

SUMMARY OF MINUTES

PUBLIC SAFETY COMMITTEE

5:30 P.M., MONDAY, NOVEMBER 9, 2009

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Council Member Vivian H. Burke, Chair
Council Member Molly Leight, Vice Chair
Council Member Wanda Merschel

MEMBER ABSENT: Council Member Nelson L. Malloy, Jr.

OTHERS PRESENT: Council Member Joycelyn V. Johnson (out at 5:41 p.m.)

Chair Burke called the meeting to order and stated that without objection, the Committee would first consider the Consent Agenda and asked if any items needed to be pulled. No items were removed for discussion.

Council Member Leight made a motion to approve the Consent Agenda. The motion was duly seconded by Council Member Merschel and carried unanimously.

CONSENT AGENDA

- C-1. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS - *Herchel Lane; Bristol Street; and Neighborhood limits: Oak Glen Drive, Hampton Way Drive, Brookmont Drive, Ansley Drive, Ansley Court.*
- C-2. ORDINANCE AMENDING SECTION 42-252(a) OF THE CITY CODE RELATING TO PARKING RATES AND TIMES OF PARKING.
- C-3. APPROVAL OF PUBLIC SAFETY COMMITTEE SUMMARY OF MINUTES - *October 12, 2009.*

GENERAL AGENDA

- G-1. ORDINANCE TO REDUCE THE NUMBER OF VEHICLES AUTHORIZED ON THE CERTIFICATE OF WILLARD CAB COMPANY FOR VIOLATIONS OF CHAPTER 78 OF THE CITY CODE. *Public Hearing: November 16, 2009.*

Mr. Greg Turner, Assistant City Manager/Public Works, stated that there is a comprehensive report

on this item along with attachments in the Agenda Book, which outlines a recommendation for a reduction in the number of certificates for Willard Cab Company.

Council Member Leight clarified that the owner of a cab company has the certificates and that entity then subcontracts with other owner-operators to drive the cabs.

Mr. Turner clarified that Mr. Wattlington was a driver and that there are drivers and driver/owner-operators. In response to Council Member Leight's question, Mr. Turner stated that due to a violation of the ordinance, certificates would be taken away from the cab company itself, rather than a driver, subcontractor or owner-operator. If changes are made and the new ordinance takes effect, the subcontractor would not be able to obtain a license to operate as the driver of a cab. Willard Cab Company's work plan indicates that they would not hire anyone without completing appropriate background checks and Mr. Wattlington was in violation of the existing and previous ordinances.

In response to Council Member Merschel's question, Mr. Turner stated that Council may revoke as many certificates as they wish up to the total number of certificates that have been allocated.

Council Member Merschel clarified that Willard Cab Company was notified of the new procedures, was involved in discussions regarding the ordinance, was involved in the notification of the violation, replied that they knew, understood, and agreed to adhere to protocol and failed to do so and rehired Mr. Wattlington.

VERBATIM TRANSCRIPT

MR. COY WILLARD, JR.: How are you doing tonight? I'm the owner of Willard's Cab Company. I'm Coy Willard, Jr. My dad started the company in 1994 when the City granted him permission to operate a cab company in this city, which we started from ground zero. We didn't buy into another company, we started our company with three taxicabs and have built it up to 60 cabs, and sometimes, as little as 50 cabs. Now this incident right here, this driver's permit was revoked, his application was revoked by Willard's Cab Company a year ago. We have all this documentation on file that he could not drive a cab from Willard's Cab Company. The owner-operator that owns that particular cab, cab number two at Willard's Cab, when I was home at night sleeping, at two or three o'clock in the morning, put this man in his taxicab without our authorization, which he knew he could not drive because he had been let go from other cab companies along the way. You know, I've been in this a long time, 35 years, and over this period of time, I've seen a lot of changes here, a lot of good ones, a lot of bad ones. You know, this isn't a situation where you all go home after you get your meeting, you go home and you tend to your families. When I go home, there's still a cab business going on 24/7, seven days a week, 365 days a year. And in that process, I get calls at home about things going on. When I do, I have to get out of the bed, go to the cab company and handle these situations. Now if the owner's going to be held responsible constantly for what an owner-operator does, which we all, we do regulate the certificates as well as you all do, and that owner-operator tried to say, you know, I'm taking the equipment from your cabs, you have one, two, three, four, five cabs, whatever the case may be, and go to another company. That still doesn't stop the problem. That guy's still going to do the same thing, that same ordinance, as he did with me, as he did with Mr. Mazzeo, Classic Cab, whatever the situation may be. Until that owner-operator is smacked on the hand, reprimanded for it, he is not done.

