

**CITY COUNCIL MEETING
JULY 7, 2025 - 7:00 PM
109 SOUTH KING STREET
DEPOT COMMUNITY ROOM**

MINUTES

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

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

1. **Council Meeting Called to Order**

Welcome

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

Invocation

Mayor Palmer 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**

Councilmember Edwards made a motion to approve the agenda as presented. Mayor Pro Tem Moyer gave a second with all voting aye. Motion approved.

4. **Amendment or Approval of Minutes**

Mayor Pro Tem Moyer made a motion to approve the minutes of the City Council meeting of June 16, 2025. Councilmember Denmon gave a second with all voting aye. Motion approved.

5. Mayor's Comments

6. Council Comments

A. Mayor Palmer submitted June reports as follows:

1) Electric Department

- The LED Streetlight upgrade continues around the City.

ENGINEERING

New townhomes on Newtown Rd (Ridgeview) (65 units)

New townhomes at Spring Valley (177 units)

Chick-Fil-A remodel

New development on Peters St (102 homes)

New field house and hitting facility at Calhoun High School

Piedmont Street Pole Upgrades

CONSTRUCTION

New townhomes at Old Mill (40 units)

New McDonalds on Red Bud Rd

New townhomes on Professional Pl (30 units)

Salacoa Subdivision (249 units)

The Ridge at Calhoun (236 units) (28 left to energize)

Continued system upgrades for new growth and system reliability

The new Rocket Express Convenient Store

WORK ORDERS IN PROCESS OR COMPLETED:

• NEWLY CREATED	75
• COMPLETED AND CLOSED	79
•	
• CONSISTING OF:	
• CAPITAL CONSTRUCTION	21
• DISTRIBUTION MAINTENANCE	2
• OUTAGES / TROUBLE CALLS	21
• SECURITY / STREET LIGHT MAINTENANCE	1
• TEMPORARY POWER HOOK UP	7
• WORK FOR OTHER DEPARTMENTS	17
• NEW METER SETS	17
• METER MAINTENANCE/REPLACEMENT	13
• ELECTRIC LOCATE TICKETS PROCESSED-	261

2) Telecommunications

- Completed updates/installs on our virtual server software.
- Completed and submitted USAC annual form 473.

- Added, moved and/or changed 27 phones for the City School System.
- Setup new Wi-Fi routers at Fire stations 2&3.
- Setup 2 new city employees for email and other applications.
- Installed 2 new desktop computers, 2 new tablet computers, and 1 scanner.
- Troubleshooted a number of customer's internet connections.
- Worked on Acelecom contract agreement for data center rack space lease.
- Meeting with Acelecom about the new services offered.
- Submitted 3 quotes for new internet customers.
- Submitted 1 quote for fiber relocation at customer's site.
- Plan review for IT specs for new Recreation Department building.
- Completed a number of 811 fiber locates.
- Opened 11 work orders and closed 10 work orders.

Geographic Information Systems

- Worked on mapping Telecom customer data
- Updated cemetery mapping data
- Generated Electric Usage Reports
- Updated data and mapping for the following:
 - Water system and meter updates
 - Fiber
 - Zoning
- Updated Physical addressing, building and billing information.
- Updated City and GIS web sites.

3) **Building Inspections**

Issued 118 permits for an estimated cost of \$7,491,143, collected \$48,296 in permit fees. This included 9 new residential, 2 residential remodel, 2 new commercial, 2 commercial remodel, 0 new industrial, 0 industrial remodel, 14 residential plumbing, 14 residential electrical, 31 residential HVAC, 3 commercial plumbing, 4 commercial electrical, 3 commercial HVAC, 0 industrial plumbing, and 0 industrial electrical. 431 total inspections.

4) **Library**

- There are 12,874 library card holders, 7,452 library visitors, and 9,052 total circulation.
- There were 364 story time attendance, 250 adult program attendance, 185 new users, 1,758 e-books, 2,477 audio books, 517 computer logins, and 19,195 Facebook visits.

B. Councilmember Edwards submitted June reports as follows:

1) **Water and Sewer Operations**
Water Treatment Plant

- Total gallons withdrawn: 347,850,000
- Daily average: 11,595,000
- Wells: 100,930,000
- Big Springs: 61,230,000
- % produced by Brittany Drive: 46.6%
 - Brittany Dr. daily production to capacity: 45.80%
 - Mauldin Rd. daily production to capacity: 38.68%
 - Rainfall for June – 4.33”

Waste Water Treatment Plant

- Treated a daily average of 6.318 MGD, with an average BOD effluent of 3, average suspended effluent of 6, and an average COD of 76.

Water Distribution & Wastewater Collection

- 306 work orders completed, 55 new water connections, 21 water service leaks repaired, 23 water main leaks repaired, 0 water services changed to new main lines, 38 meter changes, 48 utility locates called in for work orders, 767 utility locates responses.
- 3 feet of Sanitary Sewer Services TV inspected, 577 utility locates completed, 34,120 feet sanitary sewer lines cleaned, 3 new sewer connections installed, 20 sanitary sewer connections installed by contractors, 4 sanitary sewer services repaired.

