

**Minutes
Wrecker Board
Special Called Meeting
May 11, 2007**

The meeting was held at 4:30 p.m. at 190 Church Street N.W. Cleveland, TN. in the City Council meeting room (2nd floor) of the Municipal Building.

Those in attendance: Denis Collins, Board Member; Sue Cross, Board Member; Ron Woodman, Board Member; Ron Wilkerson, Fleet Manager; Joe Cate, City Manager; Mike Keith, City Clerk; Marvin Centers; Donnie Slaughter; Charles Shook and Jessica Shook; Lynn Wagner; Bryan and Melinda Calfee; Mark Kennett; and Beverley Lindsey, Recording Secretary.

The meeting was called to order by Wendell Davis, Vice Chairman.

New Business:

A. Classification of wrecker for Lawson's Towing

Wendell Davis: We need to talk to our inspector.

Ron Wilkerson: I made notes here and I have included a letter, everyone should have one. On 4/19/2007. Lynn Wagner asked that Lawson's "B" class wrecker be re-inspected because it does not meet specifications. On 4/20, I contacted Lawson's for the wrecker to be re-inspected, the wrecker was brought to the city garage. Upon inspection I identified the wrecker inspection tag and photographed it. It shows the specification that the wrecker was built for. The inspection list shows it to require an individual eight (8) ton or sixteen (16) thousand pound winch. I passed two five (5) or ten (10) thousand pound winches as a ten (10) ton or twenty thousand (20,000) pound capacity as did the other outside agencies. (THP and County) I as a new inspector thought I was going to be wrong by not passing the unit since the other agencies did.

After contacting Ramsey Winch Tech Support line and spoke with the customer support rep., I was told that by the serial number (767606) on the winch that it was an H400 series sold to Miller Industries in Ooltewah, TN. The winch rating is 10,000 pounds max with the cable close to the hub and as the cable extends the rating drops as in all winches. So with this information I can no pass this wrecker as a class "B", but it can be approved as a heavy duty class "A"

I apologize for the mistake I made and will try to do a better job.

Wendell Davis: Don't ever admit to a mistake.

Ron Wilkerson: Yes, you do.

Lynn Wagner: I think you are doing an excellent job.

Wendell Davis: Any questions on this subject. That ought to end it, shouldn't it?

Ron Wilkerson: Yes, sir.

Wendell Davis: What about our people buying that other wrecker service (Coe's)

Ron Wilkerson: New owners have supplied insurance papers and the application. They have been inspected back in January. Their wreckers meet spec. Right Lynn?

Lynn Wagner: As far as I know.

Ron Wilkerson: Just wanted to make sure. They are good to go.

Wendell Davis: Anything else coming up?

Joe Cate: The only thing that we have and it's because these are called meetings and on called meetings you're supposed to actually list the things to be discussed. There was a question asked about pricing. I just wanted to review that section, 20-116.

Wendell Davis: I think the lawyer made it plain there.

Joe Cate: Ok, I just wanted to review that first paragraph.

B. Staff Review of Section 20-116 of the Wrecker Ordinance 2006-23

Wendell Davis: You can't do anything about them over charging but you can cut them off the list.

Joe Cate: If they don't comply with what is in the ordinance but not for their pricing.

Wendell Davis: It's embarrassing, I tell you but I'm not saying nothing. Nobody else cares.

Lynn Wagner: A lot of people don't understand it. I asked Mr. Cate this last year. I said do you know what a 30 ton wrecker cost. Mr. Cate said about \$90,000.

Joe Cate: Did I say that?

Lynn Wagner: Yes, sir.

Joe Cate: How did I even know that?

Lynn Wagner: You just took a guess. I just kind of laughed. A new wrecker and a new wrecker body this time last year was \$280,000. Then after you get it home you have to spend \$6000, \$8,000, \$10,000 to get this wrecker to function.

Joe Cate: Let the record show that I have never made a statement about the price of wreckers.

