

**EAST RIDGE CITY COUNCIL
AGENDA**

**September 22, 2016
6:30 pm**

1. Call to Order
2. Invocation
3. A. Roll Call
- B. Oath of Service for Three Firefighters
- C. Presentation of Proclamation by the Daughter's of the American Revolution
4. Consent Agenda:
 - A. Approval of Minutes September 8, 2016 Agenda Work Session
 - B. Approval of Minutes September 8, 2016 Council Meeting
 - C. Declaration of Surplus Property
5. Communication from Citizens
6. Communication from Councilmembers
7. Communication from City Manager
8. Old Business:
 - A. **ORDINANCE NO. 1017** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE AMENDING TITLE 9, CHAPTER 5, WRECKING AND TOWING SERVICES, BY DELETING THE PRESENT CHAPTER 5 IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 5, WRECKING AND TOWING SERVICES (2nd and final reading)
 - B. **ORDINANCE NO. 1018** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, TO AMEND ORDINANCE NO. 1013 ENTITLED “AN ORDINANCE TO PROVIDE REVENUE FOR THE CITY OF EAST RIDGE, TENNESSEE FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 APPROPRIATING THE SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT . . .” BY CHANGING THE REVENUES OF THE GRANT FUND AND DRUG FUND AND BY CHANGING THE EXPENDITURES OF THE GRANT FUND AND DRUG FUND (2nd and final reading)
 - C. **ORDINANCE NO. 1019** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE AMENDING TITLE 11, MUNICIPAL OFFENSES, CHAPTER 3, OFFENSES AGAINST THE PEACE AND QUIET SECTION 11-302 (1) (h) BUILDING OPERATIONS, BY DELETING SECTION 11-302 (1) (h) IN ITS ENTIRETY AND CREATING A NEW SECTION 11-302 (1) (h) (2nd and final reading)
 - D. Discuss/Take Action on Rules for Placement of Tents on City Property on Election Day

9. New Business:
- A. **PUBLIC HEARING - ORDINANCE NO. 1020** - REZONING OF PROPERTY LOCATED AT 1016 GREENSLAKE ROAD
 - B. **ORDINANCE NO. 1020** - REZONING OF PROPERTY LOCATED AT 1016 GREENSLAKE ROAD FROM C-2 COMMERCIAL DISTRICT TO R-3 RESIDENTIAL APARTMENT DISTRICT (1st reading)
 - C. **GRANT CONSENT AGENDA:**
 - 1. **RESOLUTION NO. 2591** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING THE APPLICATION FOR AND ACCEPTANCE OF THE FY 2017 TENNESSEE DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ALTERNATIVES GRANT
 - 2. **RESOLUTION NO. 2592** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (ASPCA): LIL BUB'S BIG FUND FOR THE ASPCA – FY 2016 GRANT PROGRAM
 - D. **RESOLUTION NO. 2593** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING A BID FOR THE PURCHASE OF ONE HEAVY DUTY TRASH/BRUSH LOADER, BULK TRASH/JUNK BODY, MOUNTED ON A NEW TRUCK AND CHASSIS (KNUCKLEBOOM)
 - E. **RESOLUTION NO. 2594** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING A BID FOR NEW ARTIFICIAL SPORTS TURF FOR THE INDOOR SOCCER COURTS AT CAMP JORDAN ARENA
 - F. **RESOLUTION NO. 2595** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING A BID FOR EIGHT (8) SCBA AIRPACKS FOR THE EAST RIDGE FIRE RESCUE DEPARTMENT
 - G. **RESOLUTION NO. 2596**- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING A BID FOR SIX (6) PORTABLE RADIOS FOR THE EAST RIDGE FIRE RESCUE DEPARTMENT
 - H. Discuss/Take Action on Fencing at Camp Jordan Road adjacent to Camp Jordan Park
 - I. Discuss/Take Action on Request from the East Ridge Optimist Club to Use the Community Center Parking Lot for a Halloween Trunk or Treat on October 29th
 - J. Discuss/Take Action on Changing the October 13th meeting to October 6, 2016
 - K. Appointment to Board of Zoning Appeals – Councilmember Manning
10. Adjourn



Mike Williams
Fire Chief
Fire Rescue

MEMORANDUM

To: Scott Miller
From: Mike Williams
Date: 9-19-2016
Reference: Swearing in new firefighters
CC: Janet Middleton

Mr. Miller,

I am requesting that Mayor Lambert swear in our new career firefighters, on Thursday September 22nd 2016. I will provide an Oath of Service for each of the three.

Thank You

MINUTES OF THE AGENDA WORK SESSION

September 8, 2016 – 6:00 pm

**To Set the Agenda For The
September 22, 2016 Council Meeting**

The East Ridge City Council met pursuant to notice on September 8, 2016 at East Ridge City Hall to set the agenda for the September 22, 2016 Council Meeting and other items.

Mayor Lambert called the meeting to order.

Present were: Mayor Lambert, Vice Mayor Gravitt, Councilmember Cagle, Councilmember Manning, Councilmember Sewell, City Manager Miller, City Attorney North, and City Recorder Middleton.

Old Business:

ORDINANCE NO. 1017 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE AMENDING TITLE 9, CHAPTER 5, WRECKING AND TOWING SERVICES, BY DELETING THE PRESENT CHAPTER 5 IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 5, WRECKING AND TOWING SERVICES (2nd and final reading) - Mayor Lambert stated first reading will be in tonight's regular council meeting. This ordinance has been revised because the section numbers were not consistent with the table of contents.

ORDINANCE NO. 1018 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, TO AMEND ORDINANCE NO. 1013 ENTITLED “AN ORDINANCE TO PROVIDE REVENUE FOR THE CITY OF EAST RIDGE, TENNESSEE FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 APPROPRIATING THE SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT . . .” BY CHANGING THE REVENUES OF THE GRANT FUND AND DRUG FUND AND BY CHANGING THE EXPENDITURES OF THE GRANT FUND AND DRUG FUND (2nd and final reading) – Mayor Lambert stated this item can be discussed further in tonight's regular meeting.

ORDINANCE NO. 1019 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE AMENDING TITLE 11, MUNICIPAL OFFENSES, CHAPTER 3, OFFENSES AGAINST THE PEACE AND QUIET SECTION 11-302 (1) (h) BUILDING OPERATIONS, BY DELETING SECTION 11-302 (1) (h) IN ITS ENTIRETY AND CREATING A NEW SECTION 11-302 (1) (h) (2nd and final reading) – Mayor Lambert stated there will be more discussion in tonight's regular meeting.

New Business Discussion:

PUBLIC HEARING - ORDINANCE NO. _____ REZONING OF PROPERTY LOCATED AT 1016 GREENSLAKE ROAD – Mayor Lambert stated this request for rezoning went before the Planning Commission and was approved.

ORDINANCE NO. _____ - REZONING OF PROPERTY LOCATED AT 1016 GREENSLAKE ROAD FROM C-2 COMMERCIAL DISTRICT TO R-3 RESIDENTIAL

APARTMENT DISTRICT (1st reading) - The Mayor stated this ordinance pertains to the public hearing listed above.

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING THE APPLICATION FOR AND ACCEPTANCE OF THE FY 2017 TENNESSEE DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ALTERNATIVES GRANT - No discussion.

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING A BID FOR THE PURCHASE OF ONE HEAVY DUTY TRASH/BRUSH LOADER, BULK TRASH/JUNK BODY, MOUNTED ON A NEW TRUCK AND CHASSIS (KNUCKLEBOOM) – Mayor Lambert stated bids will be opened on September 19, 2016.

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING A BID FOR NEW ARTIFICIAL SPORTS TURF FOR THE INDOOR SOCCER COURTS AT CAMP JORDAN ARENA (Bids to be opened September 12, 2016) – The Mayor stated this was discussed in a previous meeting and has been rebid. Bids will be opened on September 12, 2016.

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING A BID FOR EIGHT (8) SCBA AIRPACKS FOR THE EAST RIDGE FIRE RESCUE DEPARTMENT – The Mayor stated bids will be opened on September 19, 2016.

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING A BID FOR SIX (6) PORTABLE RADIOS FOR THE EAST RIDGE FIRE RESCUE DEPARTMENT – The Mayor stated bids will be opened on September 19, 2016.

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (ASPCA): LIL BUB'S BIG FUND FOR THE ASPCA – FY 2016 GRANT PROGRAM – No discussion.

Discussion of fencing at Camp Jordan Road adjacent to Camp Jordan Park – No discussion.

Other:

Councilmember Cagle stated the Optimist Club is requesting use of the Community Center parking lot for a Halloween trunk or treat on October 29th. This will be added to the next agenda.

Vice Mayor Gravitt stated the week of October 13th, which is the first meeting in October, will be fall break. He will be out of town. Councilmember Sewell stated he will also be out of town. Mayor Lambert stated that since September has five Thursdays, they could possibly move the October 13th meeting to October 6th.

There was no further discussion at this time.

The meeting was adjourned.

**REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF EAST RIDGE**

**September 8, 2016
6:30 pm**

The East Ridge City Council met pursuant to notice on September 8, 2016, 6:30 pm at East Ridge City Hall. Mayor Lambert called the meeting to order.

Councilmember Manning gave the invocation. All joined in the Pledge of Allegiance to the Flag.

Present were: Mayor Lambert, Vice Mayor Gravitt, Councilmember Cagle, Councilmember Manning, Councilmember Sewell, City Manager Miller, City Attorney North, and City Recorder Middleton.

Consent Agenda:

- A. Approval of Minutes August 25, 2016 Agenda Work Session
- B. Approval of Minutes August 25, 2016 Council Meeting

Councilmember Manning made a motion, seconded by Councilmember Sewell, to approve the Consent Agenda. The vote was unanimous. Motion approved.

Communication from Citizens:

John Temple, 3938 S. Mission Oaks Drive, discussed the Jones Memorial Barbeque. He stated last year they raised over \$7,000 and purchased 170 jackets for elementary school students. Mr. Temple stated the barbecue will be on September 24th from 10 am – 6 pm. Councilmember Cagle stated the City bought 40 tickets last year for the barbecue. Mr. Cagle made a motion, seconded by Councilmember Manning, for the City to purchase 40 tickets. The vote was unanimous. Motion approved.

Richard E. Cook, Jr., 607 Marlboro Avenue, discussed the candidates forum that will be held on October 17th in the City Council chambers. He stated that Dr. Rick Wilson will be the moderator. Mr. Cook is soliciting questions through East Ridge News Online. He will form a committee to review the questions and select possibly a dozen questions to ask the candidates.

Communication from Councilmembers:

Councilmember Manning had nothing at this time.

Councilmember Sewell thanked the City Manager and the Street Department for trimming the grass on Ringgold Road.

Vice Mayor Gravitt asked if the Community Service Program was still in effect and if so, what do the workers do. City Manager Miller stated they do custodial work, cut grass and do some work at the park. Director Martin stated the program is working well at the park.

Councilmember Cagle reminded everyone about the 9-11 dinner sponsored by the Optimist Club on Tuesday, September 13th at the Community Center.

Mayor Lambert announced there will be a special service for first responders at East Ridge Methodist Church on Prater Road during their regular Sunday morning service.

Mayor Lambert asked if the city limit sign at Sanctuary Road could be replaced because the paint has blistered and is hard to read.

Communication from City Manager: None

Old Business:

ORDINANCE NO. 1015 – PUBLIC HEARING – Mayor Lambert opened the public hearing. City Attorney North read the ordinance on caption. The ordinance refers to the construction of a cell tower at 4320 Bennett Road on the property of East Ridge High School. Luke Kasserman, with Tower Ventures, was present to answer any questions regarding the construction of the cell tower. No one spoke in opposition to the ordinance. The Mayor closed the public hearing.

ORDINANCE NO. 1015 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, PERMITTING TOWER ASSETS NEWCO IX, LLC (TOWER VENTURES) TO CONSTRUCT A CELLULAR COMMUNICATIONS TOWER AT 4320 BENNETT ROAD, IN ACCORDANCE WITH ORDINANCE 481, ARTICLE VII, SECTION 113 TITLED USES PERMITTED ON REVIEW (2nd and final reading) - City Attorney North read on caption. Councilmember Cagle stated the date stated in the ordinance for the public hearing was incorrect. Councilmember Manning made a motion, seconded by Councilmember Sewell, to approve Ordinance No. 1015 on second and final reading, with the amended date of September 8th. The vote was unanimous. Motion approved.

ORDINANCE NO. 1016 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, REPLACING ORDINANCE NO. 867 AND AMENDING TITLE 20 RELATIVE TO THE TIMING AND PLACEMENT OF POLITICAL SIGNS ON CITY AND PRIVATE PROPERTY IN THE CITY OF EAST RIDGE (2nd and final reading) - City Attorney North read on caption. Councilmember Sewell made a motion, seconded by Vice Mayor Gravitt, to approve Ordinance No. 1016 on second and final reading. Mr. Sewell stated that most signs are out of compliance because they are too close to the road. He discussed changing the distance to be measured from the white line on the side of the highway, rather than from the edge of the asphalt. Mr. Gravitt stated that all the candidates have copies of the political sign ordinance, so it would be better to wait until the next election. City Manager Miller stated that if signs are out of compliance, staff would call the candidate before the signs are removed.

Councilmember Cagle stated we need to enforce the ordinance that the Election Commission gave to all the candidates. Mayor Lambert stated that the five-foot distance should only apply to Ringgold Road as a way of reducing clutter.

Mayor Lambert stated Mr. Miller has presented language regarding the lottery for choosing tent sites. He stated this will not affect the distance regulations. Vice Mayor Gravitt made a motion to approve the lottery rules for placement of tents, but then withdrew the motion. He requested that the rules be added to the next meeting agenda. Councilmember Manning made a motion to amend the original motion to remove Item 3 regarding the lottery. The motion died for lack of a second. Roll call vote on the original motion: Vice Mayor Gravitt – yes; Councilmember Cagle – no; Councilmember Manning – no; Councilmember Sewell – yes; Mayor Lambert – yes. Motion approved. Councilmember Cagle stated Council still needs to decide what the rules of the lottery will be.

New Business:

ORDINANCE NO. 1017 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE AMENDING TITLE 9, CHAPTER 5, WRECKING AND TOWING SERVICES, BY DELETING THE PRESENT CHAPTER 5 IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 5, WRECKING AND TOWING SERVICES (1st reading) - City Attorney North read on caption. Councilmember Manning made a motion, seconded by Vice Mayor Gravitt (for discussion), to approve Ordinance No. 1017 on first reading. Vice Mayor Gravitt asked the City Attorney if this ordinance as written keeps the City legal as far as new Supreme Court rulings. Mr. North stated the question will be whether the restriction of having no more than three towing companies affects a public purpose such as safety or is it a pretext to limit competition. Everything done regarding this ordinance must be done with the purpose of public safety in mind. Mr. Gravitt stated the ordinance does not state if the wrecker companies have to have been in business for a certain length of time before going on the district wrecker rotation. City Manager Miller stated he has language that could be added to the ordinance that would require a wrecker company to have been in business in East Ridge for at least three years. This could be added in section 9-506 (11). Councilmember Cagle stated we only have four wrecker businesses in East Ridge and one of those did not want to be on the district wrecker rotation. Mayor Lambert stated this ordinance does not limit the number of wrecker companies that could open in East Ridge.

