

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Application for Certificate of Convenience and Necessity

**From:** Tad Kramp, High Point Police Department  
Taxi Inspector

**Meeting Date:** July 17, 2017

**Public Hearing:** Yes

**Advertising Date:**  
**Advertised By:**

**Attachments:** Application

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### **PURPOSE:**

Consideration of an application from Mr. David Nyalimo for a Certificate of Public Convenience and Necessity to operate a Taxi Cab company within the city limits of High Point.

### **BACKGROUND:**

The City of High Point currently has two operating taxicab companies - A+ Yellow Cab and High Point Express. Per the City's Code of Ordinances, the City Council determines the need for an additional taxicab company and approves or denies the Certificate of Public Convenience and Necessity.

### **BUDGET IMPACT:**

N/A

### **RECOMMENDATION / ACTION REQUESTED:**

As Taxi Inspector, I recommend that City Council approve the application with a one year probation period. This will allow the Police Department to monitor the new company to verify compliance with the City's taxi ordinance.

## **Memorandum**

**TO:** Mayor and Members of City Council

**FROM:** Randy McCaslin, Deputy City Manager

**DATE:** July 7, 2017

**SUBJECT:** Taxi Franchise

Attached you will find an application for a new taxi franchise and a recommendation from Officer Tad Kramp, our High Point Police Department Taxi Inspector. Tad will be present at the City Council meeting on Monday, July 17 to answer your questions. Since this matter will be the first taxi franchise request that some of the Council will have heard, I will try to lay some ground work for the Council.

- When a taxi franchise application is received by the City, the Police Department's taxi inspector will investigate the applicants to ensure that they can/will meet the requirements set forth in the City's code of ordinances.
- City Council will then hold a public hearing on the application, and if they desire to approve the request, they must approve the franchise ordinance at two regular meetings for the City Council.
- According to the City Code, the City Council shall consider the following six (6) points:
  1. The adequacy of existing taxicab service and other forms of available public transportation.
  2. The probable permanence and quality of the services to be offered by the applicant.
  3. The adequacy of the applicant's commercial insurance.
  4. The number and condition of the vehicles and the location and characteristics of termini proposed to be used.
  5. The experience of the applicant(s) in the taxicab industry.
  6. The applicant's character, experience, and ability to comply with the requirements of this chapter.
- The Police Department Taxi Inspector will investigate the franchises, periodically to ensure they are meeting the requirements as set out in the City Code, and any complaints the City may receive regarding any taxi service.
- City Council has the authority to revoke a taxi franchise if the City Code requirements are not being met.

If you have any questions, please advise.

Date: July 10, 2017

To: Greg Demko, City Manager

From: Tad Kramp, Master Police Officer III (City Taxi Inspector)

**SUBJECT: DAVID NYALIMO'S APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

On June 5, 2017, I submitted my recommendation that Mr. Nyalimo's application be denied. This decision was based on the history of High Point not being able to support three cab companies. At the time, I was not aware of any significant quality issues with the city's two current companies. Since this previous recommendation, new information about the two existing cab companies has come to light.

I received a complaint from a blind citizen that attempted to arrange a cab from High Point Express. High Point Express refused the fare because of the customer's seeing eye dog. This is in direct violation of the Americans with Disabilities Act. The customer then contacted A+ Yellow Cab and was charged a flat rate of \$14, each direction, to go less than half a mile. This too is against the Americans with Disabilities Act.

I contacted both companies and explained the Americans with Disabilities Act. A source within one of the companies heard about what had taken place and confided in me that his company has several drivers that are refusing fares because the trip is not long enough to be worth the driver's time. They are also negotiating trips instead of using the meter. There are several other violations of the city's taxi ordinance that are allegedly taking place as well. I am currently investigating those allegations, but without any citizen complaints, and my only source want to remain anonymous, I do not have much to work with.

Considering this new information, I have changed my recommendation in the hopes that a new company will force the existing companies into providing better service. I do recommend that the new company be given a period of probation, as was provided to High Point Express when they started. This will allow me to monitor the new company to verify compliance with the city taxi ordinance.

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
FOR THE OPERATION OF TAXICABS AND OTHER VEHICLES FOR HIRE  
IN THE CITY OF HIGH POINT, NORTH CAROLINA

TO THE CITY COUNCIL OF THE CITY OF HIGH POINT:

As required by Title 11, entitled "Licensing and Regulation" Chapter 2, entitled "Vehicles for Hire, of the Code of Ordinances, the undersigned hereby makes application for a Certificate of Public Convenience and Necessity for DAVID WANI NYALIMO and for that purpose hereby certifies the following information required by this ordinance, and does hereby represent and affirm that the information given is true. (Attach additional pages as necessary).

1. Name of Owner(s): ALWAYS ON TIME  
GOOD SERVICE  
(State whether an individual, partnership or corporation and list all names. If corporation, attach certified copy of Articles of Incorporation. If partnership, attach certificate that partners are doing business as a partnership.)
2. Date of birth of each name listed: \_\_\_\_\_  
DAVID WANI NYALIMO
3. Social Security number of each name listed: \_\_\_\_\_
4. Business address: 1246 SOUTH MAIN STREET  
HIGH POINT NC 27260
5. Telephone Number: 336-989-6379
6. The proposed operation is financed as follows: I will be using personal  
funding to finance my company.  
(If the proposed operation is financed entirely by the applicant, it should be stated. If the proposed operation is financed wholly or partly by means of borrowed money or capital in any form furnished by any person other than the owner, the name of the person lending the money or furnishing the capital must be disclosed.)
7. Financial statement of the applicant is attached hereto and made a part of the application.
8. List any unpaid or unbounded judgments of record against such owner, title of all actions and the amounts of all judgments unpaid or unbounded, and reference to the judgment docket and page where judgment is recorded: N/A
9. A. Number of vehicles owned: (7) CAR'S  
B. Number of vehicles actually operated by applicant on day of application, if any: (6)(7) DV



10. Attach criminal record of applicant, if any. If applicant is a corporation, criminal record of officers, directors, supervising employees, including manager, if any.


11. Location and description of business office and terminals: \_\_\_\_\_

1246 SOUTH MAIN STREET  
HIGH POINT NC 27602 27260

12. Experience of applicant in the transportation of passengers for hire: (6)

13. Statement of reason the applicant believes that the public convenience and necessity would be served by the granting of this application: \_\_\_\_\_

I will be able to  
make street safer helping the ones that  
are above the legal limit providing  
a safe and easy way home  
after events such as but limited to  
sports, concerts or any time. someone  
just needs a ride from point A to point B.

  
Signature of Applicant

Date received: \_\_\_\_\_  
Forwarded to City Manager: \_\_\_\_\_  
Forwarded to City Council: \_\_\_\_\_