

Metropolitan Taxicab Commission

January 28, 2010 @ 10:00 am
Commission Headquarters, 2628 Delmar, Hearings Room

Members present: Commissioners; Bennett, Haile, Hamilton, McNutt, Reeves, Rudawsky, and Tucci
Members absent: Commissioners; Asfaw and Satz
Legal Department: Counselor Thomas W. McCarthy

MINUTES

Chairman Hamilton called the meeting to order; the roll was called by Director Klein and Mr. Hamilton accepted a motion by Commissioner Tucci to approve the minutes of the December 15th meeting which was seconded by Commissioner McNutt and there being no discussion a vote was called for and the motion was approved unanimously. Chairman Hamilton then asked for a date to be set for the February 2010 meeting and the Board selected February 25th at 10:00am.

DIRECTOR'S REPORT

The Director reported to the Commission that discussions were taking place between a number of the airport taxicab companies who have elected not to participate in the recent merger and who are asking for more time from the Director to outline for him a request for vehicle markings accommodations. The Director stated that he had granted an additional week to present to him their request. He reported that he and Agent Scherer have developed a patrol plan and schedule for the Enforcement Agents which will expand the current plan to include more early morning coverage as well as evening hours.

TREASURER'S REPORT

Commissioner Reeves presented financial statements from January through December of 2009 and highlighted that the statements reflected a surplus of \$30, 793 for the fiscal year 2009. He mentioned that legal fees still represented a significant portion of the annual expenses for the year, approaching \$120,000.00. However, he noted that considerable time and effort had been devoted to code revision work and clearing several cases and that he anticipated things settling down after the first quarter of 2010.

Mr. Reeves then introduced the annual budget for 2010 which he stated essentially reflected a break even budget which anticipated a modest surplus of \$2700.00. He asked if there were any questions or remarks concerning the budget, and Director Klein stated that there were some capital expenditures included in it, including the purchase of Agency vehicles to replace some older patrol vehicles which were overdue for replacement and were beginning to have maintenance issues.

With no other discussion, Chairman Hamilton then entertained a motion to approve the budget from Commissioner Tucci which was seconded by Commissioner Haile and with a unanimous vote the budget for 2010 was approved. Commissioner Reeves then asked the board to grant Director Klein the authority to execute a one year contract with Dave Adam to maintain the Commission's books for 2010. That motion was made by Commissioner McNutt and seconded by Commissioner Bennett and with a unanimous vote the motion passed.

Commissioner Reeves then asked for approval to retain the Firm; Nichols, Ziemann, Ahmed & Company to conduct the outside year-end financial audit for the Commission as required by state statute. He stated

that the audit also prepares the Commission to present its annual report to the Mayor of the City of St. Louis and to the St. Louis County Executive as further required in the statute. Chairman Hamilton then made a motion to authorize Treasurer Reeves to execute a contract with the firm to do conduct the audit which was seconded by Commissioner McNutt and with no further discussion a vote was taken and passed unanimously.

OLD BUSINESS

Chairman Hamilton then stated that the next order of business is the discussion of the code revision version 8.3. This was a tabled discussion from the previous meeting. General Counsel McCarthy stated that the Commission at the last meeting, presented the draft to be adopted for discussion purposes and it was posted on the internet as well as sent out and the Commission solicited comments from the public, from Commissioners and staff, who thought there was a problem or had some input into the code was encouraged to do so and encouraged to do so in writing.

The Commission also indicated that this meeting would be one where the public was invited, not to participate, but rather to observe because this meeting was reserved for the Commission to debate the various inputs from the public about the Code and to move for their adoption or exclusion. He then presented the Commission with each comment and if a particular proposal did not get a motion or a second, then it was not considered and the Commission moved on to the next one as follows;

There was a motion to change the word 60 and the numeral 60 to “30” at section 207.A by Commissioner McNutt the motion was seconded by Commissioner Tucci and was unanimously approved.

Commissioner Hamilton moved to change the word “taxicab” to read “vehicles for hire” at section 401.B6; the motion was seconded by Commissioner McNutt and was unanimously approved.

Commissioner Rudawsky moved to remove the words “driver trainee” from section 504.Q the motion was seconded by Commissioner Bennett and was unanimously approved.

Commissioner McNutt moved to remove section 602.H in its entirety. The motion was seconded by Commissioner Haile and was unanimously approved.

Commissioner McNutt moved that the words “Contracts must be arranged at least sixty (60) minutes prior to pick up” at section 604.E. The motion was seconded by Commissioner Reeves and was unanimously approved.

Commissioner Tucci moved to give authority to General Counsel McCarthy to determine which chapter section 606.F should be moved to. The motion was seconded by Commissioner Reeves and was approved unanimously.

