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From: Crownover Shirley
Sent: Thursday, September 25, 1997 9:34 AM
Subject: 9/23/97

LEGAL AND LEGISLATIVE COMMITTEE
September 23, 1997
4:30 P.M.

The meeting of the Legal and Legislative Committee was called to order by Councilman Lively, Chairman, with Councilpersons Hurley, Swafford, Rutherford, Taylor and Hakeem present. Councilman Crockett joined the meeting briefly. City Attorneys Randy Nelson, Shelley Parker, and Doug Cox were present. Also present were Management Analyst Randy Burns and Shirley Crownover, Assistant Clerk to the Council.

Others present included Richard Hutsell, Don Young and Adm. Marcellis.

WRECKER ORDINANCE AMENDMENT

Chairman Lively stated that the committee only had 20 minutes to cover this subject; that this had been going on for several weeks. A copy of the proposed ordinance was provided by Attorney Cox and is made a part of the minute material. Chairman Lively indicated that some of the numbers looked different from those we had previously looked at; that this looked like gouging to him and no one had anything good to say about the practice of storage. He stated he was in favor of doing nothing. Councilwoman Rutherford stated she would second that. The term "winching" was used.

One of the wrecker operators attempted to explain "winching", stating he had to charge if a vehicle went off an embankment; that it sometimes took 2-3 hours if it was a large embankment and would often take more than one person; that they had to use all of their equipment and sometimes the vehicles went over guardrails.

Attorney Cox explained to the committee as it stands now it is \$50.00 per day and \$60 per night for storage; that this amendment would change the amount to \$75.00 per day and \$85.00 per night; that just the amounts were changing. He explained that the storage per day was

a \$3.00 increase across the Board--that this was the greatest change.

Councilwoman Rutherford asked why they needed this change.

One of the wrecker operators responded that the specific reason was that the sewer tax had increased; that they had had to upgrade; that insurance on the lot had gone up; that this all had to do with the cost-of-living and the economics of the world; that this was just a \$3.00 increase over the last ten years.

Another operator stated this was going on all around us.

Chairman Lively stated that he did not question that the cost of doing business was going up but referred to some of the reports the Council had heard.

One of the operators stated this committee did not understand "winching", and there were a lot of things they did not understand.

Another operator stated the towing business was not always "pretty", and their prices had stayed the same.

Chairman Lively questioned if every effort was being made to get vehicles to the shop and repaired as quickly as possible or if they were holding them as long as they could to get more money for storage.

One of the operators stated that once the owners of the vehicles are notified, it is up to the City's will or choice and not their problem anymore.

Councilman Swafford noted that at the last meeting this was discussed that he had made reference to a station "Dodds Ave. BP"--that he thought this might have been changed to "Expressway Tow"--that the people had sent him a bill of \$85.00. He stated he did not know how many service stations were involved.

One of the wrecker owners stated there were 35 wrecker companies and a representative of one from each district.

Councilman Swafford explained that it was the kind of time he was talking about; that the wreck was at Main and Central, and it cost \$85.00--that he had never seen anyone billed just \$30.00. He stated he would like to see people treated fairly across the Board with no \$85.00 charges.

One of the wrecker owners stated if they were found to be overcharging that the person could take them to court.

Councilwoman Rutherford asked if a person was in an accident and taken to the hospital, how did that person find out where their car was; that the Police Dept. says "we don't know"; that it sometimes took days and weeks to find a car.

Attorney Cox explained that if there is a traffic accident and the driver is unconscious that the police officer calls a dispatcher on rotation; that they pick the vehicle up and clear the scene; that the dispatcher and officer on the scene would know where the car was taken.

Wrecker Inspector "Red" Wilson stated that the Police and Dispatcher keep up with this.

Councilwoman Rutherford still maintained that it sometimes took a week or longer to find a vehicle; that it often took ten days. She stated she had spent a lot of time talking to people about this and nothing she had heard was positive; that she thought the victim of the accident and their insurance company should know where the car is so they could pick it up.

Inspector Wilson responded that they could call him, and he would know; that he did not know who the people were calling that Councilwoman Rutherford was talking about. Councilwoman Rutherford suggested that maybe Inspector Wilson needed to publish his telephone number in the newspaper.