Lynn Wagner: Well, I know but what I am trying to do is to get people to understand the concept of wreckers. Even a 12 ton unit, one size larger than Mr. Lawson's has got here. If you go buy that wrecker new, you are talking about \$80,000.

Wendell Davis: Why buy a new one, this is a small town.

Lynn Wagner: I understand.

Wendell Davis: If you lived in Chattanooga or Nashville, you might be able to justify a new one but not here.

Lynn Wagner: Are their services better than ours are?

Wendell Davis: I don't know what they are. I know in McMinn County, you can get anything across town for \$50 bucks.

Lynn Wagner: Well, maybe so. The thing about it is, my insurance goes up every year and fuel is almost \$3 a gallon. Employees are very hard to come by. I have got 5 tow trucks right now and I operate all 5 of them. One reason, they don't have insurance. You put it on the employee, older model equipment. They are going to leave the company that has the older model equipment and go to the companies that have newer equipment. We are either going to have to come up to date with new standards or there are going to be a lot of people in trouble.

Roll Call:

Wendell Davis: We need to do roll call. (James Dearth, absent.) I don't guess with this being a called meeting that there will be any more business will there?

Group discussion:

Tow slips, Changes to forms, Rates, Public Disclosure, Ordinance effective date, when is the ordinance going to be implemented? (The ordinance was implemented July 10, 2006).

Joe Cate: We don't have anything to do with the rate.. The city does not go by any rate. The only thing that the city requires is public disclosure that is what this whole thing is about. That is why this board exists. The whole basis for this whole thing is that it is against the law for us to set the rate. Whether or not other cities do it, the county does it. We know it's not legal to do this. The only thing that this ordinance does is disclosure.

We can require that. So we are requiring disclosure to the customer. Do you have a copy of the ordinance? You are violating the ordinance if you don't charge what you disclose.

Joe Cate: Reads paragraph 4, section 20-1116 Statement of charges for wreckers and written notice to vehicle owners and operators.

“Before towing a disable vehicle away from a scene, the wrecker operator shall present a statement in duplicate, a copy of which shall be given to the owner or operator is under arrest or incapacitated. If the owner or operator of the disabled vehicle or his authorized representative, unless the owner or operator is under arrest or incapacitated. If the owner or operator is under arrest, the copy shall be give to the police officer in charge who shall file the copy along with the arrested person's other personal effects”.

Group Discussion:

It would make it easier if the police officer had the paperwork (disclosure forms) in the car with him and if we wanted to go up, we could just do it once a year, like the county does.

Joe Cate: We can't do that. We've got the ordinance. We have gone through a year of this. We went through all of this to get to this point. If you all are down shifting somehow from what we have designed. I think everybody knew this was supposed to be done. Whether or not it's being done or not I don't know, I am not out there but I can check to see if it's not being done.

Lynn Wagner: I've not been doing it. That's the reason I'm asking. When were we supposed to start doing it?

Joe Cate: You are already supposed to have been doing. The ordinance was passed July 10, 2006.

Wendell Davis: Do we have anything else? Any other business?

Beverly Lindsey: Do we need a motion, Mr. Chairman for the classification of Lawson's, approval of that?

Wendell Davis: Yes, we should. I make the motion.

Ron Woodman: Second.

Joe Cate: From a staff point of view, we will follow up with everybody and make sure they understand this ordinance. We thought there was a full understanding of the ordinance but obviously there is not. So it's our fault, we will follow up more.

Lynn Wagner: That's the reason I was asking, was we supposed to have already been doing it?

Joe Cate: Yes sir.

Lynn Wagner: I've already had my forms printed but I didn't know

Joe Cate: Yes, you are supposed to already have been doing it. Were you waiting on us to call you? An ordinance, when it takes in effect that's when it happens. When Congress, State Legislatures or City Council passes an ordinance, that's when it happens. This passed second reading was July 10, 2006.

Lynn Wagner: That's the reason I was asking. I didn't know.

Meeting Adjourned:

Wendell Davis: Do I have a motion to end this meeting?

Ron Woodman: Motion.

Sue Cross: Second.

Wendell Davis: Meeting is over. Thank you for being here.