2) **Water and Sewer Construction**

Projects Under Construction

- Brittany Dr & Water Booster Stations Standby Generator Project – This project consists of installing a stationary and portable generator at the Brittany Dr WTP for emergency standby power, and retrofitting 5 water booster stations to accept the portable generator when it isn’t needed at the plant. All components for this project have arrived, and construction is now underway.
- Spring Valley Sewer Rehabilitation Project – This project consists of improving an older segment of our sewer system to reduce I&I and free up additional capacity of this sub-basin. The scope will include upgrading approx. 4,500’ of sewer main from 12 inch to 15 inches, and replacing an additional 1,500’ of 12-inch pipe. Material for this project is now arriving, and construction is underway.
- GDOT SR 53 & Brown Lee Mtn. Water Relocation Project – This project is now underway and consists of consolidating, relocating, and upsizing two different water lines to accommodate highway improvements near the intersection.

Projects in Design & Development

- New Fire Tower Water Tank Project – Surveying Completed.
- Water Treatment Plant Modifications

- GDOT SR 156 @ Salacoa Bridge Water Relocation Project
- GDOT HWY 225 @ Craigtown Rd Roundabout water relocation project.
- Peters St. Phase III Water Relocation – Under preliminary review.
- Curtis Pkwy Water & Sewer Relocation – Right-of-way acquisition is currently underway. Material for this project has been ordered, and a large portion has been delivered.
- Engineering for Spring Valley Sewer Phase II Rehabilitation Project
- Comprehensive Nutrient Optimization Plan (CNOP), which is a regulatory requirement for NPDES permit compliance
- Asset Management Plan Development – A regulatory requirement to renew our Permit to Operate at our Drinking Water facilities.
- The Engineering Department is actively working on 14 plan reviews, along with 21 inspections of developments and projects that are progressively under construction.

PFAS Update June 2025

For the month of June, the following updates concerning PFAS are as follows:

- The installation of GAC within all of the filters at our Mauldin Rd water treatment plant was completed in March. The next exchange will occur during the second week of July. To ensure continued removal, future exchanges have been scheduled to swap 8 out of the 16 filters every two months. Monthly sampling will continue, and the results will be updated on our website.
- Two additional filter exchanges for fresh GAC at our Brittany Dr WTP was completed in March. The next exchange of two filters at this facility should arrive near the end of July, with future exchanges scheduled to swap 2 out of the 4 filters every 6 months. Like the Mauldin Rd facility, monthly sampling will continue, and the results will be updated on our website.
- The well sampling program is now underway and all questionnaires have been mailed to potential participants. The responses from our questionnaires will help determine eligibility of the program. The focus of this program is to provide clean water for residents throughout Gordon county who utilize wells as their primary drinking water source. The second sampling event was completed in June and the next sampling event will be scheduled in the upcoming weeks.
- The piloting program utilizing advanced technologies for PFAs removal at both water treatment plants have been completed, and pilot summaries for this project are currently under development. Once all of the pilot summaries have been provided, we will begin the selection process for the best long-term solution for both of our water treatment facilities.
- Councilmember Edwards noted that future updates would continue to be posted on the city website.

C. Councilmember Denmon submitted June reports as follows:

1) **Public Works**

Street Department

- Completed 27 shop and 29 street dept. work orders.
- Installed 4 new street signs.
- Repaired utility cuts and potholes around town using 25 tons of asphalt.
- Performed routine maintenance on the bike trail.

Cemetery

- Performed routine maintenance on Fain and Chandler cemetery.
- Supervised the opening and closing of 14 grave sites.
- Sold 11 new grave spaces.

Parks Department

- The grounds crew picked up litter, mowed, trimmed bushes, hauled garbage to the dump, and maintained records at records room.
- The maintenance crew maintained designated buildings downtown.
- Repaired irrigation heads at the downtown park.

Animal Control

- Housed 24 dogs and 7 cats
- Number of dogs adopted: 13
- Number of cats adopted: 2
- Number of dogs rescued: 0
- Number of cats rescued: 4
- Number of dogs reclaimed by owner: 3
- Number of cats reclaimed by owner: 0
- Number of dogs euthanized: 0
- Number of cats euthanized: 0
- Number of warnings given: 27
- Number of bite cases: 2
- Citations issued: 1

2) **Recreation Department**

• **PROGRAMS:**

Camp South River – Camp was held four weeks during the month of June. 181 participants have attended camp participating in outdoor activities throughout the park, field trips, swimming, and arts and crafts throughout the week.

Tennis – The following leagues were held throughout the month – Flex leagues; drill and instruction daily.

