

## CITY OF EDEN, N. C.

A special work session meeting of the City Council, City of Eden, was held on Tuesday, October 3, 2000 at 7:00 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:		John E. Grogan
Council Members:	(absent)	Ronald H. Reynolds
		Ronald L. Janney
		Christine H. Myott
		William W. Rorrer
		C.H. Gover, Sr.
		Garry Tudor
Interim City Manager:		Peter Bine
City Attorney:		Charles J. Nooe
City Clerk:		Kim J. Scott
Deputy City Clerk:		Sheralene Thompson
Representatives from New Media:		Leslie Brown, <u>Greensboro News &amp; Record</u>

MEETING CONVENED:

Mayor Philip K. Price called the special work session meeting of the City Council to order and welcomed those in attendance. He explained that the meeting would be about several items pertinent to the City of Eden, however it would be a non-voting meeting.

Mayor Price explained that the first order of business would be to move to item #3, Discussion of Zoning Case Z-00-09, Towing service and temporary storage service (up to the first item).

Discussion of Zoning Case Z-00-09/Towing Service and Temporary Storage Service:

Mayor Price asked Mrs. Kelly Stultz, Director of Planning & Inspections, to come forward for a report.

Mrs. Stultz explained that this topic had been discussed a lot in the last few months. She stated that the city's current zoning ordinance did not address towing and there was no provision for temporary storage of vehicles once they were towed. She explained that the businesses that were on the towing list were located in zoning districts where they were not allowed. She noted that on one hand there were issues with cars being stored and out in the open, and the flip side of that was that the Police Department calls those businesses to pick up about 800 or so cars a year.

She explained that they started trying to figure out a way to come up with a solution, to not only help those businesses to continue to operate in compliance with the city's ordinance, and help the city to be able to address the junk car problem. She stated that one of the things that they did, at the Planning Board's request, was that they took a good long look at all the places where those things were currently happening.

Mrs. Stultz then presented the Council with overhead projections of photographs of several of the current towing businesses. She explained where the business was located, as well as where the storage of the vehicles were located.

She explained that a question came up regarding Mr. Reggie Denny's business in that he also has a rental car business. That business would not be included in what he would have to put behind the opaque fence. She explained that the vehicles that would go behind the opaque fence would be inoperable. She stated that there were also questions about folks who had a building large enough to store those vehicles inside and both she and the Planning Board agreed to recommend that it would not count towards that.

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She noted that Mr. Frank Burroughs' business was located on Highway 14, but he stored his cars on a piece of I-2 property on Moir Street. She added that currently it had a chain link fence, but no screening.

She stated that all of the research that she had found said that they have to differentiate between what was a car repair business, where they were temporarily storing wrecked vehicles to be worked on, and from where did that cross in intensity, to become a salvage facility. She explained that they have to choose a number, which was the cleanest way to deal with it. She stated that if they took a look at the Planning Board's report, it said on there that as they define automobile towing and temporary storage, that the staff recommended in Business-Central, Business-General and Business-Hwy 2, that they allow no more than twenty (20) vehicles, and in I-1 and I-2, no more than fifty (50), and they would have to be completely enclosed within an opaque fence with some other standards that were put in there. She stated that the Planning Board did not think that twenty was enough in the business districts. They amended the recommendation to be fifty vehicles in all of the districts, as long as they were enclosed within an opaque fence. She stated that she had gleaned from the conversation that evening that the towing operators felt that fifty would serve them better. She also noted that at the time they visited the businesses, not a single one of them had that many vehicles.

She stated that another thing that she wanted to ask once the Council considered this was that they be given a certain amount of time to come into compliance as it was not something they could do overnight.

Council Member Rorrer commented that he did not understand the reasoning of putting a number on the vehicles, if the property was zoned to put them there to start with. He asked why they could not put all they could put there if they were putting them behind an enclosure.

Mrs. Stultz replied that it would be a recommendation that the Council would have to make. She stated that her recommendation would be that beyond a certain number of vehicles, the thing becomes a salvage facility, when they start to store that many vehicles.

