

GREENWOOD CITY COUNCIL

October 18, 2004 - 5:32 p.m.

PUBLIC HEARING

PRESENT

Mayor Floyd Nicholson; Council Members: Niki Hutto, Linda Edwards, Betty Boles, Herbert Vaughn, Johnny Williams, and Barbara Turnburke; City Manager; Assistant City Manager; City Clerk; City Attorney; Mike Hatfield of WCRS, and Wallace McBride from the Index-Journal.

CALL TO ORDER

The meeting in the Council Chambers was called to order by Mayor Nicholson at 5:32 p.m. He welcomed everyone to the meeting and gave the invocation.

STATEMENT AND
QUORUM

The Mayor gave the following statement: "In accordance with the Freedom of Information Act, Chapter 4, Title 30, Code of Laws of South Carolina, 1976, an agenda has been posted on the front door of City Hall and notification of this meeting has been given to the news media."

Mayor Nicholson asked the City Clerk, Steffanie Dorn, if a quorum was present. She said, "Yes, Mr. Mayor, we have a quorum present."

ORDINANCE

Amending the City of Greenwood Code of Ordinances by Deleting Chapter 15, Licenses, Permits and Miscellaneous Business Regulations, Article VI, Adult Uses and Sexually Oriented Businesses.

Mayor Nicholson said, "First on the agenda today, we have three public hearings. The format we employ in the public hearing is, if there are individuals who would like to speak, we ask that you come to the podium, state your name and address for the record, and try to limit your comments to not more than three or four minutes."

Mayor Nicholson read the first item and asked, "Is there anyone here to speak in favor of this ordinance change? Anyone opposing the ordinance change? Okay, seeing and hearing none, we will close the first public hearing."

ORDINANCE

A m e n d i n g
Ordinance 03-
010, Zoning
Ordinance,
Chapter 6,
Supplemental
Regulations,
Article 6,
Sexually
Oriented
Businesses,
Section 6.6.2,
Definitions
Specific to
this Article.

Mayor Nicholson read the second item and asked "Is there anyone here to speak in favor of this ordinance change? Is there anyone opposing? Seeing and hearing none, we will close the second public hearing."

ORDINANCE

To Establish
P o l i c i e s
Governing the
"Wrecker &
Towing Service
Rotation List"
within the City
of Greenwood.

Mayor Nicholson read the last item and recognized the City Manager.

STEVEN BROWN

"Mr. Mayor and City Council, the City staff, along with members of the City Council, have received a number of complaints from persons who report that their vehicles have been towed from the inside of the City to locations they consider to be of some distance from the City of Greenwood. I've been with the City since 1981, and the present rotation procedures were inherited from the previous administration. To be honest with you, when we first received complaints, we took no action. Now that more people are complaining, I think it was incumbent upon us to make a recommendation that you review the present policy.

Another consideration for City Council is the amount of time required for some wrecker companies to respond to vehicle accidents within the City.

Our Police Department personnel is often on the scene for an extended amount of time, and the streets are blocked.

A last consideration is that some wrecker companies have refused to respond when they deemed the vehicle to be towed as having very little salvage value.

The ordinance that is before you requires that their primary business location must be within the City Limits of the City of Greenwood to be on our rotation list. There are other requirements as far as fencing and things of that nature. We have reasons for recommending this ordinance. One is, if a wrecker company is located inside of the City, they must either rent or own a building and pay real property tax on that building. Secondly, they pay personal property tax on their wrecker, or wreckers. Thirdly, they pay for a business license based on all their business' gross receipts, as opposed to someone that is located outside of the City. They would pay only on the amount of business that is done within the City limits. Finally, response time would be quicker, shorter, and less expensive if we allow just those inside the City to respond.

I'll be glad to answer any questions that you may have."

MAYOR NICHOLSON

"There is just one clarification, Mr. Brown. This is just for individuals who want to be on the rotation list, right?"

STEVEN BROWN

"That is correct."

MAYOR NICHOLSON

"If there is an accident, the person can call their private garage to pick their car up, right?"

