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July 31, 2013

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To Town of Carrboro

By and through: Sergeant W. F. Austin
Carrboro Police Department

Re: Proposed Towing Regulation

To Whom It May Concern:

I represent Barnes' Towing, Inc. and the purpose of this letter is to provide information concerning the situation with the towing of illegally parked vehicles.

While we felt we had to go along with what was imposed last year when we signed the contract, after review of the results we have several concerns. Our primary concern is that the attempts to regulate the towing of illegally parked vehicles benefits persons almost exclusively engaged in intentional trespassing by shifting the costs associated with such illegal activities instead to be borne by those more unfortunate customers that have been involved in an accident or have mechanical problems that have disabled their vehicles.

Towing has a business model like any other business and total revenues are derived from many sources. Our costs are ever increasing. A tow vehicle sells for upwards of \$100,000.00. Fuel, maintenance, insurance, worker's compensation taxes, storage lot rental and property taxes are all increasing. With these costs, if the revenues derived from regulatory towing are limited unreasonably, towing companies will have no choice but to increase prices for other items. Towing is a convenient and timely way to relocate a vehicle these days but it hasn't always been that way. It was not so many years ago when it may take half a day or even be tomorrow before you could be towed in around this area. These days, with the convenience of many companies available, vehicles are routinely towed within an hour of dispatch.

We have several specific concerns with the proposal. With regard to the signage, our research shows that there is not a signage problem but that there is an illegal parking problem. Virtually all of the persons towed for illegal parking have ACTUAL knowledge that they are parked illegally (we have never had a tow appealed even though the right to appeal an improper is clearly defined under State law. See N.C.G.S. 20-219.11.) The new proposed signage requirements will mostly cause clutter and sign pollution, without appreciably changing the level of awareness of parkers in the Town of Carrboro.

While we believe the more appropriate course of action for the Town would be to regulate those service providers that are overcharging, if the town is going to set an arbitrary fee for towing, we believe that the minimum should be \$150, but are willing to accept a fee of \$125. Standard towing for disabled vehicles is \$75 to \$85 dollars with the key available. If a dolly is required, the fee is increased to \$125 to \$135. Shouldn't the fee for an intentionally illegally parked vehicle be AT LEAST as much as the fee for roadside service?

If we are forced to accept credit cards, the fee should be \$150 at a minimum. We generally do not accept credit cards. Persons that park illegally with full knowledge of it, and then complain when their vehicle is towed are generally far more likely to contest the credit card charges, resulting in additional collection costs and further lost revenues that usually exceed \$25 per tow in expected value. Again, this can shift costs from culpable parties to innocent parties.

We strongly assert that any minimum fee established be subject to an automatic annual increase or at least annual review. While they say inflation is under control, our basic fuel costs and maintenance costs for things like oil changes have more than doubled in the last few years. Should this trend on costs continue, the above figures would become untenable shortly.

The proposed storage fee of \$20 is very low. We are not in the storage business and rental space is very expensive. The storage fee needs to be punitive in nature so that the cars will be picked up as soon as possible, rather than low so as to encourage non-pick up, \$40 at a minimum. At current rates, almost all cars towed for illegal parking are picked up in short order, and have very little in storage fees if any.

The proposed 15-minute limit raises several concerns. If passed, this will quickly become common knowledge and illegal parkers will then treat EVERY space as free parking for 15 minutes. Our concern is how this will be policed. Is the business (ultimately the towing company) going to be forced to PROVE that the car was there for 15 minutes? How do you suggest this be proven? In what venue? This in addition to the fact that such requirement would contradict current State law. Add in that this appears to be a type of inverse condemnation of private property and the Town could be in for a bevy of lawsuits should it attempt to implement this restriction on towing.

Our last concern with the proposal is that it only regulates towing businesses because of their business license or position on the towing rotation list, but makes no provision for those not licensed or on the list. It is our understanding that some of these non-rotation businesses are the source of complaint, while there have been no complaints against the rotation businesses.

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Barnes Towing is a lawfully run and licensed business. We do not view ourselves as some predatory animal preying on innocent victims, but instead see ourselves as an asset to the community including the Town of Carrboro. In addition to towing disabled vehicles, we assist a business community starved for parking for its customers in controlling illegal parking on its property that often results in a lack of parking for the business' customers.

We are glad to provide input and ideas to the Town in dealing with what it senses as a problem. However, we believe the over simplistic and broad brush regulatory approach being advanced neither provides relief to innocent parties, nor addresses the real issues with illegal parking in Carrboro.

We have done business in Carrboro for a long time, and hope to continue to do so. In reality, Carrboro represents a small part of our service area, and towing of illegally parked vehicles is a relatively small part of what we do in Carrboro. As we stated before though, it is part of our business model and we wish to continue to do business in the Town.

Please contact Mr. Barnes or myself if you have any questions. Thanks in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn B. Lassiter, Jr.", written in a cursive style.

Glenn B. Lassiter, Jr.