Council Member Rorrer stated that if they could police a number on it they could police whether they were salvaging stuff off of it or not.

Mrs. Stultz stated that it would certainly be for the Council to decide, however she still thought that the best way to handle it would be to choose a number and that just had to do with the amount of intensity. She stated that none of them had forty (40) vehicles at the time they were there.

Council Member Rorrer pointed out that there were only a few places that would have enough room to have that many. He questioned the city telling them how many they could put there if they were already in compliance.

Mrs. Stultz replied that those gentlemen and the sites where they were, they were on the towing list now. She stated that the real issue was, when they make an amendment to the text of the zoning ordinance, they were permitting whatever that is in any spot in the community that was zoned in those zoning districts, and while most of those (current towing properties) were small, the city had some very large Business-General, Business-Highway 2, I-1 and I-2 areas. She stated that it was a decision that the Council would have to make if they want to allow them.

She stated that the Planning Board was prepared to make their recommendation and she also stood by her own recommendation. She explained that what they would be doing at the regular October meeting was to ask the Council to call the public hearing for November and have a public hearing on this amendment at the regular November meeting.

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Council Member Janney stated that he had a problem with some of the requirements. He asked that if a site was zoned for this, why would storage requirements be such as if he was running an operation and he had all of his equipment across the street, but he had property that was zoned where he could pull those vehicles, as long as he was totally responsible for them, why did they have in there off site storage was not allowed.

Mrs. Stultz replied that it was a typo and it should have come out of the requirements (Storage Requirements #1 "Off site storage is not allowed", *Eden Police Department Rotation Wrecker Service*). She agreed that if it was legitimate it was okay, as long as it was maintained with an opaque fence.

Council Member Janney asked if the City Attorney had looked at it to ensure that it was not illegal and if she had his opinion.

Mrs. Stultz replied no, but it would get to him by next week and he would have plenty of time to find that out before the public hearing. She added that if it was not, they could go back to the Planning Board and fix it.

Council Member Janney asked why they would be sitting there discussing something that they may not be able to do.

Mrs. Stultz replied that she did not think to send it to him, but she was certainly happy for him to review it.

Council Member Janney stated that once the Council approved something, it said in #3, "a minimum of six foot fence of acceptable screening material as approved by the Zoning Administrator (*Proposed Text, Section 11.29 Definitions, Automobile Towing and Temporary Storage Services #3*), he thought the Council was going to approve what the thing was fixed like. He stated that after that, the only thing she would do would be to enforce what they have. So, they needed to strike that out.

Mrs. Stultz explained that it would just depend on if they all wanted it worded a different way. She did that to make it fit with the same kind of screen that the definition provided somewhere else.

Council Member Janney noted that once they made a decision, whether he agreed with it or not, but all she needed to do was to enforce it, not tell them what to do. He asked the City Attorney if he wanted to respond to his comment regarding a legal opinion.

Mr. Nooe replied that they had a pretty good way to go and he was not bothered by the fact that it was not sent to him. He added that his main current concern was that he would have thought it would have been well to go ahead and get to the Council, all of the baggage that went along with it. He explained that if they just do this, and then present the rest of it, this would not have accomplished anything. He asked what good it would be to have a place, for example, what if they had enough capacity there to store 500 junk cars. Of course, junk cars were different from salvage, and her department was going to maintain a running inventory to keep track of all those vehicles. He asked what happened to junk vehicles after the city had them towed.

Mrs. Stultz replied that they had to go through the legal process to be disposed of.

Mr. Nooe agreed and explained that they could not stay there indefinitely. It was not like they were going to get 50 cars here, and then they were going to need space for 50 more. There should be some information given to Council as to how fast those things could legally be disposed of for them to know how many spaces they may really need to approve. He stated that again, this part of what was being proposed, was not going to present a big legal problem at all.

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He stated that the legal problem was going to come with everything that went with it and the expense that went with it. He stated that he thought the Council needed a detailed statement of what the whole process involved, what had to be done in the junk car end of it, and if she did not have the staff to do it, they would go on and hire somebody so that it could be done, because they were fixing to take on responsibility and liability.

