

Mayor Anthony Foxx

John Autry
Michael D. Barnes
Warren Cooksey
Andy Dulin
Claire Fallon

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Patsy Kinsey
LaWana Mayfield
James Mitchell, Jr.
Beth Pickering

CITY COUNCIL WORKSHOP

Monday, March 4, 2013

- 5:00 p.m. Dinner**
- 5:15 p.m. Economic Development: Small Business Opportunity Program Revisions**
- 6:00 p.m. Economic Development: Updates to the City's USDOT Disadvantaged Business Enterprise Program**
- 6:30 p.m. Community Safety: Pedicab Ordinance**
- 7:00 p.m. Transportation and Planning: MPO Planning Area Boundary Expansion**
- 7:30 p.m. Citizens Forum
Room 267**

Airport Governance Study

At the February 25 Council meeting, the Council directed the Interim City Manager to develop a conceptual proposal for studying the governance of the Airport and to bring a proposed action to proceed on March 4. The Request for Council Action will be sent to Council in the Friday, March 1 Council-Manager Memo.

Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Small Business Opportunity Program Revisions

COUNCIL FOCUS AREA: Economic Development

RESOURCES: Brad Richardson, Neighborhood & Business Services

KEY POINTS:

- The City conducted a Disparity Study in 2011 to analyze the utilization of Minority and Women-owned businesses in City purchasing.
 - The study identified disparities for some industry segments
- Based upon the Disparity Study results, City Council directed staff to develop a Minority, Women, and Small Business (MWSBE) program that addresses both race and gender and race and gender neutral measures.
- Recommended program changes:
 - Race and Gender Conscious Measures
 - Geographic Area Expansion
 - MWBE Registration
 - Formal Construction Bidding Threshold
 - Construction Goal Setting Methodology
 - Good Faith Efforts
 - New Program Name

COUNCIL DECISION OR DIRECTION REQUESTED:

ED Committee review on March 7 with proposed consideration by the full Council on March 25, 2013.

ATTACHMENTS:

None.

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Updates to the City's USDOT Disadvantaged Business Enterprise Program

COUNCIL FOCUS AREA: Economic Development

RESOURCES: Carolyn Johnson, Senior Deputy City Attorney

KEY POINTS:

- The City's Disadvantaged Business Enterprise Program ("DBE Program") has been in effect since Council's approval in 1999. The DBE Program is a requirement of U.S. Department of Transportation grant recipients, set forth in 49 Code of Federal Regulations Part 26, which governs minority and women participation in federally assisted transportation contracts.
- From time to time, the applicable federal regulations are amended and/or operating changes occur within the City, necessitating revisions to the DBE Program. Staff, upon review of recent amendments to the regulations and changes in City operations, is proposing revisions to the DBE Program for Council's approval. None of the proposed revisions, however, reflect significant policy changes.
- Key proposed revisions to the DBE Program:
 - o Adds the Charlotte Department of Transportation and Engineering & Property Management to the program as sub-recipients (through NCDOT) of USDOT funding;
 - o Incorporates the North Carolina Unified Certification Program;
 - o Addresses Small Business Participation;
 - o Increases the personal net worth cap for business owners to qualify as DBEs from \$750,000 to \$1.32 million.
- In addition to Council's approval, the DBE Program must be approved by USDOT also. The Federal Aviation Authority and Federal Transit Administration, the operating agencies for the City's USDOT grants, have reviewed and conditionally approved the proposed updated DBE Program, subject to approval by the City Council.

COUNCIL DECISION OR DIRECTION REQUESTED:

Approval of the Updated DBE Program on March 25, 2013.

ATTACHMENTS:

None

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: Pedicab Ordinance

COUNCIL FOCUS AREA: Community Safety

RESOURCES: Thomas Powers, City Attorney's Office

KEY POINTS:

- At the July 23, 2012 City Council meeting, a referral was approved for the Community Safety Committee to review and consider the regulation of pedicabs within the City of Charlotte.
- The Community Safety Committee received information from the pedicab industry, compared pedicab ordinances in other cities, and discussed the parameters of a potential Charlotte Pedicab Ordinance.
- The Proposed Pedicab Ordinance includes an application and permitting process, insurance requirements, equipment requirements, uniform requirements, road restrictions, background checks, prohibition on pedicab advertising, and credit card devices.
- The Passenger Vehicle For Hire (PVH) Office will regulate pedicabs by issuing, suspending, and/or revoking driver's permits and company operating certificates.
- The Pedicab Appeals Board would hear appeals under the new Pedicab Ordinance. Members of the Pedicab Appeals Board will be a subset of the PVH Board.
- The proposed Pedicab Ordinance was approved unanimously by the Community Safety Committee on January 16, 2013.

