

**Wrecker Board
Meeting Minutes for
November 6, 2006**

The meeting was held at 4:00 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; James Dearth, Board Member; Wendell Davis, Board Member; Sue Cross Tegels, Board Member; Ron Woodman, Board Member; John Kimball, City Attorney, Wesley Dilbeck CPD Captain; Tom McLain, CPD Captain; Joe Cate, City Manager; Wes Snyder, Police Chief; Gary Hicks, Assistant Police Chief; Ron Wilkerson, Fleet Manager; Janice Casteel, City Clerk; Beverly Lindsey, Recording Secretary.

The meeting was called to order.

Introduction of Wrecker Board members and staff.

Joe Cate, City Manager introduced Ron Wilkerson, Fleet Manager and designated him as the City of Cleveland Wrecker Inspector.

John Kimball reviewed the Wrecker Ordinance.

Wrecker services on the rotational call list will be governed by the provisions of this ordinance. Not reflected in this ordinance are limitations under state and federal law. The city is preempted by federal law from telling wrecker companies they are charging too much. One of the complaints you may get is they are charging too much. The city can not tell a wrecker company what to charge for their services. Federal law only allows cities to regulate safety related issues and issues relating to truthful disclosures. We have tried to do as much as the federal law will allow the city to do. We have asked the wrecker services on the rotational call list to give a disclosure form to motorists that tells them certain things about prices so the motorist can be in the position to decline.

Some board members expressed concerns about cost. The cost issue will be dealt with by giving the power to this board to suspend wrecker companies from the call list, not because the price is too high but because they were misrepresented. We want them to be truthful and fully disclose what they are going to charge. Municipalities have the option to put this service out for bid and award the bid to one Wrecker Company (the low bidder) but most cities received complaints of poor service and found, it didn't work. If a citizen is able to make the call and has a preference, we want them to do that. In cases where people are injured and cannot make these decisions, the police officer would call the wrecker service on call. Assessing the medical need of the citizen would be priority and not what wrecker service to call. The rotation schedule is from midnight Friday, to midnight Friday.

As things come before you, things may come up in everyday life, you can suggest improvements to the city. We have talked to several cities, the City of Chattanooga and Knoxville, they are not happy with what they have so there is always room for

improvement. Mr. Cate explained how this ordinance came about and what we were operating under was not ever adopted by the City Commission.

He explained, basically the Chief of Police years ago put it under his internal operations, no one else was doing it. That is why we started this process. Number one, we needed to make the city legal in this process. It should not be left up to one person to decide who does or does not get on the rotational call list.

Mr. Kimball added, if you have the safety equipment, you pay your fees, insurance, pass inspection then you ought to be on the list just like anyone else. The Chief does not have to decide who to put on the list, without some objective criteria. The Police Department has no interest or no preference in what wrecker is called.

The purpose of this board and these procedures is, anytime you regulate anything, at any level, before you remove a permit, in this case their right to be on the rotational call list. They are entitled to some procedural due process before it is pulled out from under them, that is just the American way. Anytime you have a permitted operation who deals with the state or local government and they have a permit, there has to be procedure steps. Basically it is notice and opportunity to be heard. This board's power is very similar to a beer board, storm water regulations board, etc...

The board discussed a scenario where a citizen might refuse a wrecker service because of price and tie up traffic for a long period of time. Mr. Kimball said that at some point, cleaning up the road way will take priority. Any wrecker that responds to a scene is obligated to clean up the debris. It is state law. They also have to disclose how much storage cost will be and the storage location should be immediately adjacent to their business. Another complaint the board may hear would come from a wrecker company when they are on call and another wrecker company is called. There is no good answer to this. This is a case by case situation. It is the preference of the citizen. Mr. Kimball reviewed the duties of the board, wrecker class criteria, terms of office, quorum, revocation, fees, insurance requirements and minimum response time. .

Mr. Cate said we do not have any applications yet. We will be contacting those on the rotational call list. The application will come here, they are inspected by Mr. Wilkerson. Everyone knows this is coming.

Next on the agenda was the election of officers: James Dearth, Chairman; Wendell Davis, Vice Chairman; Mr. Cate said we will get with the Chairman to schedule a meeting at the end of 60 days. This board will meet at least twice a year but basically it will be on a called meeting basis.

Meeting was adjourned.