Pickleball – Free Play daily; courts remain full in the evenings. Rental of courts has also picked up.

Adult Softball – The adult softball league began June 3. Games are played on Tuesdays and Thursdays. Twenty-four games were played during the month.

Fall Programs: Registration for all fall programs begins Monday, July 7. Fall programs include – Football, Cheer, Volleyball, Soccer and Cross Country

- **TOURNAMENTS:**

GRPA District Baseball and Softball – We had 4 teams that participated in the GRPA district tournaments held June 6-13, 2025

The tournament scheduled for June 7 was cancelled due to weather. PGF Tournament – June 21 – There were 23 teams that participated with 1,035 visitors to the park. The estimated economic impact for this 1 day tournament is \$67,275.

- **POOL** – The pool has been open to the public throughout the month Monday through Saturday 1:00pm – 5:00pm. The week of June 30 hours were extended to 1:00pm – 7:00pm Monday through Thursday and 1:00pm – 5:00pm Friday and Saturday. There were 13 pool parties during the month. The Blue Barracudas had 3 home swim meets.

- **FACILITY USAGE:**

Billy Bearden Recreation Center	Black and Yellow Pavilion -
Community Room – 3 events	16 events
Meeting Room – 5 events	Ratner Pavilion – 7 events

- **SOCIAL MEDIA:**

CalhounRec.com	Facebook
Page Views – 5,135	Reached – 22,222
Users – 1,814	Views – 78,351
Posts – 8	New Followers – 52
	Posts – 15

- **PARK MAINTENANCE:**

The following was completed:

- 1 – Daily park clean-up
- 2 – Mowed all parks – weekly
- 3 – Groomed all parks – weekly
- 4 – Pressure washed Ratner Pavilion and bathrooms
- 5 – Groomed Dog Park – weekly
- 6 – Baseball/softball field maintenance – weekly
- 7 – Groomed all common areas- weekly

8 – Pool Maintenance – daily– Soccer Complex – began field maintenance

3) **Downtown Development Authority**

Downtown Events

Summer in the City – Part 2 was a great success! Despite the heat, the community turned out in strong numbers and thoroughly enjoyed the evening's performance. It's been encouraging to see such continued support for this series. We're looking forward to the third and final installment on Friday, July 18 from 6–10 p.m., featuring local favorite Kurt Thomas.

Looking ahead, the United Way is preparing for its annual Unity Run in September. Due to the ongoing renovation at the Depot, they have proposed shifting the event area to Park Avenue and the municipal parking lot, pending special event permit approval. We're fully supportive of this shift, as it brings another lively event to the downtown calendar, without requiring DDA resources. It's a win-win: the downtown district and its businesses benefit from the energy and activity of a major event, while allowing us to focus on our core programming.

Farmers' Market

The Calhoun Farmers' Market continues to thrive. We've reached full capacity with 47 approved vendors and have a growing waitlist. While space is currently tight, we're exploring ways to expand vendor placement along the portion of Trammell Street that is already closed on market days.

We've successfully maintained our target of at least 70% agricultural products, which has helped us attract farms from across the region. Feedback from both vendors and the public remains overwhelmingly positive. Last season was our "Year of Change," and this year is proving to be our "Year of Growth." We're already gathering ideas for next season as we continue to refine and strengthen the market heading into late summer.

D. Mayor Pro Tem Moyer submitted June reports as follows:

1) **Police Department**

- Made 350 cases with 18 DUI's
- Fines collected by Municipal Court - \$36,612
- Issued 599 warnings
- Investigated 68 highway accidents, 34 private property accidents
- Obstruction - 6
- Lethal Weapon Encounter - 1
- Alarm responses - 145
- Miles patrolled: 42,112

2) **Municipal Court**

- Citations from Police Department-350
- Court cases docketed- 243
- Probation cases assigned- 6
- Probation revocations- 4
- Bench warrants-8
- Failure to appear- 34

3) **Fire Department**

Suppression Division

217 Total Calls for the month to include:

- 5 Fire Calls
- 136 Medical Calls
- 8 Hazardous Conditions calls (No Fire)
- 10 Service Calls
- 58 False Alarms or False Calls
- 0 Severe Weather and Natural Disaster calls

Department Response Time

Total – 5:26

Department Events

- Hosted a Community CPR Course with six citizens attending.
- Hosted a Fire Extinguisher Training Course for local business with nine citizens attending.
- Firefighters Cantrell, Holcomb, Potter, Springfield, Thayer, and Thompson successfully completed Calhoun Fire Department's EMT Program. Program consisted of graduates from Calhoun Fire Department, Gordon County Fire Rescue, and Chatsworth Fire Department. Program graduated ten people.
 - Firefighter Holcomb and Springfield successfully passed NREMT EMT Certification Examination.
 - Hosted a Community Emergency Response Training Course for George Chambers Center.

