



**CITY COUNCIL MEETING  
NOVEMBER 25, 2024 - 7:00 PM  
109 SOUTH KING STREET  
DEPOT COMMUNITY ROOM**

**MINUTES**

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

ALSO: Paul Worley, City Administrator; Kyle Ellis, Utilities Administrator; Sharon Nelson, City Clerk; George Govignon, City Attorney; Tony Pyle, Police Chief; 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 Palazzolo made a motion to approve the November 25, 2024 agenda as presented. Councilmember Edwards 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 November 11, 2024. Councilmember Edwards gave a second with all voting aye. Motion approved.
5. **Mayor's Comments**
  - A. Mayor Palmer announced that City of Calhoun offices will be closed Thursday, November 28<sup>th</sup> and Friday, November 29<sup>th</sup> in observance of Thanksgiving.

- B. Mayor Palmer stated that a motion was needed to allow the Mayor to sign a resolution authorizing participation in an amicus brief in the Chang V. City of Milton appeal. Councilmember Edwards made a motion to approve the resolution. Councilmember Palazzolo gave a second with all voting aye. Motion approved.

6. **Zoning Hearings and Comments**

7. **Other Public Hearings**

8. **Old Business**

- A. Mayor Palmer gave the second reading of an annexation and zoning request from county A-1 to R-2 for 5.879 acres at a location of Dews Pond Road, being Parcel 056A-025, by Fall Leaf Residential. The Zoning Advisory Board meeting will be held on December 5<sup>th</sup> and the public hearing on December 9<sup>th</sup>.
- B. Mayor Palmer gave the second reading of an annexation and zoning request from county A-1 to R-2 for 3.997 acres at a location of Dews Pond Road, being Parcel 056A-017, by Fall Leaf Residential. The Zoning Advisory Board meeting will be held on December 5<sup>th</sup> and the public hearing on December 9<sup>th</sup>.
- C. Mayor Palmer gave the second reading of a beer and wine package application at a location of 118 W.C. Bryant Parkway, by Save Rite. The proposed store manager is Davis Bernier. The public hearing will be held December 9<sup>th</sup>.

9. **New Business**

- A. Mayor Palmer gave the first reading of a beer and wine package application at a location of 1206 Dews Pond Road, by Galaxy Dews Pond LLC d/b/a Rocket. The proposed store manager is Jayant Patel. Eligible for a public hearing December 23<sup>rd</sup>.
- B. Mayor Palmer read a manager change request at a location of 100 Cracker Barrel Drive, by Cracker Barrel. The prior manager was Krystal Lindsey and the proposed new manager is James Davis. Councilmember Edwards made a motion to approve the manager change request. Mayor Pro Tem Moyer gave a second with all voting aye. Motion approved.
- C. Mayor Palmer read a manager change request at a location of 101 New Town Road NE, by Jay Purushottam Inc d/b/a Rocket. The prior manager was Tejashkumar Patel and the proposed new manager is Tameca Lamb. Mayor Pro Tem Moyer made a motion to approve the manager change request. Councilmember Palazzolo gave a second with all voting aye. Motion approved.
- D. Mayor Palmer read a recommendation from the Engineering Department to award K.M. Davis Contracting Company, Inc. a construction contract in the amount of \$2,781,662.70, using Federal ARPA, SPLOST, and budgeted FY25 funds, for the Sanitary Sewer Rehabilitation to serve Spring Valley and McDaniel Station Road (Project 356). Councilmember Palazzolo made a motion to award the bid to K.M. Davis Contracting Company. Councilmember Edwards gave a second with all voting aye. Motion approved.
- E. Mayor Palmer read a special event Permit request from Heavale Brewing Company to host a food truck stationed on Oothcalooga Street next to the brewery addressed at 118 S. Park Ave. The event dates requested are for December 1<sup>st</sup>, 7<sup>th</sup>, 15<sup>th</sup> and 21<sup>st</sup>. Saturday event times are from Noon till 9:00pm and Sunday event times are from

1:00pm till 7:00pm. Mayor Pro Tem Moyer made a motion to approve the request. Councilmember Edwards gave a second with all voting aye. Motion approved.

