

Minutes of the Metropolitan Taxicab Commission  
Board Meeting – Friday, January 23, 2004  
1:00 p.m., in the Auditorium at 100 North Tucker Boulevard

Call to Order at 1:20 p.m. by Vice Chairman Lou Hamilton, with apologizes for the late start. Due to the unanticipated absence of MTC Chairman Thomas McCarthy today, Mr. Hamilton will now chair this meeting, but was unavoidably detained by having to arrive from a previous appointment.

Roll Call was conducted: present were Acting Chairman Hamilton and Commissioners Harris, McNutt, Morgan, Rudawsky, and Satz.

Absent were Chairman McCarthy and Commissioner Bennett; it is noted that the successor to Commissioner Tadesse has not yet been chosen.

Note: there are 12 attendees in the public audience

Approval of December meeting Minutes: Since each Commissioner had been sent an advance copy of the text of the previous meeting's Minutes, Chairman Hamilton entertained a motion to approve them, after soliciting any additions, corrections or deletions. None was offered.

Motion to approve the Minutes as written was made by Mr. Satz, seconded by Mr. Morgan, and was passed by unanimous vote.

Old Business

Insurance coverage: Report was given by MTC Treasurer, Mike Morgan. He has obtained considerable information but is not yet ready to provide an overview in written form. Mr. Morgan pledged to have a written report to circulate to the Commissioners *in advance* of the February meeting and to present to the public at the meeting itself (which, later in today's session, was scheduled for February 20, 2004).

Random drug testing:

Mr. Tully explained that the random drug testing policy is not yet on paper. Stated he met at 2:00 yesterday with the Barnes Care representative and obtained their proposal – he will share that material with the Commissioners now, yet pledged everyone will discuss it thoroughly before the next meeting.

Mr. Hamilton affirmed, the Commissioners will get into detail about this, only *after* they receive Mr. Tully's recommendations.

Mr. Tully added that we need to address the 'target population' aspect– he has a meeting with the DOT next Tuesday (meaning, January 27) and this issue is part of the agenda to be discussed during that meeting.

"Customer Comment" Cards: Mr. Tully provided a reference sheet which detailed the U.S. Postal Service's two plan choices for establishing a Business Reply Mail postcard. The page also depicted a staff-developed prototype, with sample front and back shown, of the type of postcard which the MTC might use to solicit and record complaints/commendations from taxicab passengers. Both USPS plans are costly (with one plan being feasible only for a minimum volume of 950 replies in one year); Mr. Hamilton suggested we might instead just develop our own postcard and affix the standard 23 cents postcard postage, rather than using the USPS Business Reply Card methods and paying that additional annual expense. However it was pointed out that using simple pre-stamped postcards incurs the expense despite the possibility that few/no postcards may ever be returned; whereas both USPS methods assess fees only for postcards

*actually returned to us* for handling. No decision was made, and the Commissioners are now taking this under consideration.

Transportation of schoolchildren weighing under 40 lbs.: Report was given by Director Mike Tully. He contacted the St. Louis Police Department and was sent a summary of the City safety belt law, which explains that the standards are based solely upon the age, not the weight, of the passenger, and that there is no requirement for installation/usage of seat belts. Mr. Tully added that at next week's meeting in Jefferson City with the Department of Transportation, he will further pursue this matter at that time, also stating he will present the result of his inquiry at the February meeting.

Feasibility of reducing "waiting time" limitations at the airport for On-Call cabs:

Mr. Tully stated **he will combine this subject (which is Agenda item #5) with Agenda item number 6 (which addresses Airport drivers' use of transponders)**. Mr. Tully said he has discussed this with Airport Deputy Director Gerard Slay, and that this item is also on Mr. Slay's agenda – Mr. Slay will arrange a meeting of all companies and drivers to discuss improving airport service overall.

Mr. Patrick McCarthy interjected that Mr. Slay had expressed concern that some On-Call taxicab owners were likely to balk at the costs involved.

Possible requirement for all airport cabs to utilize transponders:

As noted above, this subject also will be on the Agenda for the meeting which Mr. Slay will arrange between owners and drivers.

Automatic notification of companies whenever drivers are issued "violation reports":

Mr. Tully reported that he has again contacted Deputy Director Slay's office concerning the forms which are to be printed by the Multigraph division of the Police Department. After learning that the actual printing has not yet been accomplished, Mr. Tully requested that the format be changed, from a 3-part form to a 4-part form, so that the distribution will be as follows: to the driver, the airport police, the MTC for its official records, *and now the driver's company*. At the February meeting, Mr. Tully will advise what the projected completion date will be. Mr. Tully explained that the progression is: from Mr. Slay, to the Police Department, to the Multigraph section, thus this printing order has not yet been shipped to the City. Mr. Hamilton wanted to clarify that 2 copies are to be sent to the MTC staff, who then will be responsible to forward one copy to the driver's company? Mr. Tully responded, yes. Mr. Hamilton told all the Commissioners to feel free to speak up; however, no comments were offered in reply.

