

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, FEBRUARY 4, 2013**

Present: Mayor Joe Jerkins
Kirsten Anderson
Trudie Causey
Virginia Reagan
Martin Standard
Scott Thomas
Suzanne Thomason

The regular meeting of the Mayor and the City Council was held on Monday, February 4, 2013 at 7:00 P.M. at City Hall.

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

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Doctor Robert Moore of the Triumphant Community Church gave the Invocation and Mayor Jerkins led the Pledge of Allegiance.

Mayor Jerkins presented Beth Lefevers, 911 Communication Department with a five year pin and thanked her for her hard work and dedication to the City of Austell.

Mayor Jerkins asked the Council if they had any items to add to the Agenda. Ms. Reagan stated she would like to add 9C. – To Rescind an Ordinance and also 7C. – Certification of Agreement for the Allocation and Distribution of Proceeds from the Title Ad Valorem Tax.

Ms. Anderson moved to follow the recommendation to approve the items added to the Agenda. Seconded by Ms. Reagan. Motion passed (6-0).

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 \$937.50
- C. Approve Minutes of Regular Council Meeting January 7, 2013

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Ms. Anderson. Motion passed (6-0).

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4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

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

Mr. Jimmy Lovins stated his name and stated he lives at Wildwood Forest and one of the Council Members called me on Saturday I cannot remember which one. Ms. Causey stated she was the one that called him to see how things were going. Mr. Lovins stated he had turned in some complaints to Code Enforcement last week and Ms. Causey called me on Saturday and she said she was glad I did turn some complaints. We live in a neighborhood that is about forty-five years old and Code Enforcement rides through but they don't do anything. We have houses that have been burned years ago on Sanders Drive and they are still there. There is a house that is flooded and it is still there. They are growing up around them and they are a hazard. They are a health hazard and it looks bad. I am old and I can't move around well. We need to clean the neighborhood up and we need your help. Mr. Thomas lives at the beginning of our neighborhood. All he has to do is ride through there and you can see people storing stuff on their carport, in their yard, wrecked cars sitting in the back of their house. I know Code Enforcement says they cannot go in the back but you don't have to go in the back you can see it from the road. There are a lot of houses that are vacant just sitting there and the paint is peeling off the house and they are growing up with grass and weeds and it is a nuisance. Your Code states it is a nuisance. These are eyesores and we need your help. Mayor Jerkins stated the two homes on Sanders Drive we have been trying to work on them when they were flooded and burned. The bank said they were going to forfeit the loan and when it flooded I think but they will not give the deed to the lady so that she can deed it to us so we could do something with the house. It costs us about ten thousand dollars to tear a house down. It gets pretty expensive to do this but we are working on those two houses. Mr. Lovins stated the value of our homes and trying to keep our homes up is going down because of this. Mayor Jerkins stated I understand that but there were so many of them that was flooded. In different neighborhoods and we can't afford to go in but if we get the deed to them we would try and do something with them. Mr. Lovins stated the people have left for whatever reason and leaving these houses and they are a nuisance. Mr. Lovins asked if Code Enforcement could do something about these houses. Mayor Jerkins stated if we can find out who owns the house and then talk to the bank. Mr. Lovins asked don't they pay taxes. Mayor Jerkins stated no, in most cases they are not. Mr. Lovins stated well, if I didn't pay taxes they would come get my house. Mayor Jerkins stated in most cases they don't want it. Mr. Lovins stated he brought a lot of neighbors with him with the same complaints. Mayor Jerkins stated we are working on it and it is not that Code Enforcement is not doing anything because they are.

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It's not as simple as I want to do something with that house a lot of times you can't even find out who owns it. Mr. Lovins asked what about the ones who have stuff stored on their carports. Mayor Jerkins stated we can work on that. Mr. Lovins stated Code Enforcement just rides through the neighborhood because I have watched him. Can he not go up to them and tell them to clean it up or the City will cite you. Mayor Jerkins stated about the time they cite them another crew will start putting trash in there again. I know that last year or the year before they were in there working on a bunch of houses and trying to get some cleaned up. Mr. Lovins introduced his wife. Ms. Lovins stated if you lived in a nasty hole like we live in down there you would want to move. The Pastor came to see me the other day and I was greatly ashamed of where I lived. We live next door to this man and every time I come out my door I think I should start buying Christmas presents because he has this big old stupid Christmas tree in a box and he has it pulled against my side of the house. He has a nasty tent up there and it is very nasty where the trees are and it has stuff all over it. He has these stupid Christmas lights around it and he has two or three old cars out there and in the back yard he has this big old nice swimming pool and it has been sitting there for three years and it has green water in it. He never goes in it and he has fifty bicycles over on my side of the property and it is nasty. I tell my husband all the time we need to move but we can't move because he has spinal cord cancer and if you have cancer in your house you don't move because you have to hold on to what you have. Down the road from us no one cleans their yards up and nobody does anything and they have all this nasty stuff piled up everywhere and I am getting very tired of it. I try to keep my house clean and mister you need to help me. Mayor Jerkins stated we have received the complaints and we will be working on them. Ms. Lovins stated Mr. Thomas had been out to her house and they had talked but nothing has been done since then. Mr. Thomas stated some of those homes are not in the City they are in the County and I think Chief Starrett turned them over to the County. Ms. Lovins stated no sir this is right next door to us. Mr. Thomas stated on the left hand side and his house is in the City but all the property is not. Mayor Jerkins stated some of them are not in the City. Mr. Thomas stated the house directly across from me on the corner is in the City limits but they are not in the City of Austell. The one across from him the fireman and the one with the green fence his is not in the City limits. We have a lot of these islands that are not in the City. Mr. Lovins stated if he is right next door to me in Wildwood Forest he has got to be in the City. Mayor Jerkins stated there are some of the homes that are not in the City limits. Robin Jefferson stated this whole neighborhood from what I understand is in the City limits. That whole neighborhood is Wildwood and what I don't understand is this is an old neighborhood and not a brand new neighborhood and they don't have people who govern and make you keep it clean. We do have a Code Enforcement and that is what they are suppose to be doing but they don't do their job, I am sorry but they don't do their job.

