



**CITY COUNCIL MEETING  
NOVEMBER 27, 2023- 7:00 PM  
109 SOUTH KING STREET  
DEPOT COMMUNITY ROOM**

**MINUTES**

PRESENT: James F. Palmer, Mayor  
Al Edwards, Mayor Pro Tem  
Ray Mitchell Denmon, Councilmember  
Jackie Palazzolo, Councilmember  
Ed Moyer, Councilmember

ALSO: Paul Worley, City Administrator; Kyle Ellis, Utilities Administrator; Sharon Nelson, City Clerk; George Govignon, City Attorney; Lenny Nesbitt, Fire Chief; Major Ken Carson, Calhoun Police Department.

1. **Council Meeting Called to Order**

**Welcome**

Mayor Palmer called the meeting to order and welcomed everyone in attendance.

**Invocation**

Mayor Pro Tem Edwards gave the invocation.

2. **Pledge of Allegiance**

Mayor Palmer led the group in the Pledge of Allegiance to the United States Flag.

3. **Amendment or Approval of Proposed Agenda**

Mayor Pro Tem Edwards made a motion to amend the November 27, 2023 agenda to add an emergency moratorium regarding high hazard occupations. Councilmember Palazzolo gave a second with all voting aye. Motion approved.

4. **Amendment or Approval of Minutes**

- A. Councilmember Moyer made a motion to approve the minutes of the City Council meeting of November 13, 2023. Councilmember Denmon gave a second with all voting aye. Motion approved.

- B. Mayor Pro Tem Edwards made a motion to approve the minutes of the executive session of November 13, 2023. Councilmember Palazzolo gave a second with all voting aye. Motion approved.

5. **Mayor's Comments**

6. **Public Hearing and Comments**

7. **Old Business**

- A. Mayor Palmer gave the second reading of an annexation and zoning request of R-2 for 9.57 acres at a location of 161 New Town Road (050-007C), by David Fowler. The Zoning Advisory Board meeting will be held on December 7<sup>th</sup> and the public hearing on December 11<sup>th</sup>.
- B. Mayor Palmer gave the second reading of a building setback variance request of 15 feet, to vary from the required 20-foot setback to a 5-foot setback, for 2.42 acres, at a location of 433 Elm Street (C26-202C) for the purpose of building a 3,360 square foot equipment shed, by Hibbymo Properties – Mark Momon. The Zoning Advisory Board meeting will be held on December 7<sup>th</sup> and the public hearing on December 11<sup>th</sup>.
- C. Mayor Palmer gave the second reading of a wine package request at a location of 901 North Wall Street, by Calhoun Food & Tobacco. Romesh Patel will serve as the store manager. The public hearing will be on December 11, 2023.
- D. Mayor Palmer gave the second reading of a request for a microbrewery and taproom at a location of 118 South Park Avenue, by Heavale Brewing Company, LLC. Robert Cheek, the owner, will also serve as the store manager. The public hearing will be on December 11, 2023.

8. **New Business**

- A. Mayor Palmer read a request for approval of the contract proposal with HdL Companies as the collection company for the Georgia Municipal Association's Hotel Motel Revenue Administration Program. City Administrator Worley stated the City has used this GMA service since 2014. It streamlines the remittal process for hotel motel tax through online payment services. GMA has contracted with a new company for the service and we must switch as well in order to remain in the program. Mayor Pro Tem Edwards made a motion to allow Mayor Palmer to execute the contract. Councilmember Palazzolo gave a second with all voting aye. Motion approved.
- B. Mayor Palmer read a request for a bid award recommendation for construction of eight pickleball courts and parking lot at the Calhoun Recreation Department. City Administrator Worley stated that the bid includes eight pickle ball courts and a parking area. A pavilion will be added at a later date. Councilmember Denmon made a motion to award the bid to Baseline Sports Construction, LLC in the amount of \$659,000. Councilmember Moyer gave a second with all voting aye. Motion approved.

