

Metropolitan Taxicab Commission

Friday, November 18, 2005 @ 1:00 pm
100 North Tucker Boulevard

Members present: Chairman Hamilton, Commissioners Harris, McNutt, Reeves, Rudawsky, and Satz.

Members absent: Commissioners Bennett and Shiferaw. *(Note: One seat on the Commission is currently vacant)

MTC staff: Barker, Boutte, Deering, Hinton, Scherer, and Tully.

Legal Department: Counselor McCarthy

The meeting was called to order at 1:17 PM by Chairman Hamilton.

MINUTES

Approval was requested for the minutes of the October 21, 2005 Metropolitan Taxicab Commission meeting. A motion was made to approve the minutes by Mr. Reeves, seconded by Mr. McNutt. The motion passed unanimously.

NEW BUSINESS:

The Commissioners scheduled the next Commission meeting for Thursday, December 15, 2005 at 1:00 PM at 100 N. Tucker in the auditorium.

OLD BUSINESS

Counselor McCarthy introduced a proposed change to Section 203 of the Vehicle for Hire code. The changes reflected the policy on the Moratorium. (*See Attachment A*) Discussion ensued. A question was raised regarding the implementation of the 10% fleet increase policy. Mr. McNutt proposed that when a company applies, and is approved for an increase of 10%, the date of the approval will become the next date of eligibility for an increase. At any time greater than 12 months from the date of approval, if the company was full for the year, the company may apply for an additional 10%. If greater than 12 months, the actual date of the approval becomes the new anniversary date of the cycle. A motion was made to adopt the language with the modifications by Chairman Hamilton, seconded by Mr. Satz. The motion passed unanimously.

Mr. McNutt reported on the topic of Para-transit. He advised the Commission he has met with some of the industry members and he hopes to have some language to present at the December meeting.

DIRECTOR'S REPORT

The Director reported the monthly statistics. 36 new drivers were licensed since October 22nd. 28 driver's licenses were renewed and \$275 was collected in late fees. On November 1st, the airport access fees were billed totaling almost \$29,000. As of this meeting, 100% of the companies have paid their invoices. Last month, 54 airport taxis, 27 on-call taxis, ten courtesy

shuttles, and 63 premium sedans were inspected. 67 citations were issued by airport starters and 9 by MTC agents. 10 vehicles were red-tagged. A total of \$2,365 was collected in administrative penalties.

The Director reported on a special enforcement action on November 7th. A complaint was received from a cab driver regarding an illegal operator. The operator was observed loading and proceeding to Lambert Airport. With the cooperation of the Airport Police Department, the operator was arrested and his vehicle was towed. The driver was a previous MTC license holder, currently under suspension.

At the November 17th administrative hearing, 24 cases were on the docket. There were 13 not-guilty pleas, 3 guilty pleas, 1 dismissal, and 7 failures to appear. Currently, there are 23 cases on the Docket for the December 1st hearing date.

Mr. McNutt requested the Director set a regular monthly date for appeal hearings.

The renewal of Premium Sedans is complete. Two companies went out of business. Both companies were one-vehicle operations.

Director Tully reported we are working on developing our databases so that some day we will be able to share information with other agencies. The application for the reclassification of our ORI is currently with the Highway Patrol and FBI.

Mr. McNutt and the Director attended meetings with the Downtown Transportation Committee. A draft of the study will be available on December 6th.

TREASURER'S REPORT

Mr. Reeves presented a balance sheet reflecting the financial condition for the Commission dated October 31, 2005. He referenced the October's income and expense summary indicating a loss of \$16,438. The equity position of the Commission is \$245,374. Year-to-date income is negative \$59,485. Compared to last year's 10 month period year-to-date income was positive \$235,000. Since the settlement of the law suit, the method used to recognize income and collect revenue has changed, therefore the comparisons are irrelevant. 2005 will be the first year under the system that the Commission will be able to properly look at and compare income. Over the next month the Commission will go through a budgeting exercise. The balance sheet indicates a cash position of \$173,000 and receivables over twenty. Mr. Reeves advised the Commission is in good shape from a liquidity standpoint. Mr. Reeves clarified some points for the Commissioners as well as answered some questions.

PUBLIC COMMENTS

DAVID LEWIS, CEO of Bogey Hills Limousine and Transportation

Mr. Lewis requested a Premium Sedan license for his company. The company is based in and services St. Charles. Mr. Lewis described the growth in the population, employment, and new flights at Lambert. As a full service company, many of his clients have dual locations. In order to service these clients and comply with MTC requirements, he is requesting licensure from the MTC. He feels it would be beneficial for the Commission to expand its jurisdiction to all metropolitan areas including St. Charles. Mr. Lewis argued Bogey Hills' voluntary licensure

would serve as a catalyst to facilitate this transition. Additionally, they would continue to be an advocate for expanding the Commission's role into St. Charles County.

JOHN BEAL, ABC Cab Company

Mr. Beal began by asking for clarification of the procedure for the anniversary date of the 10% annual increase. Chairman Hamilton and Mr. McNutt explained the procedure for computing the anniversary date. Mr. Beal then discussed the topic of ABC Cab Company purchasing Archway Cab Company. After Consulting with Mr. McNutt, Chairman Hamilton explained the Commission will delegate review of the sale to Counsel and the Director. The Chairman then explained the process as follows. Counsel and the Director will then create a recommendation for the Vice Chairman of Operations, Mr. McNutt, to review. Mr. McNutt will ensure everything is in order and consistent with the Commission's policies. If approved by Mr. McNutt, then the Director will be empowered to approve the sale. If there is an issue that needs to be brought before the Commission, then it will be addressed at the next meeting.

APPEAL OF THE HEARING OFFICER'S DECISION

(The appeal portion of the meeting was on the record and recorded by the court stenographer.)

Mr. McCarthy began by describing the entire disciplinary process for the benefit of the audience at the Chairman's request.

Mr. William Howell Jackson then presented his case. General Counsel presented his case.

After both Mr. Jackson and Counselor McCarthy rested their cases, Chairman Hamilton motioned for the Commission in toto to affirm the Special Commissioner's findings of fact and conclusions of law in the matter of 302. Mr. McNutt seconded and the Chairman called for a roll call vote.

Chairman Hamilton: Yes.

Mr. Harris: Yes.

Mr. McNutt: Yes.

Mr. Reeves: Yes.

Mr. Satz: Yes.

Mr. Rudawsky: Yes.

(Mr. Shiferaw and Mr. Bennett were absent.)

The motion passed unanimously and the decision was upheld.

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 1:47 pm. Motion by Chairman Hamilton, seconded by Mr. Harris, and passed unanimously.

*The meeting was recorded and transcribed by A. Hammond.
Minutes were interpreted from the transcript by MTC Staff.*

Attachment A

[NEW LANGUAGE- as directed by the Commission on 18 NOV 05]

Until further order of the Commission, no Certificates of Convenience and Necessity for On-Call taxicabs, Airport taxicabs or Premium Sedans will be issued except as provided below:

After utilizing all available reserve Vehicles, if any, and upon application to the Commission, the holder of On-Call Certificates of Convenience and Necessity may increase its fleet up to ten per centum (10%) of its then existing fleet rounded to next highest whole number. This fleet increase will be permitted one (1) time per each twelve month period which period begins upon approval by the Commission.

In the event that an actual vehicle is not placed in service within sixty (60) days, or is placed in service, removed and not replaced with another vehicle within sixty (60) days of removal from service, the increase in its fleet shall be deemed as revoked.

SO ORDERED this _____ day of December 2005

ATTEST:

Vincent Bennett, Secretary