COUNCIL DECISION OR DIRECTION REQUESTED:

Approve new ordinance at the March 25, 2013 Business Meeting.

ATTACHMENTS:

Proposed Pedicab Ordinance

ARTICLE III. – PEDICABS

DIVISION I. – GENERALLY

Sec. 22-375. - Purpose.

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

Sec. 22-376 - Definitions.

When used in this article, the following words and terms shall have the meanings provided in this section, unless the context of their usage clearly indicates another meaning:

Company operating certificate means the license, issued by the city manager or his designee, authorizing a company to operate a pedicab company.

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

Daytime means the period between sunrise and sunset.

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

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

For hire means a transaction whereby any money, thing of value, charge ticket, 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 state law or city ordinances within a three-year period.

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).

Nighttime means the period between sunset and sunrise.

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

Pedicab means any vehicle with three or more wheels propelled or pedaled by human power which is used for, or is capable of, transporting passengers if the driver receives direct or indirect compensation for providing such transportation and includes any vehicle to which a decal has been issued pursuant to this article. No pedicab shall be motorized. For the purposes of this article, pedicabs shall be deemed vehicles, and every operator of a pedicab upon a street shall be subject to this article.

Pedicab service means the business of transporting passengers for hire by means of a pedicab.

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 22-386(a)(7).

Sec. 22-377 – Types of Service

- (a) *Pedicabs.* A pedicab may provide the following types of service
 - (1) *Exclusive ride.* A service involving the transportation of a party by a pedicab from a single origin to a single destination for compensation;
 - (2) *Group ride.* A service involving the transportation of several passengers by a pedicab from a single origin to a single destination for compensation;
 - (3) *Shared ride.* A service involving the transportation of several passengers, but no more than allowed in subsection 22-421(a)(1), by a pedicab from one or more origins to one or more destinations for compensation.

Sec. 22-378. – Application & Fees.

- (a) Each person desiring to obtain a company operating certificate or driver's permit shall apply on forms provided by the passenger vehicle for hire manager and shall include all information required by this article.
- (b) There shall be a fee payable upon the filing of an application for a company operating certificate.
- (c) There shall be a fee payable upon the filing of an application for a driver's permit.

- (d) There shall be a non-refundable annual inspection fee for each pedicab.

DIVISION II. – COMPANY OPERATING CERTIFICATE

Sec. 22-385. – Company Operating Certificate

- (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 22-378. A separate company operating certificate shall be required for each class of passenger vehicle for hire company.
- (b) 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 22-378. No passenger vehicle for hire company shall operate in a manner except as authorized by the company operating certificate
- (c) 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.
- (d) In addition, no company operating certificate shall be issued to or renewed by any company that has not maintained and operated the following minimum number of vehicles for each type of use.
 - (1) One pedicab.
- (e) Pursuant to section 22-29 and upon the recommendation of passenger vehicle for hire board and approval by the city council, the city may impose limitations on the number of company operating certificates or driver's permits.
- (f) A company operating certificate shall, at all time, during the period for which it is valid, be securely attached to a conspicuous place on the outer left rear portion of the pedicab for which it was issued. No pedicab shall operate without a company operating certificate affixed thereto that was issued pursuant to this subsection.
- (g) 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. Any agreement or arrangement between a company operating certificate holder and a third-party related to the rights, requirements, and responsibilities granted by the City is null and void and not enforceable by or against the City.
- (h) 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.
- (i) The company operating certificate holder shall maintain business and operations records in compliance with this article and any regulations of the passenger vehicle for hire manager.

- (j) A company operating certificate holder shall review the qualifications of any driver or person who wants to operate a passenger vehicle for hire under the company operating certificate. No company operating certificate holder shall permit or allow any driver or person to operate a passenger vehicle for hire under the company operating certificate if, after reasonable inquiry by the certificate holder, the driver or person fails to comply with the any sections of this article.
- (k) The failure of a passenger vehicle for hire company to comply with this section shall subject the its company operating certificate to revocation or suspension as provided in subsection 22-389. 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.

Sec. 22-386. - Application requirements.