- C. Mayor Palmer read a request from the Recreation Department to surplus a 1997 Ford F-150 with 142,243 miles to be sold on GovDeals. Councilmember Palazzolo made a motion to approve the request. Councilmember Moyer gave a second with all voting aye. Motion approved.
- D. Mayor Palmer read the 2024 taxicab license renewal for Taxi Latino. Councilmember Moyer made a motion to approve the request. Mayor Pro Tem Edwards gave a second with all voting aye. Motion approved.
- E. Mayor Palmer read an alcohol manager change request at a location of 100 Cracker Barrel Drive, by Cracker Barrel #424. The prior manager was Mitchell Wexler and the proposed manager is Krystal Lindsey. Councilmember Denmon made a motion to approve the request. Councilmember Moyer gave a second with all voting aye. Motion approved.
- F. Mayor Palmer read a request for approval of MEAG election forms for off-system electric sales. Utilities Administrator Ellis stated that the form updates the signatures to allow our current Finance Director the ability to deposit surplus funds into the trust and our portfolio. Mayor Pro Tem Edwards made a motion to approve the request. Councilmember Denmon gave a second with all voting aye. Motion approved.
- G. Mayor Palmer read a request for approval of a service contract renewal with Peachtree Recovery Services. City Administrator Worley stated that the company partners with the City to collect funds for damages to City right-of-ways. Councilmember Palazzolo made a motion to approve the request. Mayor Pro Tem Edwards gave a second with all voting aye. Motion approved.
- H. Mayor Palmer read a resolution enacting a temporary emergency moratorium on the acceptance of applications for zoning approvals, building permits, land disturbance permits, and any other approvals or permits sought regarding high hazard occupations. City Attorney Govignon stated the moratorium is similar to the moratorium passed by Gordon County last week and also includes PFAS materials. This will give the City 60 days to review and update our codes. Councilmember Palazzolo made a motion to approve the resolution. Councilmember Edwards gave a second with all voting aye. Motion approved.

**9. Other written items not on the agenda**

**10. Work Reports**

- A. Paul Worley, City Administrator gave a review of the October, 2023 General Cash and Hotel Motel reports. Mayor Pro Tem Edwards made a motion to approve the reports as presented. Councilmember Moyer gave a second with all voting aye. Motion approved. (Copy attached)
- B. Kyle Ellis, Utilities Administrator gave a review of the October 2023 Utilities Cash report. Councilmember Denmon made a motion to approve the report as presented. Councilmember Moyer gave a second with all voting aye. Motion approved. (Copy attached)

C. George Govignon, City Attorney, had nothing to report.

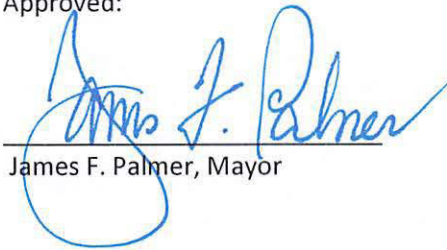
11. Motion to move to Executive Session, if needed

12. Motion to return to General Session

13. Motion to Adjourn

There being no further business to come before the Council, Councilmember Palazzolo made a motion to adjourn. Councilmember Moyer gave a second with all voting aye. The motion was approved and the meeting adjourned at 7:21 p.m.

Approved:



James F. Palmer, Mayor

Submitted:



Sharon Nelson, City Clerk



**STATE OF GEORGIA  
COUNTY OF GORDON  
CITY OF CALHOUN**

A RESOLUTION OF THE MAYOR AND COUNCILMEMBERS FOR THE CITY OF CALHOUN, GEORGIA, FOR THE PURPOSE OF ENACTING A TEMPORARY EMERGENCY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ZONING APPROVALS, BUILDING PERMITS, LAND DISTURBANCE PERMITS, AND ANY OTHER APPROVALS OR PERMITS SOUGHT FROM THE CITY OF CALHOUN REGARDING HIGH HAZARD OCCUPATIONS AS DEFINED BY THE INTERNATIONAL BUILDING CODE SECTION 307 AND AS MORE PARTICULARLY DESCRIBED BELOW.

