

CITY OF EDEN, N. C.

A special meeting of the City Council, City of Eden, was held on Tuesday, May 23, 2000 at 4:30 p.m. in the Council Chambers, 338 West Stadium Drive. Those present for the meeting were as follows:

Mayor:		Philip K. Price
Mayor Pro Tem:	(absent)	John E. Grogan
Council Members:		Ronald H. Reynolds
		Ronald L. Janney
		Christine H. Myott
		William R. Rorrer
		C. H. Gover, Sr
		Garry Tudor
City Manager:		Radford L. Thomas
City Attorney:	(absent)	Charles J. Nooe
City Clerk:		Kim J. Scott
Representatives from Departments		
Representatives from News Media:		Leslie Brown, <u>Greensboro News & Record</u> , Ronda Crawford, <u>The Daily News</u> .

MEETING CONVENED:

Mayor Philip K. Price called the special meeting of the Eden City Council to order and welcomed those in attendance. He explained that this session was to discuss the proposed budget.

Mayor Price asked if there was anything that anyone would like to add. He stated that he wanted to add discussion about junk car storage and he suspected it would come under operational.

Council Member Janney asked the Mayor if he was referring to storing the vehicles that had been in accidents to which Mayor Price replied just junk cars.

Mr. Thomas explained that what the Mayor was referring to was the situation that they have run into with violations of their ordinance where they have to abate a nuisance on a property with junk cars. A lot of the people that tow for the city were in areas, where they were nonconforming and they were contributing to the problem. He stated that they needed to provide a solution so they could clean up some complaints in those areas as well.

Mayor Price asked if there were other things to be added and Council Member Janney commented that he had some items he wanted to talk about before leaving today. He stated that it was not a budget item, it was an ordinance item. He added that he would make the comment before he left.

Mayor Price stated that he wanted Mrs. Stultz's input on this situation before the conversation got too involved. He agreed with the City Manager that they had some problems in that they did not have a place to take the junk cars.

Mr. Thomas mentioned that he had provided each council member a copy of some information from the North Carolina League. He explained that it was about a change in the General Statues that repeals the property tax on certain vehicles leased or rented under short-term leases, rental cars and how they are taxed. He stated that there was a draft ordinance in there and he suggested that the Council Members read over and it should be considered at the June 20th meeting so that the city could have a mechanism in place to continue to receive some revenues for those rental cars.

DISCUSSION ON JUNK VEHICLES:

Planning & Inspections Director, Mrs. Kelly Stultz, explained that in late 1990 and 1991 one of the things they were working on was revamping the city's junk car ordinances. She stated that at that time, the state had changed enabling legislation on those kinds of removals and the staff was asked to prepare some information for cost on the city to have a lot for the cars that were towed to be stored until they could be disposed of or returned to the owners. She stated that at that

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time, the Council decided they did not want to do that and early on the city had a contract with one local vendor, who was the only person who was legal to store vehicles at that point and he was nonconforming.

Mrs. Stultz stated that what they know at this stage was, they did have junk cars across the community and they have been dealing with them as zoning violations. She pointed out that it took longer and it also took more of her time and the City Attorney's time because the city did not have anywhere to tow them. She stated that with a court order, they could do that a little simpler than they could under the basic junk car ordinance because of the rules and regulations for storage.

She stated that they had a number of folks who were on the Police Department's towing list, but they were in a nonconforming situation. She stated that the city's ordinance did not provide for the storage of junk vehicles except with a special use permit. She noted that only one of those had ever been issued and it was revoked.

She stated that she had been working on an amendment to the zoning ordinance to deal with towing operators and to provide for some prescribed amount of storage for them as it was a legitimate business and a necessity and something that the city truly needed to have happen. She added that there did need to be screening and those kind of things because there were a couple of folks who tow for the city that have vehicles and she had received complaints about them in the last couple of weeks.

Mrs. Stultz stated that she had tried to get it ready for the Planning Board to review every month lately but she had always been pulled to something else. She stated that they would try to talk about it to begin with in June.

She stated that she had talked with the Police Department about it and looked at their regulations and the requirements they have on towing operators. She stated that she thought that a part of the recommendation would be that when they change the zoning ordinance, the Council should consider making some City Code Amendments to deal with how those things were handled. She stated that if the Council wanted her to look into finding a spot for the city, where the city would own a lot where cars could be stored, she could do that.

Council Member Rorrer commented that he was there when they got into the other one on West Avenue and Mayor Price wanted to know what happened on that.

Mrs. Stultz recalled that when she came to work for the city they probably had 55 or 60 cars that had been towed over a number of years by the Police Department and they were stored at the Public Works Department. She stated that they went through about a year and a half process dealing with the Department of Motor Vehicles to get permission to have an auction and they did auction them off. She stated that since then, they have not been towing anything and taking over to any city property because there was no site that was secure or there was a place designed for them to be.

She stated that cars have been a big issue for the whole decade that she had worked for the city. She stated that it was truly a policy issue and she would be glad to research it in whatever way the Council wanted, but she did need to get the amendment to the zoning ordinance moved forward so they could make their towing operators legal and then they have the ones who were scattered about in the community as another issue.

Council Member Rorrer noted that they also had a bunch of claims of stereos, mag wheels and everything else missing from those cars while they were looking after them.

Mrs. Stultz agreed and stated that at that point she was also dealing with insurance and the claims would come to her. It was a sub-career dealing with the claims and the cars.

Council Member Gover suggested getting the towing operators together and have a meeting with them and come up with a designated site, and all of them take it to that designated site, whether it was a place already in operation, with available space that they could all agree with the charges they would receive to take it to that location.

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Council Member Rorrer wanted to know who would be responsible for them while they were there.

Council Member Gover replied that they would have to work it out at the designated place.

Mrs. Stultz commented that was certainly a possibility.

Council Member Rorrer stated that he did not want any part of being responsible for any vehicle and he wanted to point it out before they go into it.

Council Member Gover replied that he was not talking about the city. He used as an example, if they had a designated place on Cascade Avenue, it was a convenient place and already established, and the operators agreed to this, the city would still maintain its rotating service; it was just a matter of them agreeing to a fee for storage or whatever that they would have missed.

Mrs. Stultz stated that what he had suggested was certainly a viable option. She stated it was just a matter of whether or not they could find somebody who was both not in violation of their ordinance at the moment and willing to take that responsibility on.

Council Member Gover stated that he was insinuating that (if) a man had been in business for 30 or 40 years, surely they have not stood by and let him be nonconforming for all these years.

Mrs. Stultz explained that the particular spot he was talking about had been nonconforming since 1979 when the ETJ came in.

Mayor Price asked what steps they had to do to get it conforming.

Mrs. Stultz replied that the first thing was to amend the zoning ordinance to deal with towing and they needed to take a good long look at how they deal with junk yards and where they want them. She stated that they also needed to amend the city code. She stated that if the Council wanted to know how much it would cost to fence and operate a lot she could also try to chase those numbers down. She stated that it had just been a priority for her and it had not been completed due to other things popping up.

Mayor Price asked if she intended to bring it to the Planning Board at their June meeting for discussion.

Mrs. Stultz replied that if it all went well in the next few days she intended to take the first draft to the Planning Board and she had no notion that they would be ready to turn it loose by the Council's June meeting.

Mayor Price explained that he had said that about the junk car thing because they continue not to pick up those cars as fast as they need to do, knowing full well what was going on. He stated that he was thinking about the fact that public works had been fenced now, and he knew how difficult that could be and if the city could not go into that business that was fine, but the end result was that law abiding citizens were having to contend with those junk cars and they were not picking them up so they were not doing the job right.

