MINUTES
City Council Public Safety Committee

Monday, December 22, 2025 – 3:30pm
City Hall, Council Chambers

Members Present:	Aaron Baker, Chair, Council Member Dean Lytle, Vice Chair, Council Member Kevin Gallo, Citizen Member Mayor Maureen Copelof, Ex-Officio Member
Staff Present:	Wilson Hooper, City Manager Chase Owen, Fire Chief Jack Moorman, Interim Police Chief Becky McCann, Communications Coordinator Denise Hodsdon, City Clerk
Members of Public:	Harvey Sankey and Joseph Shadel

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:31 pm.

B. Certification of Quorum

City Clerk Denise Hodsdon certified that a quorum was present.

C. Approval of Agenda

Mr. Lytle moved, seconded by Mr. Gallo to approve the agenda as presented. The motion carried unanimously.

D. Update on Traffic Calming Measures

Mr. Hooper reviewed the attached Traffic Calming & Safety Project Status spreadsheet. There was discussion regarding the following projects:

Line 7 – Carolina Ave. traffic calming: Mr. Hooper reported that NCDOT policy does not allow them the put speed bumps on thru roads. We would have to take ownership, which they would be willing to do, but because it is outside city limits, the City would not get Powell Bill funds for that section. He asked the committee to ponder whether that trade off just to extend our traffic calming project a little

farther would be worth it. He said some of the measures staff has as talked about are speed humps like on Probart, chicanes, a neighborhood traffic circle, and a new experimental measure that would make it controlled one lane travel at a time. Mr. Baker mentioned that the speed limit goes up on the city side and we could fix that relatively easily by changing the Traffic Schedule. He feels it would make sense for the speed limit to be the same along the length of the road. Mr. Hooper will go back to NCDOT and let them know we would like to make it consistent and then bring it back to the committee.

Line 11 – Park Ave., Park View, Elm Bend – Related to this, Mr. Baker said he has had a couple people ask him about the crosswalk from Silvermont across 276. There are no pedestrian crossing warning lights at the crosswalk and because of the curve in the road and the number of children that cross there, he thought we should bring that up with NCDOT. Mr. Hooper recalled that we had a reconfiguration proposal on the table a while back that didn't get funded, and one of the things we learned from NCDOT at the time is that they know this one is probably not going to qualify on data alone because even though it is a sketchy one to cross, there haven't been any crashes and the volume is reasonable for that road. However, they were willing to consider anecdotal evidence of near misses, so if constituents were to share their stories with us we can send those along.

Line 13 – Fisher Rd. – Mr. Hooper recalled that there was discussion with NCDOT about the City taking ownership of Fisher Rd. in exchange for Morris Rd, which we currently own. They indicated that new Powell Bill laws prevent the state from taking ownership of any new municipal roads. They are still willing to give us Fisher Rd., and we would get Powell Bill funds for it. He asked the committee to also ponder whether it is worth it for us to assume responsibility for Fisher Rd. and open up the playbook for different types of traffic calming measures there.

Line 16 – High School/Country Club Rd. – Mr. Lytle mentioned that there is a new law that authorizes enforcement of school zone speed limits with automated cameras, and Chief Owen added that it allows for the city and/or county and the board of education to enter into provisions to cost-share. Mr. Hooper cautioned that even with a willing partner, there would be some policy questions to tackle. There was consensus that it is worth bringing up with the county and school board.

Line 28 – Excessive speed on West Main – Mr. Hooper noted that the note about inconsistent speed limits is wrong, and that it is 20 mph up to the school system building. Mr. Baker asked to have the actual data available for the next meeting.

Mayor Copelof mentioned that we have been tracking two projects with NCDOT, which are fully funded by them, and she asked to have those added to the spreadsheet:

1. Gallimore Rd. traffic signal – should see work begin in January and NCDOT hopes to have working by early March
2. Strauss Park / Hospital Dr. project – addition of a crosswalk and ADA ramp from Strauss Park to Hospital Dr. They are hoping to have the same concrete company do that work after Gallimore

Mr. Baker noted that there are no crosswalks across S. Broad St. between Rosman Hwy. and Morgan St. and he asked that be added to the list of items to discuss with NCDOT.

E. Vehicles for Hire / Taxicab Update

Mr. Hooper presented the attached first draft of amendments to the Vehicles for Hire / Taxicab ordinance for the committee's review. He noted that this draft removes the definition of "taxicab" and adds a broader definition of "vehicle for hire". Mr. Baker noted that we can't regulate Uber of Lyft and suggested that the state statute be referenced in the ordinance.