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They ride through and they don't do anything. If you were doing your job and making people clean up then you would stay on them to do what the codes say. These people do live right next door and that whole neighborhood is in the city limits and just like those burned homes they are in the city limits too. Ms. Jefferson stated to Mr. Thomas that he lived in Austell not the city limits. Mayor Jerkins stated Mr. Thomas could not be a Council Member if he didn't live in the city limits of Austell. You are wrong on that, and there are some houses that are in the city limits and some are not. Ms. Jefferson stated this is my Mother and Daddy I am speaking for. Mr. Thomas stated we went over and talked with that guy. Ms. Lovins asked Mr. Thomas if he had talked to the guy next door to her. Mr. Thomas stated yes, I have been over there several times and talked to him. I've also come down and sit in your living room and talked about this. Ms. Lovins stated she remembered Mr. Thomas coming to her home. Ms. Causey asked is there not anyway we could start giving ten day letters to these people and if they don't abide by the letter within ten days then give them a citation and let them appear before a Judge. Chief Starrett stated we follow up with every complaint we receive. Ms. Causey asked are we giving out ten day letters. Chief Starrett stated it depends on the situation if it is someone we are trying to work with no we don't. Chief Starrett stated he had spent hours and hours talking to the people down there. Ms. Lovins stated yes, you have spent hours and hours but they still don't do anything. Chief Starrett stated we have done a lot down there in that area. Ms. Lovins stated I wished you would show me what you have done. Chief Starrett stated you have to admit we got a lot of stuff cleaned up in that area about two years ago. Mr. Thomas stated that was right after I met with you and we got some of it cleaned up. Mr. Lovins stated he would take pictures and show them to you. Mayor Jerkins stated I know as soon as we get it cleaned up they start again doing the same thing. Mr. Lovins stated some of these complaints I did the guy stores stuff on his carport and it is just junk. He goes around the neighborhood and collects junk. He has an old pickup on the side of his house and it's full the bed of the trunk is full running out on the ground and it is just junk. He has another junk pickup sitting in the back and you can see it from the road. Ms. Causey stated she and Ms. Thomason both rode down there and he is correct. Mr. Lovins stated this has not been happening overnight this has been going on for a long time. No one has done anything about this person because he is still doing it. Ms. Lovins stated if it was your neighborhood and you had somebody living next door to you would you liked to live there. Mayor Jerkins stated, no, but when we get some of it cleaned up it will be better. Ms. Lovins stated we have some old houses here in Austell and they are real nice and they do not look like that and they are real old houses. They keep theirs up and keep it clean. Ms. Lovins stated if something is not done I am going to have to find a hole somewhere because I am very ashamed of where I live. My Pastor came to see us and the guy's Christmas tree was sitting in my door.

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They also have these basketball hoops and the kids are playing and when you go through there they will not move out of your way. They just keep playing like there are no cars coming toward them. Mr. Lovins stated they look at you like you are crazy for coming up the street. I pay taxes to drive on that street and they use as a playground. Mayor Jerkins stated they will be working on this to try and get something done. Ms. Lovins stated this is the first time we have ever come down to do this so I hope we didn't waste our time coming and you don't do anything. Mr. Lovins stated the other people we brought have complaint forms to turn in and who do we give them to. Mayor Jerkins stated the Police Chief. Mr. Lovins thanked the Mayor and Council.

