

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, SEPTEMBER 13, 2010**

Present: Mayor Joe Jerkins
Kirsten Anderson
Trudie Causey
Randy Green
Scott Thomas

Absent: Virginia Reagan
Martin Standard
Sandy Farmer

The regular meeting of the Mayor and City Council was held on Monday, September 13, 2010 at 7:00 P.M. at the City Hall.

Also present were: Scott Kimbrough, City Attorney; Carolyn Duncan, City Clerk; Randy Bowens, Public Works Director; Jim Graham, Community Affairs Director; Denise Soesbee, Finance Director; Bob Starrett, Police Chief; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Scott Kimbrough gave the Invocation and Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any Council Member would like to add items to the Agenda. No one did.

Mayor Jerkins presented Tim Dobbs a 25 year Plaque and Pin and thanked him for his service and his hard work. Mayor Jerkins presented a 5 year pin to Antiono Travitt, Cleveland Seaborn and Steven Beach and thanked them all for their hard work and service to the City of Austell.

2. CONSENT AGENDA – INFORMATION AND UPDATE

(No Action Required by Council – See Specific Department Director before Meeting.)

3. CONSENT AGENDA

- A. Approve Bills
- B. Approve Legal Bills \$1,196.50
- C. Approve Minutes of Regular Council Meeting August 2, 2010

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Ms. Anderson. Motion passed (4-0).

4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

- A. Members of Austell Presbyterian Church – Tree Issue
No one attended from the Austell Presbyterian Church.

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Mayor Jerkins asked if anyone else would like to speak.

Ms. Darlene Duke with C.A.M.P. thanked the Mayor and Council for helping in giving out food to the community. We were able to give five to seven hundred families around 50,000 pounds of food in a three to four hour window on four separate occasions. The logistics of that you can just imagine, the traffic control department and the support of the City were invaluable and without that we would not have been successful. I would also like to give you a plaque for your outstanding contribution and continued community support for our USDA mass food distribution programs. With those four distributions we were able to give over 190,000 pounds of food to the community. This is in addition to anything else we do. Mayor Jerkins thanked Ms. Duke for the plaque and added he appreciated everything that C.A.M.P. had done over the years. Mayor Jerkins also stated the City has tried to help and he hoped the project with the Gas System was successful. Ms. Duke stated it was great. Mayor Jerkins stated that C.A.M.P. has helped a lot of families in need in the Community and we appreciate everything you have done.

Ms. Peppers stated she would like to apply for a work permit to work at Fat Cats. Mayor Jerkins asked her if it was alright to discuss her criminal history publicly. Ms. Peppers stated, not really, no. Mayor Jerkins stated we cannot do it any other way. We will have to discuss it in an open meeting. Ms. Peppers stated there are not too many secrets and I did have an incident in my past and I am hoping to start my music career. Mayor Jerkins stated we will have to discuss your record so the Council can hear it and if you are not o.k. with it we cannot go any further with it. Ms. Peppers stated talk about being put on the spot. Mr. Kimbrough stated you can think about it and come back next month to apply for a permit. Or you can go forward and have the Council know all the facts to approve or not approve the permit. Ms. Peppers stated she was o.k. with Mr. Kimbrough discussing her criminal history.

Mr. Kimbrough stated he showed two arrests in the past and one was September 27, 1996. He asked Ms. Peppers if this was correct. Ms. Peppers stated she did not know the specific dates. Mr. Kimbrough stated he would be reading exactly what the charges are so the Council will be aware and what the sentence was and if the case is open or closed. Ms. Peppers stated she was not aware of the dates although it was a very bad evening and those specific dates were very traumatizing for me and the people involved.