CHAIR BURKE: Excuse me, Mr. Coy, you can bring it to a close. Mr. Willard, bring it to a close.

MR. WILLARD, JR: Okay, well, but anyway, there was, I've asked, you know, in the past, this is real quick, you know I've seen Mr. Mazzeo and myself have a lot of battles. And we've both come to the conclusion over the last seven or eight years, that the only way to get anything done down here is work together, and try to get things done here. And, I'm sure he has something to say as well as some of these other people do. I appreciate you all's time and your consideration.

Council Member Johnson out at 5:41 p.m.

CHAIR BURKE: Thank you. Mr. Mazzeo.

MR. HERMAN MAZZEO: Thank you. Herman Mazzeo, 1017 Pewter Court, Winston-Salem, North Carolina. In, in all fairness to the cab owners, myself, Coy Willard, the rest of them, he basically explained the truth to you, I'm not sure of your name ma'am, but the way you explained in the beginning. The problem that we have, and I'm just tickled to death with the new ordinance that you came out with, that we did need a, we, we left a big gap in there where these owner-operators are concerned because it's at the point with them, that they don't want to respect the rules and regulations. Now, at Yellow Cab, we, we are pulling their certificates. Scraping them out of the window and handing them to Michael. If he talks, he can tell you I've done two or three of them this week. One of them, was a cab, number eight, that was with us, that had this same driver after we told him he couldn't drive. We go home, that driver got in that car, we found out about it, we took the driver out of the car again, for the second time. She put somebody else in the car, that, that we didn't know, nobody recognized them on the radio and she come to me and said well I paid for this certificate when I bought the car. I said no ma'am, I paid for the certificate. So we scratched the certificate, got rid of the owner-operator, got rid of the problem. Now Mr. Willard has told me, I told my company this evening, and he's right about us trying to work together if you would find it in you all's hearts to sort of suspend the suspension of his certificates on maybe a trial basis, if he works together. I have a computer system that will keep track of every single taxi cab that's legal in the City of Winston-Salem. We've got that, that allows, that system over there. But it's kind of pointless to put it on my few cars when all the rest of them are, are run. He's agreed to cooperate. Maybe Michael could monitor it, make sure it happens. I'm willing to do it and, we, my answer to it is, is to scrape the stickers. You scrape enough of those stickers off those owner-operator's cars, they're going to have a little more respect for the City rules and regulations, they're going to have a little more respect for us as owners. Just an idea.

CHAIR BURKE: Alright, alright. Yes, you have a question?

COUNCIL MEMBER LEIGHT: Um, has, have any of you, of the owners of the cab companies, just simply refused to, to hire the owner-operators that are, you know obviously not paying any attention to your direction?

MR. MAZZEO: Well we have now. And, and you know, it's got to be harder for the other companies than it is for me. I'm also Forsyth County DSS, I'm also Fly PTI. I have a lot more vehicles and a lot more business than the majority of them do. But, if I had to just operate the cab

company...North Carolina State University did a study on taxicabs and the deregulation of them and what (inaudible) out of the ordinance of them, and what we've all done and we're all guilty of, the City, me, Coy, everybody in here, you've got too many cabs on the road and what is, what the bottom line has come from that, the quality of the vehicles is going down and the quality of the drivers have gone down. Everybody that wants to drive a cab, they don't have to have a facility, they don't have to have a 24-dispatch anymore. It's hard to control. And to answer your question, I can understand from a financial point, why when they've got to pay a light bill and they've got to pay the rent for the companies that do have facilities, it's kind of hard to turn the money down. And that's what we're doing now. That's what we're doing at Yellow Cab and Coy's agreed to do the same thing. I told him, you're going to have to come, you're going to have to come do this.

