

**MINUTES
PUBLIC HEARING
TUESDAY, NOVEMBER 19, 2013
6:00 P.M.**

{Summary minutes of City Council meeting. Audio tapes of the meeting are on file and are included by reference as part of this meeting. An agenda of this meeting has been either mailed or made available to persons, organizations and local news media as per their request. The agenda gives the date, time and place of the meeting as well as the order of business. This disclosure is in compliance with the South Carolina Code of Laws of 1976, Section 30-4-80 (e).}

A public hearing was held on Tuesday, November 19, 2013 at 6:00 P.M. in the City Municipal building with the following present:

COUNCIL: Mayor Harold Thompson, Mayor Pro Tem Garner; Councilmembers Tommie Hill, Sr.; Yates Giles, Ricky Todd Harris and Jim Wilson. Councilmember Orangelow Ruff was absent due to illness.

DEPARTMENTAL STAFF: Gloria Rogers – Municipal Clerk; Perry Harmon – Public Service Director; Sam White – Public Safety Director and Gregg Pickens – Captain.

CITY ATTORNEY: None

PLANNING COMMISSION: Lynn Eaves – Chairman; Oscar Gist – Vice Chairman; Bobby Joe Gibbs and Mary Norman. Hutch Hall was absent.

NEWS MEDIA: Graham Williams – Union County News.

OTHERS: Chris Woodson, Shannon Huffman, Michelle Huffman, Alice Taylor-Colbert, Dennis Roark, Michael Holmes, Terry Howell, Melanie Lawson, Robert Hines, Stephanie Duncan, Ray Duncan, Eric Pauley, Jeff Greer and others.

1. Call To Order

Mayor Thompson called the meeting to order.

2. Business

A. Hearing To Solicit Public Comments In Connection With The Proposed Policy of Regulation of Wrecker Services

Public Safety Director Sam White addressed council. He states that he and Captain Pickens has looked at different agencies who have wrecker service polices and they have also reviewed the City Ordinance on Section 5-71 dealing with wreckers going to the scene of an accident by request only and the rotation list which is Section 5-72 and Section 5-73; the penalty phase. That is the only information in the City Ordinance that governs wreckers which could place some liability on the wrecker service when a car has to be towed and the person is not able to tell which wrecker service they want to use. The Public Safety Department goes through a rotation list which is located at 911 Communications. If there should be an accident and the wrecker provider does not have satisfactory insurance coverage, then the City could be liable. Also there have been complaints over the years regarding various things concerning wrecker operations. As stated above, Chief White and Captain Pickens looked at other wrecker service policies for other agents. The various agents are Spartanburg, Greer and the S.C. Highway Patrol. The City incorporated some of these agencies policies into the City's wrecker service policy to put together a proposed amended wrecker service ordinance. Chief White presented the information to the Mayor, who in turn, presented the information to council. Since that time Chief White has obtained a list from the Business License Department of all the wrecker's services in the city that are currently has a business license. He mailed each wrecker service a copy of the proposed policy and also provided Captain Pickens's, as well as, their contact information if there are questions. On October 29, 2013, Chief White sent out registered letters notifying each of the wrecker service on the list that a public hearing would be held for to review the proposed policy. All the

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letters that were mailed out were delivered except for Davis Towing on Pineland Road. The mail came back after three attempts by the Post Office. It was undeliverable. Also Chief White states that he was just informed tonight that Carter's Auto Sales on the By-Pass didn't receive a letter. Carter's Auto Sales was not on the list of registered wrecker drivers; however, they are a licensed car lot and they do provide wrecker service. Chief Whites states that the proposed policy is quite comprehensive. The policy states the qualification criteria. It tells exactly what a wrecker is and what kind of equipment is required; the insurance amounts that each wrecker driver or operator would be required to have. It also states the place where wrecker service stores vehicles; how the public can get in touch with wrecker service to get their vehicle back and fees charged, etc.

Mayor Thompson asked if there were any questions from council.

