



DRAFT

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

**MINUTES
September 12, 2024**

Item 1: Meeting Called to Order by Mayor Rick Roberts

Council Members Scott Barnes, Vicki Benefield, Annette Homiller, Dennis Nelson, and Kristine Rogers were present.

Staff: Donna England, Chris Luly, Cory DeBoard, Jamie Gianfala, Eric Wilmarth and Karen Jordan

Item 2: Pledge of Allegiance

Item 3: Approve Meeting Agenda

Council Member Homiller put forth a motion, Seconded by Council Member Rogers to approve the meeting agenda as submitted.

Motion Unanimously Approved.

Item 4: Appearances/Public Comments

Briggs Bagby, 260 Old Canton Rd. appeared before the mayor and council asking consideration to be given to allowing golf carts on city streets. Briggs stated he felt we should have golf carts because they are better than cars, trucks, and vans for the environment. Briggs stated that allowing golf carts would be an upgrade to our city and our lives. Also, it would make our town more wholesome. We would be like Peachtree City where people want to live because of golf carts. The police drive them so why can't we? Briggs then presented Mayor Roberts with a petition signed by several residents.

Mayor Roberts thanked Briggs for his comments and told him that the council would be discussing golf carts later in the meeting.

Britani Lusk, 311 Old Canton Rd. addressed the mayor and council concerning the Wheeler House and the Hunters Trail development. Mrs. Lusk cited the issues she had concerning access to the development and the use of the Wheeler House private parking lot by construction vehicles going to the development. Mrs. Lusk stated that she and her husband, who are owners of the Wheeler house had met with Mr. Snell, the project developer, concerning the issues but had been unable to resolve their concerns.

Mrs. Lusk stated that she is not against Mr. Snell, but that there seem to be a lot of details and conditions that still need to be discussed. Therefore, I humbly ask that the mayor and council members table their decision concerning the request of Mr. Fred Snell for Hunter Trail, LLC – Roberts East to rezone 59.97 acres of property for at least 30 to 60 days.

Mayor Roberts thanked Mrs. Lusk for her comments.

Lee Lusk, 311 Old Canton Rd. addressed the mayor and council over his concern about access to the Roberts East development. Lee stated he was flabbergasted when he first saw the site plan of the development which showed a road to the development going through property he owned. Lee stated that he had never seen a zoning request submitted whether intentionally or not misled the public, staff, and council like this one. He stated he did not have an issue with the development itself, but rather the road to the development. He stated the road is inadequate for proper access to the development. Delivery trucks and other large vehicles already have issues turning off SR 372 onto Roberts Lake Drive many times forcing the trucks to enter property owned by The Wheeler House.

Mr. Lusk asked the mayor and council to postpone action on the request by Mr. Fred Snell for Hunter Trail, LLC – Roberts East until a plan can be made to show improvements to Roberts Lake Road.

Mayor Roberts thanked Mr. Lusk for his comments.

Item 5: Announcements/Informational Items

Saturday – Concert in City Park beginning at 6:00 PM

October 5 – Ball Ground Rocks in City Park 9- 6 PM

October 19 – Chili Cook-Off in City Park

Unplugged Session each Saturday afternoon in City Connection Park 6-8 PM

Item 6: Consider Approval of Minutes: August 8, 2024

Council Member Nelson put forth a motion, Seconded by Council Member Homiller to approve the minutes of the August 8, 2024 meeting as submitted in writing by the City Clerk.

Motion Unanimously Approved.

Item 7: Old Business

- a) Consider the Adoption Resolution of the Capital Improvement Element (Table at the July 11, 2024 City Council Meeting)

Council Member Benefield put forth a motion, Seconded by Council Member Homiller, to table this item of business.

Motion Unanimously Approved.

- b) Consider the 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 Benefield put forth a motion, Seconded by Council Member Homiller, to table this item of business.

Motion Unanimously Approved.

Item 8: New Business

- a) **Consider First Read Case #2024-R-02 Fred Snell for Hunter Trail, LLC – Roberts East**

Request to rezone 59.97 acres of property from AG (General Agriculture) and R-40 (Single-Family Residential) to R-20 (Single Family Residential). The Applicant is also requesting concurrent variances to City Zoning Code Section 106.16 (C) Residential Development Standards Chart to reduce the minimum lot area for lots 14-18, 25-30, 33, 36-40, 49-51, 53-58, 67-75, and 77-78 with minimum lot sizes to be no less than those provided on the lot size chart Table B given in the application on zoning plan “Z-2.”; a concurrent variance to reduce the lot width minimum for lots 72-76 from 80”, not to be less than 70 feet; a concurrent variance to increase the maximum impervious surface area for all lots from 30%, not to exceed 40%; and a concurrent variance to reduce the front building setback from 25’ to 15’, to reduce the rear building setback from 25’ to 10’ for all lots.