There was discussion regarding rates and Mr. Hooper said he feels that setting the price may have the effect of limiting competition, and it would not apply to things like a hotel shuttle. He is proposing removal of any restrictions or regulations on rates to both streamline the ordinance for all types of vehicles, and to induce some additional competition in the area.

Interim Chief Moorman noted that since a taxi rate is per mile, if there are no limits and they are the only option, they could charge whatever they want. He said he would be in favor of a limit per mile.

Mr. Baker we could set the rate now, but I don't know how that compares to what Uber and Lyft are currently charging and they obviously change what they charge constantly. I don't know how nimble the city can be—are we going to change that rate every year, or are we going to update it...I don't know, it's tough.

Chief Owen said with the desired effect for the elderly you're going to have to take into account whatever Medicare's max rate billing is. Mr. Baker thought that might be a good next step to find out what their rates are and try to match it up with that.

Section 78-36 – Mr. Hooper asked if we want to prohibit "hailing a cab" and make it only legal to get a vehicle for hire via electronic means? The committee felt it most likely wouldn't be an issue and allowing that would give them an option.

Mr. Hooper will contact the County to see if they are waiting for us to certify the new taxicab applicant, and if they are, he may just bring him through the current regulations. He will bring back an updated draft at a future meeting.

Additional Committee Comments/Discussion:

Mr. Baker asked if the booting policy is ready to go. Mr. Hooper reported that we just learned that our vendor gives us the option to send letters to overdue violators reminding them that they have a ticket due, and we want to avail ourselves of that option to try to increase our collections, and to alert them that too many unpaid tickets could affect their registration of that vehicle. We will go back six months and mail letters to those folks. Interim Chief Moorman reported that staff will meet next week to work on finalizing the policy. Mr. Baker suggested that the committee discuss the policy again at the next meeting.

Mr. Baker mentioned that in the last year the County has made changes with their fire departments in terms of staffing, funding, and the fire tax. As we head into budget season, the contract we have with the County comes up every year and he wants to make sure we stay on top of that and there is clear communication on our side about our stance with that. Mr. Hooper said staff will bring a briefing on that to the January or February meeting.

Interim Chief Moorman mentioned the recent chase that happened a couple weeks ago where a suspect took off in one of our police vehicles, and that is a chase that has to be stopped. Our personnel are not trained in PIT maneuvers, and we had no choice but to allow the chase to continue into Henderson County, who is trained in it, and they brought the chase to an end. He said it would have been a beneficial tool for us in that circumstance. The Sheriff's Department is not trained in it either, but they have been discussing it. Staff has a copy of Henderson County's policy, and he suggested that that may be something for discussion at a future meeting.

F. Public Comment

Harvey Sankey asked if there was any way the officer could have disabled the engine on the car to prevent it from going forward. Interim Chief Moorman said that is something the Department is looking into. Mr. Sankey commented that the slip lane going into Strauss Park is too short. Mr. Baker agreed that there isn't much room there and people think the car that is turning is out of the travel lane, but it's not. He pointed out that if they are putting a crosswalk there, it could be putting pedestrians in danger. Mr. Sankey mentioned that the Police Department had three cadets graduate recently and asked what's the process now? Interim Chief Moorman explained that they will start their field training, which takes approximately three months, before they can work independently on their own. He reported that there are two more cadets for the academy starting in January.

Joey Shadel continued to advocate for traffic calming on W. Main St. past the Galloway/Mills intersection going down the hill where the road narrows out. He said I come with an update that I have some signatures from neighbors living on that street. I have collected seven here and if I go back out I would probably come

back with another seven. He shared some of the stories he has heard from the residents on the street. He said we are adjusting our behaviors because of the increase in volume and speeds, and everyone is citing that the traffic calming on Probart was a key change in when that behavior shifted, as it diverts traffic down W. Main now.

G. Set Date for Next Meeting – January 26, 2026 at 3:30pm

The next meeting was scheduled for Monday, January 26, 2026, at 3:30 pm.

H. Adjourn

There being no further business, the meeting was adjourned at 5:30 pm.