Inspections Division

109 Total Inspections for the month

Training Division

1155.78 Total Training Hours for the Department during the month.

8077.77 Total Annual Training Hours for the year.

Training Highlights:

- Division Chief Saylor provided a GSAR presentation update to Cherokee County CERT.
- Division Chief Duvall and Inspector McMahan attended the LEPC Meeting and Citizens' Response to Active Shooter Events provided by the Georgia Emergency Management Agency.
- Battalion Chief Green, Lieutenant Gilbert, Hall, Mills, Silvers, and Underwood, and Engineer Chavez and Kidd attended GSAR Quarterly Training hosted by Catoosa County Fire.
- Lieutenant Daniel and Hall, Engineer Kidd, and FF Dodd attended Rescue Redefined Auto Extrication Course hosted by Gordon County Fire.

4) Safety Committee

On June 11, 2025, the Safety committee hosted a Defensive Driving class for the City of Calhoun Employees at the Police Department Training Center. The trainer was Steve Shields, our Risk Control Manager for the Northern Region. We had 21 Employees attend. All Safety inspections have been done for this Fiscal year.

- Vehicle accidents: 3 - 1 in fire, 1 in meter reading, and 1 in fire.
- Workers compensation: 2 – 1 in Electric and 1 in fire.

7. Zoning Hearings and Comments

Announce at this time, public hearings will be held. The public will have the opportunity to make pro and con comments with a ten minute maximum time limit for each side of the matter, with each person giving their name and address. An inquiry should be made to determine if any elected official has filed a disclosure statement regarding ownership or special interest in any of the agenda items. Zoning Land Use Maps on display in Council Chambers for Zoning Advisory Board and Council hearings.

- A. A zoning change request from R-1 residential to C-2 commercial for 0.65 acres, at a location of 2680 Hwy 41 SE, being parcel C47-008, by Siwei (Samantha) Hartill. The Zoning Advisory Board meeting was held July 1st

- Mayor Palmer opened the public hearing.
- City Administrator Worley gave the report on legal requirements and notices stating that all had been met.
- Councilmember Edwards gave the report on the Zoning Advisory Board stating that the Board recommended approval of the zoning request, with the condition that all C-2 zoning requirements be fully satisfied as stated in the Zoning Review Staff Reports.
- Mayor Palmer opened the floor for comments. Cindy Lopez, of 2670 Hwy 41 SE, addressed the council stating that she was an adjoining residential property owner, and a neighbor of the applicant. Her father passed away four years ago and she and her mother are responsible for the property. Her concern with the requested rezoning of C-2 was that it could cause her home value to increase, resulting in higher taxes. City Administrator Worley stated that the rezoning would not necessarily affect her homes value as there are already industrial uses in place in the location. He noted that the city and the county had opted in to the floating homestead exemption under HB581, which requires the taxation to be capped at the current inflation rate. These values are provided by the Gordon County Assessor's office.
- There being no further comments, Mayor Palmer closed the public hearing and called for a motion concerning zoning request.
- Councilmember Edwards made a motion to approve the request with the qualifications of the ordinance being met as stated by the Zoning Advisory Board in their July 1, 2025 meeting. Mayor Pro Tem Moyer gave a second with all voting aye. Motion approved.

8. **Other Hearings and Comments**

9. **Old Business**

10. **New Business**

- A. Mayor Palmer gave the first reading of an annexation and zoning request from County R-3 to R-1B for 0.18 acres, located at 1003 Court Street, being parcel 002-038, by Bimala K. Harris. The Zoning Advisory Board meeting will be held August 7th and the public hearing August 11th.
- B. Mayor Palmer gave the first reading of an annexation and zoning request from County R-3 to R-1B, located at 1104 North Wall Street and being parcel 035-115, by Thomas Holguin. The Zoning Advisory Board meeting will be held August 7th and the public hearing August 11th.
- C. Mayor Palmer gave the first reading of a variance request of 15 feet above max sign height and 44.28 square feet above max area, for 1.516 acres at a location of 1204 Red Bud Road, being parcel C64-002, by Will Marshall (McDonalds). The Zoning Advisory Board meeting will be held August 7th and the public hearing August 11th.
- D. Mayor Palmer gave the first reading of an annexation and zoning request from County R-4 to R-1B, located 1110 Dews Pond Road and being parcel 052-073, by Ross Strickland. The Zoning Advisory Board meeting will be held August 7th and the public hearing August 11th.