Mr. North suggested that Council may want to consider that a wrecker operation has been in business for three years, not necessarily in East Ridge. Mayor Lambert wants to make sure they are reputable companies. He is comfortable with the three-year provision and would equate that to a safety measure.

Councilmember Manning and Vice Mayor Gravitt withdrew their motion and second. Mr. Manning made a motion, seconded by Councilmember Cagle, to approve Ordinance No. 1017 on first reading, adding a new section 9-506 (11) that states a wrecker operator must have been in business in East Ridge for three years and must have a physical location in East Ridge before they can apply to be on the district wrecker rotation. Mayor Lambert stated that Section 9 should also be changed to reflect three years. Mayor Lambert restated the motion as follows: 1) addition of section 9-506-11 which would state that a wrecker operator must be in business in East Ridge for three (3) years to be on the district rotation, (2) change wording in Section 9-506 – 9 to reflect three years, and (3) district wreckers must have a physical location in the City of East Ridge. Mr. North stated he was referring to the provision under 9-506 that limited the number of district wreckers to three. He stated that would be deleted. The vote was unanimous. Motion approved.

ORDINANCE NO. 1018 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, TO AMEND ORDINANCE NO. 1013 “AN ORDINANCE TO PROVIDE REVENUE FOR THE CITY OF EAST RIDGE, TENNESSEE FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 APPROPRIATING THE SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT . . .” BY CHANGING THE REVENUES OF THE GRANT FUND AND DRUG FUND AND BY CHANGING THE EXPENDITURES OF THE GRANT FUND AND DRUG FUND (1st reading) - City Attorney North read on caption. Vice Mayor Gravitt made a motion, seconded by Councilmember Sewell, to approve Ordinance No. 1018 on 1st reading. The vote was unanimous. Motion approved.

ORDINANCE NO. 1019 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE AMENDING TITLE 11, MUNICIPAL OFFENSES, CHAPTER 3, OFFENSES AGAINST THE PEACE AND QUIET SECTION 11-302 (1) (h) BUILDING OPERATIONS, BY DELETING SECTION 11-302 (1) (h) IN ITS ENTIRETY AND CREATING A NEW SECTION 11-302 (1) (h) (1st reading) - City Attorney North read on caption. Councilmember Manning made a motion, seconded by Councilmember Cagle (for discussion), to approve Ordinance No. 1019 on first reading. Councilmember Sewell asked if this ordinance also applies to residential construction. Mr. Miller stated that it does, but the homeowner could get approval from the building inspector to do the construction. Mr. North stated that Mr. McVeagh with his firm has made several revisions to the ordinance which are highlighted in yellow. Mr. Manning and Mr. Cagle withdrew their motions. Councilmember Sewell then made a motion, seconded by Councilmember Manning, to approve Ordinance No. 1019 on 1st reading with the recommended changes. The vote was unanimous. Motion approved.

RESOLUTION NO. 2589 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, AUTHORIZING THE CITY OF EAST RIDGE TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL “DRIVER SAFETY” LOSS CONTROL MATCHING GRANT PROGRAM - City Attorney North read on caption. Councilmember Manning made a motion, seconded by Councilmember Cagle (for discussion), to approve Resolution No. 2589. Mr. Cagle stated this is a 100% match but it states in the resolution in Section 2 that the City will match any monies. He would like that removed. Mr. Manning and Mr. Cagle withdrew their motion and second. Councilmember Cagle made a motion, seconded by Councilmember Manning, to approve Resolution No. 2589, with the amendment that Section 2 of the resolution will be removed. The vote was unanimous. Motion approved.

RESOLUTION NO. 2590 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING A BID FOR THE PURCHASE OF ONE SIDE LOADING AUTOMATED REFUSE COLLECTION TRUCK - City Attorney North read on caption. Councilmember Manning made a motion, seconded by Vice Mayor Gravitt, to approve Resolution No. 2590. City Manager Miller stated that staff is recommending the second lowest bidder, Lee Smith/CMI. They have a better warranty and have a local service centre, whereas the lowest bidder does not. The vote was unanimous. Motion approved.

Appointment to Library Board – Councilmember Manning – Mr. Manning made a motion, seconded by Vice Mayor Gravitt, to appoint Frances Pope to the Library Board. Mr. North will prepare a resolution to memorialize all the Library Board appointments. The vote was unanimous. Motion approved.

Vice Mayor Gravitt asked if staff could provide an agenda addendum packet if changes are made after the agenda packets go out. City Manager Miller stated that could be done.

The meeting was adjourned.



**323 Camp Jordan Parkway
East Ridge, TN 37412
(423) 490-0078**

AGENDA MEMORANDUM

To: Mayor and City Council- City Manager

From: Stump Martin- Parks & Recreation & Norman Branum- Streets Dept.

Subject: Surplus-

Date: September 6, 2016

**Request to surplus: 1989 Ford F250 pickup with Tool Bed
Vin # 1FTEF25Y6KNA16949 Miles 235,000
Does not Run- Park & Rec truck
Truck # 8**

**Request to Surplus: 1993 Chevrolet 2500 Pickup
Vin #: 1GCFC29HOPE213582 Miles: 126,000
Does Not Run Transmission Dead- Street Dept.
Truck # 13**

Both Truck located at Camp Jordan

AGENDA MEMORANDUM

WRECKER & TOWING SERVICE

September 22, 2016

Prepared By:



J. Scott Miller, City Manager

SUBJECT:

At the regular business meeting on August 25, 2016 the City Council discussed the versions of the wrecker and towing service ordinance. It was the consensus of the Council to proceed with the "original" version of Ordinance No. 787 and effect the necessary changes to the text of the document as follows: ie. Police Chief in lieu of Director of Public Safety; 3 versus 4 classes; Finance Officer in lieu of City Treasurer; boom capacity under Class C reduced from 35 to 25 ton; the rate structure replaced with the State of Tennessee Department of Safety charges; and CDL in lieu of chauffeur's license. There was some discussion about adding a provision to the text requiring a wrecker company to be in business in the City of East Ridge for a certain number of years.

At the regular business meeting on September 8, 2016 the City Council approved first reading of the wrecker and towing service ordinance. The Council proceeded with the "original" version of Ordinance No. 787 with the aforementioned changes (first paragraph), and they added the following amendments to the text of the document:

- Section 9-504(9) – The number of years experience as a wrecker operator to be changed from one (1) year to three (3) years.
- Add a new Section 9-506(12) – "Information to show that the applicant has been in the wrecker business as a wrecker operator in the City of East Ridge for a period of three (3) years."

My office has made the following change/addition to the proposed ordinance:

- Added a Section 9-506(11) – "Proof of insurance in accordance with Section 9-514."

The wrecker and towing service ordinance before you at tonight's meeting deletes the present Ordinance No. 787. The new ordinance follows the "original" version and incorporates the aforementioned changes/amendments in the text of the document. Said ordinance is before the City Council at this meeting for consideration of approval/adoption on second reading.

Attachments – Red Lined Copy of Ordinance No. 1017
Final Copy of Ordinance No. 1017

JSM/

ORDINANCE NO. 1017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE AMENDING TITLE 9, CHAPTER 5, WRECKING AND TOWING SERVICES, BY DELETING THE PRESENT CHAPTER 5 IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 5, WRECKING AND TOWING SERVICES

WHEREAS, recent changes in the law restrict the ability of municipalities to regulate wrecker and towing services; and

WHEREAS, municipalities may now only regulate those services that are directly related to the use within the City and enact regulations necessary for the orderly provision of services in the City.

NOW, THEREFORE, BE IT ORDAINED that Title 9, Chapter 5, Wrecking and Towing Services, in the City Code of the City of East Ridge is hereby amended by deleting the present section in its entirety and substituting in lieu thereof a new Chapter 5, Wrecking and Towing Services, to be in the words and phrases as follow:

CHAPTER 5

WRECKING AND TOWING SERVICES

SECTION

- 9-501. Purpose.
- 9-502. Definitions.
- 9-503. District Wrecker classifications.
- 9-504. Permit required.
- 9-505. City Manager.
- 9-506. Application.
- 9-507. Fees; Expiration Date and Renewal.
- 9-508. Investigation of applicant.
- 9-509. Issuance of License.
- 9-510. Revocation
- 9-511. Required equipment and standards.
- 9-512. Required storage facilities and procedures for district wreckers.
- 9-513. Notification required for vehicles held over thirty days.
- 9-514. Insurance.
- 9-515. Billing and charges for district wreckers.
- 9-516. Wrecker zones for district wreckers
- 9-517. Regulations for district wreckers.
- 9-518. Vehicles to be towed to place designated by owner; coercion at scene of accident prohibited.
- 9-519. Wreckers to go to scene of accident on call of police only.
- 9-520. Solicitation of towing work by operator, etc., of district wrecker prohibited.
- 9-521. Emergency towing and storage.

9-522. Fleet Service Contracts.

9-523. Severability.

Sec. 9-501. Purpose.

The purpose of this article is to establish regulations and procedures to license district wrecker operators who apply to remove wrecked or disabled vehicles at the request or call of the City Police Department or other departments of the City and to establish a rotation call list procedure for these operators.

Sec. 9-502. Definitions.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

District wrecker. All wrecker or towing operators licensed by the City under this article who qualify to be placed on the rotation call list to respond to requests for towing of vehicles made by the City as of the effective date of this Ordinance or later added as the needs of the City require it. As of the effective date of this Ordinance, there are three (3) District Wrecker Operators in the City, which is sufficient for the needs of the City. Of those three (3), one District Operator has a C Class Wrecker which meets the needs of the City. Any District Wrecker licensed as of the date of this ordinance may add a C Class Wrecker and be automatically added to the C Class district rotation. At no time may a District Wrecker Operator respond to a District Wrecker call wherein a C Class Wrecker is required as determined by the City of East Ridge or other agency if that District Wrecker operator does not own a C Class Wrecker as that term is defined in this Ordinance.

Inside storage. The storing of a motor vehicle within an enclosed building being used by the wrecker or towing operator at ~~his~~ his/her place of business.

Normal business hours. The hours from 8:00 a.m. to 5:00 p.m. except Saturdays, Sundays, and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Outside storage. The storing of a motor vehicle within a lot or premises being used by the wrecker or towing operator as a place of business, but not inside storage as described above.

Wrecker inspector. That officer or employee of the City Police Department designated by the ~~Public Safety Director~~ Police Chief as the person responsible for receiving applications, conducting investigations of proposed wrecker operators.

Wrecker or towing operator. Any person engaged in the business of, or offering the services of a wrecker or towing service to remove wrecked or disabled vehicles at the request or call of the City, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose.

Sec. 9-503. District Wrecker classifications.

(a) For purposes of this article, District wreckers are classified into ~~four (4)~~ three (3) classes, Class A, Class B and Class C with minimum requirements for each classification as follows:

(1) **Class A.** For towing passenger cars, pick-up trucks, small trailers, etc.

CHASSIS:

- A. Minimum GVWR 14,500 lbs.;
- B. Dual Rear Wheels
 - 1. Minimum 7.50 X 16
 - 2. Minimum 225 X 16
 - 3. Minimum Tread 8/32;
- C. Minimum 60 inch cab to axle;
- D. Present a professional outward appearance; and
- E. Fully functional drivers and passenger side mirrors.

WRECKER:

- A. Manufactured body, boom, and underlift;
- B. Minimum 60 inch cab to axle;
- C. Hydraulic recovery boom
 - 1. Minimum capacity 8 ton retracted
 - 2. Minimum capacity 4,000 LD extended
 - 3. Hydraulic elevation
 - 4. Hydraulic extension
- D. Dual Hydraulic 8,000 LB Winches
 - 1. Direct mount winch motors
 - 2. 6 X 19 3/8 inch cable
 - 3. 100 feet minimum of cable from winch
 - 4. Swidged thimbles (no clamps)
- E. Hydraulic Wheel Lift
 - 1. Hydraulic Elevation
 - 2. Hydraulic Extension
 - 3. 3,500 LB Capacity at full extension
 - 4. 7,500 LB Tow Rating
 - 5. Sound and operational tire restraint straps
 - 6. Safety chains OEM Spec's or %70 Grade 5/16 inch
- F. Operational Dollies
- G. Tow Sling w/J Hooks and chains
 - 1. Sling straps in sound working condition
 - 2. J Hooks and Chain in Sound WO
- H. Tow Lights w/Cord (Operational)
- I. Rotating Light Bar (Fully Operational)
- J. Work Lights (Operational)
- K. Trailer Ball Attachment
- L. Attachment or carrying straps for motorcycle

- M. Safety Package
 - 1. 5 LB Fire Extinguisher (charged & operational)
 - 2. Shovel
 - 3. Broom
 - 4. Bucket
 - 5. 2 3/8 inch X 10 Ft recovery chains (Not "J" Hooks sling chains) minimum
 - 6. 5 Lbs oil dry
 - 7. First Aid Kit

(2) **Class B.** For towing medium size trucks, trailers, etc.

CHASSIS:

- A. Minimum GVWR 25,500 LBS
- B. Dual Rear Wheel
 - 1. 8.25 X 22.5
 - 2. 265R X 22.5
 - 3. Minimum 8/32 tread all six tires
- C. Minimum cab to axle 108 inches
- D. Air Brakes
- E. Professional Outward Appearance
- F. Functional Drivers/Passenger Side Mirrors

WRECKER:

- A. Manufactured body, boom, and wheellift
- B. Boom capacity 16 Ton
- C. Hydraulically Powered Boom
 - 1. Hydraulic Elevation
 - 2. Hydraulic Extension
- D. Dual 16,000 LB Hydraulic Winches
 - 1. Direct Mount Hydraulic Motor
 - 2. 6 X 19 ½ inch cable
 - 3. 150 feet of cable from the winch
 - 4. Swidged Thimbles (No clamps)
- E. Hydraulic Wheellift
 - 1. Power elevation
 - 2. Power extension
 - 3. 8,000 Lb. capacity full extension
 - 4. 32,000 Lb. Tow Rating
 - 5. ½ inch OEM or T-70 Safety Chain Permanently Attached
- F. Medium Duty Truck Hitch w/ ½ in. chassis
- G. Rear Jacks or spades (Wheellift not acceptable)
- H. Tow Lights or Bar w/Cord (Operational)
- I. Rotating light bar (Fully Operational)
- J. Work Lights
 - 1. Upper Work Lights
 - 2. Lower Hook Up Lights
 - 3. All lights must be operational
- K. Tow Ball and/or Attachment

- L. Safety Package
 - 1. 5 Lb. Fire Extinguisher
 - 2. Shovel
 - 3. Broom
 - 4. Pry Bar
 - 5. Bucket
 - 6. 5 Lbs. Oil Dry
 - 7. Pair 3/8 in. X 10 ft. Chains minimum
 - 8. Pair 1/2 in. X 10 ft. Chains minimum
 - 9. First Aid Kit

(3) **Class C.** For towing large trucks, road tractors and trailers.