CHAIR BURKE: Alright, thank you. Council Member Merschel, do you have any comments you want to make?

COUNCIL MEMBER MERSCHEL: You know I've always struggled with the number of certificates and the number of physical cabs. There is a value to the number of certificates. And it is an intrinsic value to just simply having a certificate. And I think it is better to address a violation of the policy through a reduction of the certificates than any other way. I agree with Mr. Mazzeo. I mean, how many certificates for taxis do we have?

CHAIR BURKE: Mr. Harrison, come on up.

COUNCIL MEMBER MERSCHEL: Just a rough guess. It doesn't have to be...

CHAIR BURKE: Excuse me, let him come on up first and take a seat. I'm talking to Mr. Harrison.

MR. MICHAEL HARRISON, VEHICLE FOR HIRE INSPECTOR: We're running approximately 190 certificates for taxicabs and that does not mean that we have that many vehicles but we do have about that many certificates. And that is an estimate, but that's close.

CHAIR BURKE: Does that answer for you?

COUNCIL MEMBER MERSCHEL: How many cabs do we run?

MR. HARRISON: The number of cabs that we're running is probably less than 100.

COUNCIL MEMBER MERSCHEL: So we're almost two to one with the certificates to the physical cabs?

MR. HARRISON: Yes ma'am. Yes we are. And I'll just say that we're losing two cab companies this year that are not renewing, JB's Taxi and Salem Taxi. JB's Taxi is, it has ten certificates and Salem has 20, so that's 30 that will be reduced. They're not renewing.

CHAIR BURKE: Yes, um, Mr. um, Harrison, this is the first time we're trying this with the Willard Cab to say you've broken the rules.

MR. HARRISON.: Yes ma'am.

CHAIR BURKE: Alright. In our agreement that we think about, just straight out to say you've broken the rules and we're going to make this happen. Now, um, I need to ask Mr. Willard a question.

MR. WILLARD, JR.: Yes ma'am.

CHAIR BURKE: Um, why do you feel to take away to give you a minimum of ten cabs, what would that do to your, your business?

MR. WILLARD, JR.: Well, you know, and I'm going to put this very straight in a financial matter, and Mrs. Merschel being in the banking business, ought to know this. When he applied, my dad, senior, applied for a cab business here, we applied to give this city the best possible service we could. And we've been in this, a lot of walls closed, doors closed in our face, and we should have given up a long time ago. We've been in business now, ourselves, 15 years, since you all put us in business in 1994, June the seventh. Over that period of time, we've lost approximately \$2 million, \$2.5 million worth of property that we couldn't pay for after dad died. Now I'm at Smith Reynolds Airport, that's where I'm located at now. Over a period of time, we've bought two radio systems that cost \$125,000 a piece. Now if you all want to keep putting, as far as I'm concerned, giving anybody certificates, it's like giving a gypsy cab company the authorization to run. They've got no business office, they've got no dispatch service, they've got no 24-hour phone lines. Their office is their taxicab, their cell phone is their business line. This man right here, and myself spend thousands and thousands and thousands of dollars every year to keep our business the best we can give you all. Whenever it snows, we're out there giving public transportation. For 15 years now, Willard's Cab Company has donated free transportation to Ronald McDonald House over there because families come in with no money. They can't transport their kids to and from the hospital. We've eaten that cost for 15 years.

CHAIR BURKE: So you are actually using all of your cabs that you have here and you operate 60 cabs?