- E. Mayor Palmer stated a motion was needed concerning a ground lease agreement between the City of Calhoun and New Cingular Wireless, granting the company the right to use a designated portion of city-owned property at 380 Barrett Road for the installation and operation of wireless communication facilities to serve the surrounding area. City Administrator Worley stated that this tower is similar to the tower lease agreement on Louise Drive next to the Electric Department. Ryan Fender of the Georgia Municipal Association has reviewed the contract and it is now ready for consideration of the council. Mayor Pro Tem Moyer made a motion to approve the ground lease agreement. Councilmember Denmon gave a second with all voting aye. Motion approved.
- F. Mayor Palmer stated a motion was needed concerning a parade request on the traditional route for the Calhoun High School Homecoming Parade, to be held October 2, 2025 at 6:30 p.m. with a rain date of October 3rd at 3:30 p.m. Councilmember Denmon made a motion to approve the parade request. Councilmember Edwards gave a second with all voting aye. Motion approved.
- G. Mayor Palmer stated a motion was needed concerning a request from the Purchasing Department to surplus concrete forms and accessories no longer used by the Sewer Maintenance Department. Councilmember Edwards made a motion to approve the surplus request. Mayor Pro Tem Moyer gave a second with all voting aye. Motion approved.
- H. Mayor Palmer stated a motion was needed concerning a request from the Northwest Georgia Regional Library System to reappoint Beth Holcomb for an additional three year term at the Calhoun-Gordon County Public Library. Councilmember Edwards made a motion to reappoint Ms. Holcomb to a three year term ending June 30, 2028. Councilmember Denmon gave a second with all voting aye. Motion approved.
- I. Mayor Palmer stated a motion was needed concerning a recommendation from the Purchasing Department to award the bid of \$262,245.90 to Northwest Georgia Paving for the FY26 asphalt resurfacing and striping for the annual State of Georgia LMIG program. Mayor Pro Tem Moyer made a motion to approve the recommendation and accept the bid of Northwest Georgia Paving. Mayor Pro Tem Moyer gave a second with all voting aye. Motion approved.
- J. Mayor Palmer stated a motion was needed concerning a recommendation from the Calhoun Housing Authority to reappoint Tony Pyle for an additional five year term. Councilmember Edwards made a motion to appoint Mr. Pyle for an additional five year term ending July 16, 2031. Mayor Pro Tem Moyer gave a second with all voting aye. Motion approved.
- K. Mayor Palmer stated a motion was needed concerning an Intergovernmental Agreement (IA) for water distribution between the City of Calhoun and the City of Chatsworth Water Works Commission. He noted that this is an ongoing IA with this agreement changing the term from 10 years to 5 years, reducing the minimum gallons per day, and increasing the per gallon price. Councilmember Edwards made a motion to approve the IA as presented. Mayor Pro Tem Moyer gave a second with all voting aye. Motion approved.
- L. Mayor Palmer stated a motion was needed concerning a request from the Boys and Girls Clubs of Gordon County to block a portion of Edwards Street and Fox Street from

9:30 a.m. to 4:00 p.m. on July 29, 2025 for an event to be held by Comcast. Councilmember Denmon made a motion to approve the road closure request. Mayor Pro Tem Moyer gave a second with all voting aye. Motion approved.

- M. Mayor Palmer stated a motion was needed concerning a resolution authorizing participation in an amicus brief in the Chang V. City Milton appeal pending before the Georgia Supreme Court. City Attorney Govignon recommended approval of the resolution as the city would be affected by the judgement. Mayor Pro Tem Moyer made a motion to approve the resolution. Councilmember Denmon gave a second with all voting aye. Motion approved.

11. Other Written Items Not on the Agenda

12. Work Reports

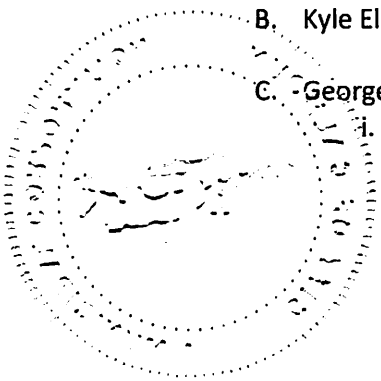
A. Paul Worley, City Administrator

- i. Mr. Worley stated that Kathleen Shirley, a long-standing member of the Library Board, was not eligible for reappointment. He thanked Ms. Shirley for her many years of service to the city. Mr. Worley recommended the appointment of Sharon Nelson for Ms. Shirley's replacement on the Library Board. Mayor Pro Tem Moyer made a motion to approve the appointment. Councilmember Denmon gave a second with all voting aye. Motion approved.
- ii. Mr. Worley stated that Jim Gill, a long-standing member of the Golf Advisory Commission has resigned from the Board as he has moved and is no longer eligible for the seat. Mr. Worley recommended the appointment of Cliff Meadows to replace Mr. Gill on the Board. Councilmember Edwards made a motion to appoint Mr. Meadows to the Golf Advisory Commission for a six year term ending June 30, 2031. Councilmember Denmon gave a second with all voting aye. Motion approved.

