

## SEPTEMBER PAID BILLS CONTINUED

AFLAC	1468.39	GLOBE CHEMICAL CO INC	60.39
GEORGIA POWER COMPANY	20.87	GMEBS LIFE HEALTH FUND	18725.00
PRO SOLUTIONS	864.36	PITNEY BOWES	162.00
PATES LAWNMOWER REPAIR	63.00	CHILD SUPPORT ENFORCEMENT	189.58
KELLER OUTDOOR INC	1303.63	COMMUNICATIONS & ELECTRONICS	100.88
COHUTTA BANKING COMPANY	23214.19	NATIONWIDE RETIREMENT SO	342.00
VERIZON WIRELESS	531.17	RON WILSON	75.97
METLIFE C/O FASCORE LLC	90.59	LEGAL SHIELD	25.90
BANKCARD CENTER	936.24	FIRST IMPRESSIONS PRINTING	86.20
WELLS FARGO	180.00	JORDON PARKER	28.99
RDJ SPECIALTIES INC	1051.53	CHAPTER 13 STANDING TRUSTEE	85.00
JERRY BRYSON CONSULTING	1998.99	BABBS BODY SHOP	85.00
COMMISSIONER OF MC	327.83	GEORGIA TECHNOLOGY AUTHORITY	514.70
C J WALLS	150.00	COMMUNITY DEVELOPERS FOR	25.00
NORTH GEORGIA EMC - SEDC	199.34	MCCAMY PHILLIPS TUGGLE	1640.91

**CITY OF CHATSWORTH  
COUNCIL MEETING  
NOVEMBER 5, 2012**

The Chatsworth City Council met in regular session on Monday, November 5, 2012 at 6:00 p.m. in the Council Chambers of City Hall with Mayor Dan Penland presiding.

Mayor Penland called the meeting to order and the first order of business being the adoption of the minutes of the last meeting and adoption of the agenda.

These items being before those present, Mayor Penland entertained a motion to approve the minutes and agenda.

Wayne, "I so move." Celeste seconded and the motion passed by a vote of 4 to 0.

**OLD BUSINESS**

None

**NEW BUSINESS**

**Presentation of a resolution by Steve Smith, Water Works Commission, regarding negotiations of the Carters Lake Water Storage Contract -**

Steve advised that the WWC has a 2,000,000 gallon per day water storage contract with the Corp of Engineers where we can draw 2,000,000 gallons per day from Carters Lake. We are also members of the Coosawattee Regional Water and Sewer Authority along with Ellijay, Pickens County and Calhoun. What we are looking at is that since we started purchasing water from Dalton Utilities, Calhoun and Ocoee we just run Carters on an as needed basis just to maintain those few customers there and the Corp of Engineers property. What we are planning on doing is selling the permit to Coosawattee Regional Authority. They would purchase it from us and we would still maintain 500,000 gallons per day of capacity since we are members of the Authority. We would build another plant on the other side of the lake which would be accessible to all the members. Now where the plant is it is only accessible to us, none of the others have access. In doing so we are having to negotiate with the Corp of Engineers, first to get the name on the water source contract changed from City of Chatsworth to the Coosawattee Regional Water and Sewer Authority and the next step would be getting approval to move the intake from the area it is currently to the other side of the lake.

The resolution is basically to give me or the commission the authority to negotiate this. This will be a long drawn out process dealing with the Corp so that we don't have to keep coming back each time to get approval.

Gary further advised that the long range plan is that the money the Water Commission received. We also have a permit below the dam to take out 2,000,000 gallons per day. Their plan is to take the money and purchase land on the Coosawattee for a plant once it is needed.

