

Minutes of the Metropolitan Taxicab Commission Meeting
Friday, December 3, 2004
1:00 p.m., in the Auditorium at 100 N. Tucker Blvd.

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

Meeting was called to order at 1:05 p.m. by Vice Chairman Lou Hamilton, who explained that he will chair today's meeting and believes the Chairman intends to join the session in progress.

Roll was called; all Commissioners were present, except Chairman Thomas McCarthy who joined the members *only* for the Executive Session which occurred very near the meeting's end.

* Mr. Morgan made a motion to approve the Minutes of the November 12 meeting; motion was seconded by Mr. Hamilton, and passed by unanimous vote.

Mr. Hamilton stated that he is re-ordering today's Agenda to accommodate some speakers who cannot stay until the end of the meeting, yet wish to address the members.

Public Comments

First speaker was Alfonso Giganti, of Alfonso's Limousines

- Speaker stated he is concerned about informational signage at the airport which mistakenly directs incoming air travelers to the 'MT12' exit, where limousines no longer 'stage.'
Mr. Hamilton replied that he will have Director Tully contact Airport Deputy Director Gerard Slay to discuss this, and asked Mr. Tully to provide a report on the outcome at the next meeting.

Second speaker was Dr. Ioan Ziub, of the Airport Taxi Company

- Dr. Ziub began by referring to the fact that the Airport has 8 companies. Mr. Hamilton interjected the comment that Dr. Ziub is raising a subject already included on today's Agenda, and assured the speaker it will indeed be addressed, but later in this meeting.
- Dr. Ziub then stated that it's 'common knowledge' that the Airport Authority is planning to 'bid out' the airport ground transportation operations to a concessionaire. Mr. Hamilton interjected an acknowledgement that the members have read the same newspaper articles/seen the same television news features as everyone else has, however, the MTC members have been given no specific details as yet, and will remain uncommitted until any such plan may be presented.
Mr. Hamilton again stated that Missouri state law clearly affords the Airport the right to oversee all aspects of its own operations, including curb rights etc. He added that if a concession system ultimately does prevail, the successful bidder *still* must come before the MTC to apply for its licenses; he reassured the audience that MTC will accept comments from all interested parties, including the current company owners and drivers, when and if that should become pertinent.

Mr. Hamilton stated no one else is signed up to speak today. He explained that anyone who wishes to do so must first sign a roster, and he offered attendees an opportunity to do so at this time. No additional persons signed up, however, so Mr. Hamilton directed all the commissioners to consult their calendars to choose the January meeting date.

New Business

The members consulted their calendars and selected Friday, January 14 for the next meeting.

Mr. Hamilton then instructed Director Tully to revert to the prepared Agenda and to address all the items shown under 'Old Business,' one by one.

Old Business

Director Tully reported on the following:

- The "Yellow Pages/Yellow Book" sedan company investigation is 50 percent completed, Mr. Tully said, adding that he will provide a full report of the results at the January meeting.

- Dr. Ziub had verbally requested permission for an airport company to change its logo and repaint its cabs; Mr. Tully stated he responded verbally, and later also replied in writing to Dr. Ziub, denying that request. Mr. Tully then asked MTC counsel Patrick McCarthy to explain the next step in the protocol to enable Dr. Ziub to appeal the Director's decision as he indicates he wishes to do.

Mr. McCarthy stated that the next step is to bring the matter before the full Commission for a hearing, with a court reporter present, at the Commission's earliest convenience. Mr. Hamilton then pledged that this shall be done at the January meeting, and directed Mr. Tully to arrange for a court reporter to attend that session and record what transpires. Mr. Hamilton also directed Mr. Patrick McCarthy to apprise Dr. Ziub of precisely how the hearing is to be conducted on that occasion so that he can exercise his appeal rights.