B. Kyle Ellis, Utilities Administrator had nothing to report.

C. -George Govignon, City Attorney

- i. Mr. Govignon presented a resolution by the Mayor and Council enacting a temporary emergency moratorium on the acceptance or consideration of all applications for zoning decisions, land disturbance permits, and licenses for gas stations, convenience stores, food marts, and other retail establishments seeking to sell alcoholic or THC-infused consumables for off- premises consumption. He noted that the city had seen a significant increase in gas station and convenience store applications over the past six months, creating an urgent need to pause and evaluate our current regulatory framework before we're overwhelmed by inappropriate development. These establishments sell products inherently dangerous to minors – alcohol, THC products, vaping materials, and tobacco. We need time to ensure our zoning



and licensing requirements adequately protect our children and families. National statistics show one convenience store per 2,200 – 2,235 people. Calhoun and Gordon County already exceed these ratios significantly. This moratorium prevents oversaturation that could harm existing businesses and community character. These facilities bring increased traffic, light pollution from 24-hour operations, litter problems, and potential environmental risks from underground storage tanks in sensitive areas like flood plains. Georgia law clearly authorizes reasonable moratoria for municipal planning purposes. We've included exemption procedures for anyone with vested rights, ensuring due process while protecting the public interest. This 180-day moratorium gives us adequate time to review and revise our codes without indefinitely blocking development. The goal is better regulation, not permanent prohibition. This is responsible governance – taking time to get the rules right before approving developments that will impact our community for decades.

- ii. Mayor Pro Tem Moyer made a motion to approve the moratorium. Councilmember Denmon gave a second with all voting aye. Motion approved. This moratorium will expire on Saturday, January 3, 2026.

13. Motion to move to Executive Session, if needed

14. Motion to return to General Session

15. Motion to Adjourn

There being no other business to come before the Council, Councilmember Moyer made a motion to adjourn. Councilman Denmon gave a second with all voting aye. The motion was approved and the meeting adjourned at 7:42 p.m.

Approved:

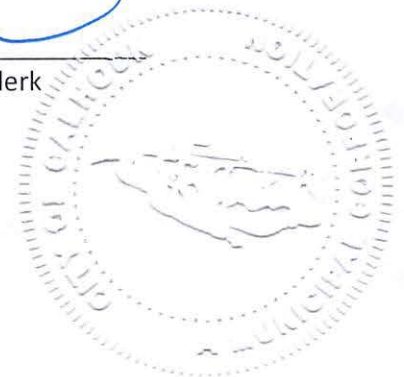


James F. Palmer, Mayor

Submitted:



Sharon Nelson, City Clerk



**RESOLUTION OF THE CITY OF Calhoun, GEORGIA (the "CITY") AUTHORIZING
PARTICIPATION IN AN AMICUS BRIEF IN THE CHANG V. CITY OF MILTON APPEAL PENDING
BEFORE THE GEORGIA SUPREME COURT**

WHEREAS, the Chang v. Milton litigation involves a claim of liability against the City of Milton, Georgia, for personal injuries due to a 2016 vehicle collision with a fixed obstruction (a masonry planter) located on City-owned right of way where the obstruction was outside the motoring lanes of travel;

WHEREAS, the masonry planter had been at the same location since 1992 and had never been the subject of a complaint or prior accident;

WHEREAS, at the trial court, the City of Milton was found to be partially at fault and a jury awarded money damages against the City of Milton of \$35,000,000;

WHEREAS, on September 16, 2024, the Court of Appeals affirmed the findings of the trial court, City of Milton v. Chang, et. al., 373 Ga. App. 667 (2024) (Court of Appeals ruling);

WHEREAS, on June 24, 2025, the Supreme Court of Georgia granted certiorari, Supreme Court docket number S25G0476;

WHEREAS, the Georgia Supreme Court identified three issues upon which it wanted the Parties to focus in their appellate briefing:

1. Is the design and placement of objects on a shoulder of a roadway part of the ministerial duty of a municipality to keep its "streets and sidewalks in a reasonably safe condition" or is it a governmental function? Compare Mayor, Etc., of Dalton v. Wilson, 118 Ga. 100 (44 SE 830) (1903) with Town of Fort Oglethorpe v. Phillips, 224 Ga. 834 (165 SE2d 141) (1968). See generally OCGA § 36-33-1.
2. Is the placement of a planter on the shoulder of a roadway a "defect[]" in the public roads of [the municipality's] municipal street system"? See OCGA § 32-4-93 (a).
3. For municipal immunity to be waived under the circumstances of this case, must the plaintiff show that the municipality violated its ministerial duty to keep its "streets and sidewalks in a reasonably safe condition" and that the planter on the shoulder of the roadway is a "defect[]" in the public roads of [the municipality's] municipal street system"? Please address the interplay between OCGA § 36-33-1 and OCGA § 32-4-93 (a).

WHEREAS, the CITY believes that answers to the above legal questions are of significant value to its citizens and residents;


WHEREAS, the CITY believes that Supreme Court guidance on such questions may lead to the Court of Appeals ruling being overturned

WHEREAS, the CITY believes the Court of Appeals ruling is inconsistent with existing legal precedent; and,

WHEREAS, the CITY believes that it is in the best interests of the health, welfare, and safety of its citizens that the Court of Appeals ruling be reversed and that the questions presented by the Supreme Court be answered in a way that benefits Georgia's' cities.

