



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

**MINUTES
February 10, 2022**

Item 1: Meeting Called to Order by Mayor Roberts

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

Staff Present: City Attorney Darrell Caudill, City Manager Eric Wilmarth, Police Chief Bryon Reeves, Finance Director Donna England, and City Clerk Karen L. Jordan

Item 2: Pledge of Allegiance

Item 3: Approve Agenda

City Manager Wilmarth stated that he was in receipt of a request from the attorney representing Loyd Development Services, LLC stating that the Applicant requests to withdraw the Applications for Rezoning and Annexation of the 39.98 +/- acres without prejudice.

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to approve the agenda with the following amendments:

**Remove Item 7 (a) Consider Second Reading of Annexation Petition 2021-04
Applicant: Loyd Development Services –7381, 7511, 7583 Ball Ground Highway**

**Remove Item 8 (a) Consider Application for Rezoning
Applicant: Loyd Development Services, LLC
Consider request for rezoning of 39.98 +/- acres from R-80 (Estate Residential) to TND (Traditional Neighborhood Development) at 7581 and 7583 Ball Ground Hwy.**

Motion Unanimously Approved.

Item 4: Appearances

Maulding & Jenkins CPAs – Presentation of Financial Audit for FY 2020-2021

James Bence provided Mayor Roberts and Council Members with the results of the annual audit for the period ended June 30, 2021. The City received an unmodified (“clean”) opinion on the basic financial statements. Mr. Bence stated the audit is conducted in accordance with auditing standards generally accepted in the United States of America.

Mayor Roberts thanked Donna England and her staff for the work they put forth to ensure the City receives a clean audit each year.

John Miller – Requesting permission to build a house on Lot 9 in the Village of Holcomb Manor

Mr. Miller was not present. However, he did make his request known to council members in person and in writing at the work session held on January 31, 2022.

Council Member Rogers put forth a motion, Seconded by Council Member Prettyman to approve the request by Mr. John Miller to build a house on Lot 9 in The Village of Holcomb Manor and further identified as Map/Parcel Number 94N07 004J.

Motion Unanimously Approved.

Public Comments Pertaining to Agenda Items

Brandi Unterreiner of 1691 Reavis Mountain Rd. spoke in opposition to the application for an alcohol license at 3010 Canton Hwy.

Rachel Gage of 58 Russell St., NE Atlanta, and Ralph Disharoon spoke on behalf of several people in opposition to the application for an alcohol license at 3010 Canton Hwy.

David Boon of 9975 Ball Ground Hwy stated the property at 3010 Ball Ground Hwy looks a lot better since it has been cleaned up. He further stated that as a business owner he hated to get in the way of anybody wanting to run their business, but at the same time, he understood the argument was about the consideration of an alcohol license for the location of 3010 Canton Hwy.

Mr. Parks Huff, an attorney representing Kiraj Lalani, Ball Package Store, Inc. , and MS Lnaara Enterprises, Inc. in relation to two alcohol license applications for property located at 3010 Canton Hwy. addressed Mayor Roberts and Council Members. Mr. Huff read a letter that urged Council Members to base their decision to grant or deny on the objective criteria spelled out in the City Ordinances. Mr. Huff further stated that his client would be willing to respond to any reasonable community concern related to the look of the building, landscaping, and similar concerns.

Item 5: Announcements/Informational Items/Project Updates – City Manager

- February 16 Informational Meeting with SunCap at Senior Center
- February 18 Annual Arbor Day Tree Planting in Calvin Farmer Park
- March 3 Monthly Council Work Session
- March 10 Monthly Council Meeting
- March 12 Mayor and Council Planning Retreat at Senior Center

Item 6: Approval of January 10, 2022, Work Session Minutes

Council Member Nelson put forth a motion, Seconded by Council Member Benefield to approve the minutes of the January 10, 2022, Work Session as submitted in writing by the City Clerk.

Motion Unanimously Approved.

Approval of January 13, 2022, Council Meeting Minutes

Council Member Rogers put forth a motion, Seconded by Council Member Benefield to approve the minutes of the January 13, 2022 City Council Meeting as submitted in writing by the City Clerk.

