

Aiken City Council MinutesWORK SESSIONStorm Debris

October 1, 2014

Present: Mayor Cavanaugh, Councilmembers Dewar, Diggs, Ebner, Homoki, Merry, and Price.

Others Present: Roger LeDuc, Gary Smith, Stuart Bedenbaugh, Sara Ridout, Maayan Schechter and Tim O'Briant of the Aiken Standard, Channel 12, and about 50 citizens.

STORM DEBRISWinter Storm PAXWoodside PlantationIce Storm

Mayor Cavanaugh called the meeting to order at 4:05 P.M.

Interim City Manager LeDuc briefly reviewed for Council the request pertaining to this particular matter. He pointed out that at the September 8, 2014, meeting representatives from Woodside Plantation Property Owners Association appeared before Council requesting reimbursement for expenses incurred during Winter Storm PAX. Since that time a Council committee has met and staff has met with representatives from Woodside to discuss any possible options. Mr. LeDuc asked Mr. Stuart Bedenbaugh to explain some suggested options for Council's consideration.

Mr. Bedenbaugh stated he and staff had met and discussed the matter. They also got additional information from the Woodside Plantation Property Owners Association and came up with seven options from the meeting on September 8, 2014. There were two options initially for Council consideration. The seven options are based on city experience and city cost. They also took into account the information received from the WPPOA.

Mr. Bedenbaugh stated one option would be **Option A which is No Reimbursement**. That is something for Council to consider based on Council's desire and other information they may receive.

**Option B. \$74,558.** One of the options in the Memo dated September 8, 2014, was approximately this figure. After talking with members of the POA and Councilman Ebner we broke this out. The \$10.37 figure that was presented in the September 8 meeting was our overall cost from start to finish which means starting approximately February 12, 2014, when the storm hit through early August when we finished our work at the temporary debris storage sites and other cleanup costs, remediation costs, etc. We felt we would parse it even further to get a more accurate figure. For the first 30 days of work, it cost the City \$11.30 per cubic yard to clean up debris. That was a little higher than the \$10.37 because like in most enterprises of this magnitude we had a number of start up costs such as purchasing equipment we needed to combat the storm. Based on our estimates of the information provided by the Woodside Plantation Property Owners Association, we ratioed out the 7,400 cubic yards collected. Based on the information we received about 29.62% of the work was completed within the first 30 days of the storm event which was by March 11, 2014. We ratioed out 29.62% of 7,400 which is 2,192 cubic yards and the product of that with the rate is the 24,768 figure. Then for days 31 to 90 the 70.38% of the work was done. The per cubic yard cost declined approximately \$1.74 per cubic yard down to a rate of \$9.56 per cubic yard which averaged to \$49,790 for a total of \$74,558. Previously that number was about \$76,700 at \$10.37, but we parsed to get what we felt would be a more accurate representation for Option B.

**Option C. \$13,673.** That figure is the inverse of out-of-pocket costs where we could go through and clean up this debris at the rate listed. We are operating under the assumption that all of these costs would be reimbursed at a rate by FEMA to the City. We would be out of pocket 15% to 20% depending on the time period when the work was done. That is the figure of \$13,673.

**Option D. \$30,975.** Essentially this was calculated on a lineal mile basis. There are no percentages. This is the simplest mathematical option to understand. This was based on the total cost of work done in the city that was FEMA reimbursable which was \$2,105,140. There are 367 miles of roads in the city. That averages \$5,736 per mile. The miles of road that Public Services Director Tim Coakley drove and calculated the amount of road that was done in the request came out to 5.4 miles. The product is \$30,975.

**Option E. \$105,239.** This option was obtained in consultation with Councilmember Ebner, Nancy Hughes, Mary Schultz and Melanie Brock who were with the Woodside Plantation Property Owners Association. The option is a combination of some numbers. There is the \$74,558 mentioned earlier. We also estimated some work done on leaners and hangers. We estimated tree work done along the roads within the right of way at 22 trees per mile over 5.4 miles of roads. The city's reimbursed rate for leaners and hangers along rights of way in the city was \$70 per tree whether it was one hangar per tree or five hangers per tree. That amounts to \$8,316. The work done by Cold Creek in the immediate aftermath of the storm came to \$22,366. These figures add to a sum total of \$105,239.

**Option F. \$86,672.** Option F is essentially Option E applying FEMA percentage rates of 85% and 80%. He said in going through the ratios he described earlier you come up with the \$86,672, depending on the timeframe of when the work was completed.

**Option G. \$246,122.** This option is refined based on the amount of work that was done in certain timeframes. This is similar to the other option mentioned in the memo dated September 8, 2014, which he thought was about \$247,000. Once it was parsed to the work done in days 1 to 30 and days 31 to 90 that number decreased a little over \$1,000 down to \$246,122 based on the initial cost to do the work of \$303,931.

**Option H.** Council could determine another reimbursement option.

Mr. Bedenbaugh stated these were the options suggested for Council's consideration. Councilman Merry stated Mr. Bedenbaugh had stated the city's rate for the first 30 days was \$11.30. From day 31 to 90 our rate for cleanup was \$9.56. He asked if those rates include the cost of leaners and hangers. Mr. Bedenbaugh responded that no leaners and hangers were collected until days 91 to 180. The City did not start collecting the leaners and hangers at the \$70 rate until July 1.

Councilman Merry stated the total outlay the city made was \$2.1 million. He asked if that included collecting the leaners and hangers, and Mr. Bedenbaugh responded that it did.

Councilman Merry asked if the reimbursement the city anticipates from FEMA at \$1.6 million includes reimbursement for leaners and hangers. Mr. Bedenbaugh responded that it does up to that \$70 per tree reimbursement.

Mayor Cavanaugh asked the citizens in the audience if they would like to speak.

Councilman Ebner stated before Mr. Johnson starts he wanted to say he had contacted City Council in early September so the information from him was in the last Council meeting. He does not know if the city has had a chance to look at that yet or not, but he believes Mr. Johnson has a valid point to make.

Mr. David Johnson, President of Kalmia Landing Homeowners Association, stated nothing was said in the presentation about Kalmia Landing. He asked how Kalmia Landing would be treated. He stated Kalmia Landing wanted to be included.

Mr. LeDuc stated essentially the city was looking at Woodside, and depending on what direction Council takes with Woodside, they would go ahead and sit down before the October 13 meeting and make the necessary adjustments for anybody who feels they have a request to be made. They will concentrate on Woodside first and will get back to Kalmia Landing depending on what is decided.

Councilwoman Price stated Council is very much aware of their request. Each of them received a copy of the letter that was forwarded to the Mayor. She stated if there are reimbursements made, then not only would Council look at Kalmia Landing, but also all of the communities they have received requests from. There may be no reimbursement, depending on what Council decides.

Councilman Ebner stated they were aware that others were interested in this. He had requested that others be included in today's discussion. The decision was made by the City Attorney and the City Manager that only Woodside would be discussed. His concern is by not having others that are interested in this put their two cents in today whether that affects the request one way or the other. In the case of Kalmia Landing their issues are a little bit different. Nobody showed up, and they had to do everything themselves. He thinks some of the information from other neighborhoods will play into the whole area.

Councilman Merry stated Kalmia Landing is a little bit different. He was in Kalmia Landing during the storm. There are residential addresses with solid waste contracts on the streets that they cleared. The bulk of the streets we are talking about in Woodside are a different situation. Kalmia Landing still needs the same consideration that Woodside receives.

Councilman Ebner stated the city did not declare an emergency for a little over two weeks afterwards, but the Governor declared an emergency as of February 10, 2014. His understanding from the Attorney General and the Senior Manager of SCDOT is that once an emergency is declared, then the streets have to be cleared regardless of where they are as long as they are within the city limits. He said that is the understanding he has from them. He said if they have to pursue that avenue, they would. He said it changed when the emergency was declared.

