

Minutes of the Metropolitan Taxi Commission Board Meeting
Friday, August 8, 2003
1:00 p.m., in the Auditorium at 100 North Tucker Boulevard

Meeting was called to order on Friday, August 8, 2003 at 1:25 p.m. and was held at 100 North Tucker Blvd., (the site of future MTC offices) in the Auditorium.

Present were Lou Hamilton, Dave McNutt, Solomon Tadesse, Basil Rudawsky, James Harris, Larry Satz, Mike Morgan. (Mike Tully and Patrick McCarthy also briefly spoke).

(Absent were Tom McCarthy – as explained below - and Vince Bennett)

1. Call to order by Mr. Hamilton
2. Roll call of Board members (Tom McCarthy was welcomed in absentia, due to recent surgery)
3. Approval of the minutes of the Board meetings of June 13, and of June 27

Motion to approve Minutes was made by: Mr. McNutt, seconded by Mr. Harris. Voted in, 7-0.

Mr. Hamilton's remarks:

1. Welcoming of Mike Morgan to the Commission
2. Overview: the Commission is organizing all its business affairs, is moving forward
3. Explained today's meeting, as were previous ones, is a public meeting to discuss operations and business matters. Welcomed audience participation, outlined rules for doing so.

Next item of business (is #3 on Agenda, under Old Business): To discuss fees for Airport parking courtesy van drivers; we have received comments from Airport shuttle drivers and reports of various operational issues. In acknowledgment that these concerns are reasonable, we propose to now reduce the fee from \$100 to \$25. Those who have already paid the \$100 fee may apply for a \$75 refund, however this may take a few weeks to occur.

“Will entertain a motion to amend the Code to reduce said fee”

Motion to amend was made by Mr. Satz, seconded by Mr. Morgan. Passed by vote of 7-0.

Next item of business: To revisit and revise the moratorium policy on new (vehicle) licenses, to extend the deadline but also to exempt courtesy vehicles (not for hire) until December 31, 2003.

Motion was made by Mr. Rudawsky, seconded by Mr. Harris. Passed by voted of 7-0.

Next item, also under Old Business: Revision of the amendment to Chapter 5 regarding general operating requirements of appearance, and conduct. Mr. McNutt was asked to explain, and stated the intention is that, *whenever a driver has a passenger* the Commission wants to ensure that the driver's full attention is focused upon road and passenger safety.

Motion to approve this language change was made by Mr. McNutt, seconded by Mr. Harris.

Next item (carried over from a previous meeting) concerns stretcher vans and medical transport units.

Mr. Tully is still investigating, thus this will be placed on the agenda for next month's meeting.

Next item: the Director's Report

Mr. Hamilton introduced Michael Tully, “our fulltime Director, who was selected and confirmed at our last meeting.” Detailed Mr. Tully's background as Chief Investigator of the Circuit Attorney's office for 29 years, and his expertise in law enforcement and in public service.

Director Tully was invited to the dais and enumerated the (chiefly administrative) tasks which have been accomplished in the last month.

These included: establishing “tax exempt” status; purchasing mobile telephones; a one-day trip meeting in Jefferson City with representatives of the Missouri State Highway Patrol; work on the statutes which will need to be passed in January 2004 so as to perform record checks of drivers.

Several “MTC Staff employee benefits” aspects have been accomplished: the employees are eligible for Missouri State healthcare benefits; dental and vision plans will also be offered; and Director Tully has met with various persons about establishing both the payroll and a 401(k) plan.

Mr. Tully also explained that inspections are not only conducted during normal business hours, and outlined a few examples of special inspections that were done.

Effective this week, new communications procedures have been established:

1. All incoming telephone calls to the MTC will be logged; messages will be logged. Also, an answering service will be hired for after-hours calls. There will be a “duty agent” to address problems which occur at times other than normal business hours.

