

# GEORGIA, Murray County

## MINUTES

The Murray County Commissioner held a public meeting Tuesday, October 1, 2013 at 9:00 a.m. in the hearing room of the Murray County Courthouse Annex.

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

By signature and execution the minutes of September, 2013 were approved.

With no additions or deletions to the agenda, Commissioner Pittman 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 17, 2013.

The meeting was called to order by Chairman Steve Anglea

First order of business was approval of the agenda. Motion made by David McDaniel to approve the agenda as written, 2<sup>nd</sup> by Terry Wilson, all in favor, none opposed, motion carried.

Motion to approve minutes by Edward Dunn, 2<sup>nd</sup> by David McDaniel, all in favor, none opposed, motion carried.

No old business

New business: Chairman Anglea read rules of order and opened the public portion of the meeting.

Item 1. Re-Classification of property from SR to RR, owned by Howard and Sophia Muncy located at 1100 Booger Branch Road being 17.73 acres, in land lot 18 district 10 of Murray County. Mrs. Muncy was present for the meeting. Joey Arnold, sitting in for Dickie Barnes, said the request was in order for granting. Nancy Young said all notices had been sent to adjacent property owners. There was no one present either for or against the request. Public portion of the meeting closed for board discussion. David McDaniel asked Mrs. Muncy if she would agree to rezone only a portion of the property RR and leave the remainder SR. Mrs. Muncy agreed to the proposal. David McDaniel then made a motion to rezone 1 acre or whatever need be so a septic system could be put on the property, the remainder would remain SR. Edward Dunn 2<sup>nd</sup>, the motion, all in favor, none opposed, motion carried.

Item 2. Re-Classification of property from SR to RR, owned by Mattie Sue Jackson at 211 Pulliam Road being a 4 acre tract in land lot 165 district 8 of Murray County.

Mrs. Jackson was present for the meeting. Joey Arnold said the request was in order for presenting. Nancy Young said all notices had been sent to adjacent property owners. Heather Dyer, Mrs. Jackson's granddaughter, said her grandmother's home was a double wide mobile home and if something happened to it they wanted assurance she could put another mobile home on the property. No one present either for or against the request. Public portion of the meeting closed for board discussion. Edward Dunn made a motion to approve the request, 2<sup>nd</sup> by Terry Wilson, all in favor, none opposed, motion carried.

Item 3. Re-Classification of property from SR to RR, owned by Ben Thacker and Tina Adams at 537 Brushtown Road being a 4 acre tract in land lot 128, district 10 of Murray County. Joey Arnold said the request was in order for presenting. Nancy Young said all notices had been sent to adjacent property owners. Mr. Thacker told the board that he had a camper on the site but it was not used and he had now unplugged it from the power source. He intends to put a mobile home on the property or a small house. He has applied for a conditional use for his goats. That meeting will be in October. No one else present either for or against the request. Public portion of the meeting closed for board discussion. David McDaniel made a motion to approve the request as long as everything is in compliance. Edward Dunn 2<sup>nd</sup> the request, all in favor, none opposed, motion carried.

Item 4. Re-Classification of property from SR to RR, owned by Brijesh Patel at 1423 Brackett Ridge Road being a 2.25 acre tract in land lot 181 district 8 of Murray County. Joey Arnold said the request was in order for presenting. Nancy Young said all notices had been sent to adjacent property owners. Mr. Patel was present for the meeting. Danny Jones who owns property adjacent to Mr. Patel's property said he was in favor of the rezone. Barry Rita said he was against the rezone because he believes Mr. Patel would have no access to the property. Mr. Anglea showed Mr. Rita a survey of the property owned by Mr. Patel which shows he purchased a right of way to the property. Mr. Rita said he has no problem with the request now that he knows the exact location of Mr. Patel's property. No one else present against the request. Public portion of the meeting closed for board discussion. David McDaniel made a motion to approve the request, 2<sup>nd</sup> by Terry Wilson, all in favor, none opposed, motion carried.

David McDaniel made a motion to adjourn the meeting, 2<sup>nd</sup> by Terry Wilson, all in favor, none opposed, motion carried.

B. 2<sup>nd</sup> Reading: Amendment: Chapter 18, Article II and Chapter 38, Article 1, mandatory minimum penalty for occupation prior to final inspection.

