CHARLOTTE

Charlotte City Council

Community Safety Committee

Meeting Summary for November18, 2010

COMMITTEE AGENDA TOPICS

I. Subject: **FY2012 Focus Area Plan**
Action: None

II. Subject: **Towing Ordinance**
Action: Motion made to bring back a draft ordinance as outlined below (pass 3-1, Peacock opposed)

III. Subject: **Passenger Vehicle for Hire Ordinance**
Action: None

COMMITTEE INFORMATION

Present: Patrick Cannon, Patsy Kinsey, Michael Barnes, Edwin Peacock
Time: 12:05 pm – 1:45 pm

ATTACHMENTS

1. Agenda Package

DISCUSSION HIGHLIGHTS

Chairman Cannon called the meeting to order and asked everyone in the room to introduce themselves. He asked Assistant City Manager Eric Campbell to introduce the first item on the agenda.

I. FY2012 Focus Area Plan (FAP)

Mr. Campbell said that he wanted to give the Committee an update on the schedule for the Committee's FY12 FAP. This year is a complete rewrite of the entire Plan. He said that ideally, they try to get feedback from CMPD and CFD on the Plan and bring the draft to Committee for input on what to put in or take out. CMPD is having a staff retreat the first week of December to discuss the FAP and staff would bring a working draft back at the December Committee meeting. He said they could then have a working meeting on the draft document at January's meeting, which would be the draft that would go to the Council Retreat in February. In March, they would have additional revisions if needed. Chairman Cannon asked if the Committee if they had questions.

Kinsey: Some Committees generate their own Plan. Is that a possibility for us? We would have to work with CMPD and CFD, and we certainly wouldn't go out and do something they wouldn't agree with. The FAP didn't come out the way it should have two years ago and it was because it was what the Police brought to us.

Campbell: We can follow that direction. From a staff perspective, one of the things we were concentrating on was the fact that the reduction in crime, community-wide, was so great that we knew those numbers couldn't be sustained. We really wanted to get CMPD's feedback to sustaining targets from their retreat and then bring the information back to you.

Peacock: I echo Council member Kinsey. At the December meeting, will we see what CMPD would like the FAP to look like?

Campbell: It would be combined with Fire. They would have their issues outlined in a draft for you and you would have the opportunity to totally reject the draft or edit how you see fit.

Peacock: How do the CFD and the CMPD come up with the targets they think they need to measure themselves against?

Kiser: For the CMPD, it's a collaborative process done by command staff discussions, which starts at the Deputy Chief level and filters on down through the organization. We try to look at targets that are stretched, but at the same time not so unrealistic that officers would be demoralized if we don't meet them. The crime reduction targets are taken with a look at what's been done in years past. We've had double-digit reductions in the last two years, so our concern now is the sustainability of that. That's the focus of the two day retreat we will have.

Campbell: From the Manager's Office, we also look at all the other FAP's to see if there are areas to collaborate.

Kinniburgh: For the CFD, the objectives we put forward are tied to our core objectives from each division of the Fire Department. Typically, we've put more measures forward than what has made it into the Plan. It's heavily public safety from a Police perspective.

Peacock: I would ask that the Word electronic document be sent to the Committee members so

that we can use that red line feature.

Campbell: Okay. So, we will proceed with producing a draft for the December meeting.

Cannon: Yes, and get it to us as quickly as possible. It would be good to identify if there are other areas you (Committee members) are getting feedback on in your districts. Someone may want to see more information on dealing with gangs or someone may have more domestic situations in their area.

Peacock: I'd like to know what other ideas are coming out in Police Departments around this country. What are some new innovative things that don't necessarily make the FAP, but the Chief is concerned about? I'd like to see a rough cut of ideas that have been discussed that this Council or future Councils need to know about.

Kiser: We are in touch with Police Departments all over the country, comparing notes and ideas. I will put something together for you after the retreat that includes the things we discuss, the strategies, and maybe even some of the rejects.

Peacock: I'd particularly like to see some stuff around technology and texting technology for 911 responders.

Cannon: I've had some conversation with the Chief and they are pulling together some information on the texting technology. We are trying to see what's out there in terms of real solid research. Right now, some of these 911 texting pieces have been on the market for such a short period of time that we don't have a lot to gage from to determine the level of effectiveness. Thank you, staff, for this information. Since Council member Barnes is not here yet, but will be shortly, I would like to switch the agenda around and have the Passenger Vehicle for Hire Ordinance reviewed next.

II. Passenger Vehicle for Hire Ordinance

Mr. Campbell said this is just a review of the last presentation brought before the Committee when they were introduced to the Passenger Vehicle for Hire (PVH) Ordinance. The Committee directed staff to meet with the "black car" companies to get feedback and that information from that meeting is in the packets, as well as incorporated in today's presentation. He then turned it over to Mr. Mujeeb Shah-khan.

Mr. Shah-khan began reviewing the "Passenger Vehicle for Hire Update" presentation (copy attached). Mr. Shah-khan pointed out that this Committee is not reviewing the Airport Taxi Service Request, only the PVH Ordinance. He then read through the slides reviewing the City's authority to regulate the PVH industry, the history of the regulation and what Chapter 22 does.

