



<b>WHAT'S INSIDE:</b>	<u>Page</u>
Calendar Details .....	2
<b><u>Agenda Notes:</u></b>	
November and December Zoning Meeting Dates.....	2
<b><u>Information:</u></b>	
Solid Waste Services (SWS) Collection Schedule Adjustment.....	3
Streetcar Starter Project Real Estate Appraisal Services.....	3
<b><u>Attachment:</u></b>	
City Council Follow-Up Report.....	4
--Gold Rush Uptown Circulator Service	
June 15 Community Safety Committee Summary .....	4
June 27 Environment Committee Summary .....	4
June 30 Housing and Neighborhood Development Committee Summary.....	4

**WEEK IN REVIEW:**

<b>Mon (July 18)</b>	<b>Tues (July 19)</b>	<b>Wed (July 20)</b>	<b>Thurs (July 21)</b>	<b>Fri (July 22)</b>
3:30 PM Economic Development Committee, Room 280				
5:00 PM Zoning Meeting, Room CH-14				

## CALENDAR DETAILS:

### **Monday, July 18**

- 3:30 pm Economic Development Committee, Room 280  
**AGENDA:** Consideration of Mosaic Village public/private partnership; CRVA June & July barometer reports (information only)
- 5:00 pm Council Zoning Meeting, Room CH-14

July and August calendars are **attached**. (see below, attached as part of this document)

## AGENDA NOTES:

### **November and December Zoning Meeting Dates**

Staff Resource: Tammie Keplinger, Charlotte-Mecklenburg Planning Department, 336-5967, [tkeplinger@ci.charlotte.nc.us](mailto:tkeplinger@ci.charlotte.nc.us)

The Council calendars for November and December 2011 are **attached**. Last year, the December Council Zoning meeting fell during the week of Christmas. At that time Council requested that staff review the 2011 holiday calendar to determine possible conflicts.

In November, the Council Zoning meeting falls the week of Thanksgiving. As this is an election year, there will be no hearings at the November meeting, only decisions. For these reasons staff recommends combining the Council Zoning meeting, scheduled for Monday November 21, 2011, with the Business Meeting on Monday November 14, 2011.

In December, the Council Zoning meeting is scheduled for Monday December 19, 2011. Christmas will be Sunday the following weekend. Staff is recommending that Council consider moving the zoning agenda items to the Business Meeting on Monday December 12, 2011. (see below, attached as part of this document)

## INFORMATION:

### **Solid Waste Services (SWS) Collections Schedule Adjustment**

Staff Resource: Victoria O. Johnson, Solid Waste Services, 704-336-3410, [vojohnson@charlottenc.gov](mailto:vojohnson@charlottenc.gov)

Recent weather conditions including extreme heat, humidity and thunderstorms generating excessive yard waste have resulted in a number of cases of heat exhaustion among SWS employees. In accordance with Charlotte City Code Section 10-96 (b) which grants the SWS Key Business Executive the authority to alter collection schedules to meet emergency situations, collections for all services will begin at 6:30 a.m. on July 18 and return to 7:00 a.m. on Labor Day, September 5, 2011. The temporary change is a health and safety measure intended to enable staff more time to work in the cooler morning hours. No other changes or delays in service are anticipated at this time .

### **Streetcar Starter Project Real Estate Appraisal Services**

*Staff Resource: John Mrzygod, E&PM, 704-336-2245, [jmrzygod@charlottenc.gov](mailto:jmrzygod@charlottenc.gov)*

An item for Streetcar Starter Project Real Estate Services was pulled from the June 27 Council agenda because neither of the firms selected met DBE goals or the good faith effort requirements. The contracts would have been for \$150,000 and \$50,000.

The FTA wants reviewed appraisals submitted by late August to secure funding, which meant contract readvertisement and the appraisal schedule had to be accelerated.

The RFP was readvertised June 29 with contractor proposals submitted July 11. The selection committee convened July 12. To meet the accelerated schedule and make up for the delay, staff determined two appraisal companies and two review companies were needed. TB Harris, Jr. & Associates and Integra Realty Resources were selected for appraisal services, each with a \$75,000 contract. Ray E. Crawford & Company and The Hanes Group were selected for review services, each with a \$25,000 contract.

Because more contract staff was needed to complete the work in the specified time, the amount per contract is lower than the threshold for Council approval and the item will not be re-presented to Council.

## **ATTACHMENTS:**

City Council Follow-Up Report:

Contents include: *(see below, all attached as part of document)*

--Gold Rush Uptown Circulator Service

June 15 Community Safety Committee Summary

June 27 Environment Committee Summary

June 30 Housing and Neighborhood Development Committee Summary

# July

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
					<b>1</b>	<b>2</b>
<b>3</b>	<b>4</b> HOLIDAY INDEPENDENCE DAY	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b> 3:30p mtg cancelled Economic Development Committee, Room 280	<b>15</b>	<b>16</b>
<b>17</b>	<b>18</b> 3:30p Economic Development Committee, Room 280 5:00p Zoning Meeting	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>
<b>24</b>	<b>25</b> 3:30p Transportation & Planning Committee, Room 280 5:00p Council Business Meeting 6:30p Citizens' Forum	<b>26</b>	<b>27</b> 5:30p mtg cancelled MTC Meeting, Room 267	<b>28</b>	<b>29</b>	<b>30</b>
<b>31</b>						

# 2011

# August

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	<b>1</b>	<b>2</b>	<b>3</b> 12:00p mtg cancelled Housing & Neighborhood Development Committee, Room 280	<b>4</b>	<b>5</b>	<b>6</b>
<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b> 3:30p Economic Development Committee, Room 280	<b>12</b>	<b>13</b>
<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
<b>21</b>	<b>22</b> 2:00p Transportation & Planning Committee, Room 280 3:45p Environment Committee, Room 280 5:00p Council Business Meeting 6:30p Citizens' Forum	<b>23</b>	<b>24</b> 5:30p MTC Meeting, Room 267	<b>25</b>	<b>26</b>	<b>27</b>
<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>			

# 2011

# November 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 City Council Workshop / Citizens' Forum	8	9	10	11	12
13	14 City Council Business Meeting	15	16	17	18	19
20	21 City Council Zoning Meeting	22	23	24 Thanksgiving	25 Holiday (offices closed)	26
27	28 City Council Citizens' Forum / Business Meeting	29	30			

# December 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 City Council Organization Meeting / Swearing-in Ceremony	6	7	8	9	10
11	12 City Council Business Meeting	13	14	15	16	17
18	19 City Council Zoning Meeting	20	21	22	23	24
25 Christmas	26 Holiday (offices closed)	27 Holiday (offices closed)	28	29	30	31



**CHARLOTTE**

**City Council  
Follow-Up Report**

**July 15, 2011**

---

**June 27 – Citizens’ Forum**

**Gold Rush Uptown Circulator Service**

*Staff Resource: Carolyn Flowers, CATS, 704-336-3855, [cflowers@charlottenc.gov](mailto:cflowers@charlottenc.gov)*

During the dinner briefing, City Council requested ridership and passenger data for the Gold Rush Uptown Circulator Service that includes information on the number of passengers prior to and after the extension of service and contract amounts. The requested information is provided below.

<b>Gold Rush Ridership and Subsidy</b>				
<b>Fiscal Year</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>
<b>Status</b>	Actual	Actual	Estimated	Estimated
<b>CCCP Payment</b>	\$325,000*	\$325,000*	\$325,000*	\$380,000**
<b>+Ridership</b>	1,384,481	1,137,792	1,000,264	1,100,000

\*Fixed amount approved by Council based on 70/30 split

\*\*Expected amount based on 50/50 split (\$325,000 minimum guarantee)

+Ridership is influenced by many factors. In FY10, the decline in Uptown employment influenced ridership, and in FY11, service reductions influenced ridership. In FY12, the service extension (to CCCP, Presbyterian Hospital, JCSU) is expected to increase ridership.



---

# Community Safety Committee

Meeting Summary for June 15, 2011

Page 2 of 11

---

Mr. Shah-Khan stated that the revised ordinance in front of the Committee (copy attached) is the product of the work of a lot of folks; including Mr. Campbell, Ms. Evans, Mr. Powers, CMPD, CDOT, folks in the industry, the taxi drivers, the company owners, and the black car companies. Mr. Shah-khan then read through the document titled “Revisions to the Passenger Vehicle for Hire Ordinance” (copy attached) and described and reviewed the changes to the ordinance. He then requested any questions from the Committee.

Dulin: Is there cost associated to the company and drivers that add side loading accessible vehicles?

Shah-Khan: It could be depending on the cost of the vehicle. That is strictly voluntary.

Dulin: We are really dialing in and closing up the volume of the age of the fleet of each company. A new side loading accessible mini-van is a lot more expensive than one that is 5, 8 or 10 years old. Are we going to give them any leeway on the age deal because of costs? It is alright if we are not, but I just want to know.

Shah-Khan: Right now, we’ve not put a proposal in there, but if the Committee believes it is appropriate to modify the proposed age limit to exempt certain vehicles that is something we can of course put in whatever final version you would like to see come out of the Committee.

Dulin: I would be interested in hearing the PVH Board’s ideas on that. That is the kind of leadership I want out of the Board, rather than dumping all of this on us.

Shah-Khan: We can provide that to them. The Board Chair is here and if you wanted us to we could seek their opinions on that. We could have them consider that at our next meeting, which I believe is on July 5.

Barnes: I don’t think we need guidance on the age piece because one of the things I wanted to avoid is people being able to keep old vehicles in service and not leave loopholes. I think it should be incentivized the same as the age issue.

Campbell: One proposal from Chairman Cannon was to add environmentally friendly as well.

Kinsey: These are optional, right?

Shah-Khan: That is correct. They are not mandated for any of the companies. The only mandate on the companies is that you have 30 cabs, but how you get there is at the discretion of the company.

Dulin: Regarding the civil penalties, if the State imposes a civil penalty then it doesn’t kick in our civil penalties?

Shah-Khan: That is right. What we are talking about here is let’s say there is a civil penalty that could be imposed on a company, let’s say they own their dispatch lot and they have a weed and grass violation from Code Enforcement. Code Enforcement can impose civil penalties by

---

# Community Safety Committee

Meeting Summary for June 15, 2011

Page 3 of 11

---

basically saying it is the cost for whatever it took for us to clean it up and to investigative. That is a civil penalty that we would say doesn't apply here.

Dulin: So, this definition of civil penalty helps them stay in business?

Shah-Khan: That is correct and it makes it clear that we are only concerned about the penalties being imposed for violating this ordinance.

Barnes: On Page 1, letter E, are we saying that this applies to any driver's license they may possess or North Carolina driver's license?

Shah-Khan: We did not specifically define the term driver's license, but we understand that they can really only hold one driver's license at a time. We view it as either a North Carolina license or a South Carolina license.

Tracy Evans: We will take a look at the points on their license to see if they have moved from another state prior to the point of their application, or any convictions they may have had in another state that would be recorded on their North Carolina or South Carolina driving record.

Barnes: Do all 50 states have reciprocity on driving records?

Shah-Khan: I don't believe they do, but I honestly don't have an answer for you other than to say we are not certain. We will be happy to look at that and get that information back to you. Of course later in the ordinance, one of the things we do say is that anyone who has a permit must have a North Carolina or South Carolina driver's license. The fact that they have a license from somewhere else, they still could not operate until they have one of those permits. One of the things we also say is that they can review any driving record and make a determination whether or not this person's ability to drive is in the public's interest.

Barnes: I wonder, for example, if someone either moved here from a state that did not have reciprocity that has an atrocious driving record or someone who did not have a US driver's license, but had an awful driving history in another country, if there is a way we can identify that history.

Shah-Khan: We will be happy to take a look at that and let you know what we can do at the next meeting or advise you in between meetings.

Dulin: Are pedicabs included in this ordinance?

Shah-Khan: They are defined as vehicles, but we have excluded them from vehicles for purpose of the PVH ordinance because we do not believe and it has not been the intent of the PVH, CMPD or the Council to have us regulating those.

Barnes: I'm not aware of any issues regarding those.

Kinsey: What about horses and buggy?

---

# Community Safety Committee

Meeting Summary for June 15, 2011

Page 4 of 11

---

Shah-Khan: We don't specifically regulate those, but I believe CDOT is involved in that.

Doreen Szymanski: We do have an agreement with the carriage companies. It is not an ordinance, it is just an agreement that was determined years ago. We really only have one company that provides that service and they always follow the agreement we made.

(Chairman Cannon arrived)

Kinsey: On page 2, letter A, I am very allergic to cigarette smoke and I will not get in a cab that smells like it. Does this mean that they can smoke as long as there is nobody in there and if I start to get in and I don't like the smell I can get back out?

Shah-Khan: The drivers can't smoke at all in the vehicle. If it is a licensed vehicle they cannot smoke in it. It doesn't stop the public passengers. Passengers could smoke in the back on their way from somewhere else.

Kinsey: Signs should say no smoking.

Shah-Khan: That will be the individual driver preference.

Barnes: Regarding applications of Federal ADA to the City and the Taxi Cab Industry, is there no way to further extrapolate State law? We are saying the reason ADA applies to the taxi cab is because they are providing a private service with a public accommodation. You said earlier that the State will not allow us to regulate smoking inside a private vehicle, but it is a private vehicle that is being put to a public use as a public accommodation. Because the State has decided that, and I agree that smoking should not be allowed in bars and restaurants, which are public places even though they are privately owned, why can we not extrapolate that to say the same rule applies in the back of a cab?

Shah-Khan: Because the General Assembly made an explicit statement that local governments have no authority to ban smoking in private vehicles. Also, because we recognize that these vehicles in many cases are actually owned by the drivers that operate them, it is treated as a private vehicle.

Barnes: Would it be feasible to offer a \$10 credit per vehicle for the annual licensing fee for taxi cab companies that put no smoking stickers on the window or on the back of the seat? It may be a one-time \$25 credit for one sticker.

Shah-Khan: There is no reason why it can't be done. It would be legally permissible and it really comes down to a policy decision. You do have your User Fee Recovery Policy, which requires the user fees charged to be 100% recoverable based on the cost of running the program.

Barnes: May I ask one of the taxicab owners or operators what type of incentive they would receive well in order to put stickers on the vehicles?

---

# Community Safety Committee

Meeting Summary for June 15, 2011

Page 5 of 11

---

Jim Church, Taxi USA: We'd love that and it's something that if you put in the ordinance then we can enforce it. If they are not allowed to smoke they are not going to want to have passengers smoking either. If you provided \$5 or \$10 for a reimbursement of putting up the stickers then they would appreciate that.

Abdi Duale: I think that is a good plan. I have a sticker in my car now, but if you make it \$10 then I think everyone will do it.

Barnes: How much did it cost?

Duale: About \$5.00.

Barnes: What I would move for the purpose of moving forward with action is that we offer a \$10 credit to any licensee who posts a no smoking sticker inside the vehicle in a visible spot. It would be a one-time credit.

Dulin: Where do you want to credit them out of or from?

Barnes: It would be a \$10 credit on their renewal. What Section of the ordinance would this be in?

Shah-Khan: Just for clarification, are you saying for drivers only or are you saying drivers, company owners or vehicle operating permit holders or all three? If you do it with driver's that will be in Sec. 22-140. I get the sense from what you and the other Committee members are saying is that you want the credit to apply to the drivers. Is that correct?

Barnes: I don't want three or four different people to get the credit for one sticker.

Evans: CMPD is of the position that we ask that it be a credit to the vehicle because more than one driver could use the vehicle.

Barnes: If we issue it to the vehicle, then who gets it?

Shah-Khan: The vehicle owner and in some cases that would be the driver and in some cases that would be the company.

Dulin: Did you make a motion?

Barnes: I was formulating a motion.

Dulin: I would like to make a friendly amendment that it is a yearly credit and not a one-time credit. I think a yearly keeps it more up to date, keeps it more of an incentive for the car owner to keep the stickers up to date and I think it shows from the City a fresh look.

Barnes: I would only disagree because I don't want to lose significant revenue and I also want to know how much revenue we are talking about at \$10 per vehicle on an annual basis.

---

# Community Safety Committee

Meeting Summary for June 15, 2011

Page 6 of 11

---

Peacock: An alternative, I would encourage the use of stickers, but someone is going to have to monitor this. Someone can smoke and disobey that sticker and say I can do this in the State of North Carolina. Is that correct?

Shah-Khan: That is correct.

Peacock: I agree with the spirit Mr. Barnes, but I'm wondering if we are creating something that is going to have staff maintenance for it. Then the question about the stickers become, are we going to standardize the stickers, or the sticker location? I'm wondering if there is an alternative to a debit/credit system and can you tell us some other ways to accomplish what Mr. Barnes is trying to do.

Shah-Khan: The issue and concern would be with the vehicle operating permit. I would defer to the Interim PVH Manager and his staff if there are any suggestions they may have.

Daniel Buckley: I would defer that to the company operation certificate and let the company be in charge of regulating this and maybe take off \$10 for the company operating certificate.

Barnes: How many company operating certificates are we talking about?

Buckley: I'm not sure off the top of my head, but about 35 to 45.

Barnes: So, \$300 - \$400 at this point.

Church: If you are talking about only taxi companies, you are talking about 15 companies. Our owner would love nothing better than to see cars are never smoked in. We have it plastered all over our buildings. We'd probably buy in bulk and putting them out. That would cost the City the least amount of money. If we do this thing by ordinance we can enforce it, but if you leave it up to the taxi company, there is a relationship between the independent driver and the company and if you break that relationship by having the company control, then you break that independent relationship.

Barnes: We can't make you put the stickers in.

Shah-Khan: That is correct.

Barnes: But we can incentivize it. What you are saying is it takes more than \$10 bucks to get other companies to do this.

Church: Well, it might. I can't say what the other companies would do. We encourage it already.

Cannon: Do you want to restate or restructure your motion?

Barnes: I would move to offer a \$100 one-time credit to the certificate owners for the placement

---

# Community Safety Committee

Meeting Summary for June 15, 2011

Page 7 of 11

---

of non-smoking stickers or signs affixed to a prominent location in or outside the vehicle. The wording may need to be tweaked a little bit. Should this be a motion or just direction to staff?

Shah-Khan: I would suggest that it be more direction to staff for a couple reasons. I would like us to be able to discuss this with Budget and Evaluation and CMPD to make sure that when we do this it is not creating an issue from a user fee perspective; that is in terms of budgets you adopted last night and future budgets. The other thing I would also note is that this does not get at one of your goals which is if you are trying to prevent smoking it does not require the drivers to prohibit passengers from doing it, it only encourages it and that is an issue between the companies and the drivers.

Peacock: I suspect that Mr. Shah-Khan's concern about user fees is where the rub is going to be. We are withholding money that is probably already allocated for in the fee they are collecting right now. I would offer a suggestion to encourage the behavior. We have a Council discretionary fund for a reason; we could find out how much the sticker's cost and we could provide it as Council to the owners and operators. Again, we are withholding revenue from CMPD if we give them a \$100 credit.

Barnes: I strongly disagree with you on using our discretionary fund because we start encouraging all kinds of things. I get the spirit of what you are saying, but the thing is the credit piece would cost us \$3,500 to \$4,000. They are going to talk to them to see how damaging that is and it is one-time deal. It is not \$4,000 per year.

Peacock: But that is assuming the stickers stay around forever and it won't. It will be a cost to the companies to keep that out there and what I'm saying is we want to start the right pattern with this update.

Barnes: We'd talked about perhaps doing a credit periodically, once every six months. We could formulate it however we'd like, but I think, to the gentlemen's point, he could buy them in bulk and they would be there.

Cannon: Let's just have staff look into this and let us know the options. Regarding the alternative fuel vehicles, I'm glad that incentive is in there. I know that is one thing the Mayor inquired on.

Barnes: Regarding Section 22-62(d)(1) there are grammatical issues there with the word "have".

Shah-Khan: You are correct, we will fix that.

Barnes: I have a question Section 22-66(1). Should we restrict it to certain felonies rather than all felonies? My concern is there are a lot of people getting out of prison now who went to prison for various felonies who can't get jobs. We frequently hear from folks that are advocating for these felons to get them back functioning in society. Do we want to consider revisiting the types of felonies? Are we keeping A-F listed?

Shah-Khan: We are keeping A-F, but what CMPD proposes allows the PVH Manager discretion

---

# Community Safety Committee

## Meeting Summary for June 15, 2011

Page 8 of 11

---

to deny an application for any felonies. It used to be with the driver's it was time limited but with the company owners it's only the certain A-F felonies, which is what arose with the King Cab situation. Their felonies did not rise to the levels of A-F and therefore didn't disqualify them from having company operating certificates.

Barnes: But their felonies did have to do with this industry?

Shah-Khan: That is correct, but under the way the ordinance was structured and is currently structured, the PVH Manager did not have the ability to deny their application, or it was in the better interest to not deny the application, which is the choice he made at the time.

Barnes: The language says the PVH Manager may refuse to grant application for a company operator certificate if the owners have court records containing any felony conviction. Does this apply to drivers?

Shah-Khan: There is a related provision for the drivers, Section 22-145.

Barnes: I think that is the one where I have to ask these questions because I know there are people who go to jail sometimes for a minimal felony and they can't get a job anywhere. There is some issue there regarding whether or not we are essentially putting them on the path to go right back as soon as they get out. I wonder if we should just keep it to that A-F list.

Shah-Khan: Just to clarify with Section 22-145 with the drivers, not the company that currently has a limit of 10 years for any felony and then it is mandatory for the A-F type felonies. In the recommendation that has been made, I believe we have deleted the reference to 10 years and said any felony. CMPD has made the request, if you look on the memo under number V, letter E, in that particular case CMPD's proposal is to delete the 10-year requirement so that the Manager has the ability to deny an application for any felony and the 10-year requirement no longer applies. The 10-year requirement said that if a felony occurred within the last 10 years the driver could not receive a permit. If the driver also has committed a felony and didn't get their citizenship rights back they also could be denied a permit. If they committed any of these A-F felonies they absolutely would not get a permit. That was not a discretionary call. That was a mandatory call.

Cannon: Does CMPD have any perspective they wish to share right now?

Evans: We ask for these changes because of some of the issues that we have come across in our permitting applications. For the company operating certificate, we are asking to have the authority to use discretion. There is an appeal process if an applicant is denied and they disagree with that decision.

Barnes: Because there is an appellate path, I'm okay with the proposal.

Dulin: Do we have anything in here where there are punitive damages to a company that allows drivers to drive that shouldn't be driving?

---

# Community Safety Committee

## Meeting Summary for June 15, 2011

Page 9 of 11

---

Shah-Khan: What would happen is if there is a violation of the ordinance the companies can be cited for their driver's violation of the ordinance. Then depending on how many citations against the company's drivers, there is an escalating scale of penalties that the companies would have to pay. So, there is a punishment that helps encourage the companies to make sure their drivers do not get cited during the year.

Dulin: How are we going to communicate these changes to the ordinance once we pass this to the companies that aren't here tracking what we do?

Shah-Khan: Ideally, what we would do is we would work through the Passenger Vehicle for Hire Manager's Office. They would then communicate that these changes have happened and will be effective on whatever date the Committee and Council feel is appropriate. After that date, these changes will be made. We will summarize the changes and then work through the PVH Office to make sure that is communicated to the companies.

Barnes: Regarding Section 22-212(c), I like the spirit of that, but if they are paying to park there they should be able to park there. That is one reaction, but I also understand that people who are parked at meters and just kind of sit there all day long and not paying is a problem. If they are paying and sitting there I suppose that would eliminate parking opportunities for visitors and other folks, but essentially they are parking there waiting for a visitor who needs a ride or a citizens who needs a ride. I understand it, but it concerns me when you say they can't park there, I mean where are they supposed to park?

Kinsey: I questioned that and I was told they are not paying.

Cannon: Or, the other part of that is when somebody is there they won't pay and they wait for Park It! to come and then they will drop their quarter. When Park It! leaves and their meter runs out, they are still sitting there. Now, we are losing revenue so that becomes an issue now. This leads me to the whole issue about staging and having CDOT to work with us about where we can have proper staging.

Barnes: You all recall that sometime in the last few years we approved a deal with the Music Factory to allow tour bus parking and concert trucks to take those down near the Music Factory. The Bobcats have a corner lot at Caldwell and 7<sup>th</sup> Street that some of the tour buses and trucks can use. I wonder if there might be an opportunity to have those lots utilized for the purposes of taxi parking. It gives them some centralized location and some place to park. Essentially, there are very few places to stage and I appreciate CDOT's help to work on these issues. I wonder if we might work out a deal with the tourism group.

Szymanski: We've had a study conducted of the Center City and the parking and we think that over the years that because it has grown so fast and we've tried to respond to everyone's request, we sort of have a hodge podge of the way things have been put together. We've been studying the major core streets in order to help us design a way of cleaning up the way our curb space is used, in general, how it is allocated, and we will essentially be going block space by block space and try to use some templates to put in exactly the sort of things we are talking about here; loading zones, taxi stands and public parking. We will look at how we are doing that kind of

---

# Community Safety Committee

Meeting Summary for June 15, 2011

Page 10 of 11

---

standardized and if there is an opportunity there to provide more stands for the taxis. I didn't realize that the number of vehicles cueing, waiting was as sensitive as it is and I was glad to hear that today. I know that they do have some concerns with the hotels and things and when we study that block space by block space review that can give us a really good opportunity to locate some stands that they would find agreeable to them.

Cannon: What is the time frame for that?

Syzmanski: I think what we will end up doing is phasing it because there is a lot of block space in the Center City. We are scheduled to complete and have a final document on our study at the end of this month. I am getting some push to do some of this as soon as possible from the Manager's Office and we need to do a final design and some signage because we are trying to simplify that as well. I would say when we start implementing some of it we want to come to Council and give you a briefing on what we've done and how we are looking at changing the way the Center City looks. It is probably somewhere between now and six months max to get it to where you can really see it. We do want to do a test pilot somewhere to show what it can look like.

Cannon: Take for instance the Westin; we know there are black cars that are there as well as other area hotels. The taxi cab industry would suggest that they are not invited to come to the hotels and they don't have a place to dock, but there is one part of College Street that is wide enough in my opinion where some sort of staging could occur.

Kinsey: Why doesn't it state in the ordinance that they have to pay at the meters?

Syzmanski: They know they have to pay, they just choose not to until the agents come along.

Kinsey: Then why don't we say it.

Barnes: I don't think we should because they know it. I want to encourage under numeral VII, letters A and B, the inclusion of alternative B.

Shah-Khan: The only question I would have is if the Committee wants us to not include the proposed Sec. 22-212(C) which is that parking issue? That is something you hadn't seen until today, but we inserted it at the request of CDOT and it does not have to go forward if you have concerns on that. We are happy to remove that. With respect to Vehicle Specifications, the alternative B, just for everyone's information, is the idea that effective July 2012 one version would be the 6-year age limit. Alternative A was 6 years, but those vehicles up to ten years old could operate until they were ten years old. I believe what the Committee sounds like it is saying is, at least Councilmember Barnes, prefers Alternative B which is the age limit starts on 2013, but delays that limit for one year, but on July 1, 2013 any vehicle older than 6 years is out of the fleet. Is that what the Committee's pleasure is?

Dulin: What can we do to have these cars cleaned up before September 2012? That gives them 13 months to get the fleet looking better. I'd like to give them a push and I like to have them cleaned up by September 2012.

---

# Community Safety Committee

Meeting Summary for June 15, 2011

Page 11 of 11

---

Barnes: I agree, would it be okay with us moving it from July 1, 2013 to July 1, 2012?

Dulin: I'm for it, but we might have to have some input from the Board with that so they can get input from their members.

Cannon: Are there any other concerns with suggesting Alternative B as vehicles no older than 6 years as of July 1, 2012? (none heard) Let's go ahead and go forward with that.

Kinsey: I want to go back to the parking issue and the meters. I suggest we leave 6(A) in as stated.

Barnes: I will disagree with that until CDOT comes up with a staging plan. If you have a driver who is going to put in the quarters and do it the right way, we leave that person with few alternatives.

Kinsey: I don't think they should be parking in those spaces, even if they are paying.

Barnes: We've eliminated so much parking Uptown to begin with, I just hate to do this. So, where do they stage and wait?

Szymanski: We have 19 or 20 stands and when we go through that new look of the curb space, all loading zones will become taxi stands at night.

Buckley: As a working officer in the Uptown, they will stand by the meters with the change in their hand and as we approach they will put the change in the meter. There are 22 stands Uptown and they know this and they know where they are at.

Barnes: Okay, I agree with Ms. Kinsey.

Council member Peacock made a motion and was seconded by Council member Dulin to forward the ordinance with the suggested changes discussed to the full Council for consideration. *(Motion passed unanimously)*

Meeting adjourned at 1:50 p.m.

**Community Safety Committee**  
**Wednesday, June 15, 2011; 12:00 – 1:30 pm**  
**Room 280**

Committee Members: Patrick Cannon, Chair  
Patsy Kinsey, Vice Chair  
Michael Barnes  
Andy Dulin  
Edwin Peacock

Staff Resource: Eric D. Campbell

---

**AGENDA**

**I. Passenger Vehicle for Hire Ordinance**

*Staff Resource: Mujeeb Shah-khan*

Staff will continue to review and discuss proposed revisions to the City's Passenger Vehicle for Hire Ordinance (Chapter 22). No decisions are requested at this meeting.

Attachment: 1. Summary of Changes  
2. Revised Draft PVH Ordinance

**Next Scheduled Meeting:** Wednesday, June 29 at noon in Room Ch-14

---

Distribution: Mayor/City Council  
Mac McCarley  
Jon Hannan

Curt Walton, City Manager  
Stephanie Kelly  
Jerry Orr

Leadership Team  
Rodney Monroe  
Leila Lahbabi



**OFFICE OF THE CITY ATTORNEY**  
**Memorandum**

TO: Community Safety Committee

FROM: S. Mujeeb Shah-Khan, Senior Assistant City Attorney

DATE: June 10, 2011

RE: Revisions to the Passenger Vehicle for Hire Ordinance

---

As the Committee has reviewed the drafts of the proposed changes to the Passenger Vehicle for Hire Ordinance over its recent meetings, this memorandum summarizes all of the major changes proposed in the draft before you today (changes correcting typographical errors are not included).

**I. Changes to Definitions**

A. Accessible Vehicles – Current ordinance does not allow for side loading accessible vehicles. This expands the type of vehicles available which may allow additional vehicles to be added to company fleets.

B. Alternative Fuel and Alternative Fuel Vehicles – Defines the term alternative fuel and alternative fuel vehicles which are proposed to receive incentives for use by taxicab companies. Committee requested consideration of incentives for “green” vehicles, and definition ensures that “green” vehicles receive the incentive benefit discussed in the proposed revision to Section 22-62(d)(2).

C. Civil Penalties – Clarifies the term so that there is no confusion over what type of civil penalties will be considered for purposes of renewing permits or operating certificates. Current ordinance draft provides that unpaid citations must be satisfied before applications will be approved.

D. Foreign – Term is used in ordinance to describe out of town companies. Definition further clarifies the term.

E. Habitual violator of traffic laws – Current ordinance uses the term, but does not provide a definition. New definition allows for a standard to use in determining if an applicant is a habitual violator of traffic laws.

F. Habitual user of alcoholic beverages – Current ordinance uses the term, but does not provide a definition. New definition allows for a standard to use in determining if an applicant is a habitual user of alcoholic beverages.

G. Independent Owner-Driver – Term is not used anywhere in Chapter 22. As such, the definition is no longer needed.

H. Operate, operating, or operated – New definition to clarify that a vehicle can be operated for personal purposes so long as non-family passengers are not transported.

I. Passenger Vehicle for Hire – Clarifies definition so that vehicles licensed by either North Carolina or South Carolina's Department of Motor Vehicles (or similar agency) will be permitted.

J. Prearrangement – Definition clarified to specify what is required to successfully demonstrate that a trip is prearranged, as well as preventing "cruising" by limousines or black cars.

K. Vehicle – Uses definition from North Carolina General Statutes for vehicle, and exempts pedicabs, streetcar-like vehicles, mopeds and assistive mobility devices (like a scooter) from being considered vehicles for passenger vehicle for hire purposes.

## **II. General Changes**

A. Section 22-31(d) – Prevents drivers from smoking at any time in a passenger vehicle for hire while operating the vehicle. Current ordinance allows smoking so long as no passengers are in the vehicle.

B. Section 22-31(t) – Requires that a driver have either a North Carolina or South Carolina driver's license.

C. Section 22-33(d)(1)(c)(6) – Makes it a Class A (most severe offense) offense to operate a taxicab without a functional backseat credit card payment device.

D. Section 22-33(e) – Mandates that if civil penalties are not paid within 60 days, driver's permit, company operating certificate, or vehicle permit of the party owing the penalty will be suspended or revoked.

E. Sections 22-64(a)(1), 22-104(a)(1), 22-142(a)(1) – Requires applicants to provide all legal names that the applicant has ever used, or any names they have gone by. Concerns have been raised that drivers, company and vehicle owners have changed names which makes it harder to determine criminal backgrounds of applicants.

