Unanimously Approved

Item 4: Announcements/Informational Items/Project Updates by City Manager

- Council Members were reminded to meet with the city clerk to register for the upcoming Georgia Municipal Conference.**
- The Ball Ground Police Department will host a Civilian Response to Active Shooter Event on Tuesday, March 29, 2016 beginning at 6:0 PM at the Ball Ground United Methodist Church. The public is invited to attend.**
- City Manager Wilmarth asked Council to consider approval of him signing an easement to allow Georgia Power to install underground power service to the building that houses Dot's Restaurant. The installation of a new service line is necessary for the upgrade in electrical, heating and air conditioning system and other amenities to the building.**

Council Member O'Malley put forth a motion, Seconded by Council Member Byrd to authorize City Manager Wilmarth to sign any and all related documents related to this easement.

Motion Unanimously Approved

Item 5: Approval of February 11, 2016 Minutes

Council Member Stoner put forth a motion, Seconded by Council Member Byrd to approve the minutes of the February 11, 2016 Council Meeting as submitting in writing by the City Clerk.

Motion Unanimously Approved

Item 6: Old Business

a) Consider 2nd Reading of Development Codes for Historic Downtown District

Mr. John (Shorty) Jordan addressed council on this issue. He stated everyone has been working for years to attract businesses to the downtown area. By imposing the proposed development codes would be a deterrent to future business prospects and therefore respectfully requested Council not approve them.

Council Member Byrd put forth a motion to approve the proposed Development Codes. This motion did not receive a second and therefore dies.

No action taken.

Mr. Jordan thanked Council Member O'Malley for what he has done to promote the use of our ball fields and parks. He stated is wonderful to see so many people using our parks facilities and patronizing our Downtown Businesses.

Item 7: New Business

a) Consider Annexation Petition Submitted by Stefanie Joyner for property located at 995 Old Canton Road.

Because no response had been received from the Cherokee County Board of Commissioners a motion was made by Council Member Byrd, Seconded by Council Member O'Malley to table this item of business until the April 14th Council Meeting.

Motion Unanimously Approved

b) Consider Refinancing of the Acquisition, Construction and Installation of City Hall by Regions Bank.

City Manager Wilmarth stated the loan amount of \$1,211,623.00 will be paid at 2.85% for a period of 175 months. This is a savings to the City of \$8,844.00. each year for the remaining time on the note.

Council Member O'Malley put forth a motion, Seconded by Council Member Byrd to approve the following resolution for the purpose of refinancing the acquisition, construction and installation of the Ball Ground City Hall.

Motion Unanimously Approved.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BALL GROUND
AUTHORIZING, AMONG OTHER THINGS, THE EXECUTION OF DOCUMENTS
RELATING TO THE REFINANCING OF THE ACQUISITION, CONSTRUCTION
AND INSTALLATION OF THE CITY HALL**

WHEREAS, the City of Ball Ground, Georgia (the "City") and Georgia Municipal Association, Inc. ("GMA") entered into that certain Amended and Restated Installment Sale Agreement, dated as of October 1, 2010 (the "2010 Installment Sale Agreement"), pursuant to which GMA agreed to acquire, construct and install a certain Project to be used by the City as a new City Hall, and the City agreed to purchase the Project from GMA in accordance with the terms of the 2010 Installment Sale Agreement; and

WHEREAS, the 2010 Installment Sale Agreement was assigned to Branch Banking and Trust Company ("BB&T"), pursuant to that certain Assignment and Transfer Agreement, dated as of October 1, 2010, by and between GMA and BB&T (the "2010 Assignment and Transfer Agreement"); and

WHEREAS, the City desires to refinance the acquisition, construction and installation of the Project (the "Refinancing"); and

