

Minutes of the Metropolitan Taxicab Commission Board Meeting  
Friday, August 20, 2004  
1:00 p.m., in the Auditorium at 100 North Tucker Boulevard

(Note: there were 13 attendees in the audience today)

Meeting was called to order at 1:15 p.m. by Chairman Thomas McCarthy.

Roll was called; all Commissioners were present, excepting only Mr. Rudawsky.

*\* Mr. McCarthy made a motion to approve the Minutes of the July 14 meeting; motion was seconded by Mr. Morgan, and passed by unanimous vote.*

Mr. Tully made a follow-up report concerning the ‘[airport staging](#)’ issue. He stated he has received a denial letter from Airport Deputy Director Slay to our request, which provides no explanation, however. Mr. McCarthy reiterated that the airport controls its own property and we are subject to their decisions in these matters.

Mr. Shiferaw requested a copy of Mr. Slay’s letter of reply; Mr. McCarthy directed Mr. Tully to supply one to each Commissioner as soon as possible. Mr. Shiferaw advocated that the board should continue to vigorously push for ‘fairness’; Mr. McCarthy directed Mr. Tully to again contact Mr. Slay and to relay Mr. Shiferaw’s specific concerns.

Mr. Tully stated that, concerning the “[courtesy shuttles study](#),” presented at the July meeting, the Commissioners had approved a proposal to alter the shuttle rates, and asked our staff to conduct a further study and make its recommendations. This has been done, and staff proposes we might increase the courtesy [vehicle](#) fee while lowering courtesy [driver’s](#) license fee. He added that this information has been on the MTC website for two weeks, to elicit industry feedback.

Mr. McCarthy called on MTC counsel, Mr. Patrick McCarthy, who stated that we now ‘have our hands around’ the drivers, operators, vehicles. He pledged that by the next meeting, staff will have assembled all the materials it needs and will have merged the two databases, and will present its policy proposal at that time.

Mr. Tully referred the board to materials in their folders, concerning [revisions to the VFH Code](#). He stated that, effective August 28, MTC will have the ability to issue tickets to license-holders. We have prepared a proposed schedule of fines to be imposed in conjunction with new legislation which was passed, adding the proposed schedule of fees is also shown on our website, again to invite comments and suggestions. Mr. McCarthy asked whether any feedback has yet been received, and Mr. Tully replied that the *only* comments have been that the fees aren’t HIGH enough, however, we are limited by State statute as to the maximum fee(s) permissible under law.

Mr. McCarthy expressed unease about the lack of response, suggesting we send a postcard reminder, alerting everyone that the schedule of fees is likely to be adopted *at the next meeting*.

Following discussion among the Commissioners, it was agreed an actual **letter** should be sent, rather than just a postcard, and that the printed schedule of fees should be enclosed with it.

*\* Mr. McCarthy made the motion to mail the notification letter and schedule of fees to all license-holders immediately, with a clause asking for comment; Mr. Satz seconded, and the motion was passed by unanimous vote.*

Mr. Patrick McCarthy then provided a follow-up report concerning [horse-drawn carriages](#) and hansom cabs. He stated that there are 3 entities who are being invited next week to be interviewed by the staff, to obtain their input. He has completed the historical research with the City License Collector's office – after the 3 separate interviews are concluded, a collective meeting will be held, and a comprehensive report prepared for the board's next meeting.

Mr. Tully reported he is working with counsel on the [enforcement plan](#), specifically targeting the 'unlicensed entities.' Chairman McCarthy explained that we are already enforcing the general VFH Code, so this aspect is just an 'extra push.'

The Commissioners were all given [laminated wallet cards](#) providing cell phone contacts for the Director and the enforcement agents, as well as showing the Duty Roster rotation for agents, through December. Mr. Satz suggested a similar card also be prepared and issued showing the *Commissioners'* contact information. The Commissioners briefly talked among themselves and their consensus was that they would like to be provided with similar wallet cards reflecting contact information about each other. Mr. Tully replied that will be done, and those cards will be distributed at the next meeting.

Mr. Tully then reported on two '[roundtable](#)' meetings conducted earlier this week, as was suggested at the July meeting. One was with representatives of the On-Call classification, the other with representatives of Premium Sedans. Mr. Tully stated there was an excellent interchange at each meeting, that significant information was shared, and he pledged to continue to conduct these sessions periodically, to maintain open lines of communication with industry representatives. Chairman McCarthy asked whether these meetings are being logged, and Mr. Tully replied that detailed records are indeed being kept as to the date, time, names of attendees, and the topics discussed at each session.