CHASSIS:

- A. Minimum GVWR 50,000 LBS.
- B. Tandem Axle
 - 1. 10 X 22.5 Minimum
 - 2. 285R X 22.5 Minimum
 - 3. 8/32 Tread minimum all ten (10) tires
- C. Minimum 156 Inch C.B.
- D. Air Brake
- E. Air Service Lines
- F. Professional Outward Appearance
- G. Functional Driver/Passenger Side Mirrors

WRECKER:

- A. Manufactured Body, Boom, and Underlift
- B. Boom capacity of ~~35~~ 25 Ton
- C. Hydraulically Powered Boom
 - 1. Power Elevation
 - 2. Power Extension
- D. Dual Hydraulic 25,000 LB Winches
 - 1. Direct mount winch motors
 - 2. 6 X 19 5/8 inch cable minimum
 - 3. 200 ft. minimum from winch
 - 4. Swidged Thimbles (No clamps)
- E. Hydraulically Powered Underlift
 - 1. Power Elevation
 - 2. Power Extension
 - 3. 12,000 LB Capacity Full Extension
 - 4. 80,000 LB Tow Rating
 - 5. 5/8 OEM or A-80 Safety Chain
- F. Truck Hitches w/chains and/or Underlift Attachment
- G. Hydraulic Rear Jacks or Spades
- H. Tow Bar w/Cord
- I. Rotating Light Bar
- L. Air and Service Lines

- M. Work Lights
 - 1. Upper Work Lights
 - 2. Lower/Hookup Lights
 - 3. All Lights Operational
- N. Tow Ball and Pintal Hook Attachment
- O. Safety Package
 - 1. 5 LB Fire Extinguisher
 - 2. Broom
 - 3. Shovel
 - 4. Pry Bar
 - 5. Bucket
 - 6. 5 Lbs. Oil Dry
 - 7. 2 Pair of T70 X 10 FT minimum chain
 - 8. 1 Pair of A80 X 10 FT minimum chain
 - 9. First Aid Kit

Sec. 9-504. Permit required.

No person shall engage in the business of, or offer the services of, a district wrecker, whereby motor vehicles are, or may be towed or otherwise moved from one place to another by the use of a motor vehicle adapted for that purpose without having been issued a permit as provided by this article. Permits shall be issued for Class A through Class C wreckers as the vehicles meet the requirements of section ~~35-148~~ 9-503. Additionally, permits shall be granted for "district wreckers" as provided herein.

Sec. 9-505. City Manager.

(a) The City Manager shall approve, issue, revoke or suspend licenses consistent with the provisions of this chapter.

(b) The City Manager shall administer the provisions of this chapter through the Police Department and the inspector shall be the ~~Public Safety Director~~ Police Chief or his his/her designee.

(c) The action of the City Manager in granting or refusing a license or in revoking or suspending a license shall be final, except as such action shall be appealed within five (5) business days to the City Council by filing a written notice of appeal with the City Attorney at his office.

Sec. 9-506. Application.

(a) Any person desiring to obtain a district wrecker permit shall file with the Wrecker Inspector an application setting out, among other things, the following:

- (1) Name and address of the person desiring the license.
- (2) The location and full description of all property to be utilized in connection with the business, including tax parcel numbers and zoning of this property.
- (3) The number of wreckers or towing cars owned or available for use by the applicant and a full description of the wreckers sufficient to determine a proper classification under section 9-503.
- (4) A statement that all wreckers are properly equipped for the applicable classification set forth in section 9-503 and contain the required equipment set out in 9-503, and that all wreckers meet applicable State and Federal regulations.

- (5) A statement that the wrecker or towing operator will accept responsibility for any and all personal property left in towed or stored vehicles.
- (6) A statement setting forth and describing available space including inside storage, if available, for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they had been disabled.
- (7) A statement that the applicant will provide twenty-four (24) hour service, including holidays, and that ~~he~~ **he/she** will have a qualified operator on duty at all times for each district wrecker location licensed hereunder.
- (8) A statement that the wrecker or towing operator will not release any vehicles impounded by the City without authorization by the Police Department, that a file will be maintained on all vehicle release forms and that this file will be made available for police inspection upon request.
- (9) Information to show that the applicant has had at least ~~one (1)~~ **three (3)** year's experience as a wrecker operator.
- (10) An assurance that the applicant will maintain a minimum of one (1) properly equipped and operable wrecker throughout the year for which application is being made.
- (11) **Proof of insurance in accordance with Section 9-514.**
- (12) Information to show that the applicant has been in the wrecker business as a wrecker operator in the City of East Ridge for a period of three (3) years.

~~Unless otherwise determined by the City Council, the number of district wrecker operators permitted by the City shall be no more than three (3) per class. Wrecker operators currently having permits by the City shall be given preference with respect to the issuance of permits. Each district wrecker shall maintain such equipment as is necessary for Class A and Class B recoveries and may, but shall not be required to, maintain the equipment necessary for Class C recoveries.~~

Sec. 9-507. Fees; Expiration Date and Renewal.

Any new applicant for a district wrecker permit under this article, except those who have been heretofore licensed under ordinances and procedures of the City in effect on the effective date of this Ordinance shall be charged an application and investigation fee of two hundred dollars (\$200.00) to cover the expense of investigating the applicant, the place of business, and the wreckers and equipment. The initial applications and permits hereunder for currently licensed wrecker operators shall be without an investigation fee other than the fifty dollar (\$50.00) annual fee. If an applicant changes ~~his~~ **his/her** business location, or adds or substitutes a new or different wrecker, there shall be a supplemental investigation fee of one hundred dollars (\$100.00). Additionally, there shall be an annual license fee of fifty dollars (\$50.00) per wrecker licensed hereunder which shall be collected by the ~~city treasurer~~ **Finance Director** upon granting an approved license or renewal license. All licenses shall expire on December 31st and applications for renewal shall be filed by November 30th of each year. Late applications for renewal will be considered in due course, but the applicant will not be privileged to operate such wreckers from December 31st until the renewal is approved by the wrecker board.

Sec.9-508. Investigation of Applicant.

The wrecker inspector shall investigate or cause to be investigated each applicant for a district wrecker permit under this article to determine whether or not the applicant has the necessary equipment and facilities to qualify as a district wrecker operator, and, if the applicant is qualified. The Wrecker Inspector shall report ~~his~~ **his/her** findings to the ~~Public~~

~~Safety Director~~ Police Chief. The ~~Public Safety Director~~ Police Chief shall direct or make such further investigation as ~~he~~ he/she deems proper and grant or refuse a permit based upon other things the necessity and needs of additional District Wrecker operators within the City.

Sec.9-509. Issuance of License.

Every person qualified under this article shall be issued a permit by the ~~city treasurer~~ Finance Director for each district wrecker approved by the City Manager or ~~his~~ his/her designee, which permit shall at all times be kept with each wrecker. The permit shall bear a notation "district wrecker." Such permit shall have printed thereon the year for which it is valid.

Sec. 9-510. Revocation.

(a) The City Manager or ~~his~~ his/her designee shall suspend or revoke the permit of any permittee on any of the following grounds:

(1) If the permit was procured by fraudulent conduct or false statement of a material fact or a material fact concerning the applicant which was not disclosed at the time of his making application that would have constituted just cause for refusing to issue the license.

(2) Failure of a district wrecker permittee to have an operable and properly equipped wrecker and qualified operator on duty at all times or to promptly respond to police calls.

(3) If the district wrecker permittee has knowingly overcharged or consistently overcharges.

(4) A violation of any provision of this article.

(5) If a district wrecker does not meet all applicable State and Federal regulations.

(6) The ~~Public Safety Director~~ Police Chief may suspend or revoke a permit in ~~its~~ his/her discretion for due cause not specified herein.

(b) Such suspension or revocation shall terminate all authority and permission granted by such district wrecker permit to the licensee. Any person whose permit has been revoked shall not be eligible to again apply for a district wrecker permit for a period of one (1) year from the date of such revocation.

Sec.9-511. Required equipment and standards.

In addition to the equipment required under the applicable district wrecker classifications set forth in section 9-504, all district wreckers shall have and maintain additional equipment and standards as follows:

(1) The following additional equipment is required:

a. At least one (1) heavy-duty push broom;

b. Flood lights on hoist to illuminate scene at night;

c. One (1) shovel;

d. A twenty (20) pound Class ABC Underwriter Laboratory approved fire extinguisher, a two and seven-tenths (2.7) pound Halon 1301/1211 fire extinguisher, or equivalent fire extinguisher adequately charged.

(2) The appearance of all district wreckers shall be reasonably good with equipment painted.

(3) All district wreckers shall display the firm's name, address and phone number. Such information shall be painted on or permanently affixed on both sides. Such lettering shall be at least three (3) inches high. Magnetic signs will not be permitted as a substitute.

(4) It is the responsibility of the district wrecker service to have equipment for removing glass and other debris from the highway accident scene and to remove such debris from the highway.

Sec.9-512. Required storage facilities and procedures for district wreckers.

District wreckers must provide proper storage facilities and procedures as follows:

(1) The wrecker operator shall provide a properly zoned (or lawful nonconforming use) fenced lot or building for proper and safe storage. Such lot for storage shall be located on the same property as the wrecker service or in close enough proximity to the wrecker service facility to permit the operator to visually observe the storage facility to prevent vandalism or other loss or damage to vehicles and their contents. The fence shall be a minimum of six (6) feet high, constructed of chain-link fencing, lumber, or other material which will serve as a significant deterrent to unauthorized entry. The fencing shall be equipped with lockable gates, which shall be locked at all times when the storage facility is unattended. There shall be room to store at least ten (10) cars within the fenced lot. Class C operators shall additionally have room to store a minimum of one tractor and trailer within the fenced lot.

(2) Records of the vehicles towed and charges of tows from calls received from the City rotation list shall be maintained for at least one (1) year and shall be open for inspection by the City and the owner of any vehicle towed or ~~his~~ his/her agent.

(3) All vehicles towed under the rotation call list provided for by this ordinance shall be stored inside a building or inside the fenced storage facility described above unless an authorization to do otherwise is obtained from the vehicle's owners.

(4) The wrecker service shall notify the registered owners and lienholders, within fifteen (15) days after any vehicle is towed pursuant to a request by any officer or official of the City of East Ridge, of the location of the stored vehicles and the costs of securing possession of the towed and stored vehicle. Any wrecker service that fails to comply with the notice provisions of this section shall only be entitled to receive the costs of towing the vehicle and the costs for storing the vehicle during the fifteen (15) day notice period. The City of East Ridge Police Department is hereby authorized to provide, upon written request, to the wrecker service company registration records on stored vehicles for the purposes of issuing the notice required by this section.

Sec.9-513. Notification required for vehicles held over thirty days.

The State Department of Revenue will be notified of all vehicles held over thirty (30) days, except when arrangements for longer storage are made by the owner, as required by Tennessee Code Annotated section 55-16-101.

Sec. 9-514. Insurance.

Before the ~~Public Safety Director~~ Police Chief shall approve a district wrecker permit under this Article, including a renewal license, the applicant shall deposit with the wrecker inspector a certificate of an underwriter that the applicant has in force a policy or policies of insurance issued by an insurance company authorized to transact business in the state and has the minimum insurance coverage required by applicable State and Federal regulations and as follows:

(1) A general liability policy covering the operation of applicant's own business, equipment or vehicles for bodily injuries in the amount of two hundred fifty thousand dollars (\$250,000.00) for any one (1) person killed or injured, six hundred thousand dollars (\$600,000.00) for more than one (1) person killed or injured in any one accident

and seventy-five thousand dollars (\$75,000.00) for all damage arising from injury to or destruction of property. All such policies shall include cargo or "on-hook" riders or otherwise protect the operator against such liability. All such policies shall include garage keeper's liability riders or otherwise protect the operator against liability for damage to towed or wrecked cars kept on the premises arising from fire, theft, or other casualty.

(2) All applicants shall provide a copy of such insurance policies with their application and shall provide copies of all renewals thereof to the Wrecker Inspector. The insurance policy shall be subject to approval by the City Attorney, or his designees, as to the minimum requirements contained herein. A certificate of insurance shall be provided which contains an endorsement providing a minimum of ten (10) working days' notice in the event of a cancellation of the policy or an expiration of a policy without a copy of a renewal being provided to the Wrecker Inspector, any license issued hereunder shall be suspended until a new policy and certificate of insurance are provided.

Sec. 9-515. Billing and charges for district wreckers.

(a) All applicants for a district wrecker permit shall be subject to regulation as to billing and charges for any call from the Police Department referred to the district wrecker under the call rotation system as follows:

(1) The owner of a wrecker or towing car shall have prepared billheads with his his/her name and the address of his his/her place of business printed thereon. If requested by the owner of the disabled vehicle, the operator of the wrecker, before towing a disabled vehicle away, shall prepare a bill on his his/her billhead form in duplicate, the original of which shall be given to the owner of the disabled vehicle or his his/her authorized representative. This bill shall contain the following information:

- a. Name and address of person engaging towing car.
- b. State license number of disabled vehicle.
- c. Storage rates per day or part thereof.
- d. An estimate of the amount to be charged for towing which may thereafter only be adjusted for good cause. The printing of a schedule of fees on a billhead marked as to services rendered shall be sufficient for this purpose.

(2) The duplicate copy of the bill shall be retained by the wrecker or towing car owner for a period of one (1) year, and shall be subject to inspection by the wrecker inspector or his his/her duly authorized representative.

(3) In the event the bill is for an amount more than the schedule of charges for routine services described in paragraph (4) below, then the bill shall contain an itemization of the number of worker-hours involved in the recovery and towing of the disabled vehicle, an itemization of the vehicle-hours involved, and any other special charges which cause the bill to be higher than the schedule of charges for routine services.

(4) The maximum charge for district wrecker calls shall be the same as the State of Tennessee Department of Safety charges, as the same may be amended from time to time.

