

# PUBLIC NOTICE

The Murray County Commissioner will hold a public meeting on Tuesday August 6, 2019 at 9:00 a.m. in the Murray County Annex. The public is invited and encouraged to attend.

## TENTATIVE AGENDA

1. Call to Order
2. Approval of Minutes of Prior Meetings
3. Approval of Agenda
4. New Business

- A. Approval of Murray County Land Use and Development Planning Commission Meeting minutes
- B. Contract: Transit Alliance Group as agent for the Ga. Dept. of Human Resources for FY2020. Annual transportation operating services through Murray Transit
- C. Capital Purchase: 1998 F-800 tar distributor truck purchased from Haralson County, Ga., \$29,025 to be paid from 2019 SPLOST funds

Adjourn  
Commissioner Available for Questions or Comments

# **GEORGIA, Murray County**

## **MINUTES**

**The Murray County Commissioner held a public meeting Tuesday August 6, 2019 at 9:00 a.m. in the hearing room of the Murray County Annex.**

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

**By signature and execution, the minutes of July 2019 were approved.**

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

**A. Approval of Murray County Land Use and Development Planning Commission  
Meeting minutes July 2019 (documents are stored in the 2019 Auxiliary Files)**



**MURRAY COUNTY  
COMMISSIONER'S OFFICE**

P.O. Box 1129 • 121 North 4th Ave., Chatsworth, GA 30705  
Telephone 706-517-1400 • Fax 706-517-5193  
[www.murraycountyga.org](http://www.murraycountyga.org)

August 6, 2019

Mr. David McDaniel  
113 Pine St.  
Chatsworth, GA 30705

**RE: Murray County Land Use Planning Commission Meeting July 19, 2019.**

Dear Mr. McDaniel:

I have reviewed the actions of the Commission taken at the July 19, 2019 meeting. I support the Commission's actions as being in the best interest of Murray County.

Sincerely,

A handwritten signature in blue ink that reads "Greg Hogan".

Greg Hogan,  
County Commissioner



## MURRAY COUNTY LAND USE

### PLANNING COMMISSION

P.O. Box 1129 / 121 N. 4th Avenue,  
Chatsworth, Georgia 30705  
(706) 517-1400 ext. 1208 or 1231 Fax (706) 517-5893  
[dbarnes@murraycountygov.gov](mailto:dbarnes@murraycountygov.gov)

July 19, 2019

Mr. Greg Hogan  
Murray County Commissioner  
121 N. 4th Avenue  
Chatsworth, GA. 30705

Mr. Hogan,

Attached is a copy of the Murray County Land Use Planning Commission meeting minutes of July 16, 2019. Upon review, your approval/ and or comments would be greatly appreciated.

Respectfully,

David McDaniel  
Chairman  
Murray County Land Use Planning Commission

Mr. Webb feels this is a perfect opportunity and place for himself and his family. Mr. Webb stated he would really like to build the chicken houses for himself and his family. He didn't realize this was going to be such a headache for everyone else.

The Chairman stated he forgot to read the Land Use Proceeding Rules. He then read the rules to the attending public.

Mr. McDaniel asked if there was anyone else there in favor of this proposal who wished to address the Council. There was no one. He then asked if there was anyone who was opposed.