**RESOLUTION**

WHEREAS THE CITY OF CHATSWORTH WISHES TO AUTHORIZE THE CITY OF CHATSWORTH WATER WORKS COMMISSION TO ENGAGE IN NEGOTIATIONS WITH THE COOSAWATTEE REGIONAL WATER AND SEWERAGE AUTHORITY CONCERNING THE CARTERS LAKE WATER STORAGE CONTRACT AND TO ALTER OR TRANSFER THE CARTERS LAKE WATER STORAGE CONTRACT IF AN AGREEMENT IS REACHED;

AND THE CITY OF CHATSWORTH REALIZING THAT THE ALTERATION OR TRANSFER OF SAID CARTERS LAKE WATER STORAGE CONTRACT WOULD BE IN THE BEST INTERESTS OF BOTH THE CUSTOMERS OF THE CITY OF CHATSWORTH WATER WORKS AND THE CITIZENS OF NORTHWEST GEORGIA REPRESENTED BY THE COOSAWATTEE REGIONAL WATER AND SEWERAGE AUTHORITY;

THEREFORE THE CITY OF CHATSWORTH HEREBY PASSES THIS RESOLUTION AND AUTHORIZES THE CITY OF CHATSWORTH WATER WORKS COMMISSION AND ITS GENERAL MANAGER TO : (1) ENGAGE IN NEGOTIATIONS WITH THE COOSAWATTEE REGIONAL WATER AND SEWERAGE AUTHORITY AND THE ARMY CORPS OF ENGINEERS CONCERNING THE TRANSFER AND/OR ALTERATION OF THE CARTERS LAKE WATER STORAGE CONTRACT AND (2) ALTER THE TERMS OF SAID CONTRACT AS MAY BE NECESSARY AND (3) TRANSFER THE CARTERS LAKE WATER STORAGE CONTRACT TO THE COOSAWATTEE REGIONAL WATER AND SEWERAGE AUTHORITY IF AN AGREEMENT IS REACHED.

THIS RESOLUTION WAS PASSED BY A VOTE OF 4 TO 0 AT A COUNCIL MEETING HELD ON NOVEMBER 5, 2012.

CITY OF CHATSWORTH

/s/ Dan Penland  
Mayor

ATTEST: /s/ Wilma Nolan  
City Clerk

S E A L

Discussion followed. Gary, "I make a motion we give the Mayor the authorization to sign this resolution to negotiate."

Wayne seconded and the motion passed by a vote of 4 to 0.

Sandy Adams, Keep Chatsworth Murray Beautiful, wishes to address the council regarding a grant -

Ms. Adams advised that they had a grant opportunity to get funding for a small orchard. So we are asking for permission to extend this to the back of the outdoor classroom 70 feet the whole width of the classroom. The edible garden would connect right to the orchard. We are going to apply for the funds any way, although that does not mean we will get them.

Mayor Penland felt we needed to review the original plan before acting on this matter at this point and time. The original plans call for a walking track and a pavillion which this could interfere with.

Mr. Adams advised they were looking-crab apple, persimmon and pecan trees.

Ms. Adams will meet with Everett to review this matter.

Request the appointment of Tyson Haynes to the Board of Appeals- To fill the unexpired term of Jim Rich (Term ends 04-2012) -  
Fred, "I so move." Celeste seconded and the motion passed by a vote of 4 to 0.

Holiday Closing - November 22 - Thanksgiving Day (Holiday)  
November 23 - Vacation Day

Fred, "I so move." Gary seconded and the motion passed by a vote of 4 to 0.

COMMITTEE REPORTS

FINANCE: Wayne advised that all departments are within budget and most of the revenue is coming in within the next month.

We are presently working on a budget for next year.

INFRASTRUCTURE: Gary advised that the street department had removed 2 houses. Trash has continued to increase. Providing assistance with the festival. Christmas lights will be hung within the next few weeks.

Steve Smith, WWC, advised the commissioners had approved their budget and they would be submitting this next month.

The festival created some problems. We need to try to keep them out of the park and on the streets. Considerable damage is happening to the underground utilities.

INTERGOVERNMENTAL & TECHNOLOGY: Presentation of the second reading of an Ordinance Going out of Business - Sales.

