



Charlotte City Council
Community Safety Committee
Summary Minutes
August 28, 2018

COMMITTEE AGENDA TOPICS

- I. Community Engagement (Information and Action – vote passed unanimously)
- II. Passenger Vehicle for Hire Ordinance (Action – vote passed unanimously)

COMMITTEE INFORMATION

Committee Members Present: Julie Eiselt (Chair), Braxton Winston (Vice Chair), Tariq Bokhari, James Mitchell, Justin Harlow

Staff Resources: Dr. Kim Eagle, City Manager’s Office
Kerr Putney, Charlotte Mecklenburg Police Department (CMPD)
Reginald Johnson, Charlotte Fire Department
Thomas Powers, City Attorney’s Office
Karen Whichard, City Manager’s Office

Meeting Duration: 10:04 – 11:15 a.m.

ATTACHMENTS

1. Document – Community Small Group Engagements
2. Document – Community Safety Committee Memo – PVH Ordinance
3. Presentation – PVH Ordinance Changes

DISCUSSION HIGHLIGHTS

Committee Chair Eiselt called the meeting to order and asked everyone in the room to introduce themselves. Assistant City Manager Kim Eagle introduced the meeting’s agenda to provide context for the agenda items and discussion.

Community Engagement

Assistant City Manager Kim Eagle presented a draft of the Community Engagement Activities for Safety, Trust & Accountability document to the committee. The document outlined a draft framework for community engagement activities including a kickoff event, the Equity Impact Circle Model, the Civic Leadership Academy gatherings, youth engagement and quarterly press briefings with updates on the Community Letter work. Other CMPD community engagement activities were included as well.

Questions and discussion followed. Staff will make edits to the document and will include the following:

- Add My Brother’s Keeper under youth engagement (Mitchell and Winston)

- Add the Greater Enrichment Program (Mitchell)
- Add Junior Achievement (Winston)
- Add CFD, CMS and Sherriff's Office to the kickoff event (Winston)

Vice Chair Winston asked staff to consider policy changes that will improve relationships with young black men in the community.

Committee Chair Eiselt asked about making the community more aware that these conversations are happening, and she would like information shared so that Council can be better organized and knowledgeable.

Chief Putney introduced the launch kickoff concept and explained that Council will get to talk about specific initiatives and how they help make a difference, as well as celebrate great work. The Chief shared some great examples like Turning Point Academy and the Envision Academy. Committee members were interested in getting more information and ensuring these events be added to their calendars two to three weeks in advance. Kickoff event planning is underway, and the event is slated to take place in October (potentially early October in the evening with more details coming soon).

CFD Chief Johnson expressed his interest in wanting to engage the community. He agreed with the direction and looks forward to getting more involved.

Committee Member Bokhari asked about the measurable impact that we are trying to achieve a year from now and requested staff to develop customized plans per meeting/group with specific measurements included.

Committee Chair Eiselt requested information from the 30-60-90-day calendar that pertains to their committees and would like more communication.

MOTION AND VOTE: Motion made by Committee Member Mitchell and seconded by Vice Chair Winston to adopt the document as a working framework for community engagement activities. (Passed unanimously)

Passenger Vehicle for Hire Ordinance (PVH)

Thomas Powers from the City Attorney's Office presented minor changes to the PVH Ordinance and answered questions from the committee.

Vice Chair Winston asked about scooters and regulations. Committee member Harlow asked about beer bikes, and Mr. Powers responded that they were issued a permit. Committee member Bokhari asked for a video be produced for PVH to make it easier for vendors to understand policy standards and requirements. Committee member Harlow asked about the cost of a permit, which is \$475 to renew, \$95 for the vehicle and \$75 for the background check. He also asked about why would one need a special service permit for up to a year, and Mr. Powers responded that all permits expire after a year, and specialized services include events throughout the year, if a driver wanted to target specific areas or routes, etc. Committee member Harlow questioned the reinstatement process, and Mr. Powers said this is still the standard two-year period.

Vice Chair Winston asked if it was possible to leverage technology better, and if we could make PVH easier to manage and navigate for the public with the implementation of an application or related technology. Committee Chair Eiselt asked about how we can make it more of a level playing field to compete.

Mr. Powers shared operational changes to low speed vehicle regulations that do not impact the PVH ordinance but will start being enforced. Committee Member Mitchell asked if stakeholders had been engaged about these changes, and Mr. Powers said no, but they will engage those groups, and hold off on enforcement until after they report back engagement results to the committee.