Councilman Merry stated that is not untrue, but there is a lot more that goes on with that statement than just the surface point.

Councilman Ebner stated he knows that and that is why he went and talked to them. He said the only reason the state came in was because a couple of Councilmembers said we need help in overriding the previous City Manager's decision. He specifically asked about going on any roads in the city. During an emergency that can happen, and that is the only time. The ability to clean those roads was declared by the state when the Governor declared it an emergency.

Mr. Mike DiStefano asked if the Woodside Property Owners Association approached the city prior to entering into a contract, and if so, when did they approach the city and what response did they get from the city. Secondly, based on the options, he thinks his concern is alleviated and that concern is that Woodside has three golf courses, a large clubhouse, and a rather large parking lot. He was told there were 100 trees down on the golf course and he wondered how we would know that was not in the \$303,000 requested. He stated most of the options took that into consideration.

Public Services Director Tim Coakley stated he dealt very closely with Melanie Brock throughout the event, and she contacted him 2-3 days into the event and asked if the city would pick up the debris on Woodside Plantation Drive. Normally the city does not pick up on those roadways. They do not pay the \$14.00 user fee. If there was a pile put out

there, the city crews would drive past it. Once a year their POA would hire a bucket truck or cherry picker and do some tree maintenance along the walking paths and the roadway and the city would give them some free service. He has the authority to partner with different property owners associations and homeowners groups and try to use the city assets as best he can to help the taxpayers. He said they work frequently with the Property Owners Associations. He said he and Melanie Brock have worked together each year about doing the free pickup. Three days into the storm Ms. Brock called Mr. Coakley and told him there was debris piled all up and down Woodside Plantation Drive and East Gate Drive and asked what the chances were of getting a free pick up. He told her he had to pick up in front of all the homes that are paying the city first. She understood and asked how long it would be. He gave her a date of about six months. Three days in he had no idea how long it was going to be before he would be in a position to give away free service. He stated she commented that would leave dead spots with their grass on the right-of-ways and Masters was approaching. That was the end of their conversation. At no time did he authorize any contractual pick up. If he had been asked to, there are checks and balances, and he cannot authorize something that big. A \$25,000 purchase has to go out for formal bid and come back before Council for approval since it is an unbudgeted expense. Even if he wanted to get involved in helping Woodside with a contract, he was not in a position to do that. He put them in touch with the City Manager. He said his role would be very limited with a contract.

Councilman Merry stated there is a difference between clean up and making the roads passable. He asked if the city responded to Woodside to make them passable.

Mr. Coakley stated he personally cut Woodside Plantation Drive open three times that first time during the middle of the night. They never lost control of that road for any length of time. There were 10 or 12 police officers riding around all the time and as quickly as they were calling them in, there was a group of 40 with backhoes and chain saws who responded as fast as they could. He stated some of the neighborhood streets were not kept clear, but the primary roads were. He stated his first goal was to keep the hospital and fire stations open. Next was to keep the major arterial roads clear. There was a crew from the Parks, Recreation and Tourism Department on a motor grader for 24 hours straight and made a pass down Whiskey Road and around past Huntsman and the By-pass and back up Richland Avenue. They made that circle for 24 hours straight, keeping the snow and slush out of the road. He said they were having trouble with the slush freezing. Those roads were kept open. They considered Woodside Plantation Drive and East Gate Drive as arterial roads because so many people live in that neighborhood. He realizes there are other gates, but those are the two big ones. Initially it may have been only one lane open, but within the first two or three days it was both lanes on all the arterial roads and one lane in neighborhoods.

Councilman Merry asked if within 3 days there were two lanes of traffic on all these roads. He asked if the debris was pushed to the side.

Mr. Coakley stated that was correct. He stated it was not a very pretty job, but it was cut and pushed off the road. He said he actually has a video. The storm started Wednesday about midnight and lasted a couple of days. By Friday everything was opened up. They did some touch up work on Saturday and took Sunday off. On the following Monday they started removal. That Wednesday was the garbage day in Woodside, and they have been experimenting with cameras on the trucks for the safety of employees. He has a video of what the roads looked like on Wednesday, six days after the storm. You can see every pile, but the roads were clear. Cold Creek had put the debris in big piles. The City pushed the debris to the side and Cold Creek piled them up beside the road.

Councilman Merry asked if Cold Creek assisted in clearing off the roads.

Mr. Coakley stated he was not certain if they did any emergency work. If they got to a spot where a piece was sticking out too far, they may have taken care of that. They were primarily cosmetically getting it ready to be picked up.

Councilwoman Price asked if there was a list of dates of when these pickups were done. Mr. Coakley asked if she was talking about debris at the houses or the emergency work. Councilwoman Price asked if the city was out there first before Greenville started helping. Mr. Coakley said absolutely. Councilwoman Price then asked how long it took for Greenville to get there to do additional work. Mr. Coakley stated it was a couple of weeks.

Mayor Cavanaugh stated there were several passes in Woodside, and Greenville was here for a number of weeks. He stated he understands the city made the first pass. Mr. Coakley stated that was correct. The City started on February 18 and 19. Greenville started March 4. When Greenville arrived, we pulled the City crews out. Greenville was sent to Woodside because they were the largest group from out of town to come. They brought eight dump trucks and some tractor loaders

Councilman Dewar asked what Greenville did specifically and where they worked. Councilwoman Price asked if all Greenville's trucks were designated to Woodside. Mr. Coakley answered yes.

Councilman Dewar asked if they did anything on Plantation Drive. Mr. Coakley stated no. Councilman Dewar asked if they just did houses. Mr. Coakley stated the reason they did nothing on Plantation Drive was that none of that work was eligible for FEMA reimbursement and the city knew that at the beginning. We did not want to jeopardize any of the funding we were trying to apply for. He said we had to have a load ticket on every load with the date, unique qualifier that identified the truck, individual ticket number, the size of the truck, an independent monitor to grade how full the truck was, and the street the debris came from. He said this is shown on the spreadsheets.

Councilman Dewar asked if Mr. Coakley knew the city would not pick up Plantation Drive. Mr. Coakley stated he knew the City would pick it up at the end.

Councilman Ebner asked who would have paid for it if it had been picked up in July. Mr. Coakley stated the city would have. It would not have been FEMA reimbursable, but the city would have taken care of it out of the regular operations budget. Typically when we give that freebie it is when the guys are getting off early one day or they have spare time. There is not a huge cost. The truck and salary have already been paid for. There is some added fuel since there are a few extra loads to the landfill.

Councilman Merry asked if FEMA reimbursed the city for 18,000 cubic yards of Woodside debris then why would they not reimburse us for the other 7,400 cubic yards. Mr. Coakley stated FEMA's initial stance was they were not going to reimburse for anything inside of Woodside because it is a gated community, even if it was in front of somebody's house. The city went back to FEMA with the precedent that in 2004 the City picked up debris in front of those peoples' houses because they pay us to pick up debris normally. We operated under the same function that we would be reimbursed if they were paying for the service already.

Councilman Ebner asked who picked up the debris on East Gate Drive and Plantation Drive in 2004. Mr. Coakley stated the event was much smaller then, but he cannot remember who picked it up. Councilman Ebner stated someone had to pick it up.

Mr. LeDuc stated we cannot say absolutely who picked it up, but there is a precedent of picking up on Woodside and East Gate as an added service even though in Woodside those areas do not pay for the service. He said that is why the city set the policy that the city would work with them on taking the debris once a year. He said he would make the assumption that in 2004 that at the conclusion of the ice storm and picking up throughout the city that the city crews went through there and picked it up. The 2004 storm was not the same magnitude of the 2014 storm. The city had that policy in effect prior to 2004 where we would go through and help Woodside once a year.

