

Minutes of the Metropolitan Taxicab Commission Board Meeting
Friday, April 2, 2004
1:00 p.m., in the Auditorium at 100 North Tucker Boulevard

Meeting began at 1:15 p.m., with the Call to Order by Chairman McCarthy.
Roll Call was conducted; all Commissioners were present except Mr. Satz.

(note: there were 12 attendees in the audience)

Mr. McCarthy announced we do have a quorum. He then personally welcomed our new Commissioner, Mr. Shiferaw, since he (Mr. McCarthy) was absent from last month's meeting.

Mr. McCarthy then called for approval of the Minutes of the March 5 meeting.
(the Commissioners had all been sent an advance copy; there were no revisions proposed.)

**Mr. Hamilton so moved, Mr. Morgan seconded, motion passed unanimously.*

Mr. McCarthy, citing the agenda, asked Mr. Tully about the follow-up to a commendation of a driver who had returned a passenger's wallet. Mr. Tully explained that the driver was to have been commended at last month's public meeting, but he has since moved to California, so a letter of commendation was mailed to his local address on file, in the expectation it will be forwarded.

Mr. McCarthy moved on to the subject of random drug testing.

Mr. Tully briefly explained how the program will work; reported a notification letter already has been drafted and will be mailed out to owners closer to the July 1 effectiveness date.

Mr. McCarthy, per the agenda, then mentioned the subject of permitting "reserve" cabs at the airport.

Mr. Tully explained that an inquiry had been made, as to whether there should even be "reserve" cabs allowed within the *Airport* classification.

Mr. McCarthy asked for the history of this issue. Mr. Tully stated that the MTC staff has just completed its census, which stands at 250; however a few airport owners, during field inspections, had asked if they will be permitted to retain "reserves."

There followed a discussion of the judiciousness of permitting this to be done. It was made clear that to hold "reserves" (as is already permissible in the On-Call classification) the owners would have to pay the full applicable fee which is \$1,100 for Airport cabs (yet only \$55 for On-Call.)

Mr. McCarthy suggested that the Commissioners look into the issue much more thoroughly, and asked Mr. Tully to make a recommendation at the next meeting.

Mr. McCarthy then moved, per the agenda, on to the audit and financial reports contained in the Commissioners' folders today.

Mr. Tully stated that St. Louis County Auditor has concluded his preliminary audit and issued his findings and some recommendations. He added that he and MTC Treasurer/Commissioner Mike Morgan had attended an 'exit conference,' where they reviewed all the audit team's suggestions and recommendations - and each of those has already been complied with/implemented.

Mr. Morgan clarified that everything was found to be in excellent order, per the audit - only a few 'administrative' suggestions were made, which were chiefly practical considerations but which did not constitute actual errors or problems.

Mr. Tully added that we have already turned in our responses to all their suggestions, and they will reply by letter when they review those responses.

Mr. McCarthy asked MTC counsel, Patrick McCarthy, whether we have followed all the statutory requirements so as to comply. Mr. Patrick McCarthy replied that he will meet with the chair by the end of this month (April) to ensure we are in absolute compliance.

Mr. McCarthy stated that all 'old business' has been addressed, and we will now move on to items of 'new business.'

New Business

Mr. McCarthy, per the agenda, asked Mr. Tully to provide his report about a merger proposal: AWAB, Central, and Medina cab companies will merge to become "Express Airport Taxi Co." Mr. Tully replied that our counsel (Mr. Patrick McCarthy) has approved it as to legality, adding that this is a situation where no new Certificates of Convenience and Necessity are to be issued, there merely will be some new lettering of vehicles, but that everything will operate as now.

Mr. McCarthy clarified that this merger is administrative only, and Mr. Tully replied "yes."

Mr. McCarthy asked whether there is a change in ownership; Mr. Tully replied, "no."

** Mr. McCarthy then made the motion to approve the merger. Seconded by Mr. Hamilton, and was passed by unanimous vote.*

Mr. McCarthy stated that the next order of business is to select the May meeting date. Due to his own commitments, he suggested Friday, May 7 and asked the other Commissioners for their concurrence. This was given, and the meeting time was set for 1:00 p.m. on that date.