~~The current TDOT rates are as follows:~~

~~A-Class—Daytime tow \$125.00~~

~~Night/Weekend/Holiday \$135.00~~

~~Daily Storage (After 8 Hours) \$ 15.00 per day~~

~~Extra Winching \$ 50.00~~

~~a. Extra winching is for overturned vehicles and/or Vehicles off roadway and down an embankment.~~

~~Dollies (If wrecker is used) \$ 45.00~~

- ~~b. Dollies are chargeable only if a wrecker is used
For the tow, not in cases where a rollback is used.
There should be no extra charge allowed for a Rollback tow.~~

~~B Class Day time \$250.00~~

~~Night/Weekend/Holiday \$285.00~~

~~*Extra Winching \$150.00~~

- ~~a. Extra winching is for overturned vehicles and/or Vehicles off roadway and down an embankment.~~

~~Daily Storage (After 8 Hrs)~~

~~a. Tractor \$ 35.00 per day~~

~~b. Trailer \$ 35.00 per day~~

~~C Class Daytime tow \$425.00 per hour~~

~~Night/weekend/holiday \$500.00 per hour~~

~~Daily Storage (After 8 Hours)~~

~~a. Tractor \$ 35.00 per day~~

~~b. Trailer \$ 35.00 per day~~

~~*Extra Winching (per 1/2 hour) \$225.00 Per 1/2 hour~~

~~Extra winching is for overturned vehicles and/or Vehicles off roadway and down an embankment.~~

~~Air Bags (first two (2) hours) \$1,000.00~~

~~(\$500.00 per hour starting with hour 3)~~

~~Any additional charge by Class A, Class B, or Class C wreckers for winching, dollies, wheel lift or rollbacks, or other equipment or services not normally incident to towing wrecked or disabled vehicles shall be allowed only when the additional charge is (1) reasonably necessary to retrieve a wrecked vehicle which is off of the road or overturned; (2) to protect the wrecked or disabled vehicle from reasonably foreseeable additional damage should the device not be used; or (3) at the request of, or permission of the owner or operator. An additional charge can be made for the pneumatic devices used to raise overturned trucks or other equipment not normally used in a tow. If more than one wrecker is necessary for recovery of the wrecked or disabled vehicle, the charges shall apply to each vehicle.~~

~~In all cases involving a combination vehicle of five (5) or more axles or a single vehicle with a gross vehicle weight rating of Twenty-six Thousand and One (26,001) pounds or more, total charges computed utilizing the previously itemized schedule of hourly rates and equipment charges shall not exceed the total maximum recovery cost that would be applicable using the following schedule of permissible charges by weight for C Class operations:~~

~~C Class maximum charges shall be as follows:~~

~~A. Contained recovery/winching for all recovery is 7.0¢ per pound jobs in which there is no clean up of debris from the vehicle to be recovered and cargo doors remain closed.~~

~~B. Salvage/debris recovery for picking up debris is 8.0¢ per pound parts or loading from one vehicle to another, or a vehicle that breaks apart and needs to be towed from the scene.~~

~~C. The following charges may be added to the contained recovery/winching or salvage/debris recovery when applicable, and if specified on the billing invoice:~~

- ~~1. Inclement Weather: rain, snow, or if 1.5¢ per pound the temperature is below 25° F~~
- ~~2. Nights, Weekends and Holidays: 1.5¢ per pound. Includes times after 7:00 p.m. and before 8:00 a.m. and any time on Saturdays, Sundays, and all public holidays.~~
- ~~3. Wheels higher than roof: If any wheel 1.0¢ per pound is higher than any part of the roof~~
- ~~4. Embankments or Inclines: If it is 1.0¢ per pound necessary to work on an embankment or incline~~
- ~~5. Back Door Frame Open: If the 1.0¢ per pound back doors cannot be closed or the door frame is torn away and the integrity of the trailer is jeopardized.~~
- ~~6. Tractor from under Trailer: If the 1.0¢ per pound tractor separates from the trailer in the crash.~~
- ~~7. Major Suspension Damage: If major 5.0¢ per pound suspension damage has an impact on the recovery, e.g., axles have been torn from suspension, but does not include if only the front axle is involved.~~
- ~~8. Air Bags: \$1,000.00 first 2 hours; \$500.00 per hour thereafter~~
- ~~9. Sublet Charges: For tractor trailers, dump trucks, backhoes, containers, roll off containers, traffic control devices and personnel and other equipment necessary for the recovery which is not required equipment to qualify as a C Class or any other wrecker class under this ordinance. Sublet charges shall be reasonable rates based upon the market rate for renting said equipment in the City of East Ridge.~~
- ~~10. Exposure to Hazardous and/or Flammable Materials: Charges for personnel being exposed to the risks associated with hazardous materials and/or flammable materials, not including the charges for the cleaning of said materials. This charge shall be a reasonable charge based upon the market rate in this State. The burden shall be upon the wrecker company to establish the market rate.~~

All Licensed C Class operators must keep on file at their location, for a period of one (1) year, video documentation of the scene, and the conditions for which all additional charges are being billed pursuant to this ordinance. Video documentation shall consist of videotape, film, photographs, or other media which accurately depicts the scene and conditions as they actually appeared at the time of recovery.

No storage fee shall be charged by any district wrecker class if the vehicle is reclaimed by the owner within the first eight (8) hours. For every wrecker class, if more than one owner or employee per wrecker is of necessity assigned to assist in the recovery of the disabled vehicle, the normal hourly wage of the additional employee's adjusted fringe benefits can be made as an additional charge.

Sec.9-516. Wrecker zones for district wreckers.

The entire City of East Ridge shall be considered one zone. Any applicant for a district wrecker shall have its offices and storage facilities within the City. Police calls will be placed only to operators with District licenses and will be placed from a separate rotating call list for Class A, Class B and Class C wreckers. Class B wreckers may be listed on both the "A" and "B" class list upon request. Class C wreckers may be listed on both Class "C" and Class "B" upon request.

Sec.9-517. Regulations for district wreckers.

A district wrecker permittee shall follow these procedures:

(1) No district wrecker permittee shall operate ~~his~~ his/her business jointly with any other district wrecker permittee. Joint operation shall include common or joint use of any real or personal property as specified more fully in paragraph (19) below, or joint use of any employees as specified more fully in paragraph (20) below.

(2) No permittee shall directly or indirectly operate more than one (1) district wrecker. Indirect operation shall include common or joint use of any real or personal property as specified more fully in paragraph (19) below, or joint use of any employees as specified more fully in paragraph (20) below.

~~(3) Reserved.~~

(3) All permittees are expected to be familiar and comply with the traffic laws of the City and the State, and abide by all provisions of this article.

(4) Permittees will be familiar with and abide by all provisions of this article.

(5) No permittee shall charge unreasonable rates for services rendered.

(6) Permittees shall be available for twenty-four (24) hour service with vehicles in proper operating condition and have a qualified operator on duty.

(7) Operators shall carry vehicles to any destination within the City at the owner's or operator's request when charges therefore have been prepaid.

(8) Permittees shall have a telephone number prominently posted for after-hours release of vehicles. The permittees may make an additional charge for releasing a vehicle other than during normal business hours except when the location is otherwise open for business.

(9) The Police Department may direct that a police impoundment be towed to a City lot at no additional charge.

(10) Amber lights are to be used in the immediate vicinity of a wreck and while towing a vehicle.

(11) All operators shall respond to a wreck within a reasonable time after being called, and except for exigent or unusual circumstances, a response must be made within thirty (30) minutes after the dispatch request is made to the wrecker operator. If the wrecker is engaged elsewhere, or for any reason the wrecker operator cannot reasonably expect to respond within thirty (30) minutes, it shall be the duty of the wrecker operator to so advise the Police Department and decline to accept the call whereupon the next wrecker operator on rotation shall be called. Class C wreckers shall be granted an additional fifteen (15) minutes to respond to a tow for a large truck, road tractor and trailers.

(12) No licensee shall refer or delegate police calls to other wrecker companies.

(13) No answering service, paging service or similar service or procedure may be used to forward a call to an owner or employee of the wrecker service during normal business hours. The operator may provide for an after-hours number which shall be provided to the wrecker inspector.

(14) The first wrecker operator at the scene shall tow the vehicle causing the greatest hazard as directed by the investigating police officer.

(15) No repairs or other additional services shall be performed except on request of the owner.

(16) An operator may accept a dispatch of more than one (1) wrecker only if qualified wreckers and operators are available within the time limits specified above.

(17) All district wrecker permittees shall file with the Wrecker Inspector a photocopy of a current operator's license for each employee authorized to operate a wrecker. The photocopy of any new operator's license shall be filed within ten (10) days following employment or renewal of the operator's license.

(18) No district wrecker permittee shall jointly use any real or personal property with any other district wrecker permittees except as provided herein. Real property shall be considered to be jointly used if it is used in any manner for the use or storage of any wrecker, wrecker equipment, or wrecked and disabled vehicles by two (2) or more permittees. Separate recorded parcels of real property shall be deemed to be one parcel of real property for purposes of this Ordinance if (1) the parcels have any common boundaries; (2) the boundaries of the parcels are separated only by a public street, alley, or private driveway; or (3) a common parcel of property as described above was subdivided, sold, leased, rented, or in any manner divided or conveyed on or after the effective date of the Ordinance by the owner of such property to create separate parcels. No district wrecker permittee shall use any wrecker, equipment or other personal property owned by another district wrecker permittee, excluding bona-fide lease or rental contracts for a term of thirty (30) days or more except upon a written lease or rental agreement supported by fair market consideration. A copy of any such lease or rental contract shall be filed with the Wrecker Inspector within thirty (30) days of the vehicle first being used on district wrecker calls. District wrecker permits issued prior to September 1, 1989, may be renewed without regard to the requirement for separate recorded parcels of real property and operated notwithstanding the provisions of paragraphs 1 and 2 of this section.

(19) Each district wrecker operator shall regularly employ at least two primary operators for each location permitted under this Article, who shall be employed forty (40) hours per week during normal working hours or a normal work week, if the permittee's normal work week for employees is less than forty (40) hours. A photocopy of the primary operator's ~~chauffeur's license~~ Commercial Driver's License (CDL) or commercial motor vehicle license shall be submitted to the Wrecker Inspector within ten (10) days following their employment and the operator shall keep the Wrecker Inspector advised of any changes in employment of such operators within ten (10) days. The same person can not be qualified to act as the primary operator for more than one district wrecker permittee. Nothing herein shall prevent a primary operator of one permittee to act as a part time operator for another permittee. The owner(s) may qualify as a primary operator(s) providing that ~~he~~ he/she regularly operates the wrecker and responds to wrecks or disabled vehicles personally during normal business hours.

Sec.9-518. Vehicles to be towed to place designated by owner; coercion at scene of an accident prohibited.

The wrecker operator may tow the wrecked or disabled vehicles to the operator's place of business; provided, if the owner or agent of the wrecked or disabled vehicle pays or secures the towing charges, then the wrecker operator or crane operator shall pull the vehicle to any place within the City designated by such owner or agent. It shall be unlawful for the owner of a district wrecker, ~~his~~ his/her agent, employee or representative at the scene of any accident to high-pressure or otherwise to coerce or insist upon any owner of a wrecked or disabled vehicle to sign a work order or agreement at the scene of the accident for any repairs to be made on such wrecked or disabled vehicle.

Sec.9-519. Wreckers to go to scene of accident on call of police only.

It shall be unlawful for any district wrecker operator, or ~~his~~ his/her agent or representative, to go to any place where an accident has occurred unless called by the Police Department dispatcher. In any event, the wrecker shall clear with the police dispatcher before going to the accident scene. It shall be unlawful for the owner of any district wrecker,

or his his/her agent or representative, to go to the place of a wreck by reason of information received by shortwave or police radio.

Sec.9-520. Solicitation of towing work by operator, etc., of district wrecker prohibited.

A district wrecker operator shall not proceed to the scene of a disabled motor vehicle without having been requested or notified to do so, as provided in section 9-520 of this Code. Responding to a call upon notice from gas station attendants, taxicab drivers or unauthorized persons shall be considered a violation of this article; provided that, the provisions of this section shall not be operable during periods of snow emergencies proclaimed by the City.

Sec.9-521. Emergency towing and storage.

Whenever any police officer finds a vehicle standing upon any street or highway which constitutes a hazard to the safe movement of traffic along such street, or when the towing of such vehicle is otherwise permitted by this Code or other applicable law, the officer shall:

- (1) Notify the police dispatcher, who shall call the district wrecker having the class of wrecker necessary.
- (2) The district wrecker shall tow the wrecked or disabled motor vehicle in the manner and procedures as provided in this article; and
- (3) The district wrecker shall be entitled to recover any unpaid charges for towing and storage in accordance with Title 55, Chapter 16, Tennessee Code Annotated, "Unclaimed or Abandoned Vehicles."

Sec. 9-522. Fleet Service Contracts.

(a) Owners or operators of a fleet of vehicles may apply to the wrecker inspector to have their vehicles listed with the Police Department for the dispatch of a particular wrecker service in lieu of having the district wrecker respond to a wreck for a disabled vehicle. To defray the cost of establishing and maintaining this system, each applicant shall pay a fee of twenty dollars (\$20.00) with the original application and an additional twenty dollar (\$20.00) fee for each amendment thereafter. Such applications shall be accepted only from owners or operators having a right to directly control the use of the vehicle, and they shall not be accepted from auto repair facilities or leasing companies other than for vehicles directly used in such businesses.

(b) If an owner or operator of a fleet of vehicles has a request on file to notify a particular wrecker service, and the police officer on the scene is so notified, he he/she shall radio the dispatcher who shall notify the requested wrecker company, if the wrecker company meets the qualifications and response time set forth in this Ordinance to tow the type of vehicle to be towed, and to do so would not interfere with the public's health, safety or welfare. However, if the officer or dispatcher is notified of a particular wrecker service after a district wrecker has been dispatched, then the request for the particular wrecker service shall be denied, notwithstanding the fact that an application has been filed and the twenty (\$20.00) fee paid.

Sec. 9-523. Severability.

If any provision of this article is determined to be unenforceable or invalid, such determination will not affect the validity of the other provisions contained in this article. Failure to enforce any provision of this article does not affect the rights of the parties to

enforce such provision in another circumstance, nor does it affect the rights of the parties to enforce any other provision of this article at any time.

BE IT FURTHER ORDAINED that this Ordinance take effect immediately after its passage, the public welfare of the City requiring it.

Passed on first reading _____

Passed on second reading _____

Brent Lambert, Mayor

Attest:

J. Scott Miller, City Manager

Approved as to form:

Harold L. North, Jr., City Attorney

ORDINANCE NO. 1017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE AMENDING TITLE 9, CHAPTER 5, WRECKING AND TOWING SERVICES, BY DELETING THE PRESENT CHAPTER 5 IN ITS ENTIRETY AND SUBSTITUTING A NEW CHAPTER 5, WRECKING AND TOWING SERVICES

WHEREAS, recent changes in the law restrict the ability of municipalities to regulate wrecker and towing services; and

WHEREAS, municipalities may now only regulate those services that are directly related to the use within the City and enact regulations necessary for the orderly provision of services in the City.

