

Minutes of the Meeting
Of the Metropolitan Taxicab Commission
Friday, April 22, 2005,
at 1:00 p.m., in the Auditorium at 100 North Tucker Blvd.

Call to Order at 1:10 p.m., by Chairman Thomas McCarthy. Chairman explained that we barely have a quorum today, and that the members who are present are pressed for time. He stated that the members are about to adjourn to an Executive Session to discuss some personnel issues. He asked the attendees to instead direct their questions/issues to the MTC staff, or to defer them until the next meeting, if possible. He announced that the date has already been chosen: Friday, May 6, at 1:00 p.m.

Roll Call: all Commissioners were present, except Messrs. Harris, Rudawsky, and Satz.
(note: Vice Chairman Lou Hamilton joined the meeting during the Director's Report)

Adoption of Minutes: Chairman McCarthy, consulting the agenda, made the motion to adopt the February 18 minutes (note: the March meeting had been an Executive Session only).
Motion was seconded by Mr. Morgan, and was unanimously passed as written.

Director Tully was asked by the Chairman to address an item of **Old Business**. Mr. Tully briefly enumerated recent enforcement activities which included the NCAA Wrestling tournament, the NCAA Final Four basketball championship playoffs, and the Cardinals Opening Day game.

As to **New Business**, the Chairman reiterated that the next meeting will be May 6, which is only two weeks from today. Chairman McCarthy stated that current circumstances may require more frequent meetings than monthly, and recommended that interested parties continue to check our website for updated notices of meeting dates and times. He then asked Mr. Tully to deliver his Director's Report.

Director's Report

Mr. Tully stated the following:

- Taxi Court sessions have been generating average revenues of \$3000 per month, but that is expected to continually diminish over time.
- An MTC staff member caught another instance of fraudulent medical documentation submitted by an applicant; Mr. Tully has already consulted the Veterans Administration's security personnel, the FBI, etc. There are 4 suppressed indictments; 2 arrests have been made and the other 2 persons are currently being sought.
- He recommends that the licensing deadline (April 30) for Airport drivers be extended, until May 31.

Chairman McCarthy then asked the members to discuss whether, after May 31, a 90-day license at a cost of \$250.00 should be considered, due to the fluctuating situations concerning ground transportation operations at the Airport; he cautioned it may be unwise to issue licenses valid for any longer terms, since the Airport is in the process of converting the ground transportation services to a concession operation, and since settlement of a legal issue also may significantly impact those operations in the next few weeks. Mr. McCarthy then made a motion to issue airport licenses valid for a 90-day period, at a cost of \$250.00. Mr. Morgan seconded the motion, then Chairman McCarthy opened the matter for discussion by the members. Mr. Shiferaw stated he will agree to extending the current April 30 deadline to May 31, but that he does not advocate subsequent issuance of any temporary licenses, adding his belief that the standard one-year term should apply.

Mr. McNutt and other members introduced various alternate ways to handle airport drivers' licensing. MTC legal counsel Patrick McCarthy suggested that, before actually voting on the motion, the members might immediately adjourn to an Executive Session to discuss issues which may influence their decision. Instead, Chairman McCarthy opted to take a brief recess, during which he would confer with Counsel McCarthy. *A three-minute recess then followed.* When the meeting was resumed, Chairman McCarthy recapitulated the salient 'operational requirements' which are part of his proposed solution:

- airport cab drivers may queue at the Airport only if they have curbside rights
- airport cab drivers may pick up a passenger only if specifically called to do so, and can document that they were called to provide said service
- airport cab drivers may pick up a passenger at a hotel only if no other taxi is available / if they are not queuing
- airport cab drivers are not permitted to queue in a hotel line

Other members then interjected additional questions and comments about 'vehicle age requirements,' insurance considerations, and strong concern that issuing long-term licenses at standard annual fees might cause complications for the administrative staff, who would then have to issue and mail refunds to each affected driver if the evolving 'Airport situation' significantly changes the status quo.

Chairman McCarthy then asked the MTC office administrator to conduct a poll of the board members. Voting 'yes' were: Commissioners McCarthy, Hamilton, Bennett, McNutt, and Morgan; voting 'no' was Cmsnr. Shiferaw. Again, for the record, it is noted Commissioners Harris, Rudawsky, and Satz were not in attendance today.

Chairman McCarthy then moved to the **Public Comments** portion of the agenda:

Speaker #1: Mr. Jerry Beal, General Manager of ABC Cab Company

Speaker complained that his request for additional permits had been denied by Director Tully. Chairman McCarthy asked Mr. Tully if this was so; Tully replied yes. Chairman McCarthy explained to Mr. Beal that the Commission utilizes a specific appeals process, and suggested that after the meeting, Mr. Beal should consult an MTC staff member to learn how to file an appeal of Director Tully's decision.

Speaker #2 was Michael Austin of "3Wheel Taxi LLC"

Speaker stated that he began operating rickshaw pedicabs on April 1, the weekend of the NCAA Final Four tournament; his startup was with only 4 rickshaws, but he is seeking approval to expand to a fleet of 10 vehicles. Chairman McCarthy instructed Mr. Austin to first consult an MTC staff member and allow them to assess and respond to his request; he added, as in Mr. Beal's case, the speaker may likewise file an appeal if unsatisfied with the staff's handling of his request to expand his business.

Speaker #3 was Tyrone Gary, a driver from Allen Cab Co.

Speaker is a personal friend of an Allen Cab driver who was recently killed; on behalf of the driver's family and the company, he thanked MTC for sending a floral arrangement to the visitation and for voluntarily refunding the driver's 2005 licensing fee to his survivors.

Chairman McCarthy thanked the driver for coming today to express the family's appreciation.

Chairman McCarthy then called the roll to move into an **Executive Session**, explaining to the audience that personnel matters must be discussed in 'closed' session. He added that when the members reconvene, it will be for the sole purpose of adjournment and that no other business will be conducted at that time. The Executive Session then followed; it ended at 2:40 p.m., at which time the members returned to the Auditorium for the adjournment.

-- minutes prepared by Judith Cannon, MTC Office Administrator, from a transcript taken by Certified Court Reporter, Margaret Walsh Chopin of Walsh Reporting Associates, Inc.