He also gave a snapshot of the industry and stated that it's a little different now than when the presentation went out. There are now 104 companies licensed to work in Charlotte, rather than the previous 92 companies. There are 60 "black car" companies instead of 53. The number of drivers licensed to operate in Charlotte has dropped to 1,205, but the number of taxi drivers has

increased to 640. There are also now 1,130 vehicles licensed to operate as a PVH, and instead of 605 taxis, there are 630 taxis. Mr. Shah-khan said he would provide the updated slide of information to the Committee at a later date.

Mr. Shah-khan continued discussing the taxi drivers' position, issues, and contentions, including the medallion system. He also reviewed the taxi company owners' issues and contentions and then discussed the "black car" companies' contentions.

Cannon: On the issue of medallions, I'd like to know at some point, what this would do or cause on our current PVH Ordinance. Is it something that would have to be completely redone or is it a matter of inserting something and extracting something else? Also relative to comparing apples-to-apples, we typically try to compare Charlotte with a city of our same size and scope, so I'd like determination of how those medallions in those cities, like St. Louis, work.

Shah-khan: We can provide comparisons to you. In terms of how the medallions would change your ordinance, you would have to amend it. Right now, you call them driver operating permits, so you would have to change that a bit. Also, the system and structure the drivers have suggested would require other changes to the PVH Ordinance. We would have to come back with pretty significant revisions if the Committee requests that.

Cannon: Bring back also, any risks of having any independent operators being out there. There should still be a need for them to conform. I think there is a level of concern with regard to being able to track and determine a few things with independent operators.

(Council member Michael Barnes entered the meeting)

Shah-khan: We'll be happy to look at that.

Cannon: You mentioned the taxi drivers feel they are being abused by the companies. What do they do in the event they are being abused? Are they leaving one company and going to a different company?

Shah-khan: Drivers are saying the abuse is related to the fees. The way the franchise fees work, is the drivers have to make that back to start with and not until they make that money, do they start making any money on their own. They feel like they are paying a lot of fees, but getting nothing in returned.

Cannon: Are "black cars" less regulated or unregulated?

Shah-khan: They are regulated. They are perhaps less regulated than taxis in that there is not a set fare schedule. The "black car" companies have to provide their rate schedule to the PVH Manager once a year and they operate in accordance with that, whereas, the PVH Board sets the rate schedule for taxis.

Cannon: It might be helpful for the Committee to see a matrix showing who is regulated with what rules and where there are differences or likeness.

Shah-khan: We will do that.

Kinsey: How many hotels are in the situation where they use limos and don't allow taxis?

Al-Shaikh: There are 7 hotels. The majority are in the Center City.

Cannon: Did the company owners state what they meant by, "being too easy for a company to get into the industry?"

Shah-khan: They made the statement, but they didn't go beyond the fact that all you have to have is 30 cars or their equivalence. Council determined years ago that if you have an accessible vehicle, that would count as 5 taxicabs.

Cannon: Lets' get some clarity on that. Also, on the "black car" contention regarding allowing the PVH Manager to have the authority to approve temporary use of out-of-town black cars for large events, what is staff's position on that?

Campbell: From the Manager's Office, we like it as it is.

Cannon: You talked about "black cars" not being able to stage, but is it fair to say they do some level of staging at hotels?

Shah-khan: They effectively stage at the hotels, but they still have to prearrange their trips. There is a staging area on Poplar Street that has been allowed also.

Cannon: They are suggesting that they are handicapped by a lack of parking spaces for them to stage in Center City, but they are parking on properties that are hotel related. To some extent, that is some level of staging. I walked down from the Hilton on my way here and there were 9 cars parked at the hotel and nothing was happening. So, from my perspective, that is staging, unless they are saying that the demand is so high that they must have another area carved out for them somewhere to take on those prearranged calls that are being made so they can go out and provide service.

Kinsey: Are they truly prearranged?

Shah-khan: What the PVH Manager has done is clarify with the companies what prearrangement is. It could be that it's done with a short period of time. For example, at one hotel a customer may call and say I need a town car to take me to the mall, which then triggers the process of reserving the car. Then, from the time they come from their room down to the lobby is considered prearranging. If a town car is driving by and you hailed it, then that's not prearrangement. Prearrangement can be as short as a minute and we note that in the statute. If Council would like us to modify that, we can do it. As for the question about staging, the example from CRLA was if they have to pick up someone from one of Bank of America's building, they want to be able to sit near there. If they sit and wait on their customer by the building they get ticketed or told they need to move along because they are blocking traffic. The taxi industry has 19 taxi stands they can work from.

Cannon: We can have this discussion further. Can you clarify that "black cars" can or cannot be hailed?

Shah-khan: They are not supposed to be hailed and it would be a violation of the ordinance if they pulled over and picked that person up. Only taxis can be hailed.

Cannon: I think the Committee needs to try to develop a way to create equal opportunity. We don't need to create an environment to allow for the companies to be against each other. Right now, the taxis have really no level of staging except in the one spot mentioned early. We have to be mindful of our grid because it doesn't afford us to be able to have the fluid traffic flow that we should have. I hope we can get CDOT engaged and have them look at Uptown and where some staging may be able to occur. Let's move on to the next item.

III. Towing Ordinance

Mr. Campbell said this is a continued discussion of the Towing Ordinance. He said today Major Levins and Paul Paskoff will walk through some answers to the questions from the last meeting. He then turned it over to Paul Paskoff.

