

SPECIAL MEETING MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, February 12, 2015
City Hall, Room 207
4:00 p.m.

MEMBERS PRESENT: Ald. Steuer, Ald. Scannell, and Ald. Nennig,
MEMBERS EXCUSED: Ald. Wery and Ald. Tim De Wane
MEMBERS ABSENT: Ald. Wery and Ald. Tim De Wane
OTHERS PRESENT: Patrick Leigl–Asst. City Attorney, Patty Kiewiz, Transit Director; and other interested parties.

1. Roll Call.

Ald. Steuer, Ald. Scannell, and Ald. Nennig were present.

2. Approval of the Agenda.

A motion was made by Ald. Scannell and seconded by Ald. Nennig to approve the agenda. Motion carried.

3. Request by Ald. Wery to review the UBER 'ride sharing program' to ensure compliance with the City's taxi ordinance and to amend the ordinance as needed to address this type of service. (postponed from the January 26, 2014 meeting)

Atty. Leigl stated that the ride sharing program UBER, and other companies similar to UBER, will be discussed tonight. UBER is a transportation network company that will need a separate ordinance that is similar to our taxi cab ordinance; and we will require these types of companies to be licensed.

Ald. Steuer opened the floor without objection.

Pooneet Kant, 1319 North Woods Street, Chicago, IL appeared and stated he is the General Manager for UBER. Mr. Kant gave a brief description of when UBER was founded and how their different programs operate. Mr. Kant explained his job is to oversee expansions of UBER into other cities and is happy to answer any questions tonight.

Mr. Kant stated that in Green Bay they launched a ride sharing program they call an UBER X Product. They contract to partner with residents to ride share using their own vehicles. To become a partner the vehicle has to meet certain requirements and the driver goes through an extensive background check. UBER doesn't consider these drivers as employees, they are considered as independent contractors who have the ability to work when they want to. The driver would go on-line to state if they're available to drive. Mr. Kant explained the different types of insurance UBER and the driver have in case of accidents.

An individual downloads an application to their smart phone to request a ride. A text will be sent back informing the individual the estimated cost of the ride and a description of the driver and vehicle. The ride will automatically be charged to

your credit card and after you exit the vehicle you will receive a text stating the charge, length of time and the route you took to your destination. They also have a system in place where the driver and the rider can rate each other; UBER uses this information to determine if a driver or passenger should be disqualified from the program. Mr. Kant stated the difference between taxi driver and UBER drivers is they cannot use taxi stands, park outside the airport, solicit rides or accept cash payments for rides, and must use their personal vehicles; the only way to get a driver is to download the application and request one. Mr. Kant stated there currently are UBER drivers in Green Bay.

Kurt Kutska, 1823 Nancy Avenue, appeared and stated he was representing Green Bay Taxi LLC. Mr. Kutska stated Mr. Kant can say anything he wants to about the drivers and vehicles but he would like to see proof of background and vehicle checks UBER states they are doing. He asked the Committee to do more research on the company. Mr. Kutska also stated that he has witnessed vehicles with UBER stickers sitting at the airport and outside of bars.

Matt Hyde, W5385 Center Valley Road, Black Creek, WI appeared and stated he works for Atlas Taxi and stated he also has witnessed UBER vehicles parked near taxi stands. Mr. Hyde stated that UBER has been banned from several countries and Las Vegas, and believes that citizens of Green Bay would be at risk if UBER is allowed to operate here.

Tammy (last name and address unintelligible) appeared and stated she owns and drives for Diamond Taxi of Green Bay. Tammy reported she has read online reports of assaults on customers of UBER by their drivers and stated the public safety is in jeopardy. Tammy also stated if the vehicle is in an accident and the driver doesn't have his smart phone app on, then the passenger will not be covered by their insurance. Tammy stated she also sees UBER vehicles all over town and near bars at closing time. Because these vehicles are unmarked they are left alone by the Police, while marked taxi cabs are told they can't park there. These drivers could pick up passengers without being contacted through the app and just pocket the money. Tammy doesn't believe a thorough background check and proof of insurance is done by UBER like it is through the City.

Atty. Leigl stated the City Attorney's Office is in the process of drafting an ordinance which will include background and insurance checks of UBER drivers.

Greg Peck, 3940 Velp Ridge Road, La Crosse, WI appeared and stated he observed UBER vehicles parked on Washington Street over the weekends. Mr. Peck stated they should have to have their rates posted like the taxi cabs do. If intoxicated individuals get picked up they won't know how much they're charged until the next day when they receive that text for the charges.

Kim Poli, 1221 Roscoe Street, appeared and stated he owns the Black and Tan Bike Cab Company. Mr. Poli stated UBER should have their rates posted, and questioned their insurance. They should follow the same procedures taxi cab companies have to in Green Bay.

Doug Campbell (address unintelligible) appeared and stated he is the owner of Yellow Cab in Brown County for the past twenty-two years. Mr