

Aiken City Council MinutesSPECIAL CALLED MEETING

June 16, 2014

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

Others Present: Stuart Bedenbaugh, Gary Smith, Jim Holly, Roger LeDuc, Kim Abney, Charles Barranco, Phil Berley, Tim Coakley, George Grinton, Sara Ridout, Phil Kestin, David Turno, and Maayan Schechter and Tim O'Briant from the Aiken Standard.

EXECUTIVE SESSION

Mayor Cavanaugh called the special called meeting to order at 5:31 P.M. He said Council would consider going into executive session to discuss employment, appointment, compensation, promotion, demotion, discipline, or release of an employee regulated by City Council pursuant to Section 30-4-70(a)(1) of the South Carolina Code of Laws.

Mayor Cavanaugh asked if there was a motion to go into executive session.

Councilwoman Diggs moved that Council go into executive session to discuss the matters indicated by the Mayor. The motion was seconded by Councilman Homoki. The motion was unanimously approved.

Council went into executive session at 5:32 P.M.

After discussion Council returned to the Council Chambers. Mayor Cavanaugh stated Council had returned to the Council Chambers from the executive session.

Councilwoman Diggs moved that Council come out of executive session. The motion was seconded by Councilman Homoki and unanimously approved. Council came out of executive session at 6:35 P.M.

CONTRACT

Roger LeDuc  
Interim City Manager

Mayor Cavanaugh stated the next item on the agenda was consideration of entering into a contract for services. He said Council had discussed entering into a contract with Roger LeDuc for a temporary employment contract.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council enter into a contract with Roger LeDuc to serve as interim City Manager. The motion was unanimously approved.

BUDGET – ORDINANCE

Amendment  
Chipping Storm Debris  
Winter Storm PAX  
FY 2013-14

Mayor Cavanaugh stated Council needed to consider amending the budget regarding chipping of Winter Storm PAX debris.

Mr. Bedenbaugh read the title of the ordinance.

AN ORDINANCE AMENDING ORDINANCE NUMBER 04282014.

Mr. Bedenbaugh stated the original ordinance was approved by Council on April 28, 2014, to allow our Winter Storm PAX debris to be chipped. At that time we did not have final numbers on the cubic yards. He said we stopped accepting debris from citizens the first part of May. Our Public Services Department has collected all the curbside debris as of June 6, 2014. Based on the FEMA measurements that were done at Citizens Park and the FEMA approved debris load tickets, we have 160,253 cubic yards of debris to chip. That work is ongoing. The contracted amount that Council approved as part of the ordinance is \$1.84 per cubic yard. However, the original ordinance has \$195,416.55 based on the number of cubic yards estimated at that time. He pointed out the number of cubic yards to chip is 160,253 x \$1.84 per cubic yard, which amounts to \$294,865.52 for the chipping costs. He said the original ordinance needs to be amended to reflect the amount not to exceed \$295,000.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council pass on first reading an ordinance to amend Ordinance 04282014 amending the 2013-14 budget to allow an expenditure not to exceed \$295,000 for the chipping of debris from Winter Storm Pax. The motion was unanimously approved.

#### BUDGET – ORDINANCE

Hauling Debris  
Winter Storm PAX  
Amendment  
FY 2013-14

Mayor Cavanaugh stated Council needed to consider an ordinance to amend the budget regarding hauling of Winter Storm PAX debris.

Mr. Bedenbaugh read the title of the ordinance.

#### AN ORDINANCE AMENDING ORDINANCE NUMBER 05122014A.

Mr. Bedenbaugh stated the original ordinance was approved on May 12, 2014, to allow for the hauling of the ice storm debris. The ordinance specified an expenditure of \$24,879.25 for the loading and hauling costs. At that time the expectation was that a lot of the debris would be hauled to mills. Some is being hauled to mills, but our Engineering & Utilities Department Director George Grinton identified a need for the debris to be used at the Municipal Airport for vegetation control. The South Carolina Department of Health and Environmental Control has approved the use of the chipped debris to be placed on 20 feet on the interior side of the fence at the Airport. The Fixed Base Operator has no objections to this. Also, some of the chipped debris will be used on the horse trail which is being created in Woodside. Some of the debris will go to mills as well.

Mr. Bedenbaugh stated the ordinance needs to be amended for the expenditure not to exceed \$125,000 to complete the task of hauling the debris. This cost is eligible for FEMA reimbursement of up to 75%.

Councilman Ebner moved, seconded by Councilwoman Price, that Council approve on first reading an ordinance to amend the 2013-14 budget to increase the expenditure amount in Ordinance 05122014A to \$125,000 to cover the cost of loading and hauling of Winter Storm PAX debris. The motion was unanimously approved.

BUDGET – ORDINANCEHangersCity ParkwaysGarland ConstructionAmendmentFY 2013-14

Mayor Cavanaugh stated an ordinance had been prepared for first reading to amend the budget regarding removal of hangers in city parkways.