Mayor Jerkins asked if anyone else would like to speak to the Mayor and Council. Mr. Jason McClain stated his name and stated he would like to comment on the same issues. My question is do you have quality control to assure the residents that their needs or requests are being taken care of. Mayor Jerkins stated yes, a report is done on every complaint. Chief Starrett stated we file a report every month on every complaint. Someone in the audience asked if the citizens were aware of this report. Chief Starrett stated he didn't know. But, all you have to do is come to the Police Department and ask for this report. Mr. McClain stated so as a citizen if I file a complaint I can then come by and ask you what is going on with the case. Chief Starrett stated, yes you can do that. Chief Starrett stated we have two Code Enforcement Officers that work part-time, one works Monday, Thursday and Friday. The other one works Tuesday, Wednesday and Thursday. They work an average of four to five hours a day and they stay tied up on what they are doing. They work those hours because that is all our budget allows. We have to work with what we have so what you see is what you have. They follow up on everything we do and they do not let anything stand and we have case files they work on. But, it is not like we are out there every day, eight hours a day doing this. The main thing they do is to follow up on the complaints they get and this keeps them pretty busy although they do find certain things on their own. We follow up on any complaint we receive and you can see a record of it. Mr. McClain asked, what the process is. Chief Starrett stated you just come see me or my secretary and we will help you. Ms. Reagan asked Mr. McClain to come forward and she gave him the Code Enforcement report. Ms. Anderson stated we do get a Code Enforcement Report every month and you will see what they have done on the report. Also, there is an office in the back of the Police Station and if you come Monday through Friday there is always someone in there to help you. Mr. McClain asked where the actual codes could be found. Chief Starrett stated the codes are in our Ordinance Book and we have one at the Police Department and in Mr. Graham's office but not on the internet. Ms. Causey stated by law aren't we supposed to have it on the internet. Mayor Jerkins stated there is no law stating we have to have it on the internet.

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Ms. Anderson stated it seems the City should be able to go in and do something on these homes but it is really hard to that because the banks do not want to foreclose and people do not want to be found and it is private property. Just because they are Police Officers doesn't mean they can go in on someone else's property and the banks know this and the banks don't want to foreclose because they don't want the responsibility either. Our officers and our attorney have gone out to a lot of these houses and it has been a very long process of trying to find out who has the homes. Sometimes, a lot of these people especially on commercial property they are very good at not being found and prolonging things. So, it does get to be a problem and if they don't pay their taxes and it can't be just this year and like the Mayor was saying it's not property we want but it becomes our responsibility. All of us have to pay for it and we do have a budget. It seems it should be a very easy solution but when you start taking all the legal steps and all the ways the people can avoid and they know exactly what they are doing so it is not an easy solution like you might think. Mr. McClain stated he understood this and ask Chief Starrett on the code book I can come to you and request a copy. Chief Starrett stated, yes, you can. Mayor Jerkins stated we have to charge ten cents per copy. Chief Starrett stated the original Code book is in the City Clerk's office I believe. Ms. Duncan stated the zoning ordinances would be in Mr. Graham's office. Mr. Graham stated you may come into the office and whatever you need we will make you a copy. Mr. McClain stated is there any plans to get it on the internet. Mr. Graham stated we have planned for years to get it online but it is being revised on occasion. We are trying to put everything online so it will be available for the public. Mr. McClain asked if there was a timetable for it. Mr. Graham stated he was not in charge of the internet and Mr. Kimbrough stated there is no time table. A lady from the audience asked when people have their water turned on at City Hall can't they get something that says this is the codes if they don't know. Ms. Anderson stated the Code book is very extensive. The lady stated well couldn't you revise it. Ms. Anderson stated no, because there are so many ordinance codes in the book. Mr. Standard stated if it is pertinent to property you would only have to have a couple of pages. The lady asked well why couldn't the Council get together and do that. Mr. Kimbrough, City Attorney stated it costs money to do that. The lady stated well, you are charging ten cents a page and if they are moving in and don't know the codes you need to provide that for them or get your web site going. Why do you have a web site because you pay for it but you don't supply the needs that the people need on that web site. You do have someone that takes care of the web site and gets paid for that correct. Mr. Kimbrough stated yes, it is part of their job. Ms. Anderson stated yes, and when taxes go up everybody has a fit over the taxes going up. The lady said well, that is their job. Ms. Anderson stated they have a lot to do other than the web site. Mr. Kimbrough stated the past three years they have been inundated with the flood.

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All these people over here are responsible for that and that have been inundated with Federal and State regulations dealing with the flood and they have not been able to get to put the codes on the internet. This falls way down below taking care of the safety of the citizens and clearing up these problems with the floods. The Mayor has said many times before we have to prioritize all of these things that are very important not only to us up here but there is only so much money, so much time and so much man power that we have in order to do that and especially coming off a year like last year which was really a fiscal cliff for the City of Austell receiving a million less than we normally receive from the gas company because of the warm winter which no one had any control over. I think Ms. Anderson was trying to get to that point and all of these things have an impact on the decisions that are made by the Council members as well as the Department Directors. What needs to be done and what is the most important to be done. I assure you they working their tails off. The lady from the audience stated well if they are being paid to take care of the web site then they need to be taking care of it. Mayor Jerkins stated we do not have a designated person to take care of the web site. Duane Demeritt does some of it as he gets time to do it. The lady stated then you need to get rid of it because it is costing the taxpayer's money.

