

# **GEORGIA, Murray County**

## **MINUTES**

**The Murray County Commissioner held a public meeting Tuesday, October 6, 2009 at 9:00 a.m. in the hearing room of the Murray County Courthouse Annex.**

**Commissioner Ridley called the meeting to order and welcomed those in attendance.**

**By signature and execution the minutes of September, 2009 were approved.**

**With an addition of item F: Agreement: Santek Landfill Operation/Methane Gas to the agenda, Commissioner Ridley adopted the agenda as presented.**

**Under new business the following items were addressed and approved.**

- A. Approved Murray County Land Use Development Planning  
Commission Minutes Dated September 15, 2009**

**(Commissioner Ridley asked Mr. Edward Dunn, Land Use Development Board Member to Address Item A.)**

**Co-Chairman David McDaniel called the meeting to order and added the Mountain Protection Act as Item 7 to the agenda.**

**Darrell Smith made a motion to approve the agenda with the addition of Item 7, Mountain Protection Act, 2<sup>nd</sup> by David Wells.**

**Darrell Smith made a motion to approve the minutes of the August meeting, David Wells 2<sup>nd</sup> the motion, all in favor, none opposed, motion carried.**

**Old Business: None**

**New Business:**

**Rules of order read by David McDaniel.**

**Item 1. Conditional Use of property for a Cemetary, owned by Meadow View Mennonite Church, located in land lot 249 district 8 of Murray County and addressed as 1212 Henry Gallman Road. Mr. Mervin Hooley was present for the meeting to represent the Church. Dick Barnes said the proposal was in order for**

hearing and recommends approval. Nancy Young said all notices had been sent to adjacent property owners. Public portion of the hearing open for comments from the audience. No one was present either for or against the proposal. Public portion of the hearing closed for board discussion. Darrell Smith made a motion to approve the request, 2<sup>nd</sup> by David Wells, all in favor, none opposed, motion carried.

**Item 2. Re-Classification of property from SR to RR located in land lot 85 district 10 of Murray County owned by Cleta Beavers and addressed on Dunn Road. Mrs. Beavers was present for the meeting. Mr. Barnes said the proposal was in order for granting and the office recommends approval. Nancy Young said all notices had been sent to adjacent property owners. Public portion of the meeting open for comments from the audience. No one present either for or against the request. Public portion of the meeting closed for board discussion. Darrell Smith made a motion to approve the request 2<sup>nd</sup> by David Wells, all in favor, none opposed, motion carried.**

**Item 3. Conditional Use of property in land lot 45 district 9 of Murray County being addressed as 300 Fullers Chapel Road, owned by Jose Gutierrez. Dick Barnes said the request was in order for presenting and noted that a barn is located on the property and AG type fencing that has been there for many years, and he recommends approval. Nancy Young said all notices have been sent to adjacent property owners. Mr. Gutierrez was present for the meeting. Public portion of the meeting open for comments from the audience. Paula Arnold, Mr. Gutierrez's neighbor spoke in favor of the conditional use, she said there has never been a problem with animals on the property and she thinks he should be allowed to keep them. No one else either for or against the request. Public portion of the meeting closed for board discussion. Darrell Smith made a motion to approve the request with the allowance of 3 horses and 20 chickens, 2<sup>nd</sup> by David Wells, all in favor, none opposed, motion carried.**

**Item 4. Re-Classification of property from SR to RR, located in land lot 22 district 9 of Murray County being 5.68 acres, owned by Kenneth and Mary Arnold addressed on Red Cut Road. Dick Barnes said the request was in order for hearing and he recommends approval with only the acreage required by the health department being rezoned, as it is now a nonconforming use with more than one dwelling on the property and one nonconforming use cannot be changed to another nonconforming use with more than one dwelling on the property and one nonconforming use cannot be changed to another nonconforming use. Nancy Young said all notices had been sent to adjacent property owners. Public portion of hearing open for audience comments. Mrs. Arnold was present for the meeting. No one else present either for or against the request. Public portion of the hearing closed for board discussion. Darrell Smith made a motion to approve the request by rezoning only 1 acre or what ever acreage the health department required, 2<sup>nd</sup> by David Wells, all in favor, none opposed, motion carried.**