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Ms. Peppers stated everyone can make bad decisions. I have been playing this over ever since the accident. I never really expected something like this to happen in my life. It really scared me. Mr. Kimbrough stated that was a good outcome of it. Mr. Kimbrough stated we still need to talk to the Council about what it was. Ms. Peppers stated she really gets discouraged because people focus on the bad instead of the good things. Such as: The growth, who I am as a person, and all the good things I have done in my life. Mr. Kimbrough stated I can tell these people sitting up here are very sympathetic and forgiving, but we have to know this in order to go forward. Ms. Peppers stated to Mr. Kimbrough to proceed.

Mr. Kimbrough stated the arrest in 1996 was drug related for methamphetamines and like Ms. Peppers stated earlier it was a bad evening and there were several different counts that went along with that such as, aggravated assault, terroristic threats and obstruction. I am sorry, in 1996 it was just drug related. I do not have any disposition sheets stating the latter counts. Mayor Jerkins asked Ms. Peppers to please tell what happened on the drug charge. Ms. Peppers stated she served two and one half years in prison. I had my heart broken and I let the drugs take over to cure the hurt inside. I took it a little too far and I was suicidal and they arrested me for being high in public. I resisted arrest and I didn't make it easy for them. Mr. Kimbrough stated there was a second arrest and the date of that was September 11, 2004 for anger and assault, terroristic threats and obstruction and that was guilty and was that a plea or a trial? Ms. Peppers stated it was a plea in Douglas County and the first was in Douglas County as well. Mr. Kimbrough asked if she was still on probation for that. Ms. Peppers stated, yes, she was. Mr. Kimbrough asked Ms. Peppers how much longer are you on probation? Ms. Peppers stated not very long at all. I have been paying every month and with my good behavior and spending a good five years on probation it will not be long. A lot has transpired and immaturity has a lot to do with the charges. Mr. Kimbrough asked Ms. Peppers what exactly are you applying for at Fat Cats. Ms. Peppers stated my options in Georgia have been limited so I have had to find places with private ownership or places who are a little bit open minded. I haven't been blessed with that here as much as I would like to be. I am a very hard worker and I am responsible. Mr. Kimbrough asked what previous jobs have you held in the past years. Ms. Peppers stated she worked in Disastrous Recovery work for an insurance company. I was the Assistant Manager there, and I did that for two and half years. Then I got into bartending and I did that for two and half years. My Mom and I had a house cleaning business on and off for about ten years. I have worked hard my whole life. Mr. Kimbrough asked Ms. Peppers where she was bartending.

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Ms. Peppers stated she bartended at Players Billiards in Smyrna, GA. And this was some odd years ago. Then I moved down to Brunswick, GA and I am actually still on probation in Brunswick and I came back here to work on four music videos and i-tunes and futuristic business stuff. Basically, I want to film some videos and they are telling me I have to wait a little bit longer because they ordered some photo tools for the video footage. So it is lingering and I need to work just to survive. Mr. Kimbrough asked if anyone had any questions. Mr. Green asked if Ms. Peppers probation officer was o.k. with her working around alcohol. Ms. Peppers stated, yes sir it is o.k. Mr. Thomas asked Ms. Peppers if she had received a letter from her probation officer giving her permission to work at Fat Cats. Ms. Peppers stated it is different in different locations, some places are more open minded than others. Mr. Green stated what we are asking if your probation officer would send a letter stating it is o.k. for you to work in an establishment that serves alcohol. Ms. Peppers stated she would try to get approval on every aspect and every manner. I by far do not want to get into trouble ever again. That was a devastating evening for me. Ms. Anderson asked Ms. Peppers if she was planning to bartend there. Ms. Peppers stated, yes, this is actually a backup plan for me right now. I have found another job in Atlanta and I didn't know if I would work two days there or three days there. I would rather be here in the City at a restaurant but I don't know if they will give me enough days of work. So, basically I would only be working here two days a week. Ms. Anderson asked Ms. Peppers if she lived in this area. Ms. Peppers stated today I have been approached with some amazing blessings through people in the music industry. They have homes out there and I don't have bad credit but as long as you pay the rent they are willing to put you in there. Honestly, I have come across some blessings and I see my future prosperous immensely. I am really excited and I always look up and I believe people deserve second chances. I am just asking for a second chance. Mr. Green asked Ms. Peppers where she was living now. Ms. Peppers stated she was actually residing in Brunswick, GA. Because she didn't want to live in Douglas County because she felt like a baggage was weighting on her. When I moved to Brunswick, GA everybody was friendly again and didn't look at my mistakes. The people there gave me another chance and I got put in the newspaper down there for my talent and I was not scolded like I was in Douglasville. Mr. Kimbrough asked who are you staying with while you are here. Ms. Peppers stated she was staying with family. Mr. Kimbrough asked if anyone had any further questions of Ms. Peppers. No one did. Mr. Kimbrough asked Ms. Peppers if she had anything further. Ms. Pepper stated she would like to apologize to the universe for that evening. Mr. Kimbrough stated we need a motion.