Chapter 9

ARTICLE XII. GOING - OUT-OF BUSINESS SALES

Sec. 9-160. Purpose and Intent

The City finds and declares thht the provisions of the ordinance codified in this chapter are necessary to further significant City interest in that:

- A. Prolonged liquidation or "going out of business" sales could tend to create, or leave the impression of, blighted or economically depressed conditions in and around the location of the sale; and
- B. Liquidation or forced sales are frequently characterized by large banners or signs which can result in visual blight, and the presence of a large number of persons which can result in traffic congestion, noise, and litter.
- C. The City's public officer or designee will regulate, license, and monitor this form of business to protect consumers from misleading or fraudulent practices. The law prbhbits conducting a going-out-of-business sale for more than 90 days. After this time limit has expired, it is against the law to do business in any other manner contrary to representations that were made about the nature of the sale. O.C.G.A 10-1-393(b)(24)

**Sec. 9-161. Exceptions**

The provisions of this chapter shall not apply to, affect, the following:

- a) Estate sales by an authorized agent of the deceased, according to the law or by the provisions of the will;
- b) Sales of property conveyed by security deed, deed of trust, mortgage or judgement, or ordered to be sold according to the deed, mortgage or judgement order;
- c) Sales of all agricultural produce and livestock arising from the labor of the seller or other labor under the seller's control, on or belonging to the seller's property, and not purchased or sold for speculation;
- d) All sales under legal process;
- e) Sales by a pawnbroker or loan company selling or offering for sale unredeemed pledges of goods, as provided by law; and
- f) Sales of automobiles by an auctioneer licensed under the laws of the state of Georgia;
- g) Duly licensed auctioneers selling at an auction;

**Sec. 9-162. Going Out of Business Requirements****Restriction on stock offered for sale:**

The stock offered for sale by any person under the designation of "closing out of business sale," "discontinuance of business sale," or "removal sale" or under any other description of like meaning, not involving bankruptcy or insolvency, shall be held to include only the goods, wares, furniture, fixtures, jewelry, merchandise or personal property actually in the stock or place of business of the person conducting the sale, at the operating of the sale.

**Adding to Stock:**

It shall be unlawful to add to the stock, under the provisions of this ordinance, by shipping in goods, ware or merchandise from the other sources, unless such replenishment is publicly advertised or clearly indicated as such by items.

**Change of Ownership not to affect status of sale:**

No change of ownership of the goods, wares, furniture, fixtures, jewelry, merchandise or property offered in sale as prescribed in this ordinance and no change of ownership of the capital stock of a corporation conducting such sale shall affect the status of the sale as governed by this ordinance. If an owner of a place of business discontinues the business, the owner can not reopen at the same location, under the same ownership and name of the closed business for six (6) months.

**Misrepresenting sales:**

Any person advertising by newspaper, radio, posters, or otherwise, representing that he/she is operating, offering or maintaining fire sales, wreck sales, bankrupt sales, closing out or going out of business sales, removal sales and similar businesses, whereby the public is lead to believe that they are being offered merchandise at reduced rates on account of fires, wrecks, bankruptcies, or closing out or discontinuance of business, when in fact such sales are not bona fide, but are fakes and frauds, and the advertisements and representation are untrue and false, shall be held guilty of a misdemeanor, punishable, upon conviction, in accordance to this ordinance, and each day that such sale of business is conducted in violation of the terms of this section shall constitute as separate offense.

**Sec. 163. Permit Required**

1. No person shall conduct any sale without first having obtained a permit from the City to conduct the sale;
2. An application for the permit required by this Chapter shall be filed with City Hall at least twenty (20) days prior to the date on which the sale is commenced;
3. The application shall be accompanied by a fee of \$15.00 and a permit fee of \$50.00, as established by resolution of the City Mayor and Council;
4. The application shall be signed and under penalty of perjury, by the person conducting the sale or by an authorized representative of the business entity conducting the sale;
5. The application shall contain the following information;
6. The address of the location at which the sale is to be conducted;
7. The dates and times during which the sale is to be conducted;
8. The type of ownership of the business and, if other than a sole proprietorship, the position held with the business entity by the person signing the application;
9. The reason, for and the nature of, the sale;
10. An inventory statement setting forth the quantity and description of all goods and merchandise

to be sold at the sale with sufficient information to permit identification of the goods and merchandise upon inspection;