- That he and the MTC Agent staff conducted a 'round table' meeting with representatives of the premium sedan industry earlier this week, and that it was a very beneficial session. The staff recommendation is: to rescind the moratorium *for this category only*, but to ask the Commission to impose specific parameters as to the procedures to be implemented.

A discussion ensued about various considerations, including the minimum number of vehicles for new applicants; the permissible level of expansion for existing companies; the requirement that any company having 3 or more vehicles must maintain a *non-residential* office on a '24/7' basis (currently required only of 'on-call' cab companies); and several other factors.

Mr. McNutt pointed out that, since premium sedans must be vehicle makes/models not older than 2 years, this represents a significant investment for applicants to purchase the vehicles, submit the paperwork, have their vehicles inspected, etc., and still meet the Commission's arbitrary deadlines. Mr. McNutt added that existing companies must be required to bring every vehicle in their fleet, not just *some* of their cars, into compliance, stating that vigorous enforcement continues to be of critical importance to the integrity of the entire process.

* Mr. Hamilton made the motion to rescind the moratorium for premium sedans only, subject to specific conditions which will be developed and presented next month as a 'rule promulgated'; the motion was seconded by Mr. Rudawsky and was passed by unanimous vote.

Mr. Hamilton then directed Mr. Tully to send a letter to every existing premium sedan company, and to each appropriate limousine company, explaining how rescindment of the moratorium will affect them and detailing what the specific parameters for applicants will be. Mr. Hamilton added that this information must also be published on the MTC website to invite public inquiries/comments, and a record must be compiled of every response we receive. Mr. Tully was also instructed to issue a press release concerning rescindment of the moratorium.

Mr. Hamilton then asked Mr. Tully to provide his monthly report:

Director's Report

- We just recently held our first session of “Taxi Court” – it went very smoothly. Five hearings were conducted; 3 drivers paid their fines on the spot, 2 elected to appeal.
 - Here is a recap of some recent enforcement activities:
 - At Commissioner Satz’ request we visited a few Rams games, and we found that all the premium and stretch limos were in compliance, all were operating legally.
 - Starting Monday, our MTC enforcement agents will be doing ‘ride-alongs’ in City, County, and Airport police cars for four-hour periods, and that will continue indefinitely
 - We had another meeting just yesterday with the DOR (Department of Revenue) in Jefferson City, and we got their approval for our specialty license plate. Thus, the style everyone was shown at last month’s meeting will be the actual design we will utilize.
- (Mr. Hamilton interjected): Mr. Director, at the request of the Chair, consult with a panel comprised of our taxicab company owners, and have Messrs. McNutt, Shiferaw, and Rudawsky come up with a plan for the changeover and transition – by April 1, since it will take time to develop a process that’s not too problematic, including identity issues.
- Mr. McNutt asked whether the DOR has approved his numerous requests that the specialty license plate design should be such that the annual plate renewal sticker be placed in the center of the plate, to rectify the current situation whereby they are affixed on the edges and thieves are breaking off the license plate corners to steal the renewal stickers)
- Mr. Tully replied that he believes so, at least he certainly requested that feature. Mr. McNutt inquired on the status of specialty plates for *premium sedans*. Mr. Tully replied that we’ve made good progress, but is still working on that project, adding that just yesterday, he also met with the DOT representative in Jefferson City, and stated we’re getting great cooperation from them, also.
- Mr. Tully mentioned we ‘made some history’, just having licensed a fire engine to operate as a courtesy vehicle, for a downtown restaurant. Mr. McNutt asked whether it has seatbelts, and Mr. Tully relayed the question to the owner of that company (a Mr. Klein, who was seated in the audience) and who replied “yes.”
 - Mr. Tully then stated that he has an update on the St. Louis County “Winter Wonderland” horesdrawn carriages – we sent them an official notification letter and they’re now ‘on board.’