10. Other written items not on the agenda

11. Work Reports

- A. City Administrator Worley gave a review of October 2024 general cash and hotel motel reports. (copy attached) Councilmember Edwards made a motion to approve the reports as presented. Councilmember Palazzolo gave a second with all voting aye. Motion approved.
- B. Utilities Administrator Ellis gave a review of the October 2024 utilities cash report. (copy attached) Councilmember Edwards made a motion to approve the report as presented. Mayor Pro Tem Moyer gave a second with all voting aye. Motion approved.
- C. City Attorney Govignon had nothing to report.

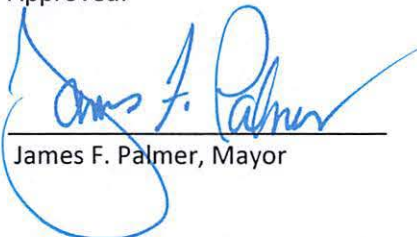
12. Motion to move to Executive Session, if needed

13. Motion to return to General Session

14. 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 7:15 p.m.

Approved:

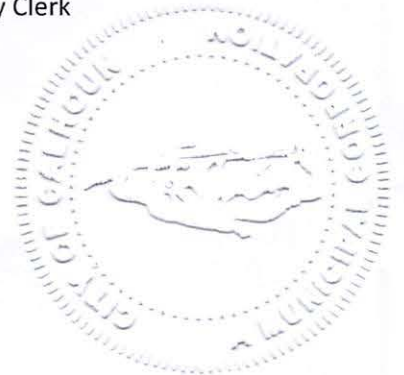


James F. Palmer, Mayor

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**

**WHEREAS**, there is presently pending before the Court of Appeals and/or Supreme Court of Georgia an appeal of a civil lawsuit that, at the trial court level, was referred to as Chang, et. al. v. City of Milton, State Court of Fulton County, Case No. 18EV004442;

**WHEREAS**, the case involves a claim of liability against the City of Milton 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**, the Court of Appeals affirmed the findings of the trial court, City of Milton v. Chang, et. al., 2024 WL 4195584 (Chang appellate ruling);

**WHEREAS**, the Court of Appeals ruled that the "*planter...was a hazard for vehicles leaving the travel lanes*" and that its presence "*renders the use of these thoroughfares more hazardous*;"

**WHEREAS**, the CITY is concerned by the Court of Appeals decision finding that a municipality may be liable for fixed obstructions located outside the motoring lanes of travel where the obstruction had never been the subject of a prior collision or complaint;

**WHEREAS**, the CITY believes the Court of Appeals decision is inconsistent with existing legal precedent and should be overturned; and,

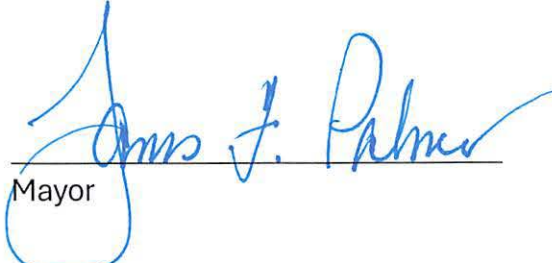
**WHEREAS**, the CITY believes the financial implications of the Court of Appeals decision could be devastating for Georgia municipalities.

**NOW THEREFORE BE IT RESOLVED**, that the CITY does hereby authorize participation in an amicus brief before the Georgia Supreme Court asking that the Chang appellate ruling be taken by the Supreme Court and reversed. An amicus brief so tendered may include the City's name as a participating party.

This 25th day of November, 2024.

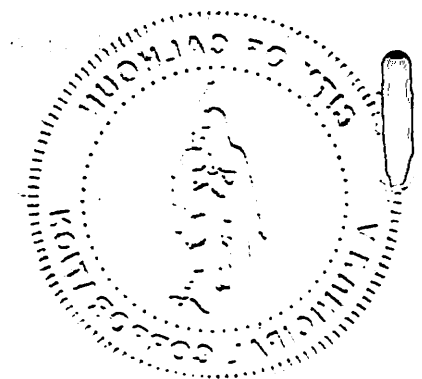


[SEAL]

  
\_\_\_\_\_  
Mayor

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*[Handwritten signature]*



NOTICE OF AWARD

PROJECT DESCRIPTION:

Sanitary Sewer Rehabilitation To Serve Spring Valley and McDaniel Station Rd

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated November 15, 2024 and Instructions to Bidders.