AMENDMENT  
TO  
THE CODE OF MURRAY COUNTY

STATE OF GEORGIA  
MURRAY

COUNTY OF

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

WHEREAS, the Commissioner of Murray County finds such amendments to be useful, necessary, and proper, and protective of the environment, and the health, welfare, and safety of the public, and

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

Under Chapter 18, Buildings and Building Construction, Article II, Construction Codes, Division 2, Attachment "A" Administration and Enforcement, Section 18-60, shall be amended to read as follows:

**Sec. 18-60. Unlawful acts.**

It shall be unlawful for any person to erect, construct, alter, repair, move, demolish, or occupy any building, structure, or equipment regulated by the codes or this chapter to cause same to be done in conflict with or in violation of any of the provisions of the technical codes or this chapter.

For violation of any part of section 18-60, the following penalty shall be imposed:

- (1) For the offense of a violation of any provision of this section, the violator shall be issued a citation to appear in the county magistrate court and, upon conviction, shall be subject to a mandatory fine of not less than \$600.00 and no more than \$1,000.00 or confinement in the county jail not to exceed 60 days as per state law or by both fine and confinement in the discretion of the court.

Under Chapter 38, Manufactured Housing Regulations, Article I, Division 3, General Provisions, Section 38-66 and 38-67, shall be added and shall read as follows:

**Section 38-66. Restrictions on occupancy.**

A manufactured home shall not be occupied for dwelling purposes unless it has met the installation requirements in sections 38-61, 38-62, and 38-63 of this chapter, upon inspection by the building official or his designee.

**Section 38-67. Penalty for violation of section.**

For violation of any part of section 38-66, the following penalty shall be imposed:

- (1) For the first offense of a violation of any provision of this section, the violator shall be issued a citation to appear in the county magistrate court, and upon conviction, shall be subject to a mandatory fine of not less than \$600.00 and no more than \$1,000.00 or confinement in the county jail not to exceed 60 days as per state law or by both fine and confinement in the discretion of the court.

SO ORDAINED AND EFFECTIVE, this the 1<sup>st</sup> day of October, 2013

FIRST READING, this the 3<sup>rd</sup> day of September, 2013

SECOND READING, this the 1<sup>st</sup> day of October, 2013

C. Resolution to Adopt ACCG 401(A) Defined Contribution Plan

**RESOLUTION TO ADOPT  
ACCG 401 (a) DEFINED CONTRIBUTION PLAN**

WHEREAS, Murray County (the "County") desires to establish a defined contribution retirement plan pursuant to section 401(a) of the Internal Revenue Code of 1986, as amended for the benefit of eligible employees, by joining the Association County Commissioners of Georgia ("ACCG") Defined Contribution Plan Program;

WHEREAS, ACCG has appointed a Defined Contribution Plan Program Board of Trustees (the "DC Board") pursuant to the ACCG Defined Contribution Plan Program Master Trust Agreement (the "Master Trust"), to oversee Plan administration, Plan documentation and to select investment options for investment of the assets of the Plan;

WHEREAS, the County desires to adopt the Master Trust and the Association of County Commissioners of Georgia 401(a) Plan for Murray County Employees (the "Plan") through an Adoption Agreement;

WHEREAS, the Plan provides for employer pick-up contributions, as defined in section 414(h) of the Internal Revenue Code of 1986, as amended;

WHEREAS, the County desires to delegate to the DC Board the power to amend the Plan on behalf of the County in the future, for the limited purpose of adopting non-discretionary Internal Revenue Service required amendments that must be adopted on at timely basis in order to maintain the qualified status of the Plan.

NO THEREFORE, at a meeting held on the 1<sup>st</sup> day of October, 2013, the County Commissioner hereby resolve as follows:

RESOLVED that the Murray County Sole Commissioner hereby approves the adoptions of the ACCG Defined Contribution Plan Program Master Trust Agreement, and the ACCG 401(a) Plan for Murray County Employees, through an Adoption Agreement.

FURTHER RESOLVED that the County Sole Commissioner hereby delegates to the ACCG DC Board, the power to amend the Plan on behalf of the County in the future, for the limited purpose of adopting non-discretionary Internal Revenue

Service required amendments that must be adopted on a timely basis in order to maintain the qualified status of the Plan.