Mr. Todd Johnson an Attorney, who was retained by Mr. Mitch Kerr and his wife Teresa, spoke up to address this proposal. Mr. Johnson has a Law Office in Cohutta Georgia. Mr. Johnson stated he has done a lot of zoning in Cohutta. Mr. and Mrs. Kerr have a log cabin and air strip which is adjacent to Mr. Webb's property. Mr. Johnson stated he had a Petition signed by a number of people. He stated that if you go up Sugar Creek Road there are a lot of chicken houses on the East side but there are no chicken houses at all on the West side, which is pretty much farmland. Mr. Johnson handed out a map which was color coded to highlight the people that are against this proposal. He stated there were a couple of guys that work too much to get in touch with. He stated they assumed they would be a part of the orange coded part of his map that shows people against this proposal. He stated that the North part of Murray County has remarkable things happening right now. The inland port has begun operations. The Dalton Chamber of Commerce told Mr. Johnson that there is going to be all sorts of staging warehouses and other uses like that, things that wouldn't have smells associated with them. Having chicken houses might be one thing that might stop that development. The other is the open land on the north part of the county has possibility for growth. Having chicken houses might be the base that would stop that kind of development. Mr. Johnson stated his wife is an attorney that used to represent chicken farmers. He asked her what are the problems with breeder chicken houses. His wife told him that breeder houses have roosters, so noise would be a factor. She also told him normally the shavings are removed once every eleven months, so it is not a pleasant-smelling place. He also stated it does produce eggs, so it is a productive endeavor. This would be a major change in what is being done in this area. He stated there are no chicken houses on the left. The chicken houses are on the right side of the road. Mr. Johnson also stated that you have to go forward you have to plan. It is not just what the neighbors think. He stated there could be a plan to reserve agriculture on the left until it is absolutely necessary.

The Chairman asked if anyone else opposed would like to address the Council.

Danny Heath stated he is concerned with the condition of the road. When he moved there the road was fairly new. There were no cracks in the road at that time. Since their neighbor put in chicken houses every few days there are huge feed trucks using the road. In addition to that another neighbor has a logging business and he brings big trucks full of logs on the road. The road is getting such big cracks there is grass growing in the cracks. Mr. Heath stated his concern is who is going to pay for repairing the road. He knows Murray County doesn't have that kind of money to fix the road. He also stated it takes more than a shovel full of black top and someone stomping on it to fix those kinds of holes, especially when the big trucks are coming every few days. Mr. Heath stated he walks his dog every day and notices the cracks in the road. Mr. Heath stated he is not against Mr. Webb building the chicken houses. The road is his concern.

The Chairman asked if anyone else opposed would like to address the Council.

Mr. Cline, another neighbor spoke up. He stated one reason there has been no development on the east side of the road is there has not been enough available property to meet the requirements. The land did not have the restrictions they have now for building.

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## MURRAY COUNTY LAND USE

### PLANNING COMMISSION

P.O. Box 1129 / 121 N. 4th Avenue,  
Chatsworth, Georgia 30705  
(706) 517-1400 ext. 1208 or 1231 Fax (706) 517-5893  
[dbarnes@murraycountygov.gov](mailto:dbarnes@murraycountygov.gov)

Minutes

Murray County Land Use Planning Commission Meeting

July 16, 2019

The meeting was called to order at 7:07 pm by Chairman David McDaniel. Other members present were David Wells, Terry Wilson, Edward Dunn, Heath Harrison, Dick Barnes, Land Use Administrator for Murray County and Debra Ellis, Land Use Secretary.

The first order of business on the agenda was to approve the agenda. Mr. Harrison made a motion to approve the Agenda as written. Mr. Dunn seconded the motion. The motion carried.

The next order of business was to approve the minutes of the last meetings. Mr. Dunn made the motion to approve the minutes as written. Mr. Harrison seconded the motion. The motion carried.

There was no old business. New business was next on the agenda. Item one of new business was the Re-Classification of property located at Sugar Creek Road, Land lot 45, District 10, Map and Parcel 0021-001 and 0039-001 consisting of 95.25 acres, owned by Jonathan Webb.

The Chairman asked Mr. Barnes if this proposal was in order for granting. Mr. Barnes stated the proposal is in order for granting. He also said the area is a mixed-use area mainly of Agricultural and vacant properties, and as long as Mr. Webb can meet the setback regulations and adhere to all the regulations in the new amendment to the zoning ordinance, which were put in place last year, approval is recommended. The big changes concerning any confined feeding operations are that you now have to be a minimum of five hundred feet away from any dwelling other than the owners dwelling. Fifteen hundred feet away from schools, churches, parks, public use areas; Fifteen hundred feet from Incorporated City Limits; Two hundred feet from property lines; One hundred feet from stream, flood plains, sink holes and wet land; Five hundred feet from public and private wells; If the fans are within one thousand feet of a residential dwelling they would have to be aimed away from that or a public road; The stack house would have to be seven hundred fifty feet from any residential dwelling. Other than adding the Category of Commercial Agriculture zoning, those are the main changes made to the regulations.