### **III. Company Operating Certificate Changes**

- A. Section 22-62(c) – Removes requirement for applicants to certify that they are not currently in bankruptcy or have been in bankruptcy during the past seven years. Change prevents discrimination based on bankruptcy status, which is prohibited by federal law.
- B. Section 22-62(d)(2) – Creates incentive for taxi companies to use alternative fuel or “green” vehicles. If a company operates an alternative fuel vehicle, it counts for 3 cabs toward the 30 cab minimum that companies are required to have. As staff was requested to provide some form of incentive, staff is happy to modify the proposal at the Committee’s request.
- C. Sections 22-64(a)(6)(b), 22-66(2)(b), 22-104(a)(5)(b) – Allows for dispatch of taxis with devices other than radios, but not cell phones, and requires all cab companies to use a dispatch system.
- D. Section 22-64(a)(6)(d) and (h) – At Committee request, required one phone number per company, and a requirement that the company called actually provide service, unless the customer agrees otherwise. This would address the concerns raised by the Committee.
- E. Section 22-66(1) – Clarifies that criminal arrests (even if the case has not been resolved) may be used in review of company operating certificate applications.
- F. Section 22-66(1) (*Additional proposed change*) – Allows PVH Manager to deny application of applicant who has any felony convictions in their court record. Similar to what is currently proposed for drivers. *Inserted at CMPD request.*
- G. Sections 22-71 and 22-72 – Clarifies that appeals can be made from denial of company operating certificate applications.
- H. Section 22-68 – Requires criminal records checks of company owners and managers every year. Also requires company operating certificate holders to pay all outstanding citations for violation of Chapter 22 before any decision will be made on a renewal application. Similar to requirement proposed for drivers.

### **IV. Vehicle Operating Permit Changes**

- A. Section 22-104(a)(5)(b) – Allows for dispatch of taxis with devices other than radios, but not cell phones, and requires all cab companies to use a dispatch system.
- B. Section 22-106(a)(2) – Clarifies that criminal arrests (even if the case has not been resolved) may be used in review of vehicle operating permit application.
- C. Section 22-106 (*Additional proposed change*) – Allows PVH Manager to deny application of applicant who has any felony convictions in their court record. Similar to what is currently proposed for drivers. *Inserted at CMPD request.*

D. Section 22-108 - Requires vehicle operating permit holders to pay all outstanding citations for violation of this ordinance before any decision will be made on a renewal application. Similar to requirement proposed for drivers. Also requires that at renewal time for permits that applicants allow Passenger Vehicle for Hire Manager to conduct a criminal records check, and that no application for renewal shall be considered until the records check is complete.

E. Section 22-112 – Clarifies that appeals can be made from denial of vehicle operating permit applications.

## V. Driver's Permit Changes

A. Section 22-143(a)(7) – Requires driver's permit applicant to possess a North Carolina or South Carolina Driver's License within seven days of applying for a driver's permit.

B. Section 22-143(a)(10) – Requires that drug test be taken within 14 days of submitting initial or renewal application for driver's permit (means a yearly test) and that test is taken at facility approved by the City of Charlotte. Ensures that driver cannot provide an old test for use in application process.

C. Section 22-143(d) – Requires that incomplete applications will not be accepted. *Inserted at CMPD request.*

D. Section 22-144 – Requires drivers to complete driver training course before they can receive their driver's permit. Also removes reference to probationary permits for drivers.

E. Section 22-145(a)(2)(a) – CMPD has requested language that would remove the ten year age limit for when a felony must have occurred to be considered in reviewing an application. CMPD request will allow permit denial for any felony. *Inserted at CMPD request.*

F. Section 22-145(a)(2)(a) – Clarifies when felonies can be used in review of application for driver's permit.

G. Section 22-145(b)(9) – New language clarifies that if a felon has not had their citizenship rights restored, it will result in the denial of a driver's permit application.

H. Section 22-145(c) - Clarification made so that DWI arrests may be considered regardless.

I. Section 22-146 – Removes probationary permits for drivers awaiting results of fingerprint check. Prevents having drivers with undisclosed criminal records from driving for any period of time while awaiting results.

J. Section 22-148 – Changes amount of time before application for driver's permit will be accepted from someone whose prior permit was revoked from six months to one year.

K. Section 22-150 – Does not allow a driver whose permit was revoked by the PVH Manager, and whose revocation was affirmed by the Passenger Vehicle for Hire Board, to reapply for a driver's permit for one year after the date of the Passenger Vehicle for Hire Board's decision.

L. Section 22-152 – Requires that at renewal time for driver's permits that applicants allow Passenger Vehicle for Hire Manager to conduct a criminal records check, and that no application for renewal shall be considered until the records check is complete. Also prevents a driver who has outstanding civil penalties from renewing their permit until they pay all penalties.

## **VI. Operation of Vehicles Changes**

A. Section 22-212(c) – *At Charlotte Department of Transportation request*, new requirement that no passenger vehicle for hire park in metered spaces (those with City meters or pay stations). CDOT concern is that drivers are using the spaces, and impeding ability of citizens or visitors to use spaces. Proposal allows use of spaces when drivers are off duty and not accepting or transporting passengers.

B. Section 22-213(c) – Requires vehicle owner to notify City if insurance is cancelled or modified. Currently, only insurance company is required to notify the passenger vehicle for hire manager.

## **VII. Vehicle Specifications**

A. Section 22-287(a)(1) – Changes age limit of all passenger vehicles for hire from ten years (current) to six years (proposed). Proposal provides two alternatives for age limit proposal. Alternative A is staff proposal from version considered at May 18, 2011 meeting. Alternative B is proposal based on Committee input that delays six year age limit for one year, but require all vehicles to meet new age limit on July 1, 2013.

B. Section 22-287(a)(3) – Requires vehicles to be taken out of service once vehicles are in violation of age limit and grace periods. Language matches both Alternative A and B proposals for age limit.

C. Section 22-288(5)(pp) – (Taxicabs only) Requires backseat credit card device for payment and requires devices to be on at all times. Requires drivers to take vehicle out of service within 12 hours of becoming aware that back seat credit card payment device is not functioning.

D. Section 22-288(5)(qq) – (Taxicabs only) Requires taxicabs to have a global positioning system (GPS) for navigation.

E. Section 22-288(2) – Since North Carolina no longer has state safety vehicle inspection stickers, requires a copy of the inspection to be in the vehicle at all times.

F. Section 22-290(b) – As North Carolina law now restricts the use of license plate frames, it is appropriate to eliminate the requirement for frames.

### **VIII. Airport Service**

A. Section 22-351(a) – At Airport request, changed requirement that airport operating agreements be renewed every year. Allows the Airport and companies serving the Airport to enter into multi-year agreements, but for no longer than five years.

If you have any questions concerning the proposed revisions, please do not hesitate to contact me. I can be reached by phone (704/336-5803) or by e-mail ([mshah-khan@charlottenc.gov](mailto:mshah-khan@charlottenc.gov)).

cc: Mr. Eric D. Campbell/Assistant City Manager  
DeWitt F. McCarley, Esq./City Attorney  
Major Doug Gallant/CMPD  
Captain Michelle Hummel/CMPD  
Captain Andrew Kornberg/CMPD  
Mr. Jonathan Fine/Chair, Passenger Vehicle for Hire Board  
Thomas E. Powers III, Esq./Assistant City Attorney  
Tracey Evans, Esq./Assistant City Attorney – Police

**DRAFT REVISIONS TO PASSENGER VEHICLE FOR HIRE ORDINANCE  
CHAPTER 22 OF THE CITY CODE  
JUNE 15, 2011 COMMUNITY SAFETY COMMITTEE MEETING- FOURTH DRAFT**

**Chapter 22 - VEHICLES FOR HIRE\***

**Cross reference—Businesses and trades, ch. 6; licenses, ch. 13; motor vehicles and traffic, ch. 14; streets, sidewalks and other public places, ch. 19.**

**State law reference—Authority to regulate taxis and other vehicles for hire, G.S. 160A-304.**

**ARTICLE I. - IN GENERAL**

**ARTICLE II. - PASSENGER VEHICLES FOR HIRE**

**ARTICLE I. - IN GENERAL**

**Secs. 22-1—22-25. - Reserved.**

**Secs. 22-1—22-25. - Reserved.**

**ARTICLE II. - PASSENGER VEHICLES FOR HIRE\***

**Editor's note—**

**Ord. No. 3065-X, adopted August 22, 2005, amended article II in its entirety to read as herein set out. Formerly, article II pertained to similar subject matter and derived from the Code of 1985, §§ 22-15—22-24, 22-31—22-39, 22-42—22-47, 22-56—22-64, 22-66—22-71, 22-80—22-95, 22-101—22-103, 22-111—22-124, 22-131—22-136, 22-145—22-151, 22-160—22-162, 22-170—22-173, and Ord. No. 2447, § 12, adopted November 24, 2003.**

**DIVISION 1. - GENERALLY**

**DIVISION 2. - COMPANY OPERATING CERTIFICATE**

**DIVISION 3. - VEHICLE OPERATING PERMIT**

**DIVISION 4. - DRIVER'S PERMITS**

**DIVISION 5. - PASSENGER VEHICLE FOR HIRE BOARD**

**DIVISION 6. - OPERATION**

**DIVISION 7. - RATES AND CHARGES AND POSTING REQUIREMENTS**

**DIVISION 8. - SPECIFICATIONS AND EQUIPMENT**

**DIVISION 9. - INSPECTION AND MAINTENANCE OF EQUIPMENT**

**DIVISION 10. - AIRPORT SERVICE**

## **DIVISION 1. - GENERALLY**

Sec. 22-26. - Purpose.

Sec. 22-27. - Definitions.

Sec. 22-28. - Passenger vehicle for hire office created; manager's reports, recommendations and duties generally.

Sec. 22-29. - Limitation on number of certificates and permits.

Sec. 22-30. - Types of service.

Sec. 22-31. - Conduct of certificate holders, permit holders, drivers.

Sec. 22-32. - Taxicab stands.

Sec. 22-33. - Penalties.

Sec. 22-34. - Appeals.

Sec. 22-35. - Enforcement by police.

Secs. 22-36—22-60. - Reserved.

### **Sec. 22-26. - Purpose.**

The purpose of this article is to regulate passenger vehicles for hire in order to preserve the health and welfare of the citizens of the city and the protection of their property.

*(Ord. No. 3065-X, 8-22-2005)*

### **Sec. 22-27. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessible vehicle* means a taxicab which is capable of transporting passengers with disabilities or physical impairments. Specifically, an accessible vehicle shall be of the type of commercially modified minivan with a boarding ramp at the **side or** rear of the vehicle for wheelchair access and forward facing seats in the front of the vehicle for non-disabled use. The passenger vehicle for hire manager shall maintain a list of all approved commercially modified minivans for use as an accessible vehicle. Any specific vehicle that was in service prior to August 23<sup>rd</sup>, 2005 and was operated as an accessible vehicle while meeting the requirements for such at that time shall be considered an accessible vehicle.

*Affiliated* means a contractual or permissive arrangement usually between a company operating certificate holder and a driver that indicates an association with, or attachment to, a service provider.

*Airport operating agreement* means an agreement between a passenger vehicle for hire company and the city, allowing the passenger vehicle for hire company to obtain one or more airport passenger vehicle for hire permits for any passenger vehicle for hire operating at the airport and associated with that company.

*Airport passenger vehicle for hire* means a passenger vehicle for hire that has been issued a vehicle operating permit and an airport passenger vehicle for hire permit pursuant to an airport operating agreement.

*Airport passenger vehicle for hire permit* means a permit issued to a passenger vehicle for hire company to operate an airport passenger vehicle for hire at the airport pursuant to an airport operating agreement between the company and the city.

*Airport passenger vehicle for hire permit fee* means a fee charged annually for each vehicle issued an airport passenger vehicle for hire permit.

*Alternative fuel* means a fuel used to power a vehicle and is limited to the following: propane, natural gas, or electricity.

*Alternative fuel vehicle* means a vehicle with an engine powered full or part time by an alternative fuel.

*Call or demand* means transportation arrangements made indiscriminately and instantaneously with a request for service which shall include, but shall not be limited to, the hailing of a taxicab, passenger vehicle for hire or any other oral request for a taxicab, passenger vehicle for hire service made from a public street location, airport terminal roadway or public vehicular area as the pickup. No passenger vehicle for hire, other than a taxicab, shall engage in cruising or be operated on call or demand.

*Civil Penalties* means only those penalties levied under this chapter of the city code.

*Certificate* means a company operating certificate as defined in this section.

*Chauffeur* has the same meaning as driver, as defined by this article.

*Company* means a passenger vehicle for hire company to which a company operating certificate has been issued.

*Company operating certificate* means the license, issued by the city manager or his designee, authorizing a person to operate a passenger vehicle for hire company.

*Company operating certificate holder* means the passenger vehicle for hire company owner and/or the supporting service provider issued a company operating certificate for the operation of a passenger vehicle for hire company.

*Contract vehicle* means any passenger vehicle for hire that provides contract transportation to passengers for compensation by prearrangement with the passenger vehicle for hire company, that does not accept other passengers indiscriminately between points along highways and that does not accept compensation from any passenger. No contract vehicle shall engage in cruising or be operated on call or demand.

*Cruising* means the movement of a passenger vehicle for hire over public streets, airport terminal roadways or public vehicular areas in search of passengers or for the purpose of attracting passengers. No passenger vehicle for hire, other than a taxicab, shall engage in cruising or be operated on call or demand.

*Driver* means any person who physically operates a passenger vehicle for hire.

*Driver's permit* means the license issued by the passenger vehicle for hire manager to any person to enable that person to operate a passenger vehicle for hire.

*Foreign* means a for hire vehicle company based outside of the corporate limits of the City of Charlotte, and within the United States of America, that does not regularly operate within the corporate limits of the City of Charlotte, and does not possess a company operating certificate.

*For hire* means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, remuneration or profit is paid to, accepted by, or received by the driver or an employee or the company operating certificate holder operating any passenger vehicle for hire in exchange for the temporary use by or for the transportation of a person as a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge.

*Habitual criminal activity* means a minimum of at least three convictions of class 2 misdemeanors or higher.

*Habitual violator of traffic laws* means an individual who has accrued at least eight points on his or her driver's license within a three year period, or six convictions of any type of traffic or moving offense within a ten year period.

*Habitual User of Alcoholic Beverages or Drugs* means a person who has, at a minimum, two or more alcohol or drug related misdemeanors or alcohol or drug-related violations of North Carolina law or City ordinances within a three year period.

~~*Independent owner-driver* means a person, self-employed, who engages in the business of operating a single passenger vehicle for hire, as its owner and driver.~~

*Limousine* means any motor vehicle that meets the manufacturer's specifications for a luxury limousine and that provides limousine service as defined in this section. Every limousine shall have a minimum of four seats or one continuous sofa-styled seating area located behind the operator of the vehicle. No limousine shall engage in cruising or be operated on call or demand.

*Limousine company* means any passenger vehicle for hire company issued a company operating certificate that engages in the business of operating limousines or providing limousine service as an owner or franchisor.

*Limousine sedan* means those vehicles that provide executive transportation services and are necessarily limited to full-sized luxury sedans. The PVH manager shall maintain a list of all the types of vehicles that will be approved to operate as a limousine sedan.

*Limousine service* means the service regularly rendered to the public, not over fixed routes, which furnishes transportation by limousines for hire, based on a fee determined by increments of time and contracted for by telephone or other prearrangement with a limousine company.

*Manager, PVH manager, and passenger vehicle for hire manager* mean the city employee, agent or contractor responsible for the enforcement and inspection of passenger vehicles for hire

in the city and for the administration of the passenger vehicle for hire office and this article. For purposes of this article, reference to the manager, PVH manager, or the passenger vehicle for hire manager shall include any city employees, agents or contractors designated by the passenger vehicle for hire manager to assist in the enforcement and administration of this article, as provided in subsection 22-28(a).

*Manifest* means a daily record, prepared by the driver, of all trips made by the passenger vehicle for hire, showing the time and place of origin, the destination of each trip and the amount of the fare.

*Nonmetered passenger vehicle for hire* means a passenger vehicle for hire, other than a taxicab, that is not equipped with a meter and that is operated by a driver under a prearrangement for a fixed fee based on a fee schedule filed with the passenger vehicle for hire board. No nonmetered passenger vehicle for hire shall engage in cruising or be operated on call or demand.

*Operate, operating, or operated* means that a vehicle that is under the control of a person and which is in motion or which has the engine running. A passenger vehicle for hire may be operated for personal purposes by the individual who owns the vehicle, so long as they are not transporting anyone other than themselves or members of the driver's immediate family.

*Para-transit vehicle* means any passenger vehicle for hire that provides transportation to passengers with disabilities or physical impairments for compensation by prearrangement with the passenger vehicle for hire company and that does not include the acceptance of passengers indiscriminately between points along highways. A para-transit vehicle shall not include any transportation services to passengers with disabilities or physical impairments being offered by any governmental agency as a public purpose or by medical facilities exclusively to the patients of the medical facility. No para-transit vehicle shall engage in cruising or be operated on call or demand.

*Passenger vehicle for hire* means any vehicle (including limousines) licensed by and registered with the North Carolina or South Carolina Department of Motor vehicles (or equivalent state agency). A passenger vehicle for hire, ~~which~~ is operated by a driver and provides for hire transportation services, as defined in this section. A passenger vehicle for hire shall not include motor vehicles or motor vehicle carriers as defined in G.S. 62-259—62-279 or hotel courtesy vehicles that provide transportation services solely to patrons of the hotel. No passenger vehicle for hire, other than a taxicab, shall engage in cruising or be operated on call or demand.

*Passenger vehicle for hire board* means a board created pursuant to division 5 of this article to carry out the responsibilities contained in this article.

*Passenger vehicle for hire company* means any company issued a company operating certificate that engages in the business of operating passenger vehicles for hire as an owner or franchisor.

*Prearrangement* means an agreement to provide transportation by registration in advance of boarding from a specific location by a nonmetered passenger vehicle for hire. A driver or company must be able to demonstrate prearrangement by showing a copy of a written or electronic reservation for service from a specific location, at a specific date and time, to travel to specific destinations. All passenger vehicles for hire (except taxicabs) must be able to present

[written or electronic proof of a reservation](#). Rates will be established in one-hour increments for a minimum of a one-hour period without regard to whether the trip requires less than one hour or not or by specific written contract. The key factor in determining the cost of a prearranged non-metered passenger vehicle for hire service shall be the length of time the vehicle is in use, measured in hourly increments or an agreed-upon fixed rate by written contract. Prearrangement does not include the hailing or other oral request for immediate transportation service from a public street location or public vehicular area as the pickup location.

*Rate notice* means the card, displayed upon and within a passenger vehicle for hire, describing the schedule of fares charged by the passenger vehicle for hire and posted in accordance with section 22-253.

*Registered vehicles* means the maximum number of vehicle operating permits issued to a passenger vehicle for hire company for at least eight consecutive months of a calendar year.

*Shuttle van* means any passenger vehicle for hire that provides shuttle transportation to passengers to or from prescribed locations such as hotels, motels, shopping centers, business or commercial buildings, factories, stadiums, coliseums or theaters by prearrangement for a fee, pursuant to a contract or agreement, and that does not accept or discharge passengers indiscriminately between prescribed locations. No shuttle van shall engage in cruising or be operated on call or demand.

*Special services permit* means a license issued by the passenger vehicle for hire manager, or his designee, to a company operating certificate holder, allowing the company operating certificate holder to provide taxicab service different from the service described in this article, as provided in subsection 22-30(1)d.

*Sport utility vehicle (SUV)* means a luxury class four door SUV with top-end accommodation for executive transportation services. This is a non-metered vehicle with low-profile vehicle markings (same as limousine sedan requirements) used to transport persons by prearrangement. The passenger vehicle for hire manager shall make the final determination whether a specific SUV meets the luxury classification, for the purposes of determining vehicle identification (lettering and logo) requirements.

*Street* means any road, alley, avenue, highway, terminal roadway or any other public vehicular area within the corporate limits as they may exist or may be extended.

*Supporting service provider* means the person who or company that satisfies, or guarantees to satisfy, the requirements of subsections 22-64(6) and 22-66(2).

*Taxicab* means any motor vehicle seating nine or fewer passengers and driver operated for hire upon any street on call or demand.

*Vehicle decal* means an annually issued, nontransferable, numbered insignia providing exterior identification that a particular passenger vehicle for hire has a valid vehicle operating permit.

[Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks. This term shall not include mopeds or electric personal](#)

assistive mobility devices as defined in North Carolina General Statutes § 20-4.01 (7a).

*Vehicle operating permit* means the license, issued by the passenger vehicle for hire manager, authorizing a person to operate a passenger vehicle for hire.

*Vehicle operating permit holder* means the vehicle owner and/or the supporting service provider issued a vehicle operating permit for the operation of a passenger vehicle for hire.

*(Ord. No. 3065-X, 8-22-2005)*

**Cross reference—Definitions generally, § 1-2.**

**Sec. 22-28. - Passenger vehicle for hire office created; manager's reports, recommendations and duties generally.**

(a)

The passenger vehicle for hire office is hereby created, and it shall be administered by a passenger vehicle for hire manager, who is hereby appointed the passenger vehicle for hire inspector. The passenger vehicle for hire manager shall be appointed by the city manager, or his designee. The passenger vehicle for hire manager may appoint or designate other city employees, agents, contractors or inspectors as may be necessary to assist the passenger vehicle for hire manager in enforcing this article.

(b)

The passenger vehicle for hire manager shall advise the city manager, or his designee, on matters covered or incidentally involved in the operation or administration of this article. The passenger vehicle for hire manager shall make such reports to the city manager, or his designee, and the city council as may be required. The passenger vehicle for hire manager shall make recommendations to the city manager on whether applicants for a company operating certificate and/or vehicle operating permit meet the eligibility criteria set out in sections 22-66 and 22-106.

(c)

The passenger vehicle for hire manager is charged with the duties required of him in this article and, in general, shall be responsible for, or may contract for, the inspection of passenger vehicles for hire and the licensing of the drivers.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-29. - Limitation on number of certificates and permits.**

(a)

Pursuant to subsection 22-182(c), the passenger vehicle for hire board may recommend to the city council limitations on the number of company operating certificates, vehicle operating permits or driver's permits to be issued by the city during any calendar year. The city council may impose separate limits on each type of certificate, permit, vehicle or vehicle for hire service where the public convenience so warrants. Limits imposed under this section shall be applied to initial and renewal applications for certificates or permits. The decision to limit the number of certificates and permits shall be solely within the discretion

of the city council following the recommendation of the passenger vehicle for hire board. The burden of showing that public convenience requires the issuance of such permits rests with and shall be the responsibility of the certificate or permit holder.

(b)

At least once every three years, the passenger vehicle for hire board shall consider and recommend to the city council whether limits shall be imposed on the number of company operating certificates, vehicle operating permits or driver's permits to be issued by the city.

(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-30. - Types of service.**

Passenger vehicles for hire are authorized to provide the following types of service:

(1)

*Taxicabs.* A taxicab may provide the following types of service:

a.

*Exclusive ride.* A service involving the transportation of a party by a taxicab from a single origin to a single destination for compensation;

b.

*Group ride.* A service involving the transportation of several passengers by a taxicab from a single origin to a single destination for compensation;

c.

*Shared ride.* A service involving the transportation of several passengers by a taxicab from one or more origins to one or more destinations for compensation, as described in subsection 22-31(g); and

d.

*Special service.* An unusual and unique service essentially different from typical taxicab services as described in subsections (1)a.—c. of this section, requiring a special service permit issued by the passenger vehicle for hire manager. Services under this subsection include, but are not limited to, fixed route service, paratransit service, geographically or time-of-day/limited service or any other innovative services. A special service permit shall be issued under the following conditions:

1.

Application for a special service permit shall be addressed in writing to the passenger vehicle for hire manager, shall designate the proposed service in detail and shall provide reasons why a regular vehicle operating permit is inadequate.

2.

Approval and subsequent operation under a special service permit shall be contingent upon any conditions of this article placed in the special service permit by the passenger vehicle for hire manager. Failure to carry out the conditions of the special service permit shall be grounds for revocation of the permit.

3. Fees for the application of special service permits shall be set by the city manager, or his designee.

4. A special service permit holder must also obtain a vehicle operating permit for the service to be provided.

5. Unless specifically exempted in the special service permit, each service operating pursuant to a special service permit shall be subject to every section of this article.

(2)

*Contract vehicle.* A contract vehicle shall provide service involving the transportation of passengers for compensation by prearrangement with a passenger vehicle for hire company and which does not accept passengers indiscriminately between points along highways and does not accept compensation from any passenger. A contract vehicle shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.

(3)

*Shuttle van.* A shuttle van shall provide service involving shuttle transportation of passengers to or from prescribed locations such as hotels, motels, shopping centers, business or commercial buildings, factories, stadiums, coliseums or theaters by prearrangement for a fee, pursuant to a contract or agreement, and which does not accept or discharge passengers indiscriminately between prescribed locations. A shuttle van shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.

(4)

*Para-transit vehicle.* A para-transit vehicle shall provide service involving the transportation of passengers with disabilities or physical impairments for compensation by prearrangement with the passenger vehicle for hire company and which does not include the acceptance of passengers indiscriminately between points along highways. A para-transit vehicle shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.

(5)

*Nonmetered passenger vehicle for hire.* A nonmetered passenger vehicle for hire shall provide service involving transportation of passengers on the basis of prearrangement for which passengers are charged a fixed fee not computed by a taximeter. A nonmetered passenger vehicle shall not be operated as a taxicab by engaging in cruising or providing service on call or demand.

(6)

*Limousine and limousine sedan or SUV.* A limousine, limousine sedan and SUV shall provide the following services:

a.

Service regularly rendered to the public, not over fixed routes, which furnishes transportation by limousines, limousine sedans, and SUVs for hire, based on a

fee determined by increments of time and contracted for by telephone or other prearrangement with a passenger vehicle for hire company. No limousine, limousine sedans, or SUV shall be operated as a taxicab by engaging in cruising or providing service on call or demand.

**b.**

Special temporary service, which is an infrequent and unusual service requiring the pooling of foreign or unpermitted limousines and requiring a special temporary service permit to be issued by the passenger vehicle for hire manager. Special temporary services under this subsection include, but are not limited to, pooling arrangements to service the needs created by one-time citywide tourism events. The passenger vehicle for hire manager shall be authorized to issue special temporary service permits allowing duly licensed limousine companies to associate with foreign or other unpermitted passenger vehicle for hire companies to meet the demand of the special event. For purposes of this article, all foreign and unpermitted passenger vehicle for hire companies, operating under a special temporary service permit issued under this subsection, shall be deemed a member of the company operating certificate holder's fleet. A special temporary service permit shall be issued only after compliance with the following conditions:

**1.**

Applications for a special temporary service permit shall be submitted by the company operating certificate holder, called the applicant, to the passenger vehicle for hire manager. All applications shall contain the following information:

**i.**

A description of the special event;

**ii.**

The requested number of passenger vehicles for hire sought;

**iii.**

An explanation of why the proposed service is necessary and that the existing number of permitted passenger vehicles for hire (by type) is inadequate;

**iv.**

The name and address of each foreign company and, if a foreign company is a corporation, a certified copy of the articles of incorporation, or if such foreign company is an association, a certified copy of the bylaws of the association;

**v.**

The number of passenger vehicles for hire presently operated by the applicant on the date of such application, if any;

**vi.**

The make, model, vehicle owner, vehicle identification number,

license plate number, and passenger capacity of all passenger vehicles for hire for which application for a company operating certificate is made;

**vii.**

Certificates of insurance or copies of the insurance declaration page for each passenger vehicle for hire planned for use, showing policy number, coverage limits, and vehicle year, make, model and vehicle identification number;

**viii.**

A list of all company owners and drivers to include full name, driver's license number, social security number, and date of birth; and

**ix.**

The applicant shall swear that the information submitted is neither false nor misleading. Submitting, or causing to be submitted, false or misleading information is unlawful and shall be grounds for denial of a special temporary service permit and may subject the company operating certificate to revocation.

**2.**

The company operating certificate holder and foreign passenger vehicle for hire owner shall agree to be jointly and severally responsible for the conduct and actions of the foreign company while the foreign company provides the special temporary service and shall ensure compliance with the applicable sections of this article. Each foreign passenger vehicle for hire shall provide evidence of insurance at the limits required by the passenger vehicle for hire manager.

**3.**

Approval and operation under a special temporary service permit shall be contingent upon satisfaction of any condition placed on the special temporary service permit holder by the passenger vehicle for hire manager. Failure to satisfy the conditions of the special temporary service permit shall be grounds for revocation of the permit.

**4.**

Fees for the application of special temporary service permits shall be set by the city manager, or his designee.

**5.**

A special temporary service permit shall not exceed seven days in duration. Any vehicle that operates pursuant to a special temporary service permit shall display a valid temporary service permit decal issued by the passenger vehicle for hire manager.

**6.**

Unless specifically exempted in the special temporary service permit, each limousine operating pursuant to a special temporary service permit shall be subject to each and every section of this article.

7.

Nothing contained in this subsection shall relieve the holder of a special temporary service permit from obtaining any and all necessary approvals as may be required to operate at the airport or from paying any fees required by the airport.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-31. - Conduct of certificate holders, permit holders, drivers.**

(a)

No company operating certificate holder, vehicle operating permit holder, driver shall deceive or attempt to deceive any passenger who may ride or desire to ride in his passenger vehicle for hire in any manner, especially as to destination or the rate of fare to be charged.

(b)

No company operating certificate holder, vehicle operating permit holder, driver shall transport, or cause to be transported, any passenger to any place other than as directed by the passenger. In no event shall any company operating certificate holder or vehicle operating permit holder direct, encourage or allow any driver providing passenger vehicle for hire service to take a longer route than reasonably necessary to the requested destination, unless the driver is so requested by the passenger, except for shared ride service provided for in subsection (h). In addition, in no event shall any driver providing passenger vehicle for hire service take a longer route than reasonably necessary to the requested destination, unless the driver is so requested by the passenger, except for shared ride service provided for in subsection (gh).

(c)

Drivers shall comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken.

(d)

No driver shall have in his possession a lit cigarette, cigar, pipe or tobacco of any kind or incense while operating a passenger is being transported in his passenger vehicle for hire.

(e)

Except for duly licensed taxicabs, no company operating certificate holder or vehicle operating permit holder shall operate or allow the operation of any passenger vehicle for hire on call or demand or to engage in cruising or otherwise operate as a taxicab. No driver of any passenger vehicle for hire, except for a taxicab, shall operate a passenger vehicle for hire on call or demand, engage in cruising, or otherwise operate as a taxicab.

(f)

No driver of any taxicab shall at any time solicit passengers by any word, sign, signal (audible or otherwise) or gesture or use any word, sign, signal (audible or otherwise) or gesture to solicit patronage, annoy any person, obstruct the movement of any person or traffic or follow any person, except that within a taxicab stand, as designated in subsection 22-32(a), a driver of any taxicab located inside his vehicle or outside, but within ten feet of the taxicab, may solicit passengers by word, sign or gesture. Except as provided by this subsection, a driver of any taxicab may not solicit or have any other person solicit

passengers on the driver's behalf. Nothing in this subsection shall prohibit a driver of any taxicab from alighting to the street or sidewalk for the purpose of assisting passengers into or out of his taxicab. Notwithstanding in this subsection, no driver of a passenger vehicle for hire, except taxicabs, as permitted, shall at any time solicit passengers by any word, sign, signal (audible or otherwise), gesture or by cruising.

**(g)**

No driver shall allow the seating capacity of his passenger vehicle for hire to exceed manufacturer's specifications.

**(h)**

If agreed to by the first passenger, a taxicab carrying passengers may answer other calls or pick up additional passengers, prior to taking the first passenger to his destination, provided the first passenger agrees to the amount of additional time required for the exclusive-ride trip as estimated in advance by the driver. Taxicab drivers shall specify any fare discounts authorized by the passenger vehicle for hire board to passengers participating in ridesharing. If the original passenger is a person under 18 years of age and is unaccompanied by a person 18 years of age or older, no other passengers shall be permitted in the taxicab unless permission is given in a prearranged contract by the contracting parties.

**(i)**

No company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person on the basis of race, color, religion, sex or national origin. In addition, no company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person on the basis of disability when such service can be provided to a person with a disability with reasonable accommodation.

**(j)**

No company operating certificate holder, vehicle operating permit holder, or driver shall refuse or neglect to transport any person requesting service on the basis of the time of day of the request or on the basis of the geographical area of the city to be served.

**(k)**

A driver may refuse or neglect to transport an orderly person upon request, only if the driver has made visual contact with the person and formed a belief that is reasonable under the circumstances that transporting such person might be unsafe for the driver, or the driver has the "off-duty" placard displayed prior to the request for service by a prospective passenger. Nothing contained in this subsection shall authorize a driver to refuse or neglect to transport any person as a pretext to the driver's noncompliance with subsections (i) and (j).

**(l)**

No company operating certificate holder, vehicle operating permit holder, or driver shall knowingly use, sell, handle or transport illegal or controlled substances at any time while operating a passenger vehicle for hire. In addition, no driver shall give any information to any passenger as to where or how illegal or controlled substances may be obtained.

**(m)**

No company operating certificate holder, vehicle operating permit holder, or driver shall maintain, use or possess a scanner or device capable of intercepting telephonic communications while operating a passenger vehicle for hire.

**(n)**

No company operating certificate holder, vehicle operating permit holder, or driver shall knowingly solicit, procure or give information in regard to or transport any passenger to any person for the purpose of prostitution.