Minutes Approved: March 23, 2026

X _____
Aaron Baker, Chair, Council Member or
Dean Lytle, Vice Chair, Council Member

X _____
Denise Hodsdon
City Clerk

Traffic Calming and Safety Project Status 12/22/2025

IDENTIFIER	PROJECT	DESCRIPTION	STATUS	NOTE
1	W. Probart/Railroad intersection improvements	Move stop sign/stop bar slightly east to provide more space for traffic collection; increase SB curb radius to ease turning movements onto WB Probart, add double sided RRBCs.	RRBCs scheduled to be shipped on 12/17, weather and staffing allowing intersection changes should be in place by end of February, hopefully sooner personnel and weather allowing.	
2	Railroad/McClean path crossing improvement	Replace one-sided RFBs with two-sided; create ADA accessible "landing pads" on both sides of crosswalk	RRBCs scheduled to be shipped on 12/17, weather and staffing allowing intersection changes should be in palce by end of February hopefully sooner personnel and weather allowing.	
3	E. Probart crossing at Broad St.	Enhanced signage to warn motorists of pedestrians	Installed pedestrian and traffic warning signs, painted the crosswalk. Waiting on McAdams review one way travel on Probart, Broad to court house parking. Traffic data has been requested from Police. Stripes have been repainted after NCDOT repaving	
4	Estatoe boardwalk repair Section 1, behind McDonalds	Repair/replace/reconfigure boardwalk sections of Estatoe Trail.	Seeking a FLAP Grant to place this portion on grade, possible award in 2026	PTR comm. has agreed that this should be staff focus for the year to come
5	Estatoe boardwalk repair Section 2, behind Aldi	Repair/replace/reconfigure boardwalk sections of Estatoe Trail.	Seeking a FLAP Grant to place this portion on grade, possible award in 2026	PTR comm. has agreed that this should be staff focus for the year to come
6	Estatoe temporary trail	Gravel path along old railbed	Temporary trail is largely complete pending Pender and Fisher crossings. PTR has endorsed a temp solution for Pender Ln treatments. The changes should be in place by the end of March hopefully sooner personnel and weather allowing.	
7	Carolina Ave. traffic calming	Possible traffic calming measures on Carolina Ave. north of intersection with Shipman	Continuing to review with our traffic consultants. Considering possible impact of speed breakers to other roads that might become drive arounds. Will discuss with NCDOT the possiblity of adding speed bumps on their portion at the next quarterly meeting. Staff designing a proposal for PSC and City Council review	Inquired with NCDOT about speed bumps on a portion of their stretch via encroachment agreement? They said the new PB standards say they can't put them on thru roads. We'd have to take ownership, which they'd be willing to do, but since it's outside city limits we wouldn't get PB funds for it.
8	Four-way stop near Silversteen Park	Add stop sign at Mills Ave. to create four-way stop near Silversteen Park	Final layout received from our Traffic Consultant. Signs have been ordered, hoping to have this implementd by end of February weather and staffing allowing.	Need to advertise traffic change and install "New Traffic Pattern" signs

9	Oaklawn/Main St. four-way stop	Add stop signs/stop bars on Main St. to create four-way stop	Final layout received from our Traffic Consultant on 11/19/25. Signs have been ordered, hopnig to have this implementd by end of February weather and staffing allowing.	Partially complete. Signs and stop bars installed. Striping still needs to be adjusted.
10	Oaklawn/Carver four-way stop	Add stop sign at EB Carver to create four-way stop	Final layout received from our Traffic Consultant on 11/19/25. Signs have been ordered, hopnig to have this implementd by end of February weather and staffing allowing.	Need to advertise traffic change and install "New Traffic Pattern" signs
11	Park Ave, Park View, Elm Bend. traffic calming	Constituent request for consideration	Initital data collection complete and data review is is process. Plans are to continue data collection while school is in session as previous collection occurred during the summer.	Data collected during summer. Need school-year data. Addl. data collection scheduled (or is occuring, need to check)
12	Pisgah Church Dr. traffic calming	Constituent request for consideration	Data collection scheduled	
13	Fisher Rd. traffic calming	Constituent request for consideration	Discussed with NCDOT 8/29/25. NCDOT indicates they are flexible in regards to trail crossing and willing to consider ownership swap.	At last discussion, NCDOT is still willing to transfer ownership, but new PB laws say they can't accept ownership of any new in-town roads, thus preventing a Morris for Fisher swap.
14	No Turn On Red where Bike Paths are crossed, Deer Lake Road, Jackson Court, Osbourne, temporary until R5800 is complete.	Constituent request for consideration	Discussed with NCDOT on 8/29/25. NCDOT is reviewing mast arms to see if they can support associated signage. NCDOT said maybe to painting trail crossing with the Ecusta Trail Logo at Deer Lake, Pisgah Heights, Jackson Court	
15	Add traffic calming to Oakdale, near	Constituent request for consideration	Under discussion	Add to data collection schedule
16	Flashing Yellow light and enhanced crosswalk, Highschool to dirt parkng a across Country Club Road. Consider addition of speed bumps or rumble strips	High School has requested rumble strips	Discussed with NCDOT on 8/29/25, they are evaluating traffic calming options they deem acceptable. NCDOT indicated rumble strips and speed humps will not be considered. School claims NCDOT told us we could do what we want. This is counter to what others at NCDOT said. Trying to verify the school's claim.	NCDOT has submitted a request to their district office under a "vulnerable user" program that has its own funding. RRFP, refreshed paints and other visible things, but not elevated crosswalk. We made case for sight lines requiring something else. They said they'd review those.
17	Can speed be reduced on shared bike lanes on French Broad	Constituent request for consideration	Under discussion	
18	Can Morgan Street be made a bike boulevard	Constituent request for consideration	Under discussion in Downtown Master Plan	
19	Can the Bike Ped Plan be reviewed for safety concerns and address those on a higher priority	Constituent request for consideration	Under discussion	
20	Can we review the number of light changes per crosswalk crossing at 276/Elm/Park View at school crossing	Constituent request for consideration	Needs to be discussed with NCDOT at next quarterly meeting	Discussed with NCDOT. They seem satisfied with the light's programming.
21	Ecusta Road signage warning of upcoming trail crossings	Constituent request for consideration - Need to verify if this has been done	To be addressed by a coming STIP Project, have asked NCDOT if signs can be added, awaiting their approval	NCDOT has updated the existing with taller and more visible signs.