Councilman Swafford asked if someone called 2525 would they be directed to the record division. Inspector Wilson responded that he ran a log for 60 months.

Councilman Hakeem stated that it is perceived that there is a problem on our end with the City and operators. He stated there needed to be a way of dealing with this perception and watching this closely in the future.

One of the wrecker owners stated that weekends and holidays sometimes present a problem.

Councilwoman Rutherford stated she understood the underlying circumstances, but no one in the body shop business or insurance business had anything good to say about this.

One of the wrecker owners responded that people don't like wreckers--that they always have to call them when there is a bad situation. He stated it was always a bad situation--that when they show up something bad has always happened--that a person's car is torn up, and they want someone to help them out.

Councilwman Swafford stated he understood they had to make a living; that he knows some good work is done. He stated he was comfortable

with an across-the-board increase; that he knew there were some positives, and he felt comfortable. He questioned if this had been to the Beer Board. Attorney Cox noted that it had and had been sent on to the City to look at.

Those present representing the wrecker companies were asked to identify themselves. They were Ken Burke, Dave Yates, Shannon Yates, Jason Haper, Jack Hale, Kenny Short, Jr., Terry Connelley, Helen Keef, and Rhonda Herron.

Chairman Lively stated he felt like the committee had only heard one side of the story; that it was disturbing because there were so many negative things said.

Councilman Hakeem moved to recommend this Ordinance to the Council as a whole. This was seconded by Mr. Taylor with Councilwoman Rutherford voting "no".

Chairman Lively stated this would be on next week's agenda.

SIGN AMENDMENT ORDINANCES

Attorney Shelley Parker went over some routine amendments to the Sign Ordinance. He stated that the first amendment added a new section relative to maintenance of off-premise signs. He explained that this was routine and was due to an oversight in that we had nothing in the ordinance about maintenance of off-premise signs. He stated there was a need for this. On motion of Councilwoman Hurley, seconded by Councilman Swafford, this will be recommended to the full Council.

Attorney Parker explained that the second amendment was relative to special permits for on-premise signs and/or banners located upon commercial and predominantly retail developments; that this lowered the square footage from 50,000 sq. ft. to 25,000 sq. ft.; that it lowered the height from three stories to two stories; and that a projecting sign shall only be located directly outside a common entrance for two or more tenants.

Chairman Lively noted that this would allow more flexibility in the downtown area. Attorney Parker stated that it would allow flexibility for multiple tenants similar to Warehouse Row.

On motion of Councilwoman Hurley, seconded by Councilman Crockett, this will be recommended to the full Council.

Chairman Lively asked why not make this city-wide. Attorney Parker stated that he could draw this up.

Councilman Swafford went back to the first admendment regarding maintenance of off-premise signs. He asked if people would be notified before any action is taken if they have a defective sign. Attorney Parker stated that notice had to be issued.

The third amendment added a new section relative to the jurisdiction of the Board of Sign Appeals relative to on-premise and off-premise signs and/or banners located upon any stadium with seating capacity in excess of 15,000 persons. He explained that the new Stadium wanted jurisdiction to allow flags/banners to be erected which are not otherwise in compliance with the provisions of the Sign Appeals Ordinance. He stated that this put in some conditions.

Councilwoman Rutherford asked how many could be seated at the "Stadium of 1000 Dreams" and if they would need to have this same amendment. Attorney Parker explained that it was exempt because it was government owned.

On motion of Councilwoman Hurley, seconded by Councilman Hakeem, this will be recommeded to the full Council.

Adm. Marcellis stated that because of the close deadline of October 18th this last amendment needed to be on tonight's agenda.

TEMPORARY SIGNS FOR NON-PROFIT ORGANIZATIONS

Attorney Parker stated there were still non-profit organizations wanting temporary signs--that the St. Jude's Show of Homes was one. He explained there was nothing in our Ordinance to permit this. He explained that we were on a short timetable with St. Jude's but if the Council was not interested in allowing signs of this nature, that he would not draw it up.

The meeting adjourned at 5:15 P.M.