(o)

All company operating certificate holders, vehicle operating permit holders, and drivers shall provide prompt, efficient service and shall be courteous at all times to the general public, to other passenger vehicle for hire drivers, to the passenger vehicle for hire manager and to any officer of the Charlotte-Mecklenburg Police Department.

(p)

No company operating certificate holder, vehicle operating permit holder, or driver shall operate or allow a vehicle to be operated in a manner which threatens, endangers or abuses a passenger or the general public.

(q)

No driver shall operate a passenger vehicle for hire while consuming, while under the influence of or while having the odor of an alcoholic beverage or controlled substance on or about his person. No company operating certificate holder or vehicle operating permit holder shall allow any driver to operate a passenger vehicle for hire while consuming, while under the influence of or while having the odor of an alcoholic beverage or controlled substance on or about his person.

(r)

Any driver charged with a criminal offense or infraction shall notify the passenger vehicle for hire manager within 24 hours and shall produce evidence of the disposition of the case as soon as it is available. Failure to do so will result in the suspension of the driver's permit.

(s)

Company operating certificate holders and vehicle operating permit holders shall be responsible for the compliance of their affiliated drivers with this section. Failure of a driver to comply with this section may result in the issuance of citations to the passenger vehicle for hire company and/or the driver pursuant to section 22-33.

(t)

No driver shall operate a passenger vehicle for hire within the city without a valid [North Carolina or South Carolina](#) driver's license for the type of vehicle to be operated or while his driver's license is suspended or revoked.

(u)

No company operating certificate holder, vehicle operating permit holder, or driver shall fail or refuse to surrender his company operating certificate, vehicle operating permit, vehicle decal, and/or driver's permit following a decision of the passenger vehicle for hire board not to renew or to suspend or revoke a company operating certificate, vehicle operating permit, or driver's permit pursuant to section 22-183.

(v)

No company operating certificate holder or vehicle operating permit holder shall operate or allow the operation of a passenger vehicle for hire under a company operating certificate or vehicle operating permit that is in a state of suspension or revocation.

(w)

No driver shall operate a passenger vehicle for hire while his driver's permit is in a state of suspension or revocation.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-32. - Taxicab stands.**

(a)

The passenger vehicle for hire manager and the city's director of transportation, or their designees, shall jointly establish and designate taxicab stands.

(b)

Taxicabs shall enter designated taxicab stands from the rear only, and each taxicab therein must be heading in the direction of the exit. No taxicab shall stop at a taxicab stand unless there is a vacancy therein. Unless a passenger requests otherwise, taxicabs shall exit taxicab stands in the order in which they enter. Drivers shall remain in their taxicabs or within the taxicab stand so that normal operations of the taxicab stand are maintained. Taxicab drivers may leave the taxicab stand only in an emergency or to assist passengers.

(c)

No passenger vehicle for hire, except a taxicab, shall use taxicab stands in the city.

(d)

A list of all taxicab stands in the city shall be kept on file in the passenger vehicle for hire office and shall be open to inspection by the public.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-33. - Penalties.**

(a)

It shall be unlawful for any person to violate any of the sections of this article.

(b)

Upon violation of any section of this article, the passenger vehicle for hire manager, or his designee, may suspend or revoke the company operating certificate, the vehicle operating permit, and/or the driver's permit held by such person.

(c)

The initial violation of any section of this article shall subject the offender to a civil penalty of up to the following:

(1)

Class A offense \$200.00

(2)

Class B offense 100.00

(3)

Class C offense 50.00

Class A, class B and class C offenses shall be those offenses listed in subsection (d).

Upon the failure of an offender to pay the civil penalty or appeal the violation, such penalty

may be recovered by the city in a civil action in the nature of a debt. The enforcement of this article by civil citation shall follow the procedures set out in [Section 2-24 of the City Code](#).

**(d)**

Progressive penalties may be applied for repeated violations of this article. When it is determined by the passenger vehicle for hire manager, or his designee, that the same company operating certificate holder, vehicle operating permit holder, or driver, has committed a second or a series of violations of this article within any 12-month period, progressive penalties may be imposed. If progressive penalties are imposed, progressive penalties shall be assessed by the passenger vehicle for hire manager and may be recovered by the city in a civil action in the nature of a debt. The progressive penalties shall be assessed in accordance with the following schedules:

**PASSENGER VEHICLE FOR HIRE PENALTY SCHEDULES**

**(1)**

*Class A offenses.*

**a.**

Penalties for class A offenses committed by company owners shall be as follows:

- 1.** Second violation of this article \$ 500.00
- 2.** Third violation of this article 1,000.00
- 3.** Fourth or subsequent violation of this article 2,000.00

**b.**

Penalties for class A offenses committed by drivers or vehicle owners shall be as follows:

- 1.** Second violation of this article \$300.00
- 2.** Third violation of this article 500.00
- 3.** Fourth or subsequent violation of this article 750.00

**c.**

A person may be charged with a class A offense by operating a passenger vehicle for hire within the city without:

- 1.** First having obtained a company operating certificate authorizing such operation as required by section 22-61.
- 2.** First having obtained a vehicle operating permit authorizing such operation as required by section 22-101.

3. Having first obtained a passenger vehicle for hire driver's permit as required by section 22-141.
4. A valid driver's license for the type of vehicle being operated or while his driver's license is suspended or revoked as prohibited by section 22-31(st).
5. Owning and operating a company providing passenger vehicle for hire services without having a valid company operating certificate issued by the passenger vehicle for hire manager required by section 22-61.

6.

(Taxicabs only) A functional backseat credit card payment device required by section 22-288 (5) (pp).

(2)

*Class B offenses.*

**a.**

Penalties for class B offenses shall be as follows:

1. Second violation of this article \$200.00
2. Third violation of this article 300.00
3. Fourth or subsequent violation of this article 400.00

**b.**

A person may be charged with a class B offense by:

1. Operating a passenger vehicle for hire within the city without displaying a passenger vehicle for hire driver's permit displayed in violation of subsection 22-146(b).
2. Operating a passenger vehicle for hire for a company operating certificate holder other than the company operating certificate holder shown on the driver's permit in violation of subsection 22-146(c).
3. Operating a passenger vehicle for hire within the city while the vehicle operating permit is expired in violation of section 22-107.
4. Operating a passenger vehicle for hire within the city with an expired passenger vehicle for hire driver's permit in violation of subsection 22-146(ed).

5. Deceiving or attempting to deceive a passenger who may ride or desire to ride in a passenger vehicle for hire in any manner, especially as to destination or the rate of fare to be charged in violation of subsection 22-31(a).
6. Transporting or causing to be transported any passenger to any place other than as directed by the passenger in violation of subsection 22-31(a).
7. Taking a longer route to the requested destination than is reasonably necessary in violation of subsection 22-31(a).
8. Failing to comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken in violation of subsection 22-31(b).
9. Failing to be dressed in a way so as to convey a neat and clean appearance in violation of section 22-220.
10. Charging the passenger more than the fare shown on the taximeter or rate filed with the passenger vehicle for hire manager in violation of subsection 22-256(a).
11. Refusing to give a passenger a receipt showing the passenger vehicle for hire vehicle operating permit number, the driver's permit number and the date and the amount of fare paid in violation of subsection 22-256(b).
12. Operating a taxicab which is occupied by a person other than the driver without having the meter on and operating in violation of subsection 22-289(b).
13. Transporting another passenger except the driver and any person who may be accompanying a fare-paying passenger in violation of section 22-222.
14. Failing to report an accident involving the operation of a passenger vehicle for hire in violation of section 22-221.

(3)

*Class C offenses.*

a.

Penalties for class C offenses shall be as follows:

1. Second violation of this article \$100.00
- 2.

Third violation of this article 200.00

3.

Fourth or subsequent violation of this article 300.00

b.

A person may be charged with a class C offense by:

1.

Having in his possession a lit cigarette, cigar, pipe, tobacco of any kind or incense while any passenger is being transported in a passenger vehicle for hire in violation of subsection 22-31(c).

2.

Allowing the seating capacity of a passenger vehicle for hire to be exceeded in violation of subsection 22-31(fg).

3.

Refusing or neglecting to transport any person upon request in violation of subsection 22-31(h).

4.

Failing to remain in his passenger vehicle for hire or within a taxicab stand in violation of subsection 22-32(b).

5.

Failing to operate a passenger vehicle for hire in accordance with the laws of this state and this Code and other city ordinances in violation of subsection 22-212(a).

6.

Operating a passenger vehicle for hire at a rate of speed inconsistent with existing traffic regulations, road conditions, hazards at intersections and other conditions then existing in violation of subsection 22-212(b).

7.

Operating a passenger vehicle for hire in violation of any of the remaining sections of this article.

(e)

If a person fails to pay or appeal a penalty within ~~30~~-60 days after the city's mailing of the notice of violation, the passenger vehicle for hire manager ~~may~~shall suspend or revoke the person's company operating certificate, vehicle operating permit, and/or driver's permit in addition to any other action taken pursuant to this article.

(f)

A civil penalty shall be assessed against a company owner who fails to file an application to renew their company operating certificate prior to the expiration of their company operating certificate. This penalty shall be in the amount of \$100.00 per day for each day beginning on the first day following the expiration of the company operating certificate when that the company owner has not applied to renew their company operating certificate.

(g)

Civil penalties may be levied against the passenger vehicle for hire company according to the total amount of civil penalties incurred during a calendar year by the passenger vehicle

for hire drivers employed or contracted by or affiliated with the passenger vehicle for hire company. The amount of civil penalties shall be determined by the number of passenger vehicles for hire operated by the company and the total amount of civil penalties incurred annually by the drivers for the company, as follows:

Number of Registered Vehicles	Penalties
1—15	Annually, each \$750.00 in driver penalties shall result in a civil penalty of \$5,000.00
16--30	Annually, each \$1,250.00 in driver penalties shall result in a civil penalty of \$5,000.00
31--50	Annually, each \$2,500.00 in driver penalties shall result in a civil penalty of \$5,000.00
51--75	Annually, each \$3,750.00 in driver penalties shall result in a civil penalty of \$5,000.00
Over 75	Annually, each \$5,000.00 in driver penalties shall result in a civil penalty of \$5,000.00.

The passenger vehicle for hire manager shall notify the passenger vehicle for hire company of any citations issued to a driver employed, contracted by or affiliated with the passenger vehicle for hire company. The notice shall be sent to the company shown on the driver's permit.

**(h)**

In addition to the authority under this article to deny, suspend or revoke a certificate or permit, the city may seek enforcement of this article by instituting a civil action for injunctive relief, an abatement order or any other appropriate relief in the superior court of the county.

**(i)**

No company operating certificate, vehicle operating permit, and/or driver's permit shall be renewed if any civil penalty assessed under this article is unpaid or outstanding.

**(j)**

Any and all penalties assessed against any driver shall remain the obligation of the driver regardless of any change in his company affiliation.

**(k)**

This article may be enforced by one, all or a combination of the remedies authorized and

prescribed by this article, section 2-21 of the City's Code and state law.  
(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-34. - Appeals.**

Persons found to be in violation of this article may appeal such violation directly to the chair of the passenger vehicle for hire board pursuant to section 22-151 of this article.

(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-35. - Enforcement by police.**

Officers of the Charlotte-Mecklenburg Police Department shall assist in the enforcement of this article. A police officer observing a violation of this article shall take necessary enforcement action to ensure the effective regulation of passenger vehicle for hire service in the city.

(Ord. No. 3065-X, 8-22-2005)

**Secs. 22-36—22-60. - Reserved.**

**DIVISION 2. - COMPANY OPERATING CERTIFICATE**

Sec. 22-61. - Required.

Sec. 22-62. - Issuance.

Sec. 22-63. - Authorization to operate taxicab under company operating certificate.

Sec. 22-64. - Application requirements.

Sec. 22-65. - Hearing on application.

Sec. 22-66. - Issuance conditions; denial.

Sec. 22-67. - Expiration.

Sec. 22-68. - Renewal.

Sec. 22-69. - Transferability.

Sec. 22-70. - Grounds for suspension or revocation; hearing.

Sec. 22-71. - Appeal of suspension or revocation.

Sec. 22-72. - Procedure upon appeal of suspension or revocation.

Sec. 22-73. - Surrender of certificate, permit and decals after revocation.

Sec. 22-74. - Fees.

Secs. 22-75—22-100. - Reserved.

**Sec. 22-61. - Required.**

No person shall operate any passenger vehicle for hire in the city without first having obtained a company operating certificate authorizing the operation of such business.

(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-62. - Issuance.**

(a)

The city council authorizes the city manager, or his designee, to issue a company operating certificate to any applicant, subject to such conditions as the city council may deem advisable or necessary in the public interest, and upon payment of a regulatory fee provided by section 22-74. A separate company operating certificate shall be required for each class of passenger vehicle for hire company, except limousines, limousine sedans, and SUVs may be operated under a single company operating certificate so long as the certificate authorizes such on its face. A company operating certificate shall be valid for a period of one year and may be renewed annually upon the approval of the city manager, or his designee, and the payment of the regulatory fees provided by section 22-74.

(b)

No company operating certificate shall be issued to or renewed by any person who shall not have fully complied with all of the requirements of this article before the commencement of the operation of the proposed service.

(c)

No company operating certificate shall be issued or renewed unless the applicant presents a financial statement to the passenger vehicle for hire manager. The financial statement shall be in the name of the passenger vehicle for hire requesting the certificate, and any bank accounts identified on the financial statement shall have been opened for at least 30 days prior to the certificate application date. ~~In addition, the applicant shall provide a written statement verifying that the applicant is not currently a named party to any bankruptcy proceeding and that the applicant has not been a named party to any bankruptcy proceeding within seven years prior to the date of the certificate application date.~~

(d)

Each company operating certificate shall specify the type of passenger vehicles for hire which the company operating certificate holder is authorized to operate under that certificate. No passenger vehicle for hire company shall operate in a manner except as authorized by the company operating certificate.

(1)

In addition, no company operating certificate shall be issued to or renewed by any company that ~~shall~~has not have maintained and operated the following minimum number of vehicles for each type of use:

a.

Thirty taxicabs;

b.

One nonmetered passenger vehicle for hire;

c.

One contract vehicle;

d.

One para-transit vehicle;

e.

- One shuttle van;
- f. One limousine; or
- g. Such other number equivalent to the number of vehicle operating permits requested.

(2)

However, the minimum number of taxicabs required for a company operating certificate holder to operate shall vary based on the ~~following~~ number of accessible vehicles and the number of alternative-fuel vehicles owned, maintained and operated by the company operating certificate holder. Each accessible vehicle shall equal five taxicabs towards the minimum number of taxicabs required by section 22-62 (d) (1). Each alternative-fuel vehicle shall equal three taxicabs towards the minimum number of taxicabs required by section 22-62 (d) (1). Therefore, to obtain a company operating certificate to provide taxicab service, a company must have the following:

- ~~a. A minimum of 30 taxicabs, if the company has no accessible vehicles;~~
- ~~b. A minimum of 25 taxicabs, if the company has one accessible vehicles;~~
- ~~c. A minimum of 20 taxicabs, if the company has two accessible vehicles;~~
- ~~d. A minimum of 15 taxicabs, if the company has three accessible vehicles;~~
- ~~e. A minimum of ten taxicabs, if the company has four accessible vehicles; or~~
- ~~f. A minimum of five taxicabs, if the company has five accessible vehicles.~~

(3)

Pursuant to section 22-182 of this article and upon the recommendation of the passenger vehicle for hire board and approval by the city council, the city may impose limitations on the number of company operating certificates, vehicle operating permits or driver's and may require a minimum number of accessible vehicles and alternative-fuel vehicles for companies providing taxicab service.

(e)

When the company operating certificate has been issued for a passenger vehicle for hire company pursuant to this article and a vehicle operating permit has been authorized for a vehicle for hire pursuant to this article, and, with respect to taxicabs, upon determination by the passenger vehicle for hire manager that the color scheme for the taxicab company is sufficiently distinctive so as not to cause confusion with other taxicabs already operating, the passenger vehicle for hire manager, upon receipt of a fee for each vehicle operating permit and for each vehicle decal pursuant to section 22-74, will issue for each passenger vehicle for hire a vehicle operating permit and numbered vehicle decal.

(1)

Display requirements of vehicle decals shall be as follows:

**a.**

*Limousines, limousine sedans, and SUVs.* Limousines, limousine sedans, and SUVs shall display a numbered decal on the lower right front windshield for which the vehicle operating permit is issued. Any loss, destruction or defacement of the vehicle decal shall be reported to the passenger vehicle for hire manager.

**b.**

*All other passenger vehicles for hire.* A vehicle decal shall be affixed to the inside lower left rear window portion of the passenger vehicle for hire for which the vehicle operating permit is issued, in plain view from the rear of the passenger vehicle for hire.

**(2)**

No vehicle shall be operated without a vehicle decal affixed thereto and issued pursuant to this subsection unless, pursuant to this division, the vehicle's use as a passenger vehicle for hire has been authorized and the driver of the vehicle has been authorized to drive a passenger vehicle for hire for the company operating certificate holder to whom the vehicle decal was issued.

**(f)**

The privilege of engaging in the business of operating a passenger vehicle for hire in the city authorized in the company operating certificate is personal to the company operating certificate holder and limited to the specific type of vehicle(s) permitted therein. The rights, requirements and responsibilities which attach to the company operating certificate remain with the holder at all times that the passenger vehicle for hire is operating in the city under the authority of the company operating certificate. These rights, requirements and responsibilities which include, but are not limited to, the requirements of this article will remain unaffected by any agreement or contractual arrangement between the company operating certificate holder, vehicle operating permit holder and/or driver not authorized by this article, regardless of the form or characterization of the agreement between the company operating certificate holder, vehicle operating permit holder and/or driver.

**(g)**

The company operating certificate holder shall, if there is any change in the business address or telephone number, notify the passenger vehicle for hire manager in writing of such change within 48 hours prior to the effective date of the change.

**(h)**

Before allowing a driver to operate under a company operating certificate, the company operating certificate holder shall review the qualifications of the driver to operate a passenger vehicle for hire. No company operating certificate holder shall permit or allow any driver to operate a passenger vehicle for hire under the company operating certificate if, after reasonable inquiry by the certificate holder, it appears the driver to operate a passenger vehicle for hire fails to comply with this article.

**(i)**

The failure of a passenger vehicle for hire company to comply with this section shall subject the company's company operating certificate to revocation or suspension as provided in subsection 22-70(a)(1). Nothing in this section shall be construed as establishing a standard

for civil liability for the evaluation of prospective or current passenger vehicle for hire drivers, and a violation of this section shall not be considered as evidence of negligence.  
(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-63. - Authorization to operate taxicab under company operating certificate.**

Nothing contained in this article shall prohibit any person from owning or operating a taxicab under a company operating certificate, provided a person shall:

- (1) Operate under the color scheme of a company operating certificate and use the company's depot or terminal, dispatcher service, radio equipment and meter;
- (2) Have a valid taxicab driver's permit issued by the passenger vehicle for hire manager, as provided in division 4 of this article;
- (3) Have a valid vehicle operating permit, as provided in division 3 of this article, and the vehicle shall display a valid vehicle decal; and
- (4) Be affiliated with a company operating certificate holder at all times.

(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-64. - Application requirements.**

(a) All applications for a company operating certificate are to be submitted by the company owner, called the applicant, on forms provided by the passenger vehicle for hire office, which shall contain the following:

- (1) The name and address of each applicant and, if an applicant is a corporation, attaching a certified copy of the articles of incorporation, or if the applicant is an association, attaching a certified copy of the bylaws of the association. **Each applicant must disclose all legal names that the applicant has ever used or any and all names they have ever gone by.**
- (2) The number of passenger vehicles for hire, if any, presently operated by the service provider on the date of such application.
- (3) The color scheme for which the company operating certificate is desired, if the certificate is for a taxicab.
- (4) The make, type and passenger capacity of the passenger vehicle for hire for which application for a company operating certificate is made.

(5)

All court records of the applicant. If an applicant is a corporation or association, all court records of the officers, directors and supervising employees, including general manager, if any, shall be provided.

(6)

The applicant's submittal of the following conditional information:

a.

Existence of and access to a lawfully zoned depot or terminal on private property;

b.

Ability to provide radio-dispatched service throughout the corporate limits of the City of Charlotte 24 hours a day, seven days a week, with centralized dispatching, or by other electronic means of dispatch, but not by exclusively using cellular telephone service (except as cellular telephone devices are utilized to access data such as text-based messages or electronic mail). ~~This shall not apply to company operating certificate holders operating fewer than ten taxicabs and four accessible vehicles;~~

c.

Ability to provide adequate supervision of drivers operating under the company operating certificates;

d.

Evidence that the telephone number of the passenger vehicle for hire company will be listed in the next city telephone directory to be issued and will not be the same telephone number as another passenger vehicle for hire company.

e.

Assurance that each passenger vehicle for hire operating under this certificate shall be kept clean, in good mechanical condition and in good physical condition at all times;

f.

Evidence that the applicant satisfies, at the time of the application, the minimum number of passenger vehicles for hire required by subsection 22-62(d); ~~and-~~

g.

Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire required by section 22-213; ~~and-~~

h.

Evidence that all advertised services will, in fact, be provided by the applicant, and will not be provided by another passenger vehicle for hire company, even if it is owned by the same company operating certificate holder, unless the passenger knowingly agrees to use another passenger vehicle for hire company.;

(b)

The applicant shall swear that the information submitted in subsection (a) is neither false nor misleading. Submitting, or causing to be submitted, false or misleading information is

unlawful and shall be grounds for denial of a company operating certificate.

(c)

In providing information required by subsections (a)(1), (5) and (6), an applicant may simply refer to previous applications and reference previously submitted documents or information, provided there has been no material change with respect to the documents or information.

(d)

No application for a company operating certificate shall be accepted from an applicant who has criminal charges pending against them at the time of application. For purposes of this subsection, pending criminal charges shall not include traffic infractions.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-65. - Hearing on application.**

The city manager, or his designee, may require a hearing with the applicant for a company operating certificate if the passenger vehicle for hire manager is not convinced that the applicant meets all eligibility criteria and has provided all necessary information to the passenger vehicle for hire manager as outlined in subsection 22-64(a).

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-66. - Issuance conditions; denial.**

The passenger vehicle for hire manager shall authorize issuance to every applicant who files an application, as provided in this division, a company operating certificate subject to the conditions this article may require and provided:

(1)

The issuance of the company operating certificate would not be against the public interest based on the applicant's court record, **which includes arrests for criminal offenses that are pending in the General Court of Justice of the State of North Carolina or the courts of another state, or the federal courts.** However, no application for a company operating certificate shall be approved if the court record of the applicant would not make it in the public interest for the application to be granted. **The PVH manager may refuse to grant an application for a company operating certificate if the owner(s) have a court record containing any felony convictions if the PVH manager determines, in his or her discretion, that it is in the public interest to deny the application.** Convictions, commissions, ~~and guilty pleas, of guilty~~ or pleas of no contest to any of the following shall **require the passenger vehicle for hire manager to deny the application on the grounds that ~~create a rebuttable presumption that the~~ approval of the applicant's application is not in the public interest:**

a.

Sex offenses;

b.

- c. Felonious drug offenses;
- d. Prostitution;
- e. Felonies involving violence or attempted violence;
- f. Gambling; and/or
- g. Habitual criminal activity.

Any applicant denied a company operating certificate under this subsection may appeal such denial to the passenger vehicle for hire board. All appeals shall be filed pursuant to section 22-71. No application for a company operating certificate that is denied pursuant to this subsection and for which the denial is affirmed by the passenger vehicle for hire board shall be accepted from the applicant within three years from the decision of the passenger vehicle for hire board.

(2)

The applicant shall have complied with all the sections of this article, including, but not limited to, the provision of:

- a. A lawfully zoned depot or terminal on private property;
- b. Radio-dispatched service, 24 hours a day, seven days a week, throughout the corporate limits of the City of Charlotte with centralized dispatching, or by other electronic means of dispatch, but not by exclusively using cellular telephone service (except as cellular telephone devices are utilized to access data such as text-based messages or electronic mail). ~~This shall not apply to company operating certificate holders operating fewer than ten taxicabs and four accessible vehicles only;~~
- c. Adequate supervision of drivers;
- d. Evidence that the telephone number for the passenger vehicle for hire company will be listed in the next city telephone directory issued and that all advertised services will, in fact, be provided;
- e. Assurance that each vehicle operating under this certificate shall be kept clean and in good mechanical condition and in good physical condition at all times;
- f. Evidence that the applicant satisfies, at the time of the application, the minimum number of passenger vehicles for hire required by subsection 22-62(d); and
- g.

Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire required by section 22-213.

(3)

The passenger vehicle for hire manager shall have determined that the applicant has sufficient funds to operate the projected and actual number of vehicles.

(4)

The issuance does not conflict with conditions placed by the city council on the issuance of company operating certificates.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-67. - Expiration.**

All company operating certificates shall expire on a yearly basis on a date determined by the passenger vehicle for hire manager. The company operating certificate shall automatically expire if the conditions for issuing the permit, as provided in section 22-66, change without approval of the passenger vehicle for hire manager.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-68. - Renewal.**

Upon application for renewal of a company operating certificate by the company operating certificate holder, the passenger vehicle for hire manager shall renew any company operating certificate or cause a new company operating certificate to be issued for the ensuing year, in the absence of any contrary evidence regarding the company operating certificate holder's fulfillment of the eligibility criteria provided in section 22-66 and compliance with this article. **No renewal application will be accepted from a company operating certificate holder who has outstanding or unpaid citations issued for violations of this Chapter. If a company operating certificate holder has appealed the outstanding citation in accordance with this Article, a renewal application may be accepted, but no decision on the application will be made until the appeal is concluded, and the company operating certificate holder's certificate will not expire until the appeal is concluded. As part of the process of applying for renewal of a company operating certificate, all officers, directors and supervising employees, including general manager, of the company will be required to submit the records of a criminal records check for the officers, directors and supervising employees, including general manager, or authorize the passenger vehicle for hire manager to conduct a criminal records check. No application for renewal shall be considered complete until the results of the criminal records checks are provided to the passenger vehicle for hire manager.**

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-69. - Transferability.**

(a)

Each company operating certificate issued pursuant to this division is separate and distinct

and shall not be transferable by the company operating certificate holder to another person without prior approval of the city manager or his designee. The city manager shall not approve any transfer in conflict with any restrictions placed by the city council, as provided by subsection 22-62(a).

(b)

If the company operating certificate holder is a corporation, partnership or other legal entity other than a natural person, voluntary transfer of the majority of the ownership interest in the corporation, partnership or other legal entity shall result in the automatic revocation of any company operating certificate previously granted to the company operating certificate holder, unless the prospective owners of the new entity obtain prior approval from the city manager, or his designee, for the transfer.

(c)

If an application for transfer of a company operating certificate is made, the city manager, or his designee, shall require the same information required for the original issuance of the operating certificate, as set forth in section 22-64.

(d)

Upon approval by the city manager to transfer a company operating certificate, the passenger vehicle for hire manager, within 90 days of such approval, shall issue a new company operating certificate, provided that the applicant for transfer has complied with all the subsections of this section.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-70. - Grounds for suspension or revocation; hearing.**

(a)

The passenger vehicle for hire manager may suspend or revoke a company operating certificate upon the occurrence of any one of the following:

(1)

The company operating certificate holder fails to operate his passenger vehicles for hire in compliance with all the sections of this article.

(2)

The passenger vehicle for hire manager finds that the company operating certificate holder submitted, or caused to be submitted, false or misleading information on his application for an operating certificate.

(3)

The company operating certificate holder ceases to operate any passenger vehicle for hire during a period of 30 consecutive days.

(4)

The company operating certificate holder of an operating certificate for taxicabs ceases to operate any taxicab, during a period of 30 consecutive days, for a minimum of 20 days at least eight hours a day, without obtaining permission for the cessation from the passenger vehicle for hire manager.

(5)

The company operating certificate holder commits any act with the intent to defraud his passengers.

(6)

The company operating certificate holder ceases to operate the minimum number of passenger vehicles for hire, as required by subsection 22-62(d) of this article.

(7)

The passenger vehicle for hire manager determines that, in the interest of the public safety and welfare, a company operating certificate should be suspended or revoked.

(b)

The passenger vehicle for hire manager may revoke a company operating certificate due to the acts of vehicle operating permit holders, pursuant to section 22-111, and due to acts of drivers pursuant to section 22-150.

(c)

The passenger vehicle for hire manager may revoke or refuse to renew a company operating certificate if the company operating certificate holder has failed to pay any penalty required under section 22-33 in a timely manner.

(d)

A company operating certificate may not be suspended or revoked until the passenger vehicle for hire manager has conducted a hearing on the matters at issue. The holder of the certificate shall have the right to be present at the hearing and shall be given at least 48 hours' advance notice of the hearing.

(e)

Company operating certificates may be suspended under this section for a period not to exceed six months.

(f)

A company operating certificate holder who has had a company operating certificate revoked under this section may not apply for a company operating certificate for a period of six months from the date of the revocation.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-71. - Appeal of suspension or revocation.**

(a)

Upon a finding by the passenger vehicle for hire manager that a company operating certificate should be suspended or revoked **or an application for a company operating certificate (initial or renewal) denied**, the company operating certificate holder shall be notified and informed of the manner in which the finding may be appealed.

(b)

The company operating certificate holder may appeal the suspension or revocation of a company operating certificate **or denial of an application for a company operating certificate** by filing with the passenger vehicle for hire manager, within ten days after the passenger vehicle for hire manager's decision is rendered, written notice of appeal. The notice of appeal shall set forth the reasons why the suspension, ~~or~~ revocation, **or denial** is improper.

(c)

The suspension or revocation of a company operating certificate shall not become effective until ten days after the decision is rendered. If an appeal is filed within this period, the suspension or revocation shall be stayed pending the final decision of the passenger vehicle for hire board.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-72. - Procedure upon appeal of suspension or revocation.**

Upon the filing of an appeal of a suspension or revocation of a company operating certificate, [or denial of an application for a company operating certificate](#), the passenger vehicle for hire manager shall transmit the notice of appeal to the chair of the passenger vehicle for hire board, who shall schedule a hearing as provided in section 22-183 of this article.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-73. - Surrender of certificate, permit and decals after revocation.**

When a company operating certificate is revoked, the operation as a passenger vehicle for hire service under the company operating certificate shall cease, and the company operating certificate, vehicle operating permit and vehicle decal for all vehicles subject to the company operating certificate shall be surrendered immediately to the passenger vehicle for hire manager.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-74. - Fees.**

Fees to cover the administrative costs for obtaining, renewing, duplicating, transferring and reinstating company operating certificates shall be collected. Fees shall be approved by the city manager and placed on file with the passenger vehicle for hire manager. Other fees permitted by law may also be collected.

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-75—22-100. - Reserved.**

**DIVISION 3. - VEHICLE OPERATING PERMIT**

Sec. 22-101. - Required.

Sec. 22-102. - Issuance.

Sec. 22-103. - Authorization to operate taxicab under permit.

Sec. 22-104. - Application requirements.

Sec. 22-105. - Hearing on application.

Sec. 22-106. - Issuance; denial; posting of permit and decal.

Sec. 22-107. - Expiration.

Sec. 22-108. - Renewal.

Sec. 22-109. - Transferability.

Sec. 22-110. - Retirement and replacement of passenger vehicles for hire; new permits.

Sec. 22-111. - Grounds for suspension or revocation; hearing.

Sec. 22-112. - Appeal of suspension or revocation.

Sec. 22-113. - Procedure upon appeal of suspension or revocation.

Sec. 22-114. - Surrender of permit and decal.

Sec. 22-115. - Fees.

Secs. 22-116—22-140. - Reserved.

**Sec. 22-101. - Required.**

No person shall operate any passenger vehicle for hire in the city without first having obtained a vehicle operating permit for each vehicle to be operated that shall reflect the following:

- (1) The vehicle is affiliated with a company operating certificate holder;
- (2) The vehicle is authorized for such operation; and
- (3) The vehicle, otherwise, meets the requirements of this article.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-102. - Issuance.**

- (a) The passenger vehicle for hire manager is authorized to issue a vehicle operating permit to any applicant subject to such conditions contained in this article and upon payment of a regulatory fee provided by section 22-115. A separate vehicle operating permit shall be required for each passenger vehicle for hire and shall be restricted by type of service. Vehicle operating permits shall be valid for a period of one year and may be renewed annually upon the approval of the passenger vehicle for hire manager and the payment of a regulatory fee.
- (b) No vehicle operating permit shall be issued to or renewed by any person who shall not be affiliated with a company operating certificate holder and who shall not have fully complied with all of the requirements of this article before the commencement of the operation of the proposed service.
- (c) No vehicle operating permit shall be authorized unless the permit applicant presents a

financial statement to the passenger vehicle for hire manager verifying that the applicant has sufficient insurance coverage, as required by this article, for the passenger vehicle for hire.

(d)

Each vehicle operating permit shall specify the type of passenger vehicle for hire authorized to operate under the vehicle operating permit and each type of service the passenger vehicle for hire shall be authorized to provide. No passenger vehicle for hire shall operate in a manner or be used to provide service except as authorized by the vehicle operating permit.

(e)

When the vehicle operating permit has been authorized for a passenger vehicle for hire pursuant to this article, the vehicle operating permit shall be kept at all times in the vehicle for which the vehicle operating permit was issued.

(f)

The vehicle operating permit holder shall, if there is any change in the business address or telephone number, notify the passenger vehicle for hire manager in writing of the change within 48 hours prior to the effective date of the change.

