

# **GEORGIA, Murray County**

## **MINUTES**

**The Murray County Commissioner held a public meeting Tuesday, October 5, 2010 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 2010 were approved.**

**With no additions or deletions 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 21, 2010.**

**Chairman Steve Anglea called the meeting to order. No changes to the agenda. David McDaniel made a motion to approve the agenda 2<sup>nd</sup> by Edward Dunn, all in favor, none opposed, motion carried.**

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

### **New Business:**

**Item 1. Re/Classification of one (1) acre of property from SR to RR owned by Betty Spivey in district 9 land lot 22 of Murray County and addressed on Walter Leon Road. Edward Dunn excused himself from this request. Dick Barnes said the request was in order for presenting and the office recommends approval. Nancy Young said all notices had been sent to adjacent property owners. Present against the request was Gary and Linda Osborne of 157 Brookfield Dr. Mr. Osborne said he lives in the adjacent subdivision in a \$250,000 house and if the rezone takes place it will lower the value of his house. He had pictures of his house and property showing the approximate location of the property to be rezoned. Also present against the rezone was Bob Thompson 117 W Leon Drive he says if they put a mobile home in there they would have to cut a big oak tree on his property and does not want that and that it would also lower the value of his property. Mr. Osborne spoke again and said he understands Ms. Spivey will sell the property and it could be rented out and unsavory people could be living there. James Barnes also of Walter Leon Road said he understands the concerns of the land owners but he also lives in a mobile home and will be satisfied with the decision of the board. Chairman Anglea closed the public portion of the hearing for board discussion.**

David Wells said if Ms. Spivey were to be living in the mobile home he would not object but under the circumstances he doesn't feel the request should be approved. David McDaniel said he agreed with Mr. Wells and he would make a motion to deny the request, 2<sup>nd</sup> by David Wells, all in favor, none opposed, motion carried request denied.

**Item 2. Re/Classification of property from SR to AG located on Old CCC Camp Road in Land Lot 301 districts 26 of Murray County, owned by George Beavers being 24 acres. Mr. Beavers was present for the meeting. Dick Barnes said the request was in order for presenting and as this property is similar to other properties in the area his office recommends approval. Nancy Young said all notices had been sent to adjacent property owners. No one present either for or against the rezone. 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 Edward Dunn. All in favor, none opposed, motion carried.**

**Item 3. Re/Classification of property from SR to RR on Old Dalton Ellijay Road owned by Wayne Rogers being .65 acre in land lot 227 district 9 of Murray County. Mr. Rogers was present for the meeting. Dick Barnes said the request was in order for granting and having no issues with this request his office recommends approval. Nancy Young said notices had been sent to adjacent property owners. No one present either for or against the request. Steve Anglea closed the public portion of the meeting for board discussion. Steve Anglea said the lot was small but was grandfathered in so he has no issues with the rezone. Edward Dunn made a motion to approve the request 2<sup>nd</sup> by David McDaniel. All in favor, none opposed, motion carried.**

**Item 4. Re/Classification of one (1) acre of property from MFR to RR located on Leonard Bridge Road owned by Jerry and Loretta Jones in land lot 261 district 9 of Murray County. Ms. Jones was present for the meeting. Dick Barnes said the request was in order for presenting and even though there is an older mobile home park across the road from this proposed sit and the lot at the center of Leonard Bridge and Spring Place Smyrna Road is zoned RR due to a second home site not in use, the staff cannot recommend approval since the balance of the area is zoned SR. Nancy Young said all notices had been sent to adjacent property owners. Mrs. Jones said they want to put their son's mobile home on the property and at a future date he plans on building a house, they are in the process of buying the next lot to this one for their daughter to live on. She talked about wanting here children living close to her. Steve Anglea read a letter from the adjacent condo owners objecting to the rezone, they say the mobile home would lower the value of the condos. Mr. Barnes said the apartments had been converted to condos and were individually owned. Mrs. Jones said there was no through access to the condos from Leonard Bridge Road they were accessed from Springplace Smyrna Road. No one else present either for or against the request. Steve Anglea closed the public portion of the meeting for board discussion. Edward Dunn said he has no problem with rezoning the property allowing a mobile home to be put there. David McDaniel**

agreed with Mr. Dunn and made a motion to approve the request, 2<sup>nd</sup> by David Wells. All in favor, none opposed, motion carried.