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Mr. Thomas moved to follow the recommendation to approve Ms. Pepper's work permit pending a letter of approval from her probation officer. Seconded by Ms. Anderson. Motion passed (4-0).

Mayor Jerkins stated to Ms. Peppers the Council has approved your work permit pending a letter from your probation officer. Please bring the letter to Chief Starrett or to the Police Department. Ms. Peppers thanked the Mayor and Council.

Mr. Kimbrough asked if Timothy Lamar Dean was present. Mr. Dean was asked to come forward and state his name. Mr. Kimbrough stated Mr. Dean was applying for a work permit as a bar back at Fat Cats. Mr. Kimbrough asked Mr. Dean if he was o.k. with him discussing his criminal history. Mr. Dean stated yes, he was. Mr. Kimbrough stated the first arrest was in 1987 in Cobb County simple battery as a misdemeanor. Mr. Kimbrough asked Mr. Dean if this was correct. Mr. Dean stated yes, it was. Mr. Kimbrough stated the disposition of that was guilty and was that a plea. Mr. Dean stated yes, it was. Mr. Kimbrough stated it was twelve months probation and a fine of one hundred dollars. The plea was on March 5, 1987. The second arrest was on October 2, 1987 in Cobb County and another misdemeanor a traffic violation. I believe this was driving while license were revoked. Is this correct? Mr. Dean stated, no I believe it was no insurance at the time. Mr. Kimbrough stated invalid license and you entered a plea of Nolo on October 7, 1987 and this was a misdemeanor. Number three was impersonating an officer and that is all the information I have. Mr. Kimbrough asked Mr. Dean if he was ever charged with that. Mr. Dean stated yes, he was here in Austell. The case went to court in Cobb County and the officer that handled the case was reprimanded and the Judge threw it out. Mr. Kimbrough stated the case was dismissed. Mr. Kimbrough stated the fourth arrest was in Douglas County on January 31, 1989 for simple assault, a misdemeanor and do not have the disposition sheet on this case. Mr. Dean stated he was guilty of that case. I assume it would have been misdemeanor a twelve month sentence and some sort of fine probably. Mr. Dean stated anything other than the traffic accidents were related to marriage to a drug addict and getting custody of my children. Mr. Kimbrough stated simple battery in 1992 and July 4, 1992 a misdemeanor and that was dismissed. In August of 1992 a D.U.I. in Douglas County and you entered a plea of no contest on December 17, 1992 and all of these have been misdemeanors. August 17, 1993 in Douglas County for aggravated assault arrest. Is this correct? Mr. Dean stated he was not sure about that charge. Mr. Kimbrough stated the aggravated assault charge was dismissed.

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When did you leave your wife? Mr. Dean stated he left in 1994 or 1995. I did get custody of my children. Mr. Kimbrough stated part of that same arrest was terroristic threats and battery and those two were guilty pleas.