NOW, THEREFORE, BE IT ORDAINED that Title 9, Chapter 5, Wrecking and Towing Services, in the City Code of the City of East Ridge is hereby amended by deleting the present section in its entirety and substituting in lieu thereof a new Chapter 5, Wrecking and Towing Services, to be in the words and phrases as follow:

CHAPTER 5

WRECKING AND TOWING SERVICES

SECTION

- 9-501. Purpose.
- 9-502. Definitions.
- 9-503. District Wrecker classifications.
- 9-504. Permit required.
- 9-505. City Manager.
- 9-506. Application.
- 9-507. Fees; Expiration Date and Renewal.
- 9-508. Investigation of applicant.
- 9-509. Issuance of License.
- 9-510. Revocation
- 9-511. Required equipment and standards.
- 9-512. Required storage facilities and procedures for district wreckers.
- 9-513. Notification required for vehicles held over thirty days.
- 9-514. Insurance.
- 9-515. Billing and charges for district wreckers.
- 9-516. Wrecker zones for district wreckers
- 9-517. Regulations for district wreckers.
- 9-518. Vehicles to be towed to place designated by owner; coercion at scene of accident prohibited.
- 9-519. Wreckers to go to scene of accident on call of police only.
- 9-520. Solicitation of towing work by operator, etc., of district wrecker prohibited.
- 9-521. Emergency towing and storage.

9-522. Fleet Service Contracts.

9-523. Severability.

Sec. 9-501. Purpose.

The purpose of this article is to establish regulations and procedures to license district wrecker operators who apply to remove wrecked or disabled vehicles at the request or call of the City Police Department or other departments of the City and to establish a rotation call list procedure for these operators.

Sec. 9-502. Definitions.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

District wrecker. All wrecker or towing operators licensed by the City under this article who qualify to be placed on the rotation call list to respond to requests for towing of vehicles made by the City as of the effective date of this Ordinance or later added as the needs of the City require it. As of the effective date of this Ordinance, there are three (3) District Wrecker Operators in the City, which is sufficient for the needs of the City. Of those three (3), one District Operator has a C Class Wrecker which meets the needs of the City. Any District Wrecker licensed as of the date of this ordinance may add a C Class Wrecker and be automatically added to the C Class district rotation. At no time may a District Wrecker Operator respond to a District Wrecker call wherein a C Class Wrecker is required as determined by the City of East Ridge or other agency if that District Wrecker operator does not own a C Class Wrecker as that term is defined in this Ordinance.

Inside storage. The storing of a motor vehicle within an enclosed building being used by the wrecker or towing operator at his/her place of business.

Normal business hours. The hours from 8:00 a.m. to 5:00 p.m. except Saturdays, Sundays, and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Outside storage. The storing of a motor vehicle within a lot or premises being used by the wrecker or towing operator as a place of business, but not inside storage as described above.

Wrecker inspector. That officer or employee of the City Police Department designated by the Police Chief as the person responsible for receiving applications, conducting investigations of proposed wrecker operators.

Wrecker or towing operator. Any person engaged in the business of, or offering the services of a wrecker or towing service to remove wrecked or disabled vehicles at the request or call of the City, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose.

Sec. 9-503. District Wrecker classifications.

(a) For purposes of this article, District wreckers are classified into three (3) classes, Class A, Class B and Class C with minimum requirements for each classification as follows:

(1) **Class A.** For towing passenger cars, pick-up trucks, small trailers, etc.

CHASSIS:

- A. Minimum GVWR 14,500 lbs.;
- B. Dual Rear Wheels
 - 1. Minimum 7.50 X 16
 - 2. Minimum 225 X 16
 - 3. Minimum Tread 8/32;
- C. Minimum 60 inch cab to axle;
- D. Present a professional outward appearance; and
- E. Fully functional drivers and passenger side mirrors.

WRECKER:

- A. Manufactured body, boom, and underlift;
- B. Minimum 60 inch cab to axle;
- C. Hydraulic recovery boom
 - 1. Minimum capacity 8 ton retracted
 - 2. Minimum capacity 4,000 LD extended
 - 3. Hydraulic elevation
 - 4. Hydraulic extension
- D. Dual Hydraulic 8,000 LB Winches
 - 1. Direct mount winch motors
 - 2. 6 X 19 3/8 inch cable
 - 3. 100 feet minimum of cable from winch
 - 4. Swidged thimbles (no clamps)
- E. Hydraulic Wheel Lift
 - 1. Hydraulic Elevation
 - 2. Hydraulic Extension
 - 3. 3,500 LB Capacity at full extension
 - 4. 7,500 LB Tow Rating
 - 5. Sound and operational tire restraint straps
 - 6. Safety chains OEM Spec's or %70 Grade 5/16 inch
- F. Operational Dollies
- G. Tow Sling w/J Hooks and chains
 - 1. Sling straps in sound working condition
 - 2. J Hooks and Chain in Sound WO
- H. Tow Lights w/Cord (Operational)
- I. Rotating Light Bar (Fully Operational)
- J. Work Lights (Operational)
- K. Trailer Ball Attachment
- L. Attachment or carrying straps for motorcycle

M. Safety Package

1. 5 LB Fire Extinguisher (charged & operational)
2. Shovel
3. Broom
4. Bucket
5. 2 3/8 inch X 10 Ft recovery chains (Not "J" Hooks sling chains) minimum
6. 5 Lbs oil dry
7. First Aid Kit

(2) **Class B.** For towing medium size trucks, trailers, etc.

CHASSIS:

- A. Minimum GVWR 25,500 LBS
- B. Dual Rear Wheel
 1. 8.25 X 22.5
 2. 265R X 22.5
 3. Minimum 8/32 tread all six tires
- C. Minimum cab to axle 108 inches
- D. Air Brakes
- E. Professional Outward Appearance
- F. Functional Drivers/Passenger Side Mirrors

WRECKER:

- A. Manufactured body, boom, and wheellift
- B. Boom capacity 16 Ton
- C. Hydraulically Powered Boom
 1. Hydraulic Elevation
 2. Hydraulic Extension
- D. Dual 16,000 LB Hydraulic Winches
 1. Direct Mount Hydraulic Motor
 2. 6 X 19 ½ inch cable
 3. 150 feet of cable from the winch
 4. Swidged Thimbles (No clamps)
- E. Hydraulic Wheellift
 1. Power elevation
 2. Power extension
 3. 8,000 Lb. capacity full extension
 4. 32,000 Lb. Tow Rating
 5. ½ inch OEM or T-70 Safety Chain Permanently Attached
- F. Medium Duty Truck Hitch w/ ½ in. chassis
- G. Rear Jacks or spades (Wheellift not acceptable)
- H. Tow Lights or Bar w/Cord (Operational)
- I. Rotating light bar (Fully Operational)
- J. Work Lights
 1. Upper Work Lights
 2. Lower Hook Up Lights
 3. All lights must be operational
- K. Tow Ball and/or Attachment

- L. Safety Package
 - 1. 5 Lb. Fire Extinguisher
 - 2. Shovel
 - 3. Broom
 - 4. Pry Bar
 - 5. Bucket
 - 6. 5 Lbs. Oil Dry
 - 7. Pair 3/8 in. X 10 ft. Chains minimum
 - 8. Pair 1/2 in. X 10 ft. Chains minimum
 - 9. First Aid Kit

(3) **Class C.** For towing large trucks, road tractors and trailers.

CHASSIS:

- A. Minimum GVWR 50,000 LBS.
- B. Tandem Axle
 - 1. 10 X 22.5 Minimum
 - 2. 285R X 22.5 Minimum
 - 3. 8/32 Tread minimum all ten (10) tires
- C. Minimum 156 Inch C.B.
- D. Air Brake
- E. Air Service Lines
- F. Professional Outward Appearance
- G. Functional Driver/Passenger Side Mirrors

WRECKER:

- A. Manufactured Body, Boom, and Underlift
- B. Boom capacity of 25 Ton
- C. Hydraulically Powered Boom
 - 1. Power Elevation
 - 2. Power Extension
- D. Dual Hydraulic 25,000 LB Winches
 - 1. Direct mount winch motors
 - 2. 6 X 19 5/8 inch cable minimum
 - 3. 200 ft. minimum from winch
 - 4. Swidged Thimbles (No clamps)
- E. Hydraulically Powered Underlift
 - 1. Power Elevation
 - 2. Power Extension
 - 3. 12,000 LB Capacity Full Extension
 - 4. 80,000 LB Tow Rating
 - 5. 5/8 OEM or A-80 Safety Chain
- F. Truck Hitches w/chains and/or Underlift Attachment
- G. Hydraulic Rear Jacks or Spades
- H. Tow Bar w/Cord
- I. Rotating Light Bar
- L. Air and Service Lines

- M. Work Lights
 - 1. Upper Work Lights
 - 2. Lower/Hookup Lights
 - 3. All Lights Operational
- N. Tow Ball and Pintal Hook Attachment
- O. Safety Package
 - 1. 5 LB Fire Extinguisher
 - 2. Broom
 - 3. Shovel
 - 4. Pry Bar
 - 5. Bucket
 - 6. 5 Lbs. Oil Dry
 - 7. 2 Pair of T70 X 10 FT minimum chain
 - 8. 1 Pair of A80 X 10 FT minimum chain
 - 9. First Aid Kit

Sec. 9-504. Permit required.

No person shall engage in the business of, or offer the services of, a district wrecker, whereby motor vehicles are, or may be towed or otherwise moved from one place to another by the use of a motor vehicle adapted for that purpose without having been issued a permit as provided by this article. Permits shall be issued for Class A through Class C wreckers as the vehicles meet the requirements of Section 9-503. Additionally, permits shall be granted for "district wreckers" as provided herein.

Sec. 9-505. City Manager.

(a) The City Manager shall approve, issue, revoke or suspend licenses consistent with the provisions of this chapter.

(b) The City Manager shall administer the provisions of this chapter through the Police Department and the inspector shall be the Police Chief or his/her designee.

(c) The action of the City Manager in granting or refusing a license or in revoking or suspending a license shall be final, except as such action shall be appealed within five (5) business days to the City Council by filing a written notice of appeal with the City Attorney at his office.

Sec. 9-506. Application.

(a) Any person desiring to obtain a district wrecker permit shall file with the Wrecker Inspector an application setting out, among other things, the following:

- (1) Name and address of the person desiring the license.
- (2) The location and full description of all property to be utilized in connection with the business, including tax parcel numbers and zoning of this property.
- (3) The number of wreckers or towing cars owned or available for use by the applicant and a full description of the wreckers sufficient to determine a proper classification under section 9-503.
- (4) A statement that all wreckers are properly equipped for the applicable classification set forth in section 9-503 and contain the required equipment set out in 9-503, and that all wreckers meet applicable State and Federal regulations.
- (5) A statement that the wrecker or towing operator will accept responsibility for any and all personal property left in towed or stored vehicles.

(6) A statement setting forth and describing available space including inside storage, if available, for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they had been disabled.

(7) A statement that the applicant will provide twenty-four (24) hour service, including holidays, and that he/she will have a qualified operator on duty at all times for each district wrecker location licensed hereunder.

(8) A statement that the wrecker or towing operator will not release any vehicles impounded by the City without authorization by the Police Department, that a file will be maintained on all vehicle release forms and that this file will be made available for police inspection upon request.

(9) Information to show that the applicant has had at least three (3) year's experience as a wrecker operator.

(10) An assurance that the applicant will maintain a minimum of one (1) properly equipped and operable wrecker throughout the year for which application is being made.

(11) Proof of insurance in accordance with Section 9-514.

(12) Information to show that the applicant has been in the wrecker business as a wrecker operator in the City of East Ridge for a period of three (3) years.

Sec. 9-507. Fees; Expiration Date and Renewal.

Any new applicant for a district wrecker permit under this article, except those who have been heretofore licensed under ordinances and procedures of the City in effect on the effective date of this Ordinance shall be charged an application and investigation fee of two hundred dollars (\$200.00) to cover the expense of investigating the applicant, the place of business, and the wreckers and equipment. The initial applications and permits hereunder for currently licensed wrecker operators shall be without an investigation fee other than the fifty dollar (\$50.00) annual fee. If an applicant changes his/her business location, or adds or substitutes a new or different wrecker, there shall be a supplemental investigation fee of one hundred dollars (\$100.00). Additionally, there shall be an annual license fee of fifty dollars (\$50.00) per wrecker licensed hereunder which shall be collected by the Finance Director upon granting an approved license or renewal license. All licenses shall expire on December 31st and applications for renewal shall be filed by November 30th of each year. Late applications for renewal will be considered in due course, but the applicant will not be privileged to operate such wreckers from December 31st until the renewal is approved by the wrecker board.

Sec.9-508. Investigation of Applicant.

The wrecker inspector shall investigate or cause to be investigated each applicant for a district wrecker permit under this article to determine whether or not the applicant has the necessary equipment and facilities to qualify as a district wrecker operator, and, if the applicant is qualified. The Wrecker Inspector shall report his/her findings to the Police Chief. The Police Chief shall direct or make such further investigation as he/she deems proper and grant or refuse a permit based upon other things the necessity and needs of additional District Wrecker operators within the City.

Sec.9-509. Issuance of License.

Every person qualified under this article shall be issued a permit by the Finance Director for each district wrecker approved by the City Manager or his/her designee, which permit shall at all times be kept with each wrecker. The permit shall bear a notation "district wrecker." Such permit shall have printed thereon the year for which it is valid.

Sec. 9-510. Revocation.

(a) The City Manager or his/her designee shall suspend or revoke the permit of any permittee on any of the following grounds:

(1) If the permit was procured by fraudulent conduct or false statement of a material fact or a material fact concerning the applicant which was not disclosed at the time of his making application that would have constituted just cause for refusing to issue the license.

(2) Failure of a district wrecker permittee to have an operable and properly equipped wrecker and qualified operator on duty at all times or to promptly respond to police calls.

(3) If the district wrecker permittee has knowingly overcharged or consistently overcharges.

(4) A violation of any provision of this article.

(5) If a district wrecker does not meet all applicable State and Federal regulations.

(6) The Police Chief may suspend or revoke a permit in his/her discretion for due cause not specified herein.

(b) Such suspension or revocation shall terminate all authority and permission granted by such district wrecker permit to the licensee. Any person whose permit has been revoked shall not be eligible to again apply for a district wrecker permit for a period of one (1) year from the date of such revocation.

Sec.9-511. Required equipment and standards.