2. Soon, there will also be placards posted in every taxicab, prominently providing the number to be called in order to compliment/complain/inquire about operational issues.

Mr. Tully then announced that effective September 1, 2003, the MTC Code will be strictly enforced and fees/fines levied.

Mr. Hamilton then explained that, effective June 7, 2003, both the St. Louis City, and County, ordinances were invalidated under Missouri State Law and that the Codes of the Metropolitan Taxicab Commission took full force and effect. Mr. Hamilton noted that members of the media are in attendance here today, and for their benefit clarified that the policy is now evolving to strict enforcement; sufficient warnings have been issued and official notice is now being given, well in advance of the effective date.

Mr. Hamilton then addressed the issue of the “10-ft. rule” concerning the distance a driver must maintain near his vehicle. He stated that in the past, the City of St. Louis’ code only required the driver to remain within 5 feet of his vehicle, thus the Commission’s new Code (of 10 feet distance) is actually an improvement from the previous standard.

Next Agenda item: Financial Report, will be deferred until the next meeting due to the resignation of Commissioner Dunne. It was noted that Commissioner Tom McCarthy has taken over the responsibility of financial reporting,. Moreover, St. Louis County is currently handling disbursements for the MTC, and will continue to do so for the foreseeable future.

Next Agenda item: Recommendation by the MTC Staff to allow electronic recording processes. There is a request to permit usage of electronic, facsimile records which can then be scanned and stored in Commission’s databases. These will be accepted “as originals” for the purpose of the Commission’s official records, however, this provision has to be adopted as an amendment to the current Code. *Motion to adopt was made by Mr. McNutt, seconded by Mr. Morgan.*

Mr. Hamilton then asked for any items of new business to be addressed/submitted. Mr. Satz requested clarification as to when a driver is considered to be “on duty?”

Mr. Hamilton suggested that the MTC staff should visit with the industry representatives and attempt to develop a consistent standard/procedure for this issue.

Mr. Hamilton then broached a “not really new” issue concerning drivers who have received warnings but no suspensions, and suggested the need to aggressively broadcast the information that Downtown drivers do not pay same fees as Airport cabs, and the Commission’s objective is to make the system fair for all participants.

An (unnamed) driver in the audience stood and addressed the \$100 licensing fee, questioning the equity of paying the annual \$100 fee since the term of effectiveness continues to dwindle until the end of this calendar year. Mr. Hamilton responded that the \$100 fee is intended to cover a full one-year term.

Mr. Hamilton then suggested an incremental, quarterly scale of fees, as example: \$100 Feb-Apr, \$75 May-Jul; \$50 Aug-Oct; and \$25 Nov-Jan, since current licenses expire January 31. Mr. Satz further recommended a clarification that there will be no further reduction in fees should the licensing occur at any time within any quarter.

Motion to change this fee was made by Mr. McNutt, seconded by Mr. Morgan. Passed by 7-0 vote.

Airport Deputy Director Gerard Slay was then introduced, to address Airport operations. Mr. Slay explained that in 6 to 8 weeks, “revenue control equipment” will be in place, to control on-call taxis **and** Airport taxis. The Airport will charge \$2 to on-call and Airport cabs alike.

An audience member stood and asked for a detailed explanation of how this will work. Slay replied that currently, on-call cabs come to the Upper Level of airport, but that soon a passenger will only be able to come to the Lower Level and give his name to a “taxi starter” agent.

The same questioner then asked if the \$2 fee can be passed on to the customer? Slay replied, “Absolutely.” Another attendee asked, is the \$2 fee collected separately collected, or just added to the meter? Mr. Slay said it can be added to the meter, then explained the entire procedure.

An audience member Mr. Slay for statistics about the number of riders from our airport and Slay responded, “O and D is 6 million per year.”

Ms. Kelly Henley, a driver, stood and charged that since June 7, Airport police have been suspending people, and said she herself has been detained several times and has lost trips due to minor infractions such as not having her shirt tucked in, or for wearing open-toed shoes.