Commissioner McNutt moved to amend section 607.A by adding the words “outside of the Airport” after the word “locations” in the first line and adding the words “and approved by” after the word pre-filed in the first line and striking the word “with” in that line. The motion was seconded by Commissioner Bennett. A vote was called for and Commissioner Rudawsky abstained from the vote which was otherwise unanimously approved.

Commissioner McNutt moved to amend section 1001.L as described by Counsel McCarthy to allow for penalties to be applied to CCN holders who allow unlicensed drivers to operate their vehicles. The motion was seconded by Commissioner Tucci and was unanimously approved.

Commissioner Rudawsky made a motion which was seconded by Commissioner McNutt to amend section 1204 as described by Counselor McCarthy to give standing for a CCN holder to appeal a citation issued to one of its drivers. The motion passed unanimously.

A motion was made by Commissioner Haile and seconded by Commissioner McNutt to amend section 501.J, by deleting the word "unlawful" and substituting the words "Therefore a violation of this Code." The motion passed unanimously.

A motion was made by Commissioner Haile and seconded by Commissioner McNutt to amend section 501.J, by deleting the words 10 to 12 in Line 6 and substituting the words J through L. The motion passed unanimously.

A motion was made by Commissioner Reeves and seconded by Commissioner Bennett to amend section 501.J, by making it a Class 2 violation as described by Counselor McCarthy for accumulation of points for a second violation and mandatory refund to the passenger. The motion passed unanimously.

To eliminate a contradiction of two standards for the accumulation of points that ended up in the code a motion was made by Commissioner McNutt and seconded by Commissioner Haile to amend section 1001.O.6 to read as described by Counselor McCarthy as follows;

6. Sufficient accumulation of point penalties against the driver's license shall result in a suspension.
 - a. The accumulation of twelve (12) points within a contiguous twelve month period shall result in a thirty (30) day suspension.
 - b. The accumulation of eighteen (18) points within a contiguous twenty-four (24) month period shall result in a ninety (90) day suspension.
 - c. Any further suspensions in a contiguous forty-eight (48) month period shall result in a license revocation.

The motion passed unanimously.

Commissioner McNutt made a motion to authorize general counsel as a Reviser of Statutes to correct spelling errors, word omissions that do not change meaning, numbering and section reference errors, etc. while putting together the final version of the code for publication. The motion was seconded by Commissioner Tucci and with a unanimous vote the motion was approved.

A motion was made by Commissioner Rudawsky and seconded by Commissioner Haile to authorize the general counsel to amend the code in the appropriate sections as described by counsel, to the effect that failure to comply with the MTC, its Director or MTC Enforcement Agents results in a class 3 violation. The motion was passed unanimously.

A motion was made by Commissioner Bennett and seconded by Commissioner McNutt to authorize the general counsel to amend the code in the appropriate sections as described by counsel, to the effect that the MTC, its Director and MTC Enforcement Agents have full authority to inspect all classes of vehicles for compliance with all rules, regulations, laws and ordinances, including MTC licenses, State Driver's licenses and evidence of insurance and that any compartments, trunks and interior and exterior spaces be subject to said inspections. The motion was passed unanimously.

A motion was made by Commissioner McNutt and seconded by Commissioner Reeves to authorize the general counsel to amend the code in the appropriate sections as described by counsel, to the effect that the MTC, its Director and MTC Enforcement Agents have full authority to request all classes of MTC

licenses, State issued driver's licenses and evidence of insurance from a driver at any time and that failure to comply with the request shall be a violation of the code. The motion was passed unanimously.

Then Chairman Hamilton made a motion to approve the Revised Vehicle for Hire Code as amended with an effective implementation date of March 15th, 2010. The motion was seconded by Commissioner McNutt. The role and vote was taken and the motion was unanimously approved by the members present.

NEW BUSINESS

None

PUBLIC COMMENTS

Mr. Ron Gesiriech who is a driver supervisor with St. Louis American Cab Company who raised questions regarding approved hats and the Airport and Chairman Hamilton asked him to address the matter with the Director who also stated that the Commission has given him authority to mitigate citations in the event that a citation is not appropriately filed. He also raised a question regarding the requirement to display the MTC driver's license on the dash of the vehicle which is causing some concerns regarding safety due to vehicles equipped with airbags which the Director agreed to discuss with him after the meeting.

EXECUTIVE SESSION

None

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 §X610.021(17).

ADJOURNMENT

Chairman Hamilton then stated that there being no further business on the agenda he would entertain a motion to adjourn. The motion was made by Commissioner McNutt and seconded by Commissioner Haile the motion was approved unanimously and the Commission adjourned.

*Minutes were interpreted from a transcript by D. Scherer.
Transcript by A. Hammond*