Mrs. Stultz agreed that there were two issues there. It was certainly a deal that comes with the Council's decision about junk car enforcement beyond that, but the other issue that was extremely important was that currently, the city's ordinance did not allow those gentlemen to be doing the kind of towing and storage that the city was involved and engaged with them to do, when they tow wrecked vehicles, and whatever, so they have a double-issue problem. She stated that currently the city's ordinance did not provide for that anywhere and they were all in some kind of violation that needed to be fixed. She noted that this would fix that, but Mr. Nooe was right, they had the other issue that comes from, once all of this was cared for, and then the Council expected the staff to more effectively enforce their junk car provisions, then they had some issues with staffing and storage and those types of things.

Council Member Janney asked how in the world they were going to monitor this.

Mr. Nooe and Mrs. Stultz agreed that it could be done. Mrs. Stultz explained that from a staff perspective, with no more staff than they have, choosing a threshold that was legitimate in those various zoning districts was a much easier way for them to enforce and make sure that things were being complied with, than talking about the simple function of salvage and whatever. Having something that was easy to identify made it easier for them to enforce it. She added that the next issue was, what level of enforcement the Council expected on their junk car provisions after that.

Council Member Janney used as an example that if he went to the Wentworth compound, and saw cars sitting over there, and they were in some kind of legal process, if the city got something in there in a legal process, he asked how were they going to handle it, if it had to be out in such and such a time.

Mrs. Stultz replied that was why they did not put anything in there that said there was a length of time that a particular vehicle could stay, and that was her first thought when she started working on it. She explained that one of her first assignments when she first came to work for the city was to figure out how to get rid of all the cars at public works, and there were about 140 of them. She noted that she had done that kind of stuff as she had worked at the County Attorney's office in Durham, and eleven months later she finally had the auction, and it was a nightmare. She stated that she and Mr. Nooe had both tried to get that cared for. She stated that they know that some of that would happen with vehicles they pick up, but hopefully as they track the violations, and get them all the way through, they would have a better system in place for hanging on to them. She explained that the real problem was the ones that were involved in a crime and the police had them, so that was why the best advice she had received was not to put a time limit on the vehicles, but to put a limit on the number. She stated that when she talked to all the towing businesses, several of them told her that they had some that they could get rid of now. She stated that they come and they go and it cycled.

Mrs. Stultz asked the Council to assume that one of them was in a district that allowed them to have 50 cars, and they get a complaint from neighbors saying that they have 75, and they go over there and they have 53, the way the process would work, the staff would talk to them that day and then send them a letter that informed them that the city knew they had so many vehicles. She stated that they would get ten days, and then ten more days, and they would even get thirty more days, which would give them a considerable amount of time to get rid of some of them if they could. She stated that she could not think of a way to absolutely tell them that there would

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not ever be a time that they might have some kind of problem, there was no perfect regulation and this was the only one she could come up with.

Council Member Janney agreed and stated that anything was possible. He stated that he had talked about this type of thing for years.

Mrs. Stultz agreed and stated that they have been talking about it since she had been there. She stated that the second project she got when she was trying to figure out how to get rid of those cars was to figure out what it would take for the city to have a lot. She stated that they had gone that route several times with insurance and the fencing and the Council never wanted to bite that off. She stated that she also thought that, they had some definitions that deal with car businesses, that were in the first amendment that she sent to the Planning Board, that once they get past this, she thought they needed to go ahead and initiate some change in that, and then take a look at the provision they have for bonafide salvage facilities. They needed to look at all of that. She stated that she did not want to try to do all of that at once because she was concerned that it might be too many big issues. She stated that she was hopeful of getting them cared for, and then doing it as a stepping stone to get through them. She stated that the code enforcement program was certainly a big issue.

Mr. Nooe pointed out that there should be a time for them to be disposed of. It should not be an indefinite time and besides that, if they were evidence, they should be somewhere where they were under the control of the city, and not out where the public could get to them. The city should not mix up evidence with junk cars.