Mr. Coakley stated it is not just Woodside, but all POAS. When there are slow times, he does stuff for free, not just for POAs, but for different community leaders and groups.

We support community clean ups and activities as much as we can, especially in the free time which is not costing a lot.

Councilwoman Price stated the \$14.00 user fee for the POA is normally a charge, but she asked if the city decided to do the pickup in spite of the user fee not being reimbursed. Mr. Coakley asked if she meant the extra stuff. Councilman Price answered yes. Mr. Coakley answered yes.

Mr. LeDuc stated the \$14.00 a month is what the citizens are paying and therefore because they are getting a weekly coverage for solid waste, which includes recycling, garbage, and yard waste, that is why the city was able to convince FEMA in 2004 and this last time to reimburse the City in the residential areas. It is the common areas that we had problems with.

Councilman Merry stated that is the reason for his distinction that all the roads in Kalmia Landing are addressed with solid waste contracts. Mr. LeDuc stated that was correct.

Councilwoman Diggs asked Mr. Coakley if anybody asked him if they could hire a company on their own. She asked if they asked him if they would be eligible for reimbursement. Mr. Coakley stated yes. He had an email where Melanie Brock asked him whether any of it would be reimbursable. His response to her, on February 28, was he was not the FEMA expert, but he believes it is only for governments.

Councilwoman Diggs asked if Mr. Coakley referred Ms. Brock to someone in authority that could answer her question. Mr. Coakley answered no. He stated that at that point FEMA did not have boots on the ground. They were still trying to decide if we were declared a disaster area. He stated he spoke daily with Ms. Brock on what streets Greenville would be working on. She was in a better position to know which roads were priority, but there were no conversations about contractors.

Councilwoman Price stated Mr. Coakley worked pretty closely with Ms. Brock throughout the clean up to ensure the entire area was safe and cleaned up even though they hired their private contractor. She asked if he was assured that everything was taken care of without taking another sweep. Mr. Coakley stated it was like two different operations. Ms. Brock took care of and hired a contractor to do Plantation Drive, East Gate Drive, and the common areas. He stated he did not discuss it much with her because he was so busy trying to take care of the residents.

Councilman Merry asked if the request included Mockernut Circle. Mr. Coakley stated that would have been a residential street. Councilman Merry stated there was some clean up listed on the spreadsheet on Mockernut. He asked if there was a reason why we did some of it, and they did some of it or is it just the way it worked out. Mr. Coakley asked what he meant by they. Did he mean the City of Aiken versus Greenville. Councilman Merry stated the city versus the Weiss Tree Service. He stated the request from Woodside, includes some debris from Mockernut. Mr. Coakley stated he did not think so.

Councilman Ebner stated there were two or three other roads included in what they picked up.

Councilman Merry stated he noticed Mockernut. He thought it was on the invoice from Weiss. Mr. Coakley said part of the problem with Weiss was they did not have load tickets. They cannot verify the number of cubic yards they hauled or where they came from. FEMA rejected them immediately because it was a private gated community. If it had passed to the review stage, they would have had issues getting reimbursed.

Councilman Merry asked where the 7,400 number came from. Mr. Coakley stated that was a guess they provided.

Councilwoman Price asked if at any time Mr. Coakley received a package from Woodside Plantation of documentation as that is required by FEMA to be reimbursed.

Mr. Coakley stated he received the bills that stated from this date to this date they expended this many dollars. FEMA made the city go to the point of photographing every truck empty before they used it, and then they had to climb in the truck and measure the bed of the truck and calculate the actual volume. They said just because we were sold a 20 yard dump truck doesn't mean it holds exactly 20 yards. He stated they had a monitor who was on a ladder that had to check in the truck as to whether it was 80% or 90% full. He stated Weiss did not submit any of that to him.

Councilman Merry asked if there were approximately 40 miles of roads in Woodside. He stated this request pertains to about 5.4 miles or 10% or 11%. Mr. Coakley stated that was correct. Councilman Merry also asked if the city and its mutual aid partners picked up 18,600 cubic yards on 36 miles of road and the guesstimate is 7,400 cubic yards on 5 miles of road. Mr. Coakley answered yes. Mr. Coakley stated if you apply the cubic yardage the city picked up on the other 35 miles, it would have worked out to 3,600. It was double what the city picked up on the other streets. Councilman Merry stated these streets have extremely wide shoulders and the bike path. Mr. Coakley stated that was correct, but there was some confusion about the width of the right-of-way. He got the actual plat from the RMC office, and it was a 50 foot right-of-way. It does not go from tree line to tree line. The pavement is about 15 feet. There is about another 10 or 12 feet on each side of the pavement. None of the debris from more than 10 feet from the roadway back to the walking track would be eligible.

Councilman Ebner stated the city maps that were in the concept plan show a 140 foot right-of-way. What was platted was 50 feet. This has been a real issue almost any time a constituent brings it up in any neighborhood, whether it be Chukker Creek, Gem Lakes, etc., whatever was on the concept plan is not what we ended up with. Everything out there is based on 140 feet. This causes a problem. What Council approved is one thing, and what was recorded is something else. He stated his point was the city was under a state of emergency. His opinion, after speaking to the FEMA people, is if the city had picked up the debris then it would have been reimbursed by FEMA. It was verbal as they won't give you anything in writing. He said he was told that by Harris. He said we have to remember the history behind this is not very good. He stated by the end of February it was rather obvious that stuff was not getting picked up on time around the whole city. Other areas were finishing up, and we were still moving along on first pass. We were directed by the then City Manager, over protest from Councilman Ebner, that they had to apply to FEMA and that Woodside would not get the time of day. He stated Woodside went down that path. It was a struggle to get FEMA to meet with them with everything going on but they finally did. Two FEMA representatives met with Councilman Ebner, Ms. Hughes, and Ms. Brock. They went over what was submitted, and they rode the roads. He stated Woodside submitted it. He and Council asked the City Manager if they could attend the city kick off meeting. They were shunned from that meeting. He thinks that was a valid meeting for Woodside to be at because several of the City Councilmembers attended the County Council meeting, and he asked the same people who were at the meeting—Harris, SCDOT, and SCEMD people were there. They said they needed to talk about the POAs at the City kick off meeting and that did not happen. He said it was obvious the reason they were not there is that they were not told about the meeting. He thinks at that meeting they could have made a case before everything went on. He said it is very unfortunate that we are all here with people from several neighborhoods in attendance. After the package was submitted, SCEMD and FEMA called and said it was not eligible. Both of them said to apply to the city for reimbursement. He asked what other POAs do as this was not the first case. The FEMA representatives said the city picked them up. He stated at the last Council meeting on September 22, Mr. Bedenbaugh presented to Council that there would be another review meeting, and it was asked for Woodside to get together with the city. Woodside met with the city and asked if the city had picked up the debris how much would it have cost to do it. That is where Option E came from. He stated at some point you have to take people's word that they did something. He thinks the same is true with Kalmia Landing. He pointed out that these people are handling their money. It was not taxpayer dollars yet, but it becomes later on. He said Woodside handled their own money so he has a feeling that the people were looking after the money. All of the tree work in Kalmia Landing was done by local people. About a fourth of the \$105,000, which is Option E, is a local contractor person. You would have to take his word for something. He thinks Option E,

\$105,000, is somewhere in between what it would have cost. He thinks in his meeting with Mr. Bedenbaugh and Mr. Coakley, they used 7,400 cubic yards and that is how they got the numbers. He stated you can argue with them, but it was picked up. He stated Mr. Coakley said eventually the city would have picked it up. He stated work was done and there is no doubt about that. The question is how much work was done. He stated the same is true with Kalmia Landing. Obviously work was done.

