



DRAFT

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

MINUTES July 11, 2024

Item 1: Meeting Called to Order by Mayor Rick Roberts

Council Members Present: Scott Barnes, Vicki Benefield, Dennis Nelson, and Kristine Rogers

Council Member Annette Homiller absent.

Staff Present: Chris Luly, Eric Wilmarth, Darrell Caudill, Jamie Gianfala, and Karen Jordan

- **Recognize Veteran of the Month – Mayor Pro Tem Dennis Nelson recognized Lucan Hoffman as Veteran of the Month. A proclamation was presented to Mr. Burt along with a challenge coin for his service.**

Item 2: Pledge of Allegiance (Led by Veteran of the Month)

Item 3: Approve Agenda

Council Member Rogers put forward a motion, Seconded by Council Member Barnes, to approve the agenda as submitted. Motion Unanimously Approved.

Item 4: Appearances/Public Comments

Cinda Shera, owner of Dot's Fine Wine & Craft addressed the council concerning allowing open containers downtown and at city events. Ms. Shera started by saying she was thrilled with the addition of Ashley Byrd because I think that building the community is a huge part of growth and bringing people together.

As a business owner, it is not so much an issue as it is a concern because I think that I, as a business owner, deal with it every single day, whereas you, the council, talk about it now and again. So, it is my concern to know where the council stands in allowing open containers. Ms. Shera stated that she knew some members of the council were in favor and some were against approving open containers, and she would like to know where the council stands in making the final decision.

Mayor Roberts thanked Ms. Shera for her comments. He further stated that he and the council are in discussions concerning this matter. An issue that concerns him and the council is the truck traffic that passes through downtown. Other cities that allow open containers do not deal with this issue, so we are not able to be as open as they are. Mayor Roberts assured Ms. Shera that the council would continue to work on this matter, however in the meantime he encouraged her to contact the council on what she thinks should be done and they would be happy to hear her opinion.

Council Member Rogers also asked Ms. Shera to email the council requesting to meet and encourage them to do what she feels needs to be done.

Debra Pharr, a resident of the North Mountain Brook Subdivision started by thanking Mayor Roberts and the city council for the work they do. She then stated there was confusion concerning a vacant lot directly across from her house. She presented a document that shows the right to access the property for the sole purpose of accessing the city sewage system and not to be used as an access road.

Ms. Pharr stated she attended an HOA meeting recently where information was provided saying Pulte Homes has been calling the HOA president stating the issues the HOA has with the property is a City of Ball Ground issue. She asked the mayor and council to be transparent concerning this issue and to talk to someone in North Mountain Brook about what is being done.

Council Member Nelson asked Ms. Pharr if she had a chance to review the information he posted on the Mountain Brook Facebook page.

Mrs. Pharr stated she had not. Ms. Pharr said the City of Ball Ground should be involved with this matter since the property is in the City of Ball Ground.

Council Member Nelson replied to Ms. Pharr that The City of Ball Ground does not own the property.

Ms. Pharr replied, but our community is. Ms. Pharr produced a warrant deed of the property showing the ownership and a statement that says the conveyance of the premises is subject to the restrictions that the grantee shall not use the premises for vehicular access to and from the grantee of joining property.

Mayor Roberts suggested to Ms. Pharr she meet with the city manager and director of planning and zoning to further discuss this matter.

City Manager Wilmath stated that the only way the lot in question could be used to access the adjoining development is if the Mountain Brook HOA grants the developer permission.

Item 5: Announcements/Informational Items

- Each Saturday of the month in Connection Park will be an Unplugged Session from 6:00 – 8:00 PM.
- July 13 – Yoga in the Park
- July 20 – Zumba in the Park
- July 20 – Back to School Bash in the Park
- July 27 – Christmas in July with the Downtown Merchants
- July 27 – Lab last in the Park

Item 6: Consider Approval of Minutes: June 13, 2024

Council Member Nelson put forth a motion, Seconded by Council Member Rogers to approve the minutes of the June 3, 2024 meeting as submitted in writing by the City Clerk. Motion Unanimously Approved.