Mr. Paskoff referenced the "Non-Consensual Towing Ordinance Comparison" chart (copy attached). He read through the individual cities that he researched and asked the Committee if they had any questions about it.

Peacock: The one thing that was missing is the signage in these cities.

Paskoff: They all require signage, but it varies. Some use size of signs and some even go to the size of the letters. Some would also look at how many feet apart they should be.

Peacock: It would be helpful to put that in to unify this spreadsheet. If we had proper signage here, we probably wouldn't be here right now. I get the feeling the real problem is the signage because it is beyond confusing and deceptive.

Levins: Color of a sign was a big deal too. It needs to be red, a color that gets your attention.

Cannon: I couldn't agree more that the signage needs to be better. What is staff's opinion on this whole thing? Is the Committee making an "over-ask" based on what we know what other cities are doing? Or are we in line with what others are doing?

Levins: I believe Mark Newbold has done a great job of pulling together the best of all the ordinances in the state and trying to be consistent. The state has intended to make a law in the signage issue, but we need to go a little bit further than the state law. We are in line with trying to meet the need of stopping the predatory action and helping people to understand where it's okay to park and where it's not.

Barnes: Can I get clarification regarding the retrieval issue? We discussed the vehicle should be available 2 hours after closing or 2:00 a.m., whichever is latest. That's not reflected in this

document.

Campbell: We did talk about it. What you are seeing is only showing the actual draft document that we have already provided the Committee. We haven't incorporated any new discussions into the draft.

Kinsey: I have a problem with limiting it to 2 hours and I'm not sure how to address it.

Barnes: I don't think anyone is going to be happy. I want to start drilling down to a solution. Regarding the fee caps by weight, what size is a Class B vehicle?

Newbold: It would be something like a UPS vehicle.

Barnes: I'd like to go ahead and start putting some numbers on this. I propose a fee of up to $500 for Class B and A. Otherwise, I think the proposed Charlotte ordinance is acceptable including the credit/debit card piece. I continue to struggle with the card issue, but if what we discussed the last time is true and the customer has to prove fraud, then I'm comfortable with that. Otherwise, I think we should begin to move this toward the full Council.

Levins: One thing about the time limit is what we stayed away from was creating a matrix within the ordinance that is going to require officers to have to over think on the timing. That's why we have contended that if you operate 24 hours then you have to give back 24 hours. If the Committee wants to change that, then we need direction on that.

Kinsey: So CMPD thinks it should be 24/7?

Levins: Yes, we like the 24 hours.

Kinsey: I like the 24 hours.

Barnes: So, even if the tow company closes at midnight, you are saying the vehicle should be subject to retrieval 24 hours a day?

Levins: Yes, the company would have someone on call and it gives them 45 minutes to get to their lot and return the car.

Cannon: Did the industry ever come together on one particular compromise with that?

Campbell: No sir.

Cannon: Well, that makes it a little tough for us to try and balance with the industry. Do we have all the information we need on tractor trailers? It's two different tows, right? What kind of numbers are we talking about there?

Levins: It's $500 for each piece. They tow them separately.

Kinsey: Do we know how often that happens?

Levins: We don't; however, since the last meeting we received a complaint of one and the fee was close to $2,000. It was off of Westinghouse and South Tryon, in an open gravel lot and the tractor trailer was parked there. The driver was gone 15 minutes and came back and it was gone. The company was requiring $2,000 to be paid to return the vehicle, but he was able to barter them down to $1,200. His company had to send him the money to pay for it.

Kinsey: Did that lot have the correct signage?

Levins: No, and we've investigated and we plan to tell the company to expect a charge for violating the ordinance.

Peacock: I agree we need to start making some decisions on each one of these items shown. I'm reluctant to put a number like $500 out there. I think the $120 came from the industry.

Levins: The $120 for Class C is what it has been for some time.

Peacock: For the credit cards, there is a balance between conveniences of using one. Right now, the for consensual tows the tow company offers the use of credit cards, but from the business owner's perspective, I understand where they are coming from with concerns of protesting the charge because they have already had experience with that happening. I don't think we need to change anything too significantly at this point. We are here because of bad signage and a few bad apples. I don't think we should tell a business owner what method to use in order to collect payment.

Barnes: Back to the example of trucker that Major Levins talked about, if he would have been an owner operator he would have had to go get $1,200 in cash. Depending on your bank, you could be capped at pulling out $500 per day. I think that requiring it as an option is okay because we are increasingly becoming a cashless society. I use my card for everything. Are they only listing one towing company per sign?

Levins: Yes sir.

Barnes: I'd like to make a motion that we add to the chart provided by staff, a $500 limit for towing a tractor trailer under the fee caps by weight portion of the document. Otherwise, I'd move to refer the balance of this document to the full Council assuming all the other items mentioned earlier are addressed, like the hours.

Kinsey: I'll second and I have a question. I'm just wondering if we need to specify Class B and Class A vehicles.

Newbold: We could do it as a weight requirement and not use the Classes. The original attempt was to make sure we use the same thing the state uses to clear up confusion, but I'm not sure it really clears it up.

Barnes: I'll amend the motion to say vehicles over 9,000 lbs are subject to a fee of up to $500. You will need to do some word-smithing with the part about tractor trailers being towed in 2 pieces.

