

# Storm shelters remain unbuilt

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Some DeKalb County communities that suffered casualties and serious damage on April 27 had been approved for public storm shelters months before the tornado outbreak.

But because of bureaucratic and legal snags along the way, the shelters weren't in place to provide refuge for the victims. Furthermore, the shelters are still not installed, and it's doubtful they will be in time for the spring tornado season, DeKalb officials say.

"It's heartbreaking," said Anthony Clifton, who became the county's emergency management director this past August. "Because of administrative issues, they were not in place in those communities on April 27. Now, to go through a second season without them in place is just unconscionable."

Having shelters does not ensure people will use them. But in DeKalb County, like a number of other places in Alabama, residents didn't have the option April 27 because there were no official shelters. After the tornadoes, cities and counties flooded the Federal Emergency Management Agency with requests for more than 430 community shelters.

But the delays in DeKalb County are a cautionary tale. While some roadblocks were unique to DeKalb County, others were not. And jurisdictions with projects just coming into the pipeline have confronted new bureaucratic clogs that threaten to further slow the flow of shelters.

## New regulations

The Alabama Manufactured Housing Commission said it plans to inspect pre-fab shelters and to require anyone making, selling and installing the shelters to be licensed, insured and bonded under the agency's rules. The Manufactured Housing Commission has the authority to do this, even though it has not been exercised before. Attorney General Luther Strange said so in an opinion issued last month in response to Art Faulkner, the director of the Alabama Emergency Management Agency.

The new regulations have added a layer of confusion to a process that some disaster officials already considered too cumbersome. Faulkner said he has been working to establish the new ground rules without holding up the installation of

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shelters. "We're at a point where we have to balance the safety of our citizens with making sure we follow the law," he said.

But critics say the Manufactured Housing Com-

mission's new oversight already is adding new costs and delays to the process — and with no good reason, because shelters funded through federal grants already were required to meet FEMA's standards.

"It's just a runaround at a bad time when people are trying to save lives," said Lee

Helms, a former state EMA director who is now a consultant working with DeKalb and other counties on shelter grant applications.

In DeKalb County, local officials sought grants for six storm shelters from funding that became available after Hurricane Gustav in 2008, FEMA records show. The shelter funding was approved in November 2010, which would have given the county time to install the shelters before April 27, Clifton said.

But a variety of snarls kept the shelters from being installed. Then, the DeKalb County Commission had to scrap the first bids because the low bidder — the Alabama-based manufacturer of the much-used Safe-T-Shelter — was not a general contractor. That was April 26, 2011.

The next day, Alabama experienced one of its most vicious tornado outbreaks ever. Seven of the twisters struck DeKalb County, and the county's death toll was second only to Tuscaloosa's. Among the dead were residents in Henagar and Sylvania, which had each been approved for a public storm shelter that, if installed, could have protected close to 100 people.

"It's just heartbreaking to think about the people who could have been saved if there had been shelters," said Linda Chitwood of Sylvania, who lost a son,

granddaughter and daughter-in-law in a tornado and is caring for an 11-year-old grandson who suffered serious head injuries.

Other DeKalb County storm victims said community shelters would have been little help to them on April 27 because they had lost electricity and didn't know they needed to take cover at all. "Unfortunately, we didn't have any warning for this tornado," said Janice Perkins of Henagar, who lost her home as well as her mother and brother.

But with another tornado season approaching, survivors in DeKalb County are already concerned about what to do in bad weather. It was the first thing 11-year-old Bryce Ferguson wanted to talk about when he woke up one day recently, his grandmother said. Chitwood told him they would go to a relative's basement if a tornado came.

Clifton appreciates the concerns. "I live in Sylvania," the DeKalb EMA director said. "It makes me very apprehensive to know storm season is coming, and I don't have a place to take my children."

Ironically, the April 27 storms themselves slowed down progress on the shelters. In the months after the tornadoes, the county's focus shifted to more immediate needs for cleanup and recovery. By the time a new bid was awarded, the year was almost over. Then, on Dec. 16, Wayne Hill Construction, an unsuccessful bidder, sued the county, claiming the winning bidder, Patterson Quality Bulldozing, did not have the proper classification as a contractor.