Mr. Tully reported further on the possibility of instituting a '[more-complex](#)' [vehicle inspection](#) policy. At the July meeting, he was asked to report on the estimated cost and potential providers should this be instituted; he stated he has since contacted the City, the County, and 4 private companies (which he cannot identify by name). Two of the 4 companies have provided bids, two have yet to reply. Mr. McCarthy asked whether all the private companies are certified Missouri state inspectors; Mr. Tully replied *yes*. Mr. McCarthy stated we must ensure we are not setting up the companies for duplicate inspections/duplicate fees. Mr. Tully assured him that will not be the case, adding that these 'more-complex' inspections will qualify as the requisite State inspection and that the companies who have made bids each have over 20 locations throughout the metropolitan area, adding that they 'pull all 4 wheels' and examine the entire suspension system, etc., none of which is currently being done.

Mr. Tully reported that, starting next year, we intend to issue [specialty license plates](#) for taxis; he said that he will present more information about this subject later in today's meeting as part of his Director's Report.

Mr. McNutt asked who will pay the cost of the specialty license plates; Mr. McCarthy directed Mr. Tully to provide a 'full package' at the next meeting so that the members can vote on this issue at that time. Mr. McCarthy emphasized that the Department of Revenue charges an extra fee to issue these specialty plates, and that the MTC will not receive any portion of those fees.

## New Business

Mr. McCarthy directed the members to [select the date for the September meeting](#), however, he explained, a transportation industry seminar (by the International Association of Transportation Regulators) will be held September 19-22, which he and Director Tully will both attend. Mr. McCarthy stated the seminar's extensive workshops address several important issues the MTC is facing. Mr. McCarthy invited each Commissioner to also attend, stating the Commission will pay the seminar *registration fee*, however, the Commissioners would be required to personally pay all other travel expenses such as airfare, hotel, and meal costs.

After a brief discussion, the Commissioners agreed to forgo a September meeting and to set the next board meeting for Monday, October 4, at 1:00 p.m., so that they will not meet again until *after* they have attended the IATR seminar and obtained pertinent information from the workshops. Mr. McCarthy instructed Mr. Tully to send the Commissioners a reminder memorandum of the October 4 meeting date, and time.

## Director's Report

Mr. Tully reported that he, an MTC enforcement agent, and one MTC Commissioner had met with a MoDOT representative in Jefferson City earlier this week, concerning the MTC's desire for an ongoing, cohesive [working relationship with MoDOT](#). He stated the meeting was very beneficial, and that a task force is being formed.

Mr. Tully said the MoDOT representative had stated that any vehicle for hire "not running on a rail" must be designated as being *either* MoDOT or MTC; if any such vehicle isn't licensed *by one or the other*, it will be considered an *illegal* vehicle.

Mr. Tully provided an update on inclusion of [MTC staff](#) in the St. Louis City [pension plan](#) – this subject is on the agenda for the pension board's August 30<sup>th</sup> hearing, and it is expected that during that meeting our employees will be accepted to participate in the City pension plan.

Mr. Tully stated that he had been scheduled to meet with the Department of Revenue next week, concerning [license plates](#), since the effective date was supposed to have been September 1. That meeting was cancelled because the legislature has just changed the effective date to January 1, 2005; however, they have said they are currently drafting their proposal, and will continue to seek our input.

Mr. McCarthy stated that, as we phase in, let's ensure that no companies or owners thus pay duplicate fees, so we must be certain to arrange for these costs to be pro-rated when implemented.

Questions ensued about the [design elements of the specialty plates](#); Mr. Tully stated the DOR has a fulltime designer, and Mr. Hamilton asked whether our logo can be imprinted onto the license plates. Mr. Tully cautioned we cannot design anything resembling an "official car," which might cause confusion to law enforcement, however, we *may* be permitted to use a special prefix such as "TX," designating any "taxi." It was agreed we must use a distinctive, easily-recognizable color scheme and design, perhaps hiring an independent designer to control as much as possible the appearance, color and logos/emblems to be shown on our specialty license plates.