Item 7: Old Business

- a) Consider Second Reading of the Request of Farm Winery License/Wine Consumption on Premises

**Business: 1984 Brewing LLC/DBA Rock Solid Brewing Co.
Applicant: Christina Lauer
Location: 345 Gilmer Ferry Rd.**

Council Member Barnes put forth a motion, Seconded by Council Member Rogers to approve the second reading of an application to issue a license for a Farm Winery/Consumption on Premises to 1984 Brewing LLC/DBA Rock Solid Brewing Co. with the following condition: At no time will 1984 Brewing LLC/DBA Rock Solid Brewing Co. be granted a license for package sales or onsite consumption of Distilled Spirits as agreed upon by applicant Christina Lauer. Motion Unanimously Approved.

- b) Consider Second Reading of An Ordinance in accordance with the authority provided by Chapter 9, Section 2, Paragraph III of the Constitution of the State of Georgia, the Georgia Development Impact Fee Act (O.C.G.A. 36-71-1 et seq. as amended), and such other laws as may apply to the provision of public facilities and the power to charge fees for such facilities**

Council Member Rogers put forth a motion, Seconded by Council Member Benefield, to table this item of business. Motion Unanimously Approved.

Item 8: New Business

- a) Consider Adoption of Millage Rate for 2024 Property Tax**

Mayor Roberts stated the proposed 3.726 mills is a decrease over the previous year's rate of 3.932 mills. Residents may see an increase in their tax bills because property values increased. Because of the increase in property values, we were able to decrease our millage rate.

As required notice of this action was properly advertised and posted on the City website.

Council Member Benefield put forth a motion, Seconded by Council Member Barnes to approve the levy of 3.932 millage rate for the year 2024. Motion Unanimously Approved.

- b) Consider Adoption of Fire Tax Millage Rate for 2024**

Council Member Rogers put forth a motion Seconded by Council Member Nelson to adopt the Fire Tax Millage Rate as levied by the Cherokee County Board of Commissioners. Motion Unanimously Approved

- c) Consider First Reading of An Ordinance to Amend to Zoning Code *Sec. 106.1 Special Land Use Permits* and *Sec. 104.18 Permitted Land Uses and Conditions*, for the purpose of clarifying and expanding the special use permit process.**

Council Member Benefield put forward a motion, Seconded by Council Member Rogers to approve the first reading of An Ordinance to Amend to Zoning Code *Sec. 106.1 Special Land Use Permits* and *Sec. 104.18 Permitted Land Uses and Conditions*. Motion Unanimously Approved.

- d) Consider a Resolution to adopt the Capital Improvement Element (CIE)**

Council Member Barnes put forth a motion, Seconded by Council Member Benefield, to table this item of business. Motion Unanimously Approved.

- e) Consider Annexation Petition for 1.0+/- acre at 1355 Old Canton Road
Applicant :

City Manager Wilmarth stated the Cherokee County Board of Commissioners acted on this matter at their June 18, 2024 meeting. The board concluded that the property was within the City's Growth Boundary and therefore had no objection to the City's request to annex the property.

Council Member Rogers put forth a motion, Seconded by Council Member Nelson to approve the Annexation Petition for 1.0+/- acre at 1355 Old Canton Road as submitted. Motion Unanimously Approved.

- f) Consider adoption of the Georgia Stormwater Management Manual

City Manager Wilmarth stated the City's method for reviewing stormwater plans, has long been used per this manual. Brevity Engineering, the City's stormwater engineer uses this manual. However, it is a requirement in a forthcoming audit we have on file a document showing our adoption of the Georgia Stormwater Management Manual.

Council Member Nelson put forth a motion, Seconded by Council Member Rogers to adopt the Georgia Stormwater Management Manual. Motion Unanimously Approved.

Item 9: City Manager Comments

Chief Gianfala presented a report on the department's activity for the month ending June 30, 2024.

Chief Gianfala also addressed the issue of smoking in the park. This matter was brought up last month by Council Member Barnes. Since then, notice was taken at the last concert in the park that parks and children do not mix. There is a state law we are looking at that the council may want to consider adopting in the future. The 2005 Cleanair Act allows local authorities to do different things, but more importantly, it would ban vaping and allow signage to be posted to prevent this activity in the city parks and city-owned property.

Chief Gianfala also brought up open containers in the park. He stated that when talking with residents there seemed to be some natural confusion about when open containers were allowed and not. The Chief stated he thought people were looking for clarity, but before we can get to that point, we must provide the council with all the information gathered by him and the officers so they can decide on this matter.

Chie Gianfala announced that the department will be teaming up with Ashley Byrd, the Downtown Manager during July for two events. One event is Pops with a Cop and the second is the backpack giveaway for kids going back to school.

