

Metropolitan Taxicab Commission

October 23, 2012 @ 9:00 am
Commission Headquarters, 2628 Delmar, Hearings Room

Members present: Commissioners: Hamilton, McNutt, Reeves, Rudawsky, Tucci, and Asfaw
Members absent: Commissioners: Bennett, Gidey, and Satz
Legal Department: Tom McCarthy

MINUTES

The Meeting was called to order by Chairman Hamilton and the roll was called by Beth Dunham; Chairman Hamilton-here, Commissioner McNutt-here, Reeves-here, Bennett-absent, Gidey-absent, Rudawsky-here, Satz-absent, Tucci-here, and Asfaw-absent. Commissioner Asfaw arrived to the meeting a few minutes late, and the Director asked that the record be changed and show Commissioner Asfaw present. A quorum being found the meeting was called to order. The first order of business was approving the minutes from the September 20, 2012 meeting. A motion to approve the minutes was made by Chairman Hamilton and seconded by Commissioner McNutt. With no further discussion roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Commissioner Rudawsky-yes, Tucci-yes, and Asfaw-yes, and the minutes were approved.

NEW BUSINESS

The first order of new business was setting a date for the November meeting, which will be November 27, 2012 at 10:00a.m.

The second order of new business was the Missouri Highways and Transportation Commission-Memorandum of Understanding. The Director explained to the Commission that the Missouri Highways and Transportation Commission Memorandum of Understanding was a result of the Department of Transportation House Bill 1402 passed by Missouri legislation last session and signed by the governor. A motion was made by Chairman Hamilton to approve the MOU made between the St. Louis Metropolitan Taxicab Commission and the Missouri Highways and Transportation Commission as present in the Memorandum, the motion was seconded by Commissioner Tucci. After discussion Chairman Hamilton renewed his motion by adding to approve the proposed Memorandum of Understanding between the Missouri Highways and Transportation Commission and the Metropolitan Taxicab Commission with respect to the non-charter authority permitting and licensing, and to authorize and direct the Director to execute this agreement on behalf of the Metropolitan Taxicab Commission, and the motion was seconded by Commissioner Tucci, roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Commissioner Rudawsky-yes, Tucci-yes, and Asfaw-yes, and the motion was approved.

The last order of new business was Uniform Vehicle for Hire Code Revisions:

Section 401.C.2 was the first revision – Driver Licensing-Qualifications-Hearing on Denial of License.

Upon a motion being made by Commissioner _____ and seconded by Commissioner _____, the Metropolitan Taxicab Commission orders as follows:

401 Driver Licensing – Qualifications - Hearing on Denial of License. (current)

- C. The Director will deny (or revoke if appropriate) an application for a driver's license if the Director determines that:
 - 2. The applicant has been convicted of, pled guilty to or been proven guilty and received a suspended imposition of sentence for any one of the following:
 - a. Felony violation of any state statute or law involving any crime against persons, including but not limited to all forms of assaults within ten (10) years of the application or within ten (10) years of release from prison for said felony conviction.
 - b. Felony violation of any state statute or law involving theft, stealing by any means or fraud within ten (10) years of the application or within ten (10) years of release from prison for said felony conviction.

is hereby amended to read:

401 Driver Licensing – Qualifications - Hearing on Denial of License. (replacement)

- C. The Director will deny (or revoke if appropriate) an application for a driver's license if the Director determines that:
 - 2. The applicant has been convicted of, pled guilty to or been proven guilty and received a suspended imposition of sentence for any one of the following:
 - a. Felony violation of any state or federal statute or law involving any crime against persons, including but not limited to all forms of assaults within ten (10) years of the application or within ten (10) years of release from prison for said felony conviction.
 - b. Felony violation of any state or federal statute or law involving theft, stealing by any means or fraud within ten (10) years of the application or within ten (10) years of release from prison for said felony conviction.

So Ordered this _____ day of _____ 2012.

ATTEST:

_____ **Louis P. Hamilton, Chairman**

Chairman Hamilton made a motion to approve the proposed modifications for the Vehicle for Hire Code Section 401.C.2. The motion was seconded by Commissioner Reeves and roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Commissioner Rudawsky-yes, Tucci-yes, and Asfaw-yes, and the motion was approved.

The second code revision was for Section 1101.D.3 – Suspension or Revocation for Non-Compliance.