- (a) All applications for a company operating certificate are to be submitted by the company owner(s), called the applicant(s), 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) A financial statement must be provided to the passenger vehicle for hire manager. The financial statement shall be in the name of the passenger vehicle for hire company requesting the company operating 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.
 - (3) The number of passenger vehicles for hire, if any, available for use by the applicant on the date of such application.
 - (4) The color scheme, including any uniforms, of the applicant.
 - (5) The make, type and passenger capacity of the passenger vehicle for hire available for use by the applicant.
 - (6) 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.
 - (7) The applicant's submittal of the following conditional information:
 - a. Existence of and access to a lawfully zoned deposit or terminal on private property;
 - b. Ability to provide adequate supervision of drivers operating under the company operating certificate;
 - c. 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.
 - d. 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;

- e. Evidence that the applicant satisfies, at the time of the application, the minimum number of passenger vehicles for hire required by subsection 22-385(d);
 - f. Evidence that the applicant satisfies the insurance limits for passenger vehicles for hire required by section 22-387; and
 - g. 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 applicant, 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, suspension, or revocation of a company operating certificate.
 - (c) In providing information required by subsections (a)(1), (a)(5) and (a)(6), for purposes of a renewal application, 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 the applicant at the time of application. For purposes of this subsection, pending criminal charges shall not include traffic infractions.
 - (e) It shall be the duty of each company operating certificate holder to submit to the passenger vehicle for hire manager any change in information required to be submitted pursuant to this article.

Sec. 22-387. - Insurance requirements.

- (a) Each pedicab company shall maintain a liability and property damage insurance policy insuring all of its pedicabs in the amount of, at least, five hundred thousand dollars (\$500,000.00) combined single limit for each accident, or bodily injury, death, and/or property damage written by a company authorized to transact business in the State of North Carolina and be rated B+ VI or higher by A.M. Best. Such policy indicating the liability amounts and the policy period must be provided to passenger vehicle for hire office prior to issuance or renewal of any company operating certificate. Each separate part of the pedicab shall have a serial number affixed thereto and shall be listed on the insurance certificate. All such policies shall be kept in full force and effect at all times while any pedicab is operated within the city, and must cover a minimum period of 12 months. Proof of such insurance must be maintained within the vehicle at all times when operated within the city.

- (b) Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the passenger vehicle for hire manager and an endorsement requiring 10 days' written notice of non-payment to the passenger vehicle for hire manager. In the event that a policy terminates or is cancelled without replacement, then the company operating certificate shall automatically terminate and all pedicabs operating under the company operating certificate shall not operate. Proof of insurance required in subsection (a) shall be carried by drivers at all times while operating a pedicab and shall be accepted only in the authorized form approved by the passenger vehicle for hire manager. A copy of the authorized form shall be placed on file for inspection in the offices of the passenger vehicle for hire manager.

Sec. 22-388. - Issuance or denial.

- (a) The passenger vehicle for hire manager shall authorize issuance to every applicant who files an application, as provided in this division, for a company operating certificate subject to the conditions this article may require and provided:
 - (1) Compliance with all provisions of section 22-385.
 - (2) Any outstanding or unpaid citations have been paid prior to submission of the application.
 - (3) 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. 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:
 - a. Sex offenses;
 - b. Felonious drug offenses;
 - c. Prostitution;
 - d. Felonies involving violence or attempted violence;
 - e. Gambling; and/or
 - f. Habitual criminal activity.
- (b) 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 or the courts of another state, or the federal courts. The passenger vehicle for hire manager, in his or her discretion, may deny issuance to any applicant who meets this requirement.
- (c) A company operating permit shall be valid for one year from the date of issuance.

Sec. 22-389. - Grounds for suspension or revocation

- (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 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 the application for a company operating certificate.

- (3) The company operating certificate holder ceases to operate all passenger vehicle for hire during a period of 180 consecutive days.
- (5) The company operating certificate holder commits any act with the intent to defraud its passengers.
- (6) The company operating certificate holder lacks the minimum number of passenger vehicles for hire, as required by subsection 22-385(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.
- (8) The company operating certificate holder committed, been convicted of or pled guilty or no contest to any of the offenses in section 22-388(a)(3).
- (9) The company operating certificate holder fails to pay any outstanding or unpaid citation
- (10) For the actions of any driver under section 22-397 and 22-398.
- (b) A company operating certificate may be suspended or revoked by the passenger vehicle for hire manager without a hearing. However, the passenger vehicle for hire manager shall send notice to the holder of the company operating certificate stating the reasons for the suspension and revocation and the right to appeal the suspension or revocation.
- (c) Company operating certificates may be suspended under this section for a period not to exceed six months.
- (d) 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.