Item 5. Re/Classification of Property from AG to SR owned by Willie Mae Gallman located at 3764 Brown Bridge Road being 2 acres in land lot 37 district 8 of Murray County. Edward Dunn excused himself from this request because of a business relationship with Mrs. Gallman. Dick Barnes said the request was in order for presenting and his office recommends approval. Nancy Young said all notices had been sent to adjacent property owners. Mrs. Gallman was present for the meeting. She is dividing the property among her children. No one present 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 David Wells. All in favor, none opposed, motion carried.

Edward Dunn made a motion to adjourn the meeting, 2<sup>nd</sup> by David McDaniel, motion carried, meeting adjourned.

**B. Amendment 2<sup>nd</sup> Reading: A, Article 1, Division 3, Section 38-63  
footings for manufactured homes  
AMENDMENT**

**MURRAY COUNTY MANUFACTURED HOUSING REGULATIONS  
ORDINANCE NO. 54  
CHAPTER 38 OF THE MURRAY COUNTY CODE OF ORDINANCES**

**WHEREAS, the Commissioner of Murray County has determined that it is in the best interest of the public to amend the Murray County Manufactured Housing Regulations.**

**NOW, THEREFORE, BE IT ORDAINED as follows:**

**Amend Article 1, Division 3, section 38-63 titled, Inspection for Manufactured homes, by amending section (1) to add the following:**

**Add sub-section (a) to read as follows:**

**Every footing installed for a manufactured home on any newly created or newly developed lot or home site, other than a Manufactured Home Park space, shall be of concrete poured in place either in a strip fashion or in pier locations of the required depth, width and thickness according to the soil locations of the required depth, width and thickness according to the soil bearing capacity, the manufacturer's installation guidelines, the Georgia Rules and Regulations for Installation of Manufactured Homes and the discretion of the Building Inspector.**

**FIRST READING this, the 7<sup>th</sup> day of September, 2010**

**ADOPTED ON this, the 5<sup>th</sup> day of October, 2010**

**EFFECTIVE DATE this, the 5<sup>th</sup> day of October, 2010**

- C. Amendment: 2<sup>nd</sup> Reading Ordinance #25 Murray County Personnel Policy Administration**

**AMENDMENT  
TO  
ORDINANCE #25  
MURRAY COUNTY PERSONNEL POLICY**

**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 Murray County Personnel Policy, and**

**WHEREAS, the County Manager has been assigned additional duties of Community and Economic Development Director, and**

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

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

**In every instance where the County Manager is charged with the responsibility of administering the Personnel Policy, it will be changed to: "County Manager or Designee for the County Commissioner"**

**SO ORDAINED AND EFFECTIVE, this 5<sup>th</sup> day of October, 2010**

**FIRST READING, this the 7<sup>th</sup> day of September, 2010**

**SECOND READING, this the 5<sup>th</sup> day of October, 2010**

- D. Resolution: Murray County, Chatsworth, and Eton Joint Comprehensive Plan, 2005-2025**

**RESOLUTION  
TO ADOPT THE  
PARTIAL PLAN UPDATE, 2010-2014  
FOR THE**

**MURRAY COUNTY, CHATSWORTH, AND ETON**

## **JOINT COMPREHENSIVE PLAN, 2005-2025**

**Whereas, the Georgia Planning Act of 1989 requires local governments to develop and maintain a comprehensive plan to retain their Qualified Local Government status and eligibility for State permits, grants, and loans; and**

**Whereas, the PARTIAL PLAN UPDATE, 2010-2014 for Murray County and the Cities of Chatsworth and Eton has been completed and the Short-Term Work Program is updated; and**

