

**ADVISORY BOARD MEETING ON TRESPASS VEHICLE TOWING
MINUTES OF MEETING HELD ON NOVEMBER 29, 2010**

The Advisory Board on Trespass Vehicle Towing met on November 29, 2010 in the Arlington County Government offices at 2100 Clarendon Boulevard, Conference Room 311.

The meeting was attended by: Ms. Nancy Iacomini (voting member), Sergeant David Clenace (voting member), Detective Matthew Owens (voting member), Mr. John O'Neill (voting member), Mr. Fred Scheler (voting member), Mr. Charles Clohan (non-voting member) and Mr. Joey Katzen (non-voting member). The meeting was also attended by several members of the public.

The meeting was called to order at 6:35 p.m. by the staff coordinator, who thanked the members for agreeing to serve on the Advisory Board. Guests were advised that this was a public meeting but not a public hearing and only Advisory Board members were allowed to participate in the discussion. The minutes from the last meeting of the Advisory Board were reviewed and approved by a vote of 5-0. The staff coordinator also provided the tentative timeline for County Board consideration of any amendments recommended by the Advisory Board and the Charge and Scope of the Advisory Board was reviewed.

The first order of business was the election of a Chairperson as required by Code of Virginia 46.2-1233.2. Detective Owens was nominated by John O'Neill. No other nominations were made and Detective Owens was elected Chair by a vote of 5-0.

Detective Owens began with a review of the recommendations made by the Advisory at their last meeting in February 2010. The Advisory Board then conducted a review of the number and types of towing complaints investigated by the Police Department in FY2010 and FY2011. A discussion of the complaint process in Arlington County followed in addition to a more detailed discussion of the substantiated complaints.

The Advisory Board then discussed the Virginia Board of Towing and Recovery Operators (BTRO). The staff coordinator altered the Board to a recommendation by Governor McDonnell's Government Reform & Restructuring Commission to eliminate the BTRO and informed the Board that the County's state liaison had requested their input on this recommendation. Following a discussion on the activities of the BTRO since its inception, a motion was made by Mr. O'Neill to urge the County to oppose the elimination of the BTRO. The motion was approved by a vote of 3-2.

Ms. Iacomini made an additional motion was made to direct the County to seek enabling legislation in the upcoming General Assembly session to allow counties to undertake the activities currently provided by the BTRO should the Commission recommendation be

approved. Following discussion, the motion was tabled by a vote of 3-1, with 1 abstention.

The Advisory Board then moved to a section-by-section review of the County's towing ordinance and asked if there were any requested amendments. Mr. Katzen began the discussion by requesting the addition of language to Section 14.3-5(a)(1) to further guarantee that signs posted at the property subject to towing are clear and not ambiguous. Following discussion, no amendment on this matter was offered.

Ms. Iacomini then moved to amend Section 14.3-5(a)(1) regarding signage requirements in parking lots that are shared by multiple businesses. The amendment would have amended the section to insert the following: *"In the instance of properties where the parking lot serves multiple tenants and individual parking spaces are reserved only for patrons or residents of one tenant and are not open to patrons or residents of all tenants served by the parking lot, additional signs must be used to delineate which spaces correspond to each tenant."* Following discussion, the motion was not seconded and therefore did not come to a vote.

Ms. Iacomini made a motion to amend Section 14.3-5(a)(3) to require the towing and recovery operator to obtain a signature of the owner, operator, lessee or the authorized agent of the property prior to removing any vehicle from the property. Following discussion, the motion was not seconded and therefore did not come to a vote

The Advisory Board returned to a discussion of the information required to be included on each towing sign. Following this discussion, Sergeant Clenace introduced a motion to insert a new Section 14.3-5(a)(1)(h), which states "each sign shall include the name of the business, property address or property name;" and reassign the current subsection 14.3-5(a)(1)(h) as subsection 14.3-5(a)(1)(i). The motion was seconded and following discussion it was agreed to by a unanimous vote of 5-0.

Ms. Iacomini introduced a motion to strike the word "such" from the second sentence of Section 14.3-5(a)(1). A discussion followed regarding the impact this change would have on enforcement by the Arlington County Police Department. Detective Owens stated that he would consider the change to require towing signs be posted at each parking space of the property, even if the property is for the use of a single tenant. The motion was seconded and following discussion was defeated by a vote of 1-4.

Mr. Scheler discussed Section 14.3-5(b), which clarifies that none of the requirements regarding signage, authorization, information obtained by the towing and recovery operator, or information included on the exterior of the tow truck shall apply to public health vehicles, public safety vehicles or vehicles temporarily placed on the property as the result of a wreck or other emergency. Mr. Scheler asked why this provision was necessary given that the Arlington County Police Department has towing contracts to remove such vehicles from the scene of an accident or other emergency. Mr. Scheler was concerned that the placement of unattended vehicles on private property could result in that vehicle being towed. The Advisory Board determined that no ordinance change was

required to address this issue. Sergeant Clenace and Detective Owens agreed to discuss this issue with their colleagues in ACPD to make sure officers utilized the police towing contract and refrained from placing inoperable vehicles on private property whenever possible.

Mr. O'Neill moved to amend Section 14.3-9 to increase the maximum base tow fee from the current rate of \$115.00 to \$125.00. The motion was seconded, and following discussion it was agreed to by a vote of 4-1.

Mr. Scheler made a motion to amend Section 14.3-9 to add the word "rating" after all references to gross vehicle weight. Mr. Scheler made a further motion to establish a base towing rate of \$500.00 for vehicles with a gross vehicle weight rating of 10,001 pounds or greater. The motion was seconded, and following discussion it was agreed to by a vote of 4-0, with one abstention.

Mr. O'Neill moved to further amend Section 14.3-9 to authorize an additional charge, up to a maximum of \$25.00, for vehicles that are released from the impound lot between the hours of 7:00 p.m. and 8:00 a.m., all hours of the weekend, or on federal holidays. The motion was seconded, and following discussion it was agreed to by a vote of 4-1.

Detective Owens asked for any additional motions, and none were offered. Detective Owens made a motion to forward all of the Advisory Board recommendations to the County Manager and the County Board. The motion was agreed to by a vote of 5-0.

The meeting was adjourned at 9:20 p.m.