City Manager Wilmarth stated that Mr. Snell did change a couple of items in the stipulation letter per the council’s request.

Chris Luly, City Planner stated the conditions have been updated in the stipulation letter and the letter was resubmitted by the developer.

Council Member Benefield asked if Roberts Lake Road is to be a one-way street.

City Manager Wilmarth stated that is a decision for the council to make. The City owns the right of way and can decide at its discretion to make the road one way or close it anytime the council wants. Therefore, that was not included in the letter of condition because it is a city street.

At this time a motion was made by Council Member Benefield, Seconded by Council Member Rogers to approve the rezoning request by Mr. Fred Snell for Hunter Trail, LLC-Roberts East. Mr. Snell request to rezone 59.97 acres of property from AG (General Agriculture) and R-40 (Single-Family Residential) to R-20 (Single Family Residential). The Applicant is also requesting concurrent variances to City Zoning Code Section 106.16 (C) Residential Development Standards Chart to reduce the minimum lot area for lots 14-18, 25-30, 33, 36-40, 49-51, 53-58, 67-75, and 77-78 with minimum lot sizes to be no less than those provided on the lot size chart Table B given in the application on zoning plan “Z-2.”; a concurrent variance to reduce the lot width minimum for lots 72-76 from 80”, not to be less than 70 feet; a concurrent variance to increase the maximum impervious surface area for all lots from 30%, not to exceed 40%; and a concurrent variance to reduce the front building setback from 25’ to 15’, to reduce the rear building setback from 25’ to 10’ for all lots.

Mayor Roberts asked if there were further questions or comments.

Council Member Nelson asked would the issue of trucks going through the property of Mr. Lusk be handled.

City Manager Wilmarth said that it is a private property owner issue and not a city council decision. The trucks can use Roberts Pass. He then asked Chief Gianfala to address the matter.

Chief Gianfala said if it's properly marked as private property and meets state code and statute, and someone enters said property they could face violation charges. Mr. Lusk could then swear out a warrant and a citation would be issued.

City Manager Wilmarth stated that the City has requested a survey of Roberts Lake Road and Gazaway Lane to identify the rights of way.

Council Member Barnes remarked that there are still questions concerning this matter. He stated that he would like to table this item of business for 30 days and work with Mr. Snell to answer further questions from the council before moving forward with a vote. And to make sure some of the other recommendations of the planning commission were answered.

Council Member Rogers asked if Mr. Snell did or didn't say he resubmitted the plan to show that Roberts Pass would be the in and out for the development rather than using Roberts Lake Road.

Chris Luly replied yes. The developer provided staff with a stipulation letter which in a two-page listing of all the things he agreed to. One of which is agreeing to dedicate Roberts Pass to the City, making that a public roadway. It has been the staff position all along that this development needs to have sensible legal access and right now the only legal access is the one-lane Roberts Lake Road and that's not sensible.

Mr. Luly stated that the staff doesn't care how legal access is determined; that's up to the developer and the adjacent property owners. They need to determine that and include their decision in the stipulation letter.

Council Member Rogers asked if that was in the stipulation letter submitted.

Mr. Luly said that in the stipulation letter, it stated that Mr. Snell is going to grant Roberts Pass to the City which would be the access, and we will have Roberts Lake Road as a City street.

Council Member Rogers asked once again if that was in the letter submitted by Mr. Snell.

Mr. Luly answered yes.

Mayor Roberts then called for the vote. Council Members voted unanimously in favor of approving the first reading of Case #2024-R-02 Fred Snell for Hunter Trail, LLC – Roberts East Requesting to rezone 59.97 acres of property.

- b) Consider Case #2024-V-01 Josh Bagby, 260 Old Canton Road
Josh Bagby is seeking to construct a swimming pool in the backyard of his residence at 260 Old Canton Road. To do so, he is requesting a variance to encroach into the first 25' impervious surface stream buffer as required by City Code Sec. 107-9(a)(2).

Mr. Josh Bagby, a resident of 260 Old Canton Road, filed an application with City staff requesting a variance from City Code Section 107-9(a)(2) section to develop a backyard swimming pool, which is by definition an impervious surface, within this 25' impervious surface setback.

City Manager Wilmarth stated that staff received a letter from a neighbor of Mr. Bagby with concerns that the pool would be visible from a window of his house.

Council Member Benefield put forth a motion, Seconded by Council Member Homiller, to approve the request by Mr. Bagby to build a swimming pool within this 25' impervious surface setback.

Motion Unanimously Approved.