Mr. McCarthy then broached a subject not on the agenda: he stated that the hotel industry has petitioned him for a reduction of the fees for hotel courtesy shuttle drivers. He asked the MTC staff to do some research and respond to this, adding that we must have resolution by August. Mr. McCarthy then instructed Director Tully to ensure that the staff report is submitted to the Commissioners well in advance, so that they can develop their own questions and prepare suitable responses for discussion in a future public forum.

Mr. Morgan suggested the staff also project the monetary ramifications of lowering those fees.

Mr. Tully added that the financial impact is of concern to him, and stated he will present a census.

Mr. McCarthy stated that the hotel industry has invited us to meet with their board to discuss this issue, and suggested the MTC staff contact them to arrange such a meeting.

Mr. McCarthy added that we have committed to periodic review of the appropriateness of all our fees in *every* classification.

Mr. McCarthy then called for any additional items of new business from the Commissioners.

Mr. Rudawsky replied that he would like the MTC to become more 'proactive' to achieving the adoption and enforcement of our Code by the various municipalities.

Mr. McCarthy suggested to legal counsel Patrick McCarthy that he set up a meeting with Mr. Tim Fischesser, who is executive director of the St. Louis County Municipal League.

Mr. Tully explained that he has already met with the League's second-in-command, and that the MTC has recently been introduced in the League's February newsletter.

Mr. Hamilton expressed the need to accelerate our efforts, stating he will assist Mr. Patrick McCarthy in achieving this objective.

Financial Report – Mike Morgan

Mr. Morgan distributed the year-end financial report to the Commissioners, stating that in the next month we should have our reports and data established in the St. Louis County systems. Mr. Morgan rapidly enumerated the figures contained in the reports, stating our cash on hand is \$97,742 as of the end of February. He stated that we are doing very well on cash flow, and that there will be some large revenue intake in the next few months, followed by a 5 to 7 month period of reduced revenues because of the driver's licensing and vehicle inspection schedules.

Mr. Morgan pledged to provide a revised budget, including all March financial data, at the May 7 public meeting. He added that, now that the audit is completed, he has access to St. Louis County's computer systems and can very soon begin running data to generate regular reports.

Mr. Hamilton asked whether the Commissioners will be given monthly, and year-to-date, figures which will illustrate comparisons among these periods.

Mr. Morgan replied yes, stating we are about 30 days away from having all the comparisons, moreover he is currently nearly finished developing a 'profit and loss statement' which will depict all the data in graphs for the Commissioners' ease of reference.

Mr. McCarthy asked Mr. Morgan for his opinion of whether the calendar year is the best term for our fiscal year, and Mr. Morgan asserted it makes no practical difference.

Mr. Patrick McCarthy interjected a reminder that, when applying for our bank account, the Commission had passed a bank resolution whereby our fiscal year conforms to the calendar year. Mr. McCarthy thanked him for that information; he then asked Mr. Tully to present his report.

Director's Report – Mike Tully

- 1) There has been one additional suspension for a falsified physical examination certificate
- 2) Has addressed two different organizations, to explain the existence and purpose of MTC.

Those were: Hotel and Motel Association of St. Louis –and- Downtown, Inc.

Mr. Tully noted that Downtown Inc. had held the mistaken notion that cabs cannot legally be hailed from downtown streets.

These groups also advocated the industry require a "top light" on cab roofs to clearly indicate when a driver is on/off duty. Mr. Tully recommended the MTC adopt this suggestion.

3) 1700 *driver*'s licenses have been issued to date; vehicle inspections are now beginning and will extend through late June.

4) Special enforcement actions were conducted by the Director and enforcement agents on March 10 and March 26. At the specific request of one commissioner, they checked cabs' trunks for proper stowage of the spare tire, covered by a blanket or rug. The March 26 inspection was conducted just as the NCAA tournament was beginning, which brought 50,000 visitors to the area. Mr. Tully added that the St. Louis Convention and Visitors Commission has pledged to provide him with notification of major events (conventions, corporate meetings, etc.) so that MTC agents can stage special enforcement actions when we have a large influx of visitors.

Returning to the top light suggestion, Mr. McCarthy directed Mr. Tully to prepare a specific recommendation on the lighting issue, and to develop a sample logo.