**Item 5. Re-Classification of property located in land lot 76 district 10 of Murray County being two tracts owned by Sutton Lumber Company. Tract 1 HC to AG and tract 2 IND to AG. Mr. Barnes said that a sawmill is allowed in AG and the sawmill is being rebuilt after a fire destroyed it. The IND tract is being used for various other uses and should also be zoned to AG. Darrell Smith made a motion to approve the request, 2<sup>nd</sup> by David Wells, all in favor, none opposed, motion carried.**

**Item 6. Re-Classification of property form RR to MHP located in land lot 298 district 9 of Murray County being owned by Maxine Knick on Bishop Pond Road. Dick Barnes said there is 8 mobile homes on this property and thinks it needs to be MHP. Darrell Smith made a motion to approve the request, 2<sup>nd</sup> by David Wells, all in favor, none opposed, motion carried.**

**Item 7. Mountain Protection Ordinance. Dick Barnes said mountain protection means all land area 1,000 feet or more above sea level, that has a percentage slope of 25 percent or greater for at least 500 feet horizontally, he requests this be changed to not have a percentage slope of 25 percent but that all the area above 1,000 feet be protected. Darrell Smith made motion to approve the request, 2<sup>nd</sup> by David Wells, all in favor, none opposed, motion carried.**

**David Wells made a motion to adjourn the meeting, Darrell Smith 2<sup>nd</sup> the motion, all in favor, none opposed, meeting adjourned.**

**B. Public Notice: Erect Signage at intersection at Bell Loop and Freedom Way in Liberty Heights Subdivision.**

**Mr. Starnes, County Manager said this notice was posted today October 6, 2009.**

**PUBLIC NOTICE**

**In accordance with Section 66-26(a)(5) of the Code of Murray County, Georgia, notice is hereby provided that Murray County on October 21, 2009 will designate, properly erect signage and begin to enforce all provisions associated with a four-way STOP intersection at Bell Loop and Freedom Way in Liberty Heights Subdivision.**

**C. Notice of Intent of The Georgia Department of Transportation**

**Commissioner Ridley noted that item C, D and E were combined together and Mr. Starnes, County Manager explained the items.**

**NOTICE OF INTENT OF  
THE GEORGIA DEPARTMENT OF TRANSPORTATION**

**TO THE COMMISSIONER OF MURRAY COUNTY**

**WHEREAS, in order to support the movement of interregional and truck traffic around the city of Spring Place, the Georgia Department of Transportation**

(hereinafter called the Department), is planning to construct the Spring Place Bypass; and

WHEREAS, to accommodate preconstruction activities for this project, it will be necessary to add sections of projected roadway, as shown on the map (see auxiliary files), to the State Highway System as Routes 1212, 1212TA, 1212TB and 1212TC until the Bypass is opened to traffic; and

WHEREAS, when the Spring Place Bypass is opened for State Route service, the Department proposes to designate the roadway as State Route 225 as described herein and shown on the sketch map; (see auxiliary files) and

WHEREAS, in accordance with the terms stipulated in the attached Local State Route Acceptance Resolution, Murray County will accept for ownership, maintenance, utility accommodation, and as part of their respective road system, the old section of State Route 225 that will remain open as a public road, as described herein, when removed from the State Highway System; and

WHEREAS, the advancement of this project to construction is contingent upon the execution of the attached Local State Route Acceptance Resolution by the local officials and the proceeding Order of the Commissioner.

NOW THEREFORE, in the public interest, the Commissioner of the Georgia Department of Transportation, under the authority vested in him pursuant to the laws of the State of Georgia, does hereby serve notice of his intention to approve an Order thirty days from receipt by you of this notice and by which Order that the State Highway System be revised as described in the following paragraphs.

1. Add to the State Highway System the proposed Spring Place Bypass as State Route 225 (to be designated as State Route 1212 until opened for State Route service), beginning at its point of junction with State Route 225 north of Imperial Boulevard (Murray County Road 105) then proceeding in a northerly direction on new alignment to its point of junction with State Route 52, U.S. Route 76 west of the city of Spring Place.

Addition of approximately 2.88 miles (4.63 km) projected.

2. Remove from the State Highway System a section of State Route 225, to become effective when State Route 1212 is opened for State Route service, beginning its junction with State Route 225 north of Imperial Boulevard (Murray County Road 105) then proceeding in a northerly direction on existing alignment to its intersection with State Route 52/U.S. Route 76 in the city of Spring Place.