You are hereby notified that your BID has been accepted for items in the amount of **Two million, seven hundred eighty-one thousand, six hundred sixty-two and 70/100** Dollars (**2,781,662.70**).

You are required by the Instructions to Bidders to execute the Agreement and furnish the required CONTRACTOR's Performance BOND, Payment BOND and Certificates of Insurance with fifteen (15) calendar days from the date of the Notice to you.

If you fail to execute said Agreement and to furnish said BONDS within fifteen (15) days from the date of this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE of AWARD to the OWNER.

Dated this 25<sup>th</sup> day of Nov., 2024.

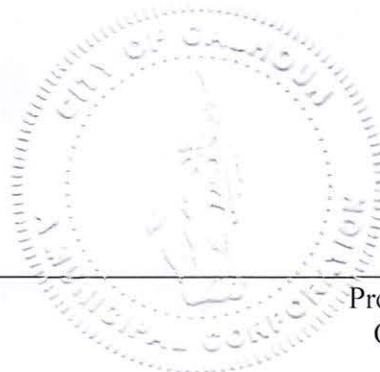
City of Calhoun  
By: *James J. Palmer*  
Title: Mayor

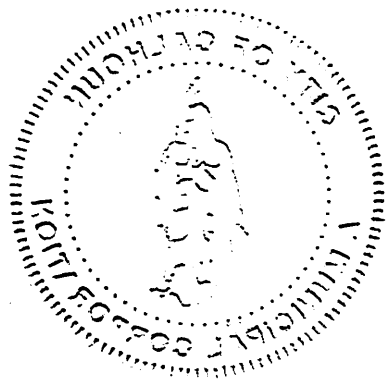
ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by **K.M. Davis Contracting Co., Inc.** this \_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_

Title: \_\_\_\_\_





## General Government Cash Report

### General Government Operating Account

General Fund	Checking	\$ 3,278,817.32
Restricted Cash - Excise	Checking	141,876.40
Cash	Pay Pal	15,549.37
Solid Waste	Checking	352,831.79
Confiscated Assets	Checking	-
School Trust	Checking	541,972.23
Municipal Court	Checking	(5,558.74)
Hotel-Motel Fund	Checking	(58,899.13)
Recreation	Checking	263,206.04
Recreation - Hotel / Motel	Checking	(17,111.72)
SPLOST 2018	Checking	-
SPLOST 2024	Checking	-
Golf	Checking	858,540.66
Golf Renewal & Replacement Reserves	Checking	-
American Rescue Plan Act (ARPA)	Checking	1,801,161.25
OPIOD	Checking	45,543.84
<b>Total Operating</b>		<u><u>7,217,929.31</u></u>

Reserves - Restricted / Renewal & Replacement	Savings	-
Specified Funds / Renewal & Replacement	Savings	750,000.00
<b>Total Reserves</b>		<u><u>750,000.00</u></u>

2018 SPLOST - Uncommitted	Checking	9,302,451.17
2018 SPLOST - Committed	Checking	642,662.90
2024 SPLOST - Uncommitted	Checking	147,821.10
<b>Total</b>		<u><u>10,092,935.17</u></u>

Fire Department Donations	Public Checking	6,154.78
Revolving Loan	Checking	624,695.28
Police #1 - Forfeiture (Settled)	Money Market	6,824.97
Police #2 - Forfeiture (Pending)	Checking	46,278.15
Police #3 - Fed Funds	Money Market	30,032.79
Police #4 - Evidence	Checking	58,554.56
Police #5 - ICE Funds	Checking	17,119.83
Police PEPI Account	Checking	2,010.00
School Debt Service	Savings	3,327,203.92
City of Calhoun Investment Account	Money Market	3,010,973.25
<b>Total Special Funds, Reserves and Savings</b>		<u><u>7,129,847.53</u></u>