22	Secondary egress from Cherry St area	Constituent request for consideration - Need to follow up with McGill	Public Safety agreed to review one emergecny exit route versus 4 as originally proposed. Update proposal received from our designer on 11/24/25, in review now.	
23	Trail crossing signs and better marking by Pisgah Heights	Constituent request for consideration	Repaint faded crosswalk add signs, waiting on NCDOT. Staff will schedule this work.	NCDOT has argeed to do it when they're out doing others. Timing unknown.
24	Deerlake Road sidewalk extension	Constituent request for consideration	Cost estimated by Public Works to be $20k for materials, work could be done in house as time allows, double cost if contracted. Wilson to discuss with home owners association.	
25	Better trail marking/ safety improvements by Deerlake Rd/AVL Highway, pernament per R5800.	Constituent request for consideration	Conversations continue with NCDOT to updated R5800 plans to include better bike/ped design features here	
26	Deer Lake Crossing Signal Light	Constituent request for consideration	Reviewing with NCDOT - There is no sigalized crossing, needs to be added.	They've got "Yield to Ped" signs on left turn in and right turn out. And
27	Jake Brake Signs	Constituent request for consideration	Signs are being replaced with larger signs in new locations. PW has the locations and will begin installing signs this week with plans to complete all signs by the end of next week.	Some new signs have been posted. The remainder are being gradually installed.
28	Excessive speed on West Main, 200 block due to traffic on Probart rerouting around speed bumps. What traffic control measures can be put in place?	Constituent request for consideration	Just recently completed additional data collection. Need to review it.	Updated data shows significant speed on straightaway, fewer violation in residential area, but also inconsistent speed limits.
29	Excessive speed on Maple. What traffic control measures can be put in place?	Constituent request for consideration	Data collection underway	
30	Review intersection of Carver Street and Oakdale Street and Cashiers Valley Road below MJCCC	Constituent request for consideration	Alternatives under discussion with TCWT	
	RESOLVED OR COMPLETED ITEMS			
1	Jailhouse Hill Line Painting	Constituent request for consideration	Completed	NCDOT
2	Line Painting in front of Ingles	Constituent request for consideration	Completed	NCDOT
3	Railroad Avenue parking	City intiated prohibition for public safety reasons	Complete	
4	Crosswalk Indicators not working, French Broad/Caldwell	Constituent request for consideration	Complete	
5	Crosswalk Indicators not working, French Broad/Broad	Constituent request for consideration	Complete	
6	Crosswalk Indicators not working, Main/Caldwell	Constituent request for consideration	Complete	NCDOT
7	Reflective Tape on Benches at Jordan Street Bump Out	Constituent request for consideration	Complete	Will be reviewed again later if deemed problematic
8	Bicycle Accident Barclay Road due to ignored Road Closure Barricades	Constituent request for consideration	Complete	NCDOT - Estimated Completion by 10/1/25

PART II: CODE OF ORDINANCES

CHAPTER 1. GENERAL PROVISIONS

1-2. Definitions and rules of construction.

~~**Driver's license:** When referring to taxicab drivers, the permission granted by the city to a person to drive a taxicab upon the streets of the city.~~

Manifest means a daily record prepared by a taxicab driver of all trips made by the driver, showing time and place of origin, destination and number of passengers.

Rate card means a card issued by the city for display in each taxicab, which card contains the rates of fares then enforced.