Ms. Jackie Council stated she had dealt with some of the same issues with property and I can say Code Enforcement has been helpful in helping us in some of those situations. But, it bought a thought to mind and many of the subdivisions have homeowners associations now and maybe the subdivisions can get a copy of the information that applies to Code Enforcement and maybe that subdivision can give a copy of that information out to the individuals who live in the subdivision. That is just a thought and maybe it would help. If you are saying we afford to make copies of the ordinances I am sure the subdivisions could get a copy out to the residents because they want what is best for their community. Maybe they will be willing to give a copy of the information out to their subdivision. I feel your pain because we have dealt with it and it is not getting any better. That leads me to my other comment you have mentioned budget and unfortunately I was not at the meeting when the decision was made not to assist those homeowners who were affected by the flood. It was indicated by a friend of mine who attended the meeting that the City has decided not to participate in helping the homeowners with the cost of getting out of the property. Can someone elaborate on how you came to that decision?

Mayor Jerkins stated we received another grant that covers forty-seven more houses. The Federal government pays seventy-five percent of that and the State pays ten percent and the City can pay or not pay the fifteen percent. The City does not have the fifteen percent to pay. This is the part we cannot do but we handle the remainder of it. We have to tear the houses down and look after all the information on the houses.

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There was five million seven hundred fifty-six thousand dollars that was awarded to us to buy the houses. If you didn't apply for it and qualify for it your home would not be bought. There are forty-seven homes that have been approved and some of them may change their minds. There may be some funds left later. This is the way the situation works. Mr. Bowens is working on this and we have already torn down twenty-seven houses and we have forty-seven more we are working on. There have been two or three who have changed their minds. Ms. Council asked for those individuals who have changed their minds will those funds be used for the next person. Mayor Jerkins explained the Federal government says the money is to be used on those forty-seven houses but we can possibly apply at a later date and the Federal government may grant something else if there is some money left. Out of the forty-seven it is monies left out of the whole county surrounding us and we re-applied. It wasn't new money it was money left over so this is how we got the forty-seven houses added. Ms. Council stated the twenty-seven homes that have already been bought out how did the funds apply to assist them. Mayor Jerkins stated the same exact way. Ms. Council asked so the City just recently did not have the funds. Mayor Jerkins stated we took it out of money we already had but we do not have the funds now. The appraisal on the homes in 2009 and that appraisal is probably on a hundred and fifty thousand dollar house and today the appraisal might be a hundred thousand. So they are better off to sell it because they will get more for it because that is how much houses have gone down. Ms. Council stated if the person is not upside down because of the change in the market. Mayor Jerkins stated a lot of them will go to the loan company and tell them they can do whatever and some of them work it out with the loan company. Ms. Council stated so those that are upside down with the loan company and there have been loan companies which are not willing to work with the homeowners. Mayor Jerkins stated in some cases probably because different ones do different things. Also, whether we buy it out or not they would still be upside down. If they are willing to sell it for a hundred and fifty what will they do with it for a hundred. Ms. Council stated my point is an individual who was affected in the flood back in 2009 and you are appraising their home they are better off with the 2009 data than they would be currently. Mayor Jerkins stated the appraisal of all house went down not just the flooded houses. Ms. Council stated those individuals who were not in the flood are not in the equation and are not affected. We were looking at counting on the City and had made plans according to utilize those funds to go back and purchase another home to make ourselves whole again. I am trying to get a better understanding because you had the money for the twenty-seven homes but now for the forty-seven homes they are pretty much S.o.l. if they don't take the eighty-five percent. Mayor Jerkins stated eighty-five percent is the best we can do and it is up to the City whether we can pay or not and we cannot because it is over a million dollars we would have to come up with.