The Chairman asked Mrs. Ellis had all proper notifications been made. Mrs. Ellis stated they had.

Mr. McDaniel opened the public hearing and asked Mr. Webb to proceed with his presentation.

Mr. Webb stated he had the opportunity to buy the ninety-five acre property over the last couple of years. His family is growing. He likes being able to raise his family in a farming environment. The company wanted him to build four chicken houses. With good incentive from the company he would like to build two chicken houses.

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He stated that he had talked to Greg Hogan about paving the road. He also stated that Mr. Hogan told him he has plans to pave that road. Mr. Cline stated there is a noise and traffic problem. He feels there needs to be some kind of balance there, but he doesn't really know what that solutions would be.

The Chairman asked if anyone else opposed would like to address the Council.

Mitch Kerr another neighbor stated there is a noise, smell and traffic problem on Sugar Creek Road. He feels that eventually there will be an accident the way the trucks travel that road. He also stated that Mr. Webb has ten chicken houses across the state line in Tennessee. He asked Mr. Webb if he was correct.

Mr. Webb stated he has eight chicken houses in Tennessee.

Mr. Kerr stated the fans Mr. Webb will be using will blow straight on his property. He stated Margie Crowder owns property next to where Mr. Webb is going to set the chicken houses. He also stated there is not two hundred feet between those houses and the Crowder property. He stated there is only one good building spot on the one hundred fifteen acres Margie Crowder owns. That spot is straight across the road from the chicken house site. He stated the rest of the Crowder property is low ground. Mr. Kerr stated he and his wife are totally against the chicken houses. He stated he would eventually like to build a thirteen-bed retirement/nursing home on his property for when he needs a nursing home. The Webb's will be welcomed to use it. It will be an open facility for customers. He stated the property value will drop because of the chicken houses.

Mr. McDaniel asked Mr. Webb if he would like to speak in rebuttal to these concerns.

Mr. Webb stated everyone smells broiler houses. There are ten thousand hens in an egg house and they are very well ventilated. He stated he has another farm in Georgia, which is being sold. He is trying to get his chicken farm closer to home. That is the reason he wants to build on this property. There are houses all around the other Georgia farm. He has never had a complaint about the smell. Mr. Webb stated when the chicken houses are cleaned out they do smell for a couple of days. After that there is no issue with the smell. He stated the houses have to be washed inside and out after every flock. He stated the reason he would like to build on this property is the bird flu. He stated the houses have to be away from everyone. Mr. Webb stated he has to clean himself before entering the houses and clean himself again after exiting the houses. Mr. Webb also stated Mr. Kerr has two hundred chickens in his yard. He stated he knows everyone up and down that road and has not heard any complaints.

Mr. McDaniel asked Mr. Webb how many feed trucks will support these houses.

Mr. Webb stated there would be one truck per week to bring feed. The egg truck will come twice per week. The egg truck is already coming twice per week gathering eggs for the other farms.

Mr. Harrison asked who owns the property just south of Mr. Webb's property.

Mr. Webb responded Margie Crider is the owner of that property.

Mr. Dunn asked if the plat was showing ninety-two feet off the property line.

Mr. Barnes stated that is what the plat shows. He stated Mrs. Crider had called him. She told him she doesn't have an issue with this proposal. He also stated Mr. Webb can go through the Appeals Board on zoning to get a difference in setbacks. Mr. Barnes stated Mr. Webb has plenty of space to redesign and move the houses over.

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The grade work would be extra because the further he goes to the north, the lower the property slopes. All of that can be fixed. As long as Mr. Webb meets all the regulations we don't have a problem with it.

Mr. Dunn asked if the minimum from the property line is two hundred feet.

Mr. Barnes answered yes two hundred feet minimum and one hundred fifty of that would have to be vegetation buffer.

Mr. McDaniel asked which way will the fans blow out of the chicken houses.

Mr. Webb stated they would blow north and south.

Mr. McDaniel asked Mr. Webb to come and show him on the plat.