Mr. Tully added that MTC does have the authority to seize the license plate if a violation is significantly severe – that, in essence, it's our plate! Mr. McCarthy stated the chief objective is to make unlicensed vehicles easier to identify.

Mr. Tully reported about the [moratorium](#): this has been a major issue with On-calls and Premium Sedans – we’ve had an overwhelming response – and we are comfortable with the current number of cabs. Some of the [sedan](#) operators believe that, if they can substantiate a need for additional business, they should be allowed to apply for additional permits. Mr. Tully replied that they certainly may [apply](#), but currently the moratorium remains in effect, and that action on the subject of the moratorium will be deferred until our next meeting.

Mr. McCarthy requested that the members *not* vote on this policy *until* they have attended the IATR conference, since he has verified this topic will be included in the conference program.

Mr. Tully agreed, saying it’s based upon population figures, deplaning passengers, and other criteria.

*\* Mr. McCarthy made a motion to extend the moratorium, ONLY until the October 4 meeting; seconded by Mr. Hamilton, and was passed by unanimous vote.*

Mr. Tully reported that, at the suggestion of one Commissioner, our staff has photocopied the local Yellow Pages taxicab/limousine telephone listings, and is conducting an investigation to compare these listings against our official database and files to [identify any companies not properly licensed by MTC](#).

#### Treasurer’s Report

Mr. Morgan presented a spreadsheet report to the Commissioners, and explained that the [2005 budget](#) will be prepared by the end of October, *for presentation to the board at the November public meeting*.

Mr. McCarthy asked if there are any questions about the information Mr. Morgan has provided; there were none, so Mr. Morgan was thanked for his extensive, detailed report.

#### Public Comments

Mr. McCarthy opened by reminding today’s speakers that if any subject is broached which touches on matters now in litigation, the Commissioners cannot discuss any such issues.

First speaker was Mr. Ezezew Biru, from Midwest Taxicab

Speaker complained that, concerning the [application for merger](#) between his company and Metropolitan Cab company, it has taken 4 months and still has not been approved. He alleged this delay has cost both companies money and has hurt their business, and alleged the Commission has acted unfairly.

He charged that the two companies are victims of MTC’s delays and its lack of a clear-cut merger policy, yet expressed his desire to operate legally and to cooperate with the MTC’s merger rules.

Chairman McCarthy asked MTC counsel, *Patrick McCarthy*, to comment on behalf of the Commission.

Mr. *Patrick McCarthy* then asked Mr. Biru whether he is represented by counsel, and Mr. Biru replied that he is. Mr. McCarthy stated that Mr. Biru must relay his comments solely through his attorney as a matter of proper legal protocol.

Mr. Biru retorted that he wants it placed on the official record that he objects to the continued delay.

Mr. Patrick McCarthy replied [that the merger application was in fact resolved](#).

Chairman McCarthy then directed that if Mr. Biru is displeased with the Commission’s handling, he is entitled to lodge an appeal through his attorney.

Mr. Biru stated there *has been* no resolution of the issue, that he is aware of.

Mr. (WHICH) McCarthy replied the [MTC has given the staff the authority](#) to approve, or disapprove, merger applications; Mr. Biru replied that he has no problem with how the MTC staff performs its job, and stated that he will contact the staff to resolve this matter if indeed a policy is in place.

Third speaker was Dr. Ioan Ziub, President of Airport Taxi Service

Dr. Ziub complained that [advertising practices inside the airport terminals](#) give unfair advantage to two or three companies; he cited the high number of airport cabs and mentioned the airport's operating budget. Mr. McCarthy admonished him from mentioning any subject(s) which impinge on the pending lawsuit. Dr. Ziub stated that recently an airport passenger was asked why she had chosen a particular cab company and she replied that 'only two companies are shown in the terminal as providing ground transportation.' Dr. Ziub claims the directional signs for 'ground transportation' imply that only County Cab/Yellow Cab, and Laclede Cab, provide taxi service from the airport, which confuses visitors who don't realize there are many other choices; he feels the signs should be revised, or else removed. Mr. McCarthy observed that what goes on inside the airport terminals is not mandated by MTC, yet he instructed counsel to investigate the situation; he commented that it strikes him the MTC cannot engage in 'prior restraint,' adding that case law substantiates we cannot do so. Mr. Morgan interjected the observation that Dr. Ziub apparently chooses not to advertise, but seems to be suggesting the Commission restrict those who do choose to advertise. Mr. McCarthy stated that he will not ask the Commissioners who own the companies Dr. Ziub has just specifically mentioned to recuse themselves. Mr. McCarthy then instructed Director Tully to talk with Deputy Director Slay to obtain the terms from him – to find out who's eligible, and the costs involved; and to explore ways in which other companies can also be represented if a disparity/inequity is found.