WHEREAS, in order to accomplish the Refinancing, the City, using monies advanced by Regions Bank (the "Seller") under an Installment Sale Agreement, dated as of April 1, 2016 (the "2016 Installment Sale Agreement"), between the Seller and the City, will prepay on April 1, 2016, all of the outstanding Principal Payments required to be paid by the City to BB&T, as assignee of GMA, pursuant to the 2010 Installment Sale Agreement, plus 1% of the principal balance thereunder, plus accrued interest, and thereby acquire the Project (as defined in the 2016 Installment Sale Agreement); and

WHEREAS, immediately upon the City's acquisition of the Project, the City will convey title to the Project to the Seller; and

WHEREAS, immediately upon the Seller's acquisition of the Project, the City and the Seller will enter into the 2016 Installment Sale Agreement pursuant to which the City intends to purchase the Project from the Seller;

WHEREAS, the obligations of the City to make payments under the 2016 Installment Sale Agreement shall be payable only from funds lawfully appropriated by the City for such purpose and shall not constitute a pledge of the full faith and credit of the City within the meaning of any constitutional debt limitations; and

WHEREAS, the taxing power of the City is not and may not be pledged in any way, directly, indirectly, or contingently, to secure any moneys due under the 2016 Installment Sale Agreement; and

WHEREAS, the City and the Seller propose to enter into an Agreement Regarding Environmental Activity, dated as of April 1, 2016 (the "Environmental Agreement"), relating to the Project; and

WHEREAS, the City will hold a public hearing required by O.C.G.A. Section 36-60-13, as amended (the "Act") on March 25, 2016, which will be prior to the date of closing, and will satisfy all the other requirements contained in the Act,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ball Ground that the form, terms and conditions and the execution, delivery, and performance of the 2016 Installment Sale Agreement attached hereto as Exhibit "A" are hereby approved, and the Mayor is hereby authorized and directed to execute the 2016 Installment Sale Agreement on behalf of the City substantially in the form submitted to the City Council with such changes, corrections, deletions, insertions, variations, additions or omissions as may be approved by the Mayor, whose approval thereof shall be conclusively evidenced by the execution thereof; the City Clerk is hereby authorized and directed to attest the same and affix thereto the seal of the City; and

FURTHER RESOLVED that the form, terms and conditions and the execution, delivery, and performance of the Environmental Agreement attached hereto as Exhibit "B" are hereby approved, and the Mayor is hereby authorized and directed to execute the Environmental Agreement on behalf of the City substantially in the form submitted to the City Council with such changes, corrections, deletions, insertions,

variations, additions or omissions as may be approved by the Mayor, whose approval thereof shall be conclusively evidenced by the execution thereof; the City Clerk is hereby authorized and directed to attest the same and affix thereto the seal of the City; and

FURTHER RESOLVED that the prepayment of the 2010 Installment Sale Agreement with proceeds from the 2016 Installment Sale Agreement, together with monies from the City to pay accrued interest, is hereby authorized and approved; and

FURTHER RESOLVED that in order to implement the 2016 Installment Sale Agreement, the City's conveyance of title to the Project to the Seller, once title to the Project is conveyed to the City as a result of said prepayment, is hereby authorized and approved, and the execution and delivery of a limited warranty deed and bill of sale, if necessary, conveying the Project to the Seller, are hereby authorized and approved; and

WHEREAS, the City wishes to authorize the execution and delivery of the 2016 Installment Sale Agreement; and

WHEREAS, the term of the 2016 Installment Sale Agreement expires on November 1, 2030, subject to the City's right to terminate the 2016 Installment Sale Agreement effective as of each December 31 during the term of the 2016 Installment Sale Agreement; and

FURTHER RESOLVED that the proper officers, members, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of

this resolution, the 2016 Installment Sale Agreement, the Environmental Agreement and the transactions contemplated by said documents.