Mr. Hamilton responded that “the St. Louis County Council has adopted the MTC Code as ordinance, so it is permissible for the Airport police or the County police to cite drivers.” He added, “The City of St. Louis has a bill pending which will likely be adopted in September.”

This same questioner then retorted that “only the Director has the authority to suspend us,” to which Mr. Hamilton replied, “the Director, or his designees; but if you have a specific situation, please report it to Director Tully.”

Another questioner stated “We pay \$40 per month to park, and we also have to pay MTC fees, and now there’s also a \$2 fee- so why can’t we bring back return fares?” Mr. Slay replied, “The regulation against bringing fares back to the airport is per the MTC, not per the Airport Authority.”

Another questioner addressed the condition of some cabs operating from the East Terminal, then added he also felt it was inappropriate to enforce violations while the passenger is present. Mr. McNutt stated it is the driver’s responsibility to be in compliance with the Code before he pulls up to pick up any fare.

Mr. Hamilton then thanked Mr. Slay, who left the auditorium to fulfill another appointment.

Mr. Hamilton then stated he will proceed to the Public Comments portion, and explained the use of sign-up sheets and outlined procedures for those who wish to speak

First Speaker was Dr. Ziub, President of Airport Taxi Service.

Dr. Ziub stated that he had sent a letter on July 14 to the MTC. His main points are: that the enforcement is sometimes being done by persons other than the Commission’s agents; that fees should be payable in installments rather than lump sums, contending the MTC will collect more money in interest if the payments are spread over time. He also proposed drivers be allowed to make phone calls even if they have a passenger as long as calls occur before leaving the airport premises. Mr. McNutt explained in such a case, the best solution is to allow the *passenger* to use driver’s phone to make a call himself, but the *driver* himself cannot do so.

This same questioner then cited a recent situation in which a passenger had to return home to get the passport he had forgotten, suggesting Airport drivers be given leeway to use their discretion. Mr. McNutt replied the Code is very explicit and that under no circumstances may an Airport driver bring a fare back to the airport.

Second speaker was William Jackson, who stated he has 5 questions and that 3 minutes is not enough time, however his questions are:

1. A **1,000%** raise in the license fees is totally unjustified.
2. Radios and computers in County cabs: Why is there is a difference made between operation of a two-way radio, versus use of a cellphone Questioner then challenged, “What gives the Commission the right to dictate this- is it a State law? A Federal law?” Mr. Hamilton responded, “The State of Missouri has given us the authority and empowers us to act, so our Code is the law.”

Third speaker was Dennis O’Reilly, Vice President of Operations for Park’N’Fly of Atlanta

Wanted to clarify how the St. Louis area developed and enforces its Code? Pointed out that Code defines “courtesy vehicles” as being “regularly scheduled” but asked “so where does this include us?”

Mr. Hamilton will refer this matter to Mr. (Tom) McCarthy, since he helped compose the Code, yet explained that McCarthy happens to be absent today due to recent surgery.

O’Reilly stated there has been a 140% increase in fees – these are duplications of Federal and State regulations. Mr. Hamilton replied that the Board will look into this matter.

O’Reilly then asked, does anyone on the Commission represent anyone other than taxi drivers, for example what about hotel shuttle drivers? Mr. Hamilton replied that “the taxicab lobbyists won out to have the taxicab industry included.”

Fourth speaker was Richard Gall

Speaker Gall charged that the Commission is aware that Ford Crown Victoria vehicles are not safe, that gas-tank design defects allegedly result in fires upon impact in collisions. Mr. Gall stated the MTC has failed to address the issue concerning Crown Victorias operated as taxicabs.

Mr. Hamilton replied that to date MTC has received no DOT safety bulletins in that regard, thus there is nothing yet to address; also, the issue is not within the Commission's purview.