Mr. Dean stated his Public Defender had told him he had two choices to plea guilty and take five years probation or not guilty and serve ten years in prison. Mr. Kimbrough stated the last was a criminal trespassing and simple assault. The simple assault was dismissed and the criminal trespass was guilty on misdemeanor and that was in 1995. Mayor Jerkins asked if this was the last arrest. Mr. Kimbrough stated, yes sir. Mayor Jerkins stated so nothing has happened in fifteen years. Mr. Dean stated he had served on the City of Austell Planning and Zoning Board. I have worked at W.R. Meadows who used to be located in Austell. I managed Fairfield Plantation which is a large gated community out in Villa Rica until the housing market crashed. I was Project Manager for a sub-division developer. If there were any construction jobs available now I wouldn't be here. Mayor Jerkins asked Mr. Dean what he was applying for at Fat Cats. Mr. Dean stated a bar back. Mr. Kimbrough asked if anyone had any questions. Mr. Thomas asked Mr. Dean so you have been clean for ten years and Mr. Dean stated a lot longer than that. Mr. Kimbrough stated it has been fifteen years. Mr. Kimbrough stated we need a motion.

Mr. Thomas moved to follow the recommendation to approve Mr. Dean a work permit. Seconded by Mr. Green. Motion passed (4-0).

Mayor Jerkins asked if anyone would like to speak to the Council.

Ms. Ann Turner stated she had two very positive things to say to the Council tonight. One is I appreciate the fact that the hole on Owens Drive when I head home I don't hit anymore and sink my truck to China. Two, the top of the Park is looking real good. We have lost our pretty cherry trees but the roses are looking pretty good. I was down there on Sunday and nothing was there and they are all in today. Hopefully, there will be enough water and they will take off and we want lose them again. Mayor Jerkins thanked Ms. Turner for her comments.

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**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated he attended the meeting a couple of weeks ago and it was a normal meeting adopting the rate schedule for this billing period.

**7. FINANCE DEPARTMENT
VIRGINIA REAGAN, CHAIRPERSON
Denise Soesbee, Director**

- A. Financial Report

**8. GENERAL ADMINISTRATION
KIRSTEN ANDERSON, CHAIRPERSON
Carolyn Duncan, Director**

- A. No Report

**9. POLICE DEPARTMENT
VIRGINIA REAGAN, CHAIRPERSON
Bob Starrett, Police Chief**

- A. Police Report
B. Code Enforcement Report
C. Work Permits – Fat Cats

**10. FIRE DEPARTMENT
SCOTT THOMAS, CHAIRPERSON
Tim Williams, Fire Chief**

- A. Fire Report
B. Unsafe Building Update

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Mr. Thomas stated at this time he would this turn over to Chief Williams. Chief Williams stated a couple of things over this past month with the properties. The Mulberry Street property owned by Mr. Mark Perry and the Pine Street property owned by Lynda White Williams both received citations and both attended the Austell Municipal Court. Mr. Perry received a fine of \$1,000.00 for code violations and Ms. Williams was fined \$500.00 for code violations. Also, I think the Brooks Drive property, Mr. Traylor's property is part of the first tier in the homes buyback program.

I understand that has received final approval and hopefully we will be seeing the funds before the end of the month. The last property, the Rockhill Street property, Ms. Rita Nichols Otts who appeared here last month agreed to the City demolishing the structure. Mr. Kimbrough is to draw up an agreement for the cost and Ms. Otts agreed to re-pay the money back to the city as funds become available. Chief Williams stated he would like to add the Fire Department has just completed the MDA Boot drive and this year we raised \$3, 277.00 for MDA. Mr. Cobbs who is the President was here earlier this evening is a big part of that. He was present at the MDA Telethon last Monday morning and was actually on T.V. and did a short stint with Rhubarb Jones. It's been great this year even with the down economy we were able to raise \$5,055.60 for the burn foundation in the early summer and our total this year exceeded last year's total for both drives a total of \$8,332.60. Mr. Thomas stated all the men worked hard on this drive and we thank you.