**Removal and reversion to the County approximately 2.49 miles (4.01 km) existing.**

- 3. Add State Route 225 common with State Route 52/U.S. Route 76, when State Route 1212 is opened for State Route service, beginning at its point of junction with State Route 52/U.S. Route 76 and projected State Route 1212 and extending in an easterly direction to its intersection with State Route 52/U.S. Route 76 and State Route 225.**

**No mileage change.**

- 4. Add section of projected alignment to the State Highway System, to be designated as State Route 1212TA until constructed, beginning at its point of junction with projected State Route 1212 and extending in a northeasterly direction to its points of junction with Spring Place Smyrna Road (Murray County Road 48).**

**Temporary addition of 0.53 mile (0.85 km) projected to be designated as a local road after project completion.**

- 5. Add a section of projected alignment to the State Highway System, to be designated as State Route 1212TB until constructed, beginning at its point of junction with projected State Route 1212TA and extending in a northerly direction to its point of junction with Spring Place Smyrna Road (Murray County Road 48).**

**Temporary addition of 0.09 mile (0.15 km) projected to be designated as a local road after project completion.**

- 6. Add a section of projected alignment to the State Highway System, to be designated as State Route 1212TC until constructed, beginning at its point of junction with projected State Route 1212TA and extending in a northerly direction to its point of junction with State Route 225.**

**Temporary addition of 0.08 mile (0.12 km) projected to be designated as a local road after project completion.**

**The foregoing descriptions are in conformity with sketch map 3526 (see auxiliary files) and plans for Project STP-00-0151-01(005) appearing in the files of the Department of which a copy of the sketch map is attached (see auxiliary files) for reference.**

**D. Resolution: Local State Route 225 Acceptance**

**LOCAL STATE ROUTE ACCEPTANCE RESOLUTION**

**GEORGIA, Murray County**

**WHEREAS, the Commissioner of Murray County (hereinafter called the County) are being notified that the Georgia Department of Transportation (hereinafter called the Department) intends to relocated a section of State Route 225 in said County as described in Notice of Intent 3526 as shown on the sketch map attached (see auxiliary files) thereto; and**

**WHEREAS, the County will accept for ownership, maintenance, utility accommodation, and as part of their local road system the old section of State Route 225 that will remain open as a public road and the connector roads (State Route 1212TA, 1212TB, and 1212TC) when removed from the State Highway System, upon completion of the work required by the Department; and**

**WHEREAS, upon execution of a forthcoming Order 3526, the County shall accept title and ownership of the property on the section of old State Route 225 being removed from the State Highway System; and**

**WHEREAS, the Department shall continue to retain jurisdictional authority and maintenance responsibility on the old section of State Route 225 being removed from the State Highway System until the improvements referenced in Notice 3526 are completed; and**

**WHEREAS, upon completion of the road improvements described in said Order, the County shall by operation of law have jurisdictional as well as maintenance and operational authority over the connector roads (State Routes 1212TA, 1212TB, and 1212TC) and the old section of State Route 225 that will remain open as public roads; and**

**WHEREAS, the implementation of these State Highway System revisions are contingent upon the execution of this Resolution.**

**NOW, THEREFORE, IT IS RESOLVED that the County will execute this Resolution and that a signed copy of this Resolution be furnished to the Department.**

**E. Resolution: Federal-Aid Highway**

**FEDERAL-AID HIGHWAY  
RESOLUTION**

**WHEREAS, the Georgia Department of Transportation intends to request approval from the Federal Highway Administration to revise the Highway Functional Classification System in Murray County; and**

**WHEREAS, these revisions are necessary to reflect the future addition of the Spring Place Bypass as a relocation of State Route 225 once Project STP-00-0151-01(5) is opened for State Route service; and**

**WHEREAS, the Federal Highway Administration requires that revisions to the Federal Highway System be made by each state acting through its state highway agency and the appropriate local officials or metropolitan planning organization acting in cooperation with each other.**

**NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Georgia Department of Transportation take the necessary steps to revise the Federal Highway System as shown on the attached sketch maps (see auxiliary files) numbered 1285R and as described in the following paragraphs:**

- 1. Add the projected Spring Place Bypass to the Highway Functional Classification System as a Rural Minor Arterial, beginning at its point of junction with State Route 225 north of Imperial Boulevard (Murray County Road 105) then extending in a northerly direction along projected alignment to its point of junction with State Route 52/U.S. Route 76 west of Robert Jackson Road (Murray County Road 413).**