(g)

Before allowing a driver to operate under a vehicle operating permit, the vehicle operating permit holder shall review the qualifications of the driver to operate a passenger vehicle for hire. No vehicle operating permit holder shall permit or allow any driver to operate a passenger vehicle for hire under his vehicle operating permit if, after reasonable inquiry by the vehicle operating permit holder, it appears such driver fails to meet the requirements in this article.

(h)

The failure of a vehicle operating permit holder to comply with this section shall subject the vehicle operating permit holder's vehicle operating permit to revocation or suspension, as provided in subsection 22-111(a)(1).

(i)

Nothing in this section shall be construed as establishing a standard for civil liability for the evaluation of prospective or current passenger vehicle for hire drivers, and a violation of this section shall not be considered as evidence of negligence.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-103. - Authorization to operate taxicab under permit.**

Nothing contained in this article shall prohibit any person from owning or operating a taxicab under a vehicle operating permit, provided:

(1)

A person shall operate under the color scheme of a company operating certificate; and shall use the company's depot or terminal, dispatcher service, radio equipment and meter;

(2)

A person shall have a valid taxicab driver's permit issued by the passenger vehicle for hire manager, as provided in division 4 of this article;

(3) A person's vehicle shall display a valid vehicle decal; and

(4) A person shall be affiliated with the company operating certificate holder at all times.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-104. - Application requirements.**

(a)

All applications for a vehicle operating permit are to be submitted by the vehicle owner and the company operating certificate holder, called the applicant, on forms provided by the passenger vehicle for hire manager, which shall contain the following:

(1)

The name and address of each applicant and, if an applicant is a corporation, attaching a certified copy of the articles of incorporation, or if the applicant is an association, attaching a certified copy of the bylaws of the association. **Each applicant must disclose all legal names that the applicant has ever used or any and all names they have ever gone by.**

(2)

The color scheme for which the vehicle operating permit is desired, if the permit is for a taxicab.

(3)

The make, type and passenger capacity of the passenger vehicle for hire subject to the application for a vehicle operating permit.

(4)

All court records of the applicant. If an applicant is a corporation or association, all court records of the officers, directors and supervising employees, including the general manager, if any, shall be provided.

(5)

The applicant's submittal of the following conditional information:

a.

Existence of and access to a lawfully zoned depot or terminal on private property;

b.

Ability to provide radio-dispatched service throughout the corporate limits, 24 hours a day, seven days a week, with centralized dispatching **but not by exclusively using cellular telephone service (except as cellular telephone devices are utilized to access data such as text-based messages or electronic mail).** ~~This shall not apply to company operating certificate holders operating fewer than ten taxicabs and four accessible vehicles;~~

c.

Evidence of affiliation with a company operating certificate holder and that the

telephone number of the passenger vehicle for hire company will be listed in the next city telephone directory to be issued and that all advertised services will, in fact, be provided;

d.

Assurance that the passenger vehicle for hire operating under this permit shall be kept clean and in good mechanical condition and in good physical condition at all times; and

e.

Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire required by section 22-213.

(b)

The applicant shall swear that the information submitted in subsection (a) is neither false nor misleading. Submitting, or causing to be submitted, false or misleading information is unlawful and shall be grounds for denial, suspension or revocation of an operating permit.

(c)

In providing information required by subsections (a)(1), (5) and (6), an applicant may simply refer to previous applications and reference previously submitted documents or information, provided there has been no change to the referenced documents or information.

(d)

No application for a vehicle operating permit shall be accepted from an applicant who has criminal charges pending against them at the time of application. For purposes of this subsection, pending criminal charges shall not include traffic infractions.

*(Ord. No. 3065-X, 8-22-2005)*

#### **Sec. 22-105. - Hearing on application.**

The passenger vehicle for hire manager, or his designee, may require a hearing with the vehicle operating permit applicant if the passenger vehicle for hire manager is not convinced that the applicant meets all eligibility criteria and has provided all necessary information to the passenger vehicle for hire manager as outlined in section 22-104.

*(Ord. No. 3065-X, 8-22-2005)*

#### **Sec. 22-106. - Issuance; denial; posting of permit and decal.**

(a)

The passenger vehicle for hire manager shall authorize issuance to every applicant who files an application, as provided in this division, a vehicle operating permit for the passenger vehicle for hire, subject to the conditions this article may require, and provided:

(1)

The vehicle for which application for a vehicle operating permit is made shall be found, after investigation by the passenger vehicle for hire manager, to be in strict compliance with this article.

(2)

The issuance of the vehicle operating permit would not be against the public interest based on the applicant's court record, which includes arrests for criminal offenses that are pending in the General Court of Justice of the State of North Carolina or the courts of another state, or the federal courts. However, no application for a vehicle operating permit shall be approved if the court record of the applicant would not make it in the public interest for the application to be granted. The PVH manager may refuse to grant an application for a vehicle operating permit if the applicant has a court record containing any felony convictions if the PVH manager determines, in his or her discretion, that it is in the public interest to deny the application. Convictions, commissions, guilty pleas, or pleas of no contest to any of the following shall require the passenger vehicle for hire manager to deny the application on the grounds that approval of the applicant's application is not in the public interest:

~~The issuance of the vehicle operating permit would not be against the public interest based on the applicant's court record. However, no application for a vehicle operating permit shall be approved if the court record of the applicant would not make it in the public interest for the application to be granted. Convictions, commissions and pleas of guilty or no contest to any of the following shall create a rebuttable presumption that the approval of the applicant's application is not in the public interest:-~~

- a. Sex offenses;
- b. Felonious drug offenses;
- c. Prostitution;
- d. Felonies involving violence or attempted violence;
- e. Gambling; and/or
- f. Habitual criminal activity.

Any applicant denied a vehicle operating permit under this subsection may appeal such denial to the passenger vehicle for hire board. All appeals shall be filed pursuant to section 22-112. No application for a vehicle operating permit that is denied pursuant to this subsection and for which the denial is affirmed by the passenger vehicle for hire board shall be accepted from the applicant within three years from the decision of the passenger vehicle for hire board.

(3)

The applicant shall have complied with all the sections of this article, including, but not limited to, the provision of the following:

- a. Existence of and access to a lawfully zoned depot or terminal on private

property;

**b.**

Ability to provide radio-dispatched service throughout the corporate limits, 24 hours a day, seven days a week, with centralized dispatching. This shall not apply to company operating certificate holders operating fewer than ten taxicabs and four accessible vehicles only;

**c.**

Evidence of affiliation with a company operating certificate holder and that the telephone number of the passenger vehicle for hire company will be listed in the next city telephone directory to be issued and that all advertised services will, in fact, be provided;

**d.**

Assurance that the passenger vehicle for hire operating under this permit shall be kept clean and in good mechanical condition and in good physical condition at all times; and

**e.**

Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire required by section 22-213.

**(4)**

The issuance does not conflict with such conditions as placed by the city council on the issuance of vehicle operating permits.

**(b)**

Upon issuance of the vehicle operating permit by the passenger vehicle for hire manager, the owner of the passenger vehicle for hire shall place the permit in a conspicuous location on the dashboard inside the vehicle. Once the permit has been placed on the dashboard, the passenger vehicle for hire manager shall affix the vehicle decal in the passenger vehicle for hire, as required by subsections 22-62(e)(1)a. and b.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-107. - Expiration.**

All passenger vehicle for hire operating permits shall expire on a yearly basis on a date determined by the passenger vehicle for hire manager. The vehicle operating permit shall automatically expire if the conditions for issuing the permit, as provided in section 22-106, change without approval of the passenger vehicle for hire manager. No person shall operate a passenger vehicle for hire within the city while his vehicle operating permit is expired.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-108. - Renewal.**

Upon application for renewal of a vehicle operating permit by the vehicle operating permit holder, the passenger vehicle for hire manager shall renew any vehicle operating permit or cause a new vehicle operating permit to be issued for the ensuing year, in the absence of any contrary

evidence regarding the vehicle operating permit holder's fulfillment of the eligibility criteria provided in section 22-106 and/or his compliance with this article. No renewal application will be accepted from a permit holder who has outstanding or unpaid citations issued for violations of this Chapter. If a permit holder has appealed the outstanding citation in accordance with this Article, a renewal application may be accepted, but no decision on the application will be made until the appeal is concluded, and the permit holder's permit will not expire until the appeal is concluded. As part of the process of applying for renewal of a vehicle operating certificate, the permit holder will be required to authorize the passenger vehicle for hire manager to conduct a criminal records check. No application for renewal shall be considered complete until the results of the criminal records checks are provided to the passenger vehicle for hire manager.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-109. - Transferability.**

- (a) Each vehicle operating permit issued pursuant to this division is separate and distinct and shall not be transferable by the vehicle operating permit holder to another person, vehicle or entity without prior approval of the passenger vehicle for hire manager.
- (b) If an application for transfer of a permit is made, the city manager, or his designee, shall require the same information required for the original issuance of the vehicle operating permit, as set forth in section 22-104.
- (c) Upon approval by the passenger vehicle for hire manager to transfer a vehicle operating permit, the passenger vehicle for hire manager, shall issue a new vehicle operating permit, provided the applicant for the transfer has complied with all the subsections of this section.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-110. - Retirement and replacement of passenger vehicles for hire; new permits.**

If a vehicle operating permit holder permanently retires a passenger vehicle for hire with a valid vehicle operating permit, within 30 days of the retirement the vehicle operating permit holder shall make written application to the passenger vehicle for hire manager for permanent replacement of the passenger vehicle for hire. The passenger vehicle for hire manager shall issue a new vehicle operating permit for the replacement vehicle, provided the period of time between permanent retirement of the passenger vehicle for hire and the replacement of such passenger vehicle for hire does not exceed 30 days, and provided the replacement vehicle satisfies the requirements of this article.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-111. - Grounds for suspension or revocation; hearing.**

(a)

The passenger vehicle for hire manager may suspend or revoke a vehicle operating permit upon the occurrence of any one of the following:

(1)

The vehicle operating permit holder fails to operate his passenger vehicles for hire in compliance with all sections of this article.

(2)

The manager finds that the vehicle operating permit holder submitted, or caused to be submitted, false or misleading information on his application for an operating permit.

(3)

The vehicle operating permit holder ceases to operate any passenger vehicle for hire during a period of 30 consecutive days.

(4)

The vehicle operating permit holder ceases to operate any taxicab, during a period of 30 consecutive days, for a minimum of 20 days at least eight hours a day, without obtaining permission for the cessation from the passenger vehicle for hire manager.

(5)

The vehicle operating permit holder commits any act with the intent to defraud his passengers.

(6)

The vehicle issued the vehicle operating permit fails to meet the requirements of this article.

(7)

The passenger vehicle for hire manager determines that, in the interest of the public safety and welfare, a vehicle operating permit should be suspended or revoked.

(b)

The passenger vehicle for hire manager may also revoke a vehicle operating permit due to acts of drivers, pursuant to section 22-150.

(c)

A vehicle operating permit may not be suspended or revoked until the passenger vehicle for hire manager has conducted a hearing on the matters at issue. The holder of the permit shall have the right to be present at the hearing and shall be given at least 48 hours' advance notice of the hearing.

(d)

Vehicle operating permits may be suspended under this section for a period not to exceed six months.

(e)

The passenger vehicle for hire manager may revoke or refuse to renew a vehicle operating permit if the person issued the permit, at any time after issuance, fails to pay a penalty required under section 22-33 in a timely manner.

(f)

A vehicle operating permit holder who has had a vehicle operating permit revoked under this section may not apply for a vehicle operating permit for a period of six months from the

date of revocation.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-112. - Appeal of suspension or revocation.**

(a)

Upon a finding by the passenger vehicle for hire manager that a vehicle operating permit should be suspended or revoked, [or an application for a vehicle operating permit be denied](#), the vehicle operating permit holder shall be so notified and informed of the manner in which the finding may be appealed.

(b)

The vehicle operating permit holder may appeal the suspension or revocation of a vehicle operating permit [or denial of a vehicle operating permit application](#) by filing with the passenger vehicle for hire manager, within ten days after the passenger vehicle for hire manager's decision is rendered, written notice of appeal. The notice of appeal shall set forth the reasons why the suspension or revocation is improper.

(c)

The suspension or revocation of a vehicle operating permit shall not become effective until ten days after the decision is rendered. [A decision to deny an application for a vehicle operating permit shall be effective immediately, and the applicant shall have ten days from the date of the denial to file an appeal.](#) If an appeal is filed within this period, the suspension or revocation shall be stayed pending the final decision of the passenger vehicle for hire board.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-113. - Procedure upon appeal of suspension or revocation.**

Upon the filing of an appeal of a suspension or revocation pursuant to this division, the passenger vehicle for hire manager shall transmit the notice of appeal to the chair of the passenger vehicle for hire board and shall schedule a hearing as provided in section 22-183.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-114. - Surrender of permit and decal.**

When a vehicle operating permit is revoked, the operation as a passenger vehicle for hire subject to the vehicle operating permit shall cease, and the vehicle operating permit and vehicle decal for the vehicle shall be surrendered immediately to the passenger vehicle for hire manager. If any vehicle operating permit holder permanently retires any passenger vehicle for hire from service and does not replace the retired vehicle within 30 days and does not apply for a vehicle operating permit transfer as specified in section 22-109, the vehicle operating permit for each retired passenger vehicle for hire shall be considered abandoned and void. Thereafter, the vehicle operating permit holder shall immediately surrender the vehicle operating permit and vehicle decal to the passenger vehicle for hire manager for each retired vehicle. Abandoned operating

permits may not be restored by any means except by application, in the same manner as for new operating permits provided in this division.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-115. - Fees.**

(a)

Fees to cover the administrative costs for obtaining, renewing, duplicating, transferring and reinstating vehicle operating permits shall be collected. Also, a regulatory fee shall be collected for each vehicle decal issued to a passenger vehicle for hire. Fees shall be approved by the city manager and placed on file with the passenger vehicle for hire manager. Other fees permitted by law may also be collected.

(b)

Notwithstanding subsection (a), reduced fees may be assessed for any accessible vehicle which provides accessible transportation services to individuals with disabilities.

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-116—22-140. - Reserved.**

**DIVISION 4. - DRIVER'S PERMITS**

Sec. 22-141. - Required.

Sec. 22-142. - Application.

Sec. 22-143. - Qualifications of applicant.

Sec. 22-144. - Training of applicant.

Sec. 22-145. - Denial.

Sec. 22-146. - Issuance and display; probationary period; expiration.

Sec. 22-147. - Fees.

Sec. 22-148. - Suspension.

Sec. 22-149. - Grounds for revocation generally.

Sec. 22-150. - Revocation for acts of drivers.

Sec. 22-151. - Appeal of manager's decision.

Sec. 22-152. - Renewal.

Sec. 22-153. - Notification of criminal charges or change in driving status.

Secs. 22-154—22-180. - Reserved.

**Sec. 22-141. - Required.**

No person shall drive a passenger vehicle for hire within the city without first having obtained a passenger vehicle for hire driver's permit from the passenger vehicle for hire manager as authorized by G.S. 160A-304, which is herein incorporated by reference.

*(Ord. No. 3065-X, 8-22-2005; Ord. No. 3464, § 1, 1-8-2007)*

**Sec. 22-142. - Application.**

(a)

Each applicant for a passenger vehicle for hire driver's permit shall make application on forms to be provided by the passenger vehicle for hire manager. The application shall contain the following information:

(1)

The applicant's full name, including all legal names that the applicant has ever used or any and all names they have ever gone by, and address;

(2)

The applicant's physical condition, with particular reference to hearing, eyesight and use of alcoholic beverages or controlled substances;

(3)

The applicant's physical description, including age, race, height, weight and color of eyes and hair;

(4)

The length of time the applicant has resided at his present address;

(5)

The applicant's places of residence and employment for two years immediately preceding the date of the application; and

(b)

The applicant is required to provide his/her fingerprints which will be submitted to state and national criminal history checks of his/her criminal record. The passenger vehicle for hire manager of the city shall forward the applicant's fingerprints to the state bureau of investigation for a search of the state's criminal history record file and the state bureau of investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check in accordance with G.S. 160A-304. This information shall be kept privileged and confidential and shall not be a public record under G.S. ~~ch~~Chapter. 132. The receipt by the city passenger vehicle for hire manager of the criminal history record check shall be used solely to determine eligibility for a permit.

(c)

The applicant shall swear that the information submitted in subsection (a) is neither false nor misleading. Submitting, or causing to be submitted, false or misleading information is unlawful and shall be grounds for denial of a driver's permit.

*(Ord. No. 3065-X, 8-22-2005; Ord. No. 3464, §§ 2, 3, 1-8-2007)*

**Sec. 22-143. - Qualifications of applicant.**

(a)

Each applicant for a passenger vehicle for hire driver's permit must:

- (1) Be at least 18 years of age;
- (2) Possess eyesight correctable to 20/20 and not suffer from epilepsy, vertigo, heart disease or any other physical or mental condition which renders him unfit for safe operation of a passenger vehicle for hire;
- (3) Be able to read, write and speak the English language and conduct financial transactions;
- (4) Be neat and clean in dress and person;
- (5) Not be addicted to the use of alcoholic beverages or controlled substances;
- (6) Produce, on forms provided by the passenger vehicle for hire manager, affidavits of his good character from two reputable persons who have known him personally and observed his conduct during the year preceding the date of the application;
- (7) Possess a valid [North Carolina or South Carolina](#) driver's license issued to him [\(or issued within seven \(7\) days of the date he submits his application\)](#) that authorizes the applicant to lawfully operate the passenger vehicle for hire;
- (8) Have permission from the company operating certificate holder and the vehicle operating permit holder to operate a passenger vehicle for hire under the company operating certificate and/or vehicle operating permit assigned to the passenger vehicle for hire company and the vehicle owner;
- (9) Produce, at the applicant's expense, the applicant's court records, including any criminal record of the applicant in the applicant's country of origin. If the applicant has no criminal record, the applicant shall provide an affidavit indicating the lack of such record;
- (10) Produce evidence that the applicant has successfully passed a ~~ten-panel~~ drug test ~~prior to within 14 days of submitting an initial application for a driver's permit or prior to within 14 days of submitting an application to renew a driver's permit.~~ ~~employment or affiliation with a passenger vehicle for hire company.~~ The drug test must test for categories or types of drugs specified by the City of Charlotte. The drug test must be conducted by a facility that is approved by the passenger vehicle for hire manager or the City of Charlotte. Results from any non-approved facility may be considered, but may be rejected at the discretion of the passenger vehicle for hire manager or his designee. If the applicant has failed the ~~ten-panel~~ required drug test, they are not eligible to apply for a passenger vehicle for hire driver's permit, for a one-year period

following their failing the ~~ten-panel~~ drug test;

(11)

Produce reliable documentation evidencing the applicant's eligibility to be a passenger vehicle for hire driver. Reliable documentation shall include, when necessary, a valid resident alien registration card, U.S. passport, certificate of naturalization or any other documents allowed under part 274(a)(2) of the Immigration and Naturalization Service Rules of the Immigration Reform and Control Act of 1986;

(12)

Have no more than eight accrued points for motor vehicle violations pursuant to G.S. 20-16 during the previous three years or any comparable provision of the law of another state; and

(13)

Be knowledgeable of city streets and local landmarks within the city.

(b)

Each applicant must also inform the passenger vehicle for hire manager, in writing, if he has been charged with any criminal offense or infraction and produce evidence of the disposition thereof upon seeking issuance or renewal of a driver's **permit**. Failure to do so will result in the suspension or refusal to issue or renew a driver's **permit**.

(c)

No application for a driver's permit shall be accepted from an applicant who has criminal charges pending against them at the time of application. For purposes of this subsection, pending criminal charges shall not include traffic infractions.

(d)

No application for a driver's permit shall be accepted from an applicant who does not meet all of the requirements stated in subsection (a) of this section.

*(Ord. No. 3065-X, 8-22-2005)*

#### **Sec. 22-144. - Training of applicant.**

Each company operating certificate holder shall require all passenger vehicle for hire drivers operating under the company's operating certificate to enroll in and successfully complete a driver training course from an approved list of courses maintained in the passenger vehicle for hire office. All new drivers of passenger vehicles for hire shall comply with this section before ~~the expiration of the probationary permit issued pursuant to section 22-146 of this~~ receiving their driver's permit.

~~article.~~

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-145. - Denial.**

(a)

The passenger vehicle for hire manager may refuse to grant or renew a passenger vehicle for hire driver's permit for any applicant:

(1)

Whose state motor vehicle driver's license upon the date of an application to the Manager has been revoked or suspended; or

(2)

[Current Language and Current Proposal to keep current language]

Who has committed, been convicted of or pled guilty or no contest to, within ten years immediately prior to the date of the application, any of the following:

[CMPD Proposed Language]

Who has committed, been convicted of or pled guilty or no contest to any of the following:

a.

~~A felony, provided the passenger vehicle for hire manager shall not issue a driver's permit to any convicted felon who has not had his citizenship rights restored as provided by state law, regardless of when the conviction occurred;~~

b.

Any crime or infraction involving the operation of a motor vehicle resulting in an incapacitating class A injury to any person, as determined on the state traffic accident report, or the death of a person;

c.

A violation of any city, county, state or federal law relating to the use, possession or sale of alcoholic beverages or substances regulated by the North Carolina Controlled Substances Act, G.S. 90-86—90-113.8, or the North Carolina Toxic Vapors Act G.S. 90-113.8A—90-113.14;

d.

A violation of any city, county, state or federal law relating to prostitution or gambling;

e.

A violation of the Federal Immigration Act; or

f.

Habitual criminal activity.

(3)

Who has committed a material violation of section 22-31 in operating a passenger vehicle for hire, or a violation of section 22-141.

(4)

Who, within a period of ten years immediately prior to the date of his application, has been an habitual violator of traffic laws or an habitual user of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act or the North Carolina Toxic Vapors Act or any comparable provisions of the law of another state.

(5)

Who does not fulfill the qualifications set forth in section 22-143.

(6)

Who fails to pay a penalty required under section 22-33 within 30 days from the date of assessment by the passenger vehicle for hire manager.

(b)

Notwithstanding subsection (a), an application for a driver's permit shall not be approved if the applicant's court record or evidence regarding the applicant presented at a hearing supports a conclusion that it is not in the public interest for the application to be granted. Convictions, commissions, pleas of guilty or no contest to any of the following shall create a rebuttable presumption that the approval of the applicant's application is not in the public interest:

(1)

Murder, including first degree and second degree;

(2)

Voluntary manslaughter;

(3)

Involuntary manslaughter;

(4)

Felony death by vehicle;

(5)

Felonious assaults and/or batteries;

(6)

Robbery;

(7)

Rape and other sex offenses; ~~and/or~~

(8)

Felonious drug offenses; ~~and/or~~.

(9)

~~Any felony where the convicted felon applicant has not had his or her citizenship rights restored as provided by state law, regardless of when the conviction occurred~~

(c)

The passenger vehicle for hire manager shall not issue a driver's permit to any applicant with any driving while impaired ("DWI") convictions or two or more arrests (~~so long as the arrests were upheld by the criminal courts~~) for DWI within the past five years, within the state, or any comparable provision of the law of any other state, territory or possession of the United States of America;

(d)

Any applicant denied a driver's permit under this section may appeal the denial to the passenger vehicle for hire board pursuant to section 22-151. Once an application has been denied under this section and the decision is affirmed by the passenger vehicle for hire board, it shall be presumed that it is not in the public interest to grant a driver's permit to the applicant.

(e)

No application for a driver's permit that is denied pursuant to this section and the denial of which is affirmed by the passenger vehicle for hire board shall be accepted from the applicant within three years from the decision of the passenger vehicle for hire board.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-146. - Issuance and display; ~~probationary period;~~ expiration.**

(a)

The passenger vehicle for hire manager, upon finding that an applicant has satisfactorily complied with this division, shall issue to the applicant a driver's permit, which shall show the following:

(1)

The applicant's photograph and name;

(2)

The expiration date; and

(3)

The company operating certificate holder the driver is affiliated with.

(b)

In addition to the information required in section 22-253, a copy of the driver's permit or a card must be displayed conspicuously at all times in the card frame attached to the back of the driver's seat or headrest area of the vehicle, excepting limousines, limousine sedans, and SUVs, and shall be clearly visible to a passenger seated in the rear seat of the passenger vehicle for hire. The driver's permit or the card shall contain the following:

(1)

A current photograph of the driver;

(2)

The driver's name;

(3)

The name of the company operating certificate holder;

The driver's permit shall be kept on the person of a limousine driver at all times while operating a limousine and shall be presented to passengers upon request.

(c)

A driver shall not operate any passenger vehicle for hire for any company operating certificate holder except for the company operating certificate holder shown on his driver's permit. Upon the termination of a driver's agreement to drive for such company operating

certificate holder, the driver shall surrender his permit to the passenger vehicle for hire manager within 48 hours from the termination.

(d)

~~The manager, after interviewing an applicant and being satisfied that the applicant has complied with the requirements of this division and after checking local records and the applicant's previous employers, will issue a probationary driver's permit for a period not to exceed 60 days, pending receipt by the passenger vehicle for hire manager of the applicant's record, if any, from the Federal Bureau of Investigation.~~

(ed)

After the applicant has ~~satisfactorily completed his probationary period, including~~ satisfactorily ~~passing~~ passed the Federal Bureau of Investigation's fingerprint check, the passenger vehicle for hire manager shall issue to such applicant a driver's permit, valid for one year, that will expire on the applicant's date of birth. No person shall operate a passenger vehicle for hire within the city while his driver's permit is expired.

(Ord. No. 3065-X, 8-22-2005)

#### **Sec. 22-147. - Fees.**

Fees to cover the administrative cost of the passenger vehicle for hire driver's permit shall be approved by the city manager and placed on file in the passenger vehicle for hire office.

(Ord. No. 3065-X, 8-22-2005)

#### **Sec. 22-148. - Suspension.**

The passenger vehicle for hire manager shall have the authority to suspend any driver's permit issued under this division for any of the grounds specified in section 22-149; the permit holder's violation of any section of this article; or the permit holder's being convicted of or pleading guilty or no contest to any federal, state or local law pertaining to the public welfare or morals. Such suspension shall not exceed 30 days. However, no driver's permit shall be reinstated unless the driver satisfies section 22-143. A third suspension of a driver's permit shall result in the mandatory revocation of such driver's permit. No application for a driver's permit will be accepted from an applicant within ~~six months~~ one year of the date of revocation.

(Ord. No. 3065-X, 8-22-2005)

#### **Sec. 22-149. - Grounds for revocation generally.**

The passenger vehicle for hire manager may revoke or refuse to renew a driver's permit if the person issued the driver's permit is, at any time after issuance:

(1)

Found by the passenger vehicle for hire manager to have committed, been convicted of or pled guilty or no contest to any of the following:

a.

A violation of any federal, state or local law relating to the use, possession, manufacturer or sale of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act, G.S. 90-86 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.;

**b.**

A violation of any federal, state or local law relating to prostitution or gambling;

**c.**

An accumulation, under G.S. 20-16, within a three-year period, of 12 or more points or eight or more points within the three-year period following the reinstatement of a state driver's license that has been suspended or revoked or any comparable provisions of the law in another state or has been convicted of any other violation resulting in the suspension or revocation of the state driver's license;

**d.**

Any felony;

**e.**

Any violation of a federal, state or local law designed for the protection of life;

**f.**

Any criminal assault involving the operation of a passenger vehicle for hire;

**g.**

Any sex offense or offense involving moral turpitude;

**h.**

Any of the offenses contained in subsection 22-145(b); and/or

**i.**

A material violation of section 22-31 or a violation of section 22-141.

**(2)**

Found by the passenger vehicle for hire manager to be a habitual user of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act, G.S. 90-86 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.;

**(3)**

Found by the passenger vehicle for hire manager to have made or caused to be made a false statement in his application for issuance or renewal of a driver's permit;

**(4)**

Does not continue to meet the qualifications for a driver's permit as set forth in section 22-143;

**(5)**

Found by the passenger vehicle for hire manager to have had his driver's permit suspended three times in any five-year period;

**(6)**

Found by the passenger vehicle for hire manager to have aided or abetted in the commission of any of the acts contained in subsections (1)a., b., d., e., f., g. or h. of this section; or

(7)

Found by the passenger vehicle for hire manager to have failed to timely pay a penalty required under section 22-33.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-150. - Revocation for acts of drivers.**

(a)

Upon a determination by the passenger vehicle for hire manager that a driver has committed, been convicted of or pled guilty or no contest to:

(1)

Any of the offenses specified in section 22-149;

(2)

A violation of any section of this article pertaining to the operation of passenger vehicles for hire; or

(3)

A violation of any federal, state or local law pertaining to the public health, safety, welfare or morals;

and that the offense or violation occurred while the driver was engaged in the operation of a passenger vehicle for hire or was engaged in some act related to the operation of a passenger vehicle for hire, the passenger vehicle for hire manager shall give notice of such determination to the driver and to the company operating certificate holder and vehicle operating permit holder under which the driver was operating.

~~————~~ (b) No application for a driver's permit from an applicant whose driver's permit has been revoked pursuant to this section and the revocation of which is affirmed by the passenger vehicle for hire board shall be accepted from the applicant within one year from the date of the decision of the passenger vehicle for hire board to affirm the revocation.

(bc)

Upon the occurrence of three determinations under subsection (a) against a driver in any 24-month period, the driver and the vehicle operating permit holder under which the driver was operating shall be notified that one additional determination against the driver within 12 months after the date of the notice may result in suspension or revocation of the company operating certificate.

(ed)

Upon one additional determination under subsection (a) of this section by the passenger vehicle for hire manager against a driver within 12 months after the date of the notice provided for in subsection (b), the passenger vehicle for hire manager may suspend or revoke the company operating certificate and/or the vehicle operating permit under which the driver was operating, pursuant to the procedure provided in subsections 22-70(b) and 22-

111(b).  
(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-151. - Appeal of manager's decision.**

(a)

A decision by the passenger vehicle for hire manager not to grant or renew or to suspend or revoke a driver's permit, and a determination by the passenger vehicle for hire manager under section 22-150, shall be subject to appeal to the passenger vehicle for hire board.

(b)

Any person aggrieved by a decision of the passenger vehicle for hire manager and having a right to appeal may appeal by giving written notice of appeal to the passenger vehicle for hire manager. The notice of appeal shall set forth the reasons why the passenger vehicle for hire manager's decision is improper and shall be filed with the passenger vehicle for hire manager within ten days of the decision. Appeals may be taken only from the passenger vehicle for hire manager's findings of fact and application of law. The monetary amount of the civil penalty assessed by the passenger vehicle for hire manager shall not be subject to appeal.

(c)

Upon the filing of an appeal, the passenger vehicle for hire manager shall transmit the notice of appeal to the chair of the passenger vehicle for hire board and shall schedule a hearing as provided in section 22-183.

(d)

Reserved.

(e)

A decision by the passenger vehicle for hire manager to suspend or revoke a driver's permit shall not become final until ten days after the decision is rendered. If the appeal is filed within the allowed time, the passenger vehicle for hire manager's decision shall be stayed pending the final decision of the passenger vehicle for hire board, and the driver may continue to drive the passenger vehicle for hire pending the appeal unless:

(1)

The driver's permit is suspended pursuant to subsections 22-149(1)c. or (4) or the state driver's license of the driver has been revoked or suspended for a violation of any local, state or federal laws; or

(2)

The passenger vehicle for hire manager determines that continued operation of a passenger vehicle for hire by the driver would impose an immediate threat or danger to public health, safety or welfare.

(f)

If no appeal is filed within the allowed time, the holder of the driver's permit shall immediately surrender the permit to the passenger vehicle for hire manager, and the period of suspension shall not begin until the passenger vehicle for hire manager receives the

permit. The passenger vehicle for hire manager, upon taking any action affording a right to appeal, shall give the driver, applicant, company operating certificate holder or vehicle operating permit holder, as appropriate, notice of the right to appeal.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-152. - Renewal.**

The passenger vehicle for hire manager may renew a driver's permit from year to year by appropriate endorsement thereon. The driver applying for a renewal of his driver's permit shall make application in accordance with procedures established by the passenger vehicle for hire manager. **No renewal application shall be accepted for a permit holder who has outstanding or unpaid citations issued for violations of this Chapter. If a permit holder has appealed the outstanding citation in accordance with this Article, a renewal application may be accepted, but no decision on the application will be made until the appeal is concluded, and the permit holder's permit will not expire until the appeal is concluded. As part of the process of applying for renewal of a driver's permit, the permit holder will be required to authorize the passenger vehicle for hire manager to conduct a criminal records check on the applicant. No application for renewal shall be considered complete until the results of the criminal records checks are provided to the passenger vehicle for hire manager.**

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-153. - Notification of criminal charges or change in driving status.**

A driver shall inform the passenger vehicle for hire manager in writing before the end of the next business day, if he or she has been charged with any criminal offense or infraction listed in section 22-145 of this article or if there is any change in his or her driving status. A driver shall produce, upon request, evidence of any charges or changes in driving status. Failure to comply with this section may result in the suspension or revocation of the driver's permit.

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-154—22-180. - Reserved.**

**DIVISION 5. - PASSENGER VEHICLE FOR HIRE BOARD**

Sec. 22-181. - Created; composition; terms; compensation; vacancies; quorum; removal.

Sec. 22-182. - Duties and responsibilities.