Cannon: Would the Committee prefer to move forward with motion and second made, and have it go to the full body or would you rather have a draft come back to the Committee that you can see?

Barnes: I would further amend my motion and direct staff to bring back a sample ordinance prior to bringing it to the Council.

Levins: The contemporaneous signature is an issue. Our position is the person who is getting towed needs to know who authorized the tow. It's still written there that someone has to be onsite to authorize the removal of the vehicle. If that's not a concern, we can leave it as is.

Kinsey: Is there any way that can be handled a little differently? Is there a specified number that can be called that the owner of the vehicle can actually speak to the person authorizing the tow? Or could there be a signed sheet by the authorizer that the tow company can give to the owner of the car being towed?

Levins: Or maybe upon request the vehicle owner can be given the name and number of the contact person who authorized the tow.

Barnes: How do they get towed now? Someone calls and tells them to tow, right?

Levins: Yes, or the predatory nature of cruising through lots and acting upon the wrecker driver's discretion to make a tow.

Barnes: So, it would seem a pre-signed authorization sheet may be a good idea. It does allow the owner of the property to still have a contract with a tow company. I don't know that requiring someone to be onsite is necessarily the best thing to do.

Cannon: Why don't we proceed to do what you said, but on this item leave it out for now and think about it some more. I share the concern, but I know it's also the reason why we are sitting here today.

Barnes: Do we have a list for the top 5 lots where the predatory towing occurs?

Levins: We don't maintain a list of those. I can tell you the highest locations are still the Starbucks, anywhere in Uptown, and about 4 different apartment complexes in University.

Barnes: I agree to set the contemporaneous signature item aside.

Kinsey: If anyone has a better suggestion on how to fix it, then please let us know.

Peacock: Please restate the amended motion we are about to be asked to vote on.

Barnes: I move to direct staff to present this Committee with a proposed draft ordinance that would include a fee of up to $500 for vehicles weighing over 9,000 lbs and Mr. Newbold will further define that to address the tractor trailer scenario, and that we hold for further discussion the issue of the owner of the lot to be onsite to authorize the tow.

Kinsey: Second. *(Motion passed 3-1, Peacock opposed)*

Peacock: I'd like to speak to that. I'd like to point out that this will go before the full Council, we will all debate it and the other Council members and the Mayor will get a chance to see it for the first time. The most contentious point to this that this Committee has to be sensitive to is when we start talking about how we are going to be changing someone's pocketbook, which is what we are instructing an owner and operator to charge and how they should make the payment. I think that's where we get into trouble. The common ground that this ordinance needs to be tweaked off of is signage and who to call. We aren't solving the predatory problem with these changes. The ordinance should stay exactly like it is and just have better signage.

Cannon: Please, for the record, state the predatory issue as you all see it.

Campbell: The reason it was originally referred is there were issues with cars being towed, specifically in the East Blvd. corridor and people felt it was predatory. They would run in and get a cup of coffee, come out and the car was gone and they would have to pay to retrieve the vehicle. That is what really got this referral into the Committee, which opened up the ordinance for review.

Cannon: Thank you. Please go ahead and bring back that draft to us so we can determine how to move forward or make any additional edits if necessary.

Barnes: I know I didn't get to hear the Focus Area Plan discussion earlier, but I wanted to quickly say something before we end the meeting. We clearly, under Chief Monroe's leadership, have a vision in place of building Police substations that are visible in the respective divisions. I'd like to get a report from you all regarding where we should continue to put the new substations. Also, as we move forward with the Blue Line Extension, it would be a good thing to have a visible University City division, as well as some others. The reason I'm tying it to the FAP is because it's clear to me, as a Council member, that one CMPD's strategies is to create visibility, reduce response times, and connect with the community more efficiently and effectively.

Campbell: There is an internal Strategic Facilities Plan that is used by CMPD and we would be happy to share that with you.

Chairman Cannon adjourned the meeting at 1:45 pm.

Community Safety Committee

Thursday, November 18, 2010; 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. <u>FY2012 Focus Area Plan</u>

Staff Resource: Eric Campbell

The Committee will discuss the proposed schedule for the FY2012 Community Safety Focus Area Plan. No decisions or recommendations are requested at this meeting.

<u>Attachment:</u> 1. FY2011 Focus Area Plan

II. <u>Towing Ordinance</u>

Staff Resources: Mark Newbold & Major Eddie Levins

The Committee will continue its review of the City's Towing Ordinance and CMPD's towing enforcement strategies. No decision is requested at this time.

<u>Attachment:</u> 2. Towing Comparison Chart

III. <u>Passenger Vehicle for Hire Ordinance</u>

Staff Resource: Mujeeb Shah-khan

The Committee will continue its review of the City's Passenger Vehicle for Hire Ordinance (Chapter 22). No decision is requested at this time.

<u>Attachment:</u> 3. PVH Update.ppt
4. Charlotte Regional Limousine Association handout

<u>Next Scheduled Meeting</u>: Thursday, December 16 at Noon in Room 280

Distribution:	Mayor/City Council	Curt Walton, City Manager	Leadership Team
	Mac McCarley	Stephanie Kelly	Rodney Monroe
	Jon Hannan	Bob Hagemann	Mujeeb Shah-khan

FY2011 Strategic Focus Area Plan

"Charlotte will be the safest largest city in America."