Mrs. Stultz agreed and they have been dealing with them as zoning violations. She stated that she and the City Attorney had dealt with two individuals and three sites and it had been about a year and a half and one of them was not yet to completion and the other two had court orders for the city to remove them. She stated that she and Mr. Nooe were trying to get together to figure out exactly how he wanted her to handle that but the city was going to have to be responsible for engaging somebody to come in and get that cleaned up and again, it was time consuming to do it as a zoning violation. She stated that the reason they put the junk car enforcement ability a little differently at the state level was to give communities that option to do it a little more speedily. She stated that the city's ordinances and inconsistencies have sort of tied their hands with it for several years.

Council Member Rorrer pointed out that since public works had been fenced, he knew they have lost generators (theft) and other things and he knew that parts off of cars could go too.

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Council Member Janney stated that he was there when they had all them problems and he did not want to get back into the housing of junk cars, but in relationship to what had been said, if he was towing vehicles, he would not let the vehicle that he towed and was responsible for go to somebody else to look after either. He stated that it was going to be a tough road, but he agreed that maybe she should get all the people who was on the towing list together and see if they could come up with something as far as if they would agree to let one person house them or whatever.

Mrs. Stultz stated that she had intended, all along, once she got a draft done and the Planning Board had a chance to look at it, she had intended to invite all the folks in this community that tow, and give them an opportunity before it shoots out of Planning Board to have some input on how it might work and how they would feel about the restrictions that they may or may not recommend. She stated that the basic things you see in other communities were screening for the fencing and the limitation of areas that they could store in depending upon the size of their building and the zoning district that they were in. She stated that it was a fairly standard amendment that communities do but they always have to be tailored to a particular community and they have existing towing operators in BH-1, BH-2, B-G, I-2, and she thought at least one in I-1, so they have them spread across the community. She stated that they have one or two of them that tow and have their business one place and store the cars in another. She stated that made it altogether different. She stated that when they were on sight with them, there was greater security and more accountability for them, the appearance and the impact of the neighborhood.

Council Member Gover noted that they still have breaking in problems to which Mrs. Stultz agreed. Council Member Gover stated that they were cutting the fences, they could be well lit and fenced and they (thieves) could still get in.

Council Member Janney stated that if they get a system that works and he meant works, as far as the city not getting any backlash from anything that happened, if they get an ordinance that works and they start doing this, they were going to be including accident vehicles too, so they were going to have to have a huge place to put those in initially.

Mrs. Stultz added that it took a long time to get them moved through the process. She stated that they learned that several years ago when they were trying to dispose of the ones that were at public works, some had been there longer than 20 years. She stated that it still took 18 or 19 months to get them done. She stated that according to the folks at the Police Department, when there was an accident, that was a lengthy process. There were also times that they impound them because they were evidence and have to sit for a long time. She stated that there were times when they were kept for a considerable amount of time and there were the storage issues. She stated that it was a big issue for this community and for others, but it was not something that she could come up with a really simple solution and she hoped that they could get onto it this month.

Council Member Janney stated that if they all go by the old county garage and see all the vehicles sitting over there for the school system, they were already taking up the bus parking lot.

Council Member Myott pointed out that it bothered her, Irving Avenue, Monroe Street, they now have created a junk yard because they have taken the vehicles there and it was an eyesore.

Mrs. Stultz asked if she was referring to the one that was beside Dyer's or at the old Sealtest.

Council Member Myott replied that it was at the park (Bridge Street) and there was now a junk yard behind their business.

Mrs. Stultz stated that they sent a zoning violation on that one and one other inside the city limits and one of the ones on Hamilton Street (Hwy 87) the Board of Adjustment determined it was nonconforming and legal. She stated that the reason she had suggested both to them and the Planning Board was that when they consider changing the zoning ordinance they change the city code too and that would be to require that if somebody was going to tow for the city that they have to at minimum screen their lot and some basic maintenance to get those folks that were already in place because zoning was really good at dealing with things that were going to happen in the future. She stated that it was not nearly as effective in dealing with problems that already exist and the way to get at that, it was a twofold problem. Once they get them all into

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compliance then the zoning ordinance could assist and keep in making sure that they maintain that, but there had to be a way to at a minimum get them all to have a fence and screen it. She stated that they then had to deal with choosing between the various tools, the junk car ordinances and the zoning ordinance. She stated that their junk car ordinance was a bit more cumbersome than the way some communities do it and they have it done in three ordinances rather than just one. She explained that her department was responsible for two of them and the Police Department was responsible for one. The mechanism was a little different in all three of them and it would probably be easier if they worked pretty much the same.

Mayor Price commented that in lieu of taking up more time with this, from her direction then, she was going to bring this to the Planning Board this month. He stated that he thought it was pretty much the feeling of the Council that they did not want to get into the storage business, but they could take a look at it, they always have the option of considering it as they go along, but she was going to have, after she brought it to the Planning Board, simultaneously she was going to bring the vendors together, and if he understood from what she was saying, if they were to do business for the city, for storage, they were going to have to agree to the requirements...to which Mrs. Stultz replied that was probably going to be what she proposed and that did not mean that the Council would choose to do that.

Council Member Gover stated that not many of them would meet the standards the city would have to set anyway.

Mrs. Stultz stated no, from what she had seen from other community's ordinances, just somebody who had a small towing operation, for example, Tommy Underwood, the little lot that he had would comply in most jurisdictions for a towing operation, he could not store but so many vehicles, but they wanted to make sure that they did not unfairly impact anybody that had been legitimately in business.

Council Member Tudor asked for an explanation of what exactly was a junk car.

Mrs. Stultz replied that the definition they have been using was the one in the state's statutes and that was a car that did not display a current license plate, was either more than 5 years old, appeared to be worth less than \$100 and could not be self propelled. She added that in most jurisdictions that was done where if it did not have a tag and either one of those three, it was a junk car. She stated that Mr. Nooe had interpreted and they were doing it that it had to have no tag and meet all three of those requirements.

Mayor Price asked that by the time hot weather was over, the city would be picking up junk cars to which Mrs. Stultz replied that she sure hoped so and Council Member Tudor commented that their citizens wanted them to pick up junk cars.

Council Member Rorrer stated that they could pick up all they want to sitting on the road.

Council Member Myott stated that she had almost stopped reporting junk cars because she saw no difference in seeing them sitting in somebody's yard or in back of their house than bringing them over there to the lot and making a huge junk yard in the middle of the city.

Council Member Tudor agreed. Referring to the statement about the one's on the road, he stated that he disagreed with that. If they were in a driveway or in a side yard and it was a junk car, he did not want it next door to him. He stated that he did not think they wanted it next door to them, and the citizens that talk to him about Eden's appearance, they did not want junk cars in their neighborhoods and they were talking about pulling them out of the yards and driveways.

Council Member Gover commented that they were talking about two different situations, they were talking about towing wrecked cars after the wreck scene to which Mayor Price and Council Member Myott both replied that they were talking about junk cars. Council Member Gover asked if they were going to combine the two.

Mayor Price replied that Mrs. Stultz was talking about both things, in one pile.

Mrs. Stultz added that Council Member Myott's comment about them being congregated into one place and staying there, the statutes were designed so that the things go through a process

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and they leave, it was not a permanent graveyard for them. At some point, the way other communities did it, at some point they could crush them, once they have the mechanism in place to see that that happened.

