



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

**MINUTES
October 14, 2021**

Item 1: Meeting Called to Order by Mayor Roberts.

**Council Members and Staff Present:
John Byrd – Council Member
Lee Prettyman – Council Member
Darrell Caudill, City Attorney
Donna England, Finance Director
Chris Luly – Director of Planning & Zoning
Eric Wilmarth, City Manager
Karen L. Jordan, City Clerk
Council Member Andrenia Stoner was absent**

Item 2: Pledge of Allegiance

Item 3: Approve Agenda

Council Member Byrd put forth a motion, Seconded by Council Member Prettyman to approve the agenda with the following amendments: Add Items 9(I) Letter of Support for submittal of a pre-application for funding from the Georgia Outdoor Stewardship Program for the development of the Long Swamp Creek Recreation Area and Executive Session.

Motion Unanimously Approved

Item 4: Appearances - None

Item 5: Public Comments - None

Item 6: Announcements/Informational Items/Project Updates – City Manager

Donna England, Finance Director and staff was commended for receiving The Certificate of Achievement for Excellence in Financial Reporting for fourteen consecutive years.

**Saturday, October 16, 2021, Rivers Alive Ball Ground Creek Clean up
Volunteers will assemble at City Hall at 9:00 AM**

Friday, December 3, 2021, at 7:00 PM - March of the Toys Parade for Toys for Tots

Item 7: Approval of September 9, 2021, Council Meeting

Council Member Byrd put forth a motion, Seconded by Council Member O'Malley to approve the minutes of the September 9, 2021, Council Meeting as submitted in writing by the City Clerk. Motion Unanimously Approved.

Item 8: Old Business – None

Item 9: New Business

a) **Consider Budget Amendment to American Rescue Plan (ARP) Budget**

Council Member Byrd put forth a motion, Seconded by Council Member Prettyman to amend the American Rescue Plan Budget by deleting funding for the purchase of cellular water meters, Groover Street Storm Water Project, City Park Storm Water Project and reducing Library Funding by \$5,000.000. The \$103,000.00 from these projects would transfer to funding the Old Dawsonville Road Storm Water Project.

Motion Unanimously Approved

b) **Consider Budget Amendment to General Operating Budget for period ended June 31, 2021**

City Manager Wilmarth the proposed amendments would meet the actual revenue and expenditures of the General Operating Budget for fiscal year ended June 30, 2021.

Council Member Prettyman put forth a motion, Seconded by Council Member O'Malley to approve the following amendments to the General Operating Budget.

<u>Revenue</u>	<u>Fy-21 Amended</u>	<u>Original Budget</u>
Business /Occupation Tax	\$ 18,740.	\$ 22, 000.
Property Tax	\$ 564,101.	\$525,000.
Motor Vehicle Tax	\$ (26,574.)	\$ 20,000.
Ad Valorem Tax	\$116,569.	\$ 76,000.
Real Estate Transfer Tax	\$ 34,000.	\$ 20,000.
Electrical Franchise Tax	\$101,000.	\$107,500.
Alcoholic Beverage Tax	\$ 62,660.	\$ 52,000.
Insurance Premium Tax	\$120,900.	\$114,000.
Building Permits	\$ 57,400.	\$ 71,500.
Grants	\$204,903.	\$ 0.
 <u>Expenses</u>		
City Council Expenses	\$ 6,000.	\$ 16,460.
City Clerk Expenses	\$ 78,124.	\$ 81,895.
Mayor Expenses	\$ 16,848.	\$ 25,200.
City Manager	\$ 27,430.	\$ 28,229.
Administration	\$186,921.	\$250,463.
Building Maintenance	\$ 63,573.	\$ 57,036.
Court	\$ 20,080.	\$ 18,500.
Police Dept.	\$490,383.	\$468,060.
Roads & Streets Dept	\$126,354.	\$ 77,617.
Senior Center	\$ 8,641.	\$ 14,300.
Community Center	\$ 4,400.	\$ 12,250.
Parks & Recreation Dept.	\$360,850.	\$122,500.
Tree City	\$ 7,000.	\$ 3,500.
Building Dept.	\$ 690.	\$ 21,500.
Planning & Zoning Dept.	\$ 65,990.	\$ 44,500.

Motion by Council Member Byrd, Seconded by Council Member O'Malley to accept a sealed bid by the Georgia Municipal Association, Inc. to purchase from the City of Ball Ground, GA, the real property, more particularly described in the City's Notice of Public Sale dated September 9, 2021, for the sum of \$825,285. The Bidder understands that a deed to the Property will not be delivered until after the Bidder agrees (i) to cause to be constructed a police department building on the Property in accordance with the plans and specification to be provided by the City, (ii) to appoint the City as its contractor for the construction of such facilities, and (iii) to sell said Property and improvements, together with the existing city hall/city administrative facilities on said Property, to the City through installment payments on terms agreeable to the Mayor and Council of the City. The Bidder also understands that the City has specifically reserved the right to reject any and all bids or to cancel the sale.