The City of Charlotte will be the safest large city in America, with citizens feeling safe in the areas where they live, work, and spend their leisure time. The Police and Fire Departments have the most direct impact on public safety. Citizens in a safe community have confidence in their public safety agencies to proactively identify and address issues related to crime, disorder and personal safety.

The City Council supports the Charlotte-Mecklenburg Police Department's policing strategy which focuses on crime and disorder at the neighborhood level. Police staffing promotes high visibility throughout all of the Department's 39 response areas, each of which is served by a Response Area Team. Response Area Teams, led by a Sergeant, are responsible for:

- crime reduction in their assigned areas
- engagement of the community as partners
- enforcement strategies specific to their area units
- target crime and chronic offenders
- collaborate with specialized units to address gangs, drugs and firearms

The Police Department is committed to recruiting strategies that result in a more diverse workforce that is proactive in community engagement and quality customer service.

Collaboration is critical to making Charlotte the safest large city in America. Police partner with public and private agencies, including Neighborhood and Business Services, Engineering, Transportation and Planning. One key partnership is between Police and Neighborhood & Business Services. Police work closely with Code Enforcement and Neighborhood Specialists to address conditions that increase criminal activity and implement strategies that ultimately strengthen and empower neighborhoods.

The Fire Department also plays a major role in the public safety process both through proactive inspections and education programs to prevent fires and injuries and by rapid response to those fires and medical emergencies that occur. The Fire Department also takes the lead in homeland security preparedness and works with partners around the Charlotte region to ensure that emergency personnel have the training, equipment and strategies to respond effectively to natural or man-made disasters.

Community Safety

Reduce Crime

CS.1	Focus Area Initiative:	Decrease crime throughout Charlotte-Mecklenburg through enforcement and problem solving strategies that target criminal activity and chronic offenders at the neighborhood level
➢	FY11 Measure:	Crime rate per 100,000 population for FBI Uniform Crime Report Part One offense categories (Homicide, Rape, Robbery, Aggravated Assault, Burglary, Auto Theft, Larceny, and Arson)
	FY11 Target:	5% reduction in crime rate per 100,000 population
	FY09 Target:	5% reduction in FBI Uniform crime rate per 100,000 population
	FY09 Actual:	22.5% reduction
CS.2:	Focus Area Initiative:	Enhance citizen safety through increased police visibility and engagement of citizens as active partners in crime reduction
➢	FY11 Measure:	Survey ratings on citizen satisfaction with police service and safety in their neighborhoods in November 2009 and November 2010
	FY11 Target:	Ratings of 7 or above on a 10 point scale on questions related to police services and citizen perception of safety
	FY09 Target:	Ratings of 7 or above on a 10 point scale on questions related to police services and citizen perception of safety
	FY09 Actual:	73% on overall impression of police; 79% on courtesy; 80% on professionalism; 73% on feeling safe in their neighborhoods
➢	FY11 Measure:	Adopt a Police Facilities Strategic Plan which establishes a building schedule for new police division offices that increase police visibility and accessibility and facilitate the delivery of police services at the neighborhood level
	FY11 Target:	TBD - new measure for FY11
CS.3	Focus Area Initiative:	Develop recruitment strategies that attract a more diverse applicant base to the Police Department
➢	FY11 Measure:	Number of women and minorities included in applicant pool
	FY11 Target:	5% increase in each of next two years
	FY09 Target:	N/A – new measure in FY10
	FY09 Actual:	Baseline – 349 women and minorities in applicant pool

Community Safety

CS.4	Focus Area Initiative:	Partner with other city and county agencies as well as other members of the criminal justice system in enforcement and prevention efforts that reduce crime and enhance the quality of life in our community
➢	FY11 Measure:	Crime reduction on major city corridors through collaboration with other city agencies
	FY11 Target:	5% reduction in Uniform Crime Report Part One Crimes (Homicide, Rape, Robbery, Aggravated Assault, Burglary, Auto Theft, Larceny and Arson)
	FY09 Target:	N/A - new measure in FY10
➢	FY11 Measure:	Reduction in national and international gangs operating in Charlotte-Mecklenburg
	FY11 Target:	**Work with other state and federal law enforcement agencies to make significant progress toward dismantling one gang per year**
	FY09 Target:	N/A - new measure in FY10
➢	FY11 Measure:	Work with the District Attorney's Office on an information technology plan that includes a case management system with an interface to CMPD's Electronic Case Papering System
	FY11 Target:	TBD - new measure for FY11

CS.5	Focus Area Initiative:	Reduce loss of life and property damage from fires through proactive fire code enforcement and rapid response to working fires
➢	FY11 Measure:	Percent of fire code inspections with an annual state-mandated frequency conducted each year
	FY11 Target:	85%
	FY09 Target:	85%
	FY09 Actual:	90%
➢	FY11 Measure:	Percent of alarms first-due responder companies on scene within 6 minutes of call receipt
	FY11 Target:	80%
	FY09 Target:	80%
	FY09 Actual:	81.06%
➢	FY11 Measure:	Percent of fire education programs delivered to CMS third grade classrooms that are within city limits
	FY11 Target:	80%
	FY09 Target:	N/A - new measure in FY10
➢	**FY11 Measure:**	**Consolidate Fire Administration, Fire Information Technology, Emergency Management, Fire Prevention, and Fire Investigation into one location.**
	FY11 Target:	**Begin construction first quarter of 2011**