11. Such other information as the Public Officer or designee may deem necessary in determining whether to issue the permit;
12. At the time the application is filed, applicant shall grant permission to the Public Officer to enter, during normal business hours, the property or premises on which the sale is to be conducted for the purpose of verifying the accuracy of the inventory statement required by this ordinance;
13. The Public Officer or designee shall grant the permit upon a determination that the statements in the application are true and the proposed sale does not violate any City ordinance or state law. The decision to grant or deny the permit shall be made at least ten (10) days prior to scheduled commencement of the sale. The Public Officer may impose conditions on the permit as are necessary or appropriate to protect the interest of the city and persons residing or working near the location of the sale;

**Sec. 9-164. Permit/Term and Conditions:**

A permit issued by the Public Officer to the first application shall be valid for a period of sixty (60) days, and shall be subject to the conditions specified in this ordinance and conditions imposed by the Public Officer. Business's participating in these types of sales will be required to obtain a permit from the City's Land Use and Development Office.

- a) Permits shall be issued only one permit per year, to approved applicants. No subsequent permit shall be issued to a business to extend or any sooner than one year;
- b) All permits issued pursuant to this chapter shall be subject to the following conditions;
- c) The permittee shall comply with all applicable city ordinances and state laws;
- d) Permittee shall sell only the goods specified in the original inventory or the statement describing goods ordered, but not received;
- e) Permittee shall not engage in a false, fraudulent or deceptive business practice in the conduct of the sale; and advertising shall not be no more than 90 days as state laws requires;
- f) Additional conditions may be imposed on the permit subsequent to issuance if, in the opinion of the Public Officer, those conditions as necessary or appropriate to protect in the interest of the city or person residing or working near the location of the sale;
- g) A permit issued pursuant to the provisions of this chapter shall not be transferable;

**Sec. 9-165. Enforcement/Violations**

Individuals, business and practitioners who fail or refuse to make available truthful and accurate statements the city requests or requires, for determining applicability information needed to comply with the provisions of this chapter, or conditions imposed on the permit, the city will revoke or will ask to surrender the business license issued to him/her for the business being discontinued.

Any person who neglects or refuses to comply with any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be fined not less than \$100.00 or more than \$1000.00, and each day of continued violation after conviction shall constitute a separate offense.

**Sec. 8-166. Appeals Process**

The applicant may appeal the denial of a license to the governing body, by filing a written appeal with the City Clerk within five (5) business days after the date of the denial notice. The City Council shall hear the appeal and shall render a decision within five (5) business days of the hearing.

The decision of the City Mayor and Council shall be final.

State enabling legislation reference - Georgia's Fair Business Practices Act (FBPA), O.C.G.A. § 10-393(b) (24)

The foregoing ordinance received a first reading on October 1, 2012 and a second reading on November 5, 2012. Upon section reading, a motion for passage of the ordinance was made by Councilman Graves, second by Councilwoman Martin and upon the question the vote is 4 ayes, and 0 nays, and the Ordinance is adopted.

/s/ Dan Penland  
Mayor

Attest:  
/s/ Wilma Nolan  
City Clerk

Wayne, "I so move we adopt it." Celeste seconded and the motion passed by a vote of 4 to 0.

**PUBLIC SAFETY:** Fred advised that Chief Martin had his reports. Accidents are down and the response time has increased.

Fred advised that Mr. Baxter had his reports. Mr. Baxter advised there was a house fire on Cherokee Street. The FLAMES course was held with 16 out of 24 graduating. The Fire Safety Month for children served 1100 children Pre-K to third grade, including Faith Worship Center and the High School.

Jason Castoe received an award from the Rotary Club for his professionalism.

Festival parking was an issue with safety involving the crossing of Highway 411. The festival has outgrown the small area it is held in. Further discussion followed, Mayor Penland advised he would express these concerns to Dinah Rowe of the Chamber of Commerce.

Mayor Penland adjourned the meeting.