Mrs. Stultz replied that was something they would really need to talk to the Police Chief about.

Council Member Gover stated that he had been trying to get this workshop for some time. He stated that he had been talking with Mrs. Stultz for quite some time, and this was their first step in getting those gentlemen to conform with the ordinance. The city had an ordinance that they could not conform to, yet they were still operating. He stated that it was a bad situation to have an ordinance and not be able to conform to it. He stated that he thought they were going to take the towing and temporary storage, whatever temporary meant, and they get them behind the opaque fences, and control what the city asked them to take in, not what they went out and volunteered to do, that was his assumption when he had talked with Mrs. Stultz.

Mrs. Stultz replied that they needed to do both those things.

Council Member Gover stated that irregardless of that, she was saying 800 cars per year, if they have their ten operators, a little over six cars per month, they were not looking at that many cars per month to which Mrs. Stultz added, for the Police Department to ask them to carry...to which Council Member Gover replied that if the city asked them to take an abandoned car, then that was what they would monitor. If they go out there in "timbuktu" and get, he did not see where they had to monitor those.

Mrs. Stultz replied that the only reason she would think that they would need to was that, if the city started allowing them to store as many as they possibly could on their property...to which Council Member Gover pointed out that the ordinance was not going to let them, they did not have an ordinance to store on there other than what was specified.

She replied that the City Attorney could possibly help her as she did not think she could draft a provision that would allow them to only store vehicles the city asked them to pick up, and not the others.

Council Member Gover stated that he was not insinuating that either, he was saying what they were monitoring to which she agreed that they certainly needed to keep track of that.

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Mr. Nooe added that they were going to have to keep up with everything that the city had towed, junk, abandoned vehicles, evidence or whatever, and really they were not totally free to do whatever they wanted to about some of them because the State Statute specified what would be done, depending on under what circumstances the vehicle was towed.

Council Member Gover stated that he understood that they were trying to fit towing and storage into their zones.

Mrs. Stultz replied that there were some big issues, and their code enforcement problem was a big one. The aesthetic nature of this kind of storage that those gentlemen do, and they all recognize that as being an issue. She added that they were legitimate businesses and they were really needed in the community.

Council Member Gover stated that when she was showing the fences that each one of the operators had, he asked if that meant that perimeter inside that fence was what they were going to govern, or did they just put up a fence because they felt that was what they needed.

Mrs. Stultz replied that the city's zoning ordinance did not talk about fences. She explained that they have had some discussions and this fence that they would be required to use would only be for the vehicles that would be considered. She noted that Mr. Denny had rental cars, and obviously they did not need to be store in an opaque fence, so the amount of fence that they would have would be up to them.

Council Member Grogan asked if the size of their lot and fencing that they choose to put up would determine the amount of vehicles that they could put in there. If they chose to have a smaller space, then they may be able to only have thirty.

Mrs. Stultz replied in the affirmative and stated that it was a personal choice.

Council Member Janney added that if they had their lot full, where were they going to put it.

Mr. Nooe replied that was why it was important to follow the requirements for disposing of junk vehicles for a certain length of time, not an indefinite length of time. He stated that he did not see them gaining a whole lot if they had the same number of junk vehicles in town and they were just piled up in a different place.

Council Member Janney referred to Mr. Underwood's place; his was probably one of the smallest. He supposed that he ended up getting the cars that were under court order, where would he go.

Mrs. Stultz replied that she did not know, but he currently had that problem.

Mr. Nooe added that at least he would not be in violation of the zoning ordinance to which Mrs. Stultz agreed that he would be legal, with the same problems that he had today. She stated that was really the biggest issue for her at this point, then she would be coming back to the Council to discuss code enforcement, as they decide what level they wanted it pushed at and how quickly.

Council Member Tudor stated that he was interested in, once they nail this down, then they could nail down where "Bob's Taxi Service", who had two junk taxis out beside the front door, and they have been there for six months...Mrs. Stultz replied that two of those gentlemen were within walking distance of those cars he mentioned and she asked that they assume that they both put up a fence and get legal, and they could deal with those and have them towed, and the proceed on through the process.