Motion Unanimously Approved.

f) Consider Approval of Installment Sales Agreement (GMA / Regions Bank)

Council Member Byrd put forth a motion, Seconded by Council Member O'Malley to enter into an Installment Sale Agreement between the Georgia Municipal Association, Inc., and Regions Equipment Finance Corporation, and City of Ball Ground to provide installment sale financing for the construction of a police department building, in the amount of \$1,700,000. at an interest rate of 2.53% per annum and is renewable annually and calls for the principal and interest to be payable monthly, commencing December 1, 2021, in one hundred seventy-nine (179) installments of \$9,070.40 each, and remaining principal and interest to be paid on November 1, 2036.

Motion Unanimously Approved.

City Manager Wilmarth stated the expected start date of the construction of the police department building is 90-120 days.

g) Consider Approval to Construct a Kiosk in the Downtown Area

Mayor Roberts said the construction of a kiosk in the downtown area has been in the City's Capital Improvement Plan, and budget for some time. The kiosk will provide useful information to visitors about our history, map of downtown area, and calendar of events.

Council Member O'Malley put forth a motion, Seconded by Council Member Byrd to approve a proposal from A1 Signs to construct a four (4) sided custom aluminum kiosk with changeable panels at a cost of \$15,665.00

Motion Unanimously Approved.

h) Amend Schedule of Fees to Include Fee for Long-Side Bore

City Manager Wilmarth asked Council Members to consider an increase in the fee for a Long Side Service Bore from \$1,000. To \$1,500. Council was also asked to consider establishing a Long Side Service Bore State Highway Fee of \$500.00. This fee would be in addition to the actual cost. The justification for a separate fee is the variation of the 125/150 foot right of way of SR Business 5 and SR 372 (Canton Highway Corridor). The cost to bore on Canton Highway range from \$4,000. to \$7,500. depending on location.

Council Member Byrd put forth a motion, Seconded by Council Member Prettyman to amend the Schedule of Fees to include an increase in the fee for Long Side Service Bores, from \$1,000. To \$1,500.00. and to establish a Long Side Service Bore State Highway Fee of \$500.00
Motion Unanimously Approved.

- i) **Consider Adoption of New Ordinance Allowing an Increase in License Fee on Insurers and to Impose a Gross Premiums Tax on Insures**

City Manager Wilmath stated municipalities may impose and collect a license fee on insurance companies doing business in the municipal limits. The maximum fees are based on population (O.C.G.A. § 33-8-8). Our recent 2020 Census figures show Ball Ground has a population of over two thousand, so therefore the city can increase the fee from \$25.00 to \$40.00.

Council Member O'Malley put forth a motion, Seconded by Council member Prettyman to adopt an ordinance to impose a gross premiums tax on insurers operating within the City of Ball Ground, Georgia; to provide an effective date; to repeal conflicting ordinances; and other purposes.

There is hereby levied for the year 2022, and for each year thereafter an annual license fee upon each insurer doing business within the City of Ball Ground, Georgia in the amount of forty dollars (\$40.) For each separate business location in excess of one not covered by Section 2, which is operating on behalf of such insurers within the City of Ball Ground, there is hereby levied a license fee in the amount of forty dollars (\$40). For the purposes of this ordinance, the term, "insurer" means a company which is authorized to transact business in any of the classes of insurance designated in O. C. G. A. Section 33-3-5.

Motion Unanimously Approved

- j) **Consider Approval of Old Dawsonville Road Widening, Pedestrian and Paving Project**

City Manager Wilmarth asked Council Members to consider approval of a \$260,000. budget for the Old Dawsonville Road widening, pedestrian, and paving project. The funds would be accumulated from ARP Grant Funds, Water Utility Fund, Storm Water Fund, SPLOST. The developer of Farmers Crossing will also contribute both monetary and in-kind.

The scope of the project is to include but not limited to the following:

- Widen Old Dawsonville Road 3ft. between Groover St. and William Ct.
- Construct retaining wall in parking lot of Calvin Farmer Park to create a road shoulder for widening curb, gutter, and sidewalk.
- Intersection improvements at Groover St. and Old Dawsonville Rd.
- Relocation of utilities

Council Member Byrd said council has been working toward making these improvements a reality for a long time.

Mayor Roberts said the improvements have been included in our master plan of making the city more pedestrian friendly.