Councilwoman Price stated she wanted to share a conversation she had in March. She contacted David Johnson. Mr. Johnson told her, in his opinion, it was an emergency situation. He needed to get those roads cleared for the seniors. She asked Mr. Johnson if he had applied for FEMA, and he told her they do not qualify for this. She stated that was the first discussion they had. He also told her later that they were not pushing for it, but if the city reimburses someone else they want their share. That is the attitude. They are not saying give me money. They are saying if you are going to do it for someone then do it for them too. That is what everyone is asking—if you do it for one, do it for everyone.

Councilman Ebner stated Woodside is not asking for a handout. They all live in the city, and he thinks everyone will agree there were some issues that were done that should not have been done. The rest of the entire county was finished by the first week of April, and they were cleaning up the fairgrounds and other places and leaving town. The City was still working on it. We had some extenuating circumstances here. He thinks if things had gone in the proper way they would not be having this meeting. He stated at the September 22 City Council meeting it was proposed that Woodside meet with the city, and they came up with a number of \$105,000 and that is a topic to discuss to get it down to one of the options today. Council can decide from there.

Councilman Merry stated he felt Councilman Ebner raised some good questions, but all the stuff about how long the city ultimately took to get it all done is shown on the spreadsheet. It shows March 18, or so, Weiss finished the work they did on the 5.4 miles. The City of Aiken finished 35 miles, seven times as much road, eight days later. He felt Woodside would not stretch into July. He felt that was not part of the issue.

Councilman Ebner stated he felt it was as the City Manager told Woodside he was not going to pick it up until the end, so it would not have been picked up until the end of June or July.

Mayor Cavanaugh asked who told them that. Councilman Ebner stated that is what the City Manager told Ms. Brock. He stated Mr. Coakley just said that. Mr. Coakley said he told Ms. Brock that, and the debris in Woodside would be picked up at the end. Councilman Merry stated the point is that Woodside made the decision to do the clean up within a week of the storm. They did not wait. Councilman Merry stated he did not blame them for wanting it to be cleaned up sooner. He said he cleaned up his street along with two other residents as he wanted it cleaned up sooner, too. He said unfortunately his area does not have a POA. He said he did not blame them for wanting to do it sooner, but they did not wait. Councilman Ebner stated they waited for three weeks, and it was obvious what was going on around the city. He said they did not start until March 4, and the storm was on February 11, 2014.

Councilman Homoki stated Mr. Bedenbaugh had mentioned that the City spent \$2,105,140 to clean up storm debris. He said if Woodside had done nothing, how much more would it have cost the City if Woodside had not done anything. Mr. Bedenbaugh stated depending on the time frame of when the work was done, it would have been at least another \$75,000. That is based on the cubic yards collected. Councilman Homoki stated the fact is that Woodside saved the city some money. He said it was real money that Woodside invested, and it was money that the City did not have to spend regardless of what FEMA gave the city back.

Councilman Merry said the big question is what it would have cost the city to do it. Councilman Homoki stated the \$105,000 included the early emergency work that was done. Councilman Merry stated Mr. Coakley had said the early emergency work was



done that night of the storm so there was a passable lane. Councilman Homoki stated he lives on Mockernut, and it was not clear for three days. Councilman Merry stated he was talking about the arterial roads – Plantation Drive and East Gate Drive. He stated by six days later there were two lanes passable. He said there are videos to show what was done.

Mr. Bedenbaugh stated it costs approximately \$4.84 per cubic yard to grind and haul the debris. That is not part of Option B, but if the city had done that work it would have been about \$35,800 extra on top of the \$74,558.

Councilman Dewar stated given these numbers, he is not ready to pick one over the other, but he needs time to study the matter. He thinks they need to talk less and hear a little more from the folks attending the meeting.

Ms. Nancy Hughes, now the retired Woodside Plantation Property Owners Association President, stated there is a bit of a disconnect in what the city is saying and what their impression was. Woodside continues to believe they deserve reimbursement from the city for the money they spent to clean up their main right-of-way streets after the ice storm in February. Contrary to the impression that the Aiken Standard has been giving, their cleanup effort had nothing to do with personal property of any residence. It had nothing to do with Woodside looking for special favors or being in an unreasonable rush. Their cleanup effort had everything to do with taking care of the residents, and most importantly in making decisions based on the information they had at the time. It was their understanding, since it was an emergency situation, it was the city's responsibility to clear all the city streets. All Woodside streets are within the city limits; all the Woodside residents pay city taxes, and pay to have their trash and yard debris picked up. They are asking to receive the same service from the city that all other city taxpayers receive. Immediately following the ice storm the main right-of-way roads – Woodside Plantation Drive and East Gate Drive – were impassable. They were told the city did not know when they would be able to clear the roads. They were told it would likely be a long time, and it could be months. This is the information they received from the city, and this is all the information they had to work with in making their decisions. In Woodside there are 85 streets that open only onto Woodside Plantation Drive and East Gate Drive. These streets contain 1,378 residences and upwards of 3,000 people. Until Woodside Plantation Drive and East Gate Drive were cleared these people would not have been able to get out of their houses. Many of these people work and would not have been able to get to their jobs for a long time. There were children who would not have been able to get to school. None of these people would have been able to get out to buy food or supplies for a long time. It could have been months. That is the only information they had from the City. Based on this information they made the decision to hire contractors to clear Woodside Plantation Drive and East Gate Drive. This was an emergency situation, and they stand by their decision. She stated it cost them more than it would have cost the city to clear those roads, but getting the city to clear those roads, at that time, was not an option. They tried to be fiscally responsible, but all the tree services were capitalizing on the emergency situation and charging premium rates. They fully intended to, and they did apply directly to FEMA for reimbursement for the costs they incurred for the cleanup. FEMA turned them down because they determined no homeowners associations would be eligible for FEMA reimbursement. Both FEMA and the South Carolina Emergency Management Division recommended that they apply to the City of Aiken for reimbursement because this was work that the city should have done. She stated she wanted to address Mr. DiStefano's question regarding the golf course. Golf course property had nothing to do with the Woodside POA, and the work the contractors did had nothing to do with the golf course. In talking about why Woodside was not eligible, they were told because Woodside is not a municipality they would not be eligible and therefore, they should be applying through the city.

Councilman Merry stated Council was just told that Plantation Drive and East Gate Drive were passable within a day and a half of the storm, and that two lanes were passable after six days. He stated there needs to be a distinction of cleared and clean. Cleared means there is a pile of debris on either side of the road and clean means that debris is gone. If that was completed and it was cleared within those two days, all those 85 roads and residents could get through at that point.

Ms. Hughes stated she was talking about the information they had at that time. The day after the ice storm they had Cold Creek in Woodside because the roads were impassable, and they were told by the city they did not know when they would get to Woodside. Councilman Merry pointed out they became passable within six days. Ms. Hughes responded by then they had already contracted for the work. She pointed out the City was still saying they did not know when they would get to Woodside.

Councilwoman Diggs stated there are two Councilmembers who live in Woodside – Councilman Ebner and Councilman Homoki. She asked Ms. Hughes if she had spoken with her councilmembers to see if they would approach the city to talk to them about reimbursement and entering into an agreement. Ms. Hughes said not about reimbursement. She talked to both councilmen about getting a fair share of attention for Woodside from the city. She stated the first time she came before Council was in April when Council had some South Carolina Emergency Management representatives in attendance. They met them that night, and they were the ones that encouraged them to first apply with FEMA and when that determination about no homeowners associations were eligible, they encouraged them to apply to the city.

Councilwoman Diggs asked if either of the councilmen were consulted or asked to see if the city would enter into an agreement for reimbursement since they had decided at that point that they were going to go ahead and get it cleaned up themselves. Ms. Hughes stated at that point they were still hoping to get money from FEMA, and that took a long time. Once they discovered that was not going to work, they decided to apply to the city.