STEVEN BROWN

"It only pertains to an accident where there is no preference expressed. Oftentimes the people are injured and unable to express a preference, or out of town and are not familiar with local towing companies. But if they express a preference for a certain wrecker company, then we're obligated to call only that company. The City staff is not to get involved in making recommendations. This only deals with the rotation list.

I'm told by the staff that there are 33 wrecker companies which have business licenses with the City. I believe eight of them are located within the City Limits."

MAYOR NICHOLSON "Okay. Now, we will open up the public hearing. Is there anyone who would like to speak? The floor is open."

FLOYD HAMPTON "I'm Floyd Hampton from Ware Shoals. I'm not interested in the rotation. The reason why I came here is to clarify (things) because I have run into this. I've had customers to be down here and break down, or have an accident. The Greenwood Police would tell them, 'Well, we can't call Hampton because he is not on our rotation list.' Now see, that's taking food out of my mouth. When my customer breaks down, I feel she should have a right (to call my service). The Police is doing this. It's not hearsay. I know this for a fact. They'll say, 'We can't call him because he's not on rotation. He don't have a Greenwood license.' I pay State taxes and license fees for my truck to run anywhere in the State.

(On) the other side, I believe it's Article 6 (I didn't get one of those, but I read it). If that person would say, 'I want Hampton down here.' The police would say, 'Oh, we can't call him. He ain't on our rotation list.'

MAYOR NICHOLSON "The ordinance that we have here is just for the rotation list."

FLOYD HAMPTON "I'm just clarifying this."

STEVEN BROWN "Mr. Mayor, he has no business license in the City. That's why he was not called."

FLOYD HAMPTON "No, I don't have a Greenwood license."

STEVEN BROWN "He must have a business license either way."

FLOYD HAMPTON "Okay. That's what I'm saying. If my customer breaks down, or have an accident, I got to have a license to come get it in Greenwood. I pay State (taxes). These are State highways that are maintained by the State of South Carolina."

MAYOR NICHOLSON "Not all of them, now."

FLOYD HAMPTON "The majority. On South Greenwood, in front of the Health Department, I believe that's State Highway. I had a customer to breakdown there, and a City Policeman told him, 'Oh, he can't come in the City Limits because he don't have a license.' That's a

public highway. I'm not the smartest man in the world, but I'm missing something somewhere. If this is a public highway, my tax dollars paid for the pavement. I know I might be looking crazy here, but with my tax dollars on this, why can't I pick up my customers inside (the City) of Greenwood?

You talked about towing (junk) cars, like some of them that come through Greenwood. They (other wreckers) ain't coming to get them junkers. I've been hauling them for two years. Do you know why? Won't nobody inside the City Limits (pick them up) These people who move out of houses and leave abandoned cars, the boys around here that have the pretty trucks don't want it and won't go get it. I'll come and get it. You got an ordinance that says no abandoned vehicles. If you stop us from coming in, see what the town's gonna look like. That's all I have to say. Thank you."

MAYOR NICHOLSON

"Okay. Thank you, Floyd. Is there anyone else to speak?"

JOHN PRUITT

I'm John Pruitt. You mentioned that there were 30+ towing companies listed?"

STEVEN BROWN

"Thirty-three had a business license."

JOHN PRUITT

"Who is on the rotation, not just with a business license? How many wrecker services are on the rotation coming from Saluda, Abbeville, Waterloo, wherever?"

STEVEN BROWN

"Anybody that has a business license was put on the rotation list."

JOHN PRUITT

"Okay. You say that eight wrecker services are within the City Limits of Greenwood. How many of those wrecker services qualify under what you've put out here?"

STEVEN BROWN

"I don't know."

JOHN PRUITT

"I'd be willing to bet you there's not over two or three at the most that can meet the requirements you have here. What are you gonna do when y'all start having wrecks? You say I can't respond because I'm not in the City of Greenwood. I can be anywhere in Greenwood in 15 minutes, which is faster than a lot of people within the City. I'm on the County line and you want to tell me that I can't do business in Greenwood because I'm on the

County line? That's wrong. I pay my City license.