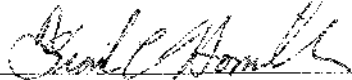
FURTHER RESOLVED that the City hereby appropriates available and uncommitted funds in its budget for the current fiscal year in the amount of the Minimum Annual Appropriated Amount (as defined in the 2016 Installment Sale Agreement); and

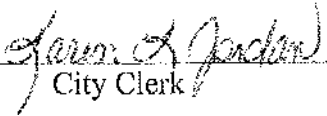
FURTHER RESOLVED that the 2016 Installment Sale Agreement is hereby designated as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code"); the aggregate face amount of all tax-exempt obligations (other than private activity bonds as defined in Section 141 of the Code) issued by the City and the entities with whom aggregation is required pursuant to Section 265(b)(3)(E) of the Code is not reasonably expected to exceed \$10,000,000 during the year 2016; and

FURTHER RESOLVED that all resolutions or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed, and this Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED, this 10th day of March, 2016.

CITY OF BALL GROUND, GEORGIA

By: 
Mayor

Attest: 
City Clerk

(SEAL)

c) Consider Refinancing of the Acquisition, Construction and Installation of the City of Ball Ground Public Works Facility

City Manager Wilmarth stated the loan amount of \$281,525.00 will be paid at 2.85% for a period of 157 months. This is a savings to the City of \$6,000.00 over the life of the loan.

Council Member Prettyman put forth a motion, Seconded by Council Member O'Malley to approve the following resolution for the purpose of refinancing the acquisition, construction and installation of the Ball Ground City Hall. Motion Unanimously Approved.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BALL GROUND
AUTHORIZING, AMONG OTHER THINGS, THE EXECUTION OF DOCUMENTS
RELATING TO THE REFINANCING OF THE ACQUISITION, CONSTRUCTION
AND INSTALLATION OF THE PUBLIC WORKS FACILITY**

WHEREAS, the City of Ball Ground, Georgia (the "City") and Georgia Municipal Association, Inc. ("GMA") entered into that certain Installment Sale Agreement, dated as of April 18, 2014 (the "2014 Installment Sale Agreement"), pursuant to which GMA agreed to acquire, construct and install a certain Project to be used by the City as a new public works facility, and the City agreed to purchase the Project from GMA in accordance with the terms of the 2014 Installment Sale Agreement; and

WHEREAS, the 2014 Installment Sale Agreement was assigned to Branch Banking and Trust Company ("BB&T"), pursuant to that certain Assignment and Transfer Agreement, dated as of April 18, 2014, by and between GMA and BB&T (the "2014 Assignment and Transfer Agreement"); and

WHEREAS, the City desires to refinance the acquisition, construction and installation of the Project (the "Refinancing"); and

WHEREAS, in order to accomplish the Refinancing, the City, using monies advanced by Regions Bank (the "Seller") under an Installment Sale Agreement, dated as of April 1, 2016 (the "2016 Installment Sale Agreement"), between the Seller and the City, will prepay on April 1, 2016, all of the outstanding Principal Payments required to be paid by the City to BB&T, as assignee of GMA, pursuant to the 2014 Installment Sale Agreement, plus 1% of the principal balance thereunder, plus accrued interest, and thereby acquire the Project (as defined in the 2016 Installment Sale Agreement); and

WHEREAS, immediately upon the City's acquisition of the Project, the City will convey title to the Project to the Seller; and

WHEREAS, immediately upon the Seller's acquisition of the Project, the City and the Seller will enter into the 2016 Installment Sale Agreement pursuant to which the City intends to purchase the Project from the Seller;

WHEREAS, the obligations of the City to make payments under the 2016 Installment Sale Agreement shall be payable only from funds lawfully appropriated by the City for such purpose and shall not constitute a pledge of the full faith and credit of the City within the meaning of any constitutional debt limitations; and

WHEREAS, the taxing power of the City is not and may not be pledged in any way, directly, indirectly, or contingently, to secure any moneys due under the 2016 Installment Sale Agreement; and

WHEREAS, the City wishes to authorize the execution and delivery of the 2016 Installment Sale Agreement; and