In addition to the equipment required under the applicable district wrecker classifications set forth in section 9-504, all district wreckers shall have and maintain additional equipment and standards as follows:

(1) The following additional equipment is required:

a. At least one (1) heavy-duty push broom;

b. Flood lights on hoist to illuminate scene at night;

c. One (1) shovel;

d. A twenty (20) pound Class ABC Underwriter Laboratory approved fire extinguisher, a two and seven-tenths (2.7) pound Halon 1301/1211 fire extinguisher, or equivalent fire extinguisher adequately charged.

(2) The appearance of all district wreckers shall be reasonably good with equipment painted.

(3) All district wreckers shall display the firm's name, address and phone number. Such information shall be painted on or permanently affixed on both sides. Such lettering shall be at least three (3) inches high. Magnetic signs will not be permitted as a substitute.

(4) It is the responsibility of the district wrecker service to have equipment for removing glass and other debris from the highway accident scene and to remove such debris from the highway.

Sec.9-512. Required storage facilities and procedures for district wreckers.

District wreckers must provide proper storage facilities and procedures as follows:

(1) The wrecker operator shall provide a properly zoned (or lawful nonconforming use) fenced lot or building for proper and safe storage. Such lot for storage shall be located on the same property as the wrecker service or in close enough proximity to the wrecker service facility to permit the operator to visually observe the storage facility to

prevent vandalism or other loss or damage to vehicles and their contents. The fence shall be a minimum of six (6) feet high, constructed of chain-link fencing, lumber, or other material which will serve as a significant deterrent to unauthorized entry. The fencing shall be equipped with lockable gates, which shall be locked at all times when the storage facility is unattended. There shall be room to store at least ten (10) cars within the fenced lot. Class C operators shall additionally have room to store a minimum of one tractor and trailer within the fenced lot.

(2) Records of the vehicles towed and charges of tows from calls received from the City rotation list shall be maintained for at least one (1) year and shall be open for inspection by the City and the owner of any vehicle towed or his/her agent.

(3) All vehicles towed under the rotation call list provided for by this ordinance shall be stored inside a building or inside the fenced storage facility described above unless an authorization to do otherwise is obtained from the vehicle's owners.

(4) The wrecker service shall notify the registered owners and lienholders, within fifteen (15) days after any vehicle is towed pursuant to a request by any officer or official of the City of East Ridge, of the location of the stored vehicles and the costs of securing possession of the towed and stored vehicle. Any wrecker service that fails to comply with the notice provisions of this section shall only be entitled to receive the costs of towing the vehicle and the costs for storing the vehicle during the fifteen (15) day notice period. The City of East Ridge Police Department is hereby authorized to provide, upon written request, to the wrecker service company registration records on stored vehicles for the purposes of issuing the notice required by this section.

Sec.9-513. Notification required for vehicles held over thirty days.

The State Department of Revenue will be notified of all vehicles held over thirty (30) days, except when arrangements for longer storage are made by the owner, as required by Tennessee Code Annotated section 55-16-101.

Sec. 9-514. Insurance.

Before the Police Chief shall approve a district wrecker permit under this Article, including a renewal license, the applicant shall deposit with the wrecker inspector a certificate of an underwriter that the applicant has in force a policy or policies of insurance issued by an insurance company authorized to transact business in the state and has the minimum insurance coverage required by applicable State and Federal regulations and as follows:

(1) A general liability policy covering the operation of applicant's own business, equipment or vehicles for bodily injuries in the amount of two hundred fifty thousand dollars (\$250,000.00) for any one (1) person killed or injured, six hundred thousand dollars (\$600,000.00) for more than one (1) person killed or injured in any one accident and seventy-five thousand dollars (\$75,000.00) for all damage arising from injury to or destruction of property. All such policies shall include cargo or "on-hook" riders or otherwise protect the operator against such liability. All such policies shall include garage keeper's liability riders or otherwise protect the operator against liability for damage to towed or wrecked cars kept on the premises arising from fire, theft, or other casualty.

(2) All applicants shall provide a copy of such insurance policies with their application and shall provide copies of all renewals thereof to the Wrecker Inspector. The insurance policy shall be subject to approval by the City Attorney, or his designees, as to the minimum requirements contained herein. A certificate of insurance shall be

provided which contains an endorsement providing a minimum of ten (10) working days' notice in the event of a cancellation of the policy or an expiration of a policy without a copy of a renewal being provided to the Wrecker Inspector, any license issued hereunder shall be suspended until a new policy and certificate of insurance are provided.

Sec. 9-515. Billing and charges for district wreckers.

(a) All applicants for a district wrecker permit shall be subject to regulation as to billing and charges for any call from the Police Department referred to the district wrecker under the call rotation system as follows:

(1) The owner of a wrecker or towing car shall have prepared billheads with his/her name and the address of his/her place of business printed thereon. If requested by the owner of the disabled vehicle, the operator of the wrecker, before towing a disabled vehicle away, shall prepare a bill on his/her billhead form in duplicate, the original of which shall be given to the owner of the disabled vehicle or his/her authorized representative. This bill shall contain the following information:

- a. Name and address of person engaging towing car.
- b. State license number of disabled vehicle.
- c. Storage rates per day or part thereof.
- d. An estimate of the amount to be charged for towing which may thereafter only be adjusted for good cause. The printing of a schedule of fees on a billhead marked as to services rendered shall be sufficient for this purpose.

(2) The duplicate copy of the bill shall be retained by the wrecker or towing car owner for a period of one (1) year, and shall be subject to inspection by the wrecker inspector or his/her duly authorized representative.

(3) In the event the bill is for an amount more than the schedule of charges for routine services described in paragraph (4) below, then the bill shall contain an itemization of the number of worker-hours involved in the recovery and towing of the disabled vehicle, an itemization of the vehicle-hours involved, and any other special charges which cause the bill to be higher than the schedule of charges for routine services.

(4) The maximum charge for district wrecker calls shall be the same as the State of Tennessee Department of Safety charges, as the same may be amended from time to time.

All Licensed C Class operators must keep on file at their location, for a period of one (1) year, video documentation of the scene, and the conditions for which all additional charges are being billed pursuant to this ordinance. Video documentation shall consist of videotape, film, photographs, or other media which accurately depicts the scene and conditions as they actually appeared at the time of recovery.

No storage fee shall be charged by any district wrecker class if the vehicle is reclaimed by the owner within the first eight (8) hours. For every wrecker class, if more than one owner or employee per wrecker is of necessity assigned to assist in the recovery of the disabled vehicle, the normal hourly wage of the additional employee's adjusted fringe benefits can be made as an additional charge.

Sec.9-516. Wrecker zones for district wreckers.

The entire City of East Ridge shall be considered one zone. Any applicant for a district wrecker shall have its offices and storage facilities within the City. Police calls will be placed only to operators with District licenses and will be placed from a separate rotating call list for Class A, Class B and Class C wreckers. Class B wreckers may be listed on both

the "A" and "B" class list upon request. Class C wreckers may be listed on both Class "C" and Class "B" upon request.

Sec.9-517. Regulations for district wreckers.

A district wrecker permittee shall follow these procedures:

(1) No district wrecker permittee shall operate his/her business jointly with any other district wrecker permittee. Joint operation shall include common or joint use of any real or personal property as specified more fully in paragraph (19) below, or joint use of any employees as specified more fully in paragraph (20) below.

(2) No permittee shall directly or indirectly operate more than one (1) district wrecker. Indirect operation shall include common or joint use of any real or personal property as specified more fully in paragraph (19) below, or joint use of any employees as specified more fully in paragraph (20) below.

(3) All permittees are expected to be familiar and comply with the traffic laws of the City and the State, and abide by all provisions of this article.

(4) Permittees will be familiar with and abide by all provisions of this article.

(5) No permittee shall charge unreasonable rates for services rendered.

(6) Permittees shall be available for twenty-four (24) hour service with vehicles in proper operating condition and have a qualified operator on duty.

(7) Operators shall carry vehicles to any destination within the City at the owner's or operator's request when charges therefore have been prepaid.

(8) Permittees shall have a telephone number prominently posted for after-hours release of vehicles. The permittees may make an additional charge for releasing a vehicle other than during normal business hours except when the location is otherwise open for business.

(9) The Police Department may direct that a police impoundment be towed to a City lot at no additional charge.

(10) Amber lights are to be used in the immediate vicinity of a wreck and while towing a vehicle.

(11) All operators shall respond to a wreck within a reasonable time after being called, and except for exigent or unusual circumstances, a response must be made within thirty (30) minutes after the dispatch request is made to the wrecker operator. If the wrecker is engaged elsewhere, or for any reason the wrecker operator cannot reasonably expect to respond within thirty (30) minutes, it shall be the duty of the wrecker operator to so advise the Police Department and decline to accept the call whereupon the next wrecker operator on rotation shall be called. Class C wreckers shall be granted an additional fifteen (15) minutes to respond to a tow for a large truck, road tractor and trailers.

(12) No licensee shall refer or delegate police calls to other wrecker companies.

(13) No answering service, paging service or similar service or procedure may be used to forward a call to an owner or employee of the wrecker service during normal business hours. The operator may provide for an after-hours number which shall be provided to the wrecker inspector.

(14) The first wrecker operator at the scene shall tow the vehicle causing the greatest hazard as directed by the investigating police officer.

(15) No repairs or other additional services shall be performed except on request of the owner.

(16) An operator may accept a dispatch of more than one (1) wrecker only if qualified wreckers and operators are available within the time limits specified above.

(17) All district wrecker permittees shall file with the Wrecker Inspector a photocopy of a current operator's license for each employee authorized to operate a wrecker. The photocopy of any new operator's license shall be filed within ten (10) days following employment or renewal of the operator's license.

(18) No district wrecker permittee shall jointly use any real or personal property with any other district wrecker permittees except as provided herein. Real property shall be considered to be jointly used if it is used in any manner for the use or storage of any wrecker, wrecker equipment, or wrecked and disabled vehicles by two (2) or more permittees. Separate recorded parcels of real property shall be deemed to be one parcel of real property for purposes of this Ordinance if (1) the parcels have any common boundaries; (2) the boundaries of the parcels are separated only by a public street, alley, or private driveway; or (3) a common parcel of property as described above was subdivided, sold, leased, rented, or in any manner divided or conveyed on or after the effective date of the Ordinance by the owner of such property to create separate parcels. No district wrecker permittee shall use any wrecker, equipment or other personal property owned by another district wrecker permittee, excluding bona-fide lease or rental contracts for a term of thirty (30) days or more except upon a written lease or rental agreement supported by fair market consideration. A copy of any such lease or rental contract shall be filed with the Wrecker Inspector within thirty (30) days of the vehicle first being used on district wrecker calls. District wrecker permits issued prior to September 1, 1989, may be renewed without regard to the requirement for separate recorded parcels of real property and operated notwithstanding the provisions of paragraphs 1 and 2 of this section.

(19) Each district wrecker operator shall regularly employ at least two primary operators for each location permitted under this Article, who shall be employed forty (40) hours per week during normal working hours or a normal work week, if the permittee's normal work week for employees is less than forty (40) hours. A photocopy of the primary operator's Commercial Driver's License (CDL) or commercial motor vehicle license shall be submitted to the Wrecker Inspector within ten (10) days following their employment and the operator shall keep the Wrecker Inspector advised of any changes in employment of such operators within ten (10) days. The same person can not be qualified to act as the primary operator for more than one district wrecker permittee. Nothing herein shall prevent a primary operator of one permittee to act as a part time operator for another permittee. The owner(s) may qualify as a primary operator(s) providing that he/she regularly operates the wrecker and responds to wrecks or disabled vehicles personally during normal business hours.

Sec.9-518. Vehicles to be towed to place designated by owner; coercion at scene of an accident prohibited.

The wrecker operator may tow the wrecked or disabled vehicles to the operator's place of business; provided, if the owner or agent of the wrecked or disabled vehicle pays or secures the towing charges, then the wrecker operator or crane operator shall pull the vehicle to any place within the City designated by such owner or agent. It shall be unlawful for the owner of a district wrecker, his/her agent, employee or representative at the scene of any accident to high-pressure or otherwise to coerce or insist upon any owner of a wrecked or disabled vehicle to sign a work order or agreement at the scene of the accident for any repairs to be made on such wrecked or disabled vehicle.

Sec.9-519. Wreckers to go to scene of accident on call of police only.

It shall be unlawful for any district wrecker operator, or his/her agent or representative, to go to any place where an accident has occurred unless called by the Police Department dispatcher. In any event, the wrecker shall clear with the police dispatcher before going to the accident scene. It shall be unlawful for the owner of any district wrecker, or his/her agent or representative, to go to the place of a wreck by reason of information received by shortwave or police radio.

Sec.9-520. Solicitation of towing work by operator, etc., of district wrecker prohibited.

A district wrecker operator shall not proceed to the scene of a disabled motor vehicle without having been requested or notified to do so, as provided in section 9-520 of this Code. Responding to a call upon notice from gas station attendants, taxicab drivers or unauthorized persons shall be considered a violation of this article; provided that, the provisions of this section shall not be operable during periods of snow emergencies proclaimed by the City.

Sec.9-521. Emergency towing and storage.

Whenever any police officer finds a vehicle standing upon any street or highway which constitutes a hazard to the safe movement of traffic along such street, or when the towing of such vehicle is otherwise permitted by this Code or other applicable law, the officer shall:

- (1) Notify the police dispatcher, who shall call the district wrecker having the class of wrecker necessary.
- (2) The district wrecker shall tow the wrecked or disabled motor vehicle in the manner and procedures as provided in this article; and
- (3) The district wrecker shall be entitled to recover any unpaid charges for towing and storage in accordance with Title 55, Chapter 16, Tennessee Code Annotated, "Unclaimed or Abandoned Vehicles."

Sec. 9-522. Fleet Service Contracts.

(a) Owners or operators of a fleet of vehicles may apply to the wrecker inspector to have their vehicles listed with the Police Department for the dispatch of a particular wrecker service in lieu of having the district wrecker respond to a wreck for a disabled vehicle. To defray the cost of establishing and maintaining this system, each applicant shall pay a fee of twenty dollars (\$20.00) with the original application and an additional twenty dollar (\$20.00) fee for each amendment thereafter. Such applications shall be accepted only from owners or operators having a right to directly control the use of the vehicle, and they shall not be accepted from auto repair facilities or leasing companies other than for vehicles directly used in such businesses.

(b) If an owner or operator of a fleet of vehicles has a request on file to notify a particular wrecker service, and the police officer on the scene is so notified, he/she shall radio the dispatcher who shall notify the requested wrecker company, if the wrecker company meets the qualifications and response time set forth in this Ordinance to tow the type of vehicle to be towed, and to do so would not interfere with the public's health, safety or welfare. However, if the officer or dispatcher is notified of a particular wrecker service after a district wrecker has been dispatched, then the request for the particular wrecker service shall be denied, notwithstanding the fact that an application has been filed and the twenty (\$20.00) fee paid.

Sec. 9-523. Severability.