Sec. 22-390 - Appeal

Any applicant denied a company operating certificate or has its company operating certificate revoked or suspended under this division may appeal pursuant to section 22-435. No application for a company operating certificate that is denied or revoked pursuant to this subsection and for which the denial or revocation is affirmed shall be accepted from the applicant within three years from the decision of the Pedicab Appeals Board.

DIVISION III – DRIVER’S PERMIT

Sec. 22-395. – Driver’s Permit required.

- (a) It shall be unlawful for any person to operate a pedicab service without first obtaining a valid driver’s permit pursuant to the terms of this division.
- (b) Each applicant for a permit required by this division 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;

- (7) Possess a valid North Carolina or South Carolina driver's license issued to the applicant (or issued within seven days of the date the applicant submits the application) that authorizes the applicant to lawfully operate the passenger vehicle for hire;
 - (8) Must show permission from the company operating certificate holder to operate a passenger vehicle for hire under the company operating certificate;
 - (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. The passenger vehicle for hire office shall conduct a criminal background check on the applicant on an annual basis;
 - (10) Produce evidence that the applicant has successfully passed a drug test within 14 days of submitting an initial application for a driver's permit or within 14 days of submitting an application to renew a driver's permit. The drug test must test for categories or types of drugs specified by the city. The drug test must be conducted by a facility that is approved by the passenger vehicle for hire manager or the city. 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 required drug test, they are not eligible to apply for a passenger vehicle for hire driver's permit, for a one-year period following the applicant failing the 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.
- (c) Each applicant must also inform the passenger vehicle for hire manager, in writing, if the applicant 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.
 - (d) No application for a driver's permit shall be accepted from an applicant who has criminal charges pending against the applicant at the time of application. For purposes of this subsection, pending criminal charges shall not include traffic infractions.
 - (e) No application for a driver's permit shall be accepted from an applicant who does not meet all of the requirements stated in subsection (b) of this section.
 - (f) It shall be the duty of each driver's permit holder to submit to the passenger vehicle for hire manager any change in information required to be submitted pursuant to this article.

Sec. 22-396. - Appearance.

- (a) It shall be the duty of every holder of a driver's permit to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with the requirements of this section at all times while operating a passenger vehicle for hire.
- (b) Each passenger vehicle for hire driver shall wear in plain view a tag containing the driver's name and the name of his company.
- (c) Each driver shall wear clean clothing consisting of closed toe shoes and socks, a collared shirt, pants or short 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.
- (d) Clothing that is not considered appropriate and is not permitted for holders of a driver's permit includes: underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, athletic shorts or trunks (jogging or bathing), or sandals.

Sec. 22-397 - Issuance or 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;
 - (2) Who has committed, been convicted of or pled guilty or no contest to any of the following:
 - a. A felony;
 - 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 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.;
 - 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, within a period of ten years immediately prior to the date of 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.
 - (4) Who does not fulfill the qualifications set forth in section 22-395.
 - (5) Who fails to pay any outstanding or unpaid citations 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 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;
 - (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 who within the past five years has any driving while impaired ("DWI") conviction or two or more arrests for DWI, within the state, or any comparable provision of the law of any other state, territory or possession of the United States of America.
- (d) A driver's permit shall be valid for two years from the date of issuance. A driver's permit is personal to the driver's permit holder to whom it is issued and may not be transferred or otherwise assigned.

Sec. 22-398. - Grounds for suspension or revocation

- (a) The passenger vehicle for hire manager may suspend or revoke a driver's permit upon the occurrence of any one of the following:
- (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 22-397(b); and/or
 - i. Failure to report any criminal charges within twenty-four hours.
- (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 22-395.
 - (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., (1)b., (1)d., (1)e., (1)f., (1)g. or (1)h. of this section; or
 - (7) Found by the passenger vehicle for hire manager to have failed to pay any outstanding or unpaid citations within 30 days from the date of assessment.

Sec. 22-399 - Appeal

- (a) Any applicant denied a driver's permit or has his driver's permit suspended or revoked under this division may appeal pursuant to section 22-435.
- (b) Once a permit has been denied, suspended, or revoked under this section and the decision is affirmed by the Pedicab Appeals Board, no application for a driver's permit shall be accepted from the applicant within three years from the decision of the Pedicab Appeals Board.

DIVISION IV - PEDICAB EQUIPMENT REQUIREMENTS

Sec. 22-405. - Pedicab condition.