C. Reception – Tim Dobbs – 25 Years of Service

**11. PUBLIC WORKS DEPARTMENT
MARTIN STANDARD, CHAIRPERSON
Randy Bowens, Director**

A. Employee Service Pin (5 Year)

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Recommendation and Approval:

B. Approval of Proposal for Technical Support Services

(Please see Attached Sheet:)

Mr. Thomas moved to follow the recommendation of the Public Works Committee to approve the attached proposal through Fox Environmental, LLC, to provide technical support services for the Metropolitan North Georgia Water Planning District (MNGWPD) and Municipal Separate Stormwater System (MS4) Phase I permit compliance. Seconded by Mr. Green. Motion passed (4-0).

12. PARKS DEPARTMENT

RANDY GREEN, CHAIRPERSON

Jim Graham, Director

A. No Report

Mr. Green asked Mr. Graham when the park would be ready. Mr. Graham stated I do apologize for not telling you and the Mayor can confirm. Lowe's and Channel 11 Alive in the past week everything has happened so fast and the plans have changed several times. We are very appreciative of what Lowe's is doing. The walls are complete and the lighting contractor is working on the poles because they came in a little early and they should be installing them we hope. In the next three to four weeks all the electrical work should be operational. The fencing contractor should be out there tomorrow putting the fence at the top of the wall. They have all been told to proceed and the fencing would be the last thing to install. The bleachers should be on order and it will take six weeks to get the bleachers. So, the only thing left to do after the playground is scheduled in which is anytime now the CDBG Grant to be delivered in the fall. The buildings, we are still waiting on the insurance approval for the money. We are going on with the concession facility and we should have everything up and operational except the Lion's Club pavilion and the other little pavilion by the end of October. We definitely will have it ready pending nothing happening we will have it ready by Spring ball.

Mayor Jerkins stated he had planned on giving a report under Mayor's Report but I will go ahead and explain some of things that are taking place.

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Lowe's has come out and stated they would like to redo our shrubbery that was washed away at the wall and fix it very nice which they did. Also, they added three other homes they wanted to landscape. Channel 11 has spear headed the program. The last couple of weeks we have been to the three homes on Pontiac Circle. One home they are painting and doing yard work. The other two they are working on a front deck and doing yard work. They are landscaping all of it. They have brought new lawnmowers to each house and weed eaters, shovels, etc. to use and they are going to donate them to the homeowners when they finish. Today, we met out there and Lowe's had about a hundred and twenty employees and they all met at the park.

They hired three buses to transport them to Pontiac Circle. Then they delivered all the shrubbery last Friday. Some have been at the park and some have been at Pontiac Circle working on the three homes. I wouldn't be surprised if they haven't brought at least \$50,000 worth of shrubbery and at least that much money at the park. It is really looking good and they will probably get through tomorrow. They are not charging us anything. Channel 11 has been filming sections and I have been involved with them and we went to the houses and it will be airing next Tuesday, the year anniversary of the flood. They have been out there all day filming today and probably some tomorrow. Next Tuesday morning they have asked me to be live with them from 6:00 a.m. to 7:00 a.m. at Legion Park and that evening. They will be asking questions of me and doing different things. I think Channel 11 has done a great job and I have been hit like before with a lot of news reporters calling because of the year anniversary. It has taken a good bit of my time to get involved with them and I have tried to answer their questions. I didn't find out until today that Billy Graham's church had sent some crews and re-done four homes in Pontiac Circle. Lowe's gave them a twenty percent discount on everything they bought. So, they re-did four homes on Pontiac Circle a few months back. All of our churches have been involved here doing good work in helping the community. We have had so much support but we still have a long way to go. The times I have been out there the grass hasn't been cut and a lot of them are completely destroyed. We have to try and work into that and get some of them cleaned up. I think about half of them have already moved back in to their homes. So out of seven hundred we probably have about half of them back in their homes. It's not great but still it's pretty good. It's been five years since Katrina happened and they only have 25% of the people back in New Orleans. So, in a year's time we have come a long way. It is by far the worst thing that has ever happened to Austell.