Non-Consensual Towing
Ordinance Comparison
November 12, 2010

Jurisdiction	Fee Caps	Fee Caps By Weight	Storage Fee	When Are Police Advised of Tow?	Owner/Mgr. on Scene when Vehicle is Towed	Lot Open or Available for 24/7 Call Out for Owner to Retrieve Vehicle	Manner of Payment
Charlotte(Current)	$120	Vehicle over 9,000 pounds, fee for towing and storage established by the towing service	$15 a day, to accrue vehicle stored on lot for 24 hours	Within 30 minutes of the removable of the vehicle	N/A	Vehicle may be recovered from 7:00am to 7:00pm	N/A
Charlotte (Proposed)	$120	$120 or less for Class C vehicle $___ or less for Class B vehicle $___ or less for Class A vehicle	$15.00 a day and shall not begin for 24 hours from the time the motor vehicle enters the lot	The wrecker driver shall contact the CMPD and provide the information contained in the written authorization. The vehicle will not be removed from the private lot until the driver has been advised of a complaint number.	No towing service shall remove a motor vehicle from a private lot unless the owner or agent of the private lot signs a contemporaneous (at the same time) specific written authorization for such removal which is presented to the driver of the towing service.	Shall have a person on call 24 hours every day who acknowledges requests to retrieve a towed vehicle within 15 minutes of receiving an inquiry from the owner or operator. If the owner or operator wishes to retrieve the motor vehicle, then the tow service or storage facility must make the vehicle available within 45 minutes.	Shall accept cash and all major credit and debit cards for any fee established by this Article

Non-Consensual Towing
Ordinance Comparison
November 12, 2010

Jurisdiction	Fee Caps	Fee Caps By Weight	Storage Fee	When Are Police Advised of Tow?	Owner/Mgr. on Scene when Vehicle is Towed	Lot Open or Available for 24/7 Call Out for Owner to Retrieve Vehicle	Manner of Payment
Raleigh	$100	Maximum fees shall not apply to the non-consensual towing of vehicles weighing in excess of two tons (4,000 pounds)	$25.00 per day for storage fees; however, no storage fees shall be charged for the first 24 hour time period from the time the vehicle is removed from the property	The operator of any wrecker removing a private vehicle shall report to the Raleigh Police Department the fact that the vehicle was towed and its present storage space, together with a description of the vehicle and the tag number. The report shall be made by telephonic communication within one hour after the vehicle is deposited at the storage site.	N/A	Operator shall maintain an attendant on call twenty-four (24) hours every day capable of acknowledging requests for vehicle release within fifteen (15) minutes of receiving a call and of releasing the vehicle within forty-five minutes (45) of receiving the call.	Fees shall be payable by cash, debit card or major national credit card at no extra cost. Failure to accept credit or debit cards for payment is a violation and is punishable as a misdemeanor.
Asheville	$100	N/A	Fee for storing a vehicle shall not exceed 25% of the base fee and shall not begin to accrue until the vehicle has been stored at 12 hours beginning with the time of notification of the police	Within 30 minutes of removing the vehicle to the Asheville Police Department by telephone the fact that a vehicle was towed and shall provide a description of the vehicle including the make, color, and license tag number.	N/A	Shall have a person on call 24 hours every day who is capable of acknowledging requests to retrieve a towed vehicle within 15 minutes of receiving such request and of releasing said vehicle within 45 minutes of receiving the request.	Any tow service that engages in a trespass tow shall accept at least two nationally recognized credit of debit cards (such as MasterCard or Visa) in payment for any fee established in this ordinance.

Non-Consensual Towing
Ordinance Comparison
November 12, 2010

Jurisdiction	Fee Caps	Fee Caps By Weight	Storage Fee	When Are Police Advised of Tow?	Owner/Mgr. on Scene when Vehicle is Towed	Lot Open or Available for 24/7 Call Out for Owner to Retrieve Vehicle	Manner of Payment
Winston-Salem	$85 (paid to the City) [1]	Large vehicles consisting of 10,000 GVW or more $200	Vehicles $40 per day. Tractors $100 per day. Trailers $100 per day. Straight trucks in which the cab and trailer/bed are one unit excluding pick-up trucks and large vehicles 10,000 GVW or more 100 per day. In addition to the towing and storage charges a charge of $60 payable to the city to assist in defraying the expenses incurred by the city administering the towing and storage provisions.	Notice of such removal shall be given to the owner of the vehicle as promptly as possible.	Vehicle is removed from privately owned property upon request	N/A	The owner may obtain possession of vehicle by paying to the city all reasonable costs incident to the removal and storage of the vehicle and locating the owner of the vehicle, or by posting a bond in a form approved by the city attorney for such costs, pending final determination
Greensboro 2							

[1] When a vehicle is removed from privately owned property upon request, the person at whose request such vehicle is being removed shall be required to pay the city $85 for each vehicle removed by the city. All vehicles, including motorcycles towed pursuant to this article, shall be stored on city owned or operated property unless other arrangements due to the size of the vehicle, lack of space or similar circumstances.

