

SUMMARY OF MINUTES

PUBLIC SAFETY COMMITTEE

5:30 P.M., MONDAY, AUGUST 11, 2008

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: *Council Member Vivian H. Burke, Chair*
 Council Member Molly Leight, Vice Chair
 Council Member Nelson L. Malloy, Jr.
 Council Member Wanda Merschel

Chair Burke called the meeting to order and recognized staff members in attendance.

Chair Burke stated that upon consideration of Item 2, the Public Safety Committee would be discussing the matter first and local taxicab drivers will have a chance to meet with City staff to discuss any questions or concerns prior to the item being brought back to Committee for further consideration.

1. ORDINANCE REVOKING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF FORZA TOWN CAR & LIMOUSINE FOR THE OPERATION OF ONE LIMOUSINE IN THE CITY OF WINSTON-SALEM.

Mr. Gregory M. Turner, Assistant City Manager/Public Works, stated that the owner has moved back to New York and requested that his certificates in the City be revoked.

Council Member Merschel made a motion to approve the item. The motion was duly seconded by Council Member Malloy and carried unanimously.

2. CONSIDERATION OF REVISIONS TO CHAPTER 78 OF THE CITY CODE RELATING TO VEHICLES FOR HIRE.

Mr. Turner stated that staff prepared a draft ordinance for the local taxicab industry to review with the Committee and City staff. Any recommendations of the Committee will be incorporated prior to meeting with the local taxicab industry. He reviewed major elements of the proposed ordinance which were outlined in a memo.

In response to Council Member Leight's questions, Mr. Turner confirmed that any penalty after the first violation will incur a \$75 fine, per penalty. He also confirmed that the Committee referred to in section 78-5 is the Public Safety Committee. The City already employs a taxicab inspector and Section 78-6 further defines that person's responsibilities.

Council Member Leight expressed concern that personal liberties may be compromised by outlining a dress code and questioned whether or not other ordinances contained similar restrictions.

Mr. Turner noted that most taxicab ordinances do state a dress code and that the City's is not overly restrictive, rather it aims for drivers to present a professional appearance. In response to Council Member Leight's inquiry, Mr. Turner stated that each company must operate a minimum of two vehicles, and for those operating an excess of two vehicles, they must operate at least half that number of vehicles for which they have certificates.

Council Member Malloy expressed concern that 90 days was too long to allow for payment of fees, especially if drivers or owners know they are responsible for the fees up front.

Mr. Turner noted that the average business cycle is 30 days, whereby 90 days would display blatant disregard for the fees owed and could trigger revocation. In response to Council Member Malloy's question, Mr. Turner stated that a minimum fee would be \$75 for one business license, one certificate and the inspection of one taxicab, and noted that some companies can hold up to 100 certificates and operate multiple vehicles, so a maximum fee is unknown.

In response to Council Member Malloy's inquiry, Mrs. Angela I. Carmon, City Attorney, confirmed that these changes would be in effect going forward.

Mr. Scott Cunningham, Police Chief, stated that each driver's record will show any judgment from the court system, whether it be a prayer for judgment, a continuation or a plea of no contest.

Mrs. Carmon confirmed that any offense can be considered as a conviction per section 78-53(a)(12).

In response to Council Member Leight's question, Mrs. Carmon noted that it was not clearly defined under the previous ordinance if a prayer for judgment was considered as a conviction.

In response to Council Member Malloy's inquiry, Mrs. Carmon stated that a felony charge five years ago or prior could be reviewed in light of the proposed changes. She also stated that when the certificate is up for renewal, the proposed changes will apply and the driver could be considered for revocation.

Mr. Turner noted that drivers will be subject to the driver-permit requirements specifically mentioned in the proposed ordinance or a driving while intoxicated conviction within the last five years, while other felony convictions not listed will not apply. He also noted that drivers can appeal a revocation to the Public Safety Committee.

Mr. Stan Polanis, Department of Transportation Director, stated that under the current ordinance, if a driver had a felony conviction of any kind, he/she would not be approved to drive a taxicab. He noted that companies are currently required to provide criminal record checks for all drivers at least once per year.

Council Member Malloy requested to know what the cost would be to the City associated with obtaining criminal record checks. He also expressed concern that all drivers may not be complying

with the requests of passengers and noted that he has received complaints of drivers not allowing wheelchair handicapped individuals to ride in their taxicabs, or who are unwilling to transport a wheelchair.

Mr. Turner noted that any reasonable request should be met, and there have been instances where the request was met, but the driver was discourteous or had a poor attitude. In response to Chair Burke's question, Mr. Turner noted that it would be helpful for an individual to state any assistance they may need when requesting the taxicab.

In response to Council Member Merschel's question, Mr. Turner stated that citizens can address their concerns to the taxicab inspector and a record of the complaints will be maintained.

Mr. Michael Harrison, Vehicle for Hire Inspector, stated that complaints are logged as they are received; the complaint is then researched, the company owner is informed of the complaint and a recommendation is made per the legal guidelines.

Chair Burke requested a list of the most recent concerns involving taxicabs.

Council Member Merschel requested a tracking mechanism be put in place to log the number of complaints per company or driver.

Chair Burke requested the steps associated with the appeals process and that the information be shared with taxicab owners and drivers.

Council Member Malloy requested that the process for appeals and any additional information be aired on WSTV-13.

Mr. Turner noted that staff would meet with any drivers or owners in attendance after the Public Safety Committee meeting to determine a meeting date and time that will be scheduled in the coming weeks.

In response to Council Member Merschel's question, Mr. Lee Garrity, City Manager, stated that staff will provide an analysis of permitting fees after subsequent meetings are held and any changes are made.

Chair Burke noted that she and other Council Members had received a letter from Mr. Taye Lott and requested that the City Manager, Chief Cunningham, Mr. Turner and Mr. Harrison meet with Mr. Lott to discuss any issues he is having with City policies.

ADJOURNMENT: 6:16 p.m.