

Aiken City Council Minutes

August 11, 2003

WORK SESSION

Present: Mayor Cavanaugh, Councilmembers Clyburn, Cuning, Price, Smith, Sprawls and Vaughters.

Others Present: Roger LeDuc, Gary Smith, Bill Huggins, Richard Pearce, Pete Frommer, Tommy Paradise, Sara Ridout, Karen Daily of the Aiken Standard, and about 22 citizens.

Mayor Cavanaugh called the meeting to order at 6:20 P.M. He stated Council had two items that they would like to discuss in the work session.

ZONING ORDINANCE

Amendment

Commercial Vehicles

Trucks

Residential Zones

Oversized Vehicles

Mr. LeDuc stated that at the City Council meeting in July, Council asked that there be a work session concerning oversized vehicles. In the agenda this is listed for second reading and public hearing, and several suggestions have been made to accommodate some of the changes that have been discussed among the various parties. Most everyone agrees that if the vehicles can be screened, similar to our policy for recreational vehicles, that this might resolve the issue. However, on some lots, especially corner lots, it may be difficult to screen a vehicle or to place it in the back yard. These exceptions could be taken to the BZA to work out a solution to those particular problems. Council also asked for the height, weight and length of various vehicles which are commonly purchased by residents within our community. There are several vehicles listed in that report that exceed the current 10,000 pounds limit, however all of them are under 20 feet in length and 7 feet in height. Several Councilmembers have visited John Wade in Crosland Park to review his problem.

Mr. LeDuc reviewed the history of commercial vehicles in residential areas. He said the Planning Commission has been working with Council for about two years to try to come up with an ordinance that could be enforceable and that would move commercial vehicles out of view of the neighbors. He said the Planning Commission's recommendation was that any vehicle greater than 26,000 pounds, 20 feet in length, or 8 feet in height could be parked in a residential zone as long as it was screened and behind the front of the house. Council has asked for additional information concerning the size of vehicles. He said it seems that neighbors are not opposed to the oversized vehicles as long as they don't see them or they are screened in some fashion. He said there seems to be less concern about the size of the vehicle if it is out of sight of the neighbor.

Councilman Cuning stated he had checked with some car dealers, and there is a four door truck with an 8 foot body. He said this is basically 21 1/2 feet long. He said a number of people may drive such a vehicle and may park them in their driveway. He said he did not feel it was the intent of Council to require that a regular vehicle that a person may drive for personal use be screened from view and parked beyond the front of the house. He said he felt the intent was to get commercial vehicles out of view of the neighbors. He felt that possibly vehicles larger than 21 1/2 feet and higher than 8 feet should be screened and parked beyond the front of the house.

Mayor Cavanaugh pointed out no matter what Council decides not everyone will be satisfied, and if a person has a problem they can apply to the BZA for a variance.

Mr. Tommy Paradise, Zoning Official, reported to Council that he had searched the internet and looked at the spec sheets for vehicles, and found that basically the vehicle that Councilman Cuning mentioned is probably the longest vehicle that citizens would

be using for personal use. He said an 8 foot height would cover most vehicles that would be used. He said the 21 1/2 feet would not include attachments, and if the attachments were permanently attached to the vehicle, he would add it to the measurements. He said if it was part of a load, then he would not count it. He said if Council wished, they could exclude attachments such as trailer hitches, luggage racks, etc.

Councilman Sprawls mentioned that there could be a truck with a bucket attachment which would probably be higher than 8 feet.

Mayor Cavanaugh stated Council would not be able to cover all situations and satisfy everyone. He said Council would need to select a length and height, and those not in compliance would have to apply to the BZA.

Council discussed the matter at length, with Councilman Cuning stating that he felt 21 1/2 feet in length and 8 feet in height would cover most vehicles that would be for personal use. If it is longer and higher it would usually be more commercial in nature and should be screened. Councilman Cuning stated he just wanted to be sure that vehicles that could be used for personal use are covered in the ordinance so those using an extended pickup for personal use would not have to go to BZA for a variance and overload the BZA with requests. Weight was discussed and it was felt that weight did not really matter when length and height were determined. Weight usually would give an indication of the size of the vehicle and would not matter visually to an individual.

Mr. John Wade, 1180 Cornish Street, stated if Council included attachments such as trailer hitches, etc. then the length of the vehicle would be longer than 21 1/2 feet. He pointed out that in 1999 when the current ordinance was adopted there probably were not many personal vehicles measuring 21 1/2 feet. He said if Council limits the length to the vehicles on the market today, the length will probably have to be changed in a few years.

Councilwoman Clyburn asked about buses parking in a person's yard. It was pointed out if it is more than a 16 passenger bus it would not be allowed by the ordinance, and it is presently not allowed under the current ordinance.

Councilwoman Price stated the issue of oversized vehicles had grown out of proportion. She stated Council can't make a rule to satisfy everyone. She said Council needed to set some parameters and then may have to make adjustments.

Council continued to discuss the issue and the reason the matter came up was because of a Frito Lay truck blocking a neighbor's view.

Mayor Cavanaugh stated earlier he had suggested to arrive at a length that Council split the difference between 20 feet in length and 25 feet which would be 22 1/2 feet. He said this would be splitting the difference between what the Crosland Park Association wants and what the truckers want. Anything over 22 1/2 feet would have to apply to BZA or park it behind the roof line of their house.

After discussion it was the consensus of Council that the length of vehicles allowed would be 22 1/2 feet and 8 feet high, and others would have to be behind the roof line or screened from view. This length would exclude luggage racks, trailer hitches, etc. in the height and length.