- (a) It shall be unlawful for a driver to operate, or cause to be operated, a pedicab that is not in good working order, including, but not limited to, the operation of a pedicab that has:
 - (1) Exposed rust;
 - (2) Ripped upholstery or fabric;
 - (3) Visible chips or scratches on any painted surface;
 - (4) Exposed wood that is not painted and not in good condition;
 - (5) Exposed sharp edges;
 - (6) Dirt or debris on any surface accessible to patrons; or
 - (7) No manufacturer's serial or identification number on a pedicab.

Sec. 22-406. - Pedicab lighting and reflectors.

- (a) It shall be unlawful for any driver to operate, or cause to be operated, a pedicab that does not have the following:

- (1) *Headlights.* Every pedicab shall be equipped with a headlight capable of projecting a beam of white light for a distance at a minimum of 500 feet, which shall be clearly visible during nighttime hours and which must be illuminated at all times during operation.
- (2) *Tail Lights.* Every pedicab shall be equipped with a red tail-light affixed to the rear of the passenger compartment, which shall be clearly visible during nighttime hours from a distance of 500 feet to the rear of the pedicab and which must be illuminated at all times during operation.
- (3) *Reflectors.* Every pedicab shall be equipped with a slow moving vehicle triangle on the rear of the vehicle or reflective tape which outlines the rear of the pedicab from edge to edge.

Sec. 22-407. - Pedicab brakes.

- (a) It shall be unlawful for a driver to operate, or cause to be operated, a pedicab that is not equipped with a braking system capable of being manipulated by the driver from his normal position of operation and is capable of causing a pedicab with a loaded passenger compartment to come to a stop on dry, level, clean pavement.
- (b) Each pedicab shall be equipped with an operational brake or brakes which will enable its driver to stop the vehicle within 15 feet from a speed of ten miles per hour on dry, level, clean pavement. The brake systems shall demonstrate a reasonable total braking force when tested, using the "quick stop method."

Sec. 22-408. - Pedicab trailer; limitation on number.

It shall be unlawful to operate a pedicab with more than one attached trailer, sidecar, or similar device.

Sec. 22-409 - Pedicab width.

No pedicab shall be wider than 54 inches at its widest point.

Sec. 22-410 – Pedicab horn

A pedicab shall be equipped for sound produced by an electronic or mechanical device or instrument from the pedicab so that the sound is plainly audible at a distance of 25 feet or less from such pedicab.

Sec. 22-411 – Pedicab mirrors.

Every pedicab shall be equipped with a side mounted mirror affixed to the pedicab to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the pedicab.

Sec. 22-412 - Pedicab tires.

Tires shall be of the size appropriate for the pedicab and with no mismatched tires. There shall be no cuts into the tire or localized worn spots that expose the ply. No tire may be used when the tire has tread wear indicators that are visible.

Sec. 22-413 – Advertisements on pedicabs

No pedicab shall be equipped with any advertisement on the passenger vehicle for hire. A pedicab company may advertise its logo or insignia on the pedicab.

Sec. 22-414 – Credit card payment devices

All pedicabs shall be equipped with a credit card payment device for transacting and processing payments electronically. All receipts shall show the passenger vehicle for hire vehicle operating permit number, the driver's permit number and the date and the amount of fare paid. Any transactional or processing fees shall be disclosed to the passenger upon request. No driver shall refuse to provide a credit card payment device to any passenger requesting to make payments electronically.

Sec. 22-415. - Pedicab inspection

- (a) It shall be unlawful for any person to operate or cause to be operated any pedicab unless the pedicab has been inspected as required in this section and has a current and valid company operating certificate affixed in a manner and location prescribed by this article.
- (b) Each pedicab shall be inspected before it is initially placed into service and annually thereafter at such location as the passenger vehicle for hire manager may specify. The passenger vehicle for hire manager shall approve the pedicab if it is determined that:
 - (1) The pedicab is of the approved color scheme and is marked as provided in this article;
 - (2) The pedicab is in generally good working condition with no safety-related defects, including inspection or testing of the wheels, brake system, pedicab frame, passenger compartment, audible signaling device, steering mechanism, tires, front lamp, rear lamp, and all reflectors; and,
 - (3) The pedicab complies with all other requirements of this article.
- (c) Upon satisfactory completion of the inspection, the passenger vehicle for hire manager shall issue a company operating certificate for the pedicab. In any prosecution under this section, it shall be presumed that a pedicab has not been inspected as required in this section unless it has a current and valid company operating certificate affixed.
- (d) The passenger vehicle for hire manager may inspect any pedicab and any records or documents required to be carried in or on the pedicab at any time upon presentation of identification to the company operating certificate holder or driver's permit holder in order to determine compliance with the provisions of this article and the regulations adopted by the passenger vehicle for hire manager.

