

**LEGAL AND LEGISLATIVE COMMITTEE**  
**JUNE 8, 2010**  
**4:50 P.M.**

Councilman Murphy, Chairman, called the meeting of the Legal and Legislative Committee to order with Councilmen Rico, McGary, Ladd, Berz, Scott, Robinson, Gilbert, and Benson present. City Attorneys Phil Noblett and Crystal Freiberg, and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Barry Bennett, Dan Johnson, Larry Zehnder, Chief Parker, Richard Beeland, Chief Rawlston, Vickie Haley, Dickie Hutsell, Greg Haynes, Chief Dodd, and Matt Lea.

**INOPERABLE VEHICLES**

Chairman Murphy stated that Dickie Hutsell was present to go over the amendment to the City Code regulating Inoperable Vehicles, which is **Ordinance (a)** on tonight's agenda.

Mr. Hutsell stated that this had been deferred a couple of meetings; that there were three agencies dealing with this—inoperable vehicles. The properties in question are Rawlston Street, Jenkins Rd. and Plumwood. Mr. Hutsell explained that in the last three years there has been an influx of 311 calls regarding inoperable vehicles; that a lot of requests are transferred from other agencies in city government; that Neighborhood Services spends a certain amount of time getting these vehicles running and moving and their criteria is 10 ft. He stated that his problem was that he did not like to go to City Court; that three years ago he was in court eight times about a situation on Jenkins Rd.—that this person was collecting cars, and there were trees growing through the hoods of the cars. At this point he showed the new definition that has been added; that people who say they are working on cars have to prove they are receiving money—that a lot of people are working on cars illegally, and Judge Paty equates this to a junk yard. Mr. Hutsell stated that two months ago he did some research concerning inoperable vehicles and received 184,000 hits; that vehicles needed to be operable on city streets and tagged and titled; that we were going after them. He stated that this approach has worked well in Knoxville, mentioning not allowing more than two inoperable vehicles.

Chairman Murphy urged to move on, as the committee had two issues on top of this one.

Mr. Hutsell continued, stating that there had been questions, and this puts teeth in our Code if they can't prove that it is an operating business.

Councilwoman Scott asked if these cars were okay if they could move ten ft.? Mr. Hutsell responded that Neighborhood Services uses this as their code.

Chairman Murphy thanked Mr. Hutsell for picking this issue up and running with it, questioning why we would ever let anyone have more than two inoperable cars—not even three.

### **TRANSPORTATION BOARD**

Attorney Freiberg was present to talk about the Taxi and Transportation Board.

Chairman Murphy noted that Ms. Freiberg had taken this over with a new chairperson on board; that there had been discussions going on about this for decades surrounding transfer of privileges, and there was no such thing under the law.

Ms. Freiberg mentioned certification and a driver's permit—that a permit and privilege have the exact definition; that permits or privileges were being transferred by the owner/operator; that the Code does not allow a privilege unless the owner has certification.

Chairman Murphy mentioned ownership, stating that only one company capitalized and all the rest have this mid-level ownership where these privileges were transferred to family or some for compensation.

Councilman Gilbert asked if this allowed a person who owns a taxi and not a business to drive the taxi? Ms. Freiberg explained that it does more than this—that the revision allows a Driver's Permit; Privilege to be held by owner/operator, and a certificate holder; that privileges are under the umbrella of a certificate.

Chairman Murphy clarified that this gives birth to what we thought existed and did not exist.

Councilman Benson stated that privileges had been misused and sold to the highest bidder and asked if we were doing away with privileges. Ms. Freiberg responded that we would have privileges that are legal. Councilman Benson asked why not do away with privileges and just have permits and licenses—that the Industry wants it this way; that liquor stores sell privileges, and it is not a free market. Chairman Murphy responded, "but it is a regulated market".

Ms. Freiberg went on to say that a person would have to go before the Board to get a privilege and have to have certificate holder.

Chairman Murphy noted that as the City grows, there will be a need for additional privileges.

Councilman Gilbert asked if a person owns two cabs if they will be grandfathered in?

Ms. Freiberg responded if they are already an owner/operator, they will not have to fill out an initial application but will have to fill out a renewal of the privilege in January of 2011.

Councilman Gilbert asked how much this will cost? Chairman Murphy responded that the nominal fee is \$25.00 if the City allows this to take place.

Councilwoman Berz stated that she was still learning and wanted to know what the difference is between a certificate and a privilege? Ms. Freiberg explained that a certificate holder is held to a higher standard because they are the company. Councilwoman Berz then asked if an individual can have a privilege? Ms. Freiberg responded that they were never supposed to be doing this. Councilwoman Berz asked if a privilege is a license to operate and if they are affiliated with a certificate holder, does it limit the number of privileges? Ms. Freiberg explained that one had to have 10 cabs to have a certificate. Councilwoman Berz asked if this would have the effect of keeping anyone out? She questioned how we justified keeping anyone out of the free market? Ms. Freiberg responded that the Board will make a recommendation for more cabs or taxis.

Councilman McGary asked why the Board would determine the need and why this industry could not be self-regulated? Ms. Freiberg responded that it had always been done this way; that if anyone says there is a need for more privileges, it depends on who you are asking; that it is more appropriate as a Board function because it would not be biased. Councilman McGary questioned a driver providing felony convictions within ten years when this individual reapplies for a privilege. Ms. Freiberg responded that she thought this was for a Driver's Permit. He asked if this had to be renewed yearly and was told "yes". She explained that this was separate and apart from a privilege. Councilman McGary asked if ten years was standard? Ms. Freiberg explained that this was a recommendation from the Transportation Board; that Section 12 also uses ten years for a certificate holder; that this is a big change—providing two or more felony convictions in ten years, it shall be denied; that with only one conviction, the Board has discretion. Councilman McGary asked if they had to provide information upon applying?

Councilman Benson stated that he would like to provide some background; that Ms. Freiberg is the attorney on this Taxi Board; that this Board has come a long ways; that this was the same Board that Councilman Rico had said was "crooked", and he was on it! He stated that it had just about been war; that now you don't see any of the people, and he commended Ms. Freiberg because now we had a limit on it. He asked if there had been any problems on the Board and if the Board had recommended this? Ms. Freiberg responded "no"; that the Board recommended several changes concerning the ten year convictions; that the change about privileges, they did not recommend.

Chairman Murphy stated that there needed to be a decision made by this Council.

Councilman Benson stated that he wanted to know if this Board recommended this and then he would make up his mind.

Councilman Gilbert asked how much bite this has versus the other? Ms. Freiberg responded that they could catch a whole lot more and a court case could be resolved; that they are not allowed to ask any more in the application than what the Ordinance provides for—that three years was the limit. Councilman Gilbert confirmed that the old version said three years and now it is ten.

Chairman Murphy stated that this is not on the agenda for reading tonight, and he asked the Council to “chew on this and digest it”.

**On motion of Councilman Rico, seconded by Councilman Benson, the minutes of the previous meeting were approved as published.**

The meeting adjourned at 5:20 P.M.