~~**Taxicab** means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than six persons and not operated on a fixed route.~~

Vehicle for hire means any vehicle providing public passenger transportation for a fee, from a point originating or terminating within the city's jurisdiction, including taxicabs, limousine, hotel shuttles, and passenger van services

Waiting time means the time when a taxicab is not in motion from the time of acceptance of a passenger to the time of discharge, but it does not include any time that the taxicab is not in motion due to any cause other than the request, act or fault of a passenger.

CHAPTER 78. VEHICLES FOR HIRE

Cross reference(s)—Businesses, CHAPTER 22; traffic, CHAPTER 66.

State law reference(s)—Authority to regulate, G.S. 160A-304.

ARTICLE I. IN GENERAL

78-1. Advertising on or in vehicles.

Subject to the rules and regulations of the state, it shall be lawful for any person owning or operating a ~~taxicab or other motor~~ vehicle for hire to permit advertising matter to be affixed or installed in or on such ~~taxicabs or other~~ motor vehicles for hire.

(Code 1980, § 18-1)

Cross reference(s)—Advertisements, § 42-1.

78-2. Vehicles ~~other than taxicabs~~for hire.

A. *Purpose.* The purpose of this section is to ensure the public safety through the minimal regulation of public vehicles for hire.

B. *Definition.* The following definition shall apply with respect to vehicles regulated pursuant to this section:

Vehicle for hire means any vehicle providing public passenger transportation for a fee, from a point originating or terminating within the city's jurisdiction, including taxicabs, limousine, hotel shuttles, and passenger van services ~~but excluding taxicabs, which are regulated in article ii. (See G.S. 20-87, 160A-579(12).~~

C. *Requirements.* The owners of all vehicles for hire shall apply to the city clerk annually for certification to operate their vehicle for hire within the city's jurisdiction. Such application shall contain their full names and addresses, the number, make, model of all vehicles for hire in operation, and shall state that:

1. All such vehicles have met all state inspection requirements and are in good working order;
2. All such vehicles have met all of the city's rules and regulations regarding cleanliness and sanitation, as referred to ~~(with respect to taxicabs)~~ in section 78-~~33~~32;
3. All drivers are duly licensed to operate such vehicles;
4. All such vehicles are fully insured with regard to liability for personal injury and property damage, to the extent required by state law;
5. To the extent that it may be applicable, all such vehicles have been approved by the state utilities commission or such other regulatory agency as may have jurisdiction over the matter.

Upon the completion of such application, the city clerk shall certify the applicant to operate such vehicle for hire.

D. *Inspections.* Every vehicle operating under this section may be periodically inspected by the police department at such intervals as may be established by the chief of the ~~Department~~ department to ensure the continuing maintenance of the vehicle in a safe operating condition.

E. *Violation.* Any violation of this section shall be punishable as a Misdemeanor or Infraction with fine up to $500.00 per G.S. 14-4. In addition, any violation shall be grounds for refusal to issue or renew the owner's certificate to operate vehicles for hire within the city's jurisdiction. Upon a failure to submit to the inspection required by subsection 78-2.D or upon a failure to pass such inspection, the owner's certificate to operate the vehicle shall be immediately revoked.

Commented [WH1]: Mack checking to make sure this is still legal after NCGS 160A-175. But he suggests preparing a civil alternative and keeping in a certification that we could revoke as part of the sanction.

(Ord. No. 3-98, § 1, 3-16-98; Ord. No. 2021-48 , § 1(Exh. A), 11-15-21)

Editor's note(s)—Section 1 of Ord. No. 3-98, adopted March 16, 1998, added § 78-90. For purposes of classification, such section was included herein as § 78-2 at the discretion of the editor.

78-3—78-30. Reserved.

ARTICLE II. TAXICABS

Cross reference(s)—Refusing to pay taxicab fare, § 42-8; use of taxi stands, § 66-130.

DIVISION 1. GENERALLY

78-31. Reserved.

(Code 1980, § 18-20; Ord. No. 2023-43, § 1(Exh. A), 9-5-23)

Editor's Note—Ordinance 2023-43 transferred the contents of this section to City Code § 1-2.

78-32. Inspection of vehicles; vehicle license; maintenance.

A. *Initial inspection; issuance of license.* Prior to the use and operation of any vehicle under the provisions of this article, it shall be thoroughly examined and inspected by the police department and found to comply with state safety and equipment requirements and such reasonable rules and regulations as may be prescribed by the city manager. When the police department finds that a vehicle has met the standards as established by the city, the city clerk shall issue a license to that effect, which shall also state the authorized maximum seating capacity of the vehicle.

B. *Periodic inspections.* Every vehicle operating under this article may be periodically inspected by the police department at such intervals as shall be established by the chief of the department to ensure the continuing maintenance of safe operating condition, but at least once each year.