**WHEREAS**, the Mayor and Councilmembers (“the municipal governing authority”) for the City of Calhoun, Georgia (“the City”) in the exercise of their sound discretion has determined that it is in the interest of public safety to examine the existing ordinances and building codes to determine whether revisions are necessary to regulate high hazard occupancies including the use of a building, structure, or a portion thereof or parcel of land that involves the manufacturing, processing, generation, use, creation or storage of materials that constitute a physical or health hazard and meet the definitions of Highly Hazardous Occupations; and

**WHEREAS**, the Code of Calhoun incorporates the International Building Code and International Fire Code by reference and those provisions currently exist as regulations within the municipal limits by virtue of § 18-31. - Adoption; enforcement; and

**WHEREAS**, there have been numerous technological changes in industry since these codes have been written and we expect IBC and IFC in year 2026. However, many industries are looking to employ the City as a favorable location to establish industry for hazardous occupations due to, among other things, a lack of regulations. An example is the manufacturing, assembly, storage and recycling of pyrophoric materials such as lithium ion batteries which may ignite spontaneously and once ignited are almost impossible to extinguish. An additional example are businesses that may

employ, use or apply any of the environmentally and biologically toxic per- and polyfluoroalkyl substances class (PFAS) more commonly referred to as the “forever chemicals,” including but not limited to PFOS, PFOA, PFHxS, PFNA, PFHpA, and PFDA.

**WHEREAS**, the municipal public utilities and other municipal officers have called for a review of the applicable municipal regulations pertaining to high hazard occupancies and PFAS use to determine whether sufficient regulations exist to ensure the protection of the public and property and to amend or enact additional regulations of high hazard occupancies or further PFAS contamination to best protect the health, safety and welfare of the public.

**WHEREAS**, the municipal governing authority has determined that additional evaluation is necessary to determine if the existing ordinances provide sufficient safeguards to protect the public and property from high hazard occupancies, especially those in the high hazard group occupancies as defined by international Building Code Section 307 or users of PFAS in application or manufacture that might escape into the environment and water supply; and

**WHEREAS**, adopting this moratorium as an emergency provision is necessary to protect the public welfare and is further in accord with established Georgia Supreme Court decisions such as *City of Roswell v. Outdoor Systems, Inc.* 274 Ga. 130 (2001); and


**WHEREAS**, the proposed moratorium duration is 60 days, which duration is determined to be the minimum adequate time to review the municipal code pertaining to high occupancies and PFAS use, consider changes to the municipal code, advertise and hold public hearing(s) required by law, and adopt said changes;

**NOW THEREFORE IT IS HEREBY RESOLVED**, by virtue of the authority vested in the municipal governing authority by law, that a moratorium is temporarily established as follows:

1. This moratorium is enacted for temporary and emergency purposes only, and shall be in effect through and including 60 days from its adoption, or until it is repealed, revoked or modified, whichever occurs first.
2. This moratorium applies to all applications for any permit approval or issuance required for the construction, expansion or operation of new or expanded high hazard group of occupancies as defined by the International Building Code Section 307 and PFAS.
3. Neither the City nor any of its staff or departments shall accept applications for zoning approval, building permits, land disturbance permits, conditional use, or any other approvals or permits, or process or issue any decisions on any applications filed after the execution of this moratorium regarding high hazard occupancies.
4. No action taken by any person or entity during this temporary moratorium shall serve to vest rights to develop or operate any high hazard occupancies.
5. Previously approved high hazard occupancies and decisions on pending applications that were previously filed shall not be prevented by this moratorium or from operating under and consistent with the prior approval.

This Resolution is effective upon adoption, the welfare of the City of Calhoun, Georgia requiring it.

SO ADOPTED, this the 27<sup>th</sup> day of November, 2023.

  
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JAMES F. PALMER, MAYOR  
CITY OF CALHOUN, GEORGIA

ATTEST:

  
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SHARON NELSON, CITY CLERK



RESOLUTION NO. 112723  
CITY OF CALHOUN, GEORGIA