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Ms. Council stated she had a question let's say the forty-seven and you said you would have people to change their minds and I have already talk to some people that have said they were not going to participate. So if it is thirty or whatever the number is will any of those funds out of that five million seven hundred and fifty-six thousand dollars be allocated to those individuals that are hanging on. Mayor Jerkins stated not unless they are in the forty-seven houses. Ms. Council stated I am not talking about the forty-seven I am talking about the money left over. Mayor Jerkins stated we have to give it back we cannot use it. The Federal government has to reallocate the money. If it is forty-seven approved and thirty of them take it then the seventeen will not get it and it goes back to the Federal government. Ms. Council asked if they could apply for it. Mayor Jerkins stated we can re-apply for it maybe later to try and get something but we don't know that. If there is something left we can say we have this many more houses to do something with but they will have to qualify. Ms. Council stated I am talking about the forty-seven homes. Mr. Bowens stated when the Federal government allocates these funds we have to submit a budget for everything. The acquisition, demolition quote and cost everything associated with that one property. When they approve the money for it we do not receive the money until we turn in the receipts. If there is fifteen people that fallout the Federal government still controls that money we do not. They have to allocate that money wherever they wish too. It is not the choice of the City that we make that decision to take that fifteen percent and apply it toward someone's home. We do not have that luxury of doing that because it has all been worked with the scope of work and what the cost is for that one individual property. We talked about this in the meeting we had and I thought you were there. A lot of times when these projects are approved FEMA has control over the money and GEMA cannot approve that and we actually work through GEMA. The question you had about the twenty-three or twenty-seven that we actually acquired a lot of those homes had flood insurance and those forms that you filled out and transferred over to ICC funding which is Increased Cost of Compliance that money can only be used for demolition, relocation or elevation. Individuals cannot apply for that money. Whoever through the acquisition programs it has the task of either elevating or demoing the property or relocating the property and when you signed that form this is what we used for the demolition. Plus, on the flip of that when they came in for their closing what we did we actually approach each individual property owner and we told them the situation of the City. We do not have this money budgeted in for our fifteen percent. We would like for you to make a contribution toward that fifteen percent. Basically, what we ended up getting was about sixty thousand dollars in contributions from the individual property owners through that first round of acquisitions for the demolition because the City did not have the money. The other portion was the ICC donations that they forwarded over to the City. Ms. Council asked, so those twenty-seven homeowners had to contribute something.

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Mr. Bowens stated no, they didn't have to but we asked them if they would like to contribute to the City for the fifteen percent. A lot of them said I will split it in half with you. Ms. Council asked if this offer had been made to the forty-seven homeowners. Mr. Bowens stated, no, because all forty-seven do not have flood insurance. There was also a Public Assistance offered paid for by GEMA in that initial round of acquisitions. It actually paid for a lot of side projects such as driveways to be removed and septic tanks to be removed. FEMA does not pay for that and that was paid for by GEMA through the Public Assistance portion that we incorporated within that process when we acquired those twenty-seven homes. Ms. Council stated just to make sure I understand what you are saying those twenty-seven individuals who you asked to contribute a portion and they agreed to do so that money came from their personal use. Mr. Bowens stated it came off the sale of the house. Ms. Council asked can this not be offered to us or even partial to us. Mayor Jerkins stated, once again we do not have the funds. It is over a million dollars. Mr. Bowens stated if we did we would do it. Mayor Jerkins stated anybody who is willing to take eighty-five percent on their house is better off and say their house is a hundred and fifty thousand dollar house in 2009 and they will get like a hundred and twenty-seven thousand dollars and it wouldn't bring but a hundred thousand dollars today. So why wouldn't they sell it. Ms. Council stated that is in an ideal situation that would work but it may not work for everyone.

Ms. Chandra Williams stated her name and stated her address as 1145 Cureton Drive, in Cureton Woods. Like the lady behind me my situation is similar. My home is upside down and I am sure you guys are well aware that the homes are not worth what we paid for them. My understanding completely the whole FEMA, eighty-five percent, fifteen percent deal. I guess my question is what the City can do to assist us the homeowners with the fifteen percent. Has there been any avenues researched for any funds available. Have you considered five percent, ten percent because out of the whole forty-seven homes we realize that not all forty-seven homes will go through this entire process? People will walk away and you can't find some of the people. You spoke about the million dollars it would take to contribute toward the fifteen percent for all of the homes knowing that all of the homes will not go through this process. Have you or can you consider helping the homeowner to have the fifteen percent actually paid because our homes are not valued and we will owe money back. Can you consider those of us who run into that situation and we realize it will not be everyone. Some homes are valued more in 2009 than they do today. Again, that is not my situation and that is not my neighbor's situation and many others in the City of Austell. Can you consider and research this.

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Mayor Jerkins stated we do not have any money to do that. The reason is last year we were hit with a million and a half dollars and our general budget is only six million dollars which runs the City and when you take a million and a half out of it then you are really crippled. Normally, we sell sixty-four or sixty-five million dollars in natural gas and we get a percentage of that. We only sold thirty-eight million so it took a lot of money out of our budget. We have gasoline prices because the City has to have diesel fuel and gas to run the patrol cars, fire trucks, and that was added to it. The health care has almost doubled in the last four years for the employees. We had to start charging the employees for the health insurance and they haven't had a raise in five years. I would like to help you but we do not have the funds. I hope I have made it clear to you we do not have it. Ms. Williams asked wasn't the fifteen percent not done in the first acquisition when the City agreed to help the homeowners on the first twenty-seven homes. Mayor Jerkins stated we had money then but we spent all that money we had. We had a million dollars in reserve and we spent it all and it's gone and we do not have it today. Ms. Williams stated I understand that but I guess in the whole scheme of things I can't understand there are more than twenty-seven homes to be considered because at that particular time there were more homeowners applying for their homes to be looked at and bought back. For the first twenty-seven to be given the fifteen percent and not considering the second group of us who had also applied because of the different levels and so forth I am just thinking this should have been something considered. Mayor Jerkins stated we could have considered not giving the twenty-seven homes the fifteen percent. Douglas County did not pay anyone anything. Ms. Williams stated she understood that. Mayor Jerkins stated Douglas County didn't pay any of the fifteen percent. Ms. Williams stated I understand that Douglas County said they would not pay the fifteen percent. But with Austell that was not the case. I understand you said the budget would not allow paying anything but I would like to know if maybe there could be some research. Is someone working on anything to help the homeowners who need assistance? Mayor Jerkins asked Ms. Williams if she had talked with her mortgage company. Ms. Williams stated she exerted every option she possibly could. Mayor Jerkins stated we do not have the funds, I am sorry. Mr. Bowens stated we are checking other avenues to see if there are any additional funds out there to bring the homeowners back to a hundred percent. What most people don't realize it will only get you back to what the 2009 assessed value of the property was at the time. If you are four hundred thousand dollars into your mortgage then you will only get three hundred thirty-one thousand dollars and what that means is you have to come to closing with money out of your pocket in order to get out of that mortgage. Ms. Williams stated I understand that completely but the fifteen percent that was given to the first twenty-seven homes if we can be assisted in anyway.