**Council Member Byrd put forth a motion, Seconded by Council Member O'Malley to approve allocating funds of \$103,000 from the ARP Gran funds, \$25,000. from Storm Water Funds, \$30,000 from Special Local Options Sales Tax Funds (SPLOST) and acceptance of \$80,000 from developer of the Farmers Crossing Development.
Motion Unanimously Approved.**

- k) Consider First Reading of Annexation Application 2021-A07
Applicant: Rob Hosack – 255 & 275 Old Dawsonville Road (04N04-030 & 04N04-031)**

Mayor Roberts said the applicant proposes to develop a low-density, 66-unit single-family residential subdivision on two currently existing parcels located at 255 and 275 Old Dawsonville Road. Two applications have been submitted to the City; the first, an application to annex 11.16 acres of the 48.2 -acre parcel (275 Old Dawsonville Rd.), the remaining property does not require annexation since it is already located in the City Limits. The second application is to extend the boundary of the Valley Overlay District to encompass the entire 48.2-acre parcel. As mentioned, a portion of this parcel currently lies within the Valley Overlay District. The applicant is not requesting a change to the underling zoning of R-30 and R-40.

The 2.45 acres located at 255 Old Dawsonville Rd is entirely within the City Limits and Valley Overlay District. No applications have been submitted for this property.

City Manager Wilmarth stated anyone wishing to give their public comments for the next three weeks may do so. A public hearing is scheduled prior to the November Council Meeting beginning at 6:00 PM.

**Council Member Byrd put forth a motion, Seconded by Council Member O'Malley to approve Annexation Petition 2021-A07 as submitted.
Motion Unanimously Approved.**

- l) Consider Letter Supporting Submittal of Grant Application for the Long Swamp Recreation Area by the Cherokee County Parks and Recreation Department.**

City Manager Wilmarth stated the Cherokee County Parks and Recreation Department has asked the City of Ball Ground for a letter supporting the submittal of a grant application to the Department of Natural Resources for the development, and construction of the Long Swamp Creek Recreation Area. They are also asking the city for a contribution of \$6,000.00 towards the project.

City Manager Wilmarth further explained the grant process, and amenities to be included in the development of this project.

**Council Member Byrd put forth a motion, Seconded by Council Member O'Malley to authorize City Manager Wilmarth to issue a letter of support this project on behalf of the City of Ball Ground, and to commit on behalf of the City \$6,000.00 toward this project.
Motion Unanimously Approved.**

Item 10: City Manager Comments

City Manager Wilmarth provided Council Members with an unaudited report of account balances, and statement of revenue, and expenditures for the month ended September 30, 2021. The report showed cash on deposit totaled \$1,877,065.55.

City Manager Wilmarth updated Mayor and Council on several projects ongoing in the city. He also gave a presentation on how the Mission Communications System works and how staff can access water system data whether they are in the office, in the field or at home.

Item 11: Mayor Roberts Comments

Mayor Roberts talked about a Growth Boundary Agreement between the City of Ball Ground and Cherokee County that was entered into 2004. The agreement was to be used as a tool to tie the comprehensive plan, multi-year capital projects plan, parks and recreational facilities and development guidelines so that growth was managed proactively rather than reacted. At the end of the five years the agreement was not renewed. Mayor Roberts stated he would like for the city to move forward to reinstate the agreement with Cherokee County. Since the end of the agreement Ball Ground has continued to abide by the agreement by not annexing outside the original designated boundary. The agreement would continue to serve as a tool as to what property we would consider in the future for annexing.

Mayor Roberts stated the number of COVID Cases in Cherokee County has continued to decline in recent weeks. Although, Cherokee County does not have the highest number of cases currently, it does not have the lowest either.

Mayor Roberts stated he would like to schedule council's annual planning retreat in early 2022. An actual date

Item 12: Council Comments

Council Member O'Malley commented on the recent conversion of one of the tennis courts into a pickle ball court. He said the local pickle ball teams very much appreciated the work that was done.

Council Members commended Donna and her staff for the significant efforts they put forward to securing the city receives a clean audit.

Item 13: Executive Session

Council Member Byrd put forth a motion, Seconded by Council Member O'Malley to adjourn into executive session to discuss or deliberate upon appointment, employment, compensation, hiring disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee per O.C.G.A. Section 50-14-3(6).

No Action taken during this meeting.

**Council Member Prettyman put forth a motion, Seconded by Council Member Byrd to adjourn the Executive Session and reconvene back into the regular meeting.
Motion Unanimously Approved**

Item 13: Adjourn

**Council Member Byrd put forth a motion, Seconded by Council Member O'Malley to adjourn this October 14, 2021 meeting.
Motion Unanimously Approved.**

The minutes of this October 14, 2021 City Council Meeting approved this 18th Day of November 2021.