Sec. 22-183. - Hearings.

Secs. 22-184—22-210. - Reserved.

**Sec. 22-181. - Created; composition; terms; compensation; vacancies; quorum; removal.**

- (a) A passenger vehicle for hire board is hereby established, to be composed of 11 members, five of whom shall be appointed by the city council, three of whom shall be appointed by the mayor and three of whom shall be appointed by the city manager.
- (b) The city council's appointments shall be as follows: one shall be a company operating certificate holder, one shall be a vehicle operating permit holder, one shall be an individual user, one shall be a representative of individuals with disabilities and one shall be an individual from the hospitality/tourism industry.
- (c) The mayor's appointments shall be as follows: one shall be a company operating certificate holder, one shall be a driver or chauffeur and one shall be an individual from the hospitality/tourism industry. The mayor shall designate one of the members as chair.
- (d) The three members appointed by the city manager shall be citizens with no financial interest in or business affiliation with either the passenger vehicle for hire, limousine or hospitality/tourism industries. A member of the Charlotte-Mecklenburg Police Department with the rank of captain or above shall serve as staff to the board.
- (e) All members of the passenger vehicle for hire board shall serve without compensation.
- (f) All terms of office shall be for three years, with no member serving more than two consecutive terms. The terms of one-third of the passenger vehicle for hire board shall expire each year. If a vacancy occurs, the original appointing body shall appoint a person to serve for the unexpired term of the vacant position.
- (g) Six members shall constitute a quorum in order to conduct business or hearings. Any member who fails to meet attendance requirements specified by city council policy shall be automatically removed from the board. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section. Notwithstanding this subsection, if a vacancy occurs in the chair position, the mayor shall designate a new chair who shall meet the requirements set out in this section.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-182. - Duties and responsibilities.**

- (a) The passenger vehicle for hire board shall hear the following:
  - (1) Appeals from suspensions or revocations of company operating certificates under section 22-70;
  - (2) Appeals from suspensions or revocations of vehicle operating permits under section

22-111;

- (3) Appeals from decisions of the passenger vehicle for hire manager not to grant or renew driver's permits under section 22-145;
- (4) Appeals from decisions of the passenger vehicle for hire manager to revoke driver's permits under section 22-149;
- (5) Appeals from decisions of the passenger vehicle for hire manager to suspend driver's permits under section 22-148;
- (6) Appeals from determinations of the passenger vehicle for hire manager under section 22-150;
- (7) Appeals from arbitrations of fare disputes by the passenger vehicle for hire manager under section 22-252; and
- (8) Appeals by citizens from the decision of the passenger vehicle for hire manager regarding the disposition of a complaint alleging a material violation of this article.

(b)

The passenger vehicle for hire board shall also establish standard rate schedules, fare zones and standard charges for waiting time, additional passengers or luggage which shall apply to all taxicabs. The passenger vehicle for hire board shall meet annually to establish the rate schedules, fare zones and charges. A company operating certificate holder may petition the passenger vehicle for hire board for a midyear change to taxicab rate schedules, fare zones and charges upon a showing that such changes are required by acts of God, substantial and unexpected increases in fuel costs or events beyond the control of the applicant. A petition for a midyear change in rates shall be heard by the passenger vehicle for hire board only upon a three-fourths vote of the membership of the passenger vehicle for hire board. Prior to establishing any rate schedules, fare zones or other charges, the passenger vehicle for hire board shall hold a public hearing on the matter. The passenger vehicle for hire board shall notify all company operating certificate holders of taxicabs of all proposed rate schedules, fare zones and other charges established by the passenger vehicle for hire board and the effective dates. A current list of all rate schedules, fare zones and other charges for all passenger vehicles for hire shall be kept on file at the office of the passenger vehicle for hire manager. The authority exercised by the passenger vehicle for hire board under this subsection shall not be subject to the review provided in section 22-183. Any rate schedules, fare zones and other charges established by this subsection may be appealed solely to the city council.

(c)

At least once every three years, the passenger vehicle for hire board shall consider whether limits should be imposed on the number of company operating certificates, vehicle operating permits or driver's permits to be issued by the city. Thereafter, the passenger vehicle for hire board may recommend to the city council that the number of company operating certificates,

vehicle operating permits or driver's permits to be issued by the city during any given calendar year should be limited. The passenger vehicle for hire board may recommend that specific limitations be imposed on each type of certificate, permit, vehicle or vehicle for hire service where the public convenience so warrants. Upon approval by the city council, limits recommended under this subsection shall be applied to initial and renewal applications for certificates or permits. The decision to limit the number of certificates and permits shall be solely within the discretion of the city council. The burden of showing that public convenience requires the issuance of the certificates or permits is the responsibility of the certificate or permit holder.

(d)

The passenger vehicle for hire board shall assess the number of accessible vehicles and alternative-fuel vehicles being operated in the city under company operating certificates for taxicabs, and, upon determining the number of accessible vehicles and alternative-fuel vehicles needed ~~in the city to accommodate the needs of individuals with disabilities of the city~~, the passenger vehicle for hire board may make recommendations to the city council based on its findings. Upon reviewing the recommendation of the passenger vehicle for hire board, the city council may mandate a minimum number of accessible vehicles and alternative-fuel vehicles for each company operating certificate holder providing taxicab service in the city.

(e)

The passenger vehicle for hire board shall promulgate rules and procedures to carry out its responsibilities under this division and shall keep such rules and procedures on file with the city clerk.

(f)

The passenger vehicle for hire board may have any other responsibilities as assigned by the city manager or city council.

(g)

The passenger vehicle for hire board shall prepare an annual report of its actions for each preceding year to the city council.

*(Ord. No. 3065-X, 8-22-2005)*

### **Sec. 22-183. - Hearings.**

(a)

The passenger vehicle for hire manager shall, within 24 hours of receipt, forward any appeal provided in subsection 22-182(a) to the chair of the passenger vehicle for hire board. Appeals shall be on a form and in a manner approved by the passenger vehicle for hire board. The chair of the passenger vehicle for hire board may review the appeals to determine if the required information is submitted. If the appeal is from the passenger vehicle for hire manager's findings of fact or application of law, any review shall be completed within 24 hours following the receipt of the notice of appeal, unless otherwise extended for good cause by the chair of the passenger vehicle for hire board for a period of three business days. If the information submitted is insufficient, the chair may return the appeal to the applicant for additional information without regard to subsection (b). If a decision on the appeal cannot be

made from the findings of fact or application of law, the chair of the passenger vehicle for hire board may elect to dismiss the appeal, without prejudice, for resubmittal at a later time.

**(b)**

If a hearing is determined to be warranted, the appeal shall be heard by the passenger vehicle for hire board at its next regularly scheduled meeting (or the next regular meeting of the board, if the passenger vehicle for hire's board meeting that the appeal would normally be held on is cancelled by the chair of the passenger vehicle for hire board) that shall not be earlier than three working days from the date the PVH manager received the appeal, unless all parties consent to hearing the matter at the next immediate meeting of the board. The board shall hold regular meetings on a monthly basis, unless the meeting is cancelled by the chair of the passenger vehicle for hire board. The PVH manager, at the direction of the chair of the passenger vehicle for hire board, shall give notice to all parties of the time and place for the hearing. If the party seeking the appeal desires a hearing on a date other than the date set by the PVH manager pursuant to this section, the party seeking the appeal may file a written request for a change of the hearing date, setting forth the reasons for such request. The chair of the passenger vehicle for hire board is empowered to approve or disapprove the request, provided the request is received by the passenger vehicle for hire board at least seven working days prior to the date set for the hearing. For good cause, the chair of the passenger vehicle for hire board may set a hearing on a date not within the time period set forth in this subsection or may continue the hearing from time to time. The passenger vehicle for hire board shall render a decision on an appeal within five working days after the date of the hearing.

**(c)**

Any appealing party may appear at the hearing in person and shall have the right to representation by a person of his choice. The North Carolina Rules of Evidence, G.S. § 8C, shall not strictly apply to the hearing, but the hearing shall afford all parties an opportunity to offer evidence, cross-examine witnesses, and inspect documents. Hearsay evidence shall be considered only to the extent that the hearsay evidence would be permitted under the North Carolina Rules of Evidence G.S. § 8C. Only sworn testimony shall be accepted and the chair of the passenger vehicle for hire board, as well as any board member designated by the chair, shall have the authority to administer the oath as set forth for witnesses in a civil matter by G.S. § 11-11. The hearing shall be recorded, and the passenger vehicle for hire board's decision shall be in writing with copies provided to all parties.

**(d)**

Hearings before the passenger vehicle for hire board shall be de novo. Final decisions of the passenger vehicle for hire board, except decisions regarding the setting of rates pursuant to subsection 22-182(b), shall be subject to judicial review in a proceeding in the nature of certiorari instituted in the superior court of the county within 30 days after the passenger vehicle for hire board renders its decision. Final decisions of the passenger vehicle for hire board shall not be stayed during the time allowed for the initiation of judicial review, and the initiation of judicial review shall not automatically stay the passenger vehicle for hire board's decisions.

**(e)**

Following a hearing, the passenger vehicle for hire board shall have the power to:

**(1)**

- Affirm the decision of the passenger vehicle for hire manager;
  - (2) Reverse the decision of the passenger vehicle for hire manager;
  - (3) Suspend or revoke a company operating certificate, vehicle operating permit, driver's permit;
  - (4) Authorize the issuance or renewal of a company operating certificate, vehicle operating permit, driver's permit; or
  - (5) Impose such other lesser penalties as it deems just and appropriate.
- (f) A decision by the passenger vehicle for hire board not to renew or to suspend or revoke a company operating certificate, vehicle operating permit, driver's permit shall become effective immediately upon receipt of the passenger vehicle for hire board's decision by the holder of the company operating certificate, vehicle operating permit, driver's permit, who shall immediately, upon receipt of the passenger vehicle for hire board's decision, surrender his company operating certificate, vehicle operating permit and vehicle decal, driver's permit to the passenger vehicle for hire manager. The period of suspension shall begin upon receipt of the surrendered company operating certificate, vehicle operating permit, driver's permit to the passenger vehicle for hire manager.
- (Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-184—22-210. - Reserved.**

**DIVISION 6. - OPERATION**

- Sec. 22-211. - Registration and all proper permits necessary.
- Sec. 22-212. - Compliance with state law and ordinances; safety.
- Sec. 22-213. - Financial responsibility.
- Sec. 22-214. - Filing of policies of insurance.
- Sec. 22-215. - Operation standards.
- Sec. 22-216. - Conditions of insurance; continuing liability.
- Sec. 22-217. - Contract or agreement between owner and driver.
- Sec. 22-218. - Duty of certificate holder and permit holder to keep records and file reports.
- Sec. 22-219. - Daily manifests.
- Sec. 22-220. - Drivers' tags required; dress restrictions.
- Sec. 22-221. - Report of accidents.
- Sec. 22-222. - Occupants.
- Sec. 22-223. - Failure to provide service; length of delay time.
- Sec. 22-224. - Limitation on hours of driving.

Sec. 22-225. - Return of passenger's property.

Secs. 22-226—22-250. - Reserved.

**Sec. 22-211. - Registration and all proper permits necessary.**

No person shall operate a motor vehicle as a passenger vehicle for hire until such vehicle has been registered in accordance with all the requirements of this state and all proper permits have been obtained.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-212. - Compliance with state law and ordinances; safety; parking.**

(a)

Every passenger vehicle for hire shall be operated in accordance with the laws of this state and the sections of this Code and city ordinances and with due regard for the safety, comfort and convenience of passengers; for the safe and careful transportation of property; and for the safety of the general public.

(b)

A passenger vehicle for hire shall not be operated at a rate of speed inconsistent with existing traffic regulations, road conditions, hazards at intersections and any other conditions then existing or in such manner or condition to endanger or to likely endanger the safety of passengers, pedestrians, vehicles or the person and property of others.

(c)

No passenger vehicle for hire shall be permitted to park in a metered space as determined by the director of the department of transportation (as defined in Section 14-1 of the Charlotte City Code) or defined in Chapter 14 of the Charlotte City Code. For purposes of this section, metered spaces also include any spaces for which payment is required through either a parking meter or a parking pay station operated by the City. This section does not restrict the ability of an operator of a passenger vehicle for hire from parking in parking spaces otherwise marked as parking spaces that do not require payment to the City through meters or parking pay stations. This subsection does not apply if a driver has placed an "off-duty" placard on the dashboard of the passenger vehicle for hire as provided for in Section 22-291 of this Code. If the driver has placed an "off-duty" placard, the driver must remain a minimum of ten (10) feet from the vehicle except while the driver is travelling to or from the vehicle either after having parked the vehicle or as the driver is leaving the metered space.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-213. - Financial responsibility.**

(a)

No person shall operate or cause to be operated any taxicab or other passenger vehicle for hire over the city streets without first furnishing proof of financial responsibility as defined in G.S. § 20-280, any superseding statute or any higher limits established by the city. Taxicabs shall fully comply with all remaining requirements of G.S. § 20-280. If the passenger vehicle for hire is owned by a person who operates under the vehicle operating permit of another owner, the other owner shall be named as an additional insured in the policy covering the passenger vehicle for hire.

(b)

Any vehicle owner or person owning or causing any passenger vehicle for hire to be operated shall, upon receipt of any notice of cancellation of the insurance required by this section, immediately notify the passenger vehicle for hire manager and the supporting service provider, if applicable, of the cancellation. Failure to notify the passenger vehicle for hire manager of a cancellation of insurance on a passenger vehicle for hire shall result in the immediate revocation of the vehicle operating permit of the vehicle for a period of 30 days.

(c)

The insurance company issuing any policy required by this section shall give the passenger vehicle for hire manager not less than 30 days' advance written notice of any cancellation, reduction in coverage or other material change in the policy. [The vehicle owner is also required to give the passenger vehicle for hire manager notice of any policy cancellation within 14 days of the date the owner receives notice of any cancellation, reduction in coverage or material change to the policy.](#)

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-214. - Filing of policies of insurance.**

The vehicle operating permit holder shall file with the passenger vehicle for hire manager a copy of the passenger vehicle for hire insurance policy insuring the liability of the vehicle, as a condition precedent to the operation of any such passenger vehicle for hire on the city streets. The policy filed shall, among other things, set forth a description of every passenger vehicle for hire operating under the terms of such policy.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-215. - Operation standards.**

Subsequent to the receipt of a company operating certificate holder or a vehicle operating permit to operate a passenger vehicle for hire, a company operating certificate holder or a vehicle operating permit holder shall continue to meet the requirements of sections 22-64, 22-66, 22-104 and 22-106 of this article as a condition to retaining such certificate or permit.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-216. - Conditions of insurance; continuing liability.**

(a)

Any policy of insurance submitted under this division shall be conditioned upon the payment of any final judgment, within limits of the policy, recovered by any person as a result of the negligent operation of any passenger vehicle for hire under this article, regardless of who operates or drives the vehicle at the time of the injury or damage.

(b)

Such insurance shall contain a provision for the continuing liability under the insurance to the full amount of the policy, notwithstanding any recovery thereon.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-217. - Contract or agreement between owner and driver.**

(a)

Any passenger vehicle for hire may be operated by the company operating certificate holder and/or vehicle operating permit holder thereof or by a duly authorized agent, employee or contractor of the company operating certificate holder or vehicle operating permit holder upon satisfaction of this article.

(b)

A company operating certificate holder may enter into any contract, lease agreement or understanding with any driver, as an independent contractor, by the terms of which such driver pays to the company operating certificate holder a fixed or determinable sum per day for the use of the passenger vehicle for hire and is entitled to all or a portion of the proceeds of operation over and above the fixed or determinable sum; provided, however, that the vehicle owner provides and maintains insurance on any leased passenger vehicle for hire as required by the city and the state.

(c)

The parties shall agree that the company operating certificate holder shall indemnify the city and hold the city harmless for any claim or cause of action against the city arising from the conduct of the driver.

(d)

The agreement must impose a condition that the driver shall comply with this article, and failure to comply may be considered by the company operating certificate holder a material breach of the contract or lease agreement.

(e)

Nothing contained in this section shall prevent any company operating certificate holder from paying a fixed fee or other compensation to another company operating certificate holder for furnishing insurance required by this article, for use of terminal facilities or for the privilege of operating under the name of the other company operating certificate holder.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-218. - Duty of certificate holder and permit holder to keep records and file reports.**

(a)

Every company operating certificate holder and vehicle operating permit holder shall

maintain on file with the passenger vehicle for hire manager the names of all affiliated drivers, their license numbers and addresses, and shall, within 48 hours after receiving notice of any change in such information, report the change to the passenger vehicle for hire manager.

(b)

When more than one vehicle operating permit holder operates under the same company operating certificate, the company operating certificate holder may keep the records and make the reports required by this article on behalf of all vehicle operating permit holders operating under his name, but the failure of the company operating certificate holder to comply with this section shall not relieve the other vehicle operating permit holders operating under the company operating certificate of responsibility for the records and reports with respect to the passenger vehicles for hire operated by them. It is the intent of this article to impose such responsibilities upon each vehicle operating permit holder.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-219. - Daily manifests.**

(a)

Every owner and driver of a passenger vehicle for hire shall maintain a daily manifest of calls received from persons requesting transportation. Every driver of every passenger vehicle for hire shall keep a daily manifest of the trips made each day; the time, place of origin and destination of each trip; and the number of passengers and amount of fare for each trip. Manifests shall be in a form approved by the passenger vehicle for hire manager and shall be furnished by the driver to the company operating certificate holder.

(b)

Every company operating certificate holder and vehicle operating permit holder shall retain and preserve all drivers' manifests by vehicle operating permit number, in a safe place for at least 90 days, and the manifests shall be made available upon demand for inspection by the passenger vehicle for hire manager or any Charlotte-Mecklenburg Police Department officer.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-220. - Drivers' tags required; dress restrictions.**

(a)

Each passenger vehicle for hire driver shall wear in plain view a tag containing his name and the name of his company. The size, lettering and other features of the name tag shall be approved by the passenger vehicle for hire manager.

(b)

Each driver shall wear clean clothing consisting of shoes and socks, a collared shirt, pants, knee length skirt or dress and, when necessary, an outer winter garment while operating a passenger vehicle for hire. If a hat is worn, it shall be free of any writing or logo except the passenger vehicle for hire company's name and logo. Short pants are not permitted.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-221. - Report of accidents.**

All accidents involving the operation of a passenger vehicle for hire shall be reported to the passenger vehicle for hire manager by the next business day after the accident. The company operating certificate holder, vehicle operating permit holder, and driver for the passenger vehicle for hire involved in an accident shall each be individually responsible for making the required report, which shall be on a form furnished by the passenger vehicle for hire manager. A passenger vehicle for hire involved in an accident may be ordered out of service by the passenger vehicle for hire manager and shall be repaired before being returned to service.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-222. - Occupants.**

At any time a passenger vehicle for hire is occupied by a fare-paying passenger, the passenger vehicle for hire shall not be occupied by any other person except the driver and any person who may be accompanying a fare-paying passenger. This section shall not apply during authorized driver training.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-223. - Failure to provide service; length of delay time.**

(a)

Except as provided in subsection 22-31(j), no driver shall refuse, fail or neglect to provide passenger vehicle for hire service to any person following any call, demand or prearrangement.

(b)

At the time an individual requests passenger vehicle for hire service, he or she shall be advised of the probable time of delay, if service is not expected to be available within 15 minutes of the request or prearrangement.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-224. - Limitation on hours of driving.**

It shall be unlawful for any driver of any passenger vehicle for hire to continue on active passenger vehicle for hire duty for more than 16 hours, meal time included, during any 24-hour period. Each driver shall enter the time of commencing active duty and ending active duty on the manifest required in section 22-219.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-225. - Return of passenger's property.**

(a)

Upon finding property left by a passenger in a passenger vehicle for hire, as the passenger leaves the vehicle, a driver shall immediately notify the passenger and return the property. If the driver has left the drop-off point, or is unable to locate the passenger, or does not know the identity of the passenger, the driver shall promptly deliver the property to his company operating certificate holder.

(b)

Upon delivery of the property to the company operating certificate holder, the driver shall provide the company operating certificate holder with any information available in regard to the property. The company operating certificate holder shall record that information, including the time, date, driver's name and vehicle number, and attach such information to the property. The company operating certificate holder shall hold the property in a secure place for three months.

(c)

If requested by the driver who discovered the property, any unclaimed property in the possession of the company operating certificate holder shall be returned to that driver within a time specified by the company operating certificate holder which shall not exceed 30 days following the required holding period.

(Ord. No. 3065-X, 8-22-2005)

**Secs. 22-226—22-250. - Reserved.**

## **DIVISION 7. - RATES AND CHARGES AND POSTING REQUIREMENTS**

Sec. 22-251. - Rates and charges.

Sec. 22-252. - Disputes.

Sec. 22-253. - Posting requirements.

Sec. 22-254. - No extra charge for assisting the disabled, handling wheelchairs or walkers.

Sec. 22-255. - No extra charge for handling baggage; reasonable charge for bulky items.

Sec. 22-256. - Passenger to pay lawful fares; receipt to be furnished upon request.

Secs. 22-257—22-285. - Reserved.

**Sec. 22-251. - Rates and charges.**

(a)

*Filing for passenger vehicles for hire, except taxicabs.* Each applicant for a company operating certificate for a passenger vehicle for hire, except taxicabs, shall file all rates and charges with the passenger vehicle for hire manager at the time of the application or renewal. Rates shall be uniform for each type of passenger vehicle for hire being operated by the passenger vehicle for hire company.

(b)

*Rate and fare zones for taxicabs.* All rate and fare zones for taxicabs shall be established by the passenger vehicle for hire board, as set forth in subsection 22-182(b).

(c)

*Amount of change.* Drivers shall be required to carry a reasonable amount of change in order to conduct business.

(d)

*Changing rates.* Rates for passenger vehicles for hire, except taxicabs, may be changed annually by filing a new rate schedule with the passenger vehicle for hire manager at least 15 days before the effective date. Any company operating certificate holder of a passenger vehicle for hire, other than a taxicab, may petition for a midyear change in the rates which must be filed with the passenger vehicle for hire manager at least 15 days before the effective date. Changes in the rates for taxicabs shall be governed by subsection 22-182(b).

(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-252. - Disputes.**

All disputes arising between the passenger and the passenger vehicle for hire driver as to fares shall be arbitrated by the passenger vehicle for hire manager within 20 days of a complaint, and both the passenger and driver shall comply with the passenger vehicle for hire manager's determination. Upon the request of the passenger vehicle for hire manager, an affected limousine company shall provide to the passenger vehicle for hire manager a copy of the contract between the passenger and the limousine company. Appeal of the decision of the passenger vehicle for hire manager may be made to the passenger vehicle for hire board, as provided by division 5 of this article.

(Ord. No. 3065-X, 8-22-2005)

**Sec. 22-253. - Posting requirements.**

(a)

Each passenger vehicle for hire shall have conspicuously displayed within the interior and upon the exterior of the vehicle the rates of fare according to the rate assessment requirements of this article. The rate notice posted inside and outside the passenger compartment shall be in a typewritten notice, impressed upon a contrasting background, in at least 18-point type. The rates and the driver's permit, in addition to the information required by subsection 22-146(b), must be displayed conspicuously at all times in the card frame attached to the back of the driver's seat or headrest area of the vehicle and shall be clearly visible to a passenger seated in the rear seat of the passenger vehicle for hire. In addition, the posting shall also contain language that complaints may be filed with the passenger vehicle for hire manager and shall include the mailing address and telephone number of the passenger vehicle for hire office.

(b)

Limousines, as defined in section 22-27, are exempt from the requirements of this section, except that all limousines shall include a provision in any written contract for service that complaints may be filed with the passenger vehicle for hire manager and shall include the mailing address and telephone number of the passenger vehicle for hire office. All information required to be posted under this section shall also be displayed in Braille.

(c)

Limousine sedans and SUVs, as defined in section 22-27, are exempt from the requirements of this section, except that all limousine sedans and SUVs shall post within the passenger area of the vehicle a conspicuous notice stating that complaints may be filed with the passenger vehicle for hire manager and shall include the telephone number for the passenger vehicle for hire office.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-254. - No extra charge for assisting the disabled, handling wheelchairs or walkers.**

Under this division, no extra charge shall be made for the transportation of disabled individuals or for handling of manual wheelchairs, walkers or other equipment reasonably necessary for the mobility of persons with disabilities.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-255. - No extra charge for handling baggage; reasonable charge for bulky items.**

Under this division, no extra charge shall be made for the transportation of ordinary hand baggage carried by a passenger. Large trunks and other bulky items accompanying a passenger and not ordinarily construed to be hand baggage may be charged for at the rates filed with the passenger vehicle for hire manager, as provided in subsection 22-251(a) or as approved by the passenger vehicle for hire board pursuant to subsection 22-182(b) and printed on the rate card. Trunks and packages not accompanying passengers are not governed by this article. More than three bags or parcels per person shall not be construed to be ordinary hand baggage, and a reasonable charge may be made for the excess baggage, as filed with the passenger vehicle for hire manager and as provided in subsection 22-251(a) or approved by the passenger vehicle for hire board pursuant to subsection 22-182(b).

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-256. - Passenger to pay lawful fares; receipt to be furnished upon request.**

(a)

It shall be unlawful for any person owning, operating or controlling a passenger vehicle for hire in the city to charge any rate for the use of the passenger vehicle for hire exceeding the rates filed with the passenger vehicle for hire manager or as established by the passenger vehicle for hire board, as provided in section 22-251. No person shall ride in any passenger vehicle for hire and willfully refuse to pay the fare prescribed ~~therefor~~ **therefore** by law. However, this subsection is not intended to prohibit a passenger vehicle for hire passenger from granting a gratuity to the passenger vehicle for hire driver.

(b)

When requested by a passenger, the driver of a passenger vehicle for hire shall deliver to the passenger an accurate, legible receipt showing the passenger vehicle for hire's vehicle operating permit number or taxicab number, the passenger vehicle for hire's company name, the driver's permit number, the date and the amount of fare paid. Refusal on the part of the

driver to deliver such receipt upon request shall constitute a defense on behalf of a passenger charged with violating subsection (a).

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-257—22-285. - Reserved.**

## **DIVISION 8. - SPECIFICATIONS AND EQUIPMENT**

Sec. 22-286. - Conformance to article.

Sec. 22-287. - General vehicle requirements.

Sec. 22-288. - General maintenance and equipment requirements.

Sec. 22-289. - Meter maintenance and operation.

Sec. 22-290. - Color schemes.

Sec. 22-291. - Placards.

Sec. 22-292. - Radios and television sets.

Sec. 22-293. - Advertising.

Secs. 22-294—22-320. - Reserved.

**Sec. 22-286. - Conformance to article.**

No passenger vehicle for hire shall be granted a vehicle operating permit unless it conforms with all the provisions of this article.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-287. - General vehicle requirements.**

(a)

All passenger vehicles for hire shall satisfy the vehicle age requirements contained in this section. Except as permitted in subsection 22-30(1)d. and as herein stated, on July 1<sup>st</sup>, ~~2006~~ 2012 and thereafter, it shall be unlawful to place or keep in passenger vehicle for hire service any previously owned or used vehicle, unless the previously owned or used vehicle has been approved by the passenger vehicle for hire manager for passenger vehicle for hire service, and provided:

(1)

[Alternative A] The vehicle, excepting limousines and para-transit vehicles, is no older than ~~ten~~ six years, except for those vehicles that were in service and were less than ten years in age as of July 1, 2012. For those vehicles that are less than ten years of age as of July 1, 2012, the owner of the vehicle is permitted to keep that vehicle in service until it is ten years of age, but must take the vehicle out of service once it reaches ten years of age;

[Alternative B] The vehicle, excepting limousines and para-transit vehicles, is no older than six years as of July 1, 2013.

- (2) The passenger vehicle for hire manager is satisfied with the condition of the passenger vehicle for hire;
- (3) [\[Alternative A\]](#) Once the vehicle exceeds ~~ten~~-six years in age, it shall be removed immediately from passenger vehicle for hire service [except as provided in Section 22-287\(a\)\(1\) above](#); and  
[\[Alternative B\]](#) [Effective July 1, 2013, once the vehicle exceeds six years in age, it shall be removed immediately from passenger vehicle for hire service](#); and
- (4) The passenger vehicle for hire manager is permitted to waive the age limit of ten years for unique vehicles.
- (b) All passenger vehicles for hire shall be clean, operable and in good repair. Trunks in all passenger vehicles for hire shall be clean and empty except for one spare tire and necessary emergency equipment.
- (c) Each taxicab must have a minimum of three doors, two doors allowing entry to the driver's compartment of the vehicle and one door allowing entry to the passenger's compartment of the vehicle. Notwithstanding this subdivision, all doors of passenger vehicles for hire shall be operable from the inside and outside of the vehicle and constructed with a double or safety lock on each door.
- (d) All upholstery covering or interior lining in any passenger vehicle for hire shall be substantially free of cuts or tears.
- (e) Floor mats of rubber or other material shall be provided and shall at all times be removable. No passenger vehicle for hire shall have on the floor of the vehicle any footrest bracket or other fixture extending above the top of the floor mat.
- (f) Seat belts shall be provided for each passenger of a passenger vehicle for hire to the extent required as original equipment by the federal government.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-288. - General maintenance and equipment requirements.**

The PVH manager shall have the authority to inspect vehicles according to the following provisions. For the purposes of this section the term "PVH manager" shall also include any designee of the PVH manager.

- (1) The PVH manager may inspect each passenger vehicle for hire before it is placed into service, annually thereafter, and at such other reasonable times as the Manager determines necessary for compliance with this chapter.

- (2) At all times when a passenger vehicle for hire is in service, it must be in compliance with all state safety inspection standards, and a copy of the latest state safety inspection must be carried in the vehicle at all times. ~~must display a valid state inspection sticker~~. The PVH manager may require inspections to be made and shall take any action necessary to determine compliance.
- (3) If, upon inspection of a passenger vehicle for hire, the PVH manager determines that the vehicle does not meet the requirements of this article, the PVH manager may order the vehicle to be taken out of service until the requirements are met and the vehicle is reinspected and approved by the PVH manager.
- (4) If a company operating certificate holder, vehicle operating permit holder, or a driver fails to make a passenger vehicle for hire available for inspection within 24 hours after being requested to do so, the PVH manager may order the passenger vehicle for hire removed from service until it is made available for inspection.
- (5) All passenger vehicles for hire shall comply with the following requirements, unless the PVH manager issues a written waiver with specific findings that a particular requirement is not applicable because of the design of the vehicle or the nature of its operation. Inspections shall include the following items [Note: All vehicle components and equipment shall operate properly and meet original manufacturer's specifications. All replacement components and equipment shall also meet manufacturer's original specifications]:
- a. Color scheme and logos (as required);
  - b. Company name and phone number (three inches minimum) (as required);
  - c. Vehicle number markings (four inches) (as required);
  - d. Vehicle exterior clean, polished and well-painted;
  - e. Metal taxicab or commercial vehicle for hire license plate and PVH decals (as specified by section 22-290);
  - f. Current taxi rate information posted (taxicabs only);
  - g. Contact information for passenger vehicle for hire manager posted. A sign or notice approved by the PVH manager containing the name, address and telephone number of the company operating certificate holder, the vehicle number, and the telephone number of the PVH manager shall be placed in each vehicle in a place visible to all passengers to assist any passenger who wishes to file a complaint (all other non-metered vehicles);

- h.** Windshield wiper and defroster operable and adequate;
- i.** Mirrors, rear and left side view free of cracks and defects;
- j.** Windshield shall be clean and clear from both the outside and inside, free of cracks, chips, scratches or any other condition that reduces clarity of vision. All windows of the vehicle must have a light transmittance of 70 percent or more, with the exception of the uppermost six inches of the front windshield.
- k.** Windows shall be intact and must open and close properly: no decals, posters, or other materials on windows, other than credit card acceptance decals and PVH decals. Window gaskets shall not have any dry rot or leak;
- l.** Taxicab windows shall not be equipped with shades, curtains, film or coatings to such extent that the occupants of the vehicle cannot be seen from the outside of the vehicle;
- m.** Meter (taxicabs only). Every taxicab shall be equipped with a meter of a size and design approved by the passenger vehicle for hire manager and which conforms to National Institute of Standards and Technology (NIST) specifications (See § 22-289). All meters shall be sealed;
- n.** Toplight (taxicabs only) equipped with a top light of a design approved by the passenger vehicle for hire manager. All toplights shall be equipped with a tamperproof switch and system of electrical distribution so that, when the taxicab is vacant, the vacant sign (or center section of toplight) on the taxicab will be lit; when the taxicab is occupied, the toplight will be unlit and fare indicator on the meter and tattle-tale lights will be lit;
- o.** Heater and air conditioner operable. Heater must not produce smell of coolant in interior of vehicle. Air conditioner must cool interior air to sixty-five degrees (65°) Fahrenheit at the vent face without using the interior air recycle feature;
- p.** Headlights, tail lights, parking lights, turn signal lights, brake lights, back-up lights, license plate lights, side lights and emergency flashers operable. Must also be covered with undamaged lenses of appropriate type and color;
- q.** Accessible vehicle equipment (for any vehicle equipped with such), including wheelchair ramps, tie-downs, safety belts and wheelchair lifts well maintained and operable;
- r.**

Door handles and locks. All doors shall operate easily, shall close securely from both the outside and inside of the vehicle, and shall be accessible to passengers. No devices that restrict the ability of a passenger from readily exiting the vehicle in an emergency are allowed;

**s.**

Braking system including emergency brake capable of holding vehicle on a 30 degree incline with gear selector in neutral;

**t.**

Tires, including spare (with tire jack and handle), properly inflated and having minimum tread depth of 2/32-inch and free of defects. Spare tire and jack shall be properly secured using manufacturer's equipment in designated trunk area;

**u.**

Vehicle wheels properly aligned, matching hubcaps or wheel covers, wheel rims of uniform type, size and color. All shall have hubcaps attached unless the wheels are of a design which do not require hubcaps;

**v.**

Horn operable; loud, clear sound;

**w.**

Interior panels properly secured, free of tears and dirt;

**x.**

Interior lights and driver instrument displays (speedometer, odometer, gear selection indicator, seat belt warning light, and engine warning system) operable;

**y.**

Floor covering. No metal showing, undamaged, clean rubber-backed floor mats;

**z.**

Headliner clean, completely attached to interior ceiling and along edges;

**aa.**

Upholstered area clean, no tears;

**bb.**

Seats clean, unbroken and fastened securely, no exposed springs, wires or framework;

**cc.**

Seat belts for driver and each passenger position clean, accessible, and operable;

**dd.**

Accelerator, brake, emergency brake, and clutch pedals. Rubber pads in good condition, no exposed metal;

**ee.**

Trunk or luggage area. Floor covering, clean, free of offensive odors, litter, and items or materials that could damage or stain the passenger's baggage and shall be free of any flammable liquids or other hazardous materials. Trunk shall contain nothing except spare tire, tire jack and handle, emergency tools, and child car seat. Spare tire and jack shall be secured in proper location using manufacturer's equipment;

- ff.** Bumpers, grills, and body molding. No decals, bumper stickers or advertisements unless specifically approved by the passenger vehicle for hire manager;
- gg.** All bumpers and body moldings shall be in good condition and properly attached as when manufactured;
- hh.** Vehicle body shall be free from dents, rust and holes which impair its safety or appearance. Unacceptable body defects (dents, creases, blemishes, ripples, rust or holes) which impair the appearance or serviceability of the vehicle include:
  - 1.** A body defect six linear inches or greater and where the deepest point of depression is one-quarter-inch or greater; or
  - 2.** A body defect three inches in width or greater and three inches in height or greater and where the deepest point of depression is one-quarter-inch or greater; or
  - 3.** Any defect which is one-half-inch at the deepest point of depression regardless of width or height (this includes any hole in the surface area); or
  - 4.** Exterior paint which is not uniform in color, does not completely cover the vehicle, or is not in compliance with approved color scheme;
  - 5.** Any body panel, trunk, or hood misalignment;
- ii.** Steering system. No excessive play in steering column or front wheel assemblies;
- jj.** Suspension system meets manufacturer's specifications, components provide steady ride without excessive bouncing;
- kk.** Transmission. No slippage, proper function of each gear including "Park" position;
- ll.** Exhaust system. No exhaust leaks, no missing support for tail pipe;
- mm.** Two-way radio (taxicabs);
- nn.** All taxicabs shall have a rigid roof and at least three doors;
- oo.** Gas cap for fuel fill;
- pp.**

(Taxicabs only) Taxicab shall have a backseat credit card payment device which enables passengers to use credit cards or debit cards to pay for their fare. All backseat credit card payment devices shall be turned on, active and usable for passengers to pay fares. Once a driver becomes aware that the credit card payment device is inoperable, the driver shall pull the passenger vehicle for hire from service within 12 hours;

qq.