Councilman Ebner stated he talked to the City Manager just after the roads were cleared about the same situation and in a nice way he pushed him off just like he did Kalmia Landing.

Councilwoman Diggs asked why he didn't bring it to City Council before it was decided to go ahead with the contractors. Councilman Ebner pointed out that an emergency was not declared until February 23. He said one would think that if the City was shut down that we might have had an emergency on February 11 or 12. Councilman Ebner feels the entire thing is convoluted without a doubt. He stated he did ask those questions, and he and another City Councilmember were asking all the time why the city was picking up 367 miles of streets when we have barely 100 that needed to be picked up. Woodside made a decision by the end of February that it was not going to happen and the City Manager told them that. It was a personal decision, if you want to call it that, but he thinks it was very logically made. He thinks Kalmia Landing fits right into that category.

Mayor Cavanaugh asked if Councilman Ebner said that the City Manager told Woodside that it wasn't going to happen, and the city was not going out there. Councilman Ebner stated he was told the city would not pick up the Plantation material because it was not reimbursable. He stated FEMA never told him what the city picked up was not reimbursable. Times change and Mr. Coakley has already said FEMA was not in town at the time. A lot of these conversations happened when they came in after the first or second week of March. It was in the newspaper on March 6 that they assigned someone to the city. All of this took place in front of FEMA ever showing up on the job. He thinks a lot of people started reacting differently as things unfolded. He stated he did make contact, and there were a lot of discussions at the Council meeting. On April 1 there was a meeting about the storm debris and also other meetings in March.

Councilwoman Diggs stated then at no time did Councilman Ebner ask anyone to sit down and sign an agreement with the understanding that the City would reimburse Woodside because they were going to go ahead and do it on their own. Councilman Ebner stated no agreement was asked for. One would think it would be common courtesy to give them the right answers that they didn't get before. He thinks it would have been a lot different, had he been told and he would assure that he would have understood, if the City Manager had said Woodside would not get any money. He would have passed that on to the property owners association. It wasn't until March that these discussions started with FEMA and at the public meetings.

Mayor Cavanaugh asked Ms. Hughes if she said initially in the first couple of days the roads in Woodside were not cleaned up by the city. Ms. Hughes stated she was speaking of Woodside Plantation Drive and East Gate Drive. She stated Cold Creek came out the day after the ice storm and helped them clear it off the road so cars could go through. Mayor Cavanaugh asked Mr. Coakley when he got out there the first time. Mr. Coakley stated he was out there the night of the storm. It started to get bad Tuesday night about midnight which became Wednesday. That is when trees started falling, and they were dispatched out there several times to clear that road. The roads there were in the same condition as all of the roads in the city. They didn't pay Woodside any more or any less attention than the other roadways in the city.

Mayor Cavanaugh stated there seems to be a difference in opinion initially. Mr. Coakley stated all he could do was to tell Council what they did. He stated every radio conversation they had was recorded. Council can see how often they were dispatched if they wanted to.

Councilwoman Price told Ms. Hughes Woodside POA has an excellent newsletter. Someone sent her some copies of the March newsletter. She stated in the president's remarks it talks about Cold Creek and various landscapers and tree experts who have been working tirelessly to attend to the broken trees and tree limbs. She continued that the City of Aiken has also been working tirelessly to remove the debris from our streets. It goes on to talk about there are four city crews working in Woodside every day. It stated by now most of the streets have had a first pass clean up and many of the streets have had a first pass clearing. Please refrain from placing your debris. . . She stated the newsletter documents that the city had been out there helping. She stated in April the newsletter continues to give the community an update in terms of the city focusing on cleaning up debris in front of residents' property. At the bottom, it says, "We are pursuing the possibility of receiving FEMA or City of Aiken financial assistance. Honestly, chances of success in this area are very slim. Our research indicates that we are not eligible but we are pursuing every avenue." Councilwoman Price stated this was documented in the newsletter in terms of letting the residents know everything. She applauded Ms. Hughes in keeping them informed and being very up front with them in terms of letting them know what the possibilities were and what she was up against as the president of the organization.

Ms. Hughes stated she was hearing a lot of different answers from a lot of different people. She said they kept pursuing reimbursement from FEMA until they finally said no reimbursement.

Councilman Ebner stated that is why we are having this meeting. They are pursuing what they said to do, and it has a very checkered history.

Ms. Mary Schultz stated she is the director responsible for the common area landscaping so she managed the contractors that came on the premises. In those initial days, one of the issues they had was the safety of the residents. She walked a lot of those roads on a daily basis in those initial weeks, and they had trees that continued to fall. In addition, they had numerous hangers that were beginning to fall off the trees. They felt they had to clear those because while the city may have been picking up piles of debris, they were not clearing leaners and hangers.

Mayor Cavanaugh stated this was going on all over the city. He stated most all of the citizens were working on the roads and their own homes picking up falling limbs. He went out the first day and could not get out his driveway because his own and neighbor's trees were across the road. They did not call on anybody at that time. People came together and used their saws and cut the trees so everyone could move. This was happening all over the city, not just in Woodside or Kalmia Landing. He stated that needs to be clearly understood as they go through this situation and figure out what can be done. He stated he did not mean to say what Ms. Schultz said was not important, but he does think it is important to remember that there are thousands of citizens outside of

Woodside and Kalmia Landing and other places that were doing the same things and having the same problems. The storm didn't hit just one or two places. It hit everyone.

Councilwoman Price stated her husband cleaned two neighbor's yards and left their own yard for last. While they were in the midst of cleaning up their own yard, her husband had a heart attack. There were a lot of people helping each other trying to make this work.

Councilman Dewar stated Ms. Schultz is not talking about houses and lots. She is talking about Plantation Drive, a public street in Woodside. Councilwoman Price stated she was telling her story. Councilman Dewar stated it is not fair to tell our story at our houses, when it is not applicable to the issue that Ms. Hughes is raising. She is talking only about Plantation Drive and there are no houses there. Councilman Dewar stated he had the same thing, and had to pay someone over \$1,500 to take care of trees in his yard. He said that is not what Ms. Schultz was referring to.

Mr. William Fulton stated he lives about three blocks from downtown in one of the old historic homes. He stated he was an internal oversight type of individual for major corporations and one of the military services for a total of about eight years. He thinks he speaks with a little bit of insight into what he sees happening. He stated words are being used like cleared, passable, and cleaned. He does not think anyone has stated what those words mean in a common language to each person. He said numbers have been thrown around constantly. 7,400 has been stated as if it has been etched in stone sworn to on the Bible and issued in triplicate, and then we find out in the end that it's a guess. One of his notes was to ask what is the law concerning statutes and ordinances, not people's opinions. What are they concerning emergency preparedness or emergency situations? He thinks we flipped a coin, but this coin has about six sides on it. He doesn't think there is an answer so he could not form his own opinion as to whether or not Woodside deserves anything or nothing at all. He doesn't know what the law says. He stated that was one of his questions that he wanted to get answered from Council. He wants to find out where the funding came from to do all this clean up even before there was a thought of it being FEMA. He stated one other thing he noted in the paper is that there are two individuals on Council that live in Woodside, and he wondered whether or not Council has been issued an opinion as to whether there should be recusal on those two individuals. He said he just wondered about that. He pointed out he does not know any of the Council members. He said he wondered about some other things from information he had gleaned from the newspapers, but he felt it was irrelevant because we don't know where we are. He stated he had five little things he wanted to end with. There are four houses in this city that share a 150 foot private driveway. It was blocked by trees and limbs during the ice storm. The owners live in the houses, pay taxes, pay for water, sewage and garbage. Should they also file for reimbursement? It is a private drive just like the private drive at Woodside. With all the different opinions about when it kicks in and when it doesn't kick in he was not sure. If it applies to one it should apply to all. An area in Aiken is always going to be first to get something done. An area in Aiken is always going to be last. Why can it not be rotated? Give someone else a chance of being first. He has heard about the hangers on the streets, the streets having a reduced width, and it being a health and safety concern. If it is a health and safety concern at Woodside, is it not at his house? He experienced the exact same thing and all of his neighbors for blocks around him never picked up the phone and never called the city workers. The only thing they did to the city workers was to deliver them cokes and cookies. He said if the City provides reimbursement then can residents as homeowners in different areas form homeowners associations for the next inevitable ice storm so we can be first. He stated he has a different formula if Council reimburses Woodside and Kalmia Landing, but it doesn't come close to \$75,000.