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Council Member Tudor explained that those (towing) gentlemen were not the problem. He stated that the guy, who had two junk cars in front of his house or beside a taxi stand or a hot dog stand, those were the ones that people complain to him about. He stated that he did not hear complaints against repair shops.

Mrs. Stultz replied that she gets both those kinds of complaints, but they had to make sure they could deal with those problems. She stated that the Police Department currently used a rotation, and the folks that wanted to be on it, meet the requirements and get on it. She stated that with some help from Mr. Nooe, she would like to ask the Council if it was possible for them to do that with their junk car enforcement, rather than having a contract with just one entity, once they get to the place they could do it inside the city, was having the ability to rotate, which did a couple of things; they share the business, spread it around, and could keep it moving.

Council Member Rorrer stated that he did not think they would find that all of the operators would take that on.

Mrs. Stultz agreed, but added that they certainly needed an opportunity. She stated that for the issues that had been raised, she would try to come up with some things to get to them to look at on that, so they would have more options.

Council Member Grogan noted that the operators were present. There was a question about timing, if and when something was done, he really thought they needed input from those people, if this was done, how much time did they think it would take them.

Mrs. Stultz replied that she had thrown out six months and everyone seemed reasonably comfortable with that.

Mayor Price explained that the Council, at the next regular meeting (October), would be calling a public hearing for the November meeting, to have discussion and open comment from the public and Mrs. Stultz would explain it to them. He added that there were also some people present whose livelihood and overhead, that they were spending right now, that was tied up in this, he wanted to ask that if any of them had a question or wanted to make a comment to please come forward. He also expressed appreciation to each of them for what they were doing for the city.

Mr. Reggie Denny explained that he read in the paper where the City Council had agreed to spend \$70,000 to look at a piece of property to see if they could put an industrial park on it, and in talking about something that was going to be a financial burden on them, they would have to buy a fence and the money would have to come from some where. He suggested that if they were going to enforce that and make them build a fence, that either the city pay for it, or that they be given some kind of tax relief. He referred to Miller Brewery and noted that they were able to defer their city taxes if they would locate here. He stated that the towing operators were already there and they would like to have a little tax relief.

Mr. Nooe pointed out that the city could not pass an ordinance to make them take those cars.

Mr. Denny replied no, but they were getting ready to have an ordinance that if they did it, they were going to have to have a fence up.

Mr. Nooe stated that he did not have to do it. If they could not make any money doing it, then they would not want to do it, and why would they do it and the city could not make them do it.

Mr. Denny stated that he just saw in the paper all the time about tax being deferred for this or this money was spent to do this and this would help the operators there in the city, to meet the ordinance.

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Mr. Nooe replied that he was going to make money by towing and storing them.

Mr. Denny asked if he had heard what Mrs. Stultz had said. The cars that they had over there, the length of time it took to get rid of them, he asked how he was going to make money, if he had to give the car away if he could not sell it.

Mr. Nooe replied that it may be...to which Council Member Grogan asked if he was going to increase the tax base.

Mayor Price commented that he (Denny) was trying to explain an issue, that quite frankly some of those become available, and they were picked up and were towed in, and they could not get enough out of the car to pay his fee.

Mr. Denny added that he could not even get somebody to come and get them.

Mrs. Stultz noted that the cars over at the city's lot, they were different. She explained that they were just put over there and nobody did anything to get them disposed of. That was why they were there so long, and once they started, they did eventually get it done.

Mr. Nooe added that if they were in the business, and they could not make any money doing it, then they would not do it until they could come up with charges and the city agreed to pay them or not.

Mr. Denny stated that it could get to the point where they financially could not afford to do it...to which Mr. Nooe pointed out that they did not have to take them. He stated that the only way they would take them would be to take them voluntarily with the expectation of making a profit on terms that they could make a profit.

Mr. Denny noted that he just donated three cars to the Eden Rescue Squad, simply because he could not sell them and the junk dealers would not come get them.