Ratio of taxicabs vis a vis the general metropolitan population:

Mr. Tully reported that, as Mr. McNutt had suggested, he contacted the ITLF (now known as the TLPA: the Taxicab, Limousine and Paratransit Association). He was informed there are only two municipalities in the entire country who set their fleet sizes based on population: Hillsboro County, FL (whose ratio is one taxi per 2000 persons); and San Antonio, TX (whose ratio is one taxi per 1700 persons). Based on those formulae, Mr. Tully commented, St. Louis (with 925 taxis compared to its Metro population of 1.5 million) already exceeds the ratio by approximately 200 taxis.

*(This item was next on today's Agenda, but Mr. Hamilton stated it will not actually be discussed today:* Network integrity of personal information stored in MTC's new computer database: A report, written by our computer consultant, Jim Herrmann of Herrmann Technologies, was provided in each commissioner's folder of materials; it attests that all

reasonable precautions have been implemented to safeguard the Social Security numbers, addresses, telephone numbers, police records, and other such personal information obtained from all applicants for MTC drivers' licenses.)

Contents of the MTC website Responding to an allegation that was made at the December Commission meeting, Mr. Tully explained that our website was checked immediately following that session; some text promoting a fictitious fundraising event was found, and was removed. That text was the remnants of a software installation template, and Mr. Tully again stated that no such fundraiser is underway or even contemplated by the Commission; he again apologized for any confusion or concern which the presence of this text on our website had caused.

December complaint by representatives of Grand Tower Grove Betterment Association:

Mr. Tully personally went and spoke with the owners of both companies, and they have subsequently relocated their offices. Thus this situation has been resolved.

Application made at December meeting by Ms. Patricia Lynn to establish a taxicab business:

Mr. Tully reported that he had sent Ms. Lynn a personal letter of acknowledgment, accepting her application for a CCN and commending her on the exceptional quality of her proposal. He also reminded her that the moratorium has been extended until July 1, but he pledged to re-contact her as that deadline approaches.

Mr. Tully added that his correspondence to Ms. Lynn had prompted a request for an interview of him by the local Fox News TV station; that interview resulted in favorable coverage of the MTC's creation, purpose and function.

Proposed amendments to the MTC Vehicle for Hire Code

Four amendments, which were submitted at the December Commission meeting and set aside due to not having been received and duly considered *in advance* of that session, were re-submitted at today's meeting. Moreover, one additional proposed amendment has now also been included. (Thus they flow from the "Old Business" section of the Agenda into the "New Business" section). They are as follows:

1.) Section 101.34: Definition of a "for-hire vehicle"

Mr. Hamilton read the proposed text aloud.

*Motion to adopt was made by Mr. Morgan, seconded by Mr. Satz, passed by unanimous vote.*

2.) Section 501.10 : Required acceptance of Master Card and Visa credit cards (at minimum)

Mr. Hamilton read the proposed text aloud.

There was a discussion about the costs of obtaining/maintaining credit card services, and of whether credit cards other than Visa/Master Card would, or should, be accepted. The consensus was that either Visa or Master Card MUST be accepted, and other accounts such as American Express or Discover Card may be used at one's option.

Mr. Hamilton also directed that signage should be developed which not only states MTC's requirement for acceptance of credit cards, but also references our telephone number for customers to call if the driver refuses to accept either Master Card or Visa as payment of fare.

*Motion to adopt was made by Mr. Morgan, seconded by Mr. Satz, passed by unanimous vote.*

3.) Section 504.2 (h) Driver Appearance and Conduct: requirement to wear the new photo-ID portion of MTC-issued licenses whenever a driver is on duty

Mr. Hamilton read the proposed text aloud.

*Motion to adopt was made by Mr. Morgan, seconded by Mr. Satz, passed by unanimous vote.*

4.) Section 603.7: Special requirements of Premium Sedans – shall not be *entered into* service older than five (5) model years

Mr. Hamilton read the proposed text aloud.

Mr. Tully mentioned that he is aware that some Commissioners feel the standard should be even more stringent, and had asked to discuss this proposal in detail.

Following a lively discussion, the strong distinction was made about being *entered into* service no more than 2 model years old, versus having to *come out of service* once it becomes 5 model years old. The proposed amendment text was revised to state that Premium Sedans shall not be *entered into* service older than **two** (2) model years.

*Motion to adopt was made by Mr. Satz, seconded by Mr. Morgan, passed by unanimous vote.*

**(the following** proposed amendment was the one which was **added just this month)**

5.) Section 401.4 (a) Fee for a driver's license shall be One Hundred Dollars (\$100.00); the license shall be valid for one (1) year *from date of issuance*

Mr. Hamilton read the proposed text aloud.