ATTEST:

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City Clerk

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Mayor Dan Penland

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Alderman Wayne Graves

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Alderwoman Celeste Martin

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Alderman Gary Brock

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Alderman Fred Welch

OCTOBER PAID BILLS

CHATSWORTH PAWN AND SPORTING	105.00	CHAMBER OF COMMERCE	400.00
PAT DENSMORE SELF	562.00	GLOBE CHEMICAL CO INC	444.82
GT DISTRIBUTORS INC	134.99	G & S OFFICE SUPPLY INC	105.44
LIBERTY NATIONAL LIFE	1356.62	KEEP CHATSWORTH MURRAY	2083.34
CHATS/MURRAY HEALTH DEPT	416.67	CHATS/MURRAY LIBRARY	2500.00
PURE UV WATER COOLERS	30.00	WHOLESALE SUPPLY GROUP	114.21
KLEEN-A-MATIC	589.35	GA ASSOC CHIEFS POLICE	125.00
CONSOLIDATED FLEET SVC	1257.50	CHILD SUPPORT ENFORCEMENT	189.58
COLE'S EQUIPMENT COMPANY	83.96	B & B GARAGE	13.40
COHUTTA BANKING COMPANY	25890.32	NATIONWIDE RETIREMENT SO	342.00
MITCHELL SMITH	5000.00	METLIFE C/O FASCORE LLC	90.59
PEACE OFFICERS A & B FUND	260.00	WELLS FARGO	180.00
HALSEN PRODUCTS COMPANY	116.80	CHAPTER 13 STANDING TRUSTEE	85.00
GAS SOUTH	915.20	BRADLEY BUILDERS SUPPLY	542.31
CHATSWORTH FARM & GARDEN	48.97	CHATSWORTH AUTO PARTS	205.58
CHATSWORTH TIMES	372.60	FORT VIEW CLEANERS	131.60
WINDSTREAM	1312.44	GMEBS	10084.00
GSCCCA	2480.24	MURRAY COUNTY FEED & SEED	49.95
VULCAN MATERIALS COMPANY	1628.64	PEACE OFFICERS A & B FUND	604.06
MC COMMISSIONER - DATE	651.26	DALTON TRUCK INC	650.48
ADVANCE AUTO PARTS	2.19	MURRAY COUNTY JAIL FUND	807.80
VICTIMS COMP PROBATION	18.00	COURTWARE SOLUTIONS	720.00
WRIGHT EXPRESS FSC	9667.24	COLTON BRENT JOHNSON	161.00
TRAVIS ANDREW BARGER	565.00	JAMES LYLES	25.00
LOST CREEK LAND SERVICES	89.00	GOVERNMENTAL SYSTEMS INC	767.79
KEN SMITH AUTO PARTS	333.57	AUTOZONE/AZ COMMERCIAL	345.38
5% VICTIMS SURCHARGE	434.11	GEORGIA POWER COMPANY	15788.77
MUNICIPAL CODE CORPORATION	500.00	CONNIE REED CLERK	2.00
CHILD SUPPORT ENFORCEMENT	189.58	KELLER OUTDOOR INC	875.00
COMMUNICATIONS & ELECTRONICS	675.75	COHUTTA BANKING COMPANY	25682.34
NATIONWIDE RETIREMENT SOL	342.00	METLIFE C/O FASCORE LLC	90.59
ACE HARWARE OF VARNELL	279.00	AIRGAS USA LLC	51.00
NORTH GEORGIA TIRE	1946.47	WELLS FARGO	180.00
JARRETT'S BUSINESS MACHINES	21.04	CHAPTER 13 STANDING TRUSTEE	85.00
CHATSWORTH FORD	3532.47	CHILD SUPPORT ENFORCEMENT	189.58
SANTEK ENFIORNMENTAL GA	2566.35	PURCHASE POWER	1000.00
COHUTTA BANKING COMPANY	23385.49	NATIONWIDE RETIREMENT SO	342.00
METLIFE C/O FASCORE LLC	90.59	HOGANS TIRE & LUBE 3	420.00
WELLS FARGO	180.00	CHAPTER 13 STANDING TRUSTEE	85.00
AFLAC	1468.39	GEORGIA POWER COMPANY	20.69
GMEBS LIFE HEALTH FUND	19991.30	COUNCIL OF MUNICIPAL	50.00
C J WALLS	105.00	CHILD SUPPORT ENFORCEMENT	189.58
FRETTA PULLIAM	29.00	COHUTTA BANKING COMPANY	22986.72
NATIONWIDE RETIREMENT SOLUTIONS	342.00	METLIFE C/O FASCORE LLC	90.59
LEGAL SHIELD	25.90	BANKCARD CENTER	1047.78
MCCAMY PHILLIPS TUGGLE	170.00	WELLS FARGO	180.00