NOW THEREFORE BE IT RESOLVED, that the CITY does hereby authorize participation in an amicus brief before the Georgia Supreme Court asking that the Court of Appeals ruling be reversed and that the Supreme Court's three proffered questions be answered in a way that is legally advantageous to Georgia's cities. An amicus brief so tendered may include the City's name as a participating party.

This 7th, day of July, 2025.



Mayor



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

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF CALHOUN, GEORGIA, ENACTING A TEMPORARY EMERGENCY MORATORIUM ON THE ACCEPTANCE OR CONSIDERATION OF ALL APPLICATIONS FOR ZONING DECISIONS, LAND DISTURBANCE PERMITS, AND LICENSES FOR GAS STATIONS, CONVENIENCE STORES, FOOD MARTS, AND OTHER RETAIL ESTABLISHMENTS SEEKING TO SELL ALCOHOLIC OR THC-INFUSED CONSUMABLES FOR OFF-PREMISES CONSUMPTION.

WHEREAS, the Mayor and Councilmembers of the City of Calhoun, Georgia (the "City") are charged with the responsibility of protecting the health, safety and welfare of the residents of the City of Calhoun;

WHEREAS, the City is vested with substantial powers to regulate land use, approve zoning decisions, issue land disturbance permits, and license establishments for the retail sale of alcoholic beverages in order to maintain the health, morals, safety, security, peace, and general welfare of the City;

WHEREAS, the number of applications and probable applications for gas stations, convenience stores, food marts and other retail establishments requiring the issuance of new Class A and Class C licenses for alcohol sales has increased significantly in the last six months, raising concerns among city residents, city staff, and city elected officials;

WHEREAS, this surge in applications involves businesses that offer products inherently dangerous for minors, including alcoholic beverages, THC-infused consumables, and various smoking-related and vaping-related products and paraphernalia, requiring careful regulatory review to ensure proper distribution and public safety;

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant such action, and the Mayor and Councilmembers have determined that a temporary moratorium is necessary to examine and revise the City's zoning and licensing codes to address these

emerging concerns and protect the public welfare;

**RESOLUTION NO. 070725
CITY OF CALHOUN, GEORGIA**

WHEREAS, this review is being conducted to examine the location and proximity requirements for establishments that engage in the retail sale of low THC oil, tobacco products, tobacco-related objects, alternative nicotine products, vapor products, cannabidiol (CBD), and products containing CBD;

WHEREAS, national statistics show that one convenience store is located per capita for every 2,200 to 2,235 people, and gas stations and convenience stores are significantly more prolific in the City and Gordon County than these national averages;

WHEREAS, many jurisdictions restrict the location and number of gas stations and convenience stores to protect community welfare and prevent oversaturation;

WHEREAS, a gas station mini-mart is defined as a facility associated with the sale of gasoline products that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer, and may include hot beverages, fountain-type beverages, and pastries;

WHEREAS, a convenience store is defined as a retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide array of consumable products with such product lines usually consisting of staple groceries, beer, cigarettes, snacks, tobacco, soft drinks, dairy products, gasoline and some non-food items and services; and

WHEREAS, the proliferation of these stores has increased traffic, affected traffic patterns, led to light pollution due to late-night operations, increased litter from cigarette butts and pre-packaged foods, and may violate Environmental Protection Agency best practices by placing underground storage tanks in environmentally sensitive areas such as flood plains and wetlands;

WHEREAS, the municipal governing authority needs additional time to research and review the appropriate locations, numbers, and operational terms for gas stations and convenience stores within the City;

WHEREAS, the municipal governing authority requires sufficient time to conduct this comprehensive review in the best interest of its citizens;

WHEREAS, the municipal governing authority has the right under Georgia law to issue a moratorium for a reasonable period of time without complying with the Georgia Zoning Procedures

Act;

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:

SECTION 1. FINDINGS OF FACT. The Mayor and Councilmembers hereby make the following findings of fact:

- (a) It appears that the City's development, zoning and alcohol licensing ordinances require additional review as these ordinances and policies relate to gas stations, convenience stores, food marts, and other retail establishments seeking licenses for the retail sale of alcoholic beverages for off-premises consumption.
- (b) Substantial disorder, detriment and irreparable harm would result to the citizens, businesses and the City of Calhoun if the current land use regulation scheme were to be utilized by property owners prior to a more thorough review of these establishment types.
- (c) The City's ongoing revision of its code, comprehensive plan and zoning ordinances requires the enactment of a limited cessation of development and building permits, business licenses, and alcohol licenses with respect to the uses described in subsection (a) above.
- (d) It is necessary and in the public interest to delay, for a reasonable period of time, the processing of any applications for such establishments, to ensure that the design, development and location of the same are consistent with the long-term planning objectives of the City.
- (e) The appellate courts have favored limited moratoria and determined that the exercise of police power to impose such moratoria is reasonable and does not constitute a taking when applied throughout the jurisdiction. *City of Roswell et al v. Outdoor Systems Inc.*, 274 Ga. 130 (2001).