[2] Greensboro is in the early stages of developing an ordinance to address non-consensual tows

CHARLOTTE

COMMUNITY SAFETY

Passenger Vehicle For Hire Update

Eric Campbell, City Manager's Office
Major Douglas Gallant, CMPD
S. Mujeeb Shah-Khan, City Attorney's Office

November 18, 2010

CHARMECK.ORG

CITY OF CHARLOTTE

Community Safety Committee Review

- As a result of Council's June 28, 2010 referral of the Passenger Vehicle for Hire Ordinance to the Community Safety Committee, the Committee began its review at its September 16, 2010 meeting.
- This issue is again not related to the Airport Taxi Service Request for Proposal heard by the Committee and Council on September 7, 2010 (however, an update on the Airport RFP is part of this presentation).

CHARMECK.ORG

CHARLOTTE

CITY OF CHARLOTTE

Overview of City's Authority to Regulate PVH Industry

- Section 160A-304 of the General Statutes allows the City to "license and regulate all vehicles operated for hire in the city."
- City can specify what types of taxi services can operate in the City.
- Broad authority over all passenger vehicles for hire ("PVH") – any vehicle operated by a driver providing for hire services, not just taxis.

CHARMECK.ORG

CITY OF CHARLOTTE

History of City Regulation

- Prior to 2000, the City had a largely informal and discretionary system of PVH regulation.
- The City recognized that the system of regulation needed to be revamped.
- On May 8, 2000, Council approved a revised Chapter 22 to create a new system of PVH regulations effective July 1, 2001.
- On August 22, 2005, Council approved amendments to Chapter 22 which modified vehicle age limit and made technical revisions to the ordinance.

CHARMECK.ORG

CHARLOTTE

CITY OF CHARLOTTE

What Chapter 22 Does

- Purpose in regulating PVHs is to "preserve the health and welfare of citizens" and protect citizens' property.
- Creates the Passenger Vehicle for Hire Unit within CMPD (1 Manager and 4 inspectors) who is responsible (along with CMPD) for enforcement.
- Regulates all PVHs in City:
  - Taxicabs
  - Contract Vehicles
  - Shuttle Vans
  - Para-Transit Vehicles
  - Nonmetered Passenger Vehicles for Hire
  - Limousine/Limousine Sedans/SUVs (sport utility vehicles)
- 10 year age limit for most PVHs.

CHARMECK.ORG

CITY OF CHARLOTTE

What Chapter 22 Does

- Creates an 11 member Passenger Vehicle for Hire Board:
  - Members appointed by the Mayor, City Council, and City Manager (Mayor appoints Chair)
  - Hears appeals from citations, permit revocations and permit application denials
  - Annually sets taxi rates
- Creates licensing requirements for:
  - Drivers operating PVHs
  - PVH vehicles
  - Companies operating PVHs (such as taxi companies, transportation companies, limousines)
- Requires all drivers to receive training approved by PVH Unit.

CHARMECK.ORG

CHARLOTTE

CITY OF CHARLOTTE

Industry Snapshot

- 92 companies are licensed to operate in Charlotte:
  - 15 are taxicab companies
  - 53 are limousine/town car ("Black Car") companies
- 1240 drivers are licensed to operate PVHs in Charlotte:
  - 620 are taxicab drivers
- 1110 vehicles are licensed to operate as PVHs in Charlotte:
  - 605 are operated as taxis

CHARMECK.ORG

CITY OF CHARLOTTE

Taxi Drivers' Position

- At the September 16, 2010 meeting, the Committee received information on the taxi drivers' position and their request to convert to a medallion system.
- Drivers wanted to replace the current driver's permit with a Medallion system similar to New York's and Chicago's, but with changes to remedy perceived problems.
  - Drivers would not be required to affiliate with a company before receiving a Medallion – thus drivers could become independent operators
  - Drivers contended this would be a better system for drivers, companies, and customers

CHARMECK.ORG

CHARLOTTE

CITY OF CHARLOTTE

Background on Medallion Systems

- In the proposal made by the drivers' representatives, the representatives mentioned the Medallion systems present in New York and Chicago as models, however they proposed changes to prevent the problems present in those systems.
- In order to provide a full understanding of the Medallion proposal, staff contacted both New York and Chicago officials to research those systems to see how those systems compared to the drivers' proposal.

CHARMECK.ORG

CITY OF CHARLOTTE

Taxi Drivers' Issues and Contentions

- Some companies' weekly franchise fees are too high and do not allow drivers to make a living (Franchise fees range from $0 to $540 per week – depending on the level of services offered by the company).
- Drivers feel that they are being "abused" by the taxi companies.
- "Black Cars" are getting opportunities to transport hotel guests while taxis are prevented from picking up at hotels.
- PVH Ordinance needs to be overhauled – current version ignores their rights.

CHARMECK.ORG

CHARLOTTE.

CITY OF CHARLOTTE

Taxi Company Owners' Issues and Contentions

- The PVH Ordinance needs to be tweaked, not overhauled.
- "Black Cars" are killing the taxi industry (fees charged by Black Cars are unregulated by the City and the PVH Board).
- Medallions are unnecessary – drivers already have flexibility and freedom to move between companies:
  - Medallions are the way for the drivers to control the industry and create value where none exists
- Taxis need the ability to stage at area hotels (prevented due to contracts with "Black Car" companies).
- Barriers to entry into industry need to be considered – if it's too easy to be a company, companies and public suffer.
- PVH fees are too high.
- Vehicle age limits should be reviewed.