Council Member Rorrer pointed out that he would like for them all to look at the difference between classics and junks.

BLOOD DRIVE POLICY:

Council Member Rorrer stated that he wanted to add one thing to the list. He stated that if he was not mistaken, they were handling their blood drive just about which ever way each department head decided to handle it. He asked the City Manager if there was a written policy on it.

Mr. Thomas replied that he was not certain.

Council Member Rorrer stated that if they did, he wanted everybody to get a copy of it so they could review it. He stated that it may be (a) good (policy), he did not know. He stated that if they did not have one, they could look at establishing one that was more uniform for the city. He stated that he knew there had been a lot of problems with it.

Mayor Price asked that they put something to that effect under Personnel.

PLANNING DEPARTMENT:

City Planner Position:

Mayor Price stated that there had been a lot of discussion and they did need to begin talking about this. He stated that he agreed that they needed to do some planning but he was beginning to think that perhaps as valuable as anything would be a paralegal, set up a Planning Assistant.

Council Member Tudor asked if in a paralegal, they were talking about a person that could help with code enforcement to which Mayor Price replied exactly.

Council Member Rorrer stated he thought they had done enough playing lawyer without a lawyer and needed to stay away from that one

Mayor Price explained that he was not talking about doing legal work as he was talking about a whole lot of legal work that takes a lot of legal time that those folks have to deal with that requires somebody to do a lot of searching and document preparation. Perhaps it would speed up the operation more than having a Planner.

Council Member Gover mentioned being faced with another decision before making that decision. He questioned being premature at this time.

Mrs. Stultz stated she would agree that the Planning and Inspections Department was a pretty heavy burden on Mr. Nooe. It generated a lot of work and the Planner position was a position that they sorely needed. She also mentioned the junk car issue as an example. She stated that they needed some more assistance with code enforcement and some additional help from Mr. Nooe would be wonderful. The ordinance drafting and the research that needed to be done, and staffing boards and commissions, and all the other things shared in this report, a paralegal would be a big help, but they could not do that. Those kinds of things they needed a Planner to do as she did those things when she was a Planner. The request that was made to have that position reinstated was one that she felt pretty adamant about. She stated that it would severely impact their ability to get things done for the Council in the next year.

Council Member Janney stated he did not want to hire a Planner and he would tell them up front. He thought they needed to look at the department a lot more carefully before they start adding staff. The Council has hired Mr. Nooe to be their attorney, and as long as he was the attorney they should use him and pay him whatever they have to pay him to use him. He stated that was one of the biggest problems as the city as a whole had not used the attorney when they should have used him.

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Council Member Tudor stated he was a council member and Mrs. Stultz was a department head and he was of the opinion that when a department head tells him they need another person that he as a council member needed to take that seriously. He stated he thought they needed more explanation than just saying she did not need another person. He asked Council Member Janney why, when the department that did this work everyday, and adding he did not do it every day, why would the department head be wrong.

Council Member Janney replied if he believed that, then he did not need to be sitting in there on this budget and he should pass the budget the City Manager gave him and walk out of there.

He added that they were there to make decisions that were the best for the citizens to which Council Member Tudor stated that was exactly right and when they hire people and give them a job to do then they need to let them do it and put some faith in what they tell them, and if they could not do that then they needed to hire someone else. He added that they were not full-time council members, but the Planning Department Head was a full time department head and the City Manager was a full time City Manager. He explained that he was of the opinion those should be the people that run the city and look over their shoulders and make sure they do a good job, but he did not think they should micromanage it.

Council Member Janney asked if he knew what micromanaging was to which Council Member Tudor replied he did as very often he thought micromanaging meant they (council members) get in the way of the people they pay to do the work and they do not let the people do the work.

Council Member Janney stated if everything was going well, then they would not have to micromanage.

Council Member Tudor stated he thought sometimes that micromanaging may be the problem.

Council Member Myott asked if a Planning Technician could do what she needed to which Mrs. Stultz replied when she made the original request, she asked for one of each. She asked to have Mrs. Doss reclassified to a Planning Tech and to bring someone in at a lower level clerical position. Mrs. Doss was about at the point of being able to retire and could before this year was out. She did much more work and much more technical work than someone in a low level clerical position. She added the kind of work load that this Council had expected from them over the decade that she had been with the city required more than four people. For example, when she had surgery a year or so ago, after a few days, developers started knocking on her door to sign plats because there was no one else to do them. She also mentioned the boards and commissions and the number of hours and time that takes. The addition of a Planning Technician would help. She did not think it would solve all of their problems but it would be a step in the right direction, they could certainly do some of the work but not all of it.

Mayor Price asked, so she was looking for somebody who she could authorize to sign off on the work of the entire department, for plats and that type of thing.

Mrs. Stultz replied it would be somebody that could do research, do special projects, and be the person mainly responsible for some of the boards and commissions. She explained that when she was the Planner, for a number of years she was responsible for Preservation, Community Appearance and Tree Board. As she gained more experience she assisted with the Planning Board and Board of Adjustment issues and there was somebody to come to Council Meetings when her former boss (Lee Burnette) could not be there. She stated that she had time to do research and at that point they did a solid waste study, worked on annexations, and they did all kinds of things that they did not have enough people to do now. She stated that if they thought about it and she knew that no governing board wanted to have more staff in a department than was necessary to do the job, but with there only being four of them, with vacation time or any time that someone was out sick, that gets them to the point that things were not working well. She noted that they have all come into the office to discover her sitting at the counter answering the phone and issuing permits and while she enjoyed that, it was probably not what they meant for her to be doing. She added that they certainly meant for her to be in there writing that junk car ordinance. She stated that they did need somebody that had time to spend on special projects and somebody to be a backup on the counter. She stated that one of her duties as a Planner was that if somebody came and Mrs. Doss could not deal with them, she was the next line of defense,

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to help with zoning issues and those kinds of things before the Director was drawn out to do that. She stated that they all needed time to get administrative things done.

Council Member Gover stated that the times that he had been to her, she had always told him it was held up legally. He stated that was why he agreed with this paralegal or whatever they needed to do down the road. He stated that it looked like it was a legal thing rather than a planning thing that was holding her back. He stated that practically 95% of whatever he had asked her was a legal thing.

Mrs. Stultz stated that the things he had asked about were predominately code enforcement related. Some of the problems with that was that they have been a big fat burden to Mr. Nooe and with all the other things that he has had to do and with his practice it was time consuming. She added that he had said that in this Council Chamber to them. They did have ordinances that need to be revised, they have a lot of that work that needs to be done, and she thought they had two problems. She stated that she believed they were under staffed. Obviously whatever they decide, they (her staff) would do the best they could for the next year however it worked out, but she did believe that it was in the city's interest to have that Planner position present.

Council Member Gover stated that it was his understanding that they were trying to enforce what they already have, not plan and have more.

Mrs. Stultz explained that their office had three basic functions, administrative and planning and there was inspections and code enforcement. Because they were in a small city, everybody had to do everything. She had taken the course to issue permits and it was part of the drill, everybody had to, but they have functions that were required for planning and functions for code enforcement. She stated that all of that needed to be cared for. She noted that if they looked at the document that she sent them at budget time, not that they needed to do things like every other city did, they could see that from other city's of their size, even if they take out the lows and the highs, it averages about nine people in a department and they have four and a half. She stated that she was by no means asking for beyond what she thought they were able to deal with but she did believe they needed that Planner.

Mayor Price asked if there were other comments or questions of Mrs. Stultz.