Motion Unanimously Approved.

Approval of January 13, 2022 Public Hearing

Council Member Rogers put forth a motion, Seconded by Council Member Nelson to approve the minutes of the January 13, 2022, Public Hearing as submitted in writing by the City Clerk.

Motion Unanimously Approved.

Approval of January 31, 2022, Work Session Minutes

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to approve the minutes of the January 31, 2022, Work Session as submitted in writing by the City Clerk.

Motion Unanimously Approved.

Item 7: Old Business

**Consider Second Reading of Annexation Petition 2021-04
Applicant: Loyd Development Services –7381, 7511, 7583 Ball Ground Highway**

The Applicant submitted requests to withdraw this application for Rezoning and Annexation of the 39.98 +/- acres without prejudice

Item 8: New Business

**a) Consider Application for Rezoning
Applicant: Loyd Development Services, LLC**

Consider request for rezoning of 39.98 +/- acres from R-80 (Estate Residential) to TND (Traditional Neighborhood Development) at 7581 and 7583 Ball Ground Hwy.

The Applicant submitted a request to withdraw the Applications for Rezoning and Annexation of the 39.98 +/- acres without prejudice

b) Consider Resolution for Temporary Moratorium on Building Permits and Development Permits thru April 15, 2022.

Mayor Roberts put forth for council consideration a resolution to impose a temporary moratorium on the acceptance of building and land disturbance permits until April 15, 2022. Mayor Roberts stated the fees for these services would be reviewed as to how compared to other entities and how much the city is paying to do those services at the annual planning retreat.

A Resolution No. 01-2022 of the Mayor and City Council of the City of Ball Ground, State of Georgia, to impose a temporary moratorium on the acceptance of building permits and land disturbance permits was read by the City Clerk.

WHEREAS, the governing authority of the City of Ball Ground, Georgia (hereinafter, the “City”), is the Mayor and City Council thereof; and

WHEREAS, the City is vested with substantial power to regulate the use of the property for purposes of maintaining the health, morals, safety, security, peace, and general welfare of the City; and

WHEREAS, the Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly; and

WHEREAS, Georgia law recognizes that local governments may impose moratoria on building permits and other development approvals where exigent circumstances warrant same, pursuant to City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001); Taylor v. Shetzen, 212 Ga. 101 (1955); and

WHEREAS, the Georgia Supreme Court, in DeKalb County v. Townsend, 243 Ga. 80 (1979), held that “[t]o justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals”, and

WHEREAS, the City has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals, and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the City, as part of its planning and growth management finds an immediate need to review the building permit and land disturbance permit processes and associated economic development plans and processes within the City of Ball Ground; and

WHEREAS, the City deems it necessary to develop a permitting process and review associated fees which integrate ongoing concerns associated with same, and the City considers and approves this moratorium a proper exercise of the City’s powers under law; and

WHEREAS, the City deems it necessary to enact this moratorium in order to address development in the City related to the overall economic plan for such development, so as to study and ensure the permitting process and associated fees are aligned with the City’s development goals.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Ball Ground do hereby declare and adopt a moratorium on the acceptance of building permits and land disturbance permits for development projects within the City, as follows:

No plans or applications for building permits or land disturbance permits shall be issued by the City for projects within the City from this date until April 15, 2022. This moratorium shall not apply to any project for which construction, grading, or soil and erosion control plans have been submitted to City staff for review and approval prior to February 9, 2022. During the period of this moratorium, City staff, Mayor, and City Council will review development consistent with City’s goals.

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to approve Resolution No. 01-2022 as submitted and read.

Motion Unanimously Approved.

At this time Mayor Roberts stated that he is a property owner of residential property within 150 feet of 3010 Canton Hwy. He stated it is not proper for him to have comments on something that affects him personally. He, therefore, recused himself from the meeting and discussion and left the building.

Mayor Pro Tem Dennis Nelson presided over the remainder of the meeting.