*Motion to adopt was made by Mr. Satz, seconded by Mr. Morgan, passed by unanimous vote.*

#### New Business

Mr. Hamilton announced a departure from the Agenda, and introduced a guest speaker:

Ms. Beverly Totten of the St. Louis Convention and Visitors Bureau. Ms. Totten outlined plans to schedule an open meeting for taxi owners and drivers, lasting approximately 3 hours, at which CVC representatives will provide a calendar of upcoming conventions/meetings/events.

Mr. Rudawsky interjected a request that, in future editions of the CVC's Official Visitors Guide, only *licensed* taxi operators should be listed/promoted. Mr. Hamilton underscored that request, adding that visitors deserve the security of knowing they are being referred only to licensed operators who comply with the MTC's professional industry Code. Mr. Hamilton also requested that our phone number be published in future editions of the CVC Visitors Guide, so that visitors have a resource to call if they have questions/problems when patronizing area taxi services.

Mr. Hamilton then addressed the next Agenda item: setting the date of the February meeting. He consulted a calendar, then proposed Friday, February 20 as the date for next month's meeting; after a brief discussion by the Commissioners present, this date was agreed upon and announced as accepted. The meeting will be held at 1:00 p.m. on that date.

#### Financial Report

Mr. Hamilton then called upon Treasurer Mike Morgan to provide his monthly report.

Mr. Morgan stated that he had been awaiting additional information and figures from Mr. Tully, but that these were not received due to Mr. Tully's having had oral surgery yesterday. However, Mr. Morgan was able to provide from memory a brief, general overview of the Commission's financial state: he stated that MTC is "on the good side" of \$39,647 for 2003, and our revenues exceed our expenses. Stated Director Tully and he had met with Karen Wittkoetter just last week, and together they had set up P & L (profit and loss) statement for this year. He mentioned that the County's comptrollers are very busy for a while with their own year-end reports, so the MTC's reports will be not input for a few weeks. Said we are at about \$63,000 with revenues that have come in. He pledged to provide a more detailed report next month.

#### Director's Report

After enumerating the actions taken in response to matters discussed at the December meeting, Mr. Tully added only that the 2004 licensing process is well underway, with approximately 600 licenses having been issued to date. He believes it is very likely that licensing will extend into

February, but stated that no penalties will be levied for licenses which are issued past the official January 31 deadline.

A discussion ensued about the feasibility of staggering driver's license renewal dates throughout the year, to ease the burden on the licensing clerk and to minimize the waiting time for the applicants. The Commissioners' consensus appeared to be supportive of changing to the use of staggered renewal dates, but no specific methodology was mandated, or even discussed.

### Public Comments

First speaker was Jason Handley of St. Louis Airport Hilton Hotel:

Speaker stated he doesn't understand how the MTC had determined the fees for courtesy cars – wants to know why parking lots pay only \$25, yet hotels pay \$100; stated his hotel is “*mostly parking*,” so he questions why they fall under the *hotel* drivers' fee schedule?

Mr. Patrick McCarthy interjected that, if you work for a hotel, that's where you fall. He then asked the speaker if that response answers his question.

Speaker responded, yes, and sat down.

Second speaker was Tim O'Daniels of Dollar Rent a Car

a. Speaker reiterated confusion about the discrepancy between the fees for various courtesy shuttles. Persisted in asking why it is \$25 for parking but \$100 for car rentals and hotels; stated “we have to loan money to some of our drivers just so they can afford their licenses.”

Mr. Hamilton explained that, once a shuttle driver crosses onto the public street, he becomes regulated. Added that he cannot give a full answer right now, but asked the MTC staff to draft a letter to send to everyone and explain this policy more completely - thus it will be stated from the same source, and at the same time, to everyone affected. Stated we really do need to get it resolved to everyone's understanding.

Mr. Patrick McCarthy pledged that, once the letter is written, the text will also be posted on our website.

b. Speaker then asked, why can physical exam certificates be only 90 days old, since a lot of the drivers have DOT physicals that remain valid for 2 years? He added, it's unfair that anyone would have to get a second physical exam just to satisfy MTC.

Mr. Patrick McCarthy interjected a reminder that next Tuesday, he and Director Tully are meeting with the DOT. He stated, drivers are welcome to call after that meeting, with questions, and the MTC staff will answer them.

Mike Tully clarified that we do accept DOT physicals – the confusion has arisen since we won't accept a drug test which is more than 90 days old, however.

Mr. Hamilton repeated, the **DOT** *physical exam* certificate is acceptable up to 2 years old, but the *drug test* is not = that has to be within 90 days. He suggested we put that into clarification, too, and explicitly line it out.

Next speaker was to have been Michael Palozzolo, owner of West County Express Taxi, who apparently has since left the premises.