Councilman Homoki stated one of the questions raised by Mr. Fulton was to follow the law. He said FEMA does not have black and white laws saying they do not reimburse. It is a policy; they change. Policies are not laws. These are whether they reimburse POAs, private properties, etc. They change with the wind. It is a debatable question. Mr. Fulton responded that it was stated that FEMA had said that if the city had picked the debris up, FEMA would have paid for it, but then he heard someone else say that wasn't true. He said he was making the point that we all seem to be confused on the matter.

Councilman Homoki stated it is a policy and the policy changes depending on who you speak with. It is not a law. Mr. Fulton stated a suggestion might be for Council to come up with some type of background information that is published in times of trouble like this. Councilman Homoki stated this is an important issue, and he would like to request that if the issue comes up before Council that it be the October 27 meeting so he can be present at the meeting. He will be out of town until then.

Councilman Dewar stated there is no doubt one of the problems the city is facing right now is confusion over what FEMA does and what they don't do. There is no reason for it. There are certain things that FEMA does that the city should be able to develop a pamphlet and very clearly explain what is guaranteed and what is policy. As he understands it, the only elements in the community, other than the city, eligible for reimbursement are the two gated communities and if you go online to FEMA, they do not refer to gated communities. They are not eligible for reimbursement by FEMA. He stated he has information from a municipality in Florida where the community appealed and received reimbursement. Woodside did not get started on the right track because the city didn't know. He stated he and Councilman Ebner tried to get the City Manager to hire a consultant whose fees would have been reimbursed by FEMA to avoid some of this with no success. He stated the city needs to prepare for the next one.

Mr. LeDuc stated at the August 11, 2014 meeting, Council approved an agreement with SCDOT in case a future emergency like this happened. The agreement defines very clearly what happens in the first push, how it will be reimbursed, and defines very clearly who is responsible and how the two agencies will work together on state streets.

Councilman Dewar stated it does not provide guidance to Kalmia Landing and Woodside Plantation and that is what we need. Mr. LeDuc stated it does on the first push. Mr. LeDuc said as stated FEMA changes their policies as time goes on. Mr. LeDuc stated he would give a time line that may help some. He stated the event happened on Wednesday, February 12, it continued for a couple of days. On the 19<sup>th</sup>, one week later, all the different communities, towns, and county were invited to County Council Chambers and spoke to the state and the county representatives about clearing roads and answering questions. They talked to Tiny Thompson, who is in charge of Emergency Management with the county. Although the state declared this an emergency immediately, FEMA was not called in until several weeks later. FEMA cannot react to an emergency until the President signs and declares it a state disaster and that took several weeks. We did not hear from FEMA and could not get any information from them for several weeks and the first meeting that was held in our area of all the representatives was on March 18 at USC-Aiken and that was the first time they all jointly met with the state and FEMA. There was a lot of confusion that went on during the first month. He stated not to lay blame on any one person, but there was confusion, not just with the state and the city here, but everybody was trying to get things in order. During that time, everyone was picking up debris, but how they were going to get reimbursed was not known. Once they met at USC-Aiken on March 18, a month after the event, they had to fill out forms to ask to have a meeting individually with FEMA to really find out what was happening. Almost a full month went on before that meeting was held. He stated Tim Coakley was at that meeting and the former City Manager as well. There were probably about 75 people at the meeting. Mr. Harris, who was overseeing the entire event from the FEMA side, was there along with the state representatives. We started at that time understanding the procedures and the steps forward as to what should be done. By that time, Woodside, and others, had made decisions as to what they were going to do. It was not black and white and clear cut as to what should or should not be done. He stated he was not with the city at the time but he was speaking mainly from some of the other communities he worked with and how that went about.

Councilman Dewar stated he did not make his comments to bash anybody. He made them to look forward to the future. There is clearly guidance that can be given to Kalmia Landing and Woodside Plantation to prevent them from at least starting off wrong. They didn't have a chance from the beginning because when Mr. Coakley is saying he has to go measure the inside of the dump truck to verify how much it can take; those are minute details. Woodside and Kalmia were interested in clearing the streets. They do not know a lot of that detail, and they did not know they needed a monitor. There are ways to do

this, and the key is to be prepared the next time and work with the gated communities from the beginning. It is still going to be an uphill battle. He stated he talked to two consultants that led them to believe that had they started in the beginning it would have been an easier process. He stated he had a copy of something he found on the web from Florida that says they were reimbursed for a gated community.

Councilman Merry asked what year that was. Councilman Dewar stated it was September 13, 2012. He stated he was told that after Katrina, and after every storm, that FEMA changes its rules. That is why consultants are needed. We needed a FEMA expert to lead us through the process. There is a lot of money at stake, and we are still incurring up to 15% of what we spent. We never activated our Emergency Operations Center. There were a lot of things the city did not do. When this is all said and done, we need to get together and be able to be in a position and provide better guidance to the two gated communities in our city and anymore that develop. He stated he has had emails, and there are talk back items. People do not understand what the issue is. Kalmia Landing and Woodside Plantation should not be lambasted for asking for reimbursement and neither should they get any more than what the city would have spent, had the city gone out there.

Councilman Merry stated he learned recently a lot of city managers and administrators can get some sort of FEMA certification. That might be something as far as continuing education that we might want our future city manager to have.

Councilman Ebner stated there is one clarification. The City did sign a document the state had out early on that we were told was not appropriate back in February. The state was told not to do our state highways. When the Governor declared an emergency and backdated it to the 11<sup>th</sup> or 12<sup>th</sup>, that authorized SCDOT to start work on state highways any place in the state of South Carolina. They were told not to come in our city. He thinks there are a lot of extenuating circumstances. We have a number of options to look at, and he thinks Council should leave today's meeting with some way to choose one of the options. There is no use in having another two hour meeting on October 13 at the City Council meeting. That is what this meeting was for, to get input and decide where we want to go. He felt Council was at that point. Something needs to be done on October 13.

Councilman Dewar stated he would prefer October 27 if Councilman Homoki is not able to attend the October 13 meeting.

Councilman Ebner asked what will be done on that day. Councilman Dewar stated a decision will have to be made on that day.

Ms. Beverly Ziggelman, a resident of Woodside, stated she has been sickened by what she reads in the paper. She stated if someone comes from somewhere else and reads the newspaper, it is them against us and Kalmia Landing. Woodside contributes so much to this community. They contribute many tax dollars and more hours of volunteer work than any other community in the city. That doesn't have anything to do with the cleanup. She would like to know how much it actually cost the city in real dollars to clean up after the storm. Councilman Merry stated it was \$2,105,139.51. She asked how much the city was reimbursed. Councilman Merry stated the city expects a total of \$1,685,676.98. She asked if the city was being reimbursed less than was spent. Councilman Merry stated yes. She asked of the \$2 million how much of that is for things like depreciation of equipment and how much is real dollars.