Fourth speaker was Pamela Welch, Business Development Manager of ABC Cab

Speaker stated her displeasure that the [moratorium](#) has been [extended yet again](#). Mr. McCarthy replied that the agenda for the IATR conference is in Mr. Tully's office, from which the speaker can verify that the subject of moratorium policies is included in the September seminar program. Ms. Welch relented, said she agrees the MTC is small, so perhaps it will be beneficial to obtain the IATR's recommendations and expertise. Speaker then said that, regarding the [feedback MTC receives](#) from those who access our website, she feels *everyone* should be made aware of each others' comments. She stated that the number of people attending these public meetings is dwindling, and pointed out that not everyone has computers/Internet access. She stated that MTC had issued a [press release](#) last Fall and nothing more has been done since then. Mr. McCarthy told Mr. Tully that we need [hyperlinks](#) to both the City, and County, governments' websites, and particularly need reverse hyperlinks, so that people who visit their sites can be linked to ours. Ms. Welch agreed, suggesting the Convention/Visitors Bureau, the Airport Authority, and other key entities should also be reverse-linked to us. Mr. McCarthy agreed, adding we should develop a [public service announcement](#), and establish ties to media outlets to publicize/promote the existence, purpose, *and progress* of the MTC. Speaker addressed the airport resolution, saying there continues to be [widespread illicit solicitation](#) of trips, that the use of manifests has been discussed several times already, yet remains unresolved, and that those who have made prior reservations should be required to supply some written proof to the airport 'starter agents.' Mr. McCarthy agreed, and instructed her to submit her suggestion *in writing* to Mr. Tully; the speaker agreed to do so. Mr. McCarthy then mentioned that Mr. Tully is in the process of developing [a letter](#) to be mailed to key corporations in the area, alerting them to the necessity/prudence of patronizing only vehicles for hire which possess a valid MTC license. He added this letter will explain that these are issues of honesty and integrity, and of safety/security, particularly that the companies must be fully insured to obtain our license. We will also provide a depiction of what an official MTC license looks like.

Mr. Tully added he is also developing a [second version of this letter](#), to be sent to area restaurants, bars, casinos and clubs encouraging people who may be inebriated to order a cab rather than risk a DUI arrest/cause an accident.

Mr. Thomas McCarthy cautioned that we are working closely with MoDOT on the jurisdictional issues, so we ought not get too far ahead.

Ms. Welch asked whether the 'roundtable' meetings are open sessions, or by invitation? Mr. Tully replied that he had chosen the first groups, who were invited by telephone, and assured the speaker she *will be* invited to a future session since they will continue on a periodic basis.

Mr. McCarthy added that, as a matter of record, we did decide on the moratorium based on convention; however, he agreed it's a good idea to 'mix up' the roundtable attendees to ensure lively participation.

Fifth speaker was Douglas Bobo – from A-VIP Limo

Speaker asked a question about [the number of licenses allowed](#). He stated in 2001, he obtained licenses for his 6 premium sedans. Subsequently, business really slowed down, and he dropped down to only 2 cars. When business later rebounded, he resumed operating 6 cars, but now is being told by MTC staff that he can operate only the 2 cars for which he maintained licenses.

Mr. McCarthy asked whether speaker has discussed this with the MTC staff; speaker replied yes, but claimed he does not understand their response.

Mr. McCarthy stated that we try not to be rigid, but that if the speaker is unhappy with the answer he was given, he may appeal it. He added that the staff has the time, expertise, and investigative ability to pursue these appeals, which are the appropriate method to resolve questions/disputes.

Mr. McCarthy then stated he will entertain a motion to [adjourn](#); Mr. Hamilton so moved, and the meeting was adjourned at 2:17 p.m., with a closing reminder that the next meeting will be on *October 4*.

-- Minutes taken by Judith Cannon