- c) Consider the First Reading of AN ORDINANCE TO ENACT AND IDENTIFY RULES AND REGULATIONS FOR THE USE OF MOTORIZED CARTS; TO IDENTIFY THE PROCEDURE FOR ESTABLISHING A MOTORIZED CART DISTRICT; TO IDENTIFY PENALTIES FOR VIOLATION OF SAID ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AN FOR OTHER PURPOSES.

City Manager Wilmarth outlined the proposed ordinance.

Police Gianfala addressed Mayor Roberts and Council Members on his thoughts concerning this matter. He stated that only licensed drivers could operate a motorized cart, and they must adhere to the rules of the road as any other motorized vehicle. He also stated they are very dangerous if not used appropriately.

Council Member Rogers put forth a motion, Seconded by Council Member Nelson to approve the first reading of this ordinance.

Motion Unanimously Approved.

- d) Consider First Reading of AN ORDINANCE CREATING SUBPART A. – GENERAL ORDINANCES; CHAPTER 4. – ALCOHOL BEVERAGES; ARTICLE III.- OPEN CONTAINER ALCOHOL DISTRICT, OF THE CODE OF THE CITY OF BALL GROUND, GEORGIA TO ESTABLISH A GEOGRAPHICAL BOUNDARY FOR THE GENERAL PUBLIC TO CARRY OPEN CONTAINERS AND CONSUME ALCOHOLIC BEVERAGES IN PUBLIC SPACES; TO DEFINE RULES FOR THE OPEN CARRY AND CONSUMPTION OF ALCOHOL BEVERAGES IN SAID DISTRICT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

The City Manager stated that the proposed ordinance allowing the public to carry open containers of alcoholic beverages within the defined district shall only be permitted between 4:00 PM and 9:00 PM on Fridays and between 12:00 PM and 9:00 PM on Saturdays. Also, the carrying of open-container alcoholic beverages, as described in the ordinance is prohibited the entire day for the following child-focused City events: the annual Christmas parade, the annual Halloween Spooktacular festival, the annual Touch-a-Truck event, and any other events as determined by the City Council. Downtown Businesses and vendors will be required to attend a meeting to learn the rules of what the limitations are and what they are responsible for. Businesses not attending the mandatory meeting will not be allowed to sell alcohol in open containers until they meet the required training.

Mayor Roberts commented that the ordinance could change but this is the initial effort to allow open containers in the defined district. Because of the

state route and truck traffic through town, we are going to limit open containers to weekends.

Downtown business owner Dylan Brown asked the Council to consider including Sunday in the ordinance.

Mayor Roberts responded that changes are expected over time, but for now, this is what has been approved by the council to consider.

Mr. Brown once again asked that the Council include Sunday in the ordinance. He stated he liked everything he had read about the ordinance but the excluding of Sunday.

Mayor Roberts responded that what is being considered is for Friday and Saturday and including Sunday may be something in the future they might opt to add to it.

Council Member Barnes also commented that the Council will continue to monitor the situation so changes can be made as warranted.

Council Member BARNED put forward a motion, Seconded by Council Member Rogers to approve the ordinance as proposed.

Motion Unanimously Approved.

- e) Consider the First Reading of AN ORDINANCE TO INCREASE THE ANNUAL SALARY OF THE CITY OF BALL GROUND ELECTED OFFICIALS, SPECIFICALLY THE POSITIONS OF MAYOR AND CITY COUNCIL MEMBERS. MAYOR'S SALARY INCREASE FROM \$300.00 PER MONTH TO AN ANNUAL SALARY OF \$7,800.00. CITY COUNCIL COMPENSATION INCREASE FROM \$25.00 PER MEETING, WITH A MAXIMUM COMPENSATION OF \$50.00 PER MONTH TO AN ANNUAL SALARY OF \$4,800.00

Mayor Roberts stated that the Mayor and Council Members have not received an increase in compensation since 1996 when the ordinance was first adopted. Up until such time the Mayor and Council received a credit on their water bills. The ordinance established compensation of \$300.00 for the Mayor and \$25.00 per meeting with a maximum of \$50.00 per month for Council Members. The ordinance went into effect on January 1, 1998. Since that time other cities in the county have increased their compensation. Mayor Roberts stated we have a very active council and deserve to be compensated for their work. Mayor Roberts stated the increase would not go into effect until January 2026.

City Manager Wilmarth outlined the changes. The Mayor's salary would increase from \$300.00 per month to an annual salary of \$ 7,800.00. The City Council compensation would increase from \$25.00 per month to an annual salary of \$4,80.00

Council Member Benefield put forth a motion, Seconded by Council Member Rogers to approve the ordinance to increase the yearly salary for the mayor to \$7,800.00 and to establish an annual salary of \$4,800.00 for council members.

Motion Unanimously Approved.