Mr. Satz added, "If your cab is defective or dangerous, then fix or replace it – unlike New York City, which dictates a particular vehicle for all its taxicabs, St. Louis does not mandate what type of vehicle you drive."

Fifth speaker was (Ms) Kelly Henley, from Gateway Cabs, who stated she is an Airport cab driver, and had several questions/comments. (*Since she was barefoot, Chairman Hamilton instructed her to wear her shoes as a matter of common courtesy.*)

1. Asked why the Airport cab drivers are paying more than City drivers have to pay?
2. Stated she has called around to cities the Commission had cited as examples in its recent Board meetings, and claimed only St. Louis treats its Airport drivers differently from other drivers.
3. Stated that the airport police are suspending people without the requisite 5 days' written notice and a hearing prior to actual suspension. *Mr. Hamilton referred the issue to Director Tully to investigate.*
4. Stated that 10-minute "restroom emergencies" are insufficient.
5. Stated the "manifest" procedures work against Airport drivers, but no other drivers are so hampered. She believes airport business has remained sluggish, and accused MTC of being uncaring.

Chairman Hamilton reminded speaker that personal, derogatory comments are inappropriate, and only comments about MTC's operation of business are welcome. Ms Henley angrily left the auditorium.

Sixth speaker was Michael Palozzolo, owner of Archway Cabs

Introduced himself, approached the dais and distributed photographs to the Board members.

1. He stated his "biggest issue" is the position of his vehicle's roof lights, stating that other cities do permit some leeway for individuality/ variations to distinguish one operator from another.
2. Stated there is a problem with drivers who accrue traffic/parking tickets and disregard/discard them; when they change employment, the new company inherits the tickets.
3. Asked, what is the MTC policy about use of company logos?

Mr. Hamilton explained it is administratively impossible for the MTC, with its small staff, to address the issue of "inherited" traffic violations.

Mr. Satz said "We will not have different uniforms for different cab companies, but you may place your logo on your shirt, situated anywhere you wish."

Seventh speaker was named Abiba (apparently an Airport driver, employer unknown)

1. Stated he, too, sees the disparity in rules for restroom breaks as Ms Henley had mentioned. Mr. Hamilton replied that is a reasonable concern, (Mr. McNutt concurred), and indicated the Commission will speak with Mr. Slay at the Airport about this issue.

2. Questioned the \$2 airport fee, because "you said it pays the wages of the 'starters,' however the County fees increased from \$300 to \$1000 and the MTC fees increased from \$10 to \$100, so why doesn't that revenue provide the starters' wages?"

3. Further stated that "it takes 12 hours of work to make \$150 a day as an airport driver, but the fees just keep increasing and that is breaking our backs; that \$2 fee will just cause passengers to take it out of our tips, so please reconsider your fees." Mr. Hamilton thanked Abiba for his comments and suggestions.

Eighth speaker was Aberra Shiffero

1. Stated he feels the previous suggestion today to pass cellphones to the passengers (and have them make their *own* calls) is unhelpful and discourteous.

2. Stated the fees have increased from \$55 to \$1,100 without justification, asked why that was done.

3. Then, directly addressing Mr. Rudawsky, he said "I was told that you advertise on your company website a \$25 fee from the airport to downtown and that you advise people NOT to take any Airport cabs." Mr. Rudawsky refuted that allegation.

Mr. Hamilton then interjected, "I want specifics about that issue- if you see that happen, note the name of the starter, the date and the time, and we will address it. That is unacceptable."

Mr. Satz stated "Again, that \$2 fee is levied by the Airport authority, not by the MTC. However, I see the \$2 fees being levied everywhere I travel; the public is, by now, used to it."

Ninth speaker was Glenn Barnd (sp) from Park Express

Stated "My question is the same as O'Reilly's, from Park'N'Fly; may I just receive the same written reply that HE gets?" Mr. Hamilton assented to Mr. Barnd's request.