(Taxicabs only) Taxicab shall have a Global Positioning System (GPS) that is usable for navigation by the driver. A Global Positioning System for purposes of this Chapter does not include any type of cellular telephone (including smart phones).

(6)

Violations that are determined to present a clear, substantial and imminent hazard to life, safety, or property shall result in an immediate suspension of the vehicle operating permit. These safety violations include, but are not limited to:

a.

Inoperable windshield wiper or defroster;

b.

Damaged or missing mirrors;

c.

Windshield with crack or defect;

d.

Inoperable door handles or locks;

e.

Inadequate brake or emergency brake;

f.

Inoperable headlight (low beam), tail light, turn signal light, or brake light;

g.

Inoperable horn;

h.

Inoperable speedometer or gear selection indicator;

i.

Seats broken or not fastened securely;

j.

Inoperable or missing seat belts;

k.

Rubber pads worn to exposed metal from accelerator, brake, emergency brake or clutch pedals;

l.

Steering system defect;

m.

Suspension system defect;

- n. Inoperable two-way radio;
- o. Missing gas cap for fuel fill;
- p. Exhaust system leak; or
- q. Bumper damaged so that it reduces protection from low speed collisions.

7.

In the event that a provision of this section imposes a different standard or requirement, than does a state inspection standard or requirement, the provision imposing the more restrictive standard or requirement shall govern.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-289. - Meter maintenance and operation.**

- (a) No person shall use or permit a taxicab to be used for the provision of passenger vehicle for hire service while the meter installed in such vehicle is unsealed or its gear is not intact.
- (b) Any time a taxicab is occupied by a person other than the driver, the meter must be on and operating, regardless of the actual fare charged. It shall be the duty of the driver to call to the attention of the passenger the amount registered on the meter.
- (c) No person shall operate or cause to be operated a taxicab unless the vehicle is equipped with a meter that has been duly inspected and approved by the passenger vehicle for hire manager and, otherwise, meets all the requirements of a taxicab contained in this article. It shall be unlawful to reduce the size of wheels or tires of a taxicab or to change the gears that operate the meter.
- (d) The meter shall be mounted in such a fashion that it does not present a sight obstruction.
- (e) The meter shall be mounted in such a fashion that it does not present a hazard should a passenger riding in the right front seat be thrown against the vehicle dashboard. If the meter is not mounted so as to satisfy this requirement, the right front seat cannot be occupied by a passenger.
- (f) The meter shall meet and be operated to the standards set forth for taximeters by the National Institute of Standards and Technology (NIST) in the NIST Handbook 44 2003 Edition, § 5.54 Taximeters.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-290. - Color schemes.**

(a)

Every passenger vehicle for hire company shall adopt a color scheme that is distinct from that of any other passenger vehicle for hire company for the painting of its taxicabs, and all taxicabs of a passenger vehicle for hire company using the same rate of fare schedule shall have the same color scheme. A taxicab that operates from the terminal and under the name of a company operating certificate holder shall use the same color scheme as the company operating certificate holder.

(b)

The name of the passenger vehicle for hire company, the passenger vehicle for hire number, which shall correspond with the number of the company operating certificate, and the telephone number of the passenger vehicle for hire company shall be affixed with permanent paint or permanent decals on both sides and the rear of each passenger vehicle for hire, with the letters being at least three inches high on the side and on the rear. The passenger vehicle for hire number shall be in numbers at least four inches in height. Magnetic signs, temporary signs or removable decals which display the name of the passenger vehicle for hire company or the passenger vehicle for hire number are prohibited. Limousines, limousine sedans and SUVs, as defined in section 22-27, shall be exempt from the requirements of this section. In lieu of the identification requirements for which they are exempt, limousine sedans and SUVs are required to have the following:

(1)

Permanent window decals that include the passenger vehicle for hire company and telephone number within an area that is four inches by four inches and are placed at the passenger entry doors.

(2)

A front license plate that includes the passenger vehicle for hire company name.

~~(3)~~

~~A rear license plate frame that includes the passenger vehicle for hire company name and telephone number.~~

(c)

Colors of paint used for lettering and numbering shall be of sharp contrast with the color of the surface paint to which they are applied, so as to be evenly visible at a reasonable distance, especially at night with streetlights. Lettering or numbering shall not be acceptable where it has been painted upon sheetmetal or other material which can be removed or detached from the passenger vehicle for hire.

(d)

No person shall operate a vehicle that is identified as a passenger vehicle for hire unless use of the vehicle as a passenger vehicle for hire has been authorized pursuant to this article. No person shall operate a passenger vehicle for hire containing a passenger vehicle for hire company's color scheme or identification without authorization from the company operating certificate holder unless the company operating certificate has been revoked.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-291. - Placards.**

The only placards permitted shall be the "vacant" and "off-duty" placards and shall be placed on the dashboard of taxicabs only. The placard is to be made of gravoply, three inches by ten inches, with two-inch-high letters, black on white background. The "vacant" inscription shall be placed on one side and "off-duty" on the reverse, if one placard is used. The "vacant" placard shall be used only when the taxicab driver has no passenger, but desires such, and the taxicab is unoccupied except for the driver. The "off-duty" placard shall be used only when the driver has no passenger and desires no passenger.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-292. - Radios and television sets.**

No driver shall operate an AM or FM radio or a television in any taxicab while the taxicab is being used to transport passengers for hire in the city. However, this section shall not prohibit the use in any taxicab, operating under this article, from using a radio device for the purpose of receiving instructions from the office or headquarters of the person owning the taxicab.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-293. - Advertising.**

(a)

No passenger vehicle for hire shall display any advertising assemblies other than specifically allowed by subsection (b).

(b)

Each passenger vehicle for hire may display one advertising assembly. The advertising assembly may only be mounted on the top of the vehicle roof. All advertising assemblies must be approved in advance by the passenger vehicle for hire manager prior to mounting on any passenger vehicle for hire. In reviewing advertising assemblies for approval, the passenger vehicle for hire manager shall approve only those advertising assemblies that:

(1)

Do not obscure any required vehicle markings, including the color scheme.

(2)

Do not add more than 18 inches to the overall height of the vehicle.

(3)

Do not extend beyond the top of the front windshield or rear window.

(4)

Are securely mounted to the top of the vehicle and are without lighting.

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-294—22-320. - Reserved.**

## **DIVISION 9. - INSPECTION AND MAINTENANCE OF EQUIPMENT**

Sec. 22-321. - Inspection; right of entry; withdrawal of vehicle when not in good condition; right of reinspection.

Sec. 22-322. - Repair of unsafe vehicle.

Sec. 22-323. - Cleanliness of vehicle.

Secs. 22-324—22-350. - Reserved.

**Sec. 22-321. - Inspection; right of entry; withdrawal of vehicle when not in good condition; right of reinspection.**

(a)

Before a vehicle operating permit is issued or renewed for any company operating certificate holder under this article, the passenger vehicle for hire for which such vehicle operating permit is requested shall be delivered to a place designated by the passenger vehicle for hire manager, who shall ascertain whether such passenger vehicle for hire complies with this article.

(b)

The passenger vehicle for hire manager, or his designee, shall have the right, at any time, after displaying proper identification, to enter into or upon any licensed passenger vehicle for hire for the purpose of ascertaining whether or not any of the sections of this article is being violated. It shall be unlawful for any person who owns or is in control of a passenger vehicle for hire to refuse, upon the passenger vehicle for hire manager's request, to present the passenger vehicle for hire for inspection or removal of the vehicle decal.

(c)

Any passenger vehicle for hire that is found after inspection to be unsafe for passenger vehicle for hire service or out of compliance with this article may be immediately ordered out of service by the passenger vehicle for hire manager and, before being placed back in service, shall be delivered to the passenger vehicle for hire manager at a designated point for reinspection.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-322. - Repair of unsafe vehicle.**

Any passenger vehicle for hire found by the company operating certificate holder and/or vehicle operating permit holder to be unsafe for passenger vehicle for hire service shall have such repairs and alterations made, as may be required, and the certificate holder and/or permit holder shall not operate, or cause or permit to be operated, any such passenger vehicle for hire until all such repairs and alterations have been completed. All repairs and alterations to any passenger vehicle for hire removed from service pursuant to this section shall be approved by the passenger vehicle for hire manager.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-323. - Cleanliness of vehicle.**

Every company operating certificate holder and vehicle operating permit holder shall ensure that the interior and exterior of each of his passenger vehicles for hire is maintained at all times in a clean condition.

*(Ord. No. 3065-X, 8-22-2005)*

**Secs. 22-324—22-350. - Reserved.**

**DIVISION 10. - AIRPORT SERVICE**

Sec. 22-351. - Operating agreements; permit required.

Sec. 22-352. - Drivers.

Sec. 22-353. - Adoption of regulations.

Sec. 22-354. - Execution of operating agreement.

**Sec. 22-351. - Operating agreements; permit required.**

(a)

No passenger vehicle for hire shall operate at the airport unless the passenger vehicle for hire company it is associated with has obtained a current airport passenger vehicle for hire permit for the vehicle as a result of entering into an airport operating agreement. Such airport operating agreements shall be entered into annually for a term of no longer than 5 years, shall require the payment of appropriate fees and shall obligate the passenger vehicle for hire company and permitted vehicle to adhere to certain standards of operation at the airport. The airport passenger vehicle for hire permit may be revoked or may not be renewed if there is a failure of the passenger vehicle for hire company to comply with the terms of the agreement.

(b)

All drivers operating at the airport pursuant to a valid airport passenger vehicle for hire permit may also engage in the provision of other passenger vehicle for hire services throughout the city and shall otherwise comply with all the sections of this article.

(c)

Any airport passenger vehicle for hire permit may be revoked or suspended upon the breach of a term or condition of the airport operating agreement. The sole remedy for any such revocation or suspension shall be a breach of contract action. Appeal rights afforded under the vehicle operating permit pursuant to section 22-71 do not apply to the suspension or revocation of an airport passenger vehicle for hire permit.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-352. - Drivers.**

(a)

The aviation director, or his designee, shall have the authority to prohibit any driver from transporting passengers from the airport terminal if he finds that the person has violated any provision of the following:

(1)

This article;

(2)

The airport operating agreement between the city and the passenger vehicle for hire company authorizing the passenger vehicle for hire to operate at the airport; or

(3)

Any rule or regulation adopted by the airport for passenger vehicles for hire or limousines.

(b)

Any driver prohibited from operating a passenger vehicle for hire as provided in subsection (a) shall not transport any passenger in any passenger vehicle for hire from the airport terminal for the period prescribed in the applicable airport operating agreement between the city and the passenger vehicle for hire company or the rules and regulations made a part thereof.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-353. - Adoption of regulations.**

The aviation director shall have the authority to adopt reasonable rules and regulations for the safe, courteous and orderly operation of passenger vehicles for hire or limousines at Charlotte/Douglas International Airport.

*(Ord. No. 3065-X, 8-22-2005)*

**Sec. 22-354. - Execution of operating agreement.**

The aviation director, or his designee, is authorized to execute all airport operating agreements on behalf of the city.

*(Ord. No. 3065-X, 8-22-2005)*



CHARLOTTE.

---

---

---

---

---

---

Charlotte City Council

# Environment Committee

Meeting Summary for June 27, 2011

---

## COMMITTEE AGENDA TOPICS

---

- I.     **Subject:**     Consideration of Citizens Advisory Committee on Environment  
          Action:     None
- II.    **Subject:**     Next Meeting  
                      Monday, August 22 at 3:45 p.m. in Room 280

## COMMITTEE INFORMATION

---

Present:             Edwin Peacock, Nancy Carter, Andy Dulin  
Time:                4:10 p.m. to 4:30 p.m.

## ATTACHMENTS

---

1. Agenda Package

---

# Environment Committee

Meeting Summary for June 27, 2011

Page 2

---

## DISCUSSION HIGHLIGHTS

---

### **Committee Discussion:**

Committee Chair Edwin Peacock welcomed everyone to the meeting and asked those around the table to introduce themselves.

### **I. Consideration of Citizens Advisory Committee on Environment**

Chairman Edwin Peacock said for consideration today is a subject referred to this Committee about three months ago. Staff has been hard at work here. I think Council member Carter and I are both equal in the sense we have an enormous amount of interest in this subject. It is the newest focus area for the City of Charlotte and I think it is one that has become very integral, particularly in our Economic Development strategy and as we showcase our City. I have noticed a growing interest of citizens wanting to get involved. When I first joined Council in 2007, I found it interesting that we did not have a Citizens Advisory Committee related to the environment and it took me some time to understand that. You probably have some more background and perspective on that, but today Assistant City Manager Julie Burch has put together a document that I asked her to put together to counter what the County put together, which is a little bit of a spoke-and-wheel as it relates to the components of what we are doing and what groups are affiliated with it. Staff is looking for guidance today. I think she has very appropriately put out what the four options (see attached handout) are here today, which are 1) form a new committee, 2) conduct an annual citizens forum, 3) hold annual or semi-annual summits on the environment related committees and interested groups, or 4) do nothing. I also prompted Shannon Binns to put together a very thoughtful document to complement what was in your Council packet. I've asked Shannon to comment after you and I begin discussing.

Carter: My initial reaction to your proposal was 1) I was impressed that you were so focused, 2) that you saw a way to slide in another Committee as one was exiting; I thought that was brilliant and 3) to react with regard to the task force that we had established through this Committee because I think that is probably the greatest value that we have where we can convene citizens and stakeholders on issues. I don't want to lose that flexibility. I like the idea of something that is semi-permanent status. I like the idea of engaging citizens on this interest level priority and think people who are of high interest show up here at these meetings, so we have that capacity of addressing their interests here at the table. Governing, it would not be an advisory group because there is no subsidiary Key Business Unit (KBU). I think Rob Phocas does that extremely well himself and he needs more folks for us to put under him for him to warrant an Advisory Board. I really like a conjunction of County, City, citizens, staff, expert novice type of interchange, but I truly do not want to lose that capacity with the task force. If I had to balance out I would choose the task force.

---

# Environment Committee

Meeting Summary for June 27, 2011

Page 3

---

Peacock: Ms. Burch, can you talk about bullet #2, Conduct Annual Citizens Forum, and I want you to talk about #3 here and then I want to let Mr. Binns give a brief snapshot of some of the work he had put together. Then we should study this spoke-and-wheel system because we have a lot of different moving parts going on.

Burch: To talk about the context of bullet #2, we are looking at if there are other ways to seek and facilitate citizen input besides a standing Committee. One of those ways might be conducting an annual forum similar to the Town Halls we have had around this subject and the Town Halls we had around energy strategy a year and a half ago, where we invite citizens to come down one evening to the Council Meeting Chamber and pretty much have an open agenda with an open mic night. We would obviously pay attention to the comments and suggestions being made and a piece of that could be timed such that it could be input into the Council's development of the next Focus Area Plan for the Environment. That was one idea and toward the bottom of that page we listed some of the questions we might ask if we were to hold a forum tomorrow or the next six months or whenever. With bullet #3, I was trying to pull together some sort of an annual meeting or semi-annual meeting of the existing Environment Committees which are shown on the diagram and bring all those folks together in one room for a half day or full day to share information and ideas and to see if there is any overlap or duplications and identify gaps. I outlined some considerations if we are going to pull that group together and one of those is what would be the role of the County Environmental Policy Coordinating Council which does have some representation of City Advisory Chairs on it now. That is in a nutshell the kind of concept behind the two ideas; soliciting input and ideas.

Carter: That to me is a springboard for us as a new Council finds it footing. Another idea would be a day summit where we could get state and federal representatives here to prognosticate about what's coming. I think that would be exciting. We could have the citizens come in at night and separate it out and have staff and other professionals and have citizen's feedback when they are off from work at the summit.

(Council member Dulin arrived)

Peacock: Mr. Binns has done some initial research on what other cities have done and I think it is important that we talk about how this next Committee could be used. Can you talk a little bit more about what you saw when you saw all these different diagrams and the way it is split up under the activities?

Binns: I think that one of the things we need to consider is having an Advisory Committee that's focused on the sustainability side of the environment. The trend around the country is forming Advisory Committees around sustainability and recognizing that this is kind of a new direction and a new issue that cities are trying to become leaders in. What makes sustainability unique is it tries to blend economic concerns, social concerns and environmental concerns and takes a holistic approach to policy making. That is the main reason why I think this Committee is so important because it will provide an opportunity to look at issues through multiple lenses. In terms of frequency of meetings, I think just seeing how long it takes a Committee who meets monthly like this to finish an

---

# Environment Committee

Meeting Summary for June 27, 2011

Page 4

---

issue and the idea of meeting once a year is almost worthless. Sustainability issues come up on a daily basis in our City. So, I think this is something if we are going to make progress with sustainability then it would need to be looked at least once a month. I see it really as a capacity constraint as we talked about there is no KBU, we have one sustainability staff person, and as we all know he is very focused on implementing the federal block grant projects so, his focus is pretty narrow and it needs to be. Where I think there is another advantage besides looking through multiple lenses is the ability to have more capacity. We have a lot of citizens, maybe in this room today, who have a lot of expertise that are really on the sidelines and we are not tapping those resources to move us forward. I think that relying on staff will not make a lot of progress. That is my thinking in terms of why this is an important Committee. I certainly agree that there is value in taking advantage of existing Committees and I think it is useful to map out what the existing Committees are and how they all are working to promote sustainability, but we have to be careful because just because we can draw them on map doesn't mean they are communicating with one another or creating recommendations or policy or plans that are comprehensive. I would love to see more conversation and maybe the Sustainability Committee has a representative from each of those Committees and they are meeting once a month looking at what kind of plan they can we draw up. Most of these Advisory Committees around the country do have a specific task and what most of them are doing is creating a sustainability plan where they are really focused on climate action and how they reduce their energy and green house gas emissions.

Peacock: A couple things for the Committee to think about. Mr. Binns reacted to the first staff document in a format that I thought was helpful for the Committee (see attached). I want to amplify one of the answers that you had located for us. It came from the City of Minneapolis and it says as the City of Minneapolis aptly states, "Coordination among City departments is critical to achieving sustainability. Stronger alignment among City stakeholders will streamline resources, spur creativity and institutionalize sustainability principles." I'm less interested in seeing a Committee formed and then try to focus itself on the subject of climate changes. I think you immediately throw yourself into the political category. I think we need to focus on how you show the City how we can save and improve. I like what Mr. Binns suggested in his email to me about having 2 representatives from each one of these groups shown on the spoke-and-wheel make up either a summer or a quasi-committee have some sort. I think that might be a good idea. Commissioner Roberts and I tried to work to merge Keep Mecklenburg Beautiful and Keep Charlotte Beautiful together, and neither Committee seemed to really like the idea and it was a lot harder than I thought.

Dulin: We have the ability to make them merge. I think that is what we need to do. For the record, I apologize for being late.

Peacock: Any reaction from you on the four choices?

Dulin: I've read all of the material and I'd go for Choice #4, do nothing. We've got enough going on and enough Committees. You just said we have one too many Keep Beautiful Committees. Staff is up to their eyebrows in Committee work and they can't

---

# Environment Committee

Meeting Summary for June 27, 2011

Page 5

---

get any of their own work done. We've made a commitment to lead the nation, if not the world in environmental issues. We have a hard enough time doing that.

Peacock: I think all the cities share something in common and I think they all are taxed to a certain degree regarding their staff capacity and what they can handle. Other communities have reached out and partnered with other groups to help these organizations. I saw the reference to educational institutions that have helped out in this scenario on that. When we talk about pulling together interest in the subject that could be a potential possibility.

Dulin: This is an individual thing. I spent an hour and a half this morning cleaning out storm drains with a pitch fork. I can't clean out every storm drain in Charlotte, but I can clean out the ones within a one hour walk of my home. If we want to educate people to be better stewards of the environment, fine, but I'm sorry, I go to too many Committees and we've got too many Committees going around in this place. Just the inability to merge two of them is a pretty good example of that.

Peacock: I will agree with you that it is a task to carry all the bandwidth we have on us as Council members to keep up with all of this and I know it is the same for staff at times as well. The only counter to that that I would present is just what I made in my opening comments before you got here. We have a lot of people that want to get involved on this subject in a very positive way. I feel like when you look at some of the other Advisory Committees, that tonight we will be appointing people to, I think candidly a lot of them are on those Committees that don't necessary get the feedback. We looked at this in Council member Cooksey's Committee a couple years ago in trying to increase the effectiveness of some of these Committees. Quite frankly, some of the reports we were getting were dribbling in and we really didn't understand what they were really doing on that. The reason why I put it in referral was mainly because I've seen a lot of sincere interest I think could have positive results for all of our staff.

Dulin: One of the answers to that is to limit the amount of time people can be on a Committee. Take your two Environmental Committees and merge them and instead of having 10 on each have 15 or so. Then shorten the automatic rollovers on all of these Committees. Get new blood on there and let new people come in.

Carter: There is a body that's already holding these environmental umbrella meetings and that is Centralina Council of Governments (COG). They have sub-committees. I think perhaps giving them more "teeth," more responsibility, and/or direction then we might get something very positive out of it. That's a regional thing, which is exactly where we need to be.

Peacock: That might get a positive response from Council member Dulin because we've always asked ourselves what they are doing for their \$167,000. That is a very good idea. I'd be curious to know if they would be interested in being a back office.

---

# Environment Committee

Meeting Summary for June 27, 2011

Page 6

---

Dulin: People don't want to be on the COG Committees, they want to be on the Charlotte City Council Committees.

Peacock: I know they do, but remember we are working through options on whether we can do that or not.

Carter: If we escalate the importance and relevance of what they do I think it would be a preferred Committee because it's where you could make the links to make things happen. I think it could be very positive to tie it in with something that we do here and can feed into their action.

Peacock: We are going to have to adjourn and I apologize to the audience. This is a Monday and there are a lot of things going on for the Council tonight. I want to thank you all for being a part of this. This is as you all know an open process. We welcome your input. I as Chairman, have no timeline on this. The main thing I want to do is get it right, not be a burden to staff, also not to miss out on an opportunity to go and plug in people who want to be involved.

Burch: Is there anything you would like staff to come back with? Do you want us to put any meat on any of those bones, in terms of what something might look like?

Peacock: I think the possibility of reaching out to COG to tell them we've been trying to think about chairing a Committee here. They would be one of our energy partners, but I can't remember where they fall under our spoke and wheel system here. Are they even listed here?

Burch: Yes, under Collaborative and Regional Solutions on page 2.

Carter: But they have sub-committees that are targeted in different directions that you have annotated as of interest to us. So I think the alignment might be very expressive of what we are interested in.

Binns: Are they open to the public?

Carter: Yes.

Peacock: Let's talk with them and see what their reactions might be to our Committee discussion and if that is a way that we can enhance our membership that might be a possible alternative.

## **II. Next Meeting**

Monday, August 22, 2011 at 3:45 p.m. in Room 280.

Meeting Adjourned at 4:30 p.m.

# Environment Committee

Monday, June 27, 2011 at 3:45 p.m.  
Charlotte-Mecklenburg Government Center  
Room 280

Committee Members: Edwin Peacock, Chair  
Nancy Carter, Vice Chair  
Jason Burgess  
Andy Dulin  
David Howard

Staff Resources: Julie Burch

---

## AGENDA

### I. Consideration of a Citizens Advisory Committee on the Environment

*Staff Resources: Julie Burch & Rob Phocas*

The Committee is asked to provide staff with more feedback and guidance on the questions related to considering the possible establishment of a new citizens' committee. Background and possible options are attached. No action is requested at this time.

### II. Next Meeting

Monday, August 22 at 3:45 p.m. in Room 280

---

Distribution: Mayor/City Council      Curt Walton, City Manager      Leadership Team  
Mac McCarley      Stephanie Kelly      Environmental Cabinet



**City Council Environment Committee  
June 27, 2011**

**Topic:**

Consideration of establishing a citizens' advisory committee for the Environment

**Committee Action Requested:**

None at this time. Staff seeks additional direction from the Committee.

**Background:**

Council referred this topic to the Environment Committee in March 2011. At the March 28 Committee meeting, staff presented several questions to be considered. Those questions included:

- What would the role and charge of a new committee be?
- For the purpose of the charge, how would "environment" be defined?
- Would any of the work of the existing, environment-related citizens committees be folded into the charge of a new committee? Would a new committee replace any of the existing committees?
- What would the relationship of a new City committee be to Mecklenburg County?
- How large would a new committee be? What representation would be included?
- What level of City staff support and budgetary resources would be needed to adequately support a new committee?

Committee discussion centered around the following points:

- The number of citizens committees in place now which relate to the Environment
- The County's Environmental Policy Coordinating Council and the possibility of making it a joint County/City committee
- The importance of stakeholder groups such as the Tree Advisory Commission to assist and recommend specific policies, e.g. recent revisions to the Tree Ordinance
- Whether there are any gaps or missing pieces in the committee structure as it exists now
- Other cities' approaches to citizen committees for the environment and sustainability.

Attachment I ("FY12 ENV FAP Initiatives and Related Citizens Committees/Stakeholders") illustrates current citizen committees or community groups associated with each of the four initiatives of the Council adopted Focus Area Plan for the Environment. These are committees or groups that staff was able to readily identify without an exhaustive survey and is not meant to be all-inclusive.

**Discussion:**

Since the Committee meeting, City staff (Julie Burch, Rob Phocas and Alicia Davison) and Heidi Pruess, Mecklenburg County Environmental Policy Coordinator, met for further discussion around this topic.

Below is additional information for Committee discussion, including possible options developed with feedback from Councilmember Peacock.

### **Other Cities**

Every city starts in a different place on the topic of the environment and sustainability, depending on that city's unique situation, including size, geography, extent of other adopted city policies and plans and existing level of citizen involvement.

Limited research indicates that a number of cities of varying sizes have appointed citizen committees organized around the broad topic of the environment or sustainability. Without in-depth review, however, it is not possible to know the context and the history behind the formation of a committee; scope of work, i.e. how environment or sustainability is defined; other, related city policies and initiatives; whether other, related committees exist; effectiveness; the types of issues or subjects dealt with; and the level of staff support or other resources invested.

As requested by Councilmember Peacock, [Attachment II](#) is another copy of information about other cities provided to the Committee on March 27 by Shannon Binns, Sustain Charlotte.

### **Options for Discussion:**

#### **1. Form a new committee.**

##### **Considerations:**

- Please see the questions outlined under Background above.

#### **2. Conduct annual citizen forum.**

An annual forum would provide opportunities for citizens and organizations to communicate to City Council and staff their interest in having the City address specific environmental issues or take specific actions. For example, questions could be posed to the audience, such as:

- How can the City build on experience with projects made possible by the Energy Efficiency and Conservation Block Grant (EECBG)?
- Where are gaps in the City's efforts to address environment issues?
- How does the City effectively evolve the current energy & sustainability program, leverage opportunities with private and non-profit organizations, and lead by example in the future?

##### **Considerations:**

- This could be accomplished through a "public forum" or "town hall" format so that anyone would have an opportunity to present ideas to Councilmembers and staff
- Timing: perhaps once/year, timed strategically to allow for Council consideration of input during Focus Area Plan development, etc.

##### **Resource Requirements (staff, funding, etc.)**

Minimal

### **3. Hold annual or semi-annual summit of existing Environment-related committees and interest groups**

A meeting or summit with the chairs of current standing advisory committees, and other organizations and groups interested in environmental matters could be held to provide an opportunity to share information, discuss current areas of interest or activity, maximize opportunities to work together, minimize duplication, and share plans and goals.

#### **Considerations:**

- Each group (for example, those listed in attachment) could be invited to send one or two representatives
- Other groups or individuals could be invited
- Determine role of County advisory groups, including Mecklenburg County Environmental Policy Coordinating Council
- Meetings could be held once or twice a year
- Determine desired outcomes and reporting out to the City Council and County Commission

#### **Resource Requirements**

Would need to be determined, based on size, scope and frequency

### **4. Do nothing.**

Attachments:

FY12 ENV FAP Initiatives and Related Citizens Committees/ Stakeholders  
March 27 Email from Shannon Binns, Sustain Charlotte

**FY12 Environment Focus Area Plan Initiatives  
and Related Citizens Committees/Stakeholders**

Draft



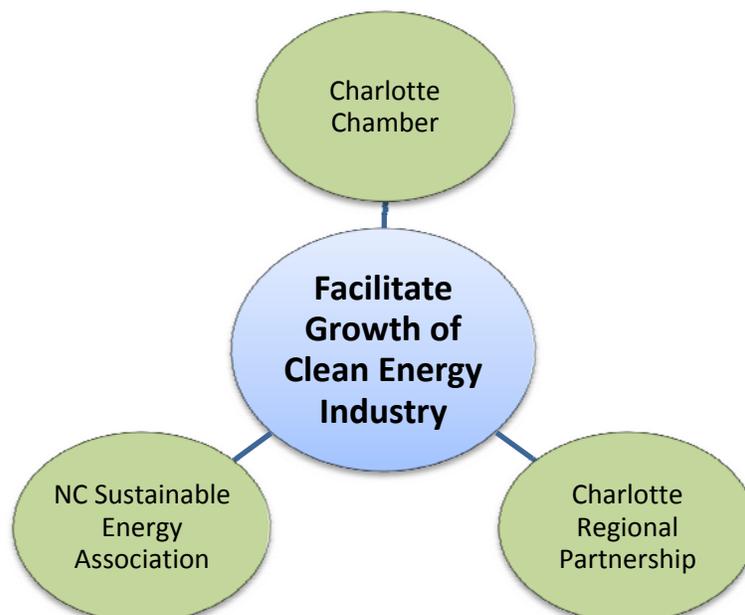
\*Includes representatives of: Bank of America; Central Piedmont Community College; Charlotte Center City Partners; Chamber; Clean Air Carolina; Duke Energy; County; Piedmont Natural Gas; Sierra Club; University of North Carolina Charlotte; Wells Fargo.