DIVISION V. - PEDICAB OPERATING REQUIREMENTS

Sec. 22-420. - Pedicabs operating on roadways.

- (a) All pedicabs operating on a roadway shall comply with all traffic laws of the state and applicable provisions of this Code.
- (b) All pedicabs operating on a roadway and moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:
 - (1) The pedicab is passing another vehicle moving in the same direction;
 - (2) The pedicab is preparing to turn left at an intersection or onto a private road or driveway or thru movement where there are right turn only lanes;
 - (3) A condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the pedicab from safely riding next to the right curb or edge of the roadway; or

- (4) The person is operating a pedicab in an outside lane that is:
 - a. Less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or
 - b. Too narrow for a bicycle and a motor vehicle to safely travel side by side.
- (5) There is a bicycle lane for use.
- (c) A driver operating a pedicab on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the right curb or edge of the roadway.
- (d) Drivers operating pedicabs on a roadway may ride two abreast on a laned roadway and shall ride in a single lane. Drivers riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Drivers may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles, tricycles, or other similar forms of non-motorized transportation.
- (e) Each driver shall pull the pedicab to the curb when loading or unloading passengers.

Sec. 22-421. – Operation of pedicab.

- (a) It shall be unlawful for any driver to:
 - (1) operate a pedicab: (a) while carrying a number of passengers that exceeds the number of passenger seats which such vehicle was designed to accommodate, or (b) while any passenger is standing or while any passenger is sitting anywhere other than in the passenger seat thereof; provided, however, that children aged 5 years old or younger, may be seated in the lap of another passenger and will not count as an additional passenger.
 - (2) collect fares, make change, or embark or disembark passengers while the pedicab is in motion.
 - (3) operate, park, stand, or stop the pedicab in a manner which violates any city ordinance or state law.
 - (4) operate, maneuver, incline, spin, tilt, tip, slope, or position a human-powered pedicab in any manner that would unnecessarily place a passenger in other than an upright seated position.
 - (5) operate a pedicab upon the sidewalk portion of a public right-of-way, except at the direction of a police officer or as necessary to access locations immediately adjacent to roadways through the use of points of ingress and egress made available for use by motor vehicles operating in compliance with all applicable traffic laws.
 - (6) operate a pedicab with sound produced by an electronic or mechanical device or instrument, aside from a horn, from the pedicab so that the sound is plainly audible at a distance of 25 feet or more from such pedicab.
 - (7) park on sidewalks unless designated by Charlotte Department Of Transportation as pedicab stands.
 - (8) use indecent or profane language while operating a pedicab.
 - (9) operate a pedicab unless it is equipped with a braking system in sufficient working order to control and stop the movement of the pedicab.
 - (10) operate a pedicab while carrying a package, bundle, or article if the package, bundle, or article prevents the driver from keeping at least one hand on the handbars.

- (11) operate a pedicab to knowingly permit a person riding a bicycle, coaster, sled, toy vehicle or roller skates to attach the bicycle, coaster, sled, toy vehicle, roller skates or that person to the pedicab.
 - (12) pick up or drop off any passenger or travel upon any street where the posted speed limit is greater than 35 miles per hour.
 - (13) operate the pedicab other than on or astride a permanent and regular seat attached to the pedicab.
 - (14) operate a pedicab that is not equipped with a radio, mobile telephone, or other means of two-way communication that may be used to request assistance in the event of an emergency.
 - (15) operate a pedicab in a manner that results in damage to public or private property.
 - (16) fail to exercise due care to avoid colliding with a pedestrian on any roadway or sidewalk.
 - (17) operate a pedicab on any street or upon an adjoining sidewalk that has been closed to vehicular traffic by barricade or similar barrier.
 - (18) refuse to board and convey a passenger on the basis of race, color, religion, sex, national origin, age, or disability, including the refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.
 - (19) stop or start to pick up or discharge any passenger in a taxicab zone or any other area designated for other categories of vehicles, including City metered spaces.
 - (20) operate a pedicab while having consumed any alcohol within the past twelve hours.
 - (21) transport or cause to be transported any passenger to any place other than as directed by the passenger.
 - (22) fail to comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken.
 - (23) use a lit cigarette, cigar, pipe, tobacco of any kind or incense while any passenger is being transported in a passenger vehicle for hire
 - (24) converse on a mobile telephone while passengers are inside the pedicab, unless there is an emergency.
- (b) It shall be unlawful for any person, while operating a pedicab, to obstruct the flow of pedestrian or vehicular traffic by remaining stopped by a sidewalk, except for the time period necessary to load or unload passengers. The Charlotte Department of Transportation shall have the authority to designate areas where passengers may be loaded or unloaded for pedicab service and, if designated, shall be used by driver.
- (c) It shall be unlawful to operate a pedicab that does not have a clearly visible manufacturer's serial or identification number. In the case of a pedicab that is not of unibody design, it is sufficient for purposes of this subsection that either the operator's portion or the passenger's portion of the pedicab contain the manufacturer's serial or identification number.
- (d) All pedicabs shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

Sec. 22-422. – Fares.