WHEREAS, the term of the 2016 Installment Sale Agreement expires on May 1, 2029, subject to the City's right to terminate the 2016 Installment Sale Agreement effective as of each December 31 during the term of the 2016 Installment Sale Agreement; and

WHEREAS, the City and the Seller propose to enter into an Agreement Regarding Environmental Activity, dated as of April 1, 2016 (the "Environmental Agreement"), relating to the Project; and

WHEREAS, the City will hold a public hearing required by O.C.G.A. Section 36-6043, as amended (the "Act") on March 25, 2016, which will be prior to the date of closing, and will satisfy all the other requirements contained in the Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ball Ground that the form, terms and conditions and the execution, delivery, and performance of the 2016 Installment Sale Agreement attached hereto as Exhibit "A" are hereby approved, and the Mayor is hereby authorized and directed to execute the 2016 Installment Sale Agreement on behalf of the City substantially in the form submitted to the City Council with such changes, corrections, deletions, insertions, variations, additions or omissions as may be approved by the Mayor, whose approval thereof shall be conclusively evidenced by the execution thereof; the City Clerk is hereby authorized and directed to attest the same and affix thereto the seal of the City; and

FURTHER RESOLVED that the form, terms and conditions and the execution, delivery, and performance of the Environmental Agreement attached hereto as Exhibit "B" are hereby approved, and the Mayor is hereby authorized and directed to execute the Environmental Agreement on behalf of the City substantially in the form submitted to the City Council with such changes, corrections, deletions, insertions, variations, additions or omissions as may be approved by the Mayor, whose approval thereof shall be conclusively evidenced by the execution thereof; the City Clerk is hereby authorized and directed to attest the same and affix thereto the seal of the City; and

FURTHER RESOLVE iP that the prepayment of the 2014 Installment Sale Agreement with proceeds from the 2016 Installment Sale Agreement, together with monies from the City to pay accrued interest, is hereby authorized and approved; and

FURTHER RESOLVED that in order to implement the 2016 Installment Sale Agreement, the City's conveyance of title to the Project to the Seller, once title to the Project is conveyed to the City as a result of said

prepayment, is hereby authorized and approved, and the execution and delivery of a limited warranty deed and bill of sale, if necessary, conveying the Project to the Seller, are hereby authorized and approved; and

FURTHER RESOLVED that the proper officers, members, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of this resolution, the 2016 Installment Sale Agreement, the Environmental Agreement and the transactions contemplated by said documents.


FURTHER RESOLVED that the City hereby appropriates available and uncommitted funds in its budget for the current fiscal year in the amount of the Minimum Annual Appropriated Amount (as defined in the 2016 Installment Sale Agreement); and

FURTHER RESOLVED that the 2016 Installment Sale Agreement is hereby designated as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code"); the aggregate face amount of all tax-exempt obligations (other than private activity bonds as defined in Section 141 of the Code) issued by the City and the entities with whom aggregation is required pursuant to Section 265(b)(3)(E) of the Code is not reasonably expected to exceed \$10,000,000 during the year 2016; and

FURTHER RESOLVED that all resolutions or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed, and this Resolution shall take effect immediately upon its adoption.

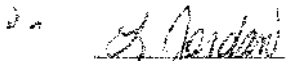
PASSED AND APPROVED, this 10th day of March, 2016.

By:



Mayor

Attest:



City Clerk

(SEAL)

CITY OF BALL GROUND, GEORGIA

- d) Consider Among Other Things, the execution of Documents Relating to the Assignment and Modification of the Cherokee County Development Authority Tax-Exempt Revenue Note (City of Ball Ground Project), series 2007 (AKA Valley Street Road Project)

City Manager Wilmarth stated the Principal loan amount of \$341,367.00 will be paid at an interest rate of 2.355% for a period of 81 months. This is a savings to the City of \$23,409.00 over the life of the loan.