Mr. Webb showed the board members. He told them the chicken houses are five hundred feet, with the fans on the last thirty feet of the chicken houses. He explains the one thousand fifty feet from one house; seventeen hundred feet from another house.

Wanda Cline, another neighbor spoke up at this time, she wanted to know how many acres of property a person had to own to build a chicken house.

Mr. Barnes stated it is twenty-five acres with four houses.

Mrs. Cline wanted to know if Mr. Webb could build more houses in the future.

Mr. Barnes stated Mr. Webb could build more as long as he met the setbacks.

Mr. McDaniel stated with the layout of this land it would be very expensive to build more houses.

Mr. Webb stated the most houses he would be permitted to build would be four houses

Mrs. Cline stated there is a neighbor, Mr. Bookout, who came to their neighborhood and built himself and his wife a nice house. Then another man came and built four chicken houses. She stated that ruined Mr. Bookout's property value to the point he probably will never be able to sell it. Mrs. Cline stated the trucks never observe the speed limit signs. They are a nuisance and they are tearing up the roads.

Mr. Kerr spoke up again and stated he had asked Mr. Webb to sell him fourteen acres that runs along the creek and adjoins their properties. He stated Mr. Webb refused saying he bought the land for his son. Mr. Kerr stated Mr. Webb told him the land would be used for a cattle farm. He also stated had he known it was going to be used for chickens he would have sold his eleven acres a while back. He stated his property having an airport and a private air strip on it is pretty valuable.

The Chairman closed the public portion of the meeting for Council discussion.

Mr. Wells stated he is a pilot, he doesn't care what is near the air strip when he lands. He stated he does not see how Mr. Webb's project is going to affect Mr. Kerr's property value. He stated if Mr. Webb is denied it is not going to change the present truck traffic. Mr. Wells asked Mr. Barnes how many mobile homes could be placed on Mr. Webb's property if he wanted to do that instead of chicken houses

Mr. Barnes stated he could put ten mobile homes on the property now without a re-zone.

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Mr. Wells expressed his sympathy for the neighbors and stated it seems the neighbors are penalizing Mr. Webb for a business that is already all over that neighborhood.

Mr. Dunn stated it looks like there are seventeen chicken houses already in the neighborhood. He also stated this is a tough situation having ninety-five acres wanting to do commercial business and having neighbors that do not like the idea of additional chicken houses in their neighborhood. He stated the roads are already being traveled with trucks accommodating the existing chicken houses. Mr. Wells stated he does not see a problem with this proposal from a business stand point, but he does see a problem from the neighbor's stand point. He stated that this is a decision that they will have to make as a Board. Regardless of what the Board decides, the neighbors do have the option to speak to the Sole Commissioner Mr. Greg Hogan. Mr. Wells stated Mr. Hogan doesn't always go with the Board's decision, but most of the time he does agree with the Board.

Mr. Harrison stated the only issue he sees is the issue with Mrs. Cline's property line, even though she has stated to Mr. Barnes she currently does not have an issue with it. Mr. Harrison also stated he believes that the setback on that property should be increased. He stated he is not a chicken farmer but does understand that the laying operation is a lot cleaner. He further stated there are places in the County that has up to eighteen grower houses which is a lot greater exposure level there. He feels the one setback would be the only thing that needs to be addressed. Not only to protect the current property owner but future owners as well.

Mr. Wilson agreed with Mr. Harrison. Mr. Wilson stated as long as Mr. Webb can meet the setback off the south property line, as far as the east side to the west side there is mostly small tracts on the west side.

Mr. Harrison stated another issue with the property is that it drops off into flood plains.

Mr. Wilson made a motion to re-zone as long as Mr. Webb can meet the setbacks from the property lines. Mr. Wells wanted to know if they could put a condition on the number of houses Mr. Webb can put on the property.

Mr. Webb stated four would be all that he could build.

Mr. Wilson stated it would be pushing it to get four houses on the property because of the way the land is.

Mr. Wells asked if the Board could put conditions on the number of houses.

Mr. Webb stated since it is not Conditional Use of Property, no conditions can be added. The only condition would be the other houses would have to be the same as the ones Mr. Webb plans to build now. He would have to meet all zoning regulations in place now.