C. *Condition of vehicles.* Every vehicle operating under this article shall be kept in a clean and sanitary condition according to rules and regulations promulgated by the city manager.

(Code 1980, § 18-36)

78-33. Identification on vehicles.

~~Each taxicab shall bear on the roof thereof an electrically lighted sign or device bearing the name of the owner or cab company, and in addition may bear on the outside of each rear door an identifying design approved by the chief of police.~~Each vehicle shall bear in a conspicuous location on the exterior of the vehicle a sign or device bearing the name or identifying mark of the company dispatching the vehicle, and contact information for said company.

(Code 1980, § 18-37)

78-34. Rates of fare; odometer; rate card.

~~A. Rates for the use of taxicabs within the city limits shall be based upon mileage. Customers using taxicabs shall pay the following charges:~~

~~1. Eight dollars for the first mile of travel and $0.40 for each one-tenth of a mile of travel thereafter.~~

~~2. There shall be an additional charge of $1.50 for each ten minutes of waiting time or major fraction thereof. No charge for waiting shall be made unless at least five minutes of waiting time shall have passed.~~

~~3. There shall be a charge of $0.25 for each trunk or piece of heavy baggage handled.~~

~~4. There shall be an additional charge of $0.50 for handling groceries or laundry if the driver is required to leave the vehicle.~~

~~B. The mileage charged a customer shall be based upon the odometer reading of the taxicab. The owner of the taxi company shall cause each vehicle under his ownership and in active use for purpose of vehicles for hire to be inspected for accurate odometer readings at least semiannually. The owner must maintain the inspection records for each vehicle and make the records available for inspection by the city and the public. Upon inspection, if any odometers are found to be inaccurate, the owner shall cause the odometer to be repaired and appropriate records maintained.~~

Commented [WH2]: Big policy question here. Do we want to eliminate fare minimums? Doing so would make consumer-friendly competition more likely. But it could also create an environment where a lone provider could charge high fares.

A. Every ~~taxicab~~ vehicle for hire operated under this article—if it charges fares—shall have a rate card setting forth the authorized rates of fare and displayed in such a place as to be in view of all passengers. Further, the

odometer in each ~~taxicab~~ vehicle for hire shall be kept clear of any obstructions in order for customers to view the odometers to ensure proper mileage charges. Or the vehicle must use a meter or other visible display so that passengers may view their accruing fare.

~~C.~~B. Dynamic fares and surge pricing permitted, but vehicles for hire shall not adjust fares mid-trip. Passengers must be able to reasonably estimate the total cost of the trip at the time of reservation.

(Code 1980, § 18-38; Ord. No. 17-00, § 1, 7-17-00; Ord. No. 22-05, § 1, 9-19-05; Ord. No. 8-08, § 1, 5-19-08; Ord. No. 2022-13 , 4-4-22)

78-35. Receipts.

The driver of any taxicab shall, upon the request of any passenger, render to such passenger a receipt upon which shall be the name of the owner, the amount of the charges and the date of transaction.

(Code 1980, § 18-39)

78-36. Passengers generally; solicitation of passengers; cruising.

A. *Driver to remain in or adjacent to vehicle.* No driver shall solicit passengers for a ~~taxicab~~ vehicle for hire except when sitting in the driver's compartment of such ~~taxicab~~ vehicle or while standing immediately adjacent to the side thereof. The driver of any ~~taxicab~~ vehicle shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is on the public street, except that when necessary a driver may be absent from his ~~taxicab~~ vehicle for not more than ten consecutive minutes. Nothing contained in this section shall prohibit any driver from alighting to the street or sidewalk for the purpose of assisting a passenger into or out of such vehicle.

B. *Prohibited methods of solicitation.* No driver shall solicit patronage in any manner to annoy any person or obstruct the movement of any person or follow any person for the purpose of soliciting passengers.

C. *Receipt and discharge of passengers.* Drivers of ~~taxicabs~~ vehicles for hire shall not receive or discharge passengers in the roadway except as set out in this section, but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, pull to the extreme right-hand side of the road and receive or discharge passengers; except that upon one-way streets passengers may be discharged at either the right-hand or left-hand sidewalk or side of the roadway in the absence of a sidewalk.

D. *Cruising.* No driver shall cruise in search of passengers.

E. *Additional passengers.* No driver shall permit any person to occupy or ride in the ~~taxicab~~ vehicle for hire unless the ~~person~~ parties first employing the ~~taxicab~~ vehicle for hire shall consent to the acceptance of the additional passengers.

