

Minutes of the Special, Emergency Meeting
Thursday May 12, 2005
8:00 a.m., in the Auditorium at 100 North Tucker Boulevard

Meeting was called to order at 8:05 a.m. by Vice Chairman Lou Hamilton, who will chair today's meeting in the absence of Chairman Thomas McCarthy

LH: We are pleased you could all join us this morning for this special meeting of the Metropolitan Taxicab Commission. Let me explain exactly how we are going to conduct this session today: very shortly the Commissioners will go into an Executive Session, after which we will reconvene for the public portions; we may be gone for 30 to 45 minutes, maybe even an hour, I cannot say. We will deal only with the specific Agenda for which we are convening today, and will then return to cover public comments.

Accordingly, we will go into closed session upon the motion to adjourn, to discuss the legal, confidential and privileged matters which can include the lease and purchase of real estate, (read aloud the entire formal statement we maintain on these premises, by posting on lobby entrance door and on interior doors)

I will now entertain the motion to adjourn to an executive session, please.

MM: I move we adjourn.

DMN: I second.

LH: **The time is now 8:15**, for the record. We will now adjourn, and ladies and gentlemen, you are welcome to stay for the duration, for the public portion which will occur when we reconvene.

<p>Executive Session followed in the Agents' office of the Commission. Those Minutes are separate from the public meeting, and are confidential.</p>

At 9:30 a.m., we reconvened in the Auditorium

LH: Ladies and gentlemen, we appreciate your patience while we were in closed session – it is 9:30 by my watch – Judith, we are reconvening the Special meeting, for the record. I am pleased to report that, as a result of the ongoing discussions in the last few weeks, we have reached an agreement with taxi drivers to ... counsel, what is the correct term?

PJM: Vacate.

LH: ..to vacate the court judgment that had resulted from the lawsuit..... The terms will be enumerated shortly, by counsel, in preparation for a vote by this Commission to move forward. I want to make it clear that we will NOT be discussing other matters, no comments/concerns regarding any other issues. **This meeting today is specific to these particular issues.** I will now ask our counsel to read to the Commission the substance of the agreement we have made.

PJM: Thank you. As the Vice Chairman has stated, an agreement having been reached, the Airport taxi license....**stand** had recommended ...the following ordinances in summation:

1)

In lieu, theres #2: _____

LH: (interjected) Oh! Excuse me, counsel! I've neglected to pull Chairman McCarthy back in to these proceedings! Mike, (addressing Director Tully) do I have to dial 9 to get an 'out' line? No? (He dialed his phone and TMC answered, "Hello.") "Mr. Chairman, you are on a speakerphone in the public meeting and we have just made the announcement that agreement has been reached to vacate the judgment of the court. Our counsel, Mr. Patrick McCarthy, **is reading the** -----

PJM: Thank you. Under the old system, we have 226 Airport cabs; the ideal number is 180. To --- **xx--** after a period of time, Airways Cab will have 6, with two in reserve, for a total of 8. (PJM

then read aloud every company's allocation, verbatim, from the settlement document.) That is a total of 180, with 46 in reserve, which would be allowed to operate from May 1 2005 through April 30 2006, inclusive.

The third recommendation of Staff is that **ieas** Airport license shall be issued at a fee of \$55, which is identical to the On-call license fee, which is down *considerably*, from the previous fee of \$1100 for Airport cabs.

There is a \$1.00 fee to be collected from Airpor tcabs, and On-Call cabs , and from premium sedans for every trip leaving the airport. These fees are to be collected in a manner yet to be determined by the Director.

5) Airport –

Upon successful **pasdde** today of Airport recommendation, must post the surname etc...

7) Staff recommendation, we urge the Commission to pass this: file ____ and keep same current.....

Staff recommendation is that the Commission give favorable consideration to these _____

LH: Do I hear a recommendation as a motion?

DMN: I so move.

JH: I Second.

LH: Any discussion? Oh, one point of clarification: in Section 1, we had revoked any previous category of Airport taxi CCNs which were issued by predecessor authorities –

PJM: (interjected) May I , for the record, read the exact text aloud?

LH: Please.

PJM: "In lieu thereof...Section 203, **ETCETERA**."

LH: Thank you. Commissioner McNutt has just notified me, that he wants to clarify that his motion is to **adopt it as read (as written)** Are there any questions ? (none was offered)

Hearing none...oh, wait, for the record: Commissioner Shiferaw has indicated he has a material conflict , and he has notified me in my capacity as Acting Chair, that he wishes to **XXXXXXX** Madame Secretary, will you please call the roll and record the vote?

JC: Certainly: TMC; LH; VB: JH: DMN; MM: BR: Ls = all answered 'aye' (Shiferaw's name was not called since he is not participating in the vote/poll.)

LH: Thank you. Let the record reflect that Mr. McCarthy cast his vote via a telephone hook-up. Having now discussed and voted on this issue, the motion is carried without objection.. We thank Mr. Goodman and his clients for exercising democracy – we have all come out with the public interest at the top of our list - this process has been good for the industry and certainly for the traveling public whom we serve. So, we thank you very much.