Tenth speaker was Carl Lucas of St. Louis Auto Livery

Began by stating these MTC reforms were sorely needed and thanked the Commission. Stated he has two questions and will make a proposal, then handed out some papers to the Board members.

Stated he had a handicapped passenger, and asked the Airport police for permission to go meet his fare at the arrival gate, yet when he did so, he got a ticket anyway.

Proposed forming a voluntary organization which he tentatively named "Cab Watch," for drivers to help each other in various ways.

Mr. Hamilton responded that the idea is a wonderful concept and Mr. Lucas is wished success in forming such a volunteer team, but that the MTC cannot endorse or assist in establishing such an endeavor.

Lucas sarcastically asked if he can "buy the right" to work in Clayton at 41 South Central Avenue, stating he has been "driven away" from that cab stand because it specifies that only *certain* cabs can operate there.

Mr. Hamilton suggested that Mr. Lucas contact the City of Clayton, further explaining that the MTC licenses and regulates taxicab operations, but that the positioning of the cab stands is done by municipal ordinance.

Eleventh speaker was William Abbibi of "Show Me" Cabs, a member of the ATC

Asked, why Airport drivers' fees are increasing to \$1,100? Claimed "airport drivers' time to get fares is limited, yet we have the highest fees of anyone."

Mr. Satz clarified that speaker's reference to "limited time" is because St. Louis Airport has no incoming flights for a 6-hour period of the day, thus the cab drivers have no potential business during those times.

Twelfth speaker was Simeon ("Sam") Dub (company unknown)

Alleged there is bribery by doormen/bellmen at some area hotels, especially the Marriott Hotel in Town and Country.

Mr. Hamilton replied "Mr. Satz, our Commissioner, is from Town and Country, so let's have him address that issue."

Mr. Satz stated that he knows the hotel owner and will speak to him about the matter, asking the questioner to give him a month to investigate these allegations.

Mr. Hamilton then stated that he and Mr. McNutt have met with the St. Louis Hotel Association and told them this kind of activity will not be tolerated.

Thirteenth speaker – (name unintelligible)

1. Suggested the Commission check the 'departure side' of the airport because they pick up fares over there all the time and circumvent the MTC regulations.

Mr. Hamilton replied, "That is why we are changing the 'staging' areas, so that drivers can no longer pick up fares on the Upper Level; now, all staging will *only* be done from the *Lower* Level, however, Mr. Slay has indicated it will take approximately 6 weeks to obtain the necessary equipment to enforce this new procedure."

2. Speaker alleged the Commission members have a strong "conflict of interest." Mr. Hamilton countered that "when this Commission was being developed, the legislature originally made no provisions for representatives from the industry; you drivers lobbied for inclusion, and now 4 of the 9 Board members are required to be from the industry."

Mr. Satz stated that, without the industry representatives and their input and feedback, the regulations would surely have been more punitive than they are now.

Mr. Hamilton then explained there is opportunity for others to join the MTC Board when current members' terms expire, and explained the procedure.

An unnamed audience member called out “What is this ‘point system’ you will use?”
Mr. Hamilton replied “we are still working out details, and you will be notified how it will work.”

Mr. Hamilton asked for any additional questions/comments; there were none, so he entertained a motion to adjourn, with the (closed)*Executive Session to immediately follow.*
Motion to adjourn was made by Mr. Morgan, seconded by Mr. Satz. Carried by 7-0 vote.

..... Minutes taken by Judith Cannon, MTC Office Administrator

Metropolitan Taxi Committee, Executive Session (Closed Meeting)

Friday, August 8, 2003

Purpose: to address real estate, legal, and personnel matters of the Commission
Acting Chairman Lou Hamilton convened the executive session, a closed meeting.

Present were: Messrs. Hamilton, McNutt, Morgan, Rudawsky, Satz, Tadesse, Director Tully and (title) Patrick McCarthy.