- e) Council Member O'Malley put forth a motion, Seconded by Council Member Byrd to approve the following resolution for the purpose of refinancing and execution of Documents Relating to the Assignment and Modification of the Cherokee County Development Authority Tax-Exempt Revenue Note (City of Ball Ground Project), series 2007 (AKA Valley Street Road Project)
Motion Unanimously Approved

City Manager Wilmarth stated the money saved from the refinancing of the three projects would be budgeted toward the city cost share of the new fire department building.

Item 8: City Manager Comments

Financial Report – City Manager Wilmarth presented an unaudited report of account balances, statement of revenue and expenditures for the month ended February 29, 2016. The report showed cash on deposit totaled \$854,688.58.

- Draft of the proposed 2016/2017 Budget is nearing completion and will be sent to Mayor Roberts tomorrow for his review. Anticipate 1st Reading at the April 1^{4th} Council Meeting
- Continued progress on the necessary paperwork required by Georgia Department of Transportation (GDOT) for the start of the Valley Street Streetscapes Project.
- Groundbreaking recently held for the new Cherokee County Fire Department Station #2. The fire station will be held at the intersection of Coy M. Holcomb and Valley Street.
- The 372 North Sewer Line Project nearing completion.
- Our Municipal Water System underwent a complete review by the Department of Natural Resources Drinking Water Division on February 17, 2016. No deficiencies were found.
- Notification received that the proposed Old Canton Road North Waterline Project no longer qualifies for funding through the Community Development Block Grant Program. The average income level in this area has increased eliminating this source of funding.
- The water system continues to increase. During the month of February we exceeded the 1,000 customer.
- City Park Facilities are in constant use and demand.
- Currently seeking pricing for the cost to install a web base lighting control system for the ball fields and tennis and basketball courts. Lights are at times being left on all night and increasing our cost.
- Main Street and Downtown Development Director Karla Weaver and Mayor Roberts are in Athens attending the Georgia Main Street Conference.
- Developer Chris Koke has purchased two additional buildings downtown. Mr. Koke is renovating the building for the purpose of attracting new businesses to our Downtown.
- Our Downtown is coming alive with new businesses!

Chief Reeves presented both an oral and written report of the Police Department's activity for the month of February to Council.

Chief Reeves also spoke more about the upcoming Civilian Response to Active Shooter Event on Tuesday, March 29, 2016. He encourage everyone to attend this important event.

Item 9: Mayor's Comments

Mayor Pro Tem Homiller stated he realized people have worked hard to protect property owner's interest and not to implement burdensome development codes. He stated it was not the intent to make things more difficult, but to protect the property values of others throughout the Downtown area. He further stated it is his belief to give flexibility to the property owners.

City Manager Wilmarth spoke on behalf of Mayor Roberts to state Mayor Roberts would like to have a meeting with the Downtown property owners and other interested parties to review and discuss the proposed Development Codes at a date and time to be determined.

Item 10: City Council Comments

Council Member O'Malley expressed his excitement over the number of people that continue to stream into our parks and downtown businesses. He also stated it had been a pleasure working with YMCA Youth Soccer League. Two teams are currently practicing on the multi-use field in Calvin Farmer Park.

Council Member Prettyman commented on the hard work put in by the Public Works Department and City Manager Wilmarth. He also stated he continues to receive very positive feedback on the added downtown parking. He asked if consideration could be given to adding street lights to the area.

Item 11: Public comments

William Llop, Candidate for Georgia's 11th Congressional District introduced himself to Council and spoke on his campaign platform.

Item 12: Executive Session – None

Item 13: Adjourn

There being no further business for Council consideration a motion was duly made and seconded to adjourn at 7:50 PM.

The minutes of the March 10, 2016 City Council Meeting approved this 14th Day of April, 2016.

Mayor A. R. Roberts, III

Mayor Pro Tem Frank Homiller

Council Member John Byrd

Council Member Mickey O'Malley

Council Member Lee Prettyman

Council Member Andrenia Stoner

Attest: _____
Karen L. Jordan, City Clerk