MG: We thank you.

LH: Is there anything else we need to consider?

PJM: No, Mr. Chairman.

LH: I see we have two gentlemen signed up to speak: Mr. Jackson and Mr. Pitchford, do your comments deal specifically with the issue for which we have convened this special hearing today? Yes? All right, then, Mr. Jackson...?

WHJ: Yes, thank you. The paper we received stated that the meeting is to take place as pertains to Airport, downtown and County –that being the transponders. Is that part of the 'Airport issue'?

LH: Yes.

WHJ: Tully said – Mr. Tully said – he'll sell it to all of us! Come on! That's 1900 drivers to collect money from, to fund your payroll for whatever it is that you DO here! What law, what authority allows them to do that? This smacks of the same old thing, where they say a doorman is taking a bribe – that's money out of the pockets of grandmothers, of people taking a cab ride 3 times a week,...

LH: I appreciate your comments and your concerns. _____

The state hasn't provided a source of revenue to fund our activities; thus we are forced to do

so, via various fees. We consider the \$1 fee to be equitable _____ - by allocating that cost to **everyone's** license fees. It can happen in several ways: **\$500 - \$1000 to drive a cab.** This is a maximum opportunity to industry members – it's also critical to the success of area tourism and of our local businesses. We want you to succeed, but make no mistake: like any function of government, we have to fund our activities ____ and we feel this is the least-onerous way to fulfill our responsibilities under state law. We have decided to leave it to the Director; right now, it looks like transponders will be used, but it may also be via some other method. We've just adopted it, **and as of June 1 we WILL start levying the \$1 at the Airport.**

WHJ: But with transponders, we can't as a whole – look, there are guys here, who haven't been to the Airport in 5 or 6 years...!

LH: I refer you to my previous comments! But, talk with the Director about your concerns, and once he makes his determination, if you continue to disagree by all means let us know. We cannot today, however, deal with what "may" happen.

WHJ: But then, we'll have no 'out'....

LH: That's all, Mr. Jackson. Please, let's move on. Next is

(Man stood up) I'm Sam, a driver...

LH: Let's have your full name, please, for the record.

Speaker: It's Sam Sparks .

LH: And what company do you drive for?

Speaker: Auto Livery. I want to know: on a national level, are our prices up to par with others'?

LH: Meaning, surcharges?

PJM: (interjected) All thexxxxxxxxxxxx

LH: Well, I think they are not inconsistent! But, we aren't really comparing apples to apples here – there are widely different makeups in the various metropolitan areas , just so many factors---

(Another man stood up):

My name's Bob. Sir, is it still allowed for Airport taxis to pick up in the downtown areas? What do we do?!

LH: I will ask counsel to answer that – after he does...

PJM: If you receive a call from a passenger to take you from your house to the airport, that's fine. **If you reach the airport and someone wants to go to a hotel, and no taxis are available**

LH: Your fares must originate, or terminate, at the Airport.

PJM: Why don't you, or any of the others, please just see me after this meeting and I'll be glad to explain the various scenarios...

LH: Wonderful! Now, Mr. Pitchford? Something about 'representation on the Commission?'

Speaker: Right. We don't have representation for the drivers – we only have company representatives.

LH: Commissioner Shiferaw, you are a driver, correct?

AS: Yes.

LH: I thought so. There is a specific component of the ____ Under state law, 4 of our 9 members must represent the industry and one, specifically, must be a driver. Please be aware that we have no input on the selection of Commissioners – that is done by the Mayor or the County Executive, by appointment, and the terms and procedures are set by State Law

xx

_____ that's the end of our...

JH: Wait! I want to ____ Mr. Bob's question: An Airport driver can take a passenger from the airport to a designated hotel, (I cant hear/understand his point)

Speaker: So, again, what do we do?!

LH: May I direct you to ask Mr. Tully, or our counsel? **It's standard rule for violation as ____ cond by Taxi Code.** Are there any more questions?

BR: We were talking between ourselves over here; why not put a 'Public Q and A' on the website for future reference? We can post their questions, and our responses....

LH: ...that's a very good idea! I'm sure most would find it very helpful – well, for us, too!

(another man stood up) I'm Myron Harris form Allen Cab . (couldn't hear his question)

LH: Yes, they do. Every car that comes through the chute has to pay, period.

Mr. Chairman, anything else you wish to contribute?

TMC: Nothing.

LH Any other Commissioners?

AS: Yes, one question: if you have a ____ well, even though I drive Airport cabs, I represent ALL drivers, so call me with any complaints or problems, I will be glad to help any drivers.

LH: Fine. I will entertain a motion to adjourn.

JH: I so move.

BR I second.

LH: Thank you, everyone. We are adjourned

The time is 9:50 a.m.

---Minutes taken by Judith Cannon / MTC Office Administrator