Mr. Harrison asked if Mr. Webb would have to come before the Board if he builds more houses.

Mr. Barnes stated Mr. Webb would not have to come before the Board at that time.

Mr. Barnes stated that would be a question for the zoning Attorney or someone with the Northwest Georgia Planning Commission, someone like that that has the expertise. In the ordinance we cannot put a limit on the number of houses. He also stated in the ordinance it is twenty-five acres for up to four structures; and each additional structure would occupy five acres.

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Mr. Dunn stated the existing houses were already there prior to the zoning regulations put in place in 2003. He also stated this is the first property to be discussed since the new zoning ordinances were put in place.

Mr. Barnes stated yes, prior to the ordinances he would not have to come to the Board. He could go ahead and build his houses.

Mr. McDaniel asked for a second motion on the motion Mr. Wilson made earlier.

Mr. Harrison seconded the motion.

The motion carried.

Mr. Dunn made the motion to adjourn the meeting. Mr. Wilson seconded the motion. The motion carried. The meeting was adjourned.

Respectfully Submitted,

 Debra Ellis

Debra Ellis  
Land Use Secretary

**B. Contract: Transit Alliance Group as agent for the Ga. Dept. of Human Resources for FY2020. Annual Transportation operating services through Murray Transit (documents are stored in the 2019 Auxiliary Files)**



Transit Alliance Group, Inc.  
1422 Green Road, Suite O  
Chatsworth, Georgia 30705  
O: (706) 971-3321  
F: (706) 971-3316  
[www.transitag.org](http://www.transitag.org)

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TO: Mr. Greg Hogan, Commissioner  
Murray Transit

FROM: Barbara F. Hurst, Chief Executive Officer *BFH*

DATE: June 24, 2019

SUBJECT: FY2020 Human Services Transportation Subcontract(s)

Please find enclosed two (2) original copies of a subcontract between Murray Transit and the Transit Alliance Group, Inc., the contractor with the GA Department of Human Services (DHS), for provision of human service transportation for eligible DHS consumers.

The subcontracts and associated annexes outline the requirements and expectations of service by the subcontractor.

Please have **both** copies of the subcontract and the annexes listed below signed and returned to the Transit Alliance Group.

Please sign:

- ✓ Page 25 of the subcontract
- ✓ Complete and sign Annex E
- ✓ Sign Annex F
- ✓ Sign Annex G
- ✓ Complete and sign Annex H

Return **both** copies of the completed and signed subcontracts to:

Transit Alliance Group, Inc.  
1422 Green Road, Suite O  
Chatsworth, GA 30705

One copy signed by the Transit Alliance Group will be returned to you once DHS executes the FY2020 contract.

The signed subcontract will initiate service for FY20 which will begin July 1, 2019 through June 30, 2020.

Please feel free to contact me by telephone (912-258-0079) or via email at [barbarahurst@transitag.org](mailto:barbarahurst@transitag.org) if you have any questions or concerns.

We look forward to our continued partnership with Murray Transit to meet the transportation need for DHS consumers.

Enclosures

**C. Capital Purchase: 1998 F-800 tar distributor truck purchased from Haralson County, Ga., \$29,025 to be paid from 2019 SPLOST funds (documents are stored in the 2019 Auxiliary Files)**

7/23/2019

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July 23, 2019, 02:30 PM ET P02

**Invoice #826876**

Description	End Date	Certificate	Price	Tax	Buyer's Premium	Additional Fees	Total
1998 Rosco Tar Truck F-800	7/23/19 11:23 AM	<a href="#">View</a>	\$29,025.00	\$0.00	\$3,628.12	\$0.00	\$32,653.12
Total Amount Due: \$32,653.12							

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Please use the information below to transfer the funds directly to the bank account specified. Please note:

- You must include the **Transaction ID** (826876) on the wire.
- Payment is due immediately and the funds must be received within 5 days of auction closing. **If funds are not received within the specified timeframe, your transaction will be aborted.**
- The item will be available for pickup as soon as the bank processes the payment. Contact the seller(s) to arrange for pickup of item.