**FURTHER RESOLVED** the County specifically authorizes the Plan to provide for employer pick-up contributions, as defined section 414(h) of the Internal Revenue Code of 1986, as amended, on behalf of Plan Participants. Such employer pick-up contributions shall be designated as employee contributions, but shall be paid by the County to the Plan in lieu of employee contributions. Such contributions shall not have any cash or deferred election right. This resolution applies to all employer pick-up contributions made to the Plan before and after the date of this signed resolution.

**FURTHER RESOLVED** that Sole Commissioner is hereby authorized, empowered, and directed to take all further actions and to execute all documents necessary to implement these resolutions, including a limited power of attorney to allow ACCG counsel to file all necessary forms with the Internal Revenue Service.

**FURTHER RESOLVED** that any resolution in conflict with this resolution is hereby repealed.

#### **D. Disposal of Surplus Property**

The following items of county property have been determined to be unserviceable and/or no longer cost effective for the county to operate or maintain. As a result these items have been declared surplus inventory by the Murray County Commissioner. Therefore, the Commissioner has directed the County's Financial Officer to dispose of these items to the highest bidder. In the setting that would achieve the greatest financial benefit for the county, and that those proceeds be returned to the County's General Fund. In the event that no bids are received, or if the item is in such a state of disrepair that storage and handling would exceed any possible bid proceeds, then the item would be sold for salvage value or disposed of as waste.

##### **Surplus Property List:**

Lot of Office Chairs

Lot of Computer Desktops, Monitors, Printers, Scanners, Keyboards, Fax Machines,

Laminator, Projector, Slide Projector, Electric Heater, Calculator, Ticket Printer and

Miscellaneous Computer Wires.

Compaq Laptop

#### **E. Resolution: Activating the Development Authority of Murray County**

**RESOLUTION OF THE SOLE COMMISSIONER OF MURRAY COUNTY  
CREATING  
AND ACTIVATING THE "DEVELOPMENT AUTHORITY OF MURRAY  
COUNTY";**

PROVIDING FOR THE MEMBERSHIP OF THE AUTHORITY; APPOINTING INITIAL MEMBERS OF THE AUTHORITY; PROVIDING FOR THE MEMBERS' TERMS OF OFFICE AND RELATED MATTERS

WHEREAS, O.C.G.A. § 36-62-1 creates within every county and municipality a development authority, which may be enacted and authorized by their respective local governing bodies, to create and activate the same; and

WHEREAS, this resolution is being presented for adoption by the Sole Commissioner of Murray County and shall become effective when adopted.

NOW, THEREFORE, BE IT RESOLVED, that:

Section I. CREATION OF DEVELOPMENT AUTHORITY, It is hereby declared that there is a need for a development authority to function in the unincorporated and incorporated areas of Murray County, Georgia (the "County"). Pursuant to the provisions of O.C.G.A. § 36-62-1, such development authority is hereby created and activated. Such Development Authority shall be known as the "Development Authority of Murray County" (the "Authority"). The Authority shall transact business pursuant to, and exercise the powers provided by, the provisions of, the Development Authorities Law, codified in the Official Code of Georgia Annotated Title 36, Chapter 62, as the same now exists and as it may be hereafter amended.

Section 2. MEMBERS.

- (a) The number of members of the Authority shall be seven (7) and shall be taxpayers residing in Murray County and be initially appointed, as provided in this resolution and, thereafter, by the Sole Commissioner of Murray County, Georgia or such successor governing body as their respective terms expire.
- (b) Each of the members initially appointed shall serve an initial term commencing on the date of the creation of the Authority and expiring as set forth in the table below. At the expiration of the current terms of office of the first four members of the board of directors, the Sole Commissioner or such successor governing body shall elect successors to such members to serve for initial terms of two years and shall elect successors to the remaining members of the board for initial terms of four year. Thereafter, the terms of all directors shall be for four years. If, at the end of any term of any such appointed member, a successor to such member has not been appointed, the member whose term of office has expired shall continue to hold office until his or her successor is appointed, which appointment shall be for the balance of the term being filled. If a vacancy occurs in the case of any such appointed member, the Sole Commissioner or such successor governing body of the County shall appoint a successor who shall begin a term of four years.