F. *Restriction on number of passengers.* No driver shall permit more persons to be carried in a ~~taxicab~~ vehicle for hire as passengers than the authorized maximum seating capacity of the ~~taxicab~~ vehicle as stated in the license for the vehicle issued by the city clerk. ~~A child in arms shall not be counted as a passenger.~~

~~G. *Refusal to carry passengers.* No driver shall refuse or neglect to convey any orderly person upon request, unless previously engaged or unable or forbidden by the provisions of this article to do so.~~

~~H.~~G. *Position of passengers.* It shall be unlawful for the driver of any ~~taxicab~~ vehicle to permit any person to ride other than within the passenger compartment of the vehicle, and it shall be unlawful for any such person to ride other than within the passenger compartment of the vehicle.

(Code 1980, § 18-40)

Commented [WH3]: Do we want to prohibit the solicitation of passengers in this manner? Replace this whole section with something akin to:

Reservations: Vehicles for hire must be reserved by prospective passengers by telephone or electronic means only, or provided as a supplementary service to the owner's primary service (such as a hotel shuttle). Vehicles for hire may not solicit passengers, nor collect passengers attempting to "hail a cab".

78-37. Sale of intoxicating beverages; soliciting for prostitution; use of vehicle for purpose other than transporting passengers.

It shall be unlawful for any driver of a ~~taxicab~~ vehicle for hire to engage in selling intoxicating beverages or solicit business for any house of ill repute or use his vehicle for any purpose other than the transporting of passengers.

(Code 1980, § 18-41)

Cross reference(s)—Consumption or possession of alcoholic beverages in public places, § 42-3.

78-38. Manifest.

A. Every ~~driver~~ person or entity that operates a vehicle for hire shall maintain a daily manifest upon which are recorded trips that are made each day showing time and place of origin and destination of each trip, and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the city manager.

B. ~~Every holder of a certificate of public convenience and necessity~~Vehicles for hire regulated under this chapter shall retain and preserve all manifests in a safe place for at least the calendar year next succeeding the current calendar year, and all manifests shall be available to the police department for examination at any time.

(Code 1980, § 18-42)

78-39. Quality of service.

All persons engaged in the ~~taxicab~~ vehicle for hire business in the city shall render an overall service to the public desiring to use vehicles for hire~~taxicabs~~. Holders of the city's certification shall maintain a central place of business for the purpose of receiving calls and dispatching ~~cabs~~vehicles, and may provide an alternate telephone where calls are to be received during other than usual business hours. They shall answer all calls received by them for services inside the city as soon as they can do so, and, if such services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. Any holder who shall refuse to accept a call anywhere within the city at any time when such holder has available ~~cabs~~vehicle, or who shall fail or refuse to give overall service, shall be deemed a violator of this article, and the certificate granted to such holder may be revoked at the discretion of the city ~~council~~manager.

Commented [WH4]: Needs some updating, but a paragraph expressing the service expectation is important to have.

(Code 1980, § 18-43)

78-40—78-60. Reserved.

~~DIVISION 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY~~

~~78-61. Required.~~

~~No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without having first obtained a certificate of public convenience and necessity from the city council.~~

~~(Code 1980, § 18-21)~~

78-62. Application.

An application for a certificate shall be filed with the city clerk upon forms provided by the city. The application shall be verified under oath and shall contain the following information:

A. The name and address of the applicant.

B. Financial status of the applicant, including all unpaid judgments against the applicant and the nature of transactions or acts giving rise to such judgment.

C. The experience of the applicant in the transportation of passengers.

D. Any facts which the applicant believes tend to prove that public convenience or necessity requires the granting of a certificate.

E. The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.

F. The identification to designate the vehicles of the applicant.

G. Such further information as the city council may require.

(Code 1980, § 18-22)

78-63. Public hearing.

Upon the receipt of an application, the city council shall fix, as soon as reasonably possible, a time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall also be given the general public by publishing a notice of such hearing in a newspaper having general circulation within the city. Any interested person may file with the city council a memorandum in support of or in opposition to the issuance of a certificate.

(Code 1980, § 18-23)

78-64. Issuance.

A. If the city council finds that further taxicab service in the city is required by the public convenience and necessity and the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this article and the rules promulgated by the council, and that the applicant has filed proof of financial responsibility as required by state law, the council shall direct the city clerk to issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate, and the date of issuance. Otherwise, the application shall be denied.

B. In making these findings, the council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public needs, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant.

(Code 1980, § 18-24)

State law reference(s)—Financial responsibility of taxicab operators, G.S. 20-280.

78-65. License fee.