## OCTOBER PAID BILLS CONTINUED

CHAPTER 13 STANDING TRUSTEE	85.00	RANDALL WILLIAM BROOKS	564.00
CINTAS FIRST AID	64.49	COMMISSIONER OF MC	628.00
GEORGIA TECHNOLOGY AUTHORITY	542.65	CHILD SUPPORT ENFORCEMENT	189.58
COHUTTA BANKING COMPANY	25835.20	NATIONWIDE RETIREMENT SOLUTION	342.00
VERIZON WIRELESS	559.51	METLIFE C/O FASCORE LLC	90.59
PEACE OFFICERS A & B	260.00	NORTH GEORGIA EMC - SEDC	201.71
WELLS FARGO	180.00	CHAPTER 13 STANDING TRUSTEE	85.00

CITY OF CHATSWORTH  
CALLED HEARING  
NOVEMBER 26, 2012

City Attorney Steve Williams advised that this called hearing was for the purpose of an appeal that was filed by Mr. Jim Whitehead. The separation notice (The first one was withdrawn and the second remains.) that was given to Mr. Whitehead state the City is doing away with Mr. Whitehead's position. Under the rules he is technically not entitled to appeal the City's decision to do away with that position. I have spoken with Mr. Whitehead within the last ten minutes and he understands and acknowledges that and therefore has decided there is no purpose in having this hearing. Therefore, Mr. Whitehead has left and I am making this announcement. There will be no hearing today.

The police committee of Fred Welch, Gary Brock and Wayne Graves was present however, there was no need of their service. Also in attendance was several members of the press and broadcasting media. Raymond Butler, Jimmy Beavers, and Mitchell Smith were also present in the audience, along with Mayor Dan Penland at the 3:00 p.m. scheduled hearing.

Attest \_\_\_\_\_  
City Clerk

CITY OF CHATSWORTH  
PUBLIC HEARING  
NOVEMBER 26, 2012

The Chatsworth City Council met on November 26, 2012 at 6:00 p.m. in the Council Chambers of City Hall for the purpose of conducting a public hearing for the proposed 2013 budget.

PRESENT: Mayor Dan Penland, Aldermen: Wayne Graves, Celeste Martin, Gary Brock and Fred Welch. WWC Manager Steve Smith and City Clerk Wilma Nolan

Mayor Penland called the public hearing to order.

Finance Chairman Wayne Graves presented the following proposed budget.

2013  
PROPOSED BUDGET

PROPOSED REVENUES	4,165,927.11	
PROPOSED EXPENDITURES		
ADMINISTRATION	454,684.96	
FIRE DEPARTMENT	813,316.89	
HEALTH AND SANITATION	171,140.27	
PARKS	30,000.00	
POLICE DEPARTMENT	1,092,482.93	
STREET DEPARTMENT	1,126,165.12	
ZONING AND CODE ENFORCEMENT	78,136.94	
CAPITAL IMPROVEMENTS	400,000.00	
TOTAL PROPOSED BUDGET	4,165,927.11	4,165,927.11

Mayor Penland called for questions on the city budget. There were no questions.

Steve Smith presented the WWC budget.

Mayor Penland called for questions on the Water Works budget.

There being no questions Mayor Penland closed the hearing.

ATTEST:

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CITY CLERK

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MAYOR DAN PENLAND

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ALDERMAN WAYNE GRAVES

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ALDERWOMAN CELESTE MARTIN

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ALDERMAN GARY BROCK

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ALDERMAN FRED WELCH