Next speaker was Larry Goldstein.

Speaker said he will now give a 'shortened version' of his various concerns and comments...

a. Stated he has not heard anything about his assertion that the Commission has no expressly granted authority over drivers – (Speaker read aloud Section 67.18.04 of the VFH Code; then read Section 67.18.08,) and then said, “also, this is not in the Statutes.”

b. Speaker's next point concerns “the Commission set up.” Stated there are not only big taxi companies; some are very small, but they are not represented on the Commission, although they do provide a service. Stated his belief that the Code needs to distinguish between large, and small, companies. For example, he alleges the requirement to maintain “a 24-hour office outside one's residence” is punitive, and is merely a tactic designed to force small companies out of business.

c. Asked, how can someone obtain the records of these Commission meetings? Also stated that he has heard there are some lawsuits pending against the MTC, but that fact has not been made publicly known.

Mr. Hamilton interjected that he will revisit all these points, and asked if the Speaker has anything else to add.

d. Speaker stated that, concerning airport operations, the Commission has gone to great lengths to rearrange what occurs at the airport yet he sees no improvement in services, just increases in all the fees – he alleges there are longer waiting times, and big problems with loading luggage. He complained that a customer has to wait for “the right cab, his cab,” to pull up. Stated the airport cabs deserve, and need, all the rides they can get, including visitors who don't know the names of cab companies before coming to our city. Charged that some drivers stand in the baggage area with a “fake sign” and steal rides; or that visitors often use the telephones right inside the terminals which only some companies can afford to provide, adding his belief that this practice is an affront to any airport driver who has to sit and wait 3 hours for his turn to make his livelihood.

Again, Mr. Hamilton stated that he will address these issues all at once, and asked, what else? Speaker referenced the ‘public thoroughfares’ issue – cited Section 67.18.60 – read aloud “the State law, upon adoption of the Code, rescinds all ordinances in the City and County municipalities” and then charged that two of the Commissioners seem to have a conflict of interest due to having cab stands which are controlled by *members* of this *very* Commission ...

Mr. Hamilton replied that, under State law, the MTC licenses and regulates only the cabs, but that the various *municipalities* regulate the cab stands ....

The speaker retorted that he goes to Clayton, to the Ritz Hotel, to the Admiral Casino, and he sees empty cab stands in high traffic areas, thus he alleges that the public is not being well served.

Mr. Hamilton then stated he will now respond to the various questions this speaker has raised:

- a) About the authority of this Commission to regulate drivers: our counsel will discuss it with you.
- b) As to big, and small, companies: for the Airport and On-Call cabs, a distinction is made because of the specific differences in the very nature of their operations.
- c) As to the requirement to staff an office, elsewhere than in one's residence, 24 hours / 7 days.....

Speaker interrupted that if anyone has 5, or 10, cabs – or more – soon there will be no small companies, and that is not good service to the traveling public.

Mr. McNutt interjected, that's merely what is stated in the City ordinance.

- d) Mr. Hamilton continued, by stating that the MTC merely has adopted what the City, and County, had had on their books for years, and reaffirmed we are not trying to put anyone out of business.

- e) Concerning the records of these meetings, and information regarding lawsuits:

Drivers should feel welcome to contact us, and we will provide whatever information we can, under the terms of the “open records” laws. However, litigation files are closed until a legal determination is made.

Mr. Patrick McCarthy interjected that these are public pleadings which can be obtained from the law clerk's office where the suit was filed.

Mr. Hamilton added that we are required by law to give drivers access; he again invited them to contact us and pledged we will provide whatever we are legally permitted to divulge.

The speaker then introduced a new subject, stating his view that the quality of the drivers equates to the quality of service we provide the public.

Mr. Hamilton stated that the ability to drive a cab or to operate a cab company is not a right, rather it is a privilege granted under law. He said the Commission shares the speaker's belief that having good drivers makes for improved service, which results in higher wages. Stated this is precisely the reason why we have developed our Code – to elevate standards for appearance, conduct, and operations; and, when uniformly and consistently applied, this raises the income potential for everyone who complies.

Mr. Hamilton then thanked the speaker for his comments and stated that he is the final speaker who has signed up to address the Commissioners.

Mr. Hamilton then entertained a motion to adjourn, to conduct a very brief Executive Session, which is a closed meeting. He invited the audience to remain in the lobby and to return if desired when we re-convene and go back onto record.

Motion to adjourn was made by Mr. Morgan; seconded by Mr. Satz.

Meeting was adjourned to conduct the Executive Session

Following the brief Executive Session, Mr. Hamilton resumed the general session, however, none of the audience members had remained in the lobby to rejoin the general session when it was resumed.

Thus, the Commission meeting was adjourned; the time is 3:10 p.m.

-- Minutes taken by Judith Cannon