

## Tow and Advisory Board Meeting Minutes

Warrenton Police Department

January 29, 2020

Staff Lead: Steven Shiner

Members present: Ray Prudhum, Dave Foster, Ron Stanley, Aaron Conner, Chandler Crowe, Neil Stribling, Eddie Payne

Members absent: Sam Tilley

Other Attendees: Hansford Conner, Steve Wright, Garland Pittman, Tracy Gallehr, Kim Walkup, VSP Thomas

Steve Shiner opened the meeting. The Board with no questions or comments made reviewed the minutes. Motion was made by Aaron to accept the minutes and they were by Prudhum seconded.

Public Time opened. There were no speakers.

Steve Shiner passed around refusal percentage from 2019, stating if you want a copy Kim can get you a copy. No refusals in January.

Shiner brought up concern regarding Fosters Towing issue with couple tow trucks not in compliance with directives and tow board criteria. Shiner looked into, spoke to Foster and consulted Tracy Gallehr (legal counsel). Mr. Foster does have due process and he is actually not in violation at this point still technically owns the trucks. Shiner talked to Dave Foster and he has a plan in place. Shiner is going to give Mr. Foster 15 days to remedy the situation to allow due process to be quicker. If not remedied he will push it to the next level of putting up to the Board to determine if he continues to be in violation.

Prudhum asked if they are required to give written notification to his establishment. Shiner said he is not out of compliance. Shiner explained he is still a heavy-duty tower and the ordinance says you have to have two heavy-duty vehicles, the spirit of that is if one breaks down you have one in service. We have not dealt with this yet. Shiner and Mrs. Gallehr have both done research and came up with to give him 15 days (it is documented in the meeting). Aaron Conner questioned what happens if you get heavy-duty call and do not have vehicle in compliance. Neil Stribling commented the list states you must have two available and specified other items needed. Prudhum said it is in the ordinance and clarified it is by tonnage. Aaron said he has to have 12000 lb. under reach and that he is not in compliance. Shiner has not gone out and done an inspection on what he is currently using. Shiner said he has seen it but has not inspected it. Mrs. Gallehr shared that the ordinance section 13.64A subsection 4 heavy-duty wrecker must own or lease a minimum of two towing, regards to tower he still owns the vehicles. The ordinance does not say he has to own them, have in service and available at all times. Tracy said the ordinance does not support removal of this specific entity of this time. There might be a time that they are no longer titled and cautioned that not all vehicle can in all times be in workable condition. You have them inspect them but the ordinance does not specifically state that and explained further with examples. Aaron explained why the vehicle used is not in compliance. Aaron brought up section 13.65 line 6 of the ordinance. Ms. Gallehr explained there is a Sheriff approved truck that is on

the list. Aaron told Gallehr that the ordinance does state that the vehicle must have hydraulic boom and the one that he is using does not. Discussion continued on whether the truck being used was inspected and Shiner informed he inspected many vehicles. Tracy explained the Stafford ordinance model. Tracy said if he has a unit that does not meet the guidelines she is surprised it was approved for heavy duty. The board discussed what was being used right not and Shiner said he inspected a bunch of vehicles. Aaron wants to know if it was inspected and Shiner does not have the records with him. The board asked Dave questions about vehicle being used. Dave confirmed the vehicle being used has a sling. Tracy advised if there is a complaint lodged then there could be notification and a hearing next month. The 15 days will bring the tower into compliance or he will remove himself from the list is a faster timeframe. Rusty asked where the 15 days came from and when does it start. Gallehr explained the 15 days and Shiner said it starts today and Shiner further explained the 15 days. Tracy advised it would be faster than the timeframe. The 15 days starts today per Shiner. Aaron asked the board what their position is with a vehicle that is not compliance on the list. Stribling said it is not acceptable. Tracy explained the vehicle was approved by the Sheriff's Office, if accurate as long as the equipment is capable for industry standards and whether it should be used. Aaron explained that a single axle could not tow a 80 lb. loaded tractor trailer. Tracy asked the board what is the appropriate weight limitation. Aaron explained specifying there is a formula but he doesn't know what it is. Tracy also explained rotation in these circumstances. Tracy explained the resolution to give 15 days or two weeks to resolve the situation and if it is not that Fosters will step back. Aaron questioned if tower needed an additional tow truck, he has to go with one in the county list and added that there is been word that an agreement has been made with another tower with a heavy-duty arrangement in the county. Stribling clarified that you have to exhaust county resources first. Aaron commented that he only had an agreement out of county for airbags. Tracy explained the exhaust resources in the county first. Aaron wants to make sure the inspections next time meet criteria. Stribling brought up how Ron calls him all the time and says they are not following the ordinance and to hear that an agreement was made but we are not following the ordinance. Tracy explained if you want to follow the ordinance a complaint needs to be made and a hearing scheduled and further explained the resolution is not bypassing Board. Stribling upset commenting that we were to follow the ordinance and if we did not it would be dealt with by you; this is supposed to be the Fauquier County Tow Board and not the Fauquier County Sheriff's Office Tow Board. Prudhum said that he received various phone calls and said no one wanted to make a complaint. If this is the issue. He believes the 15 day that steps outside the ordinance, he believes 10 days to get it straight but no complaint was made. Rusty said if it is obvious that it is there, why we have to complain. Tracy commented the vehicles are still owned by Fosters and they have not been retitled. Rusty asked Tracy if they could step outside of the ordinance. Tracy said you might want to allow the Sheriff's Office to administratively take care of this and the Sheriff's Office is within their purview. Tracy and Hansford discussed lien holder and titleholder further. Tracy would have to research. Shiner received concerned looked into the concern and there was nothing in the ordinance called Tracy Gallehr to consult what to do. Prudhum perspective was if there was a complaint. Shiner said not everyone he talked to wanted to make a complaint. Striblings motioned that who has placed application on heavy-duty list to be place on list during the 15-day process so there is two heavy-duty towers. , Shiner said there is no list. Shiner said we had request to put on list and that there is a second company that was interested, there is no provision for next in line. Tracy said that there is no way to have them inspected in 15 days. Rusty asked Shiner that you knew that you received an email from me and did not answer. Striblings because we have to take, another tow company that was to. No way to get through that prior