Councilman Dewar stated it is all in there and includes equipment, depreciation, overtime wages, provisions for retirement that would normally be paid, etc. He stated it is loaded. He stated he could not say how many chainsaws were purchased, but we were reimbursed for them. Ms. Ziggelman asked how much was depreciation. Councilman Dewar stated he did not know. She thinks there are areas that will say if Woodside and Kalmia Landing get something then they should too. She would like Council to add up all the requests they have received for reimbursement and see how much money that is. Councilman Dewar stated there are only two requests at this time. She stated the other

thing she heard discussed was neighbors in other areas helped neighbors to clear roads. She said in Woodside they helped their neighbors too. It was not just everyone else did it, and everyone in Woodside sat there waiting for the city to come and help. Neighbors helped neighbors in Woodside and Kalmia Landing. Everyone in the city was affected. It seems like only Woodside wants something and nobody else in the city does. Councilwoman Price stated she has not heard that. Ms. Ziggelman stated Woodside is not looking for a free ride. She stated they happen to be in a position where FEMA will not reimburse because under FEMA rules they are not eligible. She said the matter is that the city would have had to clean up Woodside eventually and the person that was in charge at that time said eventually.

Councilwoman Price stated in regards to the statement made that Woodside is wanting something that others are not getting, the comment that she has heard from some of the people in the community is the fact that nobody thought of asking the city for reimbursement. That is what has concerned many citizens, not that they are not deserving of it, but why did they not ask before they did it. Ms. Ziggelman stated she and her husband were up for a couple of nights listening to the limbs crash and wondering which trees in their yard they lost, and when one was going to hit their house or a neighbor's house, etc. This was an unusual situation. It does not happen every year. She stated she is very disappointed that the whole issue has become a gated community issue versus the rest of the city because she is sure that the people in Woodside feel very much a part of this city and are giving to this city in many ways. They do not feel like outsiders, but sometimes they are made to feel like outsiders because they have gates. She stated because they have gates they have a much lower crime rate.

Councilman Ebner stated there was a Council person that asked the City Manager for reimbursement once they found out from FEMA what to do. He said he was very disappointed at how the communication was one way. He stated he and Councilman Dewar went out to the fairgrounds and there were plenty of people out there who were experts in FEMA. One of them was the contractor Metric that does it all over the United States. He and Councilman Dewar talked to them February 18 or 19, and they told them what needed to be done. He stated he asked the City Manager to go and talk to them to find out what was going on. That was not done. He said we cannot say nothing was done. It is unfortunate that it came out like it was. He did not write a letter to the City Manager. He said if another storm happens in his life time, the right people will be in this town working at the right time. He believes the city can take care of its residents.

Councilwoman Price stated the Woodside Plantation residents did what they thought was necessary for that community. She doesn't think anyone would argue that or debate that. They took action based on what they were hearing from the residents. There had to be some discussion as to what needed to be done. It had to be discussed whether to get a contractor, do they go out for bids, and what to do with the bill when it was received. Would the residents be assessed for the bill. She stated she is assuming at that time they felt they would be reimbursed by FEMA. It became clear in April that they would not be reimbursed. At some point in time it would have been to request the city to reimburse them for the cost. She said perhaps they were thinking they pay taxes, why not.

Ms. Hughes stated it was not that they were looking to get money specifically from the city. It was that the city was eligible for FEMA reimbursement, and they wanted the city to take what Woodside did and spent and put it with what the city was asking FEMA for.

Councilwoman Price stated there is no proof from Mr. Coakley, based on his documentation, of what the contractors did. There is nothing that is documented except for a bill from the contractor as to what they charged. Ms. Hughes stated there is more documentation. She stated they did apply to FEMA and sat down and met with the FEMA representatives and the South Carolina Emergency Management Division representatives. They asked a lot of questions and asked for a lot of information. That was all pulled together. The level of detail that Mr. Coakley talked about was not asked for. Even when they were turned down and were told to apply through the city nobody ever told them they would need more documentation.



Councilman Merry asked if Woodside wanted the city to apply for FEMA reimbursement on their behalf, not necessarily just write a check. Ms. Hughes stated yes. Councilman Merry stated he understood that Woodside did not have the level of documentation that was required of the city. He said it had been mentioned earlier about an appeal that was granted.

Councilman Dewar stated he had mentioned earlier that you have to get started the right way. If you do not follow FEMA procedures then you do not get reimbursed.

Councilman Merry stated he thought it would have been a reasonable thing to do to submit the request with the city's.

Councilman Ebner stated on July 7 or before, two people had told Ms. Hughes, one from FEMA and one from the South Carolina Emergency Management Division, that Woodside would not be reimbursed from FEMA and that they should apply through the city. The city did not make the last application until after August 8. Ms. Hughes stated the day after the April meeting, she sent a letter to Richard Pearce asking to meet to talk about this, and he never responded.

Councilman Ebner stated a meeting was called to review two subjects and that was one of them. It was the first meeting in April after they found out the information. Councilman Ebner stated there was no need to place this matter on an agenda unless there is a path forward on how to solve it. He stated there is no reason to have another two hour meeting at a Council meeting. He stated in other meetings like this, they have gone around to Council and asked for their opinions. He asked if that could be done.

Mayor Cavanaugh stated that Mr. Bedenbaugh had given Council a rundown of the options and he sees no reason for it to be gone over more if they believe those are the options that need to be focused on. He stated Council will come back to the Council meeting and vote like they normally do in public.

Councilman Merry stated if a decision was made today and then Council comes to a regular scheduled meeting and raises their hands on something, they would hear an outcry. He stated he was not ready to make a decision today.

Mayor Cavanaugh stated a decision cannot be made at this meeting. Councilman Merry stated Councilman Ebner is asking that Council choose an option so they can come out at the next meeting and vote.

Councilman Dewar stated he was not asking Council to make a decision today, but just asking how Council will get the matter done at the next Council meeting. Councilman Ebner stated that was his question. How do we get it done at the Council meeting.

City Attorney Gary Smith stated Mr. LeDuc asked him to prepare a draft ordinance. It is a very simple ordinance. It talks about a certain amount of dollars to be reimbursed to Woodside Plantation and so much to Kalmia Landing and then there are some blank lines in case others come and file an application for reimbursement prior to the Council meeting. The ordinance says that, and it will give Council an opportunity at the regular Council meeting to have a discussion about Option A, Option B, Option C, etc. and then the number can be filled in. Councilman Merry asked if it would still be two readings. Mr. Smith stated Council has to have two readings on the ordinance with six days between readings.

Mr. LeDuc stated Council will be given the ordinance and the numbers will be blank. The individuals that would be submitting a request would be listed. This would also give Council an account number as to where the money would come from. There is no money in the budget, so what is needed is an ordinance making a budget amendment. The budget will be adjusted by the amount decided on. He pointed out that Councilmember Homoki had requested that Council wait until October 27 to consider the matter as he will be out of town on October 13.



Councilman Dewar stated he is bothered by opening a Pandora's box and implying to others in the community, such as neighborhood associations, that they can come in and ask for reimbursement. He stated he wishes they could, but the FEMA laws only talk about gated communities. They do not talk about neighborhoods. Neighborhoods in the City of Aiken should have been covered in the submission the city made because it is the city's job to do the neighborhoods. He feels this needs to be confined to Kalmia Landing and Woodside Plantation and not give people the impression that they can get reimbursed just by asking.

Councilman Merry asked if a neighborhood spent money to clean up their roads before the city got there, which is what this is about before the city got there, whether or not FEMA was going to reimburse them or not, why not reimburse them. We don't know that about Woodside either, and we are talking about reimbursing them so whether or not FEMA would reimburse Gem Lakes why would we not consider reimbursing them. If they spent money on their roads before the city got there, and he knows some of them did, why not consider reimbursement to them.

Councilman Dewar stated the city can respond to anybody that wants to make a request, but if you look at the content of the ice storm, the state of emergency, what the city has done, and the gated communities that are addressed specifically in FEMA, he feels they are the ones the city is dealing with and the city took care of the rest of the city.