CHARMECK.ORG

CITY OF CHARLOTTE

Committee Action

- At the September 16 meeting, the Committee voted to:
  - Make no changes to PVH system to replace driver's permits or vehicle operating permits with a medallion system.
  - Have City staff meet with representatives of the "Black Car" companies to discuss their concerns with the PVH Ordinance in order to obtain their perspective on PVH issues. City staff will also continue to work with the "Black Car" companies to make sure that the companies are complying with the PVH Ordinance.
  - Allow changes to taxi service at the Airport to serve as possible model for later changes to PVH Ordinance including issues related to franchise fees.

CHARMECK.ORG

CHARLOTTE

CITY OF CHARLOTTE

Meeting with Black Car Companies

- On October 14, 2010, at the Committee's request, City staff met with representatives of eight black car companies. The companies are all members of the Charlotte Regional Limousine Association.
- They respectfully disagreed with the taxi drivers' and taxi owners' contentions that the black cars are hurting the taxi industry.

CHARMECK.ORG

CITY OF CHARLOTTE

Black Car Companies' Contentions

- At the October 14 meeting, the black car owners contended that:
  - Taxis have free reign over the City and can cruise for fares – black cars cannot.
  - Hotels do not refuse cab service
  - The black cars are handicapped by a lack of downtown parking for staging.
  - Black Cars rates need to continue to be set by the companies, and not by the PVH Manager or anyone else.
  - City penalties and fines need to be stronger against violators to help their industry.
  - PVH Manager should have authority to approve temporary use of out-of-town black cars to handle large events (conventions, etc.). Right now, authority exists only with City Manager.
  - Age limit needs to be changed for vehicles carrying 9-15 passengers – current 10 year age limit applies.
  - License plate brackets need to be addressed in ordinance to comply with recent changes in North Carolina law.

CHARMECK.ORG

CHARLOTTE

CITY OF CHARLOTTE

Airport RFP Update

- After this Committee and Council's consideration of the Airport Taxi Services RFP, the Airport released the RFP.
- The Airport received nine proposals in response and is in the process of reviewing and evaluating the proposals.
- One company and three drivers sought to stop the RFP process by court order. Superior Court Judge Tim Kincaid ruled in favor of the City, thus blocking the attempt to stop or delay the process.

CHARMECK.ORG

CITY OF CHARLOTTE

QUESTIONS?

CHARMECK.ORG

CHARLOTTE.

CHARLOTTE
COMMUNITY SAFETY
Passenger Vehicle For Hire Update
Eric Campbell, City Manager's Office
Major Douglas Gallant, CMPD
S. Mujeeb Shah-Khan, City Attorney's Office
November 18, 2010
CHARMECK.ORG

CHARLOTTE

CRLA
Charlotte Regional Limousine Association

1) Black cars work on pre-arranged appointments and contracts; 5-7 hotels in Charlotte contract with black car services to meet their desired level of professionalism to transport their guests. Hotels are private property and management has made it clear they do not want taxis sitting on property; taxis have 21 stands just minutes away from all uptown hotel properties, are allowed to cruise, stage and do curbside pickups if they choose; all of which black cars cannot do, which leads to point #2:

2) Parking downtown: CRLA President met with Charlotte-Meck police department officials along with the PVH manager, in reference to giving black cars 6 parking spots uptown to utilize for pick up and drop offs. Another way to resolve the issue would be to exempt black cars from the rush hour rule.

3) Changing of black car rates. As long as black car services report their rates on file annually as required and abide by them regularly, there should be no "set" rate determined for black cars anywhere in the city by the PVH manager.

4) Penalties and fines. These need to be stronger and carry criminal charges, not civil. Until this occurs, enforcement is basically ineffective. Any black car operators caught cruising or violating any parts of the PVH ordinance, whether permitted by PVH or not, should be fined and/or ticketed with stiffer consequences than currently exist in the ordinance.

5) Special circumstances: when the need arises for additional equipment and drivers to be brought in for large groups, conventions, etc., or cars to be utilized while fleet vehicles are in service, the PVH manager should have authority to grant temporary permits for specific dates or periods of time. This could include a required $50.00 permit good for one year to be obtained by those vehicles performing services from outside Charlotte city limits that are not based here.

*As a side note, mechanics, garage personnel and company owners need to be allowed to "ferry" or drive company vehicles without a permit as long as they are not driving passengers for compensation.

6) Ten year rule. The word "unique" needs to be removed from the ordinance and vehicles carrying 9-15passengers that are 10 years or older need to be allowed to remain in service as long as continue to meet DOT and PVH inspection standards. Possibly require PVH manager or board approval. Limousines should have a "mileage cap" due to the ever-changing body styles and QVM manufactures. PVH office should have jurisdiction up to 15 passengers, with DOT still regulating vehicles carrying 16 or more passengers. A suggestion is for PVH to adopt same regulations as DOT and state, vs. having 3 different sets that can lead to confusion.

7) Question as to license plate brackets; The state of North Carolina requires removal of back license plate bracket Clarify rules for front and back plates on Limousines, sedans and SUVs. (Section 22-290)

11325-A Nations Ford Road, Pineville, NC 28134 • Phone: 704-522-8258