Mr. Bedenbaugh read the title of the ordinance.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014.

Mr. Bedenbaugh stated there was a bid opening on June 12, 2014, for removal of hangers from trees in our city parkways. This bid was requested on May 27. Seven bids were received, ranging from \$45 per tree to \$345 per tree. Staff feels the lowest responsible bidder is Garland Construction, who submitted the lowest bid of \$45 per tree. The work per FEMA requirements will need to be monitored. The city will be self-monitoring this work, as we have done with the debris. A spreadsheet listing the costs involved for the project was provided to Council. Mr. Bedenbaugh stated the estimated cost is \$71,250. Approximately 900 trees will have to have hangers removed at a cost of \$45 per tree. That is a unit cost which means if they have to remove one hanger it is \$45. If there are three hangers the cost would still be \$45 per tree. Those hangers will be dropped and city staff as part of the regular collection duty will pick up the debris and haul it off. He said if Garland Construction picked the hangers up and hauled them off the cost would have been \$65 per tree to cut, drop, mulch and haul off. For monitors the equipment needs would involve cameras at a cost of about \$750. The estimated cost for monitoring is \$30,000.

Mr. Bedenbaugh stated staff recommends approval of the bid and the related costs not to exceed \$71,250. The work will be completed by August 8, 2014, which is the deadline to get debris removed and get FEMA reimbursement.

Councilwoman Price pointed out there was a huge spread in terms of the cost for removal of the hangers of \$45 versus \$345. She wondered why the large spread. She also asked where Garland Construction was located. Mr. Bedenbaugh responded that Garland is out of Robinsville, North Carolina. He agreed the spread is large. He said that had been true on the other projects for removal of debris related to the storm. He pointed out the high bid for hauling cost was \$65 per ton. The city ultimately went with the vendor who would charge us about \$3 per ton. He said there had been a lot of spread in the bids. He thought the further from out of town the vendors were the higher the cost, as they roll in their expenses. He pointed out that Garland Construction does have all the necessary equipment to do the work.

Councilman Merry asked if any local vendors bid on the project. Mr. Bedenbaugh stated the bid request was sent to those on the vendors list. He said he did not think any of those who bid were local vendors, but were from out of town. Councilman Merry asked if we were pretty confident that we could still get FEMA money for removal of the hangers. Mr. Bedenbaugh stated part of the agreement for the bid is that the vendor can get the work completed by August 8, 2014. They will start approximately five days after Council has second reading of the ordinance. He said staff had already been in contact with Garland Construction. He pointed out they had done some work in the area as a subcontractor earlier after the storm.

Councilman Merry stated he understood that reimbursement by FEMA was a certain percentage during the first 30 days after the storm, after 60 days another percentage, and 90 days another percentage. He pointed out that we are several months out from the storm date, but Mr. Bedenbaugh was saying that we expect 75% reimbursement.

Mr. Bedenbaugh stated we do expect 75% reimbursement. He said this is part of the debris removal category. The first days after the storm of 1 to 30 days was reimbursable at 85%. He said that was through March 10. Then days 31 to 90 ran from March 10 through May 10 and was reimbursable at 80%. We are now in days 91 to 180 which runs through August 8 at a reimbursable rate of 75%. Councilman Merry stated he did not realize the time went out to 180 days. He said he was thinking we were past the time of being able to get FEMA reimbursement. Mr. Bedenbaugh stated that August 8 is the date the 180<sup>th</sup> day period ends.

Councilman Merry pointed out that the parks are in the Department of Transportation right of way. He asked if it was possible to get any participation from DOT for the removal of the hangers. Mr. Bedenbaugh stated he spoke with DOT last week. At that time there were no plans that they were aware of to send crews back in to do any work. He said we could check again this week. He said we would welcome DOT coming in and helping with the project. Councilman Merry stated he would like to know if that is an option. Mr. Bedenbaugh stated he had inquired, and he could follow up on that.

Councilman Merry stated his understanding is that they have walked away from Aiken. Councilman Dewar stated it was not just Aiken. Councilman Ebner stated they walked away on April 4, 2014, for money, and then walked away on April 18, 2014, with actual picking up. They closed the books on April 18. Councilman Merry stated he would at least like to see if there is any kind of option or any potential for that. Mr. Bedenbaugh stated he would follow up on that and notify Council if he hears something. Councilman Merry stated if it is an option, he would like to know the pros and cons. He said as had been pointed out there are some delicate areas to work.

Councilman Ebner moved, seconded by Councilwoman Price, that Council approve amending the FY 2013-14 budget to allow the removal of hangers from city parkways at an estimated cost of \$71,250. The motion was unanimously approved.

#### BUDGET – ORDINANCE

Amendment

FY 2013-14

Leaners

Hangers

City Parks

Streets

Right of Way

Winter Storm PAX

Ice Storm

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Fiscal Year 2013-14 budget to remove leaners and hangers from city parks and rights of way caused by Winter Storm PAX.