**Addition of Approximately 2.88 miles/4.63 km. (projected)**

- 2. Reclassify a section of State Route 225 from a Rural Minor Arterial to a Rural Major Collections (when the proposed Spring Place Bypass is opened for State Route service), beginning at its point of junction with the proposed Spring Place Bypass north of Imperial Boulevard (Murray County Road 105) then extending in a northerly direction on existing alignment to its intersection with State Route 52/U.S. Route 76 in the city of Spring Place.**

**Approximately 2.49 miles/4.01 km.**

**IT IS FURTHER RESOLVED, that a certified copy of this resolution be furnished to the Georgia Department of Transportation.**

**F. Agreement: Sanitary Landfill Operation/Methane Gas**

- 1. Commissioner Ridley asked Cheryl Dunson, Santek to explain what this means to the County.**
- 2. Mr. Rob Burnette, Santek also explained what this means to the County.**
- 3. Mr. Steve Anglea, Georgia Power Company explained benefits for Georgia Power Company.**

4. **Mr. Mack Belue asked Mr. Steve Anglea, Georgia Power Company how this would work for Georgia Power.**
5. **Mr. Steve Anglea, Georgia Power Company asked Mr. Rob Burnette, Santek further questions.**
6. **Mr. Mack Belue asked Commissioner Ridley a question on money the County will receive from this.**

**Reference is made to the Sanitary Landfill Operation Agreement, dated as of June 12, 2002 (the "Operation Agreement"), between Murray County, Georgia (the "County") and Santek Environmental of Georgia, LLC (the "Contractor") (Contractor and the County, each a "Party" and collectively, the "Parties").**

**This letter agreement is intended to memorialize certain agreements of the County and the Contractor related to Contractor's management, collection and use of landfill gas emissions from the Murray County Sanitary Landfill (the "Landfill").**

1. **During the Agreement Period as set forth in Section 3.5 of the Operation Agreement (the "Term"), Contractor shall have the exclusive right, title and benefit to and of all of the landfill gases and their constituents, including methane, carbon dioxide and other gases produced by the decomposition of matter within the Landfill or otherwise existing in or under the Landfill, at such depths as such Landfill gas may exist.**
2. **In connection with the rights granted to Contractor under this letter agreement, Contractor acknowledges and agrees that:**
  - (a) **Contractor obligations to conduct the work under the Operation Agreement (as defined herein) shall not be adversely affected by the letter agreement.**
  - (b) **All activities and operations of Contractor under this letter agreement shall be in compliance with the requirements of all applicable laws, and Contractor shall obtain all licenses and permits necessary for its activities and operations.**
  - (c) **Contractor shall bear all liability, costs and expenses related to, or arising from, any activities or operations under this letter agreement, and it shall indemnify and hold harmless the County and its officers, agents, and employees against any claims incurred by or asserted against the County relating to, or arising from, such activities and operations.**
  - (d) **Contractor shall not permit the Landfill to become subject to any lien or encumbrance in connection with the activities or operations under this letter agreement, and if any such liens or encumbrances are filed against the Landfill, Contractor shall cause the same to be discharged of record by payment, deposit or bond.**
  - (e) **In consideration of the County's grant of access and exclusive rights to the landfill gas, the contractor agrees to pay the County an amount**



equal to five percent (5%) of any gross revenues received by the Contractor from the sale of landfill gas or any products derived from the landfill gas on an annual basis. Revenues from the sale of landfill gas or any product derived from landfill gas may include electricity or medium BTU fuel or environmental attributes such as the sale of carbon and renewable energy credits, but not including the value of any federal, state or local subsidies or incentives associated with landfill gas. The Contractor agrees to provide annual statements to the County setting forth information regarding its landfill gas operations and information relating to the sale of landfill gas and products derived there from.

Contractor shall not have the right to transfer, assign or subcontract the rights granted to it hereunder without the expressed written consent of the County, which consent shall not be unreasonably withheld.

This letter agreement may be executed in counterparts, each of which, when so executed and delivered, shall constitute an original fully enforceable counterpart for all purposes.

Documents are located in the auxiliary file.

**ADJOURNMENT:**

This 6<sup>th</sup> day of October, 2009

**ATTEST:**

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Charlene Miles, Deputy Clerk

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David Ridley, Commissioner

**In Attendance: David Ridley, Charlene Miles, Tommy Parker, Tom Starnes, Cheryl Dunson/Santek, Rob Burnette/Santek, Gary Tanner, Edward Dunn, Mack Belue, Steve Anglea, Danny Cochran, Louis Dykes, Dinah Rowe, Jason Ridley, David Robinson, Katie Jackson**