Council Member Reynolds suggested that the office was not utilized right, because he did not personally think that they needed another one in there.

Mrs. Stultz agreed and stated that right now she had building inspectors dealing with the Appearance Commission and they did have people doing things at times. She stated that if she had a choice, they were trying to do all they could, to see to it that the people that they have trained and paid to do code enforcement and building inspections, have a whole lot more windshield time. She stated that the problem with that was that they were having to be backup on the counter and in the office answering the phone just as she was because there was not enough of them. She agreed that some of Council Member Reynold's assessment was exactly right, they did have people that were not doing exactly what they needed to be but they could not figure out a better way to handle it and that was why she was asking for the Planner position so they could put those people out doing the things they have paid and trained them to do.

Mayor Price asked that if they came to her right now and said they have decided to annex some property, how big of a load would that be, a sizeable annexation. He added that he was just saying that theoretically.

Mrs. Stultz replied that they did a Resolution of Intent on October 27th, 1992 to do the city's first involuntary annexation. There were about six areas and at that time she and Mr. Burnette were both in the office and she probably spent 50% of her time for the next year working on annexation. She added that it also took up a lot of Mrs. Doss's time and they were lucky enough to have a couple of guys from Public Works who were on light duty at the time, to help do all the folding, stamping, mailing and posting, when it came time to send out all the notices. She stated that it was labor intensive and time consuming. She stated that at this point if the Council told her that they want to do an annexation the best she could do was tell them that they need to hire a consultant because there was no way they could do it with the people that they have now.

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Council Member Tudor commended Council Member Janney, for the work he had done in looking into Benchmark and bringing to light that there was a problem. He stated that as he understood that had been straightened out and he wanted to give Council Member Janney credit for micromanaging that. He asked if the circumstances with Benchmark would have been better if she had had more workers.

Mrs. Stultz replied that the first time they did a Single Family Rehabilitation Grant there were two of them. Mr. Burnette was running the department and dealing with all the things that were required and she was assigned to be the one responsible for checking behind everything on that program. She stated that granted, they did not have the issues that Council Member Janney had raised but she did, and she was not going to tell them that she had done her best to keep up with it, but she did think if they had more hands in the office, if they thought about it they have six boards and commissions, one existing and one new neighborhood group, the duties that the Council requires, what the Manager needed her to do and all the public contact and then they have her.

Council Member Gover asked if they were doing Benchmark's work when she was doing all that. He pointed out that was why they have Benchmark. This was the thing that they caught someone else on not "Kelly", per se, there was someone else not doing their job also. He stated that they have Benchmark hired to do this.

Mrs. Stultz stated that she could promise that she hoped as long as she was a Planner that she never had another experience like that and the problems that they had with this particular grant program. She apologized for whatever role she played in it. She stated that she did believe that this city and community deserved the kind of attention that was demanded and she could not give them.

Council Member Rorrer suggested that if they wanted to do away with somebody on the switchboard out there he would add that position in the personnel. He stated that as far as some of the comments that Council Member Tudor made concerning some of their methods, he did not think he would find in any paperwork what defined his position or Council Member Tudor's position or any of the rest of the elected official's position and how they went about doing it. He suggested that he think about that before commenting again.

PUBLIC WORKS DEPARTMENT:

Collection and Distribution Supervisor:

Mayor Price asked the City Manager for his input and in his opinion why did he include it and why was it important.

Mr. Thomas explained that this had been a position that was budgeted, it just had not been filled and remained frozen. He stated that as they have continued to try to do more work in-house, the 2" waterline replacement, repairing manholes, inflow and infiltration (I&I) abatement, and those kind of situations, it would help this department operate more efficiently and create more accountability and responsibility to have a supervisor there, to oversee that work on a day to day basis. He explained that what had happened, they were taking the Municipal Services Director who was in charge of three other divisions and causing him to be the superintendent of the Collection and Distribution crew and he was not able to use his time efficiently in planning and developing recommendations that need to come to the Council on how to restructure and reorganize and handle Fleet Maintenance programs or whatever the ideas were that he had. He stated that when he had to be out in the field on the job day in and day out, it had just not provided him the time that he needed to stay in his office and do more administrative types of duties and delegate.

Mr. Thomas stated that a superintendent would be able to provide that supervision and report to the Municipal Services Director and keep the flow of work going. He stated that it would help in getting those projects done in a more timely manner. He stated that they would have someone there with the certification, the knowledge and background in construction to know the ins and outs of those things and it would help to get more done.

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Mr. Thomas asked the Municipal Services Director, Mr. Sexton, if he would like to come up and make a few comments.

Council Member Gover asked the City Manager how many people he had under him to which Mr. Thomas replied approximately 190. Council Member Gover asked how many people would the supervisor have in the position he was talking about to which Mr. Thomas replied that they had trimmed those crews down recently. Council Member Gover asked how many the Municipal Services Director had under him.

Mr. Sexton replied that he had approximately 48.

Council Member Gover stated that would drop him back to 30 some...to which Mr. Thomas stated that it would not change the people that he was supervising. Council Member Gover stated that the City Manager could handle 190 people well, and do all the projects that he was doing.

Mr. Thomas agreed as he relied on his department heads and they were...to which Council Member Gover asked if he was saying that Mr. Sexton could not handle 48 people as well as he could 190.

Mr. Thomas replied that was not what he was saying at all.

Council Member Gover stated that he could not read it any different.

Mr. Thomas replied that was not what he was saying at all. He stated that they had him as City Manager and they had a Treatment Plants Director who had a superintendent under him as well. He pointed out that they had a superintendent of the Garage, the Street Department, and the Solid Waste Department, working in the same manner that he was requesting to have someone for Collection and Distribution, to work under Mr. Sexton. He stated that Mr. Sexton was responsible for four divisions and it was not going to generate any less responsibility to him for the number of people or the work that was being done, it just gave him the opportunity to delegate some functions on a daily basis so that he could do more planning and administrative types of work and bring items to the Council that addressed operational issues.

Mayor Price asked if in his opinion, time-wise, he had eleven people and they were billing out 2,000 hours a year per person to which Mr. Thomas replied that would be about right.

Mayor Price stated that he was sure he was looking at some numbers. He asked how much more efficient did he think that they would be, or was he talking about cutting down on time or up on time, as there had to be something that he was looking for in terms of taking too much of Mr. Sexton's time. He asked how much more efficient was the whole operation going to be or was he dropping some things from his job, not being able to do them.

Mr. Sexton replied that first of all he wanted to address the question on how many people he supervised. He explained that he did not look at his job totally as supervising people. He stated that he looked at his job as projects, work, and planning. He stated that people take care of themselves most of the time and they have a good work force in Collection and Distribution. He stated that he had some good crew leaders and he did not get out there everyday to look after those people but he did get out there to look after the project to make sure that the project was being done and to work with their City Engineer to make sure that it was being put in according to state and federal regulations.

Mr. Sexton stated that the two inch waterline replacement program was one of the biggest things that was going on right now as far as Collection and Distribution was concerned. He stated that it was proven and he had given them figures before that the 2" waterline replacement program was working. They were not having the water leaks they used to have and the on-call people were not going out as much. He stated that they went out in the winter months when there were weather related leaks, but they were working every day on the 2" waterline replacement program. He stated that those crews consist of three people, the crew leader who drives the service truck out to the job, the dump truck (operator) and the backhoe operator.