Mr. Bedenbaugh read the title of the ordinance.

#### AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014.

Mr. Bedenbaugh stated at the Council meeting on June 9, 2014, the sense of Council was that they would like staff to suggest some alternatives to have leaners and hangers removed in the city parks and street rights of way by the August 8, 2014, deadline which is the 180 day deadline for debris removal to be eligible for reimbursement from FEMA.

Mr. Bedenbaugh stated staff looked at options and staff felt there were two options which were the best to present to Council for consideration. Option one was to remove leaners and hangers with our city staff, and we would have all eligible straight time and over time hours and equipment usage reimbursed at a rate of 75% through August 8, 2014. Mr. Coakley, Public Services Director, feels if this work is done in-house it could take

between 12 to 18 months to complete the work removing leaners and hangers in the street rights of way and in the city parks. Another option was to sign onto the Aiken County agreement with Southern Disaster Recovery for removal of leaners and hangers in the street rights of way and city parks. SDR's approved contractual rate through the County's contract is \$70 per tree. As with the previous agreement discussed, whether there is one leaner or multiple leaners in the rights of way the cost is \$70 per tree and \$130 per tree for leaners and hangers in our city parks. The reason for the cost of \$130 per tree is two-fold. One, they do a 360 degree cut of leaners and hangers of trees in the parks. Obviously those trees are in the rights of way, plus those limbs get taken from where they are dropped to the road right of way for pickup. That is the reason for the higher cost.

Mr. Beddenbaugh stated after staff review they believe and recommend to Council that the second option is the best path forward to achieve the work by the August 8 deadline. Staff did some sampling based on FEMA approved methods, and there are approximately 260 miles of roads inside the city. Mr. Coakley and his staff sampled and drove one mile increments of approximately 20 one-mile stretches around the city to come up with an estimate of the number of leaners and hangers. He pointed out the estimate is approximately 3,000 leaners and hangers in the rights of way, which would be at a cost of \$70 per tree, for a cost of \$210,000. To remove leaners and hangers in the parks, our Parks, Recreation and Tourism Department, had a contractor give us an approximate number of leaners and hangers in our 13 city parks where the work needs to be done. They came up with about 600 leaners and hangers. To do the work in the park, staff estimates the cost to be \$78,000. Similar to what is proposed to be done with the removal of leaners and hangers in the parkways, we would self-monitor. That cost is estimated to not exceed \$225,500. He said it is estimated the cost for the work will not exceed \$513,500. As discussed with the other debris removal items, the city would be eligible for a potential reimbursement of up to 75% of the costs.

Mr. Beddenbaugh stated he had spoken with Mr. Clay Killian, Aiken County Administrator, and there is a Municipality Agreement that would need to be executed. He pointed out that Aiken County had already had the negotiated contract. The City's Procurement Code allows us to piggyback on to these previously negotiated governmental contracts. Given Council's desire to have this work done by August 8, 2014, this would be the most effective and quickest way, because we would not have to go out for bids, wait several weeks to get sealed bids back, and then have two readings of an ordinance for approval by Council, as August 8 is not that far away.

Councilman Ebner said to clarify what Mr. Beddenbaugh said, between this contract and the one on parkways, they cover the 260 miles within the city limits that is shown as right of way roads.

Mr. Beddenbaugh stated the contracts would cover the entirety of the streets in the city.

Councilwoman Price asked Mr. Beddenbaugh if there was a total cost for all the items being considered on this agenda. Mr. Beddenbaugh stated he did not add up all the individual agenda items. He said the estimate is \$513,500 for the work in the street rights of way and city parks; it is \$71,250 for the leaners and hangers in the parkways; and \$125,000 for hauling debris; and \$295,000 for chipping debris. It was pointed out the cost is a little over \$1 million.

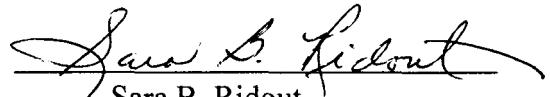
Councilman Ebner pointed out there are also some auxiliary costs to cleanup the areas where we stored the debris, which will add another \$30,000 to \$50,000 to the cost. Mr. Beddenbaugh stated the city will need to do remediation to get the land back the way it was before we started using the areas as temporary debris storage sites.

Councilman Dewar asked if the cost for monitoring had been factored into the cost. Mr. Beddenbaugh responded that cost had been included. Councilwoman Price asked if we were also hoping to get 75% FEMA reimbursement for this project. Mr. Beddenbaugh responded that we do anticipate getting 75% FEMA reimbursement.

Councilman Ebner moved that Council pass the ordinance on first reading to amend the budget to allow the city to sign onto the Aiken County agreement with Southern Disaster Recovery for the removal of leaners and hangers in city street rights of way and city recreation parks. The motion was seconded by Councilman Merry. The motion was unanimously approved.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:56 P.M.

  
Sara B. Ridout  
City Clerk

J

J

J