MR. WILLARD, JR.: I'm the only cab company in this city, over a period of time, go back and check the numbers, who has met the quota of running all the certificates at one time or the other, than any of the cab inspectors in this city. I'm wrong, I'm not going to stand here and say I'm right about everything. I'm wrong, but I can not be, have 24-hour surveillance. Since this has happened, on all of our dispatch shifts up there which is four dispatch shifts, we now monitor every driver who drives a taxicab. It's, we ask who that driver is, we pull the file, if the certificate's not, if his, if the application's not there, he's pulled (inaudible) he's pulled into the office and the cab is parked. I've showed that to Mr. Harrison since this has happened. I'm very sad about what happened to the customer in that taxicab. And because, Lord knows, I've been in this 30 some years. I've seen six cab drivers get killed in this industry, three at Willard Cab Company, by passengers in our taxicabs.

CHAIR BURKE: Yes, yes, I, I believe that you do have a passion for it. I just want to get an understanding now. We're...wait Mr., wait now. You can operate now, you're operating approximately how many cabs?

MR. WILLARD, JR.: I have 50 taxicabs.

CHAIR BURKE: Well, I was looking at the, his operating limit is 50, but currently, only, approximately 35 right now.

MR. WILLARD, JR.: Well, I (inaudible) 35 cabs.

MR. HARRISON: That's what I've inspected.

MR. WILLARD, JR.: You know, there, there, there's a problem, you know, driver meeting the cab inspector, getting it inspected under the ordinance, I mean this is the best thing that could happen, the City's new ordinance. I agree with it 100%.

CHAIR BURKE: So when Mr. Mazzeo says that he's going to help you with it and making sure that you never break that kind of rule again...

MR. WILLARD, JR.: Well, you know in the past we've had problems and you know, you've got to look at all the things, you know everything's got to be looked at here.

CHAIR BURKE: No, I'm saying the question is simply answered, you will be, you and Mr. Mazzeo...

MR. WILLARD, JR.: Mr. Mazzeo and I will work together on maybe, trying to solve all these problems. You know, and so, that's the best we can do. And you know, we're giving public transportation to make sure that customers get safe rides.

CHAIR BURKE: Any other questions of Mr. Willard? If not, thank you Mr. Willard. Alright, do you have anything you want to add Mr. Harrison?

MR. HARRISON: No ma'am.

CHAIR BURKE: Alright, Mr. Turner.

MR. TURNER: I would just summarize, Madam Chairman by pointing out that, if currently the company is operating 35, and if the Council reduces the number from 60 to 50, they would still be able to come back to Council at the normal tri-annual renewal of their certificate and request an increase.

COUNCIL MEMBER MERSCHEL: What is the date of that? Is that February?

MR. HARRISON: December 31st is when they expire and Willard Cab expires next year, not this year. They have to renew next year.

COUNCIL MEMBER MERSCHEL: May I ask, right now you have inspected 35 cabs, physical cabs. Of the 60 certificates that they have, you know that there's 35 on the street?

MR. HARRISON: Yes ma'am.

CHAIR BURKE: Alright. Questions? Any other questions?

COUNCIL MEMBER MERSCHEL: No, I, I'm finished thank you.

CHAIR BURKE: Alright. We've had this discussion, and we should be, I want to know what's the pleasure of this Committee?

COUNCIL MEMBER LEIGHT: Um, I will say that, first of all I'm uncomfortable with who gets punished for whose crime, in effect. And since Mr. Mazzeo, Mr. Willard, are agreeing to work together and there is a system in place to actually confirm who the drivers are and what their records are, I would say that this time around, we let this pass, and next time, it will, if it happens, we'll have to look at it differently.

CHAIR BURKE: Do I have a second? Alright.

COUNCIL MEMBER MERSCHEL: I would move that based on the information presented for the Committee tonight and the number of actual certificates divert to actual cabs, that we reduce the number from 60 to 45. That gives him 35 on the road with ten for mechanical or whatever.

CHAIR BURKE: Now, um, do I have a second? It looks like what we're going to have to do with this one, is to take it to the full Board, without any recommendation. Without a vote rather. And then it's up to Willard and Mazzeo to do whatever they can to see who they can talk to, to see where they want to go with this one. Alright, thank you. Thank you.

ADJOURNMENT: 5:58 p.m.