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He explained that he had ten workers. Two were involved in ongoing I&I, cameraing every day, cleaning sewer lines every day and mowing outfalls every day. He had two, three man crews and another two man crew. He stated that people was what he needed. He noted that just Washington Street alone, they worked hard up there trying to get all the taps run out from under Washington Street before it was paved. The paving program for the city was issued at the last Council Meeting and he still had three streets that the new waterlines were running down before they pave them and they were working as hard as they could to get that done.

He stated that those projects were going to come up every year as they have a re-paving program every year with old waterlines that need replacing and they jump in there and try to get that done as well as all the other work. He stated that they keep all the sewer calls up, cleaning and cameraing sewer lines and trying to find out the point of infiltration for I&I into the city sewer system. He stated that they were making recommendations on or replacement of those problems that they found.

He stated that they were only touching the surface. They were only doing what they see today and not planning for tomorrow. He stated that he needed to be helping the City Engineer lay out what 2" waterlines needed replacing next, prioritizing and putting them in the right order. He stated that he also needed to be doing things for Solid Waste and helping Mr. Adams make recommendations to the Council. He referred to the last (regular) meeting and that maybe he and Mr. Adams could have put their heads together to come up with a better solution than what was recommended to Council, but he had just not had the time to do it as he had been out on the job everyday with his crew. He stated that he was also out there at night with them and he felt that this position was really needed for Collection and Distribution so that he could get back to doing the job he felt that he was hired to do as Director.

Mayor Price asked what were some of the things that he felt they should be implementing right now.

Mr. Sexton replied that they could talk to Mr. Asbury or anyone and could see the publications in the paper. He stated that he was a big celebrity when it comes to sewer overloads. He pointed out that people every where he went said, "well are you having any bypasses this week?" because they were now required to publish notices in the paper for those bypasses. He stated that they needed to stop those because if not the federal government was going to start fining them for every bypass they had.

Council Member Rorrer asked if he was not going to have to contract just about all the work for stopping those inflows.

Mr. Sexton replied that he was and for most any sewer work, because they were not set up to do sewer work. He explained that they could not do that because they did not have the laser system to lay sewer lines with and things like that. He stated that he had been asked to lay some sewer line and he told them he would do the best he could, lease a laser or whatever to lay some sewer line and try to work it into his schedule, but right now they were not set up to lay sewer line because of the depth and the elevation.

Council Member Reynolds noted that it seemed like Mr. Sexton needed more workers than somebody sitting behind a desk and pushing a pencil.

Mr. Sexton replied that this man would do work and be out on the job with them everyday.

Mayor Price agreed that the fact was, this person would be on the job.

Council Member Myott asked the City Manager if he had said that this position was already budgeted and that meant that the money was being left there every year.

Mr. Thomas replied that it had remained in the budget from year to year since the time it was frozen.

Council Member Janney suggested that they take it out of the budget. He explained that he thought they had some capable department heads at Public Works. He stated that he knew he had been around some of them and they may have thought he would ever have said that. He

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stated that from what he had observed, not only did he think they did not need this C&D superintendent, (but) he had said all along that they did not need a Director over there and he was probably the only one who would agree with that, but that was the way he felt.

Mayor Price asked if he wanted to make a motion on that (to eliminate the C&D Superintendent position).

Council Member Janney replied that he would, (but) they did not make a motion on the Planner.

Council Member Myott questioned that they were making any motions tonight to which Mayor Price replied that they could if they would like and they decided to wait on the Planner.

Council Member Janney asked when they decided to do that. He stated that he did not know they were making motions but he could go back and make one.

Council Member Myott stated she just thought this was for discussion to which Mayor Price explained that Council Member Gover said that they should wait for some other discussions to take place (in regard to the Planner position).

Council Member Gover explained that he said that if they had something else to do down the road, if they were not, they may be premature, (but) he did not say he was for the Planner, but they needed to look at what they need to do down the road.

Council Member Janney stated that he knew what he was referring to and he did not have a problem with looking at that position again to which Council Member Gover stated that was the only reason he had suggested that.

A motion was made by Council Member Janney seconded by Council Member Reynolds to eliminate the Collection and Distribution Superintendent position.

Council Member Tudor commented that Mr. Sexton just came up (there) and he thought he did a very good job of defending the position and he defended the position not based upon wanting to supervise people, but wanting to provide the service. He stated that was the only reason they have a city, the only reason they incorporate, so they could legally collect tax money for the purpose of providing services and Mr. Sexton defended this position because he wanted to be able to do the job of providing services.

He explained that he did not want to run for Council and was talked into running because people said they were concerned about their city and concerned about services and where their city was going. He stated that he understood his concern about the budget, nobody wanted to spend money that raised the budget, unless they could defend it in providing services. He stated that was what their people pay their tax dollars for. They did not pay their tax dollars for the Council to freeze positions and to put money in the bank. They did not pay their tax dollars to the City of Eden to increase it's fund balance, they pay their tax dollars to get services. He stated that Mr. Sexton came up there and said that he wanted to be able to do a better job of providing services and he wanted to be able to get those sewer lines in the ground before paving. He pointed out that he did not know how to do that, (but) the Department Head comes up there and tells them and he was the one out there every day doing this job and he needed this. He stated that he thought they needed to listen to them and he could not support taking it out of the budget.

Council Member Gover commented that the problem seemed to be, throughout the city, was in getting people that were qualified to run the equipment so they could do those jobs. He stated that they would be in the same situation if they hired five superintendents tomorrow. He explained that they did not have the laborers out there or the experienced people who could operate this heavy equipment that they needed to put this 2" waterline in. He stated that they were having problems getting the operators, (because) they need to get the money right so they could get those operators to do this service he was talking about. He stated that today, they needed qualified operators to those jobs and they could not get them for \$6.00 an hour.

Mr. Thomas replied that he would not disagree with that but he would also say he thought that the city could benefit in overall operation of Collection and Distribution and how they address problems as they arise and how to take care of projects with a superintendent. He stated that he

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thought it was an integral part of how this organization was organized. He pointed out that they have superintendents in other divisions doing the same job that this superintendent would be doing, running the day to day, on the job types of operations. That person was in charge of the project on a day to day basis so that the Director could do the long range planning and the coordinating. He stated that Council Member Janney knew that he disagreed with him on his point with a Director at the public works and municipal services area. He stated that he thought that was a vital part of this organization to be able to provide service and make sure that things were well run.

Mayor Price commented that when they get down to water and sewer, this city was working on about a \$14,000,000 or \$15,000,000 budget for water and sewer. He stated that he was making a point to tell them that this Council had heard information in the last two weeks about spending inflow and outflow of money, and that type of thing, and he understood the comments from everybody and they were some very valid comments, (but) he thought they were getting ready to make a decision and that snake was going to come back and bite them. He stated that based upon that he would ask that he rescind this motion at a later date.

Council Member Janney replied that he would not rescind the motion.

In response to a question by Mayor Price as to if he understood what he meant, Council Member Janney replied that he did, but he wanted to say that (regarding the) 2" waterlines, that program started before he came on the Board the first time.

Mayor Price stated that it started in 1994 and Council Member Rorrer noted that if he went back to the 1980's, he would find where it was. Mayor Price replied that that might have been but the plan to replace the 75 miles of 2" waterlines and 46 miles of 6" was initiated in 1994.

Council Member Janney stated he stood to correct the Mayor because he had a map that Mr. Hale gave him of every 2" waterlines in town that he knew of and he gave it to Charles Hafter, when he was City Manager. He stated that when Mr. Hafter left, he lost that map. He stated that they have been working on 2" waterlines as long as he could remember and that was the point he wanted to make.