MOTION AND VOTE: Motion made by Committee Member Harlow and seconded by Vice Chair Winston to adopt minor changes to the PVH ordinance. (Passed unanimously)

Meeting adjourned at 11:15 a.m.

Community Safety Committee
Tuesday, Aug. 28 | 10 a.m. | Room CH-14

Committee Members: Julie Eiselt, Chair
Braxton Winston, Vice Chair
Tariq Bokhari
Justin Harlow
James Mitchell

Staff Resource: Kim Eagle, City Manager's Office

AGENDA

I. Community Engagement

Staff Resource: Kim Eagle, City Manager's Office

At the June 11 meeting, the committee discussed the desire to develop additional community engagement opportunities to allow for more cross-community discussion on complex issues that include both direct policing as well as broader yet interrelated issues of race, immigration status and access to mental health services. This briefing will provide a potential framework and scope for that work as well as provide information on current CMPD community engagement activities.

II. Passenger Vehicle for Hire

Staff Resource: Thomas Powers, City Attorney's Office

The Committee will receive a presentation in support of staff's request for minor technical changes to the City's Passenger Vehicle for Hire Ordinance (Chapter 22). Staff indicated that a one year review may be needed when the ordinance was adopted in January 2017. Staff is recommending that the committee consider approving minor technical changes to the ordinance.

Actions Requested:

- For item I ---- Action is to **provide feedback**
- For item II ---- Action is to **vote** on minor technical changes to the city's Passenger Vehicle for Hire Ordinance

Next Meeting: Wednesday, Sept. 26, at 9 a.m. in Room 280

DRAFT

Community Engagement Activities for Safety, Trust & Accountability

Note: Draft Framework based upon previous Community Safety Committee discussion

Purpose: To help community members realize the role we all play in ensuring public safety, trust and accountability.

Issues of policing, both in Charlotte and nationally, are complex with individual residents and broader communities bringing vastly different perspectives based upon experiences locally as well as due to national events.

These engagements will seek to bridge understanding, delve into issues of both direct policing activity as well as larger, yet interrelated issues of race, immigration status and access to mental health services all in an effort to spark broad community engagement and understanding of the different perspectives at play within our city when it comes to policing.

Formats:

The engagement series will take multiple formats in an effort to continue meeting people where they are, provide options for the conversations, and work to engage a broad cross-section of the community. Key to each format is making sure questions and content are created from a broad perspective to meet the purpose of engaging with the complexity of police-community relations.

Engagement	Structure	Other Details	Department Lead
Kickoff event	A larger event to launch these other meeting efforts	Collaboration among elected officials and H&NS, Community Engagement and CMPD to share efforts with community	CMPD
Equity Impact Circle Model	Small group (8-12) meets 3-4 times to study the issues.	Includes 20-minute video to start conversation, provide level-setting framework to begin conversation.	H&NS Community Engagement
Civic Leadership Academy Gatherings	Have civic leadership academy members invite 2-3 individuals from their networks to gather and engage	Builds upon the CLA goal to keep graduates engaged; their natural diversity would help bring cross-section of community together	H&NS Community Engagement
Youth Engagement	Bring together youth from MYEP and Generation Nation	Provides opportunity to continue engaging these young leaders	H&NS Community Engagement
Quarterly press briefings	Media press conference to take place quarterly updating the public about Community Letter efforts	Joint effort to share the progress departments are making toward city council's commitment to the community	CMPD, H&NS, Community Engagement

DRAFT

Community Engagement Activities for Safety, Trust & Accountability

Notes: Will coordinate and complement with other community engagement initiatives currently occurring or planned that include:

- Transparency Workshops
- Coffee with a COP
- Cones with a COP
- Community Empowerment Initiative
- Envision Academy
- Youth Diversion Programs
- REACH OUT
- COPS & Kids
- KOPS & Kids Learn Spanish
- High School Youth Forums
- LEVEL UP Youth Program
- REACH Academy
- Academy of Safety & Protection
- Cadet Program
- Cops CARE & CARE Curriculum
- Youth Symposium
- Young Black Leadership Alliance
- Camp Fusion
- Camp Lead Up Summer Leadership Institute
- High School Explorers Program
- High School Academy
- Police Activities League
- Promoting Peace Program
- Right Moves for Youth
- Chief's Youth Advisory Board
- Bigs in Blue
- Team Garinger
- Court Camp
- Storytime Traveler
- Project "Unplugged"
- Community Corners
- Law Enforcement Latino Initiative
- Latin Community Outreach Program
- Refugee Support Services Engagement
- Community Roll Call
- LGBTQ Engagement Committee
- Social media outreach efforts