**FY12 Environment Focus Area Plan Initiatives  
and Related Citizens Committees/Stakeholders**

Draft



\*\*Includes representatives of: Waste Management Advisory Board; Air Quality Commission; Parks and Recreation Commission; Transit Services Advisory Committee; Building Development Commission; Stormwater Advisory Committee; Planning Commission; Marine Commission; Utilities Advisory Committee; City and Towns.



**Non-profit and educational groups with environmental interests:**

**Air Quality/ Transportation**

Clean Air Carolina  
Clean Fuels Coalition  
NC Air Awareness  
Charlotte Area Bicycle Alliance

**Land Conservation/ Preservation**

Trust for Public Land  
Catawba Lands Conservancy  
NC Rails to Trails  
Soil & Water Conservation District

**Water Quality**

Catawba Riverkeeper

**Waste Reduction**

Carolina Recycling Association

**Broad environmental interests**

Sierra Club  
SustainCharlotte

**Sustainable Development/ Energy Efficient Buildings**

US Green Building Council

**Land Use/ Transportation**

Urban Land Institute

**Environmental Education**

CPCC Center for Sustainability  
UNCC – IDEAS Center  
Charlotte-Mecklenburg Schools  
Journey for Sustainability

**Hospitality**

Charlotte Green Team

March 27, 2011

Dear Councilmember Burgess:

Thank you for considering a new **Citizens Advisory Committee on the Environment**. As you may recall from the recommendations we provided you in December with regard to the Environment Focus Area Plan this is something we agree is a vital and valuable opportunity for harnessing citizen input and expertise with regard to environmental and sustainability issues. We applaud you for your continued leadership by considering this proposal.

We learned late Friday afternoon, when the meeting agenda was made public, that the Committee would be addressing this proposal at tomorrow's meeting. Over the weekend, Sustain Charlotte has benchmarked a number of municipalities around the state (including Wake County and Asheville) and the nation that already have a similar committee to provide you and other members of the Environment Committee more information as you consider this proposal.

As part of your agenda packet, staff has posed a number of questions for your discussion. We have sought answers to some of these questions in our brief benchmarking study. We hope you find this useful as you discuss and make decisions regarding this important opportunity for our city to better address the inherent challenges of growing cities such as ours.

Please find below a summary of our findings and recommendations in our responses to some of the discussion questions proposed by staff in your agenda package as well as the complete findings of our benchmarking study.

If you have any questions, or would like more information, please let me know.

Sincerely,

Shannon Binns  
Executive Director  
Sustain Charlotte

## **Responses to Questions Posed by Staff**

---

### *I. Role and charge of a new committee*

- 1. What would be the goal or charge to the committee? For the purpose of the charge, how would "environment" be defined?*

The names and charge of other cities' advisory committees on the Environment or Sustainability vary to some degree but are similar. (See below for more detail by city.) After reviewing the approach taken by other cities we recommend the following name and objectives:

**Recommended Name:**  
**Sustainability Advisory Committee (SAC)**

**Rationale:**

We believe this name captures the unique role of this advisory committee: to consider and recommend strategies and policies that transcend categories because their impacts would not be limited to the *environment*, or the *economy*, or *public safety*, or *public health* and so on – **but two or more of these areas, as is often the case in the realm of public policy**. It also reflects the fast-growing trend of cities to address the inherent relationship between economic development, environmental health, and social equity by incorporating the term *sustainability* into their administrative structures (as Charlotte has done through its *Sustainability and Energy Manager*). The term *environment* can also be polarizing for some and unlike the broader term *sustainability* does not conjure an association with the long-term costs and benefits to our economy, community, and environment of our decisions.

**Recommended Objectives:**

We believe many of the objectives of the *Burlington (VT) Sustainable Development Committee* fit Charlotte well and could be easily adapted as this committee's objectives as well. We also found the objectives of the *Charlottesville (VA) Citizens Committee on Environmental Sustainability* to also be worth considering (see next section for both sets of objectives).

2. *Would any of the work of the existing, environment related Committees be folded into the charge of a new citizens' committee? Would a new committee replace any of the existing Committees?*

Increasing opportunities for citizens to provide input to elected officials is a positive development we encourage. Those municipalities that currently have an Advisory Committee on Environment or Sustainability also have other CACs that address more specific issues such as those listed in the agenda package (e.g. Storm Water, Trees, Waste, etc).

Further, as explained in the rationale for the new committee name above, this new CAC would transcend existing CACs rather than replace them. However, it would be important the communication between certain CACs be increased and in some cases the new CAC on Sustainability should look to other issue-specific CACs to assist in analyzing aspects of issues/policies being addressed by the CAC on Sustainability. As the City of Minneapolis aptly states, "Coordination among City departments is critical to achieving sustainability. Stronger alignment among City stakeholders will streamline resources, spur creativity and institutionalize sustainability principles."

**II. Size and composition of a new committee**

3. *How large would a new committee be?*

Similar committees in other cities we benchmarked range in size from 7-27 members. The number should be consistent with other City of Charlotte citizen advisory committees to ensure representation is sufficient to capture the diversity of Charlotte's population and expertise needed for effective and informed decision-making.

4. *What representation would be included on a new committee?*

This is a very important question and should be carefully considered. We strongly recommend Charlotte include representatives with different areas of expertise representing the many aspects of sustainability as done by Tucson (see below) and like the Wake County Sustainability Task Force have the council be facilitated (or perhaps chaired) by someone from one of Charlotte's academic institutions. In fact, we recommend at least one faculty member with expertise in sustainable development from each interested academic institution be appointed to this committee to ensure it is driven by research and not the financial interests of affected parties.

In Tucson, thirteen areas of expertise and stakeholder groups are represented on the Climate Change Committee: climate change science, sustainable land use/transportation, architecture and sustainable design, community grass roots efforts, urban green space/urban heat island mitigation, low-income representation, local economy, workforce advocacy/training, social services, small/local business, neighborhood advocacy/support, human health, and food security.

### *III. City staff support and budgetary resources for a new committee*

Sustain Charlotte agrees this is an important consideration but our limited time for research and lack of public information on this aspect prevent us from providing the Committee information at this time. We recommend city staff or Sustain Charlotte be tasked with contacting other municipalities to learn more about how they support their CACs on the Environment or Sustainability.

### **Sample Municipalities with a Citizen Advisory Committee on Environment or Sustainability**

#### **Burlington, VT**

##### [Burlington Sustainable Development Committee](#)

The Burlington Sustainable Development Committee is a citizen advisory committee, reporting to City Council through the Community Development Committee. It's objectives are to:

- a) To provide advice to Community Development Committee and Council on issues of sustainable development, having regard for environmental, economic and social costs and benefits in the development and use of resources, products and services:
- by responding to requests for advice from Council and City staff on sustainable development matters
  - by providing advice on relevant policy development
  - by encouraging the protection of the environment in a proactive manner, with emphasis on anticipation and prevention
  - through involvement in strategic planning processes such as Future Focus, Official Plan reviews and the city's Environmental Management Plan
  - by presenting an annual report to the Community Development Committee and preparing regular State of The Environment Reports (target: SOER released once every three years, targeting distribution prior to the corporate strategic planning process)
  - by keeping current about City of Burlington policies that may impact the committee.
- b) To promote understanding of sustainable development as it relates to the City of Burlington and its activities:
- by involving the community in activities related to sustainable development and the natural environment, promoting sustainable resource use and conservation practices
  - by working with assigned city staff to meet the mandate of the committee, developing achievable annual action and communication plans
  - by sharing information through the city's web site and with other sustainable development and/or environmental groups.

### **Charlottesville, VA**

#### [Citizens Committee on Environmental Sustainability](#)

The Citizens Committee on Environmental Sustainability (CCoES) was launched in January 2007 and is charged with supporting City and Regional commitment to environmental performance and stewardship, in line with the 1998 Sustainability Accords, the 2003 Environmental Sustainability Policy, and the U.S. Mayor's Climate Protection Agreement. **The Committee is tasked with:**

- Assisting in the review of the City's environmental programs and efforts, including but not limited to the climate protection program, Environmental Management System, stormwater management and stream protection, alternative fuels, recycling, green buildings, tree initiatives and energy and resource conservation
- Assisting in the establishment of performance measures and goals and the associated tracking
- Supporting preparation of an annual environmental sustainability report to City Council
- Examining and evaluating future sustainability initiatives and "environmental best practices" for applicability to the City of Charlottesville
- Supporting public information and outreach efforts with the goals of promoting sustainability initiatives in the residential, commercial, and industrial sectors of the City
- Cooperating with Albemarle County, the University of Virginia, the Thomas Jefferson Planning District Commission and other area agencies to promote regional sustainability

### **Asheville, NC**

#### [Sustainable Advisory Committee on Energy and the Environment \(SACEE\)](#)

The SACEE consists of nine members appointed by City Council, including an ex-officio non-voting member for the electric power utility serving the City of Asheville. The term of office is three years. Staff support is via the Sustainability Office.

The committee is responsible for developing and recommending for adoption two short term goals (LEED certification standards and energy reduction goal). Long term, the SACEE will focus on the City of Asheville (the organization) as a model for the community regarding energy reduction and clean air initiatives.

### **Minneapolis, MN**

#### [Citizens Environmental Advisory Committee](#)

To further enhance the city's environmental effort, a Citizen's Environmental Advisory Committee (CEAC) has also been formed to provide assistance and advice to the city's efforts with its principal focus on sustainable development. This citizen's committee assists and advises the City on its environmental efforts with a strong focus on sustainability issues. The committee has up to 18 members including citizens, representatives from environmental advocacy groups, technical environmental experts and representatives from industries or companies having a major impact on the environment.

This committee works closely with the Environmental Coordinating Team by providing advice and comments on projects, programs and policies. CEAC may suggest priorities for City policies, programs and projects in accordance with criteria, dealing with environmental urgency, the scale of environmental impact, ease of implementation, cost and benefits. They provide comments to the Environmental Coordinating Team on Sustainability Indicators and Targets related to the environment and lead the effort for the adoption of a new Indicator/Target related to air quality.

Appointed members include two citizen members, two representatives from environmental advocacy groups, two persons with demonstrated technical environmental expertise, and two representatives from industries or companies having a major impact on the environment. The Minneapolis School Board and the Hennepin County Board are each invited to designate one representative with expertise in environmental curriculum and a representative with expertise in environmental matters respectively. Each member serves a two-year term.

### **Flagstaff, AZ**

#### [Sustainability Commission](#)

The Sustainability Commission consists of seven voting Council-appointed members. The commission is responsible for recommending and coordinating activities in concert with the Flagstaff sustainability program, the U.S. Mayors' Climate Protection Agreement, and other sustainability initiatives. To accomplish these objective, the commission will address (although not exclusively) climate and air quality; transportation; energy; solid waste and toxic substances; water, wastewater, and stormwater; sustainable building and purchasing practices; and sustainable economic development. Among the commission's directives are promotion of sustainable practices in all spheres of life and educating the public.

### **Multnomah County, OR**

#### [Advisory Committee on Sustainability & Innovation](#)

The Advisory Committee on Sustainability & Innovation (ACSI) provides advice and advocacy to Multnomah County on sustainability issues affecting our community, the environment, and the economy. Members of the ACSI will provide recommendations on implementing the 2009 Climate Action Plan, sustainable government operations, improving social equity, and promoting a healthy, prosperous and resilient community. Members will also evaluate proposals for innovations in technology and business processes that may be applicable to county operations.

### **Tucson, AZ**

#### [Climate Change Citizens Advisory Committee](#)

In 2008, Tucson's Mayor and Council formally established a [Framework for Advancing Sustainability](#), a document that identifies for the first time the vision and guidance necessary for developing a comprehensive sustainability program for the City of Tucson. An important component of the Framework is the creation of a Climate Change Advisory Committee. The Committee serves several important functions. First, it brings with it broad, high-level skill sets, expertise and vision necessary to address the multiple dimensions of climate change in a strategic manner on behalf of the City. The Committee also represents key stakeholder groups that will contribute to the broad climate change and sustainability work that needs to be undertaken over the long term. Among the Committee's principal functions is to develop a Climate Change Mitigation and Adaptation Plan (MAP) that includes recommendations to achieve the City's greenhouse gas reduction commitments under the MCPA along with strategies and action steps needed to prepare for both the direct and indirect effects of climate change on the City's infrastructure and operations, as well as its ecological, economic, and social capital. Thirteen areas of expertise and stakeholder groups are represented on the Climate Change Committee: climate change science, sustainable land use/transportation, architecture and sustainable design, community grass roots efforts, urban green space/urban heat island mitigation, low-income representation, local economy, workforce advocacy/training, social services, small/local business, neighborhood advocacy/support, human health, and food security.

### **Wake County, NC**

#### [Sustainability Task Force](#)

In April 2009, the Wake County Board of Commissioners identified three major goals for the year. One of the goals is to update and enhance the County's Environmental Stewardship Agenda to incorporate strategies for sustainability and "green" initiatives. As part of the goal, the Board specified five elements:

1. Expanding the use of alternative fuel vehicles
2. Pursuing LEED certification for large capital projects
3. Continuing to make energy efficient improvements and upgrades in buildings
4. Expanding partnerships in reuse and recycling
5. Establishing a Citizens' Task Force to evaluate current strategies and recommend changes and new strategies

Consistent with the Board of Commissioners' goal, the Task Force discussions will focus on the following areas:

- Water Resources Conservation and Management – including topics such as demand management, reclaimed water, surface water and groundwater management, drought response, etc.
- Solid Waste Reduction and Management – including topics such as recycling, waste reduction, waste diversion, etc.
- Energy Conservation and Management – including topics such as electricity and natural gas consumption, energy efficient building design, vehicle fuel efficiency, etc.

The objectives of the Sustainability Task Force will be to (a) develop recommendations that are environmentally and financially sustainable for each of the three focus areas, and (b) develop performance measures by which the County, and the community as a whole, can measure progress toward the achievement of sustainability targets in the areas of water, waste and energy. The Sustainability Task Force is facilitated by North Carolina State University staff. [Learn more.](#)

### **Sausalito, CA**

#### [Sausalito Sustainability Commission](#)

The mission of the Sausalito Sustainability Commission is to support the City of Sausalito in its goal to improve our environment, and to minimize our ecological footprint within our community.

This mission is accomplished by education and outreach to the citizens of Sausalito, and by formulating plans and policies for consideration by the City Council.

Focus Areas:

- Waste reduction, collection, and disposal
- Recycling and reuse
- Alternative energy sources and energy efficiency
- Pollution and hazardous waste
- Ways to minimize environmental degradation and - where possible - reverse the processes that lead to it.

### **Albion, MI**

#### [Citizens Advisory Council on Energy and Sustainability](#)



Charlotte City Council  
Housing and Neighborhood Development  
Committee  
Summary Minutes  
June 30, 2011

---

**COMMITTEE AGENDA TOPICS**

- I. Assisted Multi-Family Housing at Transit Station Areas

**COMMITTEE INFORMATION**

---

**Council Members Present:** Patsy Kinsey, Warren Cooksey, James Mitchell, Patrick D. Cannon

**Staff Resources:** Ron Kimble, Deputy City Manager  
Debra Campbell, Planning  
Patrick Mumford, Neighborhood & Business Services  
Pamela Wideman, Neighborhood & Business Services

**Meeting Duration:** 11:43 AM – 12:58 PM

**ATTACHMENTS**

---

1. Agenda Packet – June 30, 2011

**DISCUSSION HIGHLIGHTS**

---

**Kinsey:** Opened the meeting at 11:43 a.m. Introductions were completed.

We have one item on the agenda today, but it's pretty heavy duty. Let me welcome Deputy City Manager Ron Kimble who is sitting in for Julie Burch today.

**Kimble:** This is a policy item that has been an outgrowth of the South Corridor line. We are now providing additional information from a policy perspective. It's called for upon the construction and completion of the South Corridor line. Debra Campbell is going to lead the staff part of this. We will need some interaction, commentary and feedback from the Committee members as we move forward.

**Campbell:** I am going to lead the presentation today, but will ask Pat and Pam to jump in at any time they see fit. This is a part of your 2011 Focus Area Plan – to look at the City's housing policies. This specific policy is related to assisted multi-family housing at transit

station areas. The presentation is going to be transit 101; to give a review of Transit Oriented Development (TOD), how much development has occurred and where we have residential development and assisted multi-family housing. I want to review in detail what the existing policies call for related to assisted multi-family at station areas. Then we have some questions to pose to the Committee. I want this to be conversational. You have in your packet, a “LYNX Blue Line Station Area Development” document. My department, along with CATS, maintains this database of development at our station areas so that we are able to respond to how much development is taking place, what type, how much is complete, what is proposed, what may not be in the pipeline, etc.

(Walks through presentation)

You know that our 2030 plan calls for a number of rapid transit corridors as well as street car corridors. The South Corridor is open for service. The northeast, in terms of the Blue Line Extension, will be the next corridor. The street car has been funded for a mile and a half. With the Southeast Corridor, we are continuing to discuss whether this area will be bus rapid transit and whether we continue to reserve the opportunity for light rail. The West Corridor has been recommended as a street car corridor. We now have enhanced bus service in this area.

The actual transit area we are discussing is within ¼ mile to ½ mile of a transit station.

The only true assisted multi-family housing at a transit area station would be South Oak Crossing with 192 residential units. 100 units are for 60% below AMI and 30% of those units are for 30% and below.

I’m going to go through what your current assisted multi-family housing at transit station area policy actually entails – what the policy statements are.

Kinsey: When you say all of our transit corridors, what does that mean?

Campbell: A preliminary station has been identified and adopted by Council in the 2030 Plan. It doesn’t mean that stations don’t move or get consolidated.

Kinsey: Is this just for light rail?

Campbell: That is correct.

Kinsey: But now we have a proposed street car line down Monroe Rd.

Campbell: A street car would function very differently, more like a local bus.

(Continues presentation)

We need to talk about the profile of the people who are attracted to a very dense urban lifestyle. What we have found through market research is that there are generally two markets for Transit Oriented Development; Gen Y, Gen X, and elderly because of proximity to an urban lifestyle and access to transit. It’s a solution for mobility

challenges for both elderly and young people coming into the workforce. That group in between, say 30 – 55, is more oriented toward needing a two or three bedroom unit, which you don't find a lot in the transit areas. I think that needs to be considered in some of your policies. Who is the market? Who is attracted to this lifestyle?

We want to hear where you see issues in the current policy and discuss the type of public input process you would like to see.

Let's go back to the issue of what our goal is. Do you think transit stations are a good location for assisted multi-family housing? Do we incent it and encourage it or get out of the way?

Kinsey: I do question who the market really is. I don't see transit areas being family oriented necessarily. I think it is for the older and younger adults. In light of that, how do we want to incent? I will continue to say - my main concern with assisted housing is those families 30% and below AMI. That's where most of our public money should go. If we encourage affordable housing, I think it needs to be through incentives. I'd rather spend the little bit of money we have on the 30% and below AMI spread out through the community rather than transit oriented communities.

Cannon: It would seem there is a market out there that would want an opportunity to live along the transit station line. I don't have a problem with the recommendation. Have we determined a market that will want to take advantage of this? I'd like to hear more about that. Is the Locational Policy still in effect for this?

Campbell: There are some stations that include areas in close proximity to other developments and are in non-permissible areas.

Cannon: We need to be conscious of that.

Campbell: To date, we have not had any private sector developers coming in and saying our policies are prohibiting them from incorporating affordable housing. I think Pat has some real concerns about the ability to reach the 30% with this type of development. The more intense the development, the more costly the development. To be able to meet the 30% market would be very challenging.

Cannon: That is why I'm trying to drill down into the market. Who is out there to take advantage of this? Where there's no market, we don't apply it.

Mumford: The true market is established. That is the older generation and then the young professionals. We are not seeing the true market attracting young families. A lot of the need for assisted housing is folks with children and families. We have to remember there are a lot of associated services required to support these families if you are at 30% or below AMI. Is this the right area? Is there a connection to these services? I was intrigued by Mr. Cooksey's question out in Seattle which was, "how do they define affordable housing?" They have workforce housing as an area they want to support. What's interesting is that transit stations would be ideal for workforce housing. That's not assisted, it's more market driven.

Cannon: And that is incentivized too?

Mumford: There could be some incentives through density. It wouldn't be a cash subsidy to incent market rate though. We would allow the market to do its thing. It may suppress rent rates a little bit, but it wouldn't push those rent rates at 30% where there has to be a subsidy. That's why we need to review this policy. There are some things on the ground near transit stations where we can see what the market really wants and get a hold of the question of who really wants to be in those areas. Does a financial subsidy fit with this? The Housing Locational Policy is something else we need to take a look at because right now, they are two separate policies. Maybe we don't even have the transit oriented piece and we let the recently passed Housing Locational Policy guide us. So, that is all on the table and we are looking to you to guide us.

Cannon: I don't want to hold a developer hostage. I don't want someone who needs an assisted unit to not have that opportunity. I'm struggling with the idea that we want to say to them you have to reserve X for Y and then we cannot fill the unit.

Campbell: I think the challenge we have with incentives is if you look at the regulatory requirements for Transit Oriented Development, we have included so many incentives into the actual regulations already. Normally, we would talk about maximum densities. In transit areas, we talk about minimum densities. So a density incentive is not there and an incentive for open space is not out there either. I don't know from a regulatory perspective, that offering incentive, there is anything we can do to assist with the development of assisted multi-family housing, other than allowing them to get out of things. The real issue will be, in order to get assisted multi-family at a transit station; we need to have hard cold cash as a subsidy to the developer, particularly if we are trying to reach the 30%. There has to be something other than a density bonus because that's already built into the TOD zoning.

We think as we move forward, if some changes are needed, we do need to have a conversation with residents and developers, asking them what incentives they would like to see or why they didn't include affordable housing in a particular development. Going back to the Housing Location Policy, we did a little intellectual exercise. What if we said we would just do away with the assisted multi-family housing at transit station policy and just use your Housing Location policy? A lot of these stations already have assisted housing nearby, so you don't have a lot of opportunities to build new. The issue is, do we create a policy that prohibits it or a policy that encourages it or allows the market to do its thing and we don't get involved?

Cannon: People live for convenience. They seek out those places or areas that will fit their lifestyle. There will be someone, maybe a senior or someone who may need a level of affordable housing, that will say being at a transit area stop meets their need. The problem is how great is that number of other residents? If we let the market drive it, they will go in to make every dollar.

- Campbell: We don't want to be too restrictive and just dumping everything into the Housing Location Policy is too restrictive. So, what is in between? I think that "E" may be too ambitious, being at that 30% level.
- Cooksey: In terms of reactions to some particular points, perhaps the ¼ mile is too restrictive. Maybe our Transit Station Policy should talk about what happens with ¼ mile and ½ mile.
- Campbell: That rationale was because there is so much affordable housing outside of that ¼ mile at the majority of the stations.
- Cooksey: Another interesting thing to overlap on that map is the Centers, Corridors and Wedges map. It is our goal that 70% of multi-family is built in the Centers and the Corridors. Based on the 17,000 units of need, that's about 11,900 units to build somewhere. If we follow the 70% policy, that's 11,900 units in Corridors and Centers unless we have another policy that kicks it out of Corridors and Centers because of preexisting conditions. On one hand we want to provide more units, but at every twist and turn, we are finding reasons not to build them. A policy that encourages more construction in transit corridors is a good thing.
- Kinsey: I still think if you look at who wants to live in a transit corridor, it's primarily not a family. I don't know if we need to artificially encourage assisted housing. I think some seniors would want to live there, but most would need more assistance. I am concerned about those 30% and below and I would rather spend the limited dollars we have on that population.
- Cooksey: What percentage of the 17,000 units of identified multi-family rental need consists of families who need it? Define a family? I think it is having two or more kids. I can see a family with one kid able to make it work at a transit station.
- Cannon: How much have we engaged the private sector to find out if there is an appropriate number of assisted multi-family housing units that would make sense? What does the Housing Partnership say the number is or the development community?
- Kinsey: That would be a good next step.
- Campbell: The challenge with this policy is that there are certain statements within this policy that prevent the opportunity for affordable housing to be developed at station areas. It minimizes the opportunity for a developer to integrate affordable housing at a certain price point. I don't think it will happen at the 30%, but if you have a policy that says at least 30% of the assisted units have to be for 30% of the AMI, that's going to be a challenge. So, we were looking at some of these policy statements and asking which ones do harm? Another one would be that the units have to be integrated into the same building as the affordable. There may be services that need to be provided and all of those things won't be able to be incorporated into the same building. For the Scaleybark development, Council approved a waiver, so they were able to pull those affordable units out of the proposed 500 units and had a standalone just for the affordable. There was a compelling reason they gave; management, services, etc. It made sense for you to

allow them to have a standalone development. If that is a trend, this policy prevents that and you would need a waiver every time. So, we are looking at which statements do harm and prevents the opportunity for affordable housing, unless your goal is not to incent.

- Cannon: Does it make sense to look at these developments as they come, case-by-case? And then determine what the sense is to have X amount of assisted units or none whatsoever.
- Mumford: That can be done, but the risk is that there is no certainty there for the development team. They are going into it trying to pull together all the pieces they think the Council would want to see and put it in front of you as a shot in the dark. They need some guidelines. It's interesting when we talk about market rate. There is no market rate apartment that supports 30% AMI. The Housing Partnership did one, but that was a tax credit project and you have to have your deal really understood and structured. They were able to follow the guidelines we had established. It can take years to pull all this together.
- Mitchell: What are some of the trends you see in other urban areas that could apply to Charlotte? Have we done any research?
- Campbell: We don't find a whole lot of affordable housing at transit station areas because of the market. We have found that incentive based regulatory tools like density bonuses or reduced parking are incorporated. We already built those things into our transit zoning districts on the front end because we were trying to incent any kind of development, let alone affordable housing at the station areas. We felt like coming in to these areas, with existing development there currently, we were literally trying to create a market. How do we make a station area as competitive as Ballantyne and South Park, especially for this type of intense high rise development?
- Mitchell: 30% is a very ambitious goal at transit stations. If we are committed to development, I think we need to take a look at where we can build for the 30% market. Tax credits have been reduced.
- Campbell: Some of the next steps we believe should be to have a conversation with developers to talk about what would incent them to include affordable housing? I don't believe our policies prevent it. What needs to be changed in these policies in order for us to get assisted housing? We should have neighborhoods that abut these station areas in the conversation as well as the developers. It will be a fact finding conversation that should happen sooner than later. You have the same staff resources that will need to work on the inclusionary based housing initiative which starts up in August so we want to get this piece done as soon as possible. We are proposing July and August to have this conversation and come back in September with some recommendations.
- Kinsey: We will need to reschedule our next meeting. Are we ok today?
- Mumford: If you are comfortable with us going out and having a conversation with various people then we can gather that data and bring it back to have a more tangible conversation.

- Mitchell: Let us know if there is going to be a meeting so we can announce it.
- Wideman: We can put it in the Council Manager Memo.
- Cannon: I would suggest rather that one or two meeting, there be a minimum of two meetings.
- Cooksey: If you could point us to where information has been published about the subsets of the 17,000. What is the need for 60% or 30%, if it's published anywhere?
- Mumford: I would point you to the most recent report from UNC-Charlotte. 2007 was a whole other world. We will get the data broken down the best we can.
- Kinsey: Adjourned the meeting at 12:58 pm.

# City Council

## Housing and Neighborhood Development Committee

Thursday, June 30, 2011

11:30 a.m.

Charlotte-Mecklenburg Government Center  
Room – 280

**Committee Members:** Patsy Kinsey, Chair  
James Mitchell, Vice-Chair  
Michael Barnes  
Patrick D. Cannon  
Warren Cooksey

**Staff Resource:** Ron Kimble, Deputy City Manager

---

### AGENDA

#### I. Assisted-Multi Family Housing at Transit Station Areas

##### Future Topics:

- Impacts of Regulatory Policies on Affordable Housing (TBD)

---

##### **Distribution:**

Mayor/Council  
Curt Walton, *City Manager*  
City Leadership Team  
Corporate Communications  
Debra Campbell – *Planning Department*  
Anna Schleunes- *City Attorney's Office*  
Mujeeb Shah-Khan- *City Attorney's Office*  
Charlotte-Mecklenburg Coalition  
for Housing

***Budget Office***  
Ruffin Hall  
Phyllis Heath  
Lisa Schumacher  
Ann White  
***Charlotte Housing Authority***  
Charles Woodyard  
***Charlotte-Mecklenburg Housing Partnership***  
Pat Garrett  
***Charlotte-Mecklenburg Police Department***  
Chief Rodney Monroe

***Community Relations***  
Willie Ratchford  
Ledger Morrisette  
***Neighborhood & Business Services***  
Patrick Mumford  
Walter Abernethy  
Steve Allen  
Jamie Banks  
Brad Richardson  
Pamela Wideman  
Tom Warshauer  
Richard Woodcock

**Assisted Multi-Family Housing at Transit Station Areas  
Housing and Neighborhood Development Committee Meeting  
June 30, 2011**

**Committee Action:**

Review and discuss the Assisted Multi-Family Housing at Transit Station Areas section of the City of Charlotte's Affordable Housing Policies.

**Policy:**

- The City Council's Housing and Neighborhood Development FY2011 Focus Area Plan includes a comprehensive review of the City's Housing Policies.

**Explanation:**

- Changes to the City's Housing Locational Policy were recently approved by the Charlotte City Council. The H&ND Committee identified Assisted Multi-Family Housing at Transit Station Areas as the next policy to review.
- The Assisted Multi-Family Housing at Transit Station Areas policy was approved by the Charlotte City Council on November 26, 2001 and reads as follows:
  - A. The City shall aggressively pursue opportunities to develop assisted housing within ¼ mile of transit stations when participating in joint development projects such as building or providing loans for infrastructure, acquiring land, and/or other economic development initiatives. Assisted housing is multi-family rental housing development receiving assistance from local, state or federal government and serving households earning 60% or less than the area median income. A transit station area is generally defined as the area within a ½ mile walking distance of an identified transit station
  - B. The policy only applies to transit corridors with adopted transit stations.
  - C. The City shall encourage the development of a minimum of 5% up to a maximum of 25% of any development with multi-family units to be assisted units.
  - D. The number of assisted multi-family housings units shall not be greater than 20% of the total housing units within a ¼ mile of a transit station.
  - E. At least 30% of the assisted multi-family housing units developed at a particular site shall be reserved for households earning 30% or less than the area median income.
  - F. Assisted multi-family housing in transit station areas shall always be developed as part of a larger mixed income development.
  - G. The assisted multi-family housing units shall be similar in appearance to the portion of the project that is developed as market rate housing.
  - H. The assisted multi-family housing units shall be scattered throughout the development and not concentrated in one area.
  - I. These proposed guidelines shall be incorporated into the *Joint Development Policy for Transit Station Areas* currently being developed by an interdepartmental team consisting of CATS, Planning, Neighborhood Development and Parks and Recreation.

- J. The City shall evaluate and assess the progress of the policy within 12-24 months after the first rapid transit line opens to determine if additional changes or modifications are needed. Council's CWAC Committee shall receive reports on development activity in transit station areas at least twice a year.

Note: Excludes single-family detached, elderly, and special needs housing.

#### **Policy Review Process**

- Staff will provide an overview of the policy and receive input from committee members as to possible changes, if any, that should be made.