15 days. Rusty said that you received an email and did not answer it. Shiner said yes. There is no provision for a wait list. Hansford waited 2 years and was put on when Steve Wright resigned. Kim told Shiner that Hansford placed on his application. Stribling said you have to speak for that spot. Rusty asked if a spot opened today who gets it. Shiner commented that he does not know. Tracy confirmed there was no waiting list established. Shiner asked when he put in his application. Rusty put in application last weeks ago that he wanted to be put on heavy duty. Tracy explained to Rusty that it the knowledge creates a legal conflict of interest. Prudhum thought there was a waiting list. RTO got out of the business and explained Hansford was in his lot a week later. Tracy said we could have an internal policy or general order to establish a waiting list. Hanford said why you do not take the existing people that are already in here get the first opportunity for it. Stanley said the tow ordinance is not followed. Tracy explained the towing ordinance and how it was to help the Sheriff's Office from having to deal with citizen complaints about treatment, prices, a resolve issues that are not operation with the customers and that it was not to promote additional business to the towers and gave other examples. It was designed for most of those things. Stribling said the state tow board was established and we could do things in house instead of the state. Stanley was not foreseen no clause in ordinance. Owning it is not enough. Caution removal of could come back to haunt anybody. Tracy said something could be written. This is so we do not have vehicles on the roads for extended periods. Aaron asked if DMV records to see if they are still owned no investigation due to no complaint. Stribling wants to know what we need to do to place 3 heavy duty in the county. Storage fee amendment was questioned and Tracy missed the email where it was voted on and she can do both at the same time and if they would like other amendments tweaking, losing possession for repossession. Tracy said it was certainly and unanticipated incident. Mr. Foster passed a note to Shiner and verbally asked to be taken off the Heavy Duty list effective right now. Tracy said you should strongly consider her tweaking it the ordinance. Aaron said to hold off on the storage fee and he would rewrite on the heavy duty to the tandem changed. Tracy wants to have everyone's wish list. Tracy suggested amendment. Tracy will do a line in and line out so they can see prior to going to the board. Tracy will work out the amendments at the next board meeting and take to the Board of Supervisors. One last item strong desire to codify the waiting list concept. On the other hand, the Sheriff's office policy to address it. Rusty said that there has to be something. Prudhum said he would like to see it in the ordinance. Tracy will draft. Striblings Waiting list currently wants to know other tower. Kim said application process during timeframe and we do not accept after that.

The board discussed how to handle the vacant heavy-duty position. Do they have to wait until the application period comes again. Tracy explained what the board could do about the vacancy. Ordinance does not delineate the application timeframe for emergency. If anyone sees, anything else that they want in the ordinance let Kim know and she will send to Tracy.

The board discussed the vacant heavy-duty position. The application process will be 15 days for the heavy duty. Rusty asked if we had his heavy-duty application. It was confirmed. Tracy said that they will take applications for 15 days and then will have to review so it will take longer than 15 days. State Police there is a zone for heavy duty, if we exhaust heavy duty they can use the States list. Rusty asked why you would just check with them. Rusty said in all fairness if Fosters gets himself straight why could not we have three. Tracy said she would add to the ordinance editing and bring back. Fosters can reapply in May to be the third. Dave Foster, Aaron, and Hansford said there was not enough for three. Rusty asked if he does not have to turn an application in that it is already in. It was confirmed. There

was agreement. Aarons spoke about the companies he knows that has lots in the county. David Foster confirmed that he is staying on the Light duty. Tracy Gallehr left.

Shiner asked if anyone had anything for the work session. Shiner brought up a complaint on Rusty's for Dec 16, \$800 bill the lot said they would do for \$400 if they would sign over the title. She requested Striblings but was not available and she had no other preference. She thought she would be given price list and be able to look at. Shiner passed a picture and said it looks like traffic hazard. Rusty explained the vehicle was a total loss they did not want the vehicle. Shiner said they did not receive bill for \$800. Rusty will get with his driver and bring the next time.

Schedule next meeting. Kim said it depends on the deadline for emails to come for wish list for Tracy. Wish list will need to be in to Kim by March, and then Tracy needs to review draft and bring back to the board. Two weeks for all to get to Kim. Tracy needs to review draft and her to bring back to vote. Meeting will be scheduled later. Prudhum will notify Communications to take Fosters off heavy duty.

Prudhum motioned to adjourn. All members agreed. Meeting ended at 7:42 pm.