



Towing Advisory Board

Alexandria City Hall, 301 King Street

Sister Cities Conference Room 1101

(DRAFT) Meeting Minutes

March 26, 2024; 6:00 P.M.

MEMBERS PRESENT: James Young, Alexandria Police (Law Enforcement member #1); George Randolph, Alexandria Police (Law Enforcement member #2); Brad Fleming, A's Affordable Towing & Recovery (Licensed Towing & Recovery Operator member #1); Dwight Gochenour, Dominion Towing (Licensed Towing & Recovery Operator member #2); Kevin McCourt, Citizen member; Darryl Syler, City of Alexandria (Staff Liaison); Christopher Bedwell, City of Alexandria (Secretary Pro Tempore).

1.0 WELCOME AND CALL TO ORDER: At 6:01, Mr. Syler called the meeting to order.

2.0 INTRODUCTIONS: Members and staff briefly introduced themselves.

3.0 ALEXANDRIA TOWING LIAISON REPORT: Mr. Syler indicated that since this is the first meeting of the Towing Advisory Board (Board), no report is available. Moving forward, reports will be rolled into Board meeting minutes.

4.0 DISCUSSION/ACTION ITEMS

4-A: Appointment of Chair, Vice Chair, and Secretary: Mr. Syler read the pertinent City Code sections aloud for members and attendees. Dwight Gochenour is the current Chair, and assignment rotates among the three member categories. The next rotation will be to a member of law enforcement. George Randolph was nominated for Chair by James Young; the motion was seconded and approved unanimously. Dwight Gochenour was nominated as Vice Chair, with the motion seconded and approved unanimously. Kevin McCourt was nominated for Secretary, with that motion seconded and approved unanimously. All officers will serve a twelve-month term.

4-B: Discussion and Establishment of Bylaws: Mr. Syler outlined the general Bylaws structure, including meeting requirements (frequency), quorum requirements, filling vacancies, and administering resignations and terminations (the latter due to excessive absences), and meeting notices. Ms. Lindsay Dubin, Assistant City Attorney, was asked for clarification of Article IV, Section 9, specifically, if e-mailing is a permissible substitute for a conventional mailing postmark. Ms. Dubin briefly researched and responded that this can be a Bylaws amendment "postmarked by mail or otherwise by e-mail as allowed by law." Mr. Randolph motioned to adopt the Bylaws, including this amendment; the motion was seconded by Mr. McCourt. The motion was adopted unanimously.

4-C: Discussion of and Recommendations on Rates and Policies Related to the Towing of Vehicles Towed from Private Property by the Property Owner or their Authorized Agent: Mr. Randolph, upon consultation with the City Attorney's Office as to his qualification as an objective party (approved by City Attorney's Office; this will also apply to Sections 4-D, 4-E), with similar qualification for Mr. Fleming. Mr. McCourt asked if the private property provision includes condominium associations (yes). Can private property fees be less?

Does this change any contracts a condo association may have with a towing company? Condo associations may have lower fees if they choose. The current fee for towing is \$135. At a prior meeting, members recommended this fee be increased to \$150, which is the Commonwealth of Virginia maximum. Other fees: After-Hours is currently \$25, with State maximum at \$30. The Board last voted on these recommendations in 2019, but Council did not act at that time. Mr. Gochenour had a copy of the Board's recommendations, which appear to not have been docketed. Mr. Tarrence Moorer, T&ES Assistant Director, read aloud State Code(s) that regulated fees, with Board items *recommended* for Council action, but docketing and approving are at Council's discretion. There was discussion and disagreement between Board members and City staff as to whether Council must consider and vote on Board recommendations. Mr. Moorer will ascertain and distribute response. The Board will update the last draft item and re-submit for docketing and Council consideration.

Mr. Gochenour motioned to discuss increasing various towing and storage rates/fees. Mr. McCourt abstained from voting on this matter. Question: How does abstention by members of any representation group affect meeting and policy recommendation/adoption quorum? Mr. Moorer requested the Office of the City Attorney to research and clarify. UPDATE: In a March 27 e-mail to all members, Mr. Syler wrote, "While a quorum must be present to transact business, there is nothing in the bylaws, City Code, or Virginia law that states a vote cannot be valid if the quorum-setting member of the Board abstains from a particular vote." (see full copy of this e-mail as Addendum #1 to these minutes).

4-D: Discussion of and Recommendations on the Rates and Policies Related to the Storage of Vehicles Towed from Private Property by the Property owner or their Authorized Agent; and 4-E: Discussion of and Recommendations on the Rates and Policies Related to the Retrieval of Vehicles Towed from Private Property by the Property owner or their Authorized Agent: Mr. Moorer read Section 9-13 of the City Code (minimum & maximum rates). There is the question as to the time gap/interval from Board's recommendation to Council docketing (reportedly September 22, 2022 meeting).

The Board next considered a recommended change to the allowable radius outside City limits, which is 3 Miles. There were no motions to change the recommended radius.

Next, the Board reviewed current policies relative to payment methods for towing and related fees. There were no motions to recommend policy changes.

4-F: Discussion of Adopting Electronic Participation Policy for Remote Participation and Virtual Public Meetings: Mr. Syler recommended this item be tabled, due to pending legislation in the Virginia General Assembly. Mr. Moorer summarized the legislation. The Board voted unanimously to table discussions and recommendations.

5.0 OTHER BUSINESS: Members requested clarification if Council is required by law to consider Board recommendations. Ms. Dubin indicated Council is not required to vote; at its option, the Board may reach out directly to Council. Mr. McCourt recommended correspondence to Council expressly requesting receipt acknowledgement, and that item be docketed and considered/voted upon. Mr. McCourt motioned for the Board to draft a memo or letter to Council. City staff will not be involved with composing this letter, except to provide data/information to the Board as subject matter experts. Ms. Dubin indicated she will research and provide guidance to avoid possible violations of the *Freedom of Information Act* (FOIA). As more information was needed prior to Board action, Mr. McCourt's motion was tabled.

UPDATE: Ms. Dubin sent a March 28 e-mail to board members and support staff, relative to Mr. McCourt's recommendation, as well as other related Board concerns. This e-mail is included as Addendum #2 to the minutes.

6.0 NEW BUSINESS: No new business was brought before the Board.

7.0 PUBLIC COMMENT: One member of the public asked if there are any other governing regulations. Does the City have the statutory authority to adopt Commonwealth maximums by default, thereby nullifying the need for a Towing Advisory Board?

Another member of the public asked about the time lapse between the last Board recommendations, and Council consideration. What is to prevent a recurrence?

8.0 ADJOURNMENT: Mr. McCourt motioned to adjourn the meeting and was seconded. Upon unanimous agreement, Chairman Randolph adjourned the meeting at 7:30 P.M.

The next meeting of the Towing Advisory Board will be Thursday, June 6 at 6:00 P.M. (location to be determined)

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