Mr. Hamilton suggested that Mr. Tully should include some industry representatives in that process; and suggested that the subject also be publicized on the MTC website for comments.

Mr. McCarthy stated that was a good idea, and also asked Mr. Tully to project the cost of having such a top light designed and manufactured.

Mr. Hamilton then asked whether the MTC is in compliance with the VFH Code's requirement for 'electronic payment options.' He added that he read a *New York Times* article just this week, whereby NYC raised its fees for the first time in 5 years.

Mr. Rudawsky clarified that the MTC Code does not stipulate ‘electronic’ payment; it merely says drivers must accept major credit cards, however, *manual* processing of the receipts is permissible.

Mr. Hamilton suggested this item should be added to the list of requirements when vehicle inspections are conducted in the future.

Mr. McCarthy suggested that perhaps at renewal time, drivers/owners should be required to show us the contract agreements which they have established with their credit card companies. He mentioned that just last week, he flew home but the taxi starter did not give him a handout ; he added that the MTC wants the burden of notifications taken from the drivers and put onto the Airport, because the Airport is who mandated the \$2 Airport User Fee.

Sgt. Tim Sampson of the Airport Police stated that most passengers rebuff the offer of the handout because they are in a hurry to get underway.

Mr. McCarthy replied that is the customer’s right, but if they will not accept the handbills there must always be placards prominently posted which explain that the airport levies these fees, that the companies/drivers do not do so.

Mr. Hamilton again stated his conviction that MTC must develop its own notice which is to be placed *right inside the cab*....

...Mr. Patrick McCarthy interjected that the credit card companies’ contracts already require vendors to display such notice; Mr. Hamilton reiterated that MTC should create one, so as to control the specific wording, and to inform passengers that if their drivers do not comply, they should know they may call the MTC to report the driver.

Mr. McCarthy announced the panel will now accept public comments, however, since some members are rather pressed for time, speakers should be concise.

First speaker: Edward Shanayev - of Royal Car Service

Speaker stated that he asked this question two months ago, and said he has sent 3 faxes in this regard: a cab company’s office space is supposed to be non-residential, but this regulation is still not being enforced.

Mr. Tully responded that we have a case under investigation which is now on appeal, for a person who had been revoked for failure to comply; Mr. Tully is awaiting a disposition in that case, and intends to contact Mr. Shanayev when the outcome becomes known.

Mr. McCarthy instructed Mr. Tully that when we take some action or encounter a delay, the questioner nevertheless deserves to be kept apprised.

Speaker stated he feels the MTC agents should go out and physically inspect every office to ensure there is compliance.

Mr. Tully explained that CCN process is underway, the staff is completing its census, and we have indeed begun the process of investigating all CCN holders.

Mr. McCarthy replied that is commendable, but there also must be a report made – on the public record – of where the staff now stands within the process, what has been observed, what actions have been taken, etc.

Mr. Hamilton interjected that if questions persist, any legitimate business is required to maintain an Occupancy Permit.

Mr. Tully added, any legitimate business must have a valid Business License, as well.

Second speaker was Pamela Welch, Business Development Manager of ABC Cab Company

Speaker stated her first subject is, communications issues; she stated that the February 20 public meeting was abruptly canceled and charged that practically nobody knew about its being re-scheduled. (*see note which follows, next page*)

(note: the February meeting was not rescheduled – that agenda was moved to the next month’s meeting, which was held only two weeks later, on March 5.)

Speaker’s second point is, that companies are still not being notified when Violation Reports are issued to drivers, and that three months have elapsed since Mr. Tully reported that new forms (which now include a fourth page, for transmission to the owners) were being printed.

Mr. McCarthy asked Sgt. Sampson about this; Sgt. Sampson replied that he *does* send airport enforcement information to the Commission weekly, and sometimes does so daily if there is high volume of activity.

Mr. McCarthy directed Mr. Tully not to wait any longer for Multigraph to produce these forms, but instead to develop something, take it to a copying company and get it accomplished ASAP.

Speaker (Ms Welch) continued, by asking the status of the search for affordable insurance.

Mr. Morgan stated he has talked with at least 6 different companies, and has gathered all the information he can; since the research is now completed, he suggested we move on to the areas of discussion, choice, and implementation - and this should be done at the May 7 meeting.