Mayor Price stated that they had a plan implemented with all the problem areas prioritized by a group of people that involved citizens and staff as well. It was a multi year program set in place to replace 75 miles of 2" waterline and 46 miles of 6" lines, with the streets prioritized and it goes all over this town. He stated that he had citizens who regularly called him and ask what was the story. He stated that all of them were business people and it made him wonder why they have not gone out and implemented this program like they should because they were going back and back making repairs and it should have been replaced a year ago. He stated that they guarantee people that they will have one and they were calling him now asking where they were on the project, and they were not anywhere near coming out to replace their 2" waterlines. He stated that it was embarrassing to him and to them also that they were not implementing that program that they have guaranteed the people they would do.

Council Member Janney suggested that they may have re-implemented something that had already been done to which Mayor Price replied that he did not know but this thing was put before him in 1994, and it was prioritized, and they had the number of streets that were going to go through the plan; and it was going to be implemented and (now) they were dragging their feet on it.

Council Member Gover commented that he would like to have seen a comprehensive plan on all the water and sewer projects. He had asked for that some time back, now that they have a City Engineer. He stated that they could look at that comprehensive plan and determine where they need to go, but until they have concrete plans on what they want or need to do, they were not getting anywhere like this.

Mayor Price pointed out that the plan on water was in place.

Mr. Thomas added that there was a plan on water that was in place and before he came to work there, the transportation department or whoever it was, came in and reviewed all of the city's streets and generated a priority list for paving that the city had worked from since that point and

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time. He stated that the priority list was based on the condition and so forth and the criteria that went into developing that list and they operate from that plan, on paving streets.

Council Member Gover asked if he could get a copy of that as he would love to have it.

Mr. Sexton commented that in talking about the prioritized list that the Council adopted a couple of years ago, they have done all but a couple of streets, but the thing was, they have had more added to it. They were not only concentrating on that prioritized list everyday, they have paving programs going on and they have to get the waterlines in before the paving goes in and that line may not have been on that prioritized list. He stated that now, under state law, they have to send them to Raleigh for approval. Waterlines have to be drawn and sent to Raleigh before they could start work on the project and the City Engineer could vouch for that. He stated that that was something that came up this year.

He stated that some have been handed to them every year, since they have laid almost 4,000 feet of 6" waterlines and replaced two, and that sounded like a little bit of work, but if you take those houses that had got to be tied on, once you put the line in the ground you have to chlorinate it, let it set, do a bacteria test, go in and make your taps, tie every house on with some involving moving meters from the backyard into the front yard, and ditch-witching a new ditch into the house. He stated that there was more to laying waterlines than just going out here and laying them in the ground. The longest amount of waterlines involved about 2 or 3 weeks just getting it ready to turn loose of the water to make sure it was safe for the customer.

He stated that they were concentrating on this 2" waterline replacement but that was not all they do. He stated that I&I was a big thing for them and they wanted to get something done on that before the city was fined or placed under a moratorium. He stated that he felt that what Council Member Gover addressed a few minutes ago, wanting to see some of this, he could not get it to him because he did not have time to get in the office to draw those plans for him. He stated that he would love to and he was trying to draw up something now with the City Engineer to bring them another list of 2" waterlines so they could be prioritized and get it to them for their approval.

He stated that it may have been in 1996 that the prioritized list was all finished but a couple, but there had been 10 or 12 other streets laid beside the prioritized list, consisting of 3 or 4,000 feet of waterlines.

Mayor Price noted that a main waterline broke going into National Textiles on Saturday. He asked, had he not been in town, who would have been there to do that job and would he have had anybody there to do it.

Mr. Sexton replied that they would have had to call on the City Manager. There were some major decisions that needed to be made down there that day. The Fire Chief had to be notified, they did not have the equipment to do the job and had to find a piece of equipment to do it, and he thought the City Manager would have had been involved in it. He added that he would, of course, have kept him involved in it anyway to let him know what his decisions were.

Mayor Price stated that he wanted to remind them again that later on this week they would hear some comments from one of their advisors who would talk to them about some things. He noted that they should remember comments he made the other day.

After some brief discussion about the consultant (David Cain of Finkbeiner, Pettis, & Strout) that would be coming, Mayor Price called the motion.

Action on the motion was as follows: Council Members Janney, Rorrer, Reynolds and Gover voted in favor of this motion. Council Members Tudor and Myott voted in opposition. This motion carried.

DISCUSSION REGARDING EMPLOYEE'S HEALTH INSURANCE:

Mayor Price commented that somebody had requested discussion of major department changes.

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Council Member Rorrer replied that he had said something about major changes being made in departments and the Council not being notified about it. He stated that he thought they were supposed to have a notification right there, right now, with an organizational chart that was supposed to be updated.

Mayor Price referred to the City Manager, going back to major department changes, (to) somehow notify or (have) a plan of notification (on) department changes to the Council, (so they could) get the "gist" of what they were talking about. He explained that they would be talking later in the week about personnel cost, water and sewer, and they all have had a meeting with the health and insurance. He asked how that meeting came out.

Mr. Thomas replied that the committee met with Bill Kiser who had gone out and shopped the market for them, trying to find a better plan and better rates that would provide the service and provide the cost that they were looking for and in a plan. He stated that he thought he did a really good job and the end result of that, they received a really good quote from Partner's that compared very well and was actually a little better in some respects than the plan that they currently have. However, the network that Partner's provided, excludes a number of physicians in Eden that their employees use and they also did not include Baptist Hospital, of which a lot of people from the area and their employee's use when they have severe problems.

He stated that in looking at it overall, he agreed with Mr. Kiser, on some minor changes in the city's current plan and how the program would be administered. He stated that they could get their plan competitive and still provide a good coverage to employees, but they did need to make some adjustment in their rate structure. He noted that they have not been fully funding their self-insurance plan and they needed to move more towards a fully funded program.

Mayor Price asked Mr. Thomas to explain that to which he explained that when they looked at risk, for lack of a better word, the number of claims that they would have, they come up with an estimate of what their anticipated cost would be, and then they determine another cost which was called a Minimum Attachment Form. He explained that that kind of looked at a worst case scenario that if there were any catastrophic claims during the course of a year they would set their premiums or rates, what the city would pay for the employee and what the employee would pay through payroll deduction so that it would generate enough dollars to meet what this Minimum Attachment Form was and to cover their fixed costs. He stated that they have not been setting their rates at a level that it would meet what that Minimum Attachment Form plus a fixed cost and so forth would be, they have been coming up short.

Mayor Price questioned the rates for the employees to which Mr. Thomas explained, what the city paid for the employees and what the employee paid through payroll deduction for dependent coverage. He stated that they have not been fully funding the program, according to the numbers.

He asked that they remember that last year the Council had to do a budget amendment to the Self Insurance Fund because their claims were higher than the amount of premium that was being paid in to pay their fixed cost and claims for that particular year. He stated that they needed to get away from that situation and have their rates set at a level that it would be fully funded so that what was paid in meets what needed to be paid out to pay claims.

Mr. Thomas explained that in looking at that, he had developed a proposed rate schedule and in working with Mr. Kiser and in looking at what their anticipated cost would be based on what the insurance folks have generated. All of them were going to use basically the same numbers when they give quotes because they were going to look at the claims history on a month to month basis for the last 12 or 24 months, and they were all working with the same numbers and would see what types of claims they have had and how much it had cost.