(c) The members of the Authority shall receive no compensation for their services, but shall be reimbursed for their actual expenses incurred in the performance of their duties.

(d) The following persons have been, and are hereby, so appointed by the Sole Commissioner of the County as shown by their names below for terms beginning with the creation of the Authority and continuing for a term expiring on the specified expiration date:

NAME SUCCESSOR TERM	INITIAL TERM	EXPIRATION	FIRST
Johnny West Years	Four (4) Years	Sept 30, 2015	Two (2)
John Kennemer	Four (4) Years	Sept 30, 2015	Two (2) Years
Lamar Dunn	Four (4) Years	Sept 30, 2015	Two (2) Years
Mary Beth Cole Years	Four (4) Years	Sept 30, 2015	Two (2)
Pete Bethea Years	Four (4) Years	Sept 30, 2017	Four (4)
Jason Babb Years	Four (4) Years	Sept 30, 2017	Four (4)
Craig Brock Years	Four (4) Years	Sept 30, 2017	Four (4)

(e) The members of the Authority shall constitute its board of directors. A majority of the members of the Authority shall constitute a quorum, but no action may be taken by the Authority without the affirmative vote of a majority of the full membership of the Authority.

Section 3. **OFFICERS**. The directors shall elect one (1) of their members as chair and another as vice chair and shall also elect a secretary and a treasurer or a secretary-treasurer, either of whom may, but need not be, a director.

Section 4. **FILING WITH SECRETARY OF STATE**. A copy of this resolution shall be filed with the Secretary of State of Georgia.

Section 5. **EFFECTIVE DATE**. This resolution shall become effective on the date of its adoption by the Sole Commissioner.

Passed and Adopted by the Sole Commissioner of Murray County this 1<sup>st</sup> day of October, 2013.

#### CLERK'S CERTIFICATION

I, the undersigned Clerk of Murray County, keeper of the records and seal thereof,

hereby certify that the foregoing is a true and correct copy of a resolution adopted by the

Sole Commissioner of Murray County creating and activating the "Development Authority of

Murray County," and containing provisions relating to the members and directors of the Authority, in a public meeting assembled on October, 2013, an original of which resolution has been entered in the official records of said County under my supervision and is in my official possession, custody and control.

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Clerk of Murray County

(SEAL)

**F. Appointment: Dr. Mary Beth Cole to the Industrial Development Authority**

	Term	Date Appointed
Dr. Mary Beth Cole 2013	Dec 31, 2009 - Dec 31, 2013	Oct 1,

(Appointed to fill the unexpired term of Calvin Burger)

**G. Appointments: Jason Babb, Pete Bethea, Lamar Dunn, Johnny West, John Kennemer, Mary Beth Cole and Craig Brock to the Development Authority of Murray County**

	Term	Date Appointed
Mr. Jason Babb 2013	Oct 1, 2013 - Sept 30, 2017	Oct 1, 2013
Mr. Pete Bethea 2013	Oct 1, 2013 - Sept 30, 2017	Oct 1, 2013
Mr. Lamar Dunn 2013	Oct 1, 2013 - Sept 30, 2015	Oct 1,
Mr. Johnny West 2013	Oct 1, 2013 - Sept 30, 2015	Oct 1,
Mr. John Kennemer 2013	Oct 1, 2013 - Sept 30, 2015	Oct 1,
Dr. Mary Beth Cole 2013	Oct 1, 2013 - Sept 30, 2015	Oct 1,
Craig Brock 2013	Oct 1, 2013 - Sept 30, 2017	Oct 1,

**H. Employee of the Month: Steve Sparks - Employed in Land Use Development Department**

Documents are located in the auxiliary file.

**ADJOURNMENT:**

This 1<sup>st</sup> day of October 2013

**ATTEST:**

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Tommy Parker, Interim County Clerk

Brittany Pittman, Commissioner

In Attendance: Brittany Pittman, Tommy Parker , Bill Keene, Brenda Keene, Lorri Harrison, Dianne Davis, Frank Adams, Lewis Flood, Dickie Barnes, Joey Arnold, Steve Anglea, Donna Flood, Steve Sparks, Nick Townsend, Anthony Pittman and Dwayne Bain