**Whereas, such PARTIAL PLAN UPDATE, 2010-2014 has been approved by the Georgia Department of Community Affairs as meeting Georgia's Minimum Planning Standards and Procedures, including public participation requirements.**

**Now Therefore Be It Resolved, that the Sole Commissioner of Murray County hereby officially adopts the PARTIAL PLAN UPDATE, 2010-2014 applicable to Murray County, Chatsworth, and Eton.**

**Resolved, this 5<sup>th</sup> day of October, 2010.**

**E. Juvenile Attorney's Contract: Rodney Quarles and Katherine L. O'Gwin and Joshua J. Smith**

### **GEORGIA, MURRAY COUNTY**

**THIS CONTRACT OF EMPLOYMENT is made and entered into this 1<sup>st</sup> day of October 2010 by and between MURRAY COUNTY, a political subdivision of the State of Georgia, hereinafter called County and Rodney Q. Quarles, of Chatsworth, Murray County, Georgia, hereinafter called Attorney.**

**THIS CONTRACT OF EMPLOYMENT is made and entered into this 1<sup>st</sup> day of September 2010 by and between MURRAY COUNTY, a political subdivision of the State of Georgia, hereinafter called County and Katherine L. O'Gwin, of Dalton, Whitfield County, Georgia, hereinafter called Attorney.**

**THIS CONTRACT OF EMPLOYMENT is made and entered into this 1<sup>st</sup> day of October 2010 by and between MURRAY COUNTY, a political subdivision of the State of Georgia, hereinafter called County and Joshua J. Smith, of Dalton, Whitfield County, Georgia, hereinafter called attorney.**

### **WITNESSTH**

**WHEREAS, as part of its continuing effort to assume the responsibility of indigent defense for Murray County, Georgia wishes to employ, independent of each other, Attorney's commencing October 1<sup>st</sup>, 2010 and continuing thereafter unless terminated as hereinafter provided, for the purpose of representing parties to**

juvenile proceedings and deemed indigent as hereinafter defined by the judge of the Juvenile Court of Murray County, and WHEREAS, Attorneys are duly licensed attorneys for the State of Georgia and wish to become employed, individually and independent of each other, but as part of a panel to represent indigent parties; and

WHEREAS, each of the parties wish to contract for that purpose;

NOW, THEREFORE, in the considerations set forth, the sufficiency of which is hereby acknowledged; the parties contract, covenant and agree, one with the other, as follows:

-1-

Each of the Attorneys agree to provide to the best of his ability, competent legal representation in all indigent cases as determined by the Murray County Juvenile Court.

-2-

Each of the Attorneys shall act and represent his appointed clients as an independent contractor and not as an employee of Murray County.

-3-

County agrees to pay each of the Attorneys the sum of Sixteen Thousand Three Hundred Thirty Three Dollars and thirty three cents (\$16,333.33) per year, payable in installments of \$1,361.11 commencing October 1<sup>st</sup>, 2010 and monthly thereafter for the term of this contract. Parties further agree that each Attorney shall be responsible for his own payment of State and Federal income taxes, Social Security, professional liability and health insurance and shall receive no further consideration or other enumeration as might be payable if an employee of Murray County.

-4-

Parties agree that the assignment of cases and clients shall be made pursuant to a plan agreed upon by the Local Tripartite Indigent Defense Committee and the Court. Any complaint with reference to the administration of division of cases under indigent defense employment shall be head by the Tripartite Committee and their decision shall be appealable to the judge of the Juvenile Court whose Decision shall be final.

-5-

Parties further agree that Attorneys will, as part of his employ, each be assigned on a prop rata basis, unless otherwise agreed, Murray County Juvenile Court cases to the appellate courts of this State; that the compensation for this part of their employ shall be in addition to the contracted salary and that this additional compensation shall be at a rate of Fifty Dollars (\$50.00) per hour with a maximum fee of Seven Hundred Fifty Dollars (\$750.00) per appeal.