  
**CHARLOTTE**  
CHARLOTTE-MECKLENBURG  
PLANNING

**Presentation to  
Council's H&ND Committee**

**Assisted Multi-Family  
at  
Transit Station Areas**

June 30, 2011

CHARMECK.ORG

 CITY OF CHARLOTTE

**Presentation Outline**

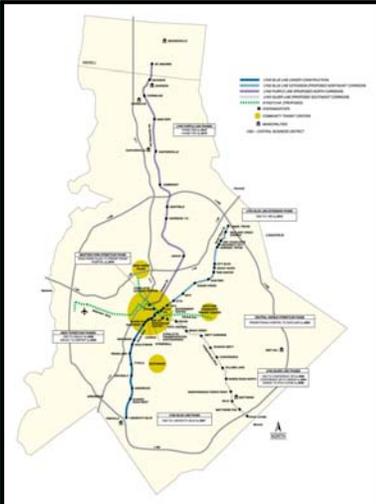
- **Transit Overview**
- **Assisted Housing Policy Overview**
- **Committee Discussion**
- **Next Steps**
- **Questions**



CHARMECK.ORG

 CITY OF CHARLOTTE

## Transit Overview



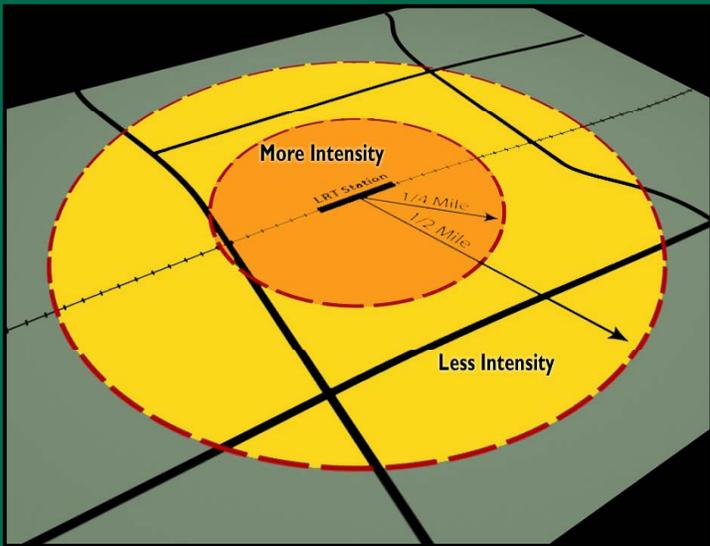
Approved November 15, 2006

- **South Corridor**
  - Open for Service
- **Northeast Corridor**
  - Preliminary Engineering
- **North Corridor**
  - Preliminary Engineering
- **Streetcar Corridor**
  - 1.5 miles Funded
  - Advance after Northeast and North (2018/2023)
- **Southeast Corridor**
  - Technology decision in 2011
  - Completed 2022-26
- **West Corridor**
  - Enhanced bus service 2009
  - Convert to streetcar by 2029 - 2034

CHARMECK.ORG

 CITY OF CHARLOTTE

## Transit Overview



CHARMECK.ORG

**CITY OF CHARLOTTE**

## Transit Overview

**CHARMECK.ORG**

**CITY OF CHARLOTTE**

## Transit Overview

### Transit Station Area Zoning

- For Charlotte, three Base Zoning Districts (TOD) adopted by City Council in Fall 2003
- Transit Supportive (TS) Overlay adopted in early 2005
- Zoning Districts consistent with Station Area Principles
- Planning Commission sponsors individual property owner rezoning requests for TOD
- To date 79 rezonings have been approved totaling 355 acres

Transit Oriented Development (TOD) Rezoning

**CHARMECK.ORG**

 CITY OF CHARLOTTE

## Station Area Development Carson

196 Residential Units

**The Block Phase II  
Residential**



 CITY OF CHARLOTTE

## Station Area Development Bland

269 Residential Units

**The Millennium  
Residential**



 CITY OF CHARLOTTE

## Station Area Development Bland

**59 Residential Units**

**Block at Church Street Phase I  
Residential**

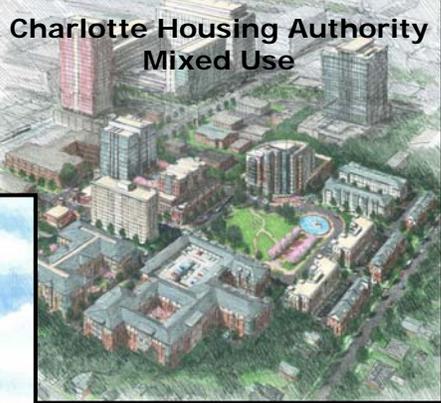


 CITY OF CHARLOTTE

## Station Area Development Bland

**Elderly low/moderate income  
Total Number of Units not indicated**

**Charlotte Housing Authority  
Mixed Use**



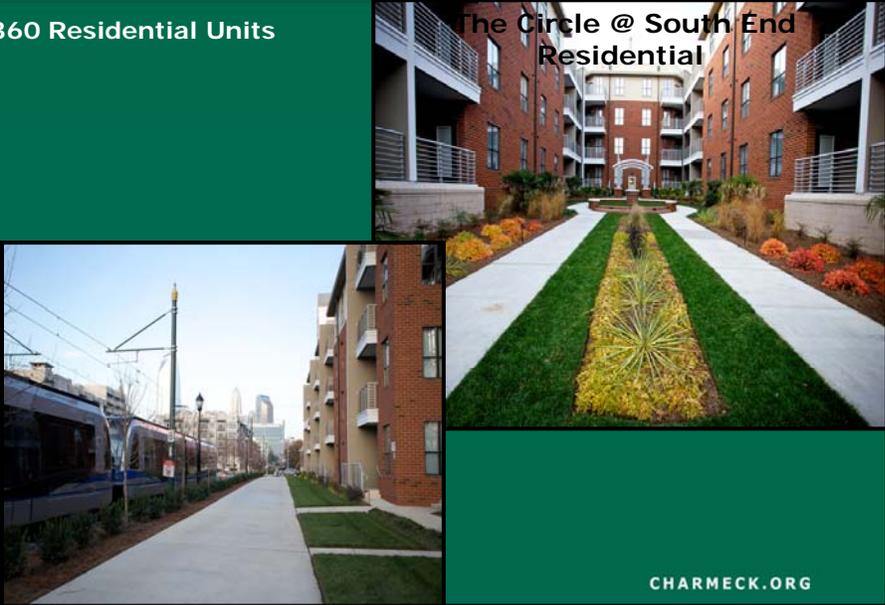

CHARMECK.ORG

 CITY OF CHARLOTTE

## Station Area Development Bland

360 Residential Units

The Circle @ South End Residential



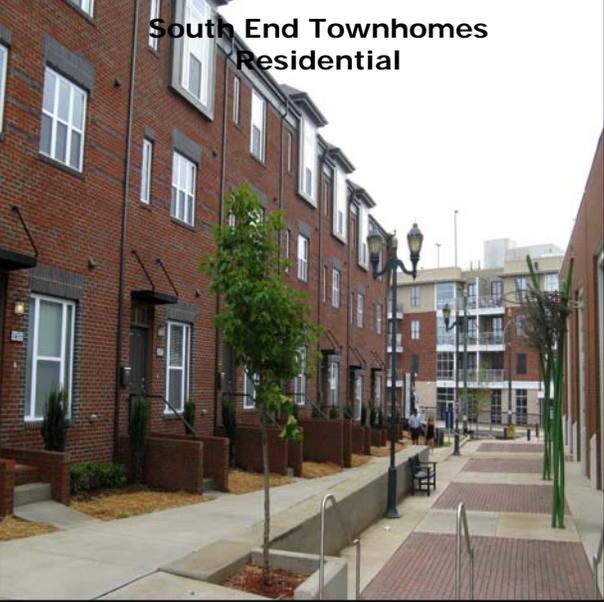
CHARMECK.ORG

 CITY OF CHARLOTTE

## Station Area Development Bland

9 Residential Units

South End Townhomes Residential



 CITY OF CHARLOTTE

## Station Area Development East/West

50 Residential Units

The Tremont Residential



CHARMECK.ORG

 CITY OF CHARLOTTE

## Station Area Development East/West

312 Residential Units

Ashton Residential



CHARMECK.ORG

 CITY OF CHARLOTTE

## Station Area Development East/West

**331 Residential Units**

**Spectrum  
Residential**



 CITY OF CHARLOTTE

## Station Area Development New Bern

**187 Residential Units**  
**10,000 sq. ft. office**  
**16,550 sq. ft. Retail**

**3030 South  
Residential**



[CHARMECK.ORG](http://CHARMECK.ORG)

 CITY OF CHARLOTTE

## Station Area Development Scaleybar

500 Residential Units  
80 Affordable Units  
Retail and Office



 CITY OF CHARLOTTE

## Station Area Development Scaleybar

500 Residential Units  
60,00 sq. ft. Office  
150,000 sq. ft. Retail



 CITY OF CHARLOTTE

## Station Area Development Arrowood

1,447 Residential Units

**Hadley @ Arrowood  
Mixed Use  
Senior Housing**




LandDesign

ARROWOOD STATION  
LANDSCAPE SITE PLAN

CHARMECK.ORG

 CITY OF CHARLOTTE

## Station Area Development Arrowood

192 Residential Units

**South Oak Crossing**



 CITY OF CHARLOTTE **Station Area Development**

Acres Rezoned for TOD	Housing Units	Affordable Housing	Commercial	Investment
355	6,805 Completed 2005 to Present: 2,168 Proposed: 2013 Horizon 4,547	180	1.5 mill sq. ft.	\$1.89B

CHARMECK.ORG

 CITY OF CHARLOTTE **Assisted Multi-Family Housing at Transit Station Areas**

Encourages affordable housing in transit station areas. The recommendations are:

- A.** Encourage assisted housing within a  $\frac{1}{4}$  mile of transit station areas by using City infrastructure and project investments as incentives. A transit station area is generally defined as the area within a  $\frac{1}{2}$  mile walking distance of an identified rapid transit station.
- B.** The policy only applies to transit corridors with adopted transit stations.

CHARMECK.ORG



## Assisted Multi-Family Housing at Transit Station Areas

- C.** Encourage the development of a minimum of 5% and a maximum of 25% of a development with multi-family units to be assisted.
- D.** Number of assisted units shall not be greater than 20% of the total housing units within a 1/4 mile of a transit station area.
- E.** At least 30% of assisted units developed at a particular site shall be reserved for households earning 30% or less of AMI.

CHARMECK.ORG



## Assisted Multi-Family Housing at Transit Station Areas

- F.** Assisted multi-family units shall always be developed as part of a larger mixed income development.
- G.** The assisted units shall be similar in appearance as market rate housing.
- H.** Assisted units shall be scattered throughout the development.

CHARMECK.ORG



CITY OF CHARLOTTE

## Assisted Multi-Family Housing at Transit Station Areas

- I. Incorporate these policies into *Joint Development Policy for Transit Station Areas*
- J. Revisit policy within 12-24 months after the first transit line is opened to assess development activity and impact.

Note : Policy Excludes single-family detached, elderly, and special needs housing.

CHARMECK.ORG



CITY OF CHARLOTTE

## Committee Discussion

1. What, if any, are your issues and concerns with the policy?
2. What type of public input process would you like to revise this policy? (Staff recommends at a minimum a small group be assembled with developers, nonprofits and neighborhood groups to discuss this policy)
3. Do you have any expectations as to when this project needs to be completed? (Staff recommends one or two meetings be convened to discuss this issue and report back to Committee in September)

CHARMECK.ORG

 CITY OF CHARLOTTE

## Next Steps

- **Host roundtable discussion**  
– July-Sept
- **Submit proposed changes, if any, to Committee at Sept. meeting**

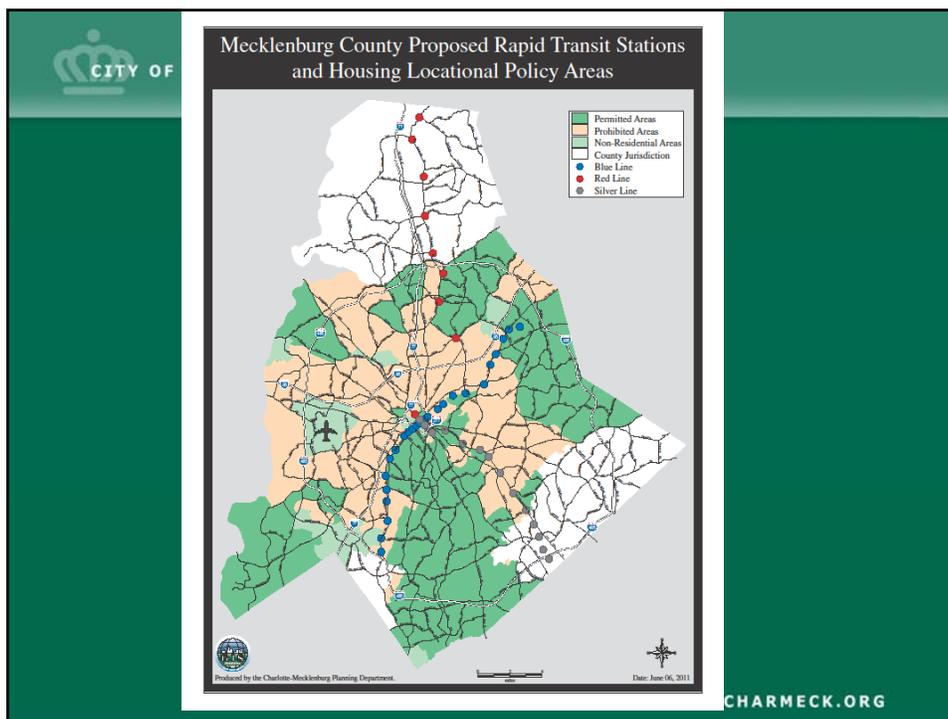
CHARMECK.ORG

 CITY OF CHARLOTTE

## Questions



CHARMECK.ORG



**Station Area Development Carson**

260 Residential Units

1200 S. Boulevard  
Mixed Use

CITY OF CHARLOTTE

The image shows a rendering of a modern, multi-story mixed-use building at 1200 S. Boulevard. The building features a glass facade and a curved section. The text '260 Residential Units' is on the left, and '1200 S. Boulevard Mixed Use' is on the right. The 'CITY OF CHARLOTTE' logo is in the top left. The background shows a street with trees and a clear sky.

 CITY OF CHARLOTTE

## Station Area Development East/West

25,668 sq. ft. Office

214 W. Tremont  
Office/Retail

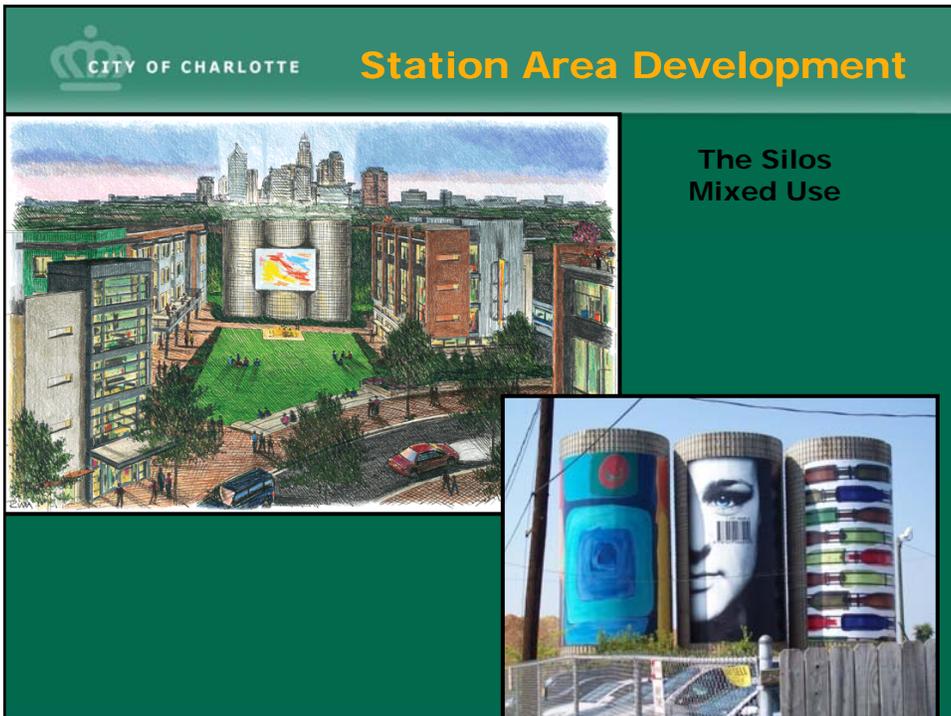


 CITY OF CHARLOTTE

## Station Area Development

1927 S. Tryon  
Office





# LYNX Blue Line Station Area Development

Charlotte-Mecklenburg Planning Department

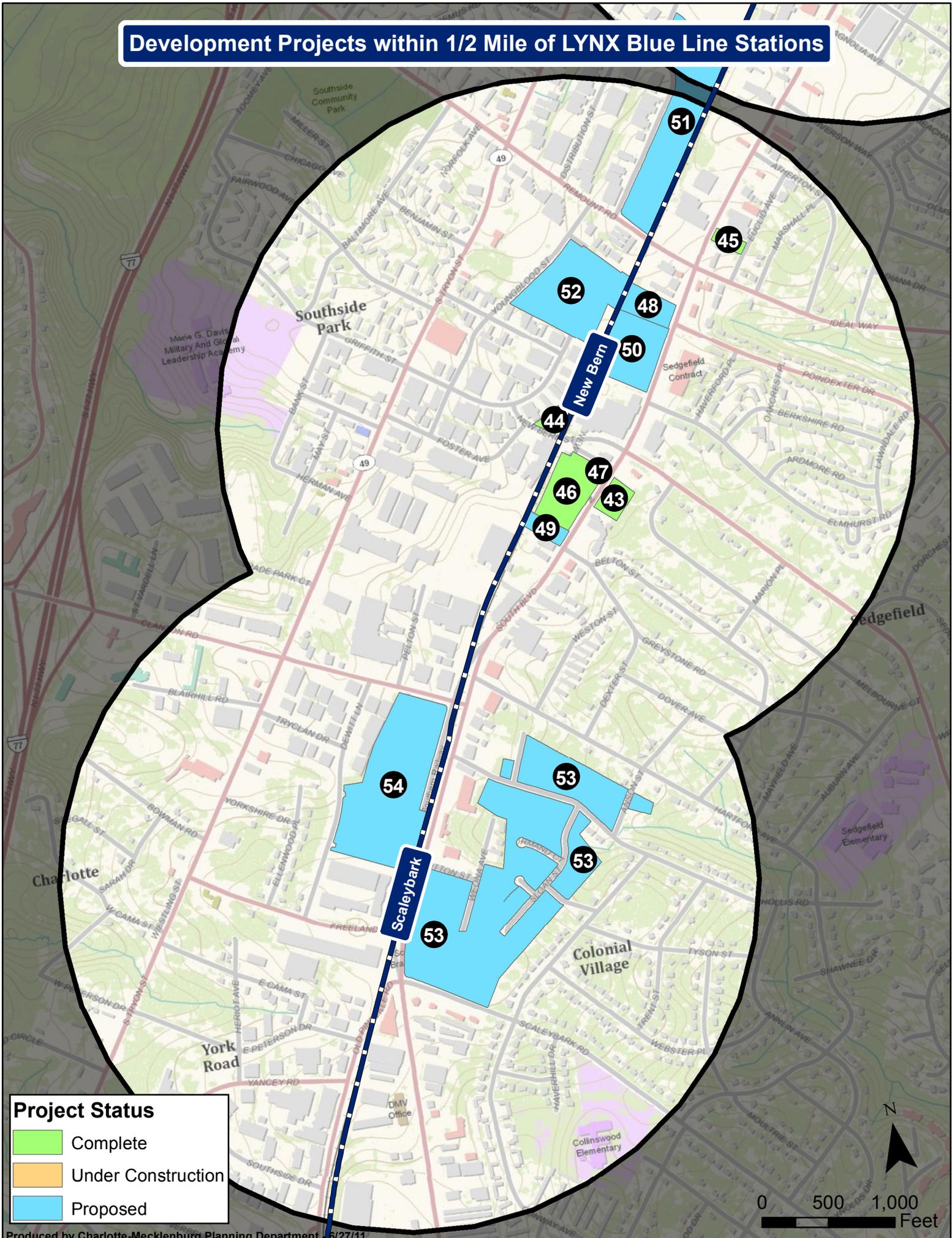
June 27<sup>th</sup>, 2011

**LYNX Blue Line Station Area Development since 2005**

Station	Status	Completed	# on Map	Project Name	Residential Units	Office Sq Ft	Retail Sq Ft	
Carson	Complete	2010	1	Block at Church Street - Phase 2	196			
		2009	2	700 East Morehead		81,882		
			3	1031 S Caldwell		16,604		
			4	Royal Court	107			
	Under Construction	5	Flores and Associates Office Bl..		20,000			
	Proposed	6	135 Morehead	224				
		7	1200 South Boulevard	260		250,000	20,000	
Bland St	Complete	2010	8	Southend Towns	9			
		2009	9	Circle @ Southend	360			
			10	The Millennium South End	269			
			11	Block at Church Street - Phase 1	59			
		2008	12	Church Street Condos	24			
			13	1440 S Tryon			25,949	
		14	South End Showplace		11,222			
		15	The Packard Bldg		21,238			
	16	Trolley Barn			5,952			
	Proposed	17	Atrium Park Ave	41		8,000		
		18	Charlotte Housing Authority					
		19	Rensselaar / South					
		20	SouthEnd Flats	48				
		East / West Bv	Complete	2009	21	217 E Tremont		5,040
					22	Southborough	58	
			2008	23	1927 South Tryon		70,375	
24				Ashton South End	312			
25	Lowes					148,524		
26	Spectrum			331				
Proposed	2007	27	The Abbott Town Homes	16				
		28	The Tremont	50				
	2006	29	214 W Tremont		25,668			
		30	Chipotle			1,815		
	31	Lofts Dilworth	30					
	2006	32	Tremont Place Condos	12				
	2005	33	1815 S Tryon		11,223			
		34	Camden Square Village West		56,747			
		35	Wilmore Walk	46				
		36	330 W Tremont Apartments	164				
37		BookBinder@SouthEnd		31,000	7,000			
38		Chelsea	75	7,000				
39		Design Center Redevelopment		100,000	79,000			
40		Dilworth Inn			49,500			
New Bern	Complete	2008	43	Chick-Fil-A			4,561	
			44	FMK Architects		8,445		
		2007	45	Mac's Speedshop			3,526	
		2006	46	3030 South - Phase 1,2,3	97			
	Under Construction	47	3030 South - Phase 4	90	10,000	16,550		
	Proposed	48	Area 521			24,500		
		49	Citgo Gas Station	6	3,300	3,300		
		50	Colonial Grand at South End	300				
		51	Southline Apartments	277	0	0		
		52	The Silos	450	50,000	50,000		
53		Crosland Greens	500	60,000	150,000			
Scaleybark	Proposed		54	Scaleybark Partners	500			
			55	4651 South Boulevard			4,945	
Woodlawn	Complete	2008	56	Panda Express			2,213	
Tyvola	Complete	2007	57	6801 South Boulevard			20,520	
			58	South Oak Crossing	192			
Arrowood	Proposed		59	Hadley	1,447			
			60	Volkswagen			15,707	
I-485 / South Bv	Complete	2008	61	Carolina Pavillion Outparcel			15,333	
		2006	62	Wendy's			3,035	
<b>Grand Total</b>					<b>6,805</b>	<b>839,744</b>	<b>659,930</b>	

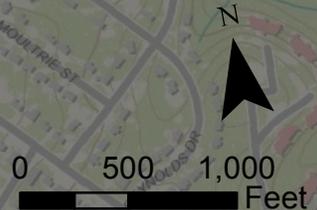


# Development Projects within 1/2 Mile of LYNX Blue Line Stations

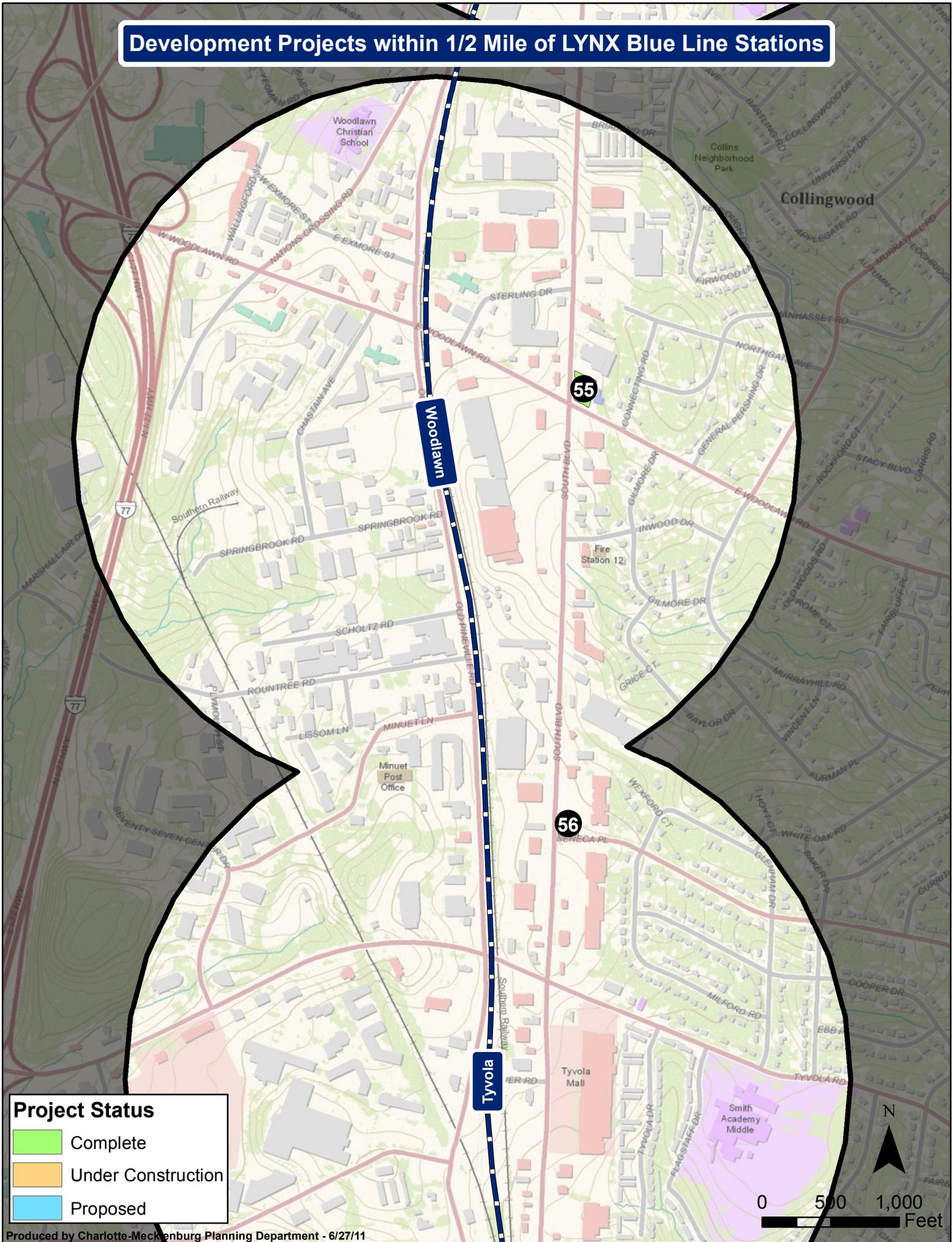


**Project Status**

- Complete
- Under Construction
- Proposed



# Development Projects within 1/2 Mile of LYNX Blue Line Stations



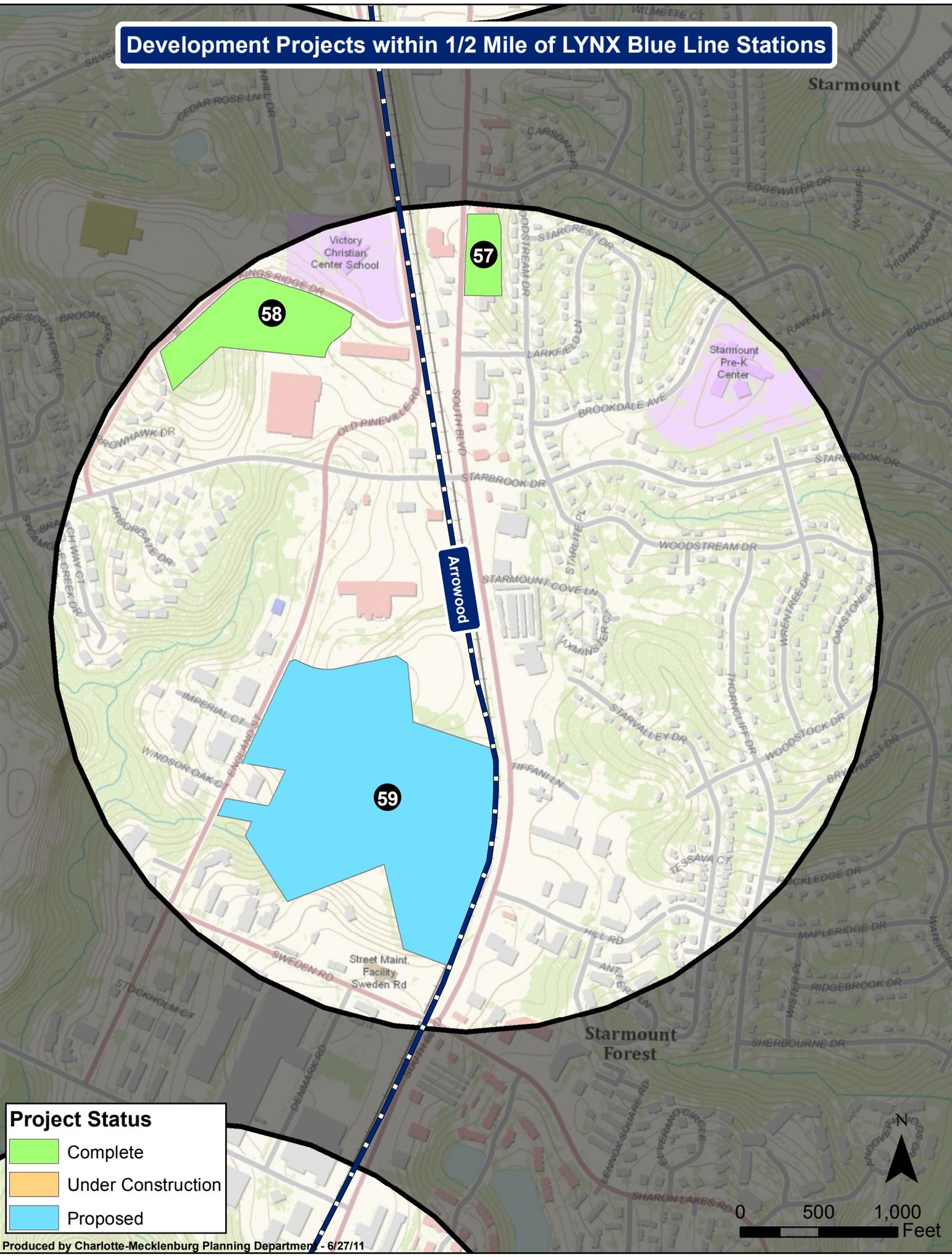
**Project Status**

- Complete
- Under Construction
- Proposed

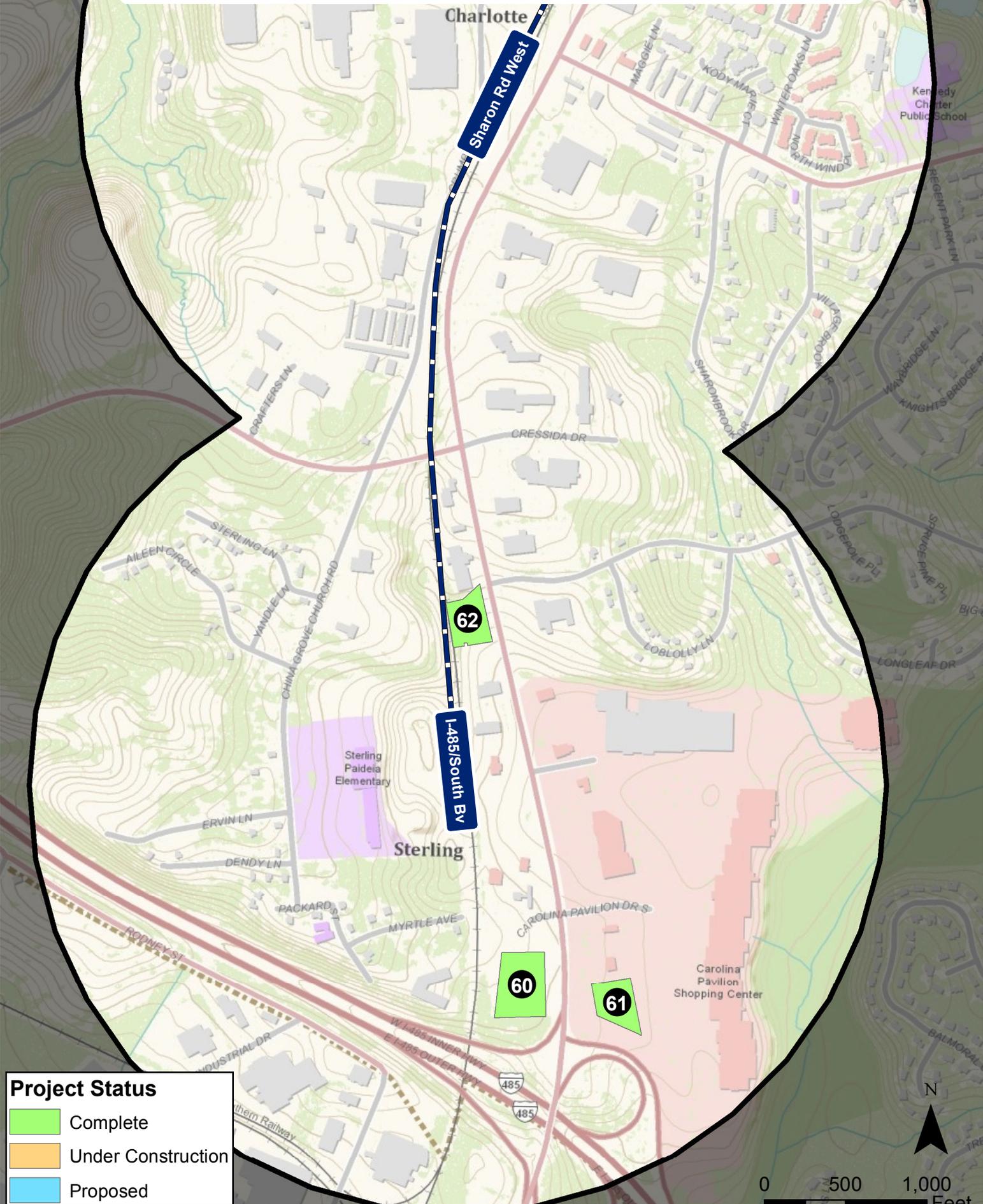
N

0    500    1,000  
Feet

# Development Projects within 1/2 Mile of LYNX Blue Line Stations



# Development Projects within 1/2 Mile of LYNX Blue Line Stations



**Project Status**

- Complete
- Under Construction
- Proposed

