

# **GEORGIA, Murray County MINUTES**

**The Murray County Commissioner held a public meeting Tuesday, August 2, 2011 at 9:00 a.m. in the hearing room of the Murray County Courthouse Annex.**

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

**By signature and execution the minutes of July 2011 were approved.**

**With an addition of item (E) vehicle purchase to the agenda, Commissioner Hogan 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 July 26, 2011**

**The meeting was called to order by Chairman Steve Anglea at 7:00p.m.  
The first order of business was approval of the agenda. Darrell Smith made the motion to approve the agenda, David McDaniel seconded the motion and the motion was unanimously approved.**

**The next order of business was approval of the minutes from the May meeting. Edward Dunn made the motion to approve the minutes as written. The motion was seconded by Darrell Smith and was unanimously approved.**

**Old Business: None**

**New Business:**

**Steve Anglea read the rules of order and opened the public portion of the meeting.**

**Item 1. Re-Classification of property from HC to AG owned by William Winkler in land lot 260 district 9 of Murray County addressed on Hwy 225 South. Mr. Winkler will be late for the meeting so Chairman Steve Anglea suggested his request be heard last. All members approved this suggestion.**

**Item 2. Re-Classification of 2.8 acres of property owned by Mable Haygood in land lot 258 and district 8 of Murray County located on Henry Gallman Road from SR to RR, Ms. Haygood was present and stated she wanted to put a manufactured home on the property. Dick Barnes said the request was in order for presenting and this is a mixed use area and his office recommends approval. Nancy Young said notices had been sent to adjacent property owners. No one present either for or against the request. Public portion of the hearing closed for board discussion. Edward Dunn**

made a motion to approve the request, 2<sup>nd</sup> by Darrell Smith, the motion was unanimously approved.

**Item 3. Re-Classification of property from SR to RR owned by Clara Breon located at 700 Crumbley Road in land lot 312 district 10 of Murray County being 20 acres.** Mrs. Breon's son Doug Myers was present representing Mrs. Breon. Dick Barnes said that the property is bordered on the north and south by SR zoning and on the east by RR. Changing to AG would create an island in the middle of a Suburban Residential zoned area and may be disruptive to the harmony of the area. Staff does not recommend approval. Nancy Young said all notices had been sent to adjacent property owners. Connie Boring of Maryville TN., Mrs. Breon's daughter stated they wanted their brother, Doug Myers, to move his mobile home on the property to be close to their mother who is 81 years old and is afraid to stay by herself at night. Myra Myers, daughter of Mrs. Breon, also spoke in favor of the request stating that their brother had agreed to move his mobile home on the property so he would be close to his mother as she and her sister lived so far away it was creating a hardship on them to travel so far to stay with their mother. Mr. Myers said it simply would cost too much to make the move. Mr. Sam Crumbley, brother of Mrs. Breon, spoke against the rezone saying his property bordered this property and he had a nice house and it would devalue his property if a mobile home was put on the property. Mr. Marvin Crumbley also a brother of Mrs. Breon, said he too was against the rezone for the same reasons his brother had stated. Aileen Jackson who lives next door to Mrs. Breon also said she was opposed to the rezone. No one else present for or against the request. Connie Boring said she still thinks her brother should be allowed to put his mobile home on the property. Mr. Myers stated again that he would not be putting a mobile home on the property. No one else present either for or against the request. Darrell Smith made a motion to deny the request 2<sup>nd</sup> by Edward Dunn, all in favor, none opposed, motion carried.

**Item 4. Re-Classification of property from SR to RR, owned by Susan Corbett addressed on Hawkins Road in land lot 206 district 10 of Murray County.** Mrs. Corbett was present for the meeting. Dick Barnes said the request was in order for presenting and the property in this area is a mixture of houses and mobile homes and his office recommends approval. Nancy Young said all notices had been sent. No one present either for or against the request. Steve Anglea closed the public portion of the meeting for board discussion. David McDaniel made a motion to approve the request, 2<sup>nd</sup> by Darrell Smith, all in favor, none opposed, motion carried.

**Item 1. Re-Classification of property from HC to AG owned by William Winkler in land lot 206 district 9 in Murray County, on Highway 225 South being 46.37 acres.** Mr. Winkler was present for the meeting and said he wants to use the property as a pasture. Dick Barnes said the request was in order for presenting and he recommended approval. Nancy Young said all notices had been sent to adjacent land owners. No one present either for or against the request. Public portion of the meeting closed for board discussion. David McDaniel asked if Mr. Winkler would

put chicken houses on the property and Mr. Winkler said not at this time and probably not in the future. David McDaniel made a motion to approve the request, 2<sup>nd</sup> by Darrell Smith, all in favor none opposed, motion carried.

Edward Dunn made a motion to adjourn, 2<sup>nd</sup> by Larry Morrison, meeting adjourned.