Councilman Merry stated there are individuals and POAs that spent money to do things before the city took care of them. The city took care of all the streets in Woodside that had solid waste contracts. That part is no different. Whether or not FEMA would have reimbursed the city had the city filed this on behalf of Woodside, we do not know. The fact is not whether or not FEMA would reimburse the city for Woodside or not. The fact is they did this work before the city got there. There are a lot of neighborhoods that did that, and they can file that. Whether or not they are behind a gate and eligible for FEMA, does not matter. He stated he was pointing out the risk.

Councilman Dewar stated then let's open it up and take applications from anybody in the whole city.

Councilman Ebner stated there is a problem here. There are people as has been pointed out such as Metric and SRB that are citizen advocates. They work with the contractor to get the most they can from FEMA. He said he and Councilman Dewar talked to those two people. In the beginning there was a way that this would probably have worked. He said Council needs to hire someone, get a third party, or get Mr. Smith to call these people up and find out the real story. He said the person who worked for SRB has worked with a number of communities and gotten reimbursement for them. He did it by having them apply through the city, and go through FEMA that way. He felt the city needs to ask somebody. He said we may be spinning our wheels. He stated he feels a citizens' advocate needs to be asked instead of a FEMA or SCEMD representative. He said there are people who do this for a living.

Mayor Cavanaugh stated Council can agree to do that.

Councilwoman Price stated Councilman Merry's questions merit a legal opinion of what can be and cannot be done for the other communities.

Mr. Smith stated he felt there is a concern if Council were to reimburse Woodside or Kalmia Landing only and use the rationale that they are reimbursing them because FEMA will not. That would tend to say the city is taking the position that if FEMA will not reimburse them, the city will. It could create a concern in the future the next time there is a storm. There could be other gated communities that know FEMA will reimburse so they will hire a contractor and then sue the city when they are finished if they don't reimburse them. He stated there are some concerns.

Councilman Ebner stated there are those who are citizen advocates that he and Councilman Dewar talked to that gave them advice for the citizens' side of the story. He

said it may take Council action for the City Attorney who does work for City Council to contact the people that they talked to. He said that request could be placed on the agenda for October 13 to hire a consultant to help in this matter.

Mr. Smith stated there is nothing wrong with Council hiring a consultant to come to City Council and give advice on how to prepare for the future. Maybe there is an opportunity to do something with what happened this past year. He said that is within Council's purview if Council wants to get a consultant.

Councilwoman Diggs how much a consultant would have to be paid. Mr. Smith stated the City Manager would contact them and asked how much they would charge to come to a Council meeting and give some advice.

Councilman Ebner stated he feels the city can call them and get an answer from them. Mr. Smith stated if it is something that will be relied on for a future storm, it should be in a more formal setting.

Mr. LeDuc stated things could change a lot before the next storm. Councilman Dewar stated from what he understands it changes after every storm. Councilman Ebner felt we need to talk to a consultant, and he felt they would enlighten us. Councilman Merry stated it would be nice to have some more input.

Mr. David Ziggelman stated he was amazed to find the number of out of town tree contractors that descended upon Aiken after the storm. There is obviously a storm recovery industry that is alive and well in this country which leads one to believe there are numerous storms like this that affect communities in this country every year. He feels if someone would look they could find a community like Aiken that had a storm, hurricane, flood, or something like it and had a similar situation about a gated community. We are not unique. He stated there is a precedent out there that needs to be found.

Councilman Ebner stated he was correct. The group that was in town, Metric and Coxwell, were storm chasers. They have agreements with 18 or 24 states. He was told by Metric who works for the State of South Carolina and oversees Coxwell who did seven counties, that the state had asked them to line up 60 trucks to be working in the City of Aiken. That would not have cost taxpayers any more. The city turned those down. The state did its job. It is an internal issue that is being talked about. He thinks there are people that can guide the city and tell us we messed up because we didn't do it in time.

Mr. Smith stated in regards to Councilman Merry's question, he knows Council has the options, but one of the thoughts he had was it is similar to the Accommodations Tax Fund and perhaps Council could treat it like the Accommodations Tax Fund. There are a certain number of dollars and a fund is created. Then the citizens are informed this is the fund and the procedure for applying for reimbursement from this fund. You have a certain amount of time to submit those requests. The requests will be analyzed by Council and a determination would be made. He stated he suggests this because he is concerned if the reimbursement is limited to only a couple of gated communities, there may be some further requests afterwards, and they will have an argument that they were not treated the same way as the gated communities.

Councilman Merry stated that suggestion by Mr. Smith would offer some protection against that problem.

Mayor Cavanaugh stated it is clear we do not know how many other groups may come before Council.

Councilman Dewar stated gated communities are specifically mentioned. He stated if they are talking about other people coming in, they are coming in because they were not satisfied with how quickly the city got to them. He said the impatience that people have accused Woodside of exercising may or may not be true. He said the only other one

indicated is Kalmia Landing which is an issue of its own. The city took care of the rest of the city and submitted invoices for the cost of the work. He said it may not have been done as quickly as desired. He stated he paid money and several others did, and they cleared their streets and did not wait for the city to come. There was a choice, but you should not necessarily be reimbursed for it. He does not support reimbursing Woodside for their impatience. He thinks if there is money the city would have spent because Woodside decided to be patient and wait and left their neighborhood alone, then it is a fair consideration if we can determine that amount to give it to them. He felt it would not come close to \$303,000.

Councilman Merry stated Kalmia Landing is an issue unto itself. He stated that every street in Kalmia Landing has a solid waste residential contract. They did 100% of the work themselves. The city cleaned up about 70% of the debris in Woodside. The city did not get any of the debris in Kalmia Landing. They are the most unique set of circumstances because they really were forgotten altogether. They have a unique set of circumstances. Their need was even greater for emergency access since it is totally a senior community.

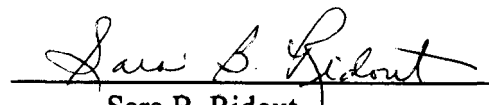
Councilwoman Price stated they have one road in and one road out. She asked if this topic would be on the October 27 meeting. She stated Woodside is losing a good leader in Ms. Hughes. She had weathered through the storm. She stated Ms. Hughes and Mr. Johnson were up against the wall with not knowing what they were doing right or wrong and people were calling them. She stated whatever Council decides, she will do what is fair and right for all that are concerned.

Mayor Cavanaugh stated all of Council thinks the world of Woodside. He doesn't think anyone should get the opinion that we do not. They are a great asset to the city. He stated he understands the money aspect of it as well. He moved to Aiken 61 years ago and was on Council the year planning started for Woodside. Woodside is a great community of people, and he has a lot of friends there. He said Woodside is a blessing to the city. He said he would hate to think what it would be if Woodside was not here. He stated he remembers when The Reserve was discussed, and there was a lot of controversy over it. It passed, and it thrives today. He stated he did not want anyone leaving the meeting thinking that Woodside was not cherished. This is just another decision that has to be made on a particular situation. He stated we cherish all the city's communities and together they are making the city what they want it to be.

Ms. Gail Ebner stated she understands that if, in this emergency, the state had been allowed in the city they could have cleared the state roads. There would have been no cost to the city, and we would not have had to even apply. Since that was not done, and it was managed differently, the city accepted culpability for that action. The city accepted the fact that the city would do the job on its own, taking on state roads which far out number mileage of the city roads. The city accepted that and applied to FEMA. The city is only receiving a certain percentage back for those expenditures. She asked what the difference would be. Council accepted it there, why not accept it in this case as well. It is the same culpability in her opinion.

#### ADJOURNMENT

Councilwoman Diggs moved that the meeting adjourn. The motion was seconded by Councilman Dewar and unanimously approved. The meeting adjourned at 6:17 p.m.

  
Sara B. Ridout  
City Clerk