- f) Consider A RESOLUTION TO AUTHORIZE AND TO EXECUTE ONE OR MORE LEASE SUPPLEMENTS FOR A LEASE OR LEASES UNDER THE GEORGIA MUNICIPAL ASSOCIATION DIRECT LEASING PROGRAM; TO DESIGNATE SUCH LEASE AS QUALIFIED TAX-EXEMPT OBLIGATIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (Purchase Police Vehicle)

The City Manager stated the resolution is to authorize and execute a four-year lease-purchase agreement with the Georgia Municipal Association for the purchase of a 2024 Chevrolet Tahoe at the cost of \$68,246.67 at an interest rate of 5.41%. This vehicle will be added to the fleet of police vehicles.

Council Member Benefield put forth a motion, Seconded by Council Member Homiller to authorize City Manager Wilmarth to execute any and all documents related to the lease purchase of a 2024 Chevrolet Tahoe through the Georgia Municipal Association.

Motion Unanimously Approved.

- g) Consider Advertisement of A Land Swap.

City Manager Wilmarth asked for Council Members to grant permission to advertise a land swap between the City of Ball Ground and Hunter Trail, LLC/ BG Partners, LLC. Mr. Wilmath reminded the mayor and council that this was discussed at the recent planning retreat. The city would give 0.331 acres of City property valued at \$160,500.00 to Hunter Trail, LLC/BG Partners, LLC, and in exchange would receive 0.331 acres valued at \$160,500.00 from Hunter Trail LLC/BG Partners, LLC.

Council Member Rogers put forth a motion, Seconded by Council Member Benefield to approve the request to advertise in the Cherokee Tribune a land swap between the City of Ball Ground and Hunter Trail, LLC/ BG Partners, LLC.

Motion Unanimously Approved.

Item 9: City Manager Comments

Chief Gianfala presented a monthly report of the department's activities for the month of August.

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 August 31, 2024. It was noted that the audit team from Mauldin and Jenkins will be on site next week to begin the 2023-2024 financial audit.

City Manager Wilmarth provided updates on ongoing city projects. The projects mentioned were:

Roundabout at the intersection of Hwy 5 and Howell Bridge Roads and the SR 372 Ball Ground Bypass – Efforts to obtain the right of way and easements continue. Also, GDOT is reviewing final easement adjustments, and, hopefully, a notice to begin bidding on the project will be issued soon.

372 Ball Ground Bypass contract awarded to Vanasse, Hangen & Brustlin (VHB). This project has been awarded 4.339 million dollars by GDOT for right-of-way

acquisition. These federal dollars were obtained by and through State Representative Rick Jasperse and Governor Brian Kemp. It is anticipated that the contract for this project will be let in September 2029.

Mountain Brooke Sidewalk Extension – Notice to proceed issued for hydrant relocation.

Grogan Street - Notice to proceed issued to Johnson Paving. Anticipate project to be completed by October 31.

Groover/Civic Realignment is now an all-way stop. The balk lines have been installed.

Storm drain improvements are scheduled for Old Canton Road and Mound Street.

The Automated Valve Installation is nearing completion. Missions Communications Equipment has arrived and been installed.

Water Service Line Inventor Report is nearing completion for the October 16 deadline.

The Metro District Audit has been completed.

Security Surveillance for key infrastructure locations around the City are being considered. Cameras should arrive and be installed soon.

Howell Bridge Lift Station repairs are completed along with new safety features installed.

Potential Development in the City: Old Dawsonville Rd – 145 Units, Ball Ground Highway – 41 Townhomes, SR 372 – 125 Units, Howell Bridge Road East (behind UAC) 140 Single Family detached town units, Northridge Rd. 164 Single Family detached units, Flint Property (Sharp Mt. Creek) 153 Single Family detached units.

Item 10: Mayor Roberts stated that much was accomplished at the recent planning retreat. He thought it would be beneficial to continue having one twice a year.

Item 11: Council Comments

Council Member Barnes reported that the Parks & Recreation Committee met and discussed moving forward with a Parks Bond Referendum in 2026. Until that time the committee decided to move forward with some of the smaller projects yet to be decided.

Council Member Nelson invited everyone to the unveiling and dedication of the Blue Star & Gold Star Family Memorial Markers located in the Botanical Gardens On Saturday, September 28 at 11 AM.

Item 12: Public Comments

Cherie Marting thanked Mayor Roberts, City Council, Eric Wilmarth, and Karen Jordan for everything they do to make the City of Ball Ground amazing.

Item 13: Executive Session

Item 14: Adjourn

There being no further business for consideration, Council Member Benefield put forth a motion, Seconded by Council Member Rogers to adjourn at 8:25 PM.

Respectfully submitted by:

**Karen L. Jordan
City Clerk**