Upon a motion being made by Commissioner _____ and seconded by Commissioner _____, the Metropolitan Taxicab Commission orders as follows:

1101 Suspension or Revocation for Non-Compliance. (current)

- D. The Director may suspend for a period up to one hundred eighty (180) days or revoke the MTC vehicle permit of any vehicle for hire or may suspend or revoke a MTC driver's license if the Director finds one (1) or more of the following:
3. That any owner, lessee or driver has been convicted of or pled guilty to one (1) or more of the following:
 - a. A felony violation of any state statute or law involving any crime against persons, including, but not limited to all forms of assault within ten (10) years of the application or within ten (10) years of release from prison for said felony convictions.
 - b. A felony violation of any state statute or law of any crime involving moral turpitude within ten (10) years of the application or within ten (10) years of release from prison for said felony conviction.

is hereby amended to read:

1101 Suspension or Revocation for Non-Compliance. (replacement)

- D. The Director may suspend for a period up to one hundred eighty (180) days or revoke the MTC vehicle permit of any vehicle for hire or may suspend or revoke a MTC driver's license if the Director finds one (1) or more of the following:
3. That any owner, lessee or driver has been convicted of or pled guilty to one (1) or more of the following:
 - a. A felony violation of any state or federal statute or law involving any crime against persons, including, but not limited to all forms of assault within ten (10) years of the application or within ten (10) years of release from prison for said felony convictions.
 - b. A felony violation of any state or federal statute or law of any crime involving moral turpitude within ten (10) years of the application or within ten (10) years of release from prison for said felony conviction.

So Ordered this _____ day of _____ 2012.

ATTEST:

Louis P. Hamilton, Chairman

Chairman Hamilton made a motion to approve the proposed modifications for the Vehicle for Hire Code Section 1101.D.3. The motion was seconded by Commissioner Rudawsky and roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Commissioner Rudawsky-yes, Tucci-yes, and Asfaw-yes, and the motion was approved.

The final code revision was for Section 1101.F- Suspension of Revocation for Non-Compliance.

Upon a motion being made by Commissioner _____ and seconded by Commissioner _____, the Metropolitan Taxicab Commission orders as follows:

1101 Suspension or Revocation for Non-Compliance. (current)

F. If the Director determines that there appears to be an immediate threat to the health, safety or welfare of the public, any suspension shall take effect immediately. In the event of an immediate suspension the driver may request a hearing pursuant to Chapter 12 which will be scheduled as soon as practicable. The suspended driver shall bear the burden of going forward with evidence to refute the Director's determination of the appearance of an immediate threat to the health, safety or welfare to the public.

is hereby amended to read:

1101 Suspension or Revocation for Non-Compliance. (replacement)

F. If the Director determines that there appears to be an immediate threat to the health, safety or welfare of the public, any suspension or revocation shall take effect immediately. In the event of an immediate suspension or revocation the driver may request a hearing pursuant to Chapter 12 which will be scheduled as soon as practicable. The suspended or revoked driver shall bear the burden of going forward with evidence to refute the Director's determination of the appearance of an immediate threat to the health, safety or welfare to the public.

So Ordered this _____ day of _____ 2012.

ATTEST:

Louis P. Hamilton, Chairman

Chairman Hamilton made a motion to approve the proposed modifications for the Vehicle for Hire Code Section 1101.F. The motion was seconded by Commissioner McNutt and roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Commissioner Rudawsky-yes, Tucci-yes, and Asfaw-yes, and the motion was approved.

DIRECTOR'S REPORT

There were no items on the Director's report to discuss.

TREASURER'S REPORT

Commissioner Reeves discussed the financial report in the packets. He started with the month of September showing a positive of \$2,660.00 for the month. He explained the balance sheet shows a healthy cash position, and for the year we show \$88,461.00.

OLD BUSINESS

Commissioner Tucci discussed the Hospitality Training that all taxicab drivers are required to attend, and made some suggestions to keep the drivers up to date on training and information in the future.

PUBLIC COMMENTS

Cassandra Scott was at the meeting to ask questions about an application for operating volunteer transportation services in the City of St. Louis. It was explained to Mrs. Scott that we do not have a category for volunteer transportation that we provide licenses for.

EXECUTIVE SESSION

There was no Executive Session at the October 23, 2012 meeting.

Pursuant to Missouri Statute 620.021, an Executive Session may be held to discuss legal, confidential or privileged matters under §610.021(1), RSMo 1988 Supp.; leasing, purchase or sale of real estate under §610.021(2); personnel actions under §610.021(3); discussions regarding negotiations with employee groups under §610.021(9); personnel records or applications under §610.021(13); or records under §610.021(14) which are otherwise protected from disclosure by law; or confidential or privileged communications with the District's auditor, including auditor work products under §610.021(17).

ADJOURNMENT

With no further discussion Chairman Hamilton made a motion to adjourn the October 23, 2012, seconded by Commissioner McNutt. Roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Reeves-yes, Commissioner Rudawsky-yes, Tucci-yes, and Asfaw-yes, and the meeting was adjourned.

Minutes were interpreted from an audio recording of the meeting by Beth Dunham.