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Mr. Bowens stated the first twenty-seven homes met the criteria for what FEMA required which was being substantially damaged and being in the flood hazard areas and forty-seven homes were not in the special flood hazard areas. So when FEMA came out and did the initial study of the entire area because of the old data we had then it captured these forty-seven homes. But initially these forty-seven did not meet the criteria for the acquisition. This is the reason why they were not considered in with the twenty-seven homes we actually purchased. They were in the flood plain and they were substantially damaged. Even though all of these forty-seven homes were substantially damaged they were not in the flood plain. This is something we don't dictate FEMA dictates that to us. Ms. Williams stated she understood but I just wanted to ask the Council to consider and if there is any research or relief fund I wanted to make sure the City is trying to assist us. Out of the forty-seven our homes will not be bought back there will be some that come out on top and some of us will not and that is what I am asking the Council to consider.

Ms. Council mentioned to Mr. Bowens that he had mentioned the City is still looking for some resources for the residents. Ms. Council asked how we could help you to find any resources or funds out there. We are not sitting back or sitting down waiting for you all to do everything. We want to help you. Can we send letters or make phone calls. Mr. Bowens stated the best thing you can do is send a letter to Washington, D.C., and also speak with your Congressman. Ms. Council stated we have done that. Mr. Bowens stated in regards to this portion of it the Mayor did receive a letter from Congressman David Scott telling him about the forty-seven homes and this was before FEMA or GEMA knew about it. Your Congressman is your best resource so write a letter or send an e-mail telling him the situation and see if there are funds in Washington for the property owners. The City doing it we are just one voice but if you are doing it and the constituents of Congressman David Scott keep receiving the letters hopefully they will look into something and try to find something for you. On the flipside of that FEMA is saying that time limit has expired for those people who are in this group of forty-seven that had flood insurance that the ICT portion of it hasn't started. With that being said those people who did have flood insurance and the increased cost of compliance who would normally transfer that over to the City to offset some of these costs such as demolition, asbestos testing, and property restoration and things like that they will not even have that so they will have to contribute and have to absorb that fifteen percent also. So, write a letter to their Congressman and see if they can't change that rule.

Ms. Jane Boreland stated she lived in Cypress Club subdivision and she stated she wanted to know before any of the homes are demolished can any of the items be saved or salvaged on the homes. I am very disappointed because this happened in 2009 and this is all new to you having to deal with a catastrophic event in this community.

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However, how do you when you have an application of sixty-one people that applied for this grant and yes, there were twenty-seven homes that were in the flood zone right off the bat. I am just a little confused as to the preparation and anticipation and you know what it will come where we will have to deal with these other homes. Here is my thing we were blindsided. All the meetings we went to FEMA seventy-five percent GEMA ten percent and the City of Austell fifteen percent if we had been told from the get go we would probably not be able to give you anything. This puts us in a better position of having options and having to do something. Guys this had been four years for all of us and either we are not in a house, we have been displaced, and the house cost too much to repair and the tax evaluation on my home is a total of sixteen thousand dollars. When I did try to sell they offered me thirty-five thousand dollars and maybe the best home fifty thousand. So we are in this position now where there wasn't a lot and unless we call up here and Randy and Duane were wonderful and they were there to assist us and answer any questions. But, that whole two years we didn't hear anything from FEMA or GEMA nor the City of Austell in the direction we were going. So it is a slap in the face. Now we have to figure out how we will come up with fifteen percent. We need to go somewhere and find another house and I don't have a problem writing Washington, D.C. Randy knows this and I will write to whoever I have to. I don't know and I am not in the City's financial business and I don't know what you have planned for I don't know. But, you all every night go to your warm homes and you are good but I lost everything. Half these people in this room lost everything and you are talking about thirty years of stuff I had paid for and I have to do a loan to buy an ironing board. You know washing machine, it's ludicrous and I will sit down but this is my comment and my venting and frustration. It is what it is and if you don't have the money you just don't have the money. But, going forward God forbid anything like this happens again there needs to be a better planning and communication system in place to give homeowners options. We didn't know it was going to take this long. Trust you me the first option you told Cathy to walk away I would have but I am going to fight her. I am not walking away God has brought me too far to turn around. So, I am in for the long haul and I just pray that it all works out somehow some way. I don't know who and I don't know when but somehow something will work out and I am confident of that. The truth will come out.