~~No certificate shall be issued or continued in effect unless the holder thereof has paid an annual license fee each year for each vehicle authorized under a certificate of public convenience and necessity. The license fees shall be for the fiscal year ending June 30 and shall be in addition to any other license fee or charges established by proper authority and applicable to the holder or to vehicles under the operation and control of the holder. The license fee shall be set forth in the schedule of taxes, fees and charges of the annually adopted budget ordinance for the City of Brevard.~~

~~(Code 1980, § 18-25; Ord. No. 12-2011, § 8(Exh. H), 6-20-11, eff. 7-1-11)~~

78-66. Transfer.

No ~~certificate of public convenience and necessity~~city certification may be sold, assigned, mortgaged or otherwise transferred without the consent of the city ~~council~~manager.

(Code 1980, § 18-26)

~~78-67. Suspension or revocation.~~

~~A. A certificate issued under the provisions of this article may be revoked or suspended by the city council if the holder thereof has:~~

~~1. Violated any of the provisions of this article.~~

~~2. Discontinued operation for more than 90 days.~~

~~3. Has violated any ordinances of the city or the laws of the United States or of the state, reflecting unfavorably on the fitness of the holder to offer public transportation.~~

~~B. Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.~~

~~(Code 1980, § 18-27)~~

78-68—78-80. Reserved.

DIVISION 3. DRIVER'S LICENSE

78-81. Required.

No person shall drive any ~~taxicab~~ vehicle for hire carrying passengers ~~for hire~~ from place to place within the city unless that person shall have first applied to and secured from the police chief a license to drive a taxicab. No person or entity who owns or controls a ~~taxicab~~ vehicle for hire shall permit it to be driven at any time for hire unless the driver of the ~~taxicab~~ vehicle for hire shall first obtain and shall have then in force a taxicab driver's license issued under the provisions of this article.

(Code 1980, § 18-28)

~~78-82. Application; initial fee.~~

~~A. An application for a taxicab driver's license shall be filed with the clerk on forms provided by the city, and such application shall be verified under oath and contain the following information:~~

~~1. The name, address, physical condition, and North Carolina driver's license number of the applicant.~~

2. The experience of the applicant in the transportation of passengers.
3. The educational background of the applicant.
4. The concise history of his employment, reaching back for a period of not less than five years.
5. The names and addresses of four residents of the city who have known the applicant for a period of not less than five years and who will vouch for the sobriety, honesty and general good character of the applicant. Each application shall be accompanied by a certificate from a reputable physician of the city or county certifying that in his opinion the applicant is not inflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.

B. At the time the application is filed, the applicant shall pay the city a fee as set forth in the Schedule of Taxes, Fees and Charges.

(Code 1980, § 18-29; Ord. No. 12-2011, § 8(Exh. H), 6-20-11, eff. 7-1-11)

78-83. Investigation of applicant.

The police department shall conduct an investigation of each applicant for a taxicab driver's license. A report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the police chief.

(Code 1980, § 18-30)

78-84. Action on application.

The police chief, upon consideration of the application and the reports and certificates attached thereto, shall approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the city council to offer evidence as to why the application should be reconsidered. The decision of the city council upon any request for reconsideration shall be final.

(Code 1980, § 18-31)

78-85. Issuance; duration; annual fee.

Upon approval of an application for taxicab driver's license, the city shall issue a license to the applicant, which shall bear the name, address, age, signature and photograph of the applicant. Such license shall be in effect for the remainder of the calendar year. A license for every calendar year thereafter shall be issued upon the payment of a fee as set forth in the Schedule of Taxes, Fees and Charges, unless the license for preceding year has been revoked.

(Code 1980, § 18-32; Ord. No. 12-2011, § 8(Exh. H), 6-20-11, eff. 7-1-11)

78-86. Display.

A decal displaying the city's certification shall be displayed on the exterior of the vehicle. The name and image of the driver of the vehicle for hire shall be posted in the interior of the vehicle in such a place as to be in full view of all the passengers while such driver is operating the vehicle. Every driver licensed under this article shall post his driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab.

(Code 1980, § 18-33)

78-87. Suspension or revocation.

~~At any time after the issuance of a driver's license under this article, the police chief may suspend the license for a driver's failure or refusal to comply with the provisions of this article, or for the reasons enumerated in G.S. 160A-304(a)(1-6). The chief may also revoke any driver's license for failure to comply with the provisions of this article. However, no license will be revoked until the driver has received notice and has had opportunity to present evidence in his behalf before the chief of police. Any suspension or revocation of a driver's license under this article may be appealed by the license holder to the city council after a hearing by the chief, and any decision of the city council in such an appeal shall be final.~~

~~(Code 1980, § 18-34)~~

78-88. Compliance with applicable laws.

Every driver licensed under this article shall comply with all city, state and federal laws. Failure to do so will justify the chief of police in suspending or revoking his license.

(Code 1980, § 18-35)