2018 CMPD Community Engagement Statistics YTD

Month	Public Attendees	Events/ Meetings/Activities
January	14,025	296
February	21,671	365
March	27,706	377
April	35,625	373
May	27,603	285
June	18,076	251
July	31,848	274
	176,554	2,221



Memorandum

TO: Community Safety Committee

FROM: Kim Eagle, Assistant City Manager
Thomas E. Powers III, Senior Assistant City Attorney
Officer Daniel Buckley, Charlotte-Mecklenburg Police Department

DATE: August 28, 2018

RE: Proposed Revisions To PVH Ordinance

This memo highlights proposed amendments to the Passenger Vehicle For Hire (“PVH”) Ordinance and provides a general overview of the proposed changes. New language will be underlined while deleted language will have double strikethrough. All highlighted changes will include an explanation for the change such as *revised language, new requirement, deleted & renumbered remaining subsections, corrected reference, or relocated from another section.*

I. Division 1: PURPOSE, DEFINITIONS

- Section 22-101(s). *Revised language.*
 - Habitual Violator of Traffic Laws means the accrual on a Person’s driving record or driver’s license of either: (i) eight (8) points or more within a three-year period after a reinstatement of suspension; or (ii) six (6) convictions of any type of traffic or moving offense.
- Section 22-101(v). *Revised language.*
 - (v) Manifest means a daily record that: (i) is in electronic or paper form (ii) is prepared by the For-Hire Driver or For-Hire Company representative; (iii) shows all trips made by the For-Hire Vehicle; (iv) shows the time and place where each trip originated; (v) the destination of each trip; (vi) the fare amount for each trip; and (vii) the number of passengers.

II. Division 2: REQUIREMENTS FOR NEW APPLICATIONS/RENEWALS/REINSTATEMENTS

- Section 22-125(b)(8). *Revised language.*
 - (b) Applications for a Company Operating Certificate shall include these application requirements in addition to Section 22-125(a).
 - (8) The For-Hire Company’s name, For-Hire Vehicle number, and logo to be affixed with permanent paint or permanent decals on both sides and the rear of each Metered Vehicle. The placement of a valid telephone number on a For-Hire Vehicle shall be optional. Lettering on the For-Hire Vehicle shall be at least three (3) by three (3) inches in height and width.

- Section 22-125(b)(9). *Revised language.*
 - (b) Applications for a Company Operating Certificate shall include these application requirements in addition to Section 22-125(a).
 - (9) The For-Hire Company's name shall be affixed to the Nonmetered Vehicle's front license plate. PVH Decals shall be affixed on windows at the For-Hire Vehicle's passenger entry doors. The placement of a valid telephone number on a For-Hire Vehicle shall be optional. Lettering on the For-Hire Vehicle shall be at least three (3) by three (3) inches in height and width
- Section 22-127(b). *Revised language.*
 - (b) All Special Service Permits shall ~~expire within~~ be valid for at least seven (7) days after of issuance and shall expire on a date determined by the PVH Manager but no later than one year after issuance.

III. Division 3: VEHICLE OPERATIONS

- Section 22-158(a)(15). *New requirement.*
 - (a) No For-Hire Company, For-Hire Vehicle Owner, and/or For-Hire Driver shall:
 - (15) not provide or allow to provide For-Hire Service while the Company Operating Certificate, Vehicle Operating Permit, PVH Decal, and/or Driver's Permit has been suspended.
- Section 22-158(b)(5). *New requirement.*
 - (b) A For-Hire Company and For-Hire Vehicle Owner shall.
 - (5) not utilize, whether knowingly or unknowingly, an Illegal Third Party.
- Section 22-158(c)(6). *Revised language.*
 - (c) No For-Hire Company, For-Hire Vehicle Owner, and/or For-Hire Driver shall:
 - (6) notify the PVH Manager of a criminal offense or infraction either: within two (2) business days of being charged ~~with a criminal offense or infraction;~~ or within two (2) business days upon release from confinement. Driver's Permit Licensee must produce evidence of the disposition of the criminal case as soon as it is available.
- Section 22-158(c)(7). *Deleted & Renumbered remaining subsections.*
 - (c) No For-Hire Company, For-Hire Vehicle Owner, and/or For-Hire Driver shall:
 - (7) ~~not provide or allow to provide For-Hire Service while the Driver's Permit has been suspended or revoked.~~
- Section 22-163(c)(2)(v). *Corrected reference.*
 - (c) Vehicle Panel Advertising
 - (2) No advertisement shall be placed in a manner that:
 - (v) adds weight, height, or length to the For-Hire Vehicle because the advertisement is attached to an apparatus or device, except as permitted by Section 22-163(b)(~~ea~~).
- Section 22-163(c)(2)(vii). *Corrected reference.*
 - (c) Vehicle Panel Advertising
 - (2) No advertisement shall be placed in a manner that:
 - (vii) adds or attempts to add advertising to the For-Hire Vehicle's roof, except as permitted by Section 22-163(b)(~~ea~~).