Mayor Jerkins stated he would like to say one thing. My daughter's house was damaged and it was eight foot of water in her house and it was up to the ceiling. She received seven thousand dollars and I had to go in there and tear everything out and I paid the money to repair her home. I have been affected by the flood too. So, don't sit and think you are the only one. It took a chunk of money to fix her house back. They didn't offer to buy her house then and the City did not know we were going to get this money. There were seven hundred houses that flooded and only twenty-three homes qualified.

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We proceeded to apply and apply and it got further up the line and there were actually seven hundred houses.

Mr. Gerald Robinson stated his phone has been ringing off the hook ever since we had the meeting and we have a lot of angry citizens that were involved in the flood. Let me say first by proposing a short-term conflict to the issue if taken care of by the Council. What I would like to propose to the Council since we do not have the money in the budget now, is there a possibility that maybe next year the fifteen percent could be allocated for the next year. Mayor Jerkins stated he didn't see how the City could do that because of the health care and I am meeting with our agent on Wednesday to see what will happen on that. It looks like it is going to go sky high. This is killing us and the gas prices are down as well. Our employees are hurting as bad as everyone else. Groceries are more and gasoline has doubled and healthcare has almost doubled. All of us are in the same boat. The City cannot obligate us to that kind of money. Mr. Robinson stated he understood. The citizens just wanted to know if the City would pursue it in the next year. In other words it is both a yes or no question and you said no. Mayor Jerkins stated he really didn't see how the City could do that and the employees haven't had a raise in five years and we are trying to figure out how we can give them a raise because they are hurting just like everyone is. Mr. Robinson stated he understood. Mayor Jerkins stated the value of their homes has gone down just like everybody else's and it is not just flooded houses. A lot of the homes they are upside down in them and still living there. Mr. Robinson stated the bottom line the citizens wanted to know if the City could help next year. Mayor Jerkins stated there is no way the City could help next year. Mr. Robinson thanked the Mayor.

**6. GAS SYSTEM REPRESENTATIVE
JOE JERKINS**

Mr. Kimbrough stated a meeting was held and we went over the normal issues approving the applicable billing rate for the two different billing periods since there was not a meeting in December.

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

A. Financial Report

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B. Proposal to Change Data/Telecommunication Provider from Windstream to SYNC Global

Ms. Reagan moved to follow the recommendation of the Finance Committee to approve the City change the telecommunication provider from Windstream to SYNC Global. Seconded by Mr. Thomas. Motion approved (6-0).

C. Certification of Agreement for the Allocation and Distribution of Proceeds from the Title Ad Valorem Tax

Ms. Reagan stated beginning March 1, 2013, House Bill 386 removes the sales tax on the purchase of automobiles and the annual ad valorem tax on some automobiles, and replaces these taxes with a one-time vehicle tax beginning at 6.5% and increasing ¼ % every year until it reaches 7% in 2015.

The monies will be collected by the State Department of Revenue and distributed to each county. The attached agreement with Cobb County allocates the monies to the local governments based on their population.

Ms. Reagan moved to follow the recommendation of the Finance Committee to approve Mayor Jerkins to sign the Certification of Agreement for the Allocation and Distribution of Proceeds from the Title Ad Valorem Tax. Seconded by Mr. Thomas. Mr. Kimbrough stated in reviewing the document there is a typo with regard to the Code section in the documents you are to sign. I will correct the document and replace with the correct Code section before you sign them. Motion passed (6-0).

8. GENERAL ADMINISTRATION

KIRSTEN ANDERSON, CHAIRPERSON

Carolyn Duncan, Director

A. Corrected Date – January 7, 2013 Minutes – Page 2 – 1st Paragraph

Ms. Anderson stated all we have is the corrected date in the minutes on Page 2, 1st Paragraph. It stated Wednesday and the correction is Tuesday.

9. POLICE DEPARTMENT

VIRGINIA REAGAN, CHAIRPERSON

Bob Starrett, Police Chief

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- A. Police report
- B. Code Enforcement Report
- C. Rescind the Ordinance on Unkempt Properties

Ms. Reagan stated the Police Committee and Code Enforcement Committee recommends that Council rescind the Ordinance Section 13-25 Un-Kept Property; number 7, previously approved August 6, 2012.

The above Ordinance refers to tarps and persons storing vehicles under approved coverings.

Ms. Reagan moved to follow the recommendation of the Police/Code Enforcement Committee to rescind the Ordinance Section 13-25 Un-Kept Property; number 7 previously approved August 6, 2012. Seconded by Ms. Anderson.