**GRAND TOTAL - 10/31/2024** \$ 25,190,712.01

### Component Unit Cash

Downtown Development Authority	\$ 30,448.72
Downtown Development Authority - Hotel/Motel Tax	134,250.42
	<u><u>\$ 164,699.14</u></u>

### General Government Investments

#### City of Calhoun - Various Investments

Reserves held in investments - \$3,426,352.73	\$ 14,247,927.69
ARPA	-
Golf- \$600,000 reserves held in Investments	1,011,982.35
	<u><u>\$ 15,259,910.04</u></u>

**Hotel/Motel 10/31/24 Report**

**Amount Received from GMA & Paid to Vendor for FY25**

Vendor #	Vendor	Jul paid In Sep 2024	Aug paid In Oct 2024	Sep paid In Nov 2024	Oct paid In Dec 2024	Nov paid In Jan 2025	Dec paid In Feb 2025	Jan paid In Mar 2025	Feb paid In Apr 2025	Mar paid In May 2025	Apr paid In Jun 2025	May paid In Jul 2025	Jun paid In Aug 2025	Total
29	Chamber of Commerce	\$ 47,673.58	\$ 36,354.04	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 84,027.62
1346	City of Calhoun-Unrestricted	40,863.05	31,160.60	-	-	-	-	-	-	-	-	-	-	72,023.65
1346	City of Calhoun-Restricted	6,810.50	5,193.43	-	-	-	-	-	-	-	-	-	-	12,003.93
3132	Calhoun Recreation Dept.	13,621.02	10,386.87	-	-	-	-	-	-	-	-	-	-	24,007.89
	<b>Total Paid By H/M Fund</b>	<u>\$ 108,968.15</u>	<u>\$ 83,094.94</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 192,063.09</u>
	<b>Paid to Industrial Development by City of Calhoun</b>	<u>\$ 10,000.00</u>	<u>\$ 10,000.00</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 20,000.00</u>
	<b>Paid to Downtown Development by City of Calhoun</b>	<u>\$ 25,000.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>\$ 25,000.00</u>

**Balance in City Held Accounts as of 10/31/2024**

	Beginning Balance as of 7/1/2024	Revenue	Expenses	Balance as of 10/31/2024
City of Calhoun-Unrestricted	\$ 1,202,313.94	\$ 72,023.65	\$ (20,000.00)	\$ 1,254,337.59
City of Calhoun-Restricted	\$ 73,111.94	\$ 12,003.93	\$ -	\$ 85,115.87
Downtown Development	\$ 126,577.92	\$ 25,000.00	\$ (17,327.50)	\$ 134,250.42
Calhoun Recreation Dept.	\$ 256,583.39	\$ 24,007.89	\$ (297,703.00)	\$ (17,111.72)

## Utilities Cash Report

### Utility Operating Account

Electric	Checking	\$ 1,689,487.95
Water & Sewer	Checking	3,396,249.58
Telecommunications	Checking	941,412.33
Utilities Administration	Checking	1,849,977.32
<b>Total Operating</b>		<b>7,877,127.18</b>

Electric Reserves & Unrestricted Investments	Reserves - Checking	3,905,970.28
Telecom Reserves & Unrestricted Investments	Reserves - Checking	243,684.00
Water / Sewer Reserves & Unrestricted Investments	Reserves - Checking	3,651,467.22
Bond Sinking Fund	Savings	271,392.82
Utility Deposits	Checking	1,233,836.15
City of Calhoun Shuler Bond	Savings	38,468.48
City of Calhoun Investment Account	Money Market	7,689,202.02
<b>Total Savings &amp; Reserves</b>		<b>17,034,020.97</b>

**GRAND TOTAL - 10/31/2024**

**\$ 24,911,148.15**

### Utilities Investments

Electric	\$ 20,632,626.85
Water	\$ 19,908,808.78
Sewer	\$ 5,595,413.87
Telecommunications	\$ 2,931,980.30
<b>City of Calhoun - Various Investments</b>	<b>\$ 49,068,829.80</b>