**Wire Transfer Payment Information**

Name of Bank:	Bank of America
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Bank Address:	103 West 33rd St New York, NY 10001
Beneficiary:	GovDeals Inc.
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Account Number:	226004433923
Reference:	Transaction 826876

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**D. Agreement: Chatsworth and Murray County matching funds for Animal Control Grant  
\$2,500 each (documents are stored in the 2019 Auxiliary Files)**

INTERGOVERNMENTAL SERVICE AGREEMENT  
MURRAY COUNTY GOVERNMENT AND CITY OF CHATSWORTH

"MATCHING FUNDS FOR ANIMAL CONTROL ACTIVITIES"

WHEREAS, THE MURRAY COUNTY GOVERNMENT AND CITY OF CHATSWORTH WISHES TO BE PROACTIVE IN THE CONTROL OF STRAY ANIMALS AND PROTECT THE CITIZENS FROM POSSIBLE RABIES AND POSSIBLE PUBLIC HEALTH ISSUES, AND

WHEREAS, THE DISADVANTAGED FAMILIES OF PETS MAY NOT BE ABLE TO VACCINATE, SPADE AND NEUTER THEIR PETS, ESPECIALLY WHEN CHILDREN ARE INVOLVED AND,

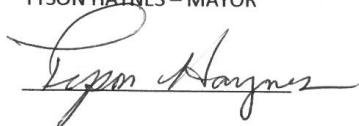
WHEREAS, THE SPADE, NEUTERING AND VACCINATION OF ANIMALS WOULD REDUCE THE NUMBERS OF ANIMALS OVER TIME AND REDUCE INCIDENTS OF POSSIBLE TRANSFER OF RABIES FROM FERAL ANIMALS, AND

WHEREAS, A \$5000 GRANT IS AVAILABLE WITH MATCHING FUNDS REQUIRED TO ADDRESS THESE ISSUES, THE MURRAY COUNTY GOVERNMENT AND CITY OF CHATSWORTH DOES HEREBY COMMIT \$2500 EACH TO ACHIEVE THE GRANT AWARD, AND

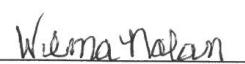
WHEREAS, THE CITY OF CHATSWORTH BY THIS SERVICE AGREEMENT WILL PROVIDE TO THE MURRAY COUNTY GOVERNMENT \$2500 FOR ITS PART OF THE MATCHING FUNDS TO BE DIRECTED TO THE MURRAY COUNTY ANIMAL CONTROL FOR THE PURPOSE STATED, AND

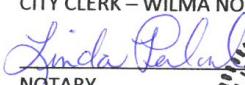
THEREFORE, BY THE EXECUTION OF THIS AGREEMENT BY THE MAYOR, TYSON HAYNES, OF THE CITY OF CHATSWORTH, \$2500 WILL BE TRANSFERRED TO THE MURRAY COUNTY GOVERNMENT THIS 5<sup>TH</sup> DAY OF AUGUST, 2019.

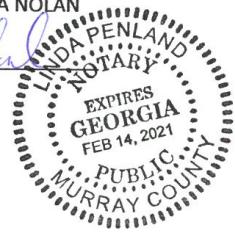
CITY OF CHATSWORTH  
TYSON HAYNES – MAYOR



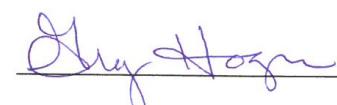
ATTEST:

  
WILMA NOLAN  
CITY CLERK – WILMA NOLAN

  
Linda Palan  
NOTARY



MURRAY COUNTY GOVERNMENT  
GREG HOGAN – SOLE COMMISSIONER



ATTEST:

  
Tommy Parker

NOTARY

**ADJOURNMENT:**

**Executed this 6th day of August 2019**

**ATTEST:**

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**Tommy Parker, County Clerk**

**Greg Hogan, Commissioner**

**In Attendance: Greg Hogan, Tommy Parker, Phenna Petty, Billy Childers, Shane Smith, Anthony Noles, Scott Witherow**