**B. 2<sup>nd</sup> Reading Ordinance: To authorize E-911 Surcharge on Prepaid Wireless Transactions (1<sup>st</sup> Reading July 5, 2011)**

**AMENDMENT  
TO  
THE CODE OF MURRAY COUNTY  
FOR  
IMPOSING A 9-1-1 CHARGE ON  
PREPAID WIRELESS SERVICE**

**STATE OF GEORGIA**

**COUNTY OF MURRAY**

**WHEREAS, the Commissioner of Murray County has determined that it is in the best interest of the public to amend the Code of Murray County and,**

**WHEREAS, the Commissioner of Murray County finds such amendments to be useful, necessary, and proper and,**

**WHEREAS, Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, as amended by Act No. 187, Georgia Laws 2011, authorizes counties and cities that operate a 9-1-1 public safety answering point to impose a 9-1-1 charge on prepaid wireless service at the retail point of sale; and,**

**WHEREAS, pursuant to Code Section 46-5-134.2 of the Official Code of Georgia Annotated such charges may be imposed at the rate of 75 cents per retail transaction; and**

**WHEREAS, revenues received by a county or municipality from such charges must be deposited in the emergency telephone assistance fund maintained by the county or municipality; and**

**WHEREAS, imposition of the charge on prepaid wireless service is contingent upon the enactment of an ordinance or resolution of the county or municipality; and**

**WHEREAS, Murray County operates a 9-1-1 public safety answering point.**

**NOW THEREFORE BE IT SO RESOLVED, by the Murray County Commissioner, that The Code of Murray County be amended as follows:**

**Section 1. 9-1-1 Charge on Prepaid Wireless Transactions**

In accordance with O.C.G.A. 46-5-134.2, there is hereby imposed a prepaid wireless 9-1-1 charge as defined by O.C.G.A. 46-5-134.2(a)(4) upon every prepaid wireless retail transaction occurring within the jurisdiction of the public service answering point in the amount of 75 cents.

**Section 2. Collection of 9-1-1 Charge on Prepaid Wireless Transactions**

Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the Commissioner of the Department of Revenue at the times and in the manner provided by Chapter 8 of Title 48 of the Official Code of Georgia Annotated with respect to the sales and use tax imposed on prepaid wireless calling service.

**Section 3. Administrative Provisions**

The Clerk of the County is hereby directed to file with the State Revenue Commissioner a certified copy of this ordinance and amendments thereto, in accordance with O.C.G.A. 46-5-134.2(j)(1), within ten (10) days of enactment of this ordinance.

**Section 4. Depositing of Funds; Use of Funds**

In accordance with O.C.G.A. 46-5-134.2(j)(5), funds received by this county from charges imposed by this ordinance shall be deposited in the Emergency Telephone System Fund maintained by this county pursuant to O.C.G.A. 46-5-134 and kept separate from general revenue of the jurisdiction; all such funds shall be used exclusively for the purposes authorized by O.C.G.A. 46-5-134(e).

**Section 5. Repealer**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 6. Effective Date**

The ordinance shall become effective January 1, 2012.

First Reading this 5<sup>th</sup> day of July, 2011

Be IT ORDAINED this 2<sup>nd</sup> day of August, 2011, by the Commissioner of Murray County, Georgia.

C. Agreement: Georgia Dept of Transportation for County to comply with Title VI of the Civil Rights Act as a condition to receive Federal Funds

**GEORGIA DEPARTMENT OF TRANSPORTATION  
NONDISCRIMINATION AGREEMENT  
The Georgia Department of Transportation  
And**

### **Murray County, Georgia**

**The County, (hereinafter referred to as the “Recipient”) hereby agrees to comply with the following Federal Statues, U.S. Department of Transportation and Federal Highway Administration Regulations, and the policies and procedures promulgated by the Georgia Department of Transportation, as a condition to receipt of Federal funds.**

#### **Title VI of the Civil Rights Act of 1964**

**Title VI of the Civil Rights Act of 1964, as amended, provides that no person shall on the ground of race, color, national origin, sex, age, and handicap/disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds-whether schools and colleges, government entities, or private employers-must comply with Federal civil rights laws, rather than just the particular programs or activities that receive the funds.**

**Nondiscrimination programs require that Federal-aid recipients, sub-recipient, and contractors prevent discrimination and ensure nondiscrimination in all of their programs and activities, whether those programs and activities are federally-funded or not. If a unit of a State or local government is extended Federal-aid and distributes such aid to another governmental entity, all of the operations of the recipient and sub-recipient are covered. Corporations, partnerships, or other private organizations or sole proprietorships are covered in their entirety if such entity received Federal financial assistance (FHWA Notice N 4720.6, September 2, 1992).**

#### **Assurances 49 CFR Part 21.7**

#### **The County, HEREBY GIVES ASSURANCES:**

**That no person shall on the grounds of race, color, national origin, sex, age, and handicap/disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are federally-funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:**

**LIST ALL MAJOR PROGEAMS AND ACTIVITIES OF THE RECIPIENT**

- 1. That is will promptly take any measures necessary to effectuate this agreement.**
- 2. That each program, activity, and facility as defined at 49 CFR 21.23(b) and (3), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.**

3. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Federal Highway Administration and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, and successors in interest. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.
4. That the Recipient shall insert the following notification in all solicitations for bills for work or material subject to the Regulations and in adapted form all proposals for negotiated agreements.
5. The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, handicap/disabled in consideration for an award.
6. That the Recipient shall insert the clauses of Appendix A of this agreement in every contract subject to the Act and the Regulations.
7. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