IV. Division 5: DENIAL/SUSPENSION/REVOICATION

- Section 22-200(a1). *Revised language.*

(a1)The PVH Manager shall consider the following mitigating factors when evaluating an ~~initial~~ application for a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit under Section 22-200(a). The presence of one or more mitigating factors may demonstrate that a Person is not a threat to public safety. If the PVH Manager denies the ~~initial~~ application pursuant to Section 22-200(a), then the PVH Manager shall document the reasons why the mitigating factor(s) was outweighed by other considerations. ~~These mitigating factors shall not be considered for all subsequent applications by the same Person.~~ Mitigating factors include:
- Section 22-200(b)(12). *Relocated from another section.*

(b) The PVH Manager may deny, suspend, or revoke a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit upon the commission, conviction, guilty plea, or plea of no contest to any of the following within the last ten (10) calendar years.

(12)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.
- Section 22-200(b)(13). *Relocated from another section.*

(b) The PVH Manager may deny, suspend, or revoke a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit upon the commission, conviction, guilty plea, or plea of no contest to any of the following within the last ten (10) calendar years.

(13)An accumulation under G.S. 20-16 of twelve (12) or more points within a three (3) year period.
- Section 22-200(c)(4). *Deleted & Renumbered remaining subsections.*

(c) The PVH Manager may deny, suspend, or revoke a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit for any of the following.

(4) ~~An accumulation under G.S. 20-16 of eight (8) or more points within the three (3) year period following the reinstatement of a state driver's license that has been suspended or revoked.~~
- Section 22-200(c)(12). *Deleted & Renumbered remaining subsections.*

(c) The PVH Manager may deny, suspend, or revoke a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit for any of the following.

~~(12) The failure to maintain the minimum number of For Hire Vehicles in Section 22-125(b)(5).~~
- Section 22-200(c)(13). *Deleted & Renumbered remaining subsections.*

(c) The PVH Manager may deny, suspend, or revoke a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit for any of the following.

(13) ~~No proof of financial responsibility submitted with any application.~~

V. Division 6: ADMINISTRATION, ENFORCEMENT, APPEALS

- Section 22-231(b)(3). *Revised language.*
 (b) Amount.
 (3) An additional civil penalty of \$500.00 shall be assessed for each instance that: (i) to each an Illegal Third Party for each violation of violates this Article; or (ii) for a violation of Section 22-158(b)(5).
- Section 22-231(b)(4). *Revised language.*
 (b) Amount.
 (4) Civil penalties may be levied against the For-Hire Company if its Affiliated For-Hire Drivers incur civil penalties above specific monetary thresholds. The amount of civil penalties levied against a For-Hire Company shall be determined by the number of For-Hire Vehicles under the For-Hire Company and the total amount of civil penalties incurred annually by the Affiliated For-Hire Driver. The chart below provides further illustration:

Number of For-Hire Vehicles	Annual Civil Penalties
1—15	Each \$1,000.00 in For-Hire Driver penalties <u>and/or For-Hire Vehicle Owner penalties</u> shall result in a civil penalty of \$5,000.00
16—30	Each \$2,000.00 in For-Hire Driver penalties <u>and/or For-Hire Vehicle Owner penalties</u> shall result in a civil penalty of \$5,000.00
31—50	Each \$3,000.00 in For-Hire Driver penalties <u>and/or For-Hire Vehicle Owner penalties</u> shall result in a civil penalty of \$5,000.00
51—75	Each \$4,000.00 in For-Hire Driver penalties <u>and/or For-Hire Vehicle Owner penalties</u> shall result in a civil penalty of \$5,000.00
Over 75	Each \$5,000.00 in For-Hire Driver penalties <u>and/or For-Hire Vehicle Owner penalties</u> shall result in a civil penalty of \$5,000.00


- Section 22-234(c). *Revised language.*
 (c) If a written notice of appeal is submitted within the allowed time by a Licensee, then the PVH Manager’s decision shall be stayed until the issuance of the PVH Board’s written decision. However, the PVH Manager’s decision shall not be stayed if the PVH Manager determines the alleged action would impose an immediate threat or danger to public health, safety or welfare. The PVH Manager shall set forth the reasons in writing supporting the PVH Manager’s determination that the alleged action would impose an immediate threat or danger to public health, safety, or welfare. This section shall not apply to a Person who is not a Licensee.