He recommended that the city stay with a Self-Insurance Plan. He thought it was a good plan and if they could just get their rates in line so that they were fully funded, they would do real well with this program, but it would involve continuing to use Piedmont Administrators as their third party administrator. They were the ones that received all the bills and paid the claims for the city as the doctor sends the bill and then the city gets billed for the amount of claims that they have paid on the city's behalf during that month.

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He explained that they were looking at some basic changes in some of their deductibles and co-pays. He used as an example, if he went to the doctor, because of the co-pay that they have, right now he would pay \$10. That co-pay would be raised to \$15. He explained that out of network deductible, the doctor was a part of a network, they would change the out of network deductible from about \$300 to \$400. The co-insurance rate would move to a 90/70 where currently, he thought it was a 90/80. The out of pocket expense, which means the maximum amount that he would pay out of his own pocket would be increased to \$3500 and now he thought it was \$2500 or \$3000, so it would increase slightly. He stated that they also have a prescription drug card program that was currently \$10 for generic and \$20 for name brand and they would recommend going from \$10 for generic, \$20 for name brand and \$30 for maintenance type drugs which were drugs you would have to continue to receive on a monthly basis.

Mr. Thomas stated that one of the things that they were seeing in certain instances, they were paying out more for a participant in their health insurance plan and their family, just in prescription drugs, than what they were collecting through their premium and that was not counting doctor's visits. He stated that it should equal itself out but they were seeing that happen and that was something they were trying to address through some of the changes that they have made.

Overall, other than those things he had mentioned, the coverage itself would basically stay the same. There would be some slight differences in cost, but the coverage would stay the same. They would be working with the local physician network which would provide some discounts to the city that they have not had benefit of and at a minimum it would probably save in the neighborhood of \$30,000 a year within the city's plan.

He stated that what he had proposed and worked up, as far as adjustments to their rates, and this did not get them to the point of being fully funded, but with some of the changes that they have made, this would get them a little beyond half way of the difference that they have lacked in becoming fully funded in this program. This would get them a little beyond half way of making up that difference and what they hoped was that some of the changes that they have recommended to the plan would help make up some of the remaining part of that difference. He stated that they would like to get to fully funded in kind of a two-step process, which he thought was reasonable and a good thing for the city to do. He stated that they may see that some of those discounts and other changes were going to make up the bigger part of that difference and they may end up a lot closer to fully funded with those in place than what they would realize going into the year.

Mr. Thomas stated that at the present time, their current rates were, on their medical program, the city was paying \$186.00 per employee. This was excluding smaller things like the life insurance, disability and so forth, which were minimal expenses. He stated that on payroll deduction, the employees could cover their children for \$100 per month. They could cover their family for \$250 per month. The dental program, the current rate was \$16.72 for the employee and family coverage, whether it was a spouse or an entire family, was \$15.50 a month. He stated that what was being recommended, to get their premiums more in line with meeting what the demands were on their program, those rates were still very competitive and lower than what they would probably find out in the market, and comparable to what they would find going on around them, would be to increase the employee cost, (or) what the city paid for the employee, to \$230.00. The children's coverage would go to \$160.00 per month and family coverage would be \$300 per month and they would introduce a new tier in there where an employee could cover just their spouse, at \$235 a month. The dental rate would go up to \$17.00 for an employee and for full family coverage it would go to \$25.00 per month.

Council Member Gover asked, on this local physician network, suppose he needed a specialist that was not in the local physician network.

Mr. Thomas replied that the plan takes that into account. He could still be referred to a specialist and what happens at that point was that they get into the other network that they were a part of, MedCost, and they would act as kind of a wrap around network so that if he went outside of the local physicians that were participating in the local network, MedCost would still cover him as that network. He stated that they currently have that in place and it would continue to function the same way.

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Council Member Gover questioned that they (might) have some problems with that going out from the local network to the outside network when the physicians might leave or whatever to which Mr. Thomas replied that was a good question. He stated that he thought it was a combination of a local network and MedCost was kind of an umbrella to catch anything outside of that. There could still be the possibility that somebody gets referred to a position that was outside of either one of those networks and they would just have to work with that and that could happen right now. He added that he was not aware of any problems that they have had in not being able to find good qualified physicians in the networks that they have. The local network director or whatever they would want to call it was Dr. Parsons.

Mayor Price questioned the network charge to which Mr. Thomas replied that if he went outside the network, there were some deductibles. Mayor Price asked if that was MedCost.

Mr. Thomas replied that MedCost was another network and he may get referred to a doctor out of town that was not in the local PHO network, but was a member of the MedCost network, so he would still gain the benefit of those negotiated fees.

Mayor Price questioned if they go outside of that...to which Mr. Thomas replied that if they step outside of MedCost then some of the completely out of network deductibles would come into play. Mayor Price asked if Baptist (Hospital) was included with this.

Mr. Thomas replied that Baptist was included in the networks that they have with MedCost. With the Partner's network they were not, because Baptist had its own network that competes quite heavily with Partners and that cuts Baptist out of being able to deal with Dr. Parsons. Dr. Parson was the physician who was heading up the local PHO.

Council Member Myott asked if there were many doctors in their network.

Mr. Thomas replied that he would say just about every one of them in town. It would cost the city about \$3600 a year to participate in that network, but they were looking and after spending a few hours with Mr. Kiser discussing this, probably at a minimum they would see a \$30,000 savings, so it was a pretty good investment and in working with the local physicians, what happens was it was like a 5% discount up to a certain level and once claims get up to a certain point, that discount increases, and it was all designed as their cost goes up, those discounts were trying to help them keep that expense down.

Council Member Janney commented that they did discuss that and he was on the committee that listened to Mr. Kiser and he did a good job in presenting his case. However, there were about three things that really concerned him about this program. One of them was, it was going to cost every city employee more money and there would be more coming out of their check. It would cost more out of pocket than it did before to which Mr. Thomas agreed.

Council Member Janney stated that they had discussed this in that meeting and he asked that they not misunderstand him, as it would affect everybody, but if you are looking at the people who have the better paying jobs, that increase did not hurt that person who was making a whole lot more money than the people on a lower scale. He stated that was his concern, that they tread softly into this thing, because when you are talking about the employee and his family, he believed it was \$50 more for children, and they were so tight with the money on the low end that they just about had it to where, he had made the comment in that meeting, that they were going to send them to the "food line", if they kept on and he truly believed that on the low end. Another question he had was, could they get out of this program any time.

Mr. Thomas replied that it was the city's insurance program, however they want to look at it. He stated that he thought all they would need was a 30 day notice and it may not even be that.

Council Member Janney stated that his other concern was that they were listening to the man who had their insurance now and his understanding of that was when they said they were going to look at it, they said that they were going to get an outside consultant. He noted that if they would look at the minutes they would see that Council Member Grogan said that.

Mr. Thomas replied that Mr. Kiser was not an agent that the city was writing its insurance through. He explained that Mr. Kiser had represented the city and had gone out and talked to a

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number of insurance providers, third party administrators on the city's behalf, to see if there was a better deal out there than Piedmont Administrators. He stated that he had looked at private sector programs like the Partners and others, on the city's behalf. They were not paying him anything to do that for them and they were not writing a policy with Mr. Kiser. He worked with all of those companies and he was there at no cost to the city to do this analysis and to help them get the best plan for the City of Eden.

He stated that as he had said during that meeting, they were reaching a point where, they need to go ahead and make sure that this plan was in place. If the Council wanted to look at it more in depth, they could certainly hire a consultant to do that, but he thought they needed to get this plan in place and then look from that point. He added that they could get out of it at any time because it was their plan by being self-insured.