Absent were Messrs. (Tom) McCarthy (due to surgery), Bennett and Harris. (note: Harris did attend the general session which immediately preceded this Executive Session)

Chairman Hamilton: "At previous meetings we resolved contracts, leases and banking account matters, etc. Today, reaffirm that Tom McCarthy and Patrick McCarthy have been negotiating lease terms for new offices located at 100 Tucker, for lease effectiveness September 1.

Reaffirm the specifics of the leasing terms:

Rate of \$9.86 per square foot x 3,000 square feet in MTC suite of offices

Rate includes heating, air conditioning, utilities and janitorial services

St. Louis County continues to serve as our disbursement agent, and they will continue to do most of the disbursements in the future; however, we still must open a bank account and transfer funds for the payroll. Bank of America Institutional Services has been consulted in this regard, as have other banking institutions."

Lou Hamilton made motion to authorize entry into a lease agreement with Scott Properties and to authorize Chairman to sign the bank resolution, permitting establishment of "a" bank account.

Larry Satz seconded the motion.

LITIGATION MATTERS

Patrick McCarthy addressed the Board members "concerning a litigation matter: Judge Grady ruled last Thursday (July 31?) concerning the challenge of the MTC dress code, in particular concerning religious garb."

"Per Cindy Hoemann, the County Counselor: religious garb is a constitutional issue, and as such would not be referred to the Eastern District but instead would go to Missouri Supreme Court, and it would likely take 6-7 months to argue, perhaps 10-14 months for final resolution."

Patrick McCarthy further stated, "This is not an adverse action against the MTC, so we are to continue with "business as usual."

Also, Patrick McCarthy stated, "a 'cross appeal' is not recommended by Ms. Hoemann."

PERSONNEL MATTERS

- Mike Tully, MTC Director, is currently on the Airport payroll due to our negotiations with the City of St. Louis; his employment contract is not yet forthcoming. He remains a City employee, so the City bills us monthly and we reimburse them. After his retirement, Director Tully will become an employee of the MTC outright. We have a similar situation with the 3 Enforcement Agents, who are employees of St. Louis County."

-As an aside, each \$2 per trip Airport fee (recently instituted) will yield 25 cents per trip to the MTC as an "administrative fee," which contributes toward the cost of hiring MTC Staff.

- McCarthy continued, “Regarding suspensions, our outside hearing officer is Judge Byron Kinder of Cole County. He is not related to any of the St. Louis parties. Judge Kinder will be paid a retainer of \$30,000 per year for a term of 5 years; the agreement will be reviewed annually. If his workload increases, Senator Tom McCarthy has recommended a candidate whom we can call in to assist, on a per-case basis; if his (Kinder’s) workload is lighter than first anticipated, Judge Kinder will apply for a reduction in fees.” Made a request to authorize Chairman to enter into contracts for these services.
- (Pat McCarthy indicated he and Judge Kinder will meet next Thursday (Aug 14?) in Jefferson City, to discuss this matter further.)
- Judith Cannon was hired, effective today (08-08-03) as Office Administrator to MTC.
- Sgt. Major (Billie) Joe Bollinger will retire from St. Louis County in early September and we intend to hire him.”

It was then announced that the St. Louis County contract is being extended “until September.”

GENERAL DISCUSSION

Larry Satz addressed the intention of “strictly enforcing the MTC Code on September 1” which was discussed in the Public Session earlier today, saying that “when this ‘crackdown’ begins, MTC should focus on the Airport first, but (Gerard) Slay says he wants some direction on this.” Lou Hamilton stated that it really has to be “across-the-board.”

Several discussions ensued about which classes of taxicabs to target first so as to bolster revenues.

Motion to adjourn was made by Dave McNutt, adopted by Lou Hamilton.

Session was then reopened to the General Meeting by Lou Hamilton, and Larry Satz seconded. However, the previous attendees had by then all dispersed, so the session was ended.

- Minutes taken by Judith Cannon, Office Administrator