It costs a tremendous amount of money to run a towing business and to buy and insure these trucks. It's not unusual for a towing company to pay \$5,000 to \$10,000 a year in insurance just to be able to do business. Fuel (costs) at \$2.10 to \$2.15 a gallon, and you want to cut the field down to two to five towing services, I think that's being prejudicial and unfair. That's what I have to say."

MAYOR NICHOLSON

"Thank you, sir. Is there anyone else?"

AL PRICE

"My name is Al Price with Price's Towing. We're in Abbeville County, but I checked coming here that we're less than 5 miles from the County line. The biggest problem I had was Section 11. I was wondering if you were going have a heavy duty list, or who will determine who's the closest? As far as I know, there are two heavy duty wrecker services. Will it be up to the policeman who's the closest, or were you going to do a list?"

STEVEN BROWN

"In talking with the Police Chief, I think we'll look into sectioning off the town."

AL PRICE

"Okay, so it would be zoned?"

STEVEN BROWN

"Yes."

MAYOR NICHOLSON

"Thank you."

STEVEN BROWN

"Mr. Mayor, please remember nothing has been passed. You'll notice at the top of the ordinance it has 'DRAFT'. It is a starting point.

Right before I came to the meeting, I looked at the State regulations on wrecker services. The gentleman said that he didn't think any could meet those requirements. I think the State's requirements are probably more stringent. So, if they're picking up for the Highway Patrol, certainly they ought to be able to meet our requirements.

The issue is not putting people out of business. The issue is not saying that they don't provide good service, or about their charges. We're dealing with a complaint from the public and this is what City Council needs to address. How do you want to respond to the complaint that people's cars may be towed to Abbeville, Waterloo, or Saluda when

they live on Jones, Brown, or Smith Street inside the City of Greenwood?

So, however you choose to address it, that is the problem before you tonight."

MAYOR NICHOLSON

"Okay. Is there anyone else that would like to speak?"

THOMAS DUNLAP

"My name is Thomas Dunlap. I got my license in Ninety Six and been on their wrecker list for two years, but I haven't got a call in two years. But y'all ain't got nothing to do with Ninety Six, right?"

MAYOR NICHOLSON

"No."

THOMAS DUNLAP

"I just wanted to let you know."

MAYOR NICHOLSON

"Okay. We'll call and tell them! Is there anyone else to speak?"

JIMMY HAYNES

"I'm Jimmy Haynes. I've been towing in the City since 1978. To my knowledge I have not had one complaint. These guys that are located in the City don't live in those garages. They live in the County, and their response time would be no different from mine.

I got an impoundment lot that's in the City. I got a permit for an impoundment lot 17 years ago, but my business is two miles out of the City."

MAYOR NICHOLSON

"Where are you located, Mr. Haynes?"

JIMMY HAYNES

"I'm on Highway 34, about two miles out (of the City Limits). My impoundment lot is behind the Caravan on Main Street, but there's not a building. The City gave me a permit to put an impoundment lot there 17 years ago, and I did what they said (to) do. It's there. Sometimes I use it. Sometimes I take the cars two miles down the Ninety Six Highway. Do I need to get an address change on my business license, or how should this be handled? I'm paying taxes on my property in the City. It's there, but it's not always convenient. I'm at my business down the street and, if people want to get their personal stuff and tags off their wrecked cars, (they can do so).

As far as abandoned vehicles, unless it's changed, Wilbanks (at the old Davis Buick) and I are the only two that's on the list for abandoned vehicles. The City has abused that for a long time (picking

unclaimed vehicles up). I've worked with the City and not had the first problem that I know of. I need y'all to make some kind of decision about my impoundment lot. The way this thing reads, I'm gonna have to put a building there and that's not feasible. Y'all need to tell me which way to go with it."

MAYOR NICHOLSON

"Okay. Thank you, Mr. Haynes. Is there anyone else, for or against? Seeing and hearing no other, we will close the public hearing dealing with the wrecker and towing service rotation list within the City of Greenwood. I want to thank all of you for your comments.

We will now adjourn the public hearing part of meeting and move into the business session."

There being no further business, the public hearing was adjourned at 5:47 p.m.

Floyd Nicholson, Mayor

Attest:

City Clerk and Treasurer