Mayor Roberts commended Chief Gianfala and his department for the positive improvements being made within the department.

City Manager Wilmarth presented the mayor and council with an unaudited report of account balances and a statement of revenue and expenditures for the month ended June 30, 2024.

City Manager Wilmarth provided the mayor and council with updates regarding ongoing projects in the city. The projects mentioned were:

City Clerk, Karen Jordan is retiring at the end of the year. Mayor Roberts and staff have selected potential candidates for the council to consider. A packet with the candidates will be given to the council at the end of this meeting.

Preliminary work for the construction of the roundabout at the intersection of Hwy 5 and Howell Bridge Roads and the SR 372 Ball Ground Bypass continues.

Field work for the SR 372 Bypass has begun.

The Mountain Brook Sidewalk Project continues to progress. All the necessary easements to begin the project have been acquired. We anticipate accepting bids for the project around September 15 with actual work starting near the end of 2024 or in early 2025.

Bid sheets were sent to paving contractors interested in the resurfacing of Grogan Street and are due back by July 31. This project is due to be completed by September 30.

The realignment of Groover St. and Civic Drive is complete. All-way stop signs have been installed with balk lines installed next week. The City received \$48,000.00 in grant funds to do a total realignment of this intersection soon.

The installation of the automated valve is nearing completion. Power has been installed and Mission Communications is installing the software to communicate with the elevated water tank. Whenever the water tank falls below 10 feet the valve will automatically open allowing the system to refill the tank.

The mandated Environmental Protection Agency Water Service Inventory Report is complete. The next step will be to upload the document to the EPA Website for their review.

Eric commended Ashley Byrd, Downtown Manager for her skills in promoting Ball Ground on social media. She has done a fantastic job scheduling a variety of events and activities for all ages.

Item 10: Mayor Roberts extended his appreciation to Eric for all that he does, especially in keeping him and the council informed on the day-to-day operations of the City.

Mayor Roberts stated he would like the council to consider a second planning retreat on October 19. Plans will be further discussed at the August council meeting.

Mayor Roberts congratulated Council Members Scott Barnes and Annette Homiller for receiving The Certificate of Recognition after completing 42 hours of training from the Harold F. Holtz Municipal Training Institute at the recent Georgia Municipal Association Annual Conference in Savannah,

Item 11: Council Comments

Council Member Barnes commended the Public Works Department for the work they do to keep our water and sewage systems running. Council Member Barnes also stated he spoke with the Mayor of the City of Jasper where he commended Ball Ground on what is being done in downtown. Mayor Raffield said Jasper had stolen some of our ideas for their downtown. Council Member Barnes said he took that as a great complement to the progress the City is making.

Council Member Benefield wanted the public to know that when the council decided to set the property tax millage rate, they took into consideration how expensive everything was and how taxes would be going up all over the county. Therefore, we the council decided to put some projects on hold so to keep a lower tax rate. Council Member Benefield also commended Ashley Byrd for her work promoting our downtown and all the events she has planned. Ashley is our "Rock Star" said Council Member Benefield.

Council Member Nelson commented on how spectacular the fireworks display was. He went on to commend the Public Works and Police Department for their work in keeping everyone safe during the event.

Council Member Rogers also shared her thoughts on the importance of keeping the millage rate revenue-neutral to maintain a lower tax rate for city residents.

Item 12: Public Comments

Dylan Brown, Owner of the Burger Bus spoke to the mayor and council on the issue of allowing open containers downtown. He stated that he has been a business owner downtown for eight and a half years and has never anyone been hurt. He also stated that his revenue is down this summer because alcohol is not allowed in The Connection Park. Mr. Brown stated as a small family-owned business I ask that the mayor and council consider how the lack of revenue affects his business and how important it is to allow open containers downtown.

A resident of the Mountain Brook Subdivision asked if the City would consider installing streetlights along Old Dawsonville Road.

Mayor Roberts asked City Manager Wilmarth if he would call Georgia Power about this matter.

Item 13: Executive Session (If Needed)

Item 14: Adjourn

Motion by Council Member Benefield, Seconded by Council Member Rogers to adjourn the meeting at 8:26 PM.

The minutes of this July 11, 2024 meeting will be considered for approval at the August 8, 2024 council meeting.

Respectfully submitted by:

Karen L. Jordan
City Clerk