Speaker protested that the CCN requirements are coming up, and she is running out of time because the transaction has to be registered with the Insurance Board for some period of time, before she can actually purchase it.

Mr. Morgan said he intends to have this ready within the next week or so.

Mr. McNutt asked Mr. Morgan whether the Commissioners should address their comments to him; Mr. Morgan replied, certainly, and that he will put together the discussion points for review; he again suggested these be put on the website to solicit feedback from owners and drivers.

Mr. McCarthy endorsed this suggestion as being a very good idea.

Speaker (Ms Welch) raised one final item: that gasoline costs have skyrocketed; she asked the Commission to consider applying a surcharge if fuel goes beyond an amount they will specify.

Mr. McCarthy instructed Ms Welch to develop a proposal for the MTC staff, adding that we would want implementation to be across the board, not piecemeal.

Mr. McNutt stated that notice of any such surcharge will have to be posted inside all cabs, so the customers don’t receive it as nasty surprise;

Mr. McCarthy agreed, saying we must place *that* on the agenda, *too*.

Third speaker: Bill Rodgers – St. Louis American Cab Company driver

Complained about Town Cars and SUVs stealing the cabs’ trips.

Mr. McCarthy replied, we need to have these incidents reported to us, with specifics. If anyone sees systematic situations where the MTC agents can go witness violations for themselves, let us know and we will conduct special enforcement actions in response to such reports.

The speaker added his charge that violations are flagrant in the Downtown area, especially near the Convention Center.

Mr. McCarthy replied that we are working with MoDOT on this issue – they sympathize, however they lack the enforcement ability to pursue such complaints, adding that the MTC cannot act without specific authority from the Legislature.

Mr. McCarthy added that, when the bill was passed, it contained an unforeseen hole, which is the ‘5-passenger vehicle’ clause; however the City and County clearly have authority to enforce their ordinances against those who are doing this, DOT or not. He stated that the MTC must use the full resources of City and County police to enforce the ordinances.

Mr. Hamilton stated, once again, they need a business license to operate legally within the City or County jurisdiction.

Mr. McCarthy emphasized that the Airport Authority requires them to have an *MTC license* to operate through the airport; he directed the MTC staff to coordinate with the City, the County and the Airport and to insist that if any company intends to do business here, then these are the ordinances they must obey.

Turning to Mr. Tully, Mr. McCarthy said that the MTC is unable to increase its fulltime staff, but it can bring in off-duty police officers for ‘sting’ operations. He stated that we have promised to do so in the past, but the time has come to actually conduct such enforcement actions.

MTC Enforcement Agent Joe Bollinger interjected that the staff’s biggest problems are in Clayton, and in Chesterfield, and at Harrah’s Casino.

Mr. McCarthy replied, that is *why* these municipalities *must* adopt our Code; however the City is under one jurisdiction, and the County can only interfere within the County limits, but not in (as example) Edmundson, or Chesterfield. He stated that this issue is a top priority, and he anticipates a resolution *before* summer begins.

Fourth speaker was Walter Morrow from Corporate Car Service /Executive Car Service
Stated he needs a license but cannot obtain one.

Mr. Tully explained that we already have his application on file, however a moratorium remains in effect until June 30 – he anticipates the Commission will need to fully review its policies within the next 4-5 weeks.

Mr. McCarthy instructed Mr. Tully to provide a full report at the May 7 meeting, stating how many have applied, since the limousine operation really is somewhat different from other classifications.

Fifth speaker was Dr. Ioan Ziub, president of Airport Taxi Council

Speaker: This is very ‘old business’: six months ago, I wrote a letter about the violation of the MTC Code by premium sedans at the airport . Then, three months ago, in December, you said it was an important issue, but nothing has been done. Page 20 of the MTC Code states “drivers must stay by their cars with a placard” – but they don’t, they go right on inside the terminals.

Mr. McCarthy asked Sgt. Tim Sampson for clarification.

Sgt. Sampson explained that a 1998 provision allows drivers to go inside the terminals, back to when it was permissible to go down to the gates to meet someone. Now, since 9/11, (a reference to the September 11, 2001 terrorism attacks) one can no longer go to the gates, so the meeting place has become the area right by Baggage Carousel One – drivers may stand there with a placard, but they also have to have a manifest on hand for possible inspection.