Mr. Nooe replied that he could do whatever he wanted to with them, as long as it was lawful. He could have hauled them to D.H. Griffin to which Denny pointed out that they would not take them unless he paid them.

Mayor Price commented that they have raised some interesting points and that was the purpose for the comments. He asked if anyone else would like to speak.

Mr. Frank Burroughs, owner of Frank's 66, stated that he was paying drivers on commission. He stated that most of the time they get calls at 3:00 in the morning. He stated that he charged \$65.00 to go and pick up a car, the driver gets paid 30% commission to get up at 3:00 in the morning to go and pull it, and he did not get anything out of it. He stated that it would sit in his lot for 3 to 6 months and he had to do the paperwork to get rid of it. He stated that he just wanted them to make a fair adjustment. He stated that he ran a place on Highway 14, that he tried to keep looking nice and then he picked a place to store his vehicles out of sight.

Mr. Nooe asked if someone from the city had told him that he could not charge more than \$65.00.

Mr. Burroughs replied no, but in trying to keep competitive rates, they had to stay competitive and currently there were people in the city running wrecker trucks who did not even have wrecker coverage on their trucks.

Mr. Nooe asked why he should sympathize with him, if he was not charging but \$65.00 to go and do that. He asked why he would not let his competitors lose the money.

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Mayor Price noted that he (Burroughs) had made some valid points and Mr. Burroughs stated that he had been in the City of Eden for 17 years and he would like to stay there for 17 more.

Mr. Steve Cochran commented that he did not really have a dog in this race, but he was the one descending vote on the Planning Board. He explained that the Planning Board came to a decision where they felt that 50 cars on the lot was a sufficient number. He stated that he felt differently and he saw it as "government in your face". The city had a problem of getting rid of junk cars that it had on its lot, and transferred that problem to those businessmen, and now they were blaming them for the appearance it created.

He explained that what they were talking about was the problems associated with towing in cars and not necessarily junk cars, but wrecked or abandoned cars, where those businesses were called to haul them in. If they had them behind a fence, to where they could not be seen and it did not offend the fine citizens' sensibility to look at them, what difference did it make how many cars they put behind that fence? If they did not see them they were not bothering them. Why in the world would they want to regulate something that was not bothering them? He stated that they did not to regulate that and he was at odds with the staff and the Planning Board on this.

He stated that if appearance was the problem, then address appearance in their regulations. If they need an opaque fence, make them put one up. He stated that just like there was no law that said how many tires a tire dealer could have on his lot, why would they want to restrict the stock and trade of those men.

Mayor Price interjected (referring to his tire company) that if they did take off cases and stacked them up in a reasonable manner and let them stay there for months, then he would be dealing with the health department. So there was something regulating it, but he added that it had to do with the storage factor.

Mr. Cochran stated that if the storage factor was the problem, then it was not the number of cars that was the problem, it was the time they were left there, and he was afraid that was a problem with the legal system. He stated that the owner had to choose which cars he would send to the crusher and he had a bunch sitting there that he could not, due to litigation.

He stated that whoever said, "The government that governs best, governs least", was a smart man. He asked that they address only the problem that they had and if it was appearance, then make them put up a fence. He asked that they not regulate their business, but let them decide how much business they do.

Mr. Nooe stated that with respect to their own cars, there was some validity to that. He explained that what they were discussing tonight was property that belonged to somebody else, that the city was fixing to take. The city had to dispose of it through due process. The city could not just confiscate it and do whatever it wanted to with it. With the type of cars that the city was dealing with, there had to be a process. He stated that he agreed, if they wanted 50 of their own junk cars behind a fence, fine, they did not have to take the city's. He explained that they needed to understand that when the city takes people's property, they had to follow the State Statutes and the case law, and so forth, and the cars had to be disposed of in an orderly manner.