Consider First Reading of Request for New Alcohol License for Retail Package Sales of Distilled Spirits, Malt Beverages & Wine

**Applicant: Siraj Ali/Ball Package Store Inc.
Address: 3010 Canton Hwy.**

Council Member Rogers put forth a motion, Seconded by Council Member Benefield to deny the application for a new alcohol license for retail package sales of distilled spirits, malt beverages, and wine at 3010 Canton Hwy.

Motion Unanimously Approved.

**d) Consider First Reading of Request for New Alcohol License for Retail Package Sales of Malt Beverages & Wine
Applicant: Siraj Lalani/MS Lnaara Enterprise Inc/Express Food Mart
Address: 3010 Canton Hwy.**

Council Member Rogers put forth a motion, Seconded by Council Member Benefield to deny the applicant's request for a new alcohol license for retail packages sales of malt beverages and wine at 3010 Canton Hwy.

Motion Unanimously Approved.

Item 9: City Manager Comments

City Manager Wilmarth provided Council Members with an unaudited report of account balances, and statement of revenues and expenditures for the month ended January 31, 2022. The report showed cash on deposit totaled \$2,569,349.66

Groundbreaking for the new building that will house the police department was held on January 31, 2022. Construction is now underway.

The traffic study that was talked about at the January meeting is underway. The data collected is being assessed. We expect a final report within four weeks.

The design for the Old Dawsonville Road improvement project has begun. It is estimated to take three to four months to complete. We are hoping to begin the project sometime in the months of May-June.

City Manager Wilmarth introduced A Resolution No 02-2022 asking for the support of Mayor Roberts and Council Members to submit a grant application to the National Parks Service Conservation and Outdoor Recreation Community Assistance Program. If the grant application is approved the funds will be used to create a comprehensive plan for the future connection and development of all city parks, greenspaces, facilities and residential neighborhoods.

ACKNOWLEDGING THE CITY OF BALL GROUND'S COMMITMENT TO A NATIONALPARK SERVICE CONSERVATION AND OUTDOOR RECREATION COMMUNITY ASSISTANCE GRANT

WHEREAS, the City of Ball Ground owns Park property for the enjoyment of its citizens; and

WHEREAS, the City of Ball Ground owns several recreational facilities including playgrounds, tennis courts, pickle ball courts, basketball courts, ball fields and multi-purpose fields; and

WHEREAS, the Ball Ground Mayor and City Council recognize the need and importance of creating a comprehensive plan for the future connection and

development of all city parks, greenspaces, facilities and residential neighborhoods; and

WHEREAS, the Ball Ground Mayor and Council recognize that well planned parks, trails, greenspaces and pedestrian connectivity produces a more cohesive and healthier community; and

WHEREAS, The city desires to work with The National Parks Service in an effort to prepare a comprehensive master plans for parks and connectivity within the City.

THEREFORE, Be it Resolved by the Mayor and City Council that the City of Ball Ground is supportive of a grant application to the National Parks Service Conservation and Outdoor Recreation Community Assistance Program.

Council Member Benefield put forth a motion, Seconded by Council Member Prettyman to approve Resolution 02-2022 as presented.

Motion Unanimously Approved.

During the month of January, a new well pump was installed. The previous pump had been in operation for approximately 13 years and has pumped over one billion gallons of water. City Manager Wilmarth extended his thanks to the public works department for their work over the past month in getting the pump back in operation.

Chief Reeves provided Mayor Roberts and Council Members with a written report of the Police Departments activity for the month ended January 31, 2022.

Item 10: Mayor Roberts Comments

Item 11: Council Comments

Mayor Pro Tem Nelson commented that when you look at what all this City does with so few people that wear many many hats, it's very very impressive. He further commended Eric and the public works staff for their efforts installing the new water pump and getting the water system back in operation.

Council Member Rogers commended Eric for all the updates she receives. They are very informative and helpful in understanding the operations of the City.

Council Member Benefield thanked the residents for their attendance at tonight's meeting.

Item 12: Public Comments

Item 13: Executive Session (If Needed)

Item 14: Adjourn

Council Member Prettyman put forth a motion, Seconded by Council Member Benefield to adjourn the meeting at 8:05 PM.

Motion Unanimously Approved

The minutes of this February 10, 2022 City Council Meeting approved this 10th Day of March 2022.