Council Member Janney agreed and stated that he had no problem with going on with this plan, but they needed to get somebody to look at it other than Mr. Kiser.

Council Member Rorrer commented that they needed to immediately move like the Council voted to do, go ahead with it and then look at what was out there to which Council Member Janney agreed as they were in the position they had to.

A motion was made by Council Member Rorrer seconded by Council Myott to continue with the insurance program as presented by the City Manager in the budget, and immediately begin looking at other programs. All Council Members present voted in favor of this motion.

Mr. Thomas asked to address the idea of using an outside consultant to come in and look at their plan. He stated that the City of Reidsville considered that very thing and the company they spoke with quoted a price in excess of \$10,000 to do that study. He stated that the company also said that they would do the study for the City of Eden at the same price. He noted that Rockingham County brought in a consultant out of Charlotte about two years ago and the best he could gather in talking with Mr. Ben Neal was that they paid well in excess of \$10,000 and basically what the man told them was, what they were doing is a good thing, just keep on doing what you are doing. He pointed out that this was all after Mr. Kiser had come in and made the recommendations to them to do their changes. He stated that his point in saying that was, before they made the decision to enter into a contract with a consultant he thought they needed to do some checking on what other people have found out, for what they have paid or not gained in the process of getting that study done. He stated that as he could gather in talking with Reidsville and with the County, they were not satisfied with the information that was provided and found it to be a waste of money.

Council Member Gover asked if they had a similar program.

Mr. Thomas replied that Reidsville's was almost identical. The County was also self-insured, there were some differences, but it was very similar. He added that Mr. Neal had commented to him that he found it to be a waste of money.

Council Member Rorrer commented that he definitely did not want to go with that same firm.

Mayor Price noted that they already had one quote and questioned if they should have the City Manager get three quotes and bring them back to the Council.

Mr. Thomas stated that he would tend to agree. He suggested that he could try to find some prices and what those things were. That was a lot of money to spend to have someone to come in and tell them that they have a good plan, knowing that their plan was similar to those that have been studied.

Council Member Rorrer stated that it was true and it would not take but a little bit of saving at one point to far exceed the price of it.

Mayor Price asked the City Manager to get three quotes on that to which Mr. Thomas replied that he was not sure he could find three quotes.

Council Member Rorrer pointed out that he could bypass the one he just mentioned.

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Council Member Janney commented that he did not understand. He questioned Mr. Kiser going through all of that for nothing.

Mr. Thomas stated that the city did not pay him anything.

Council Member Myott commented that he received his pay through the insurance company to which Council Member Janney replied that he knew that.

Mr. Thomas replied that what he stated earlier, Mr. Kiser had not written a policy for the city and he was not paid to do this. He was representing any number of companies and it did not matter who he got their reinsurance with or who their third-party administrator was.

Mayor Price asked the City Manager to find three vendors who would be interested in doing a survey and then they would evaluate the cost and make a decision.

Council Member Rorrer explained that he did not want to shed any bad light on Mr. Kiser. He stated that he thought Mr. Kiser did the best job he could do and they would probably come out the best (but) they voted to do this before they ever knew Mr. Kiser would be the one to be looking at it.

INCIDENT WITH A VICIOUS DOG:

Mayor Price stated that they had about 10 to 15 minutes of the allotted two hours. He stated that Council Member Janney had indicated that he wanted to bring up something else before they adjourned.

Council Member Janney explained that some time ago, Mr. Steve Royal came to a Council Meeting regarding his grandchild. He stated that Mr. Royal had called him because he never heard any response from anybody about that situation.

He stated that he looked at the ordinance where the city handled situations like that, and he suggested that the Council look at the Vicious Dog Ordinance to see if they did not want to make better clarifications in that ordinance, to where it clearly defined what responsibilities were whose to keep, or maybe they could all be wise enough, along with the help of the Police Chief, City Manager, and the City Attorney, that they end up writing an ordinance that clearly defined what happens if they have a vicious dog in their neighborhood. He stated that he did not know if the City Manager had looked at it lately or not.

Mr. Thomas stated that they looked at it when it came up and they looked at what they had and what was available through the General Statutes. There were several Statutes that addressed it and actually back about 1991, the General Assembly enacted some pretty significant changes to that law because of the prominence of so many people being attacked by breeds like pit bulls and so forth, and their growing popularity. He stated that they have the authority under the Statutes as well and one thing that may help was to make sure that their ordinance clearly referenced, or however they would refer to it, the General Statutes.

Council Member Janney stated that what concerned Mr. Royal was the fact that in some cases, the owner could keep the dog. He stated that he was concerned about that also. If that was a vicious dog, it needed to be picked up to keep some child or adult from going through a real tough situation.

Mr. Thomas agreed but there were criteria and definitions that have to be met before that dog could be declared vicious. It was not just something that their Police Department could go and look at the animal and say "that one's vicious". They have to get a declaration from someone in the Health Department to be able to do that and in this case that was done. He added that there were also some provisions in the Statutes that the person could keep the animal if they did certain things. It had to be kept in a pen, it had certain standards, and if it was out, it had to be under control and on a leash or muzzle.

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Council Member Janney stated that he understood that but his concern, and after talking to Mr. Royal, his concern was, if the owner did not keep the dog up to start with, and it attacked somebody; what would say he was going to keep it up this time and it not attack somebody else.

Mayor Price suggested that they get the State Statue and all that and compare it to the city's ordinance, have the City Attorney review it and mail it to the Council. He agreed that they needed to follow up on it as he had a valid point.

Council Member Tudor referred to a Ms. Garcia...to which Mr. Thomas commented that they have some information that she provided to them.

Council Member Tudor recalled (referring to Ms. Garcia who was a member of the County's Animal Task Force) that once a dog had been involved in an incident like this, the dog had been on a leash and broke the leash, for the person to get it back, it had to be on a leash again and this time it had to be leashed or chained and fenced in. He stated that he was very impressed with the entire animal control ordinance that the County had. He stated that even Council Member Janney had commented that he was impressed with the quality of the entire document. He stated that he had hoped that after Mr. Thomas had looked into this, that they would take a serious look at what the County has instituted and look at their entire ordinance. He stated that it dealt with many issues that could be troublesome to the city beyond just dogs. He stated that he would like to see the city take a serious look at the County's ordinance as it was much more thorough and a better ordinance.

Council Member Janney commented that it was very strict, he did not go back and read that particular part of the ordinance on vicious dogs, but he added that he would.

Mayor Price asked the City Manager if he would include the County's ordinance in their packets to which Mr. Thomas replied that he would try to get that information.

Council Member Rorrer explained to the Mayor that they had a lot of stuff on the agenda for tomorrow night and they knew that they were not going to get to all of it. He stated that he was glad to see all the department heads there but he questioned the necessity of their presence and asked if it was mandatory or voluntary. He explained that what he was getting at, there was no way they were going to get to everything at the next meeting.

Mr. Thomas explained that he thought that some of what would be presented to the Council tomorrow at the first part of the Council Meeting, would be the Pay and Classification Study and how all that took place. He stated that a lot of those people participated pretty heavily in that. He stated that he would not require them to be there but if they wanted to be there, they were certainly welcome. He stated that he thought they might be interested to know how it may affect their departments one way or another.

As there was nothing else to come before the Council, Mayor Price asked if he could entertain a motion for adjournment.

ADJOURNMENT:

A motion was made by Council Member Gover seconded by Council Member Rorrer to adjourn. All Council Members present voted in favor of this motion.

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor

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