Mr. Cochran replied that currently, as the situation stands, they call those guys to tow a vehicle and automatically he was breaking a law and so was the city, because they were asking him to do something that was breaking the law, and they knew it. They were between a rock and a hard place and they had to set the ordinance so that what they were doing was legal. He urged them in fixing it that they make the ordinance say they could do it, and then minimally do any regulation beyond that. He stated that they should let the businessman decide what was best for his business.

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Mr. Nooe replied that the city had to decide who was responsible for the disposal of them. He stated that he had no problem with that at all and that would be the cleanest and best way for the city to do it. He stated that if what he was saying was that the city was throwing a financial burden on them, if he ran one of those businesses, he would not haul for the city and take a loss on every one he hauled for them.

Mr. Cochran replied that they did not take a loss on every one.

Mr. Nooe pointed out that they had to separate what they tow for wrecks and repair, which was not under the junk car ordinance. He stated that what was involved in holding because the Police or the city was telling them to hold, that was not the junk car. He stated that what they were discussing tonight was junk cars and what to do with them.

Mr. Cochran disagreed and stated that what they were talking about was the cars that the city had asked them to tow.

Mr. Nooe replied that in reading it, it was all about junk cars. He explained that there were wrecked cars, abandoned cars, there was evidence, and then junk cars, which was what they were discussing tonight.

Mr. Cochran replied that his definition of a junk car did not necessarily correspond with what they were dealing with tonight. If they have a 1993 Chevrolet that was towed in after a wreck, it was not necessarily a junk, although it might look like junk.

Mr. Nooe stated that was one problem they had in talking about it, was keeping straight what they were talking about.

Mr. Cochran agreed. He stated that one of the operators had told him that in about 50% of the cases where they were asked to tow a vehicle in, they get nothing out of the car, except what they could get for it at the crusher.

Mr. Nooe replied that the city should not ask those business people to take on that burden. The city should build its own compound and take care of its own business.

Mr. Cochran stated that the thing of it was, regardless of what the city did with its junk car ordinance, those people were going to be in the business to which Mr. Nooe replied that they would not be messing with the junk cars that they lose money own and they would be dealing with the cars that they make money on. Mr. Cochran explained that the cars they were towing in were not what would be called junk cars out of "Joe Blow's" yard.

Mr. Nooe replied that still, they were confusing other types of business with the junk car business under this ordinance.

Mr. Cochran stated that they should make it all-inclusive that was fine. The thing of it was, someone mentioned there were about 800 towing a year, if they went full scale in their junk car ordinance and start enforcing that, hauling off cars, there would be a heap more than that.

Council Member Rorrer commented that there were no 800, not the way Mr. Nooe was describing.

Council Member Gover stated that from his perspective, they were trying to seek guidance in putting them properly into conformance with those regulations. The wordings have jumped from one side of the fence to the other. He stated they would have to either stay with towing vehicles or junk vehicles. They had to have both.

Mayor Price reminded everyone that at the regular meeting of Council, October 17<sup>th</sup>, they would be calling a public hearing for November 21<sup>st</sup>, which would be the time for public comment to

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the Council, to ask questions and the Council would be making a decision, if they choose, that night. He then thanked each of them for coming.

Announcements from Mr. Bine, Interim City Manager:

Mr. Bine explained that the following information was for the Council and the Mayor. He explained that Sprint, their local telephone provider, had invited the Mayor and the Council to a dinner on Tuesday, October 24<sup>th</sup>, at 6:00 p.m., located at Deep Springs Country Club.

He also noted that the Code of Ordinance supplements have come in and the Council may bring their Code Books to City Hall and the staff would be glad to update them.

Mayor Price added that Mr. Bine had prepared a presentation to the Council regarding the pay plan. He would like to have Mr. Matt Reece, Piedmont Triad Council of Governments, also attend. He stated that the meeting could perhaps be held on Thursday, October 26<sup>th</sup> at 5:00 p.m.

Discussion of the selection of a City Manager:

Mr. Bine asked to be excused from this discussion to which it was the consensus of Council to do so.

Mayor Price explained that in their conversations, they have mentioned things that they would be looking for in a Manager. He then opened the floor for discussion.