If any provision of this article is determined to be unenforceable or invalid, such determination will not affect the validity of the other provisions contained in this article. Failure to enforce any provision of this article does not affect the rights of the parties to enforce such provision in another circumstance, nor does it affect the rights of the parties to enforce any other provision of this article at any time.

BE IT FURTHER ORDAINED that this Ordinance take effect immediately after its passage, the public welfare of the City requiring it.

Passed on first reading _____

Passed on second reading _____

Brent Lambert, Mayor

Attest:

J. Scott Miller, City Manager

Approved as to form:

Harold L. North, Jr., City Attorney

BRENT LAMBERT
Mayor

LARRY SEWELL
Councilmember

J. SCOTT MILLER
City Manager



MARC GRAVITT
Vice Mayor

DENNY MANNING
Councilmember

JACKY CAGLE
Councilmember

City of East Ridge

1517 Tombras Avenue
East Ridge, Tennessee 37412
(423) 867-7711

MEMORANDUM

TO: Mayor & City Council
City Manager

FROM: Diane Qualls

SUBJECT: **Ordinance #1018**

DATE: September 19, 2016

Per TCA 6-56-208 which states "Except as otherwise restricted by law, the governing body may amend the budget document in the same manner as any other ordinance may be amended." I am submitting for your review Ordinance #1018 which amends the FY 2017 budget for the following reasons:

Grant Fund

The Walmart Foundation Grants have been removed as the award stayed the same and did not increase. The City was also awarded the CMAQ grant (Congestion Mitigation and Air Quality) for the purchase of a new Knuckle boom. The award is for \$132,000 with the City's match of \$33,000. This is reflected in the expenditure line item for \$165,000. Resolution # 2585 was approved to apply and accept the Maddie's Fund Innovation Grant in the amount of \$5,000.

Drug Fund

Drug fine revenue were increase from \$3,000 to \$13,000 to offset the additional costs for equipment to be purchased from the Drug Fund. In FY 2016 the court collected over \$20,000 in drug fines.

Resolution #2587 directed that \$11,301.95 was to be used from the Drug Fund to help offset the costs of the 5 video systems for the new police cars that were approved for purchase on Resolution # 2586. The Council also approved the purchase of 16 tasers using the Drug Fund at a cost of \$22,345.28.

ORDINANCE NO. 1018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, TO AMEND ORDINANCE NO. 1013 ENTITLED “AN ORDINANCE TO PROVIDE REVENUE FOR THE CITY OF EAST RIDGE, TENNESSEE FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 APPROPRIATING THE SAME TO THE PAYMENT OF EXPENSES OF THE MUNICIPAL GOVERNMENT . . .” BY CHANGING THE REVENUES OF THE GRANT FUND AND DRUG FUND AND BY CHANGING THE EXPENDITURES OF THE GRANT FUND AND DRUG FUND

WHEREAS, Ordinance No. 1013 provided for the revenue for the City of East Ridge, Tennessee, for the fiscal year July 1, 2016 to June 30, 2017 and appropriated such revenue for the payment of expenses of the municipal government and made certain other provisions with respect to the financial operation of the City of East Ridge, and

WHEREAS, it is necessary and appropriate that said Ordinance No. 1013 be amended by changing the revenues of the Grant Fund and Drug Fund and by changing the expenditures of the Grant Fund and Drug Fund.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE that Ordinance No. 1013 is and the same hereby is amended as follows:

Grant Fund	Original Budget	Amendment	Final
Revenue			
CMAQ Grant	0	132,000	132,000
Mattie’s Fund	0	5,000	5,000
Total Budget	3,290,053	137,000	3,427,053
Expenditures			
CMAQ – Knuckle Boom	0	165,000	165,000
Mattie’s Fund	0	5,000	5,000
Total Budget (Amended)	3,240,188	170,000	3,410,188

Drug Fund			
Revenue			
Drug Fines	3,000	10,000	13,000
Total Budget (Amended)	28,000	10,000	38,000
Expenditures			
Machinery/Equipment	6,000	17,000	23,000
Transportation Equipment	20,000	-8,000	12,000
Total Budget (Amended)	28,000	9,000	37,000

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately after its passage, the public welfare of the City requiring it.

Passed on first reading _____

Passed on second reading _____

Brent Lambert, Mayor

ATTEST:

J. Scott Miller, City Manager

APPROVED AS TO FORM:

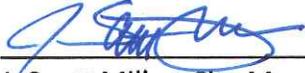
Harold L. North, Jr., City Attorney

AGENDA MEMORANDUM

HOURS OF OPERATION FOR CONSTRUCTION PROJECTS

September 22, 2016

Submitted By:



J. Scott Miller, City Manager

SUBJECT:

At the regular business meeting of September 8, 2016 the City Council approved Ordinance No. 1019 on first reading governing the hours of operation for exterior construction projects in the City; specifically, amending Chapter 3, Section 11-302(1)(h) to allow exterior work between the hours of 7:00 am and 6:00 pm on weekdays and Saturdays, and between the hours of 9:00 am and 6:00 pm on Sundays. Further, no exterior work shall be allowed on the following holidays: Independence Day, Labor Day, Memorial Day, Easter Day, Thanksgiving Day, and Christmas Day. The Building Official possesses the authority in said section to grant permission to the party to work outside of the stated hours and on the aforementioned holidays.

This ordinance is before the City Council at the September 22nd regular business meeting for consideration of approval/adoption on second reading.

Attachment

JSM/

ORDINANCE NO. 1019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE AMENDING TITLE 11, MUNICIPAL OFFENSES, CHAPTER 3, OFFENSES AGAINST THE PEACE AND QUIET SECTION 11-302 (1) (h) BUILDING OPERATIONS, BY DELETING SECTION 11-302 (1) (h) IN ITS ENTIRETY AND CREATING A NEW SECTION 11-302 (1) (h)

WHEREAS, in order to guarantee the peace and quiet of the citizens of the City of East Ridge, it is necessary and desirable to amend Title 11, Chapter 3, Section 11-302 (1) (h) of the City Code of the City relative to the hours of outdoor construction.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of East Ridge, Tennessee that Title 11, Chapter 3, Section 11-302 (1) (h) be amended by deleting Section 11-302 (1) (h) in its entirety and adding a new Section 11-302 (1) (h) as follows:

11-302 (1) (h). Building Operations. The erection, excavation, demolition, exterior alteration, or exterior repair of any building in any residential area or section, or the construction, excavation, or repair of streets or highways in any residential area or section, shall only be permitted between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays, or between the hours of 9:00 a.m. and 6:00 p.m. on Sundays, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Official granted for a period while the urgent necessity continues not to exceed thirty (30) days.

If the Building Official should determine that the public health and safety will not be impaired by the erection, excavation, demolition, exterior alteration, or exterior repair of any building, or by the construction, excavation, or repair of streets or highways outside of the times permitted hereinabove, and if he/she shall further determine that loss or inconvenience would result to any party in interest through delay, he/she may grant permission for such work to be done outside the times permitted hereinabove upon application being made at the time the permit for the work is granted or during the process of the work.

The work described hereinabove shall not be allowed on the following holidays without said permit granted by the Building Official: Independence Day, Labor Day, Memorial Day, Easter Day, Thanksgiving Day, and Christmas Day.

BE IT FURTHER ORDAINED, that this Ordinance take effect immediately after its passage, the public welfare of the City requiring it.

Passed first reading _____, 2016

Passed second reading _____, 2016

Brent Lambert, Mayor

Attest:

J. Scott Miller, City Manager

Approved as to form:

Harold L. North, Jr., City Attorney

AGENDA MEMORANDUM

LOTTERY RULES for
Placement of Tents on City Property (Election Poll)

Submitted By:



J. Scott Miller, City Manager

SUBJECT:

At the regular business meeting of September 8, 2016 the City Council briefly discussed the draft lottery rules for the placement of tents on City property (Election Poll), and requested that this item be placed on the September 22, 2016 meeting in order to give them time to review them.

The draft lottery rules were drawn up by the City Manager's Office based on the suggestions made by the City Council Members at the August 25, 2016 regular business meeting.

Attachment

JSM/

LOTTERY RULES
For
Placement of Tents on City Property (Election Poll)
City Hall and Recreation Center

- There shall be twelve (12) tent sites marked off (12 ft. x 12 ft.) in the front yards of City Hall and the Recreation Center (the Election Poll).
- A lottery shall be held seven (7) days prior to the election date at noon at City Hall.
- The drawing shall be conducted by the City Recorder.
- The first name drawn shall have the opportunity to select the site they desire to locate their tent; the second name drawn shall have the opportunity to select the site they desire to locate their tent; and so on until the last name is read.
- The candidates shall be allowed to set up their tents on their designated location sites (determined by the lottery) no more than 24 hours prior to the opening of the polls on election day; and further, the tents must be removed with 24 hours following the election date.

BRENT LAMBERT
Mayor

LARRY SEWELL
Councilmember

J. SCOTT MILLER
City Manager



MARC GRAVITT
Vice Mayor

DENNY MANNING
Councilmember

JACKY CAGLE
Councilmember

City of East Ridge

*1517 Tombras Avenue
East Ridge, Tennessee 37412
(423) 867~7711*

MEMORANDUM

TO: Mayor Brent Lambert
City Council
City Manager

FROM: Kenny Custer

SUBJECT: Rezoning of 1016 Greenslake Road

DATE: September 19, 2016

Richard Boyd has applied for rezoning of the property at 1016 Greenslake Road from C-2 General Commercial District to R-3 Residential Apartment District, Tax Map 168E-N-016. The purpose of the rezoning is to bring the existing apartments into zoning compliance. The East Ridge Planning Commission approved the request on August 22, 2016 with the condition that a barrier be constructed between Mr. Boyd's property and adjoining properties.

I recommend approval of the rezoning.

ORDINANCE NO. 1020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, TO AMEND THE ZONING REGULATIONS AND THE ZONING MAP OF THE CITY OF EAST RIDGE, TENNESSEE TO REZONE THE PROPERTY LOCATED AT 1016 GREENSLAKE ROAD FROM C-2 GENERAL COMMERCIAL DISTRICT TO R-3 RESIDENTIAL APARTMENT DISTRICT, TAX MAP 168E-N-016

WHEREAS, on August 22, 2016, Richard Boyd petitioned the East Ridge Planning Commission to recommend to the Mayor and Councilmembers of the City of East Ridge, Tennessee, the rezoning of the property located at 1016 Greenslake Road from C-2 General Commercial District to R-3 Residential Apartment District, Tax Map 168E-N-016, more particularly described as follows:

Lot 3, Eugene Edward Lew Senior Property, Plat Book 40, Page 86, ROHC, Deed Book 7810, Page 629, ROHC. Tax Map 168E-N-016

WHEREAS, the East Ridge Planning Commission held a public hearing on this petition on August 22, 2016, where they reviewed the rezoning request and heard and considered all statements concerning the petition; and

WHEREAS, the East Ridge Planning Commission considered the rezoning in keeping with the land use pattern of the surrounding area and saw no negative impact to surrounding areas; and

WHEREAS, the East Ridge Planning Commission approved the rezoning petition on August 22, 2016, with the following conditions:

- a. Property owner will install a barrier between his property and adjoining properties.

WHEREAS, the applicant has properly advertised in a paper of general circulation in the City of East Ridge that they will make application to the City Council of the City of East Ridge to approve the recommendation of the East Ridge Planning Commission; and

WHEREAS, notices of the hearing before the City Council of the City of East Ridge have been served upon all property owners in the City within a distance of 300 feet from the affected property; and

WHEREAS, the East Ridge City Council held a public hearing on September 22, 2016, at which time all interested parties were given an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, as follows:

Section 1. That the zoning regulations and the zoning map of the City of East Ridge, Tennessee, be and the same hereby are amended to rezone the property located at 1016

Greenslake Road from C-2 General Commercial District to R-3 Residential Apartment District, Tax Map 168E-N-016, more particularly described as follows:

Lot 3, Eugene Edward Lew Senior Property, Plat Book 40, Page 86, ROHC, Deed Book 7810, Page 629, ROHC. Tax Map 168E-N-016

Section 2. That approval of this ordinance will be subject to the following conditions:

- a. Property owner will install a barrier between his property and adjoining properties.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately after its passage, the public welfare of the City requiring it.

Passed on First Reading _____, 2016

Passed on Second Reading _____, 2016

Brent Lambert, Mayor

ATTEST:

J. Scott Miller, City Manager

APPROVED AS TO FORM:

Harold L. North, Jr., City Attorney

BRENT LAMBERT
Mayor

LARRY SEWELL
Councilmember

J. SCOTT MILLER
City Manager



MARC GRAVITT
Vice Mayor

DENNY MANNING
Councilmember

JACKY CAGLE
Councilmember

City of East Ridge

*1517 Tombras Avenue
East Ridge, Tennessee 37412
(423) 867-7711*

MEMO

TO: Mayor and Council; City Manager Miller

FROM: Amanda C. Miller, Community Involvement Coordinator

DATE: September 8, 2016

RE: **Transportation Alternatives Program Grant**

The City applied for funds to continue our sidewalk and multimodal paths program along Ringgold Road at the section of Moore Road and Tombras Avenue through the Transportation Alternatives Program for the past two years. This year we would like to reapply in order to continue making progress on the multimodal sidewalk program. The amount we would apply for will be roughly \$1,000,000.00. The City will be obligated to fund the PE-NEPA, PE-Design and Right-Of-Way costs for the project. The grant is an 80/20 match on the construction portion of the project.

This grant will cover the portion of Ringgold Road from John Ross Road West until Kingwood Drive, with a 10-foot multimodal path on the South-side of Ringgold Road and a 5-foot path on the North-side of Ringgold Road, consistent with the other phases of the 41-Highway Corridor project. We will be working with Southeast Tennessee Development District (SETDD) to create the application for this grant at no cost to the City.

Please let me know if you have any questions. Thank you for your consideration.

RESOLUTION NO 2591

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF EAST RIDGE, TENNESSEE,
APPROVING THE APPLICATION FOR AND
ACCEPTANCE OF THE FY 2017 TENNESSEE
DEPARTMENT OF TRANSPORTATION'S
TRANSPORTATION ALTERNATIVES GRANT**

WHEREAS, the East Ridge City Council desires to create and maintain roadways and pathways within the city limits; and

WHEREAS, the City of East Ridge strives to be a good steward of taxpayer dollars by searching for grant opportunities that coincide with this desire ; and

WHEREAS, the City of East Ridge is eligible to receive an 80/20 matching grant for the Transportation Alternatives Grant Program through the Tennessee Department of Transportation ("TDOT").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, that either the Mayor, City Manager or his designees are authorized to execute such a document as may be necessary with regard to an application for and acceptance of a TDOT Transportation Alternatives grant, for a multi-purpose path along Ringgold Road, traveling West from John Ross Road to Kingwood Drive, at total project cost of up to \$650,000.