- Section 22-235(f)(2). *Revised language.*
 - (f) The PVH Board shall have the following duties and responsibilities as set forth below:
 - (2) establishing the standard rate schedule, fare zones, and the charges for Metered Vehicles. Standard charges including, but are not limited to, waiting time, additional passengers, discharge of bodily fluids, or luggage. The PVH Board shall hold a public hearing and provide notice of the public hearing prior to establishing new rate schedules, fare zones, or charges. Any new rate schedules, fare zones, or charges shall be effective on July 1 of each year. A current list of all rate schedules, fare zones, and other charges for all Metered Vehicles shall be kept on file at the PVH Manager's office. The city council may, in its discretion, conduct a legislative review of any new rate schedules, fare zones, and other charges recently adopted by the PVH Board.
- Section 22-235(f)(3). *Revised language.*
 - (f) The PVH Board shall have the following duties and responsibilities as set forth below:
 - (3) Metered Vehicle rate schedules, fare zones, and charges. The petitioning Company Operating Certificate Licensee shall have the burden of showing that such changes are necessary due to acts of God, substantial or unexpected increases in fuel costs, or events beyond the control of the Company Operating Certificate Licensee. A four-fifths vote of the PVH Board is required to approve a petition for a midyear change. ~~After the PVH Board votes to establish new rate schedules, fare zones and other charges, a Person may appeal to the city council for a legislative review and final determination.~~ The city council may, in its discretion, conduct a legislative review of any new rate schedules, fare zones, and other charges recently adopted by the PVH Board.
- Section 22-231(g)(1). *Revised language.*
 - (g) Procedure For Appeals
 - (1) If the appeal relates to the issuance of a civil penalty for less than ~~\$500.00~~\$600.00, then only the Chairperson of the PVH Board is empowered to read, review, and evaluate any and all written evidence submitted by the PVH Manager's office and the appealing Person. Any written evidence shall be subject to a penalty of perjury. No oral testimony should be considered by the chairperson of the PVH Board. If the chairperson finds an error in the application of these regulations, then the civil penalty shall be reversed. If the chairperson does not find an error, then the civil penalty shall be affirmed. The chairperson may elect to refer an appeal relating to the issuance of a civil penalty to the full PVH Board.




Passenger Vehicle For Hire
("PVH") Ordinance Revision
August 2018

By:
Thomas Powers III
Daniel Buckley



Presentation Outline

- Regulation Authority
- PVH Ordinance Rewrite Process
- Review of Committee Memo
- Low Speed Vehicles
- Action Requested
- Questions/Comments



2



Regulation Authority

- N.C.G.S. § 160A-304
 - authorizes municipal regulation of vehicles with fifteen passengers or less
 - regulation applies only to “for-hire” vehicles
- N.C.G.S. § 20-280.1 – 20-280.10
 - state regulation of transportation network companies (“TNCs”) such as Uber & Lyft
 - no municipal authority to regulate TNCs
- N.C.G.S. § 20-376 – 20-398
 - state regulation of motor carriers with sixteen passengers or more
 - no municipal authority to regulate motor carriers

3



PVH Ordinance Rewrite Process

- Started January 2016 and ended January 2017
- Engaged external stakeholders
 - January – March: 117 attendees
 - July – August: 26 attendees
- Rewrote entire ordinance
 - Avoided redline with track changes; end result would create confusion
 - Simplified organization and language for clearer expectations and responsibilities
 - Eliminated redundancy; 19 of the original 43 pages deleted by deleting redundant provisions
- Created parity between PVH industry and TNCs


4



Review of Committee Memo




5



Low Speed Vehicles

- N.C.G.S § 20-4.01(27)(g)
 - Low speed vehicle defined as a four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour.
- N.C.G.S § 20-121.1
 - state permits low speed vehicles on roads and public highways
- Low speed vehicles would be regulated under PVH Ordinance if providing “for-hire service.”


6

 **CHARLOTTE.**


Action Requested

- approve proposed amendments
 - staff is recommending this option
 - full Council vote would be October 8th
- maintain status quo
 - proposed amendments would be rejected
 - PVH ordinance operates as currently written
- defer action
 - staff would present at a subsequent meeting
 - amendments are neither approved or rejected

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 **CHARLOTTE.**

- QUESTIONS/COMMENTS?



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