Council Member Janney stated that he thought the person they get should have strong financial skills. The person should also be very sensitive to tax burdens on citizens and businesses by promoting efficiency. Also a proven track record of success in management and leadership. This person would also implement the Council's decisions effectively, even when he/she disagrees. He stated that the person should be an effective communicator among Council, employees, and citizens.

Council Member Myott added that they should never leave the Council in the position to be blind sided by the media.

Council Member Janney stated that the Manager should use the Attorney, and not play Attorney. He stated that was his list, except for one comment that he would like to make at the end.

Mayor Price stated that they should be cognizant of North Carolina laws and Council Member Grogan added that it should preferably be someone who was a City Manager in North Carolina.

Mayor Price also added that it should be a Manager who sets objectives, and holds his managers (department heads) accountable. He stated that they should inspect rather than expect.

Council Member Grogan added that they should "inspect what they expect".

Council Member Myott stated that they should be a good listener.

Council Member Gover commented that they must live in the City of Eden and also a Manager that had experience in utilities.

Council Member Rorrer added that they should also be strong on getting grant money, with a proven success in getting it. They also needed to run all the departments.

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Council Member Tudor stated that they wanted a Manager who was formally educated to be a City Manager and Council Member Grogan suggested someone with at least a minimum of 10 to 15 years' experience.

Council Member Janney stated that he agreed with all of the suggestions. He stated that if he heard the numbers right on the applications, to minimize it to one particular place, such as North Carolina, they might be hurting themselves a little bit. He agreed that it would be nice, but out of thirty some applications, they may miss out on a really good City Manager by restricting it.

Council Member Grogan explained that his point was, if they get someone from North Carolina, they would certainly have some idea of North Carolina law.

Council Member Janney that they should do a profile and they could pick a number, when they get the applicants down to ten, they should ask them to give the most important issues for a city, as they see it. They should then compare their issues with the Council's list before hiring anybody. He stated that they had their resume, but they would find out what was most important to them in running a city.

Council Member Grogan did not disagree, but ten may be too many. He added that to take it one step further, they could have a mock work session with them, with every day examples, of "what would you do as a City Manager, if such and such happened."

Council Member Rorrer commented that he had not seen a City Manager in Eden who was strong in handling personnel issues.

Mayor Price asked the staff to have the requirements typed and mailed to each Council Member.

Council Member Gover asked if the Council had any other guidelines for the Committee to go by, in how they would go about selecting applications.

Council Member Myott commented that she preferred that they go back to Randy Billings (Piedmont Triad Council of Governments consultant).

Council Member Gover stated that he did not object to that or any help, as far as he was concerned.

Council Member Janney commented that he did not have a problem with Mr. Billings setting in with the Committee, if the Committee went through them, but he did have a problem with giving the applications to Mr. Billings.

Council Member Rorrer added that they were elected for the people and the Committee was representing the Council when they go through the applications.

Council Member Grogan stated that he would certainly recommend that Mr. Billings was involved and with his expertise that he would bring with him, it would not cost the city anything.

Closing comments:

Mayor Price commented that they had a situation on High Street that was on the list for sewer to be put on that street. He explained that the sewer was going under everybody's house down there and the last house was getting clogged up. He stated that it had been approved and they had to do something. It was the consensus of the Council to instruct the City Manager to begin the project.

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Mayor Price stated that he also had some information that he would like to add to the agenda regarding the shortfall for the Water & Sewer Fund. He handed out the information to the Council for them to proofread.

Mr. Nooe added that regarding the towing companies, he had heard a statement that indicated that they would not be called to tow for a wreck or other circumstances, if they did not agree to take junk cars. He stated that the Council should consider whether they should not find out. He stated that if he had understood it correctly they would be the only people that he knew of that would lose money in doing business with the city. He stated that he would like it to be clarified for the Council.

ADJOURNMENT:

A motion was made by Council Member Grogan seconded by Council Member Janney to adjourn. All Council Members voted in favor of this motion.

Respectfully submitted,

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Kim J. Scott  
City Clerk

ATTEST:

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Philip K. Price  
Mayor