

JULY 22, 2024

4:45 P.M.

EMERGENCY MEETING MINUTES

Mayor Canterbury called the Special Meeting to order at 4:45 p.m. Present were Mayor Tom Canterbury, Recorder Dana Walters, Council Members Tennis Adkins, Carl Harshbarger, Dakota Miller, and Debbie Conard. Council Member Troy Nicely was absent.

Council Member Harshbarger moved to go into Executive Session at 4:46 pm to discuss personnel issues. Second by Council Member Adkins. Motion carried.

Mayor Canterbury called the meeting back into session at 4:51 pm. Mayor Canterbury stated that no business was conducted.

Also present at the meeting were representatives of the US Army Corps of Engineers, City Attorney Steve Bragg and Delegate Daniel Linville; Senator Manchin's representative Mike Browning attended via telephone.

Mayor Canterbury expressed the City's concerns to the USACE about the new proposed design of the Milton floodwall. Those concerns included the negative economic impact to the City and business/land owners in the City caused by the loss of developable land due to an earthen levee and interior ponding areas.

Mayor Canterbury and Council indicated that they feel that the proposed redesign caters toward areas to the south of the river. He indicated that the new design is detrimental to the economic growth of the City. The City, as well as residents and business owners, had anticipated the future development of several areas in the City of Milton, creating jobs, stimulating the local economy and increasing B&O revenue. Additionally, new businesses could increase Home Rule allocations, which the City anticipated would be used to pay for the operation and maintenance of the floodwall once complete. However, the footprint of an earthen levee paired with the increased ponding areas within the City all but eliminates developable acreage. It was stated that the USACE, in mitigating the flooding impact to areas south of the floodwall, have neglected to address the financial impact those changes will cause to the City of Milton. The City feels that certain areas to the south should be bought out and the floodwall alignment should revert to the original design, and that the structure should be a concrete floodwall not an earthen levee.

USACE representative Brian Lowe indicated that they were receptive to all comments. He stated that the new design has nothing to do with the Pumpkin Festival. The USACE defended the redesign and stated that the reason for the design refinements was to address potential impacts (induced flooding) to numerous residential and commercial structures to the south of the floodwall. They felt a northern levee alignment shift was necessary to meet the requirements to mitigate flooding impacts to areas outside the floodwall. This shift meant they had nowhere else

to put the ponding, and the ponding was necessary to take care of interior water from John's Creek and other areas. He indicated that there was a trade-off between increased ponding areas versus larger pumps, and that there was a risk of oversizing the pumps. He also discussed the projected calculation of O&M and the reasons for the increased amount. A discussion was had regarding the possibility of the non-federal sponsors using "betterments" to pay for changes which go above what is the minimum required by the USACE. The USACE will provide the City with maps showing the additional acreage being taken with the new design versus the original design.

Delegate Daniel Linville suggested that the USACE speak with Georgia Avenue residents to see if they wanted to be bought out. He feels that many residents of that area will not be satisfied with claims that their properties will not see any induced flooding from the construction of the flood wall. He also asked, if the original design was chosen and the Georgia Avenue properties were required to be bought out, could those people then buy back their properties? He inquired if those properties would be regulated differently than if those properties were purchased through a FEMA buyout.

City Attorney Steve Bragg confirmed the process by which the USACE came to the current design. He stated that, based on what he has heard, the reason for the redesign is that the USACE does not want to purchase the properties necessary to go forward with the original design. Brian Lowe stated that in February 2023 they went before a change control board, and the decision was made at that time to continue to explore other possibilities to eliminating taking properties.

Council Member Harshbarger moved to adjourn at 6:48 pm. Second by Council Member Miller. Motion carried.

Tom Canterbury, Mayor

Dana Walters, Recorder