TOWING – ORDINANCE

Wreckers

Public Safety Department

Wrecker Service

Mr. LeDuc stated the reason Council is considering the towing issue is that the Supreme Court has given an order that if a governmental agency has a towing list they needed to have a franchise agreement with the government. After receiving this information, a proposed franchise agreement was developed for Council's consideration. He pointed out the City of Aiken had had a rotation list for over 20 years. He said the city has 19 towing companies on the list and Council has to have a franchise agreement with all 19

companies, or, if decided by Council, with a lesser number of companies. He said the city has to implement a franchise agreement, and Council needs to decide how it will be implemented. He said staff had met with 14 of the towing companies outside the city, and he stated a number of questions such as insurance was discussed.

Mr. LeDuc stated, after talking with the Municipal Association and our insurance carrier, everyone feels that \$1 million is the amount needed for liability insurance. He pointed out once the city has a franchise agreement with the towing companies, if there is a problem with insurance coverage, the city may get involved because the city has some authority over the wrecker companies that are doing the towing.

The other area discussed was insurance for a garage keeper for the vehicles stored on their lot. He said the coverage needed depends on the size of the business. He said some companies will need \$1 million or more, as they may have 30 vehicles or more, and others may only have a couple of vehicles. The garage keeper insurance is to protect the vehicles once they are stored. In talking with the Municipal Association and the insurance carrier, they felt \$300,000 would be their suggestion.

He said Council had asked for additional information concerning current towing practices, both locally and throughout the state. Captain Hall, who is in charge of wrecker services, has surveyed several other cities on their towing procedures, and this information has been given to Council. It is interesting to note that no city charges more than \$85 for a straight tow. The City of Orangeburg has listed charges for several types of tows for times of the week and certain days of the year. If City Council wants staff to create a similar rate system, we could establish higher towing charges for holidays, weekends and other off hours. In addition, a survey was taken last August asking six of the towing companies what they would charge to tow a broken down vehicle in the City of Aiken during daytime hours. The charges ranged from \$40 to \$65 depending on the company.

Based on information received in the survey, some possible options that Council may want to consider are:

- Grandfather all towing companies on the existing rotation list that meet the new franchise requirements. In the future only towing companies located in the city limits would be added to the rotational list.
- Adjust the rotation list to give towing companies inside the city limits more calls. This could be done by having two columns, one representing those outside the city and the other inside the city, and moving back and forth between the columns to select who would provide the towing service. Thus, we would select a city wrecker, then a county wrecker. In essence this would give the city wreckers the opportunity to have a greater number of tows than those in the county. If a city wrecker is not available, then it would automatically go back to the county list.
- Council could adjust the number of miles the towing service could be located outside the city limits in order to be eligible to be on the wrecker rotational list.
- Require all the towing services to sign an annexation agreement. The last two bullet points were suggestions that North Augusta required of their towing services a few years ago.

Mr. LeDuc stated if Council makes changes in the rotation list, they probably would not want to make it effective for maybe a year to give the companies time to adjust to the new regulations.

In discussing these issues with Public Safety personnel, they stated that the towing companies outside the city have generally done a good job in providing this service. They stated that they have responded in a timely manner, and they have few, if any, complaints with any of the wrecker services.

Also, in reviewing the business license of those companies located inside the city and those outside the city, those located inside the city have an average business license fee of 5 to 1 versus those outside the city. In addition, those inside the city are paying personal property taxes and a vehicle tax on their wreckers or other equipment, and this makes the ratio about 20 to 1. People inside the city are paying 20 times the amount of those outside the city.

Mr. LeDuc stated Council needed to make a decision on the franchise agreement as soon as possible so the city can comply with the state law.

Council then discussed the issues involved regarding insurance, fees charged, etc.

Mayor Cavanaugh questioned why the city should get involved in setting fees for towing other than the straight towing fee. He questioned setting fees for holidays and after hours towing.

Mr. Gary Smith, City Attorney, stated one of the reasons was that the Public Safety Officers are saying a certain towing company is to be used since they are next on the list unless the citizen says they want a certain towing company. He said some companies may charge more than others, and it may seem unfair since the city would be saying a certain company is next on the list. It would be best to have some standard fees so the citizens would know what the fees are and not end up with the towing company that charges the highest fee. He said the towing companies have agreed to be on the city's list, and one of the requirements for being on the list is that they agree to charge a set fee so they would all charge the same fee.

Mayor Cavanaugh also expressed concern that some of the insurance carriers will not write \$1 million liability insurance for a wrecker company.

Ms. Mary Delaney, Custom Finish Paint & Body, Warrenville, stated she has a paint and body shop; others have different types of businesses, so the insurance is based on the individual needs. She said a straight hook up fee is \$85. She said the towing companies kind of have a standard fee they go by for tows different from a straight hook up. She did not feel the city should set fees for their business other than the straight hook up, as long as the insurance company does not have a problem with their fees. She pointed out that some tows may be down an embankment and may take many hours to get out, and she felt the tower should be able to charge more for that. She felt that the city already had a franchise, as the towing companies have to sign off and the city writes the rules. She said she feels the towing companies have the right to work in the city and she did not feel the city had the right to tell them how much to charge for a tow. She also stated that being on the rotation list cost them money, as they are considered high risk being on the rotation list. She said the insurance company had told her they would not write \$1 million on the garage keepers.

Council continued to discuss the insurance and the amount that carriers will write for a wrecker. It was felt that the insurance was a critical matter for the city.

Mr. LeDuc stated there were two things the city was concerned about regarding insurance, with one being liability and the other the garage keeper, the storage of vehicles. He said with the franchise agreement the city would be involved if something were to happen and the towers were not fully covered.