BE IT FURTHER RESOLVED that the City of East Ridge agrees to provide the matching amount through a cash match.

BE IT FURTHER RESOLVED that the East Ridge City Council fully supports this project, and is committed to completing the project within the designated time frame.

BE IT FURTHER AND FINALLY RESOLVED that this Resolution take effect immediately after its passage, the public welfare of the City requiring it.

This resolution is adopted on this _____ day of _____ 2016.

Brent Lambert, Mayor

Attest:

J. Scott Miller, City Manager

Approved as to Form:

Harold L. North, Jr., City Attorney

BRENT LAMBERT
Mayor

LARRY SEWELL
Councilmember

J. SCOTT MILLER
City Manager



MARC GRAVITT
Vice Mayor

DENNY MANNING
Councilmember

JACKY CAGLE
Councilmember

City of East Ridge

*1517 Tombras Avenue
East Ridge, Tennessee 37412
(423) 867-7711*

MEMO

TO: Mayor and Council; City Manager Miller

FROM: Amanda C. Miller, Community Involvement Coordinator

DATE: September 8, 2016

RE: **Animal Control Grant – Lil BUB’s Big Fund for the ASPCA**

I have been researching grants that will help with various aspects of operations at the Animal Shelter. This particular grant fund, Lil BUB’s Big Fund for the ASPCA, will give up to \$2,500 for shelters to provide special care for dogs and cats with special needs. After speaking with Andrea Dillard, Supervisor of Animal Services, she would like to utilize those funds to help any animal that the shelter receives that is deemed to have special needs, which could range from medical needs, physical and behavioral rehabilitation in order to get those animals adopted rather than having to euthanize them.

Even though the shelter may not receive many special needs animals, it would be good practice to have a program and/or plan in place and the funds available to help those animals when they do end up at the shelter. These funds could pay for things like special prosthesis or wheel chairs for paralyzed or amputee pets, behavioral rehabilitation for pets that may have anxieties or other issues and a host of other programs or items that will help these special need pets.

Please let me know if you have any questions. Thank you for your consideration.

RESOLUTION NO. 2592

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (ASPCA): LIL BUB'S BIG FUND FOR THE ASPCA – FY 2016 GRANT PROGRAM

WHEREAS, the safety and well being of animals in the City of East Ridge is of great importance; and

WHEREAS, the City acknowledges that all reasonable efforts should be made to provide a safe and healthy environment for these animals at the East Ridge Animal Shelter; and

WHEREAS, the Lil BUB's Big Fund for the ASPCA Grant Program seeks to fund shelters in order to provide special care for dogs and cats with special needs in order to enhance their adoption; and

WHEREAS, the City of East Ridge now seeks to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, as follows:

Section 1. The City of East Ridge is hereby authorized to submit an application for the Lil BUB's Big Fund for the ASPCA Grant Program for \$2,500.00.

Section 2. The City of East Ridge will use this 100% grant to provide medical, behavioral rehabilitation, enrichment opportunities and adoption promotion, for as many of these animals as possible.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after its passage, the public welfare of the City requiring it.

This resolution is adopted on this _____ day of _____ 2016.

Brent Lambert, Mayor

ATTEST:

J. Scott Miller, City Manager

APPROVED AS TO FORM:

Harold L. North, Jr., City Attorney

BRENT LAMBERT
Mayor

LARRY SEWELL
Councilmember

J. SCOTT MILLER
City Manager



MARC GRAVITT
Vice Mayor

DENNY MANNING
Councilmember

JACKY CAGLE
Councilmember

City of East Ridge

*1517 Tombras Avenue
East Ridge, Tennessee 37412
(423) 867-7711*

AGENDA MEMORANDUM

TO: Mayor and Council
City Manager

FROM: MELVIN PETTY, SANITATION SUPERVISOR

SUBJECT: KNUCKLEBOOM BIDS

DATE: SEPTEMBER 22, 2016

ON SEPTEMBER 19, 2016 BIDS WERE OPENED FOR A NEW KNUCKLEBOOM. WE HAD 3 BIDS AS FOLLOWS:

1. LEE SMITH STRINGFELLOW	\$124,108.00
2. WORLDWIDE EQUIPMENT	\$126,688.00
3. LEE SMITH CMI	\$134,017.00

STAFF RECOMMENDS WE ACCEPT THE LOW BID FROM LEE SMITH/ STRINGFELLOW AT \$124,108.00. THIS IS A PAC MAC BODY ON AN INTERNATIONAL CHASSIS WITH CUMMINS ENGINE. THIS IS AN 80/20 GRANT PAID THROUGH THE CLEAN ENERGY GRANT.

RESOLUTION NO. 2593

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, AWARDING A BID FOR THE PURCHASE OF ONE HEAVY DUTY TRASH/BRUSH LOADER, BULK TRASH/JUNK BODY, MOUNTED ON A NEW TRUCK AND CHASSIS (KNUCKLEBOOM)

WHEREAS, on September 8, 2016, the City of East Ridge advertised for bids for the purchase of one heavy duty trash/brush loader, bulk trash/junk body, mounted on a new truck and chassis (knuckleboom); and

WHEREAS, sealed bids were opened and publicly read on September 19, 2016, beginning at 10:30 a.m. at East Ridge City Hall; and,

WHEREAS, City staff has maintained a file with all bids received by various vendors; and,

WHEREAS, after review of the bids submitted, City staff recommends the bid for the heavy duty trash/brush loader, bulk trash/junk body, mounted on a new truck & chassis (knuckleboom) be awarded to _____, in the amount of \$ _____.

WHEREAS, the heavy duty trash/brush loader, bulk trash/junk body, mounted on a new truck & chassis (knuckleboom) will be funded as follows:

- 80% funded through the Clean Energy Grant
- 20% match from the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE that the bid for the heavy duty trash/brush loader, bulk trash/junk body, mounted on a new truck & chassis (knuckleboom) be awarded to _____, in the amount of \$ _____.

BE IT FURTHER RESOLVED, that the heavy duty trash/brush loader, bulk trash/junk body, mounted on a new truck and chassis (knuckleboom) will be funded as follows:

- 80% funded through the Clean Energy Grant
- 20% match from the City.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, the public welfare of the City requiring it.

Adopted this _____ day of _____, 2016.

Brent Lambert, Mayor

Attest:

J. Scott Miller, City Manager

Approved as to Form:

Harold L. North, Jr., City Attorney



**323 Camp Jordan Parkway
East Ridge, TN 37412
(423) 490-0078**

AGENDA MEMORANDUM

To: Mayor and City Council- City Manager

From: Stump Martin- Parks & Recreation

Subject: Indoor Turf- for Indoor Soccer

Date: September 16, 2016

**Soccer Turf for Camp Jordan Arena was bid out and bids opened on September 12, 2016 @ 2:00pm
The bids are as follows:**

Shaw Carpet:	Option 1	\$ 131,654
	Option 2	\$ 163,821- orange
	Trade In	(\$ 000,00)
AstroTurf:	Option 1	\$ 97,034
	Option 2	\$ 99,060
	Trade In	(\$ 4,000)
Usher & Miller:	Option 1	\$ 78,000
	Trade In	(\$10,000)
Controlled Products:	Option 1	\$ 68,164
	Option 2	\$ 76,535
	Option 3	\$ 63,147
	Option 4	\$ 65,235
	Trade In	(\$ 10,000)

- Option 1 Green Turf w/ White Lines**
- Option 2 Colored Turf w/lines**
- Option 3 Green Turf w/Sporturf Logo**
- Option 4 Colored Turf w/Sporturf Logo**

After careful review of these bids Stump Martin request the acceptance of: Controlled Products: option 3 or 4 bid.

RESOLUTION NO. 2594

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING A BID FOR NEW ARTIFICIAL SPORTS TURF FOR THE INDOOR SOCCER COURTS AT CAMP JORDAN ARENA

WHEREAS, on September 2, 2016, the City of East Ridge advertised for sealed bids for new artificial sports turf for the indoor soccer courts at Camp Jordan Arena; and

WHEREAS, sealed bids were opened and publicly read on September 12, 2016, beginning at 2:00 pm., at East Ridge City Hall; and

WHEREAS, City staff has maintained a file containing the bids received from the vendors; and

WHEREAS, after review of the bids submitted, City staff recommends the bid for new artificial sports turf for Camp Jordan Arena be accepted from _____ in the amount of \$ _____.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, that the bid for new artificial sports turf for Camp Jordan Arena be accepted from _____ in the amount of \$ _____.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately after its passage, the public welfare of the City requiring it.

Adopted this _____ day of _____, 2016

Brent Lambert, Mayor

Attest:

J. Scott Miller, City Manager

Approved as to Form:

Harold L. North, Jr., City Attorney



Mike Williams
Fire Chief
Fire Rescue

MEMORANDUM

To: Mayor, Council and City Manager
From: Mike Williams Fire Chief
Date: 9-19-2016
Reference: Resolution No: 2595 - Fire Department BIDS for Air Packs
CC: Janet Middleton

I am requesting that the East Ridge City council accept the only BID for fire department SCBA, air packs.

EVS was the only vendor to BID on this item.

BID amount was \$ 49,625.43
Items were budgeted at \$ 52,000.00.

I recommend that the only BID be accepted at \$ 49,625.43

RESOLUTION NO. 2595

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF EAST RIDGE, TENNESSEE, APPROVING A
BID FOR SCBA AIRPACKS FOR THE EAST RIDGE
FIRE RESCUE DEPARTMENT**

WHEREAS, on September 8, 2016, the City of East Ridge advertised for sealed bids for SCBA Airpacks for the Fire Rescue Department; and

WHEREAS, sealed bids were opened and publicly read on September 19, 2016, beginning at 11:30 a.m., at East Ridge City Hall; and

WHEREAS, City staff has maintained a file containing the bids received from the vendors; and

WHEREAS, after review of the bids submitted, City staff recommends the bid for SCBA Airpacks be awarded to _____ for the purchase of eight (8) SCBA Airpacks in the amount of \$ _____.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, that the bid for SCBA Airpacks be awarded to _____ for the purchase of eight (8) SCBA Airpacks in the amount of \$ _____..

BE IT FURTHER RESOLVED that this resolution shall take effect immediately after its passage, the public welfare of the City requiring it.

Adopted this _____ day of _____, 2016

Brent Lambert, Mayor

Attest:

J. Scott Miller, City Manager

Approved as to Form:

Harold L. North, Jr., City Attorney



Mike Williams
Fire Chief
Fire Rescue

MEMORANDUM

To: Mayor, Council and City Manager
From: Mike Williams Fire Chief
Date: 9-19-2016
Reference: Resolution No: 2596 - Fire Department BIDS for Radios
CC: Janet Middleton

I am requesting that the East Ridge City council accept the only BID for fire department Radios.

Motorola Solutions was the only vendor to BID on this item.

BID amount was \$ 26,307.84

Items were budgeted at \$ 31,200.00.

I recommend that the only BID be accepted at \$ 26,307.84

RESOLUTION NO. 2596

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, APPROVING A BID FOR SIX (6) PORTABLE RADIOS FOR THE EAST RIDGE FIRE RESCUE DEPARTMENT

WHEREAS, on September 8, 2016, the City of East Ridge advertised for sealed bids for six (6) Portable Radios for the Fire Rescue Department; and

WHEREAS, sealed bids were opened and publicly read on September 19, 2016, beginning at 11:00 a.m., at East Ridge City Hall; and

WHEREAS, City staff has maintained a file containing the bids received from the vendors; and

WHEREAS, after review of the bids submitted, City staff recommends the bid for the purchase of six (6) Portable Radios be awarded to _____ in the amount of \$ _____.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST RIDGE, TENNESSEE, that the bid for the purchase of six (6) Portable Radios be awarded to _____ in the amount of \$ _____.

BE IT FURTHER AND RESOLVED that this resolution shall take effect immediately after its passage, the public welfare of the City requiring it.

Adopted this _____ day of _____, 2016

Brent Lambert, Mayor

Attest:

J. Scott Miller, City Manager

Approved as to Form:

Harold L. North, Jr., City Attorney



**323 Camp Jordan Parkway
East Ridge, TN 37412
(423) 490-0078**

AGENDA MEMORANDUM

To: Mayor and City Council & City Manager

From: Stump Martin

Subject: Fence- located Camp Jordan Road and Camp Jordan Park

Date: September 19, 2016

Removing & replacing the border fence- Camp Jordan Park & Camp Jordan Road.

City staff will remove old fence

Installation of new fence- Faithful Fence – cost \$2,000.00

Replacement fence cost \$7,407.01 (Black-color, fuse bonded fence, commercial grade)

Director Martin recommends the above be approved.



**323 Camp Jordan Parkway
East Ridge, TN 37412
(423) 490-0078**

AGENDA MEMORANDUM

To: Mayor and City Council & City Manager

From: Stump Martin

Subject: Trunk-R-Treat

Date: September 19, 2016

Optimist Club request permission to use Pioneer Frontier & Community Center Parking Lot

To have a Trunk-R-Treat – Halloween Saturday October 29, 2016

Time: 3:00pm- 9:00pm

Director Martin recommends the above be approved.

BRENT LAMBERT
Mayor

LARRY SEWELL
Councilmember

J. SCOTT MILLER
City Manager



MARC GRAVITT
Vice Mayor

DENNY MANNING
Councilmember

JACKY CAGLE
Councilmember

City of East Ridge

*1517 Tombras Avenue
East Ridge, Tennessee 37412
(423) 867~7711*

AGENDA MEMORANDUM

TO: Mayor and Council
City Manager

FROM: Janet Middleton

SUBJECT: Meeting Date Change

DATE: September 19, 2016

At the September 8, 2016 council meeting, Vice Mayor Gravitt and Councilmember Sewell stated they would be out of town for the October 13, 2016 council meeting. It was suggested that since there are five Thursdays in September, the October 13th meeting could be moved to October 6, 2016 and there would still be two weeks between the September 22nd meeting and the October 6th meeting.

This item is on the September 22, 2016 meeting for consideration.

BRENT LAMBERT
Mayor

LARRY SEWELL
Councilmember

J. SCOTT MILLER
City Manager



MARC GRAVITT
Vice Mayor

DENNY MANNING
Councilmember

JACKY CAGLE
Councilmember

City of East Ridge

*1517 Tombras Avenue
East Ridge, Tennessee 37412
(423) 867~7711*

MEMORANDUM

TO: Mayor and Council
City Manager

FROM: Janet Middleton

SUBJECT: Appointment to Board of Zoning Appeals

DATE: September 19, 2016

Since the recent appointments to the Board of Zoning Appeals, Councilmember Manning's appointee, Jim Bethune, has resigned from the Board. Mr. Manning would like to submit the name of Mike Hendrix to be considered as his replacement on the Board of Zoning Appeals.