Ms. Thomason asked why we are doing this and how did this come about. Mayor Jerkins stated one reason is it is putting burdens on people about the tarps. A lady has a tarp over her wheelchair on the back of her car and it's against the law to have a tarp in the City of Austell. Ms. Causey stated then we will have tarps all over houses again. Mr. Thomas stated he had friends who covered their motorcycles with tarps. Ms. Causey asked Mr. Thomas if his friends couldn't get a motorcycle cover. Mr. Thomas stated a motorcycle cover is a tarp. Ms. Causey stated no, that is incorrect. Ms. Thomason stated there is a difference between a tarp and cover on cars or motorcycles. Mr. Standard stated if we have to go out and look for a wheelchair being covered by a tarp and ignore all the junk, trash and roofs that have tarps on them this is being picky. A lot of the tarps have been there forever and they will be there forever unless somebody makes them do something. Why can't we get that done and not worry about the wheelchair cover. Don't work with the people who have tarps over junk and cars for six years. Ms. Causey stated also the tarps on the houses are rotting and we are not doing anything about it. I really don't think it is a good idea to do away with the ordinance. Ms. Reagan stated when we voted on this Ordinance it was to clarify Code Enforcement and it seems there is a lot more to it than that. When you turn in twenty-one code violations in one day and Mr. Standard stated you probably missed fifty. Ms. Reagan stated probably so. Ms. Anderson stated regarding things in the front yard I think we do have an ordinance for outside storage that covers that and that really would be irrelevant because you already have a code for no outside storage so whether there is a tarp over it or not it is totally irrelevant. Ms. Causey stated well, we don't do anything about it.

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Ms. Anderson stated well it's still totally irrelevant because we have an outside storage and now you're being redundant. Ms. Causey stated we don't need any more garbage left in the City and the values of the people's property are down because the properties are not being maintained like they should. Ms. Reagan stated that is not why the value is down. Ms. Anderson stated my property is way down and it is down because there is a rental house across the street that was foreclosed on and the renter had torn up the property so when they went to resell it the property was sold for practically nothing so my property got hit. You don't need to tell me about lower property taxes because it has nothing to do with the Code violations. It has to do with the owner of the property getting divorced and his property went into foreclosure and the person he rented it to trashed the property. It doesn't have anything to do with the lady on the hill whose property went way down and who owes a lot on it and now she can't even sell it and she even foreclose on it because she bought it with her father and he can't take a hit on his property at eighty years old. There are a lot of reasons and it has nothing to do with code violations. If you go outside the City right now and there is one City I just saw on the news and it is Smyrna who is now starting to sell more homes. Slowly I think it is starting to turn around. I have had two people in my shop who do flooring and they both said at the beginning of the year they have been slam busy. I think it will turn around and there are a lot of reasons and it is not all code violations. We do need to crack down on some of them but going around with your code book and saying o.k. there and o.k. there and writing everybody up is not the answer. A gentleman from the audience stated its looks terrible. Mayor Jerkins stated to the gentleman from the audience that he was out of order. Ms. Causey stated still, it brings property values down. Mayor Jerkins stated this ends the discussion.

Ms. Reagan moved to follow the recommendation of the Police/Code Enforcement Committee to rescind the Ordinance Section 13-25 Un-Kept Property; number 7 previously approved August 6, 2012. Seconded by Ms. Anderson. Motion passed 4-3. (Ms. Reagan, Mr. Thomas and Ms. Anderson voted for the Ordinance to be rescinded and Ms. Causey, Ms. Thomason and Mr. Standard voted against. Mayor Jerkins broke the tie and voted yes for the Ordinance to be rescinded.

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

A. Fire Report

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**11. PUBLIC WORKS DEPARTMENT
KIRSTEN ANDERSON, CHAIRPERSON
Randy Bowens, Director**

A. No Report

**12. PARKS DEPARTMENT
SCOTT THOMAS, CHAIRPERSON
Jim Graham, Director**

A. No Report

**13. COMMUNITY DEVELOPMENT DEPARTMENT
SUZANNE THOMASON, CHAIRPERSON
Jim Graham, Director**

A. No Report

14. ATTORNEY, DUPREE & KIMBROUGH

A. No Report

15. MAYOR'S REPORT

A. CMA MEETING

NO FEBRUARY MEETING

TIME:

LOCATION:

Ms. Duncan, City Clerk stated she was working on the CMA book for the other cities as well as City of Austell. If any of the Council Members would like a new photograph taken to go in the CMA book please let me know.

Mayor Jerkins stated we have a Dutch exchange student visiting and his name is Joost Van Kommer from the Netherlands. I have asked him here to be introduced and let him see firsthand how we conduct a Council meeting.

16. ADJOURN

Ms. Anderson moved to follow the recommendation of Mayor Jerkins to adjourn the meeting. Seconded by Ms. Reagan. Motion passed (6-0).