-6-

Parties further agree that this contract shall not restrict Attorneys from practicing either civil or criminal law. In the event there is a conflict of interests involving private representation by an Attorney and the appointment of an indigent case, the other Attorney shall accept appointment to the case.

-7-

Parties further agree that the Juvenile Court of Murray County shall provide reasonable document copying and postage as required by Attorneys representing clients in appointed indigent cases.

Parties further agree that in the event of post-judgment involvement in any delinquency case, outside of the confines of Murray County, that Attorneys shall be entitled to reimbursement of reasonable and actual expenses incurred, including mileage and other incidental costs that might be incurred as a result of writs of habeas corpus, writs of coram nobis, or other involvement post-judgment to the defense of an indigent delinquency appointed case.

These expenses shall be individually and specifically itemized and submitted directly to Murray County for reimbursement.

-8-

Parties further agree that although they are independent contractors with Murray County that each Attorney serves as the discretion of the Judge of the Murray County Juvenile Court, and should the judge of the Murray County Juvenile Court determine that the service of any one or all of the Attorneys to be insufficient or ineffectual, that the Judge of said Murray County Juvenile Court may discharge one or all Attorneys.

Attorneys may cancel this contract prior to the anticipated term, with or without cause, upon sixty (60) days advance written notice of resignation to the Judge of the Murray County Juvenile Court.

-9-

The invalidity of any of the provisions of paragraphs of this contract deemed to be invalid shall in no way affect the validity of any other provision hereof.

IN WITNESS WHEREOF; the parties have hereunto set their hands and seals the 5<sup>th</sup> day of October, 2010.

**F. Board Appointment: Board of Appeals**

**Murray County Board of Appeals**

	<b>Term</b>	<b>Date Appointed</b>
<b>Mr. L.B. Ridley</b>	<b>Sept 26, 2010 – Sept 25, 2014</b>	<b>October 5, 2010</b>
<b>95 Conasauga Way</b>		
<b>Chatsworth, GA 30705</b>		
<b>Home: 706-695-9273</b>		

**G. Resolution: Adopt Five-Year Update Joint Solid Waste Management Plan**

**RESOLUTION  
TO ADOPT THE  
  
FIVE-YEAR UPDATE  
FOR THE  
JOINT SOLID WASTE MANAGEMENT PLAN  
FOR**

**MURRAY COUNTY AND THE CITIES OF CHATSWORTH AND ETON**

**Whereas, the Georgia Comprehensive Solid Waste Management Act requires county and municipal governments to prepare a local solid waste management plan and periodic update; and**

**Whereas, Murray County, Georgia has compiled, reviewed, and modified a Five-Year Update to the Joint Solid Waste Management Plan for Murray County and the Cities of Chatsworth and Eton; and**

**Whereas, Murray County has complied with the Rules of the Georgia Department of Community Affairs Minimum Planning Standards and Procedures for Solid Waste Management (Chapter 110-4-3) including public participation requirements.**

**NOW, THEREFORE, BE IT RESOLVED by the Murray County Sole Commissioner that the document entitled Five-Year Solid Waste For the Joint Solid Waste Management Plan for Murray County and the Cities of Chatsworth and Eton be officially approved and adopted.**

**SO RESOLVED THIS 5<sup>th</sup> day of October, 2010.**

**H. Appointment: Board of Appeals**

**Appoint Mr. Mack Belue to the Murray County Board of Appeals**

**PO Box 445**

**Term**

**Date Appointed**

**Crandall, GA 30711 Sept 26, 2010-Sept 25, 2014**

**Oct 5, 2010**

**C-706-537-4561**

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

**ADJOURNMENT:**

**This 5<sup>th</sup> day of October, 2010.**

**ATTEST:**

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**Tommy Parker, Interim County Clerk**

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**David Ridley, Commissioner**

**In Attendance: David Ridley, Tom Starnes, Tommy Parker, Lori Harrison, Emily Glenn, Dick Barnes, Dinah Rowe, Mack Belue, Dewayne Bain, Matthew Sanford, Frank adams, John Franklin, Dana Burch and Joey Arnold**