Mr. McCarthy observed that MTC has one requirement, and the airport has another. He then instructed Mr. Tully to coordinate with the airport and see if they’re willing to do it our way: to compel drivers to remain by their vehicles.

Mr. Tully replied that he has already done so; he sat in on two recent meetings with Mr. Gerard Slay; one was for On-Call cabs, the other was for Airport cabs – so, now, we have Airport and On-Call cabs staging side-by-side. The proposal is to have the premium sedans stage adjacent to the On-Call cabs, however, based on the 9-11 requirements, the area is located in a ‘blast zone,’ so the Airport Authority must mandate that, in that area, the premium sedan drivers are required to remain near their vehicles.

Mr. McCarthy directed Mr. Tully to sketch it out, and to give a report at the May meeting.

Mr. Tully mentioned that Dr. Ziub was also *present* at both of those meetings and has already *heard* all this information directly from Deputy Director Slay, however.

Dr. Ziub (continued): What is the Commission’s position regarding drivers carrying guns?

Mr. Hamilton said that Missouri law affords anyone that right, but he believes that when the MTC grants someone the privilege of driving a cab, we can enforce a more-restrictive policy.

Mr. McCarthy then instructed counsel Patrick McCarthy to review this, especially *vis a vis* owners/operators working under a license – one, what companies can do right now; and then, to address what he believes the MTC legally may do, and what he recommends it should do.

Dr. Ziub stated his opinion that since there are too many cabs already, the airport cabs should not be allowed to sub-lease; stated the VFH Code already prohibits sub-leasing, so the staff should either enforce the existing Code or remove the prohibition from the Code.

Mr. McCarthy asked Dr. Ziub to provide us with the pertinent information, and Dr. Ziub said he has already done so by sending a letter to Director Tully.

Mr. McCarthy directed Mr. Tully to meet with Dr. Ziub to obtain specifics of the situation he is alluding to, and for Mr. Tully to ensure we are indeed enforcing the Code.

Mr. McCarthy pledged to Dr. Ziub, that once we investigate, our legal counsel will advise if the subject company's operation constitutes sub-leasing under the Code.

Dr. Ziub finished by stating that there are currently 279 cabs at the airport, and that by May 10 the number will have been reduced by 10 cabs.

Sixth (and final) speaker was Alfonso Giganti of Alfonso's Limousines Inc.

Speaker stated he just learned that premium sedans' age requirement was changed from 5 years, to 2 years, when *entering* a car into service. He requested reconsideration, because the body style changes occur only every 3 to 4 years, so he believes the terms should coincide. He stated that five years is much too long a time, but that 3 or 4 years is still better than only 2.

Discussion ensued about why the requirement was recently reduced to 2 years, but no decision was made to study it further or to consider again changing the new standard of 2 years.

Speaker then observed there is no representation of premium operators on this Commission, and he believes there should be.

Mr. McCarthy explained that state statute spells out the provisions of the Code. The Mayor, and the County Executive, make the appointments; the Commissioners, as the appointees, have no say in this.

Speaker stated he does not want to become a Commissioner, but that he would be willing just to act as a liaison, representing his segment of the industry.

Mr. McCarthy replied, it's fine if the speaker wants to volunteer to help out; the Commission certainly does not wish to foster the image of not wanting to work with anyone.

Next speaker was Bill Rogers, from St. Louis American Cab:

Stated his drivers say that all the Commission does is collect money, and nothing else ever changes.

Mr. McCarthy replied that, as soon as we *make* more money, we can indeed change things.

Speaker retorted that the common view is, the Commission is trying to put some out of business.

Mr. McCarthy said everyone wishes we could maintain a "knock-your-socks-off" level of enforcement. We are getting licenses issued, rounding up and verifying offenders, processing CCNs; we will pull in the County's systems and its resources, and very soon get a handle on our money situation. He added he can tell that drivers think their licenses cost too much, but said we want to give them more 'bang for the buck' and we're very close to doing just that.

Mr. McCarthy thanked the speaker for his comments and asked that someone make the motion to adjourn.* Mr. Harris made the motion, Mr. Hamilton seconded, it passed unanimously.

The time is 2:25 p.m.

-- minutes taken by Judith Cannon, Office Administrator