SECTION 2. IMPOSITION OF MORATORIUM.

- (a) Effective immediately upon the approval of this Resolution, the Mayor and Councilmembers hereby issue a moratorium on accepting applications and issuing land disturbance permits, zoning decisions, or licenses for gas stations, convenience stores, food marts, and other establishments seeking to sell alcoholic beverages for off-premises consumption within the City of Calhoun under either a Class A or Class C license.
- (b) The Mayor and Councilmembers hereby enact a moratorium on the establishment of

any additional gas stations, convenience stores, food marts, and establishments seeking alcohol licenses for off-premises consumption, and the acceptance by the staff of the City of Calhoun of applications of any kind for or related to such establishments.

- (c) This moratorium will be for an initial period of one hundred eighty (180) days from the date of the adoption of this Resolution.
- (d) As a result of this Resolution, all City staff, agents and employees, are directed not to accept applications or issue any new permits or licenses for the establishments described in subsection (a) above.
- (e) The City staff members are directed to continue their efforts to review and provide suggestions for revisions to the required ordinances and other provisions for the establishment types described in subsection (a) above.
- (f) The duration of this moratorium shall be until the City adopts a revision of the Code of the City of Calhoun related to these establishment types or one hundred eighty (180) days has elapsed, whichever first occurs.
- (g) This moratorium shall be effective as of the date of adoption of this Resolution.
- (h) This moratorium shall have no effect upon approvals, permits, or licenses previously issued or as to development plans previously received and approved by the City. The provisions of this Resolution shall not affect the issuance of permits or site plan reviews that have received preliminary or final approval by the City on or before the effective date of this Resolution.
- (i) As of the effective date of this Resolution, no applications for any purposes related to the uses described in subsection (a) above shall be accepted by any agent, employee or officer of the City, and any permit or license so accepted for filing will be deemed in error, null and void and of no effect whatsoever and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such permit or license shall be unreasonable.

SECTION 3. EXEMPTION.

- (a) The following procedures shall be put in place immediately.
- (b) During the term of this moratorium, any person may file an application for exemption from this moratorium with the City. The written application for exemption from this moratorium shall include all supporting data, documents and facts, and must be

verified by the applicant. The City will review all such verified facts and circumstances which the applicant feels substantiates a claim for vested rights under the City's Zoning Ordinance and/or the grant of an exemption to this moratorium. The Community Development Director shall schedule a public hearing before the Mayor and Councilmembers in accordance with the City Zoning Ordinance. The Mayor and Councilmembers shall hear and decide appeals from the decision made by the City in accordance with the City's Zoning Ordinance. The Mayor and Councilmembers may consider the general terms of the proposed establishment, the proposed use, the proposed development plans, the benefits of the proposed establishment to the City, and the comprehensive land use plan for the City in deciding upon a requested exemption.

- (c) Should the Mayor and Councilmembers grant such exemption, the staff of the City may accept and process an application for the proposed use. However, the grant of an exemption from this moratorium in no way confers any rights upon the applicant or the exempted plans, applications or requests.
- (d) Any exemption granted by the Mayor and Councilmembers shall not constitute final approval of such plans or requests by the City. Any granted exemption shall merely grant the City staff the ability to accept and process the subject application in accordance with all City ordinances and regulations.

SECTION 4. INTENT.

- (a) It is hereby declared to be the intention of the Mayor and Councilmembers that all sections, paragraphs, sentences, clauses and phrases of this Resolution are and were, upon their enactment, believed by the Mayor and Councilmembers to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Mayor and Councilmembers that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. It is hereby further declared to be the intention of the Mayor and Councilmembers that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Councilmembers that such invalidity,

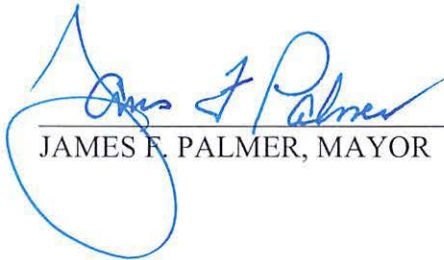
unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 5. All Resolutions or parts of Resolutions in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

SECTION 6. The preamble of this Resolution shall be and is hereby incorporated by reference as if fully set out herein.

SECTION 7. This Resolution shall be effective on the date of its approval by the Mayor and Councilmembers.

SO ADOPTED, this 7th day of July, 2025.



JAMES F. PALMER, MAYOR

ATTEST:



SHARON NELSON, CITY CLERK