- (a) It is unlawful for a driver to charge a fare, that was not agreed upon in advance, to any passenger receiving pedicab service; provided, however, that if any passenger requests additional pedicab service after arriving at the prescribed destination then the driver and passenger must agree to the new destination and fare before continuing the pedicab service.
- (b) It is unlawful for the operator of a pedicab to demand a fare from a passenger after agreeing to provide the service for a gratuity only.

Sec. 22-423. - Receipt for payment of fare.

No driver, upon receiving full payment for a fare as authorized by this article, shall refuse to provide a receipt upon the request of any passenger. The driver of the pedicab shall have a receipt book or other electronic instrument capable of creating a payment record for this purpose.

Sec. 22-424. - Accident reports.

- (a) When a pedicab is involved in an accident or collision that results in any injury or damage to any person or property, including, but not limited to, damage to the pedicab, or injury of the driver, the driver shall report the accident or collision to the company operating certificate holder within twenty-four hours. The company operating certificate holder shall keep on the company operating certificate holder's premises records of all accidents and collisions upon forms to be promulgated by the passenger vehicle for hire manager, which shall include the following information:
 - (1) The company operating certificate holder's and the driver's names;
 - (2) The driver's license number; and
 - (3) The time and location of the accident or collision.
- (b) Upon one hour's prior request by the passenger vehicle for hire manager during normal business hours, the company operating certificate holder shall make the records available for inspection and copying.

DIVISION VI. – FINES AND PENALTIES

Sec. 22-430. - 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 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\$50.00
 - (2) Class B offense\$25.00
 - (3) Class C offense\$20.00Class 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 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. Additional penalties for class A offenses committed by drivers shall be as follows:
 - 1. Second violation of this article is \$100.00
 - 2. Third violation of this article is \$200.00
 - 3. Fourth or subsequent violation of this article is \$300.00
 - b. A person may be charged with a class A offense by operating a passenger vehicle for hire within the city without:
 - 1. 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 22-385.
 - 2. Having first obtained a passenger vehicle for hire driver's permit as required by section 22-395(a).
 - 3. 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 subsection 22-395(b)(7).
 - 4. A functional electronic credit card payment device required by subsection 22-414.
 - 5. Fulfilling the insurance requirements under subsection 22-387.
- (2) *Class B offenses.*
- a. Additional penalties for class B offenses shall be as follows:
 - 1. Second violation of this article is \$50.00
 - 2. Third violation of this article is \$100.00
 - 3. Fourth or subsequent violation of this article is \$200.00
 - b. A person may be charged with a class B offense by:
 - 1. 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 22-395(b)(8).
 - 2. Operating a passenger vehicle for hire within the city with an expired passenger vehicle for hire driver's permit in violation of subsection 22-395(a).
 - 3. 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 22-422.

4. Transporting or causing to be transported any passenger to any place other than as directed by the passenger in violation of subsection 22-421(a)(21).
 5. 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 22-421(a)(22).
 6. Failing to be dressed in a way so as to convey a neat and clean appearance in violation of section 22-396.
 7. 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 22-423.
 8. Failing to report an accident involving the operation of a passenger vehicle for hire in violation of section 22-424.
- (3) *Class C offenses.*
- a. Additional penalties for class C offenses shall be as follows:
 1. Second violation of this article is \$25.00
 2. Third violation of this article is \$50.00
 3. Fourth or subsequent violation of this article is \$100.00
 - 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 22-421(a)(23).
 2. Allowing the seating capacity of a passenger vehicle for hire to be exceeded in violation of subsection 22-421(a)(1).
 3. Refusing or neglecting to transport any person upon request in violation of subsection 22-421(a)(18).
 4. Failing to submit any change of information in violation of subsection 22-386(e) and 22-395(f).
 5. Failing to meet any of the equipment requirements in violation of subsection 22-405, 22-406, 22-407, 22-408, 22-409, 22-410, 22-411, 22-412, and 22-413.
 6. 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 22-420.
 7. Operating a passenger vehicle in violation of subsection 22-421(a)(4), 22-421(a)(7), 22-421(a)(12), and 22-421(b).
 8. 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 60 days after the city's mailing of the notice of violation, the passenger vehicle for hire manager shall suspend or revoke the person's company operating certificate 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 its company operating certificate prior to the expiration of its company operating certificate. This penalty shall be in the amount of \$25.00 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 its 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 \$175.00 in driver penalties shall result in a civil penalty of \$250.00
16—30	Annually, each \$325.00 in driver penalties shall result in a civil penalty of \$500.00
31—50	Annually, each \$625.00 in driver penalties shall result in a civil penalty of \$750.00
51—75	Annually, each \$925.00 in driver penalties shall result in a civil penalty of \$1,000.00
Over 75	Annually, each \$1,250.00 in driver penalties shall result in a civil penalty of \$1,500.00

