

**ADVISORY BOARD MEETING ON TRESPASS VEHICLE TOWING  
MINUTES OF MEETING HELD ON DECEMBER 15, 2011**

The Advisory Board on Trespass Vehicle Towing met on Thursday, December 15, 2011 in the Arlington County Government offices at 2100 Clarendon Boulevard.

The meeting was attended by: Ms. Nancy Iacomini (voting member), Sergeant Dave Green (voting member), Captain Darrin Cassedy (voting member), Detective Matthew Owens (voting member), Mr. John O'Neill (voting member), Mr. Fred Scheler (voting member), Mr. Charles Clohan (non-voting member) Mr. Brian Gordon (non-voting member), Mr. Matt Hussman (non-voting member), Mr. Bruce MacQueen (non-voting member). In addition to the Advisory Board members, the meeting was also attended by Detective Thomas Rakowski of the Arlington County Police Department (ACPD), Raymond Elkins of AAA Mid-Atlantic and several other representatives from the towing and recovery operator industry.

While awaiting a quorum, the staff coordinator provided an overview of the Charge and Scope for the Advisory Board and a review of the Advisory Board recommendations made in previous years. Additionally, the Advisory Board received a summary of the complaints investigated by the ACPD in 2011. This included a discussion of the complaint process in Arlington County and a more detailed discussion of the substantiated complaints. Finally, the Advisory Board received a summary of the constituent contacts to the County Manager's Office and County Board Office on towing issues over the last year. A discussion of the major issues raised by these constituents followed, including an overview of the properties referenced in both the complaints and constituent contacts. A detailed discussion of towing from the parking lot at 46 S. Glebe Road followed, including the background on the need for and history of towing services being provided at that location and a review of recent changes made to signage on the property to enhance clarity.

The Advisory Board also discussed the requirements under the ordinance and the current practice of towing and recovery operators of providing information regarding the towing of a vehicle to the vehicle owner upon request. The ACPD representatives reiterated that under Section 14.3-11 of the County's towing ordinance, every operator is required to maintain records from each tow and make those records available to the vehicle owner upon request. Following a brief discussion of record keeping procedures and public review, the Advisory Board agreed to address the matter with a formal motion later in the evening.

The meeting was called to order at 6:47 p.m. by the staff coordinator, who thanked the members for agreeing to serve on the Advisory Board.

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

The Advisory Board moved to a section-by-section review of the ordinance. A question was raised regarding the inclusion of the phrase “*or businesses on or adjoining the property*” in Section 14.3-5(A)(1)(h). By unanimous consent, the Advisory Board requested the County Manager’s Office review the language and provide an explanation to them regarding its purpose and intent.

Regarding the issue of signage, the Advisory Board also discussed the May 1, 2012 deadline for the inclusion of new information on towing signs. The ACPD informed the Advisory Board that they did not have the resources to inspect all towing signs in the County at the deadline and that a review of signage would be conducted as a part of their site visits to investigate complaints. Mr. Hussman suggested that the BIDs and other business and neighborhood associations in the County could serve as a way to notify businesses about the pending deadline. The Advisory Board agreed this was a worthwhile effort, and ACPD will draft language to provide to these organizations for dissemination.

The Advisory Board then discussed the need to define the term “business hours”, which is used in several places of the ordinance but is not clearly defined. A motion was made to define business hours under Section 14.3-2 as being Monday-Friday between the hours of 9:00 a.m. and 5:00 p.m. The motion was agreed to by unanimous consent. The term is used in the ordinance to describe when the towing and recovery operator must have both their towing contracts available for public inspection and the information on individual tows available to the vehicle owner.

The Advisory Board then considered clarifying amendments to Section 14.3-7 regarding storage facilities. A motion was made to change “*consumer complaints*” to “*towing complaints*” under Section 14.3-7(A)(2). The motion was amended by a vote of 5-1 to make further changes to the section regarding the consumer information sheet that is required at the storage facility. By a unanimous vote of 6-0, the Advisory Board approved amending the section to read: “*The consumer information sheet, **which shall be posted in both English and Spanish**, shall include a statement informing the consumer that a copy of the sheet shall be provided to them by the towing and recovery operator upon request. ~~with their receipt and shall be provided and posted in both English and Spanish.~~*”

The Advisory Board then moved to a consideration of allowable towing charges. Mr. O’Neill moved to 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 agreed to by a vote of 2-1, with three members abstaining.

During the discussion of fees, the Advisory Board requested the County Manager’s Office undertake an annual market study to determine the fair market value for the removal of trespassing vehicles. This recommendation was agreed to unanimously.

The Chair asked for any additional motions, and none were offered. The Chair made a motion to forward all of the Advisory Board recommendations to the County Manager and the County Board. The motion was unanimously agreed to.

In closing, the staff coordinator provided the tentative timeline for County Board consideration of any amendments recommended by the Advisory Board.

The meeting was adjourned at 7:55 p.m.