Mr. Hamilton asked whether any of the Commissioners has any questions to ask the Director; Mr. Bennett asked for clarification of our policy on ‘hidden charges’ added to credit card sales. Mr. Tully replied he has seen two kinds of abuse: one, where drivers claim there is a ‘minimum fare requirement’ even to use a credit card as payment; and the other where drivers say they are allowed to charge a small ‘handling fee’ if the customer prefers to pay by credit card. Mr. Tully stated that both such statements are inconsistent with the VFH Code, emphasizing that we require major credit cards to be accepted at no added cost to consumers.

Mr. Hamilton interjected his belief that such practices also violate the companies’ covenants with the credit card companies, whose policy is to strictly prohibit retailers from applying surcharges of any kind, or from mandating a ‘minimum amount’ in order to accept credit cards as payment. Mr. Rudawsky suggested that, to curtail such practices, we should report those problem vendors to the credit card companies whenever such actions become known to us.

Mr. Hamilton directed Mr. Tully to ‘add that to the list,’ stating it is a ‘bedrock’ requirement.

Mr. Rudawsky then asked Mr. Tully: you just reported that you checked cabs at the Rams games; but when you said that all the premium sedans checked out okay, did they have placards in the window with their customer’s name shown, as is required, or did you mean they just possessed a valid MTC license?

Mr. Tully replied that his was a cursory inspection, conducted by driving around in his car.

Mr. Hamilton interjected this exchange has served to remind him that we need to mention the 'intergovernmental' panel, which is comprised of Mr. McNutt, Mr. Morgan, Chairman McCarthy, and himself. He stated that, while unfortunately Chairman McCarthy could not be here today, the members are being asked now to discuss renewal of our contract with Mr. John Bardgett for 2005. For the benefit of those in the audience, Mr. Hamilton explained that Mr. Bardgett had handled a variety of legislative issues for the Commission in 2004, and we will now consider renewing his contract, based on favorable performance / satisfactory results. He recommended the members' approval to enable the Director to renew that contract for 2005. * Mr. Hamilton then made the motion to renew the contract of Mr. Bardgett. The motion was seconded by Mr. Rudawsky, and was passed by unanimous vote.

Mr. Hamilton then asked for additional questions; hearing none, he directed Mr. Morgan to deliver his monthly financial report:

Treasurer's Report

Mr. Morgan stated that he doesn't have the detailed budget report right before him, since MTC Enforcement Agent Doug Scherer is printing out the spreadsheets at this moment. –but, he stated that our balance stands at \$635,000. We have \$650,000 in revenues and have a \$25,000 shortfall. The MTC anticipates that significant additional funds will be coming in at the end of this year, when 2005 licensing begins in earnest.

Mr. Morgan recommended the members approve the budget, with the knowledge that the \$25,000 shortfall is a one-time occurrence and can be satisfactorily documented to our auditors. He anticipates approximately \$175,000 - \$200,000 to be received at the end of this year, depending on the volume of licensing, and said this surplus will sustain our operating expenses.

** Mr. Hamilton then made the motion to approve the budget as presented, subject to final review / modification at the January meeting; motion was seconded by Mr. Bennett, and was passed by unanimous vote.

Mr. Hamilton then explained there will be a brief adjournment to conduct an Executive Session in the Director's office, which he anticipates will last for only approximately 20 minutes. He invited the audience members to remain in the Auditorium if they wish, but stated the board will reconvene solely for the purpose of official adjournment, and emphasized that no additional business will be discussed or acted upon when the members do reconvene.

** Mr. Hamilton then made the motion to adjourn to Executive Session, which was seconded by Mr. Rudawsky. The time was 2:15 p.m.

The Executive Session was held, and *Chairman McCarthy joined the members for that session*; the members did reconvene at 3:01 p.m., when **Mr. Hamilton made the motion to adjourn; Mr. Rudawsky seconded, and the meeting was adjourned at that time, with a reminder that the next meeting will be held on January 14.

-- minutes taken by Judith Cannon, Office Administrator