Allen Dodd, the lawyer representing Wayne Hill Construction, said the DeKalb County company wants to see the shelters installed quickly, but also safely.

"Since it's a life-critical structure — not an out-house or a boat ramp — you want to have a licensed contractor," Dodd said.

At first, the Alabama Licensing Board for General Contractors agreed that Patterson Quality Bulldozing did not have the right license to install the prefab Safe-T-Shelter units, said Joe Rogers, the board's executive secretary. But the licensing board has since bowed out of the shelter issue, believing the attorney general's opinion leaves regulation up to the Manufactured Housing Commission.

Since the bid dispute, the company that makes the Safe-T-Shelter, Aqua Marine

Enterprises of Danville, has gotten its own contractor license, said Robert Mitchell, president and CEO of the company. If DeKalb were to quickly rebid the contract and his company were to win again, he said, the shelters still might be installed before tornado season. "It would be tight, but it could be done," he said.

But the fact that there's a question, said Helms, "makes you just about sick."

### Other counties, too

DeKalb County isn't the only county that has encountered roadblocks when trying to install shelters. In Lawrence County, where tornadoes killed 14 people on April 27, the only official public shelter available was one that had been requested after Hurricane Katrina in 2005.

The county applied for grants for five additional shelters after Hurricane Gustav in 2008. Two were approved as early as September 2010. The three others were approved in November 2010. None had been installed by April 27. Among the sites waiting for an approved shelter was Mount Hope, where several lives were lost, said Hillard Frost, the director of Lawrence County's Emergency Management Agency.

Frost said the main problem was the lengthy process of getting approval from FEMA's hazard-mitigation program, a common complaint. "It's a long, drawn-out thing," he said.

A FEMA database shows Hurricane Gustav generated only about two dozen applications for community shelters. Since April's storms, the number of grant applications has soared to 434.

Despite the large volume, FEMA has promised approvals this time will come faster. "We have an expedited process going on in Alabama," said Brad Loar, the mitigation division director for FEMA's Southeastern region.

At least some people involved in the process, such as Helms, said they see evidence of FEMA's quickened pace. But the new oversight at the state level is gumming up shelter projects, they say.

Grant applications and bid specifications did not take into account new requirements for licensing, insurance and bonding that could affect the price of shelters. The price increase could be enough to derail some shelter projects, officials say. In addition, the new inspection require-

ments may slow down installation.

"We need to be doing it as fast as we can," said Helms, who accuses the Manufactured Housing Commission of being interested in the fees it can collect. "It's to the point that the only motive I can see is to make money."

Jim Sloan, administrator at the Manufactured Housing Commission, said his agency's motivation is public protection, not fees.

With the shelter business exploding in the state, Sloan said there's a need to ensure consumers have "a shelter that is safer than what they might have gotten out of." He said the pace of installing shelters won't slow down if "the people who need to be becoming compliant" with the rules.

Those in the business say they are taking steps to abide by the commission's rules. But they say they already must follow FEMA standards, and some of them have taken the extra step of having their products tested and certified by such respected enterprises as the National Storm Shelter Association.

Keith Gwin of Concord, who owns Central Alabama Storm Shelters, is a member of the NSSA and installs only products that carry the NSSA seal. New state oversight won't make his products safer, he said. "What this will do is increase the cost of the product to the customer because of the mandatory training, bond requirement and fees," he said.

Mitchell, whose company makes the Safe-T-Shelter, said he foresees problems with inspectors keeping up what has become a very brisk business. "We put in several units a day," he said.

Sloan said his agency does not plan to waive rules but is working hard to make sure those who already have received shelter grants won't have to forfeit the money or be penalized. "We want to be part of the solution and not a part of the problem," he said.

Sloan said his agency will delegate inspections to local authorities for city- or county-owned community shelters or shelters being placed within site-built homes.

But Sonny Brasfield, executive director at the Alabama Association of County Commissions, said Sloan can't assign work to counties and he doesn't understand why the agency is getting involved now.

"I'm not sure how the public's best interest is being served," he said.