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I just wanted you to know what is going on and we actually got a check today for \$348,000.00 from FEMA and some of it was from things we did in the beginning last year when we had the flood. We were glad to get the check because we have been using City funds to pay for a lot of things we have been doing. This will help us move forward and get the park finished up. I had mentioned the property across from Legion Park and to get that property donated to us a couple of months ago and that did happen. The property is a little over two acres and we have to pay the county tax and Leo Clifton handled all the paperwork. We closed on the property last Thursday. The titles will be put on record today or tomorrow. We are getting some free dirt brought in and we tore the building down today.

We have made a good bit of progress on it and I guess the money we have spent on it will be around \$12,000.00. On titles and taxes and we had to get a surveyor and that was around \$2800.00 to get it surveyed. We have that property and the piece of property next to it I am working on that to see if we can't buy that. We are trying to get that property to clean it up and use for parking area. We are getting free dirt and we are getting a lot of gravel. Mr. Thomas had asked me about the gravel behind Wallace Barbecue and it is temporary we are getting it free so we are letting them dump down there. We are working on getting everything for nothing or as much as we can without spending money. Ms. Causey stated there will be a prayer service at Collar Park for the flood victims on September 21, 2010 at 6:00 P.M.

**13. COMMUNITY DEVELOPMENT DEPARTMENT
TRUDIE CAUSEY, CHAIRPERSON
Jim Graham, Director**

A. No Report

Ms. Causey stated the only thing we have tonight is the rough draft for the new City of Austell Comprehensive Zoning Ordinance. Please review and have them returned back to Community Affairs Department no later than September 30, 2010. If any changes are to be made please contact Kathy Tullius.

Ms. Anderson asked if we find a mistake can we write on the page. Mr. Graham stated, yes, you can because we will replace the page.

14. CITY ATTORNEY – DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING	SEPTEMBER 14, 2010
TIME:	6:30 P.M.
LOCATION:	ACWORTH

Mr. Treasure Rogers stated that Duane has a handout for the Council. Mayor Jerkins stated please do not distribute this list to anyone. The media has asked me for one and I refused to give them one. We agreed with the Federal government that we would not give out information on any of the residents.

Mr. Rogers introduced himself to the Council and stated his name and his company Floodplain Management Services. Mr. Rogers stated right after the flood there were 553 homes that were damaged and of that the City of Austell received 230 applications. Of the 230 applications only 23 homes qualified as a substantially damaged one-hundred year flood plain structure. Based on the twenty-three that represents about 2% of all the applications and about 4% of the total flood costs for the City, the balance of the 230 there are still 207 applications. What we are looking at currently there is somewhere around 70 plus or minus maybe more or it may be less homes that will qualify in what we call the future substantial 100 year flood plain damaged structures for revised 100 year flood plain. In FEMA's criteria for what they call fast track application. The fast track applies to structures that were located in the hundred year flood plain and were substantially damaged. Substantially damage being where the damages are equal to or greater than 50% of the value of the structure for the September floods. Basically, all that flooded do qualify for this event. All 23 are currently located in the currently mapped hundred year flood plain. As I noted there are about seventy plus or minus future substantial damaged structures. That future is based on the counties initial revised flood study on Sweetwater Creek. Based on the initial hydraulic analysis that the counties consulting firm did the initial analysis came up with about the hundred year flood increasing somewhere three to four feet on Sweetwater Creek. As the water gets higher it spreads out this means it will get to more houses which means the water will get to more houses which are in the revised one hundred year flood plain.

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That is still underway and we are hoping to get when the analysis will be complete. The analysis is what has transpired since the September 21, 2009 flood. We have been told by the State's Engineering firm which is Dewberry that the county's engineering data may even get a little bit higher once they review it based on FEMA's hydraulic criteria. Based on that once that information is complete we may have more than 70 that will qualify for the proposed revised flood data on Sweetwater Creek. We have run into a little snag on that because the current policy of FEMA primarily the headquarters out of D.C.