## **IMPLEMENTATION PROCEDURES 23 CFR PART 200**

**This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 00 and the Title VI Implementation Guide.**

**For the purpose of this agreement, "Federal Assistance" shall include:**

1. Grants and loans of Federal funds;
2. The grant or donation of Federal property and interest in property;
3. The detail of Federal personnel;
4. The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
5. Any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

**The recipient shall:**

- 1. Issue a policy statement, signed by the head of the recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.**
- 2. Take affirmative action to correct any deficiencies found by the Federal Highway Administration within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.**
- 3. Establish a civil rights unit and designate a coordinator who has a responsible position in the organization and easy access to the head of the recipient. This unit shall contain a Title VI Equal Employment Opportunity Coordinator or a Title VI Specialist, who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.**
- 4. Adequately staff the civil rights unit to effectively implement the civil rights requirements.**
- 5. Process complaints of discrimination with the provisions contained in this agreement, investigations shall be conducted by civil rights personnel training in discrimination complaint investigations. Identify each complainant by race, color, national origin, sex, age, handicap/disability; the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report of investigation, will be forwarded to the Division Office of Civil Rights within 60 days of the date the complaint was received by the recipient.**
- 6. Collect statistical data (race, color, national origin, sex, age, handicap/disability) of participation in, and beneficiaries of the programs and activities conducted by the recipient.**
- 7. Conduct Title VI reviews of the recipient and sub-recipient contractor program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.**
- 8. Conduct training programs on Title VI and related statutes.**
- 9. Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.**

**a. Accomplishment Report**

List major accomplishments made regarding Title VI activities, include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Specialist and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews conducted by the Title VI Specialist. List any major problem(s) identified and corrected action taken. Include a summary and status report on any Title VI complaints filed with the recipient.

**b. Annual Work Plan**

Outline Title VI monitoring and review activities planning for the coming year; state by which each activity will be accomplished and target date for completion.

## **DISCRIMINATION COMPLAINT PROCEDURE**

**1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient's Title VI Specialist for review and action.**

**2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days:**

- . The date of the alleged act of discrimination; or**
- . Where there has been a continuing course of conduct, the date on which that conduct was discontinued.**

**In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.**

**3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surround the claimed discrimination. In the event that a person make a verbal complaint of discrimination to any officer or employee of the recipient, the person shall be interviewed by the Title VI Specialist. If necessary, the Title VI Specialist will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.**

4. Within 10 days, the Title VI Specialist will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the Federal Highway Administration and the Department of Transportation
5. Generally, the following information will be included in every notification to the Office of Civil Rights:
  - (a) Name, address, and phone number of the complainant
  - (b) Names and address(es) of alleged discriminating official(s)
  - (c) Basis of complaint (i.e., race, color, national origin, sex, age, disability/handicap).
  - (d) Date of alleged discriminatory act(s).
  - (e) Date of complaint received by the recipient.
  - (f) A statement of complaint.
  - (g) Other agencies (state, local or Federal) where the complaint has been filed.
  - (h) An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.
6. Within 60 days, the Title VI Specialist will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the recipient. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report findings.
7. Within 90 days of receipt of the complaint, the head of the recipient will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with the Department of Transportation, or the Federal Highway Administration, if they are dissatisfied with final decision rendered by the State.

## **SANCTIONS**

**In the event the recipient fails or refuses to comply with the terms of this agreement the Federal Highway Administration may take any or all of the following sanctions:**

- a. Cancel, terminate, or suspend this agreement in whole or in part.
- b. Refrain from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.

- c. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
- d. Refer the case to the Department of Justice for appropriate legal proceedings.

**D. Re-Appointments: Steve Anglea and Larry Morrison to Murray County Land Use Planning Commission**

	Term	Date Appointed
Mr. Steve Anglea	August 6, 2011 – August 5, 2015	Aug 2, 2007
Mr. Larry Morrison	August 6, 2011 – August 5, 2015	Aug 2, 2011

**E. Vehicle Purchase**

**Purchased 2011 Ford F Series Truck, from Chatsworth Ford, Chatsworth-Dalton 4 Lane, PO Box 1228, Chatsworth, Georgia 30705 at a total cost of \$24789.00 for Fire Department to be paid from Splost Fund 2007.**

**Documents are located in the auxiliary files.**

**ADJOURNMENT:**

**This 2<sup>nd</sup> day of August, 2011.**

**ATTEST:**

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**Tommy Parker, Interim County Clerk      Greg Hogan, Commissioner**

**In Attendance: Tom Starnes, Tommy Parker, Greg Hogan, Edward Dunn, Steve Anglea, Dinah Rowe, Dan Martin, Bill Hayes, Anthony Pittman, Dianne Davis, Emily Cogburn, Linda Tisdel, Dana Burch, Brad Rowe, Lori Harrison, Brittany Pittman, Frank Adams, Roger Vest, Joe Park, Dick Barnes, Joey Aronld, Matt Sanford, Mark Millican and Joan Dooley**