

Minutes of the Metropolitan Taxicab Commission Board Meeting
Friday, May 7, 2004
1:00 p.m., in the Auditorium at 100 North Tucker Boulevard

Call to Order at 1:10 pm by Vice Chairman Lou Hamilton. He explained that, due to the absence of Chairman McCarthy, who is in Jefferson City today working on Legislative matters for the Commission, he will chair this meeting.

Roll Call was conducted. All members were present except Chairman McCarthy and Commissioners Bennett, Harris and Satz. Note: MTC legal counsel Patrick McCarthy was not in attendance.

Note: there were 13 attendees in the audience.

The Minutes of the April 2, 2004 meeting were reviewed (advance copies had been sent to all Commissioners); there being no additions, deletions or corrections, the Minutes were approved.

** Motion was made by Mr. McNutt, seconded by Mr. Rudawsky and passed by unanimous vote.*

Chairman directed that the agenda be re-ordered, and that we begin with the Treasurer's Report. Mike Morgan, Treasurer, presented his report. He stated that the figures are current through April 30; the percentages shown are contrasted with total expenses. Mr. Morgan is not showing our expenses as compared to our revenues and budget, since our revenue is so cyclical in nature. Chairman called for any questions about the budget; hearing none, the report was accepted and the Treasurer was thanked for his research and this report.

Chairman further revised the agenda order, and instructed Mr. Tully to give his report, combining it as much as possible with his replies to various outstanding items of old business.

Director's Report

1. Investigation of CCNs: the MTC enforcement agents are making "check calls" at odd hours, and inspecting office locations, to ensure compliance. He will keep all apprised as it develops.
- 2 At the last meeting, Tully was asked to check premium sedans – there were no *applications* made, but four companies have inquired about the moratorium.
3. Distribution of Violation Report forms - in each Commissioner's folder is a sample of the Missouri Uniform Traffic Ticket, which staff will redesign to make it applicable to our function – that is already in development.
4. We had an inquiry from a company, regarding fuel surcharges. Mr. Tully has reviewed the Code and has verified that he as Director can make a *recommendation*, but the Commission still must vote on this. He asked for comments from the panel.

Mr. McNutt stated he supports adopting a surcharge, but proposed capping the amount at \$1 each way, per trip. He stated that Director Tully should be empowered to approve it, but stated it must be posted very clearly so passengers know it is an authorized surcharge. Mr. Hamilton suggested instead that Mr. Tully approve these requests case by case, so it's on record; he clarified that nobody is *required* to add a fuel surcharge but that if they do so, there must be a record of their application and of the Director's approval. No one will be denied, and the approval shall not be unreasonably withheld, Mr. Hamilton stated.

Following a discussion of how to word this policy, and how to address rescinding the surcharge should fuel prices decline, Mr. Hamilton made the motion to authorize the Director to grant and to rescind permanent certificate holders the permission to add \$1 *per trip* as a surcharge, to deal

with the fuel issue. Mr. Hamilton dictated the specific wording to be used : “at the discretion of the Director – and not to exceed \$1 per trip.”

** Mr. Hamilton then made the motion to adopt this policy; Mr. Morgan seconded, and it was passed by unanimous vote.*

Mr. Tully proceeded to the issue of allowing ‘reserve cabs’ at the airport. He stated he has taken an industry survey, and the consensus is that there is already a sufficient number of cabs, and no additional *airport* cabs are needed or desired. A discussion ensued about the fact that the Code does permit *on-call* cabs to hold reserves as long as they pay the applicable fees.

Mr. Tully addressed the matter of ‘sub-leasing,’ stating he has referred this to our counsel to more clearly define it, adding that the sub-leasing issue leads into the subject of establishing a ratio of ‘one cab/one driver.’ Mr. Hamilton replied that he will exercise the prerogative of the Chair to get this defined, and directed Mr. Tully to report back to the Commission at the next meeting.

Mr. Tully moved on, to the ‘staging’ issue. He has talked with the Deputy Airport Director and with Homeland Security; he recommends that we send a letter to the Director of the Airport and require premium sedans also to be staged in the ‘blast zone’, meaning these drivers will have to remain with their vehicles at all times. He clarified that *everyone* will now have to do so. He stated the airport director agrees, and Homeland Security agrees, so that the ‘starter agents’ can oversee all facets of vehicle-for-hire operations from a single vantage point.

Mr. Rudawsky stated that he wants to be on record as dissenting with staging premium sedans as the Director now suggests; in his view, ‘meeting and greeting’ customers is *part* of the premium sedan service, and their customers do pay extra money to receive that level of service.

Mr. Hamilton noted Mr. Rudawsky’s opinion, then stated that, as the Chairman, he will allow the Director to issue said letter; he clarified that *no motion is needed in this regard*.

Mr. Tully moved to his report on the Municipal League, stating he has had two meetings with the League’s Executive Director, with their counsel, and with our own counsel – and that this liaison is developing slowly, but well.

Mr. Tully then addressed the subject of ‘top lights,’ explaining that he has consulted with a graphic artist, who is developing prototypes and a cost projection. In addition, this subject has been placed on our website to solicit input from the industry and the general public.

Mr. Tully proceeded to the concealed carriage of weapons, stating that this matter was referred to our counsel to investigate and to report on, however, Mr. Patrick McCarthy is out of town on a legal matter and was unable to attend today’s meeting.

Mr. Hamilton instructed Mr. Tully to proceed to his actual Director’s Report.

Mr. Tully enumerated some special enforcement actions, including a field investigation conducted on Opening Day of the baseball season, at Busch Stadium, and at the first home game following the opener, to check compliance with MTC Code.

Mr. Tully stated that he has imposed two suspensions since last month, and mentioned there are two other cases awaiting hearings.

Mr. Tully continued, issuing a public reminder that June 30 is the absolute deadline for all on-call cabs to be inspected and licensed. Since the Commission has already extended the deadline from April 30, to June 30, everyone is being reminded there will be no exceptions granted.