Councilmember Giles states that he has a problem with the wrecker service when the driver of a wrecked vehicle cannot let law enforcement know what record service he wants to use and the vehicle is towed outside of Union County.

Chief White states that some cities require a wrecker service to have storage facility in the area where the vehicle is towed if their actual business is located in another county.

Councilmember Giles states that a storage facility inside the city limits for all wrecker services on the rotation list, as Chief White stated, would be a solution to the problem.

Councilmember Wilson asked if there is anyway the City can ensure that the wrecker service does not get the required insurance coverage just to get on the rotation list and then cancel it. Chief White states that the policy requires the wrecker service to notify them regarding insurance coverage changes.

Mayor Thompson asked if there was anyone from the general public that would like to comment on the proposed policy of regulation of wrecker services.

Michael Holmes of 215 Goings Lane addressed council. Mr. Holmes asked if he could speak on a complaint dealing with towing. Mayor Thompson states that the public hearing is for the wrecker service policy comments only. The Mayor let Mr. Holmes know that he could file a complaint with Chief White or come by his office.

Shannon Huffman of Buffalo Towing & Recovery addressed council. Mr. Huffman states that he spoke with Sgt. Benfield of the Highway Patrol. The Highway Patrol and the Sheriff's office is implementing a policy where the County will follow the Highway Patrol's rules and regulations. He states that this will streamline the process so there will not be so much confusion. Mr. Huffman also states that he and most wrecker service cannot afford to have a separate storage facility if their business is not inside the city limit which was discussed earlier in the hearing.

Dennis Roark of Roark's Body Shop in Lockhart addressed council. He thanked the City for putting the rules and regulation into the policy that needed to be there. Mr. Roark asked Chief White if a wrecker has to be DOT inspected if it is hauling over 10,000 pounds; because, in the rules and regulations section of the wrecker policy, it states that Captain Pickens will be doing inspections. Mr. Roark asked Chief White and Captain Pickens to check on this because if there is an accident and the wrecker is not DOT inspected then the liability could fall on the City.

Terry Howell of Back Wood's Towing of Buffalo addressed council. He states that Mr. Roark was correct in stating that anything over 10,000 pounds must be DOT inspected. Mr. Howell states that he tows for surrounding counties and

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the towing fee the Highway Patrol presently have in place is less than half of their 2010 towing fee. The cost of truck, fuel; upkeep and the price of insurance are unfathomable. Mr. Howell feels that if the City goes with the Highway Patrol rates, you will have a county with no wreckers because the wrecker service owners will go broke.

Shannon Huffman of Buffalo Towing & Wrecker again addressed council. Mr. Huffman states that the FMC49, which the Federal Motor Carrier's Handbook, states that if you operate a commercial business from a vehicle, it falls under federal guidelines. He also states that weight limit does not determine or require a federal annual inspection. There is only one person in Union that can do this type inspection and that is Mr. Bobby DeHart who is certified through DOT. The DOT inspection is a requirement for wrecker owners to keep their vehicle in top shape.

Mayor Thompson asked Chief White to make a notation of concerns voiced by Mr. Roark and Mr. Howell before the ordinance is finalized for council's approval. Mayor Thompson believes that the rest of the ordinance seems to pose no problem with wrecker service businesses.

Stephanie Duncan of Lockhart Towing addressed council. She asked if the wrecker service policy could allow more time to get to the scene. The current policy gives the wrecker service 30 minutes to get to site. Lockhart Towing is located outside of city limits and may take a little longer because of the distance and traffic.

Dennis Roark again addressed council. He states that this meeting is being held in the middle of the calendar year and their business license will not expire until June 30, 2014. All wrecker services have bought a business license up until that time. He asked council to take this in consideration regarding when the new wrecker policy implemented.

Mayor Thompson again iterated that all concerns will be notated and taken in consideration before the policy is finalized.

3. Adjournment

Public hearing adjourned at 6:26 p.m.

Gloria J. Rogers, CMC
Municipal Clerk

Minutes approved _____ 2013