What they are saying is they are not going to approve any structures that are located in the proposed or revised flood plain. The City's Public Works Director Randy Bowens sent the letter to GEMA against FEMA requesting that FEMA allow additional applications based on the revised flood data once it is considered final by the State's Engineering firm. What the headquarters office is saying, no we will not accept those additional applications until it goes through the regular mapping process and issue a letter of final determination. The current schedule on that letter of final determination with revised date will not be issued no sooner than January 2012. The application deadline for this disaster is March of 2011. What the Regional office and GEMA has recommended to the City of Austell is that we move forward and submit these applications based on my data. Because, if we can't get FEMA to change their minds and let us use the revised data and they stick with the 2012 target GEMA will have 70 plus applications in their file ready to be sent to FEMA in 2012 once it is close to being publish. And, at that time, they will call you back and say hey, hopefully there is still some money left for the current disaster and which houses do you want to implement for acquisition. We are still hopeful that we will be able to complete the applications that will qualify for substantial damages under the revised flood plain. Make another attempt to FEMA in Washington, D.C. and hopefully they will change their minds and accept those additional applications. But, at this point FEMA Regional Office in Atlanta and GEMA are asking the City of Austell to please go ahead and submit the applications as quick as we can. In the process of doing that once we get the revised flood data from the State Engineering Department then we will know how high the flood elevation will be once it is published in 2012. Then we can identify which houses are in that revised Sweetwater Creek hundred year flood plain. Currently there are about seventy structures and we are thinking it may expand from seventy to a hundred structures.

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Another thing to keep in mind even though we submit an application for a hundred structures that does not mean FEMA will approve a hundred structures because of funding situation. What they are likely to say to the City based on current funding availability from the previous disaster and the current disaster is numbered 1858 and based on previous disasters they have x number of dollars available. They will tell the city based on money available then you give us x number of structures of the hundred you submitted. At that point you will have to pick the ones you would like to submit. Prioritize the list of houses you submit like the ones that are unoccupied like pre-flood houses. You may see rental property that was occupied and you may see foreclosures.

We are hopeful that FEMA will change their minds on this revised flood data. GEMA has told the City the twenty-three homes will be approved the latter part of next week. As soon as the City gets the letter it will make it official. We will be having a meeting with those twenty-three home owners and what we will be focusing on is identifying and out of those twenty-three there is about seventeen that have flood insurance prior to the flood which means they qualify for increased costs of compliance monies from FEMA. When you have a flood insurance policy there is an add on coverage called increased cost of compliance. Basically, what that means is if your house is ever destroyed by any type of disaster the homeowner can go back to the insurance company and say I want to use increased cost compliance money to elevate my structure in order to meet local guidelines and elevation requirements. Since we have about seventeen houses that have flood insurance in the City we are going to ask the homeowners to sign over to the City their ICC coverage for demolition. To apply that for your share and if you notice on the budget there is a column named demo/debris and removal this is where the homeowner with ICC would sign it over to the City. If I am not mistaken the maximum is thirty thousand from ICC and it is based on actual contractor's cost to demolish your house or mine. You would then use that amount and the homeowner would sign the document and turn over to the City. This is one way to get your cost will be reduced is through ICC coverage.

We should get approval the latter part of next week on the twenty-three houses in the buyout program. From what I currently understand FEMA will send you a phased approval letter. Usually it would come from GEMA. SBA has approved it and GEMA in turn sends the City a letter.