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 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 this Code and state law.

Sec. 22-431 - Appeal

Any holder of a company operating permit or driver's permit may appeal the levying of any fine or penalty pursuant to section 22-435.

DIVISION VII. – PEDICAB APPEALS BOARD

Sec. 22-435. - Hearings.

- (a) The passenger vehicle for hire manager shall, within 24 hours of receipt, forward any appeal provided in subsection 22-390, 22-399, and 22-431 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 office.
- (b) The Pedicab Appeals Board shall be comprised of three members currently on the passenger vehicle for hire board. The chair of the passenger vehicle for hire board shall designate which members of the passenger vehicle for hire board to hear any appeals under this article and shall designate any chair of the Pedcab Appeals Board.
- (c) The appeal should be heard by the Pedicab Appeals Board at its next regularly scheduled meeting. The Pedicab Appeals Board shall hold hearings on an as-needed basis. 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.
- (d) 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 chair of the passenger vehicle for hire board at least seven business days prior to the date set for the hearing. For good cause, the chair of the passenger vehicle for hire board may reschedule a hearing for another date. The Pedicab Appeals Board shall render a decision on an appeal within five business days after the date of the hearing.
- (e) 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 Pedicab Appeals Board's decision shall be in writing with copies provided to all parties.
- (f) Hearings before the Pedicab Appeals Board shall be de novo. Final decisions of the Pedicab Appeals Board 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 Pedicab Appeals Board renders its decision. Final decisions of the Pedicab Appeals 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 Pedicab Appeals Board's decisions.
- (g) Following a hearing, the Pedicab Appeals 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 or driver's permit;

- (4) Authorize the issuance or renewal of a company operating certificate or driver's permit; or
 - (5) Impose such other lesser penalties as it deems just and appropriate.
- (h) A decision by the Pedicab Appeals Board not to renew, or to suspend or revoke a company operating certificate or driver's permit shall become effective immediately upon receipt of the Pedicab Appeals Board's decision by the holder of the company operating certificate or driver's permit, who shall immediately, upon receipt of the Pedicab Appeals Board's decision, surrender his company operating certificate, vehicle decal, and/or driver's permit to the passenger vehicle for hire manager. The period of suspension shall begin upon receipt of the surrendered company operating certificate or driver's permit to the passenger vehicle for hire manager.

COUNCIL WORKSHOP AGENDA ITEM SUMMARY

TOPIC: MPO Planning Area Boundary Expansion

COUNCIL FOCUS AREA: Transportation and Planning

RESOURCES: Robert Cook, Planning

KEY POINTS:

- The substantial increase in the size of the Charlotte urbanized area will result in the expansion of the Mecklenburg-Union MPO's planning area.
- The planning area will expand into Iredell County as far north as Statesville, and west to include eastern Lincoln County. The town of Marshville in Union County will be added to the planning area.
- Voting membership could increase from the current 17 voting members to as many as 31.
- The expansion has generated the need to rewrite the MPO's Memorandum of Understanding (MOU).
- A subcommittee of the MPO is now working on revisions to the MOU. Key issues include:
 - voting
 - quorum requirements
 - possibly distributing the local match required for the use of federal funds to all member jurisdictions (the City now supplies most of the match)
 - fee assessment methodology
 - staff resource needs
- The subcommittee could complete its work as early as March.
- This matter has been discussed before the Transportation & Planning Committee. Committee members expressed concern with the City's vote share and how supplying the local match is largely a City responsibility.

COUNCIL DECISION OR DIRECTION REQUESTED:

Council will be asked to authorize the Mayor to sign the revised MOU. The request could be made as early as April.

ATTACHMENTS:

None.