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These two houses are part of the twenty-three and what the phase approval means is of the twenty-three houses as part of the environmental review process FEMA has asked to require Section 106 of the National Historic Preservation Act. This acts says any house over fifty years old and has certain architectural features is eligible to be listed on the National Register of Historic Places. Of the twenty-three houses FEMA and the State has identified those two houses as eligible for listing on the National Register of Historic Places. When the City gets the phased approval letter the bottom line and of the twenty-three you can go ahead and act on the twenty-one. The remaining two has to go through the formal Section 106 process and which will delay the process of those two structures. It has to go through several stages with State and Federal agencies.

The main thing is they want to try to come up with a way to mitigate all the adverse effects to the structure. When you demolish it is an adverse effect and it is no longer there. On a previous project here in Georgia I worked on what we ended up doing to comply with the Federal guidelines we offered the house to an agency here in the State of Georgia. They are located in Atlanta they are a privately held historic preservation and we offered the house to them if they would come to the City and take it. They said no, they didn't want it. This project was in Ringgold, Georgia. In that particular city they had a local historic preservation agency and we offered the house to them and initially they said they would take it. What they wanted to do was move the house to the church site and they would operate it as a historic structure. It turned out the Board of that particular agency finally understood what their financial outlet was going to be such as moving the structure, utilities and so forth they said they couldn't afford it. So, the City complied with Section 106 by offering it to somebody else to move and keep it in its original structure. When those two agencies decided they didn't want then more than likely this will be what will happen to these two homes. It will be part of the condition they will say try to do what you can other than demolishing the home. We will go back to same State agency and ask them if they want it and if the City has any type of conservation agency we will offer it to them. They will have to pick it up and move and take it to their site. If they all say they don't want then we have complied with the effort to mitigate their respects. What we are saying in the mitigation is move it off of the site and take it somewhere else. If that fails then you essentially need controlled guidelines. As noted, these two houses will be the last that we will apply because of the paperwork and the back and forth to go through the Section 106 process.

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Mr. Rogers stated this is basically what I have tonight. I will be glad to answer any questions you may have.

Mayor Jerkins stated to the Council that our local share is \$426,000.00 for just these twenty-three homes. That is a lot! If we get the insurance it is \$252,000.00 that will come off of that right? Mr. Rogers stated it may be less or it may be a little bit more. Mayor Jerkins stated when you are looking at the hundred homes. We are looking at four times more than what we are looking at now. It is more than a million and a half dollars. Mr. Rogers stated FEMA doesn't have that money. Mayor Jerkins stated we are not going to be able to pay 15% for those hundred homes and people need to understand that it probably will not ever happen. Bo Traylor's home flood in 2005 and it is just five years later being able to get the funds. This proved there wasn't any money there. The people that are thinking they will get their house bought in that seventy homes will probably never happen. I don't think and if it does the City will not be able to pay the 15%. They will have to take a 15% discount. Mr. Rogers stated if you look at the acquisition you will see the County appraised value of the home before the 2009 flood. You start out with the conversation of the home owner \$148,400.00 from that the duplication of benefits has to come off if this is one of the homes that has flood insurance the amount of structural insurance paid comes off of the \$148,000.00. If they receive repair money from FEMA right after the disaster and if they didn't put their repair money into the house that comes off the \$148,000.00. Mayor Jerkins stated it will lower it a good bit but it still will not save us any. I have talked with a couple of homeowners about the scenario and they are saying if they can come to closing and leave without paying any money they will be satisfied and get it taken off their mortgage. There are those homeowners that will say I don't necessarily need \$15,000.00 for clothing. They could reduce the offer price. Once the City gets the official letter From FEMA and GEMA when we have the meeting with the homeowners and we will not go into detail on this but when the appraisals are x numbers of dollars and once you eliminate the duplication of benefits it will still work out fine for you. You can reduce the offer price and that would reduce your share. The rule is once you use market appraisals or county tax appraisals once that is set and is part of your budget you can't increase it. You can always decrease but not increase it.

The meeting will be on Saturday, September 18, 2010 at 2:00 with all homeowners involved. (23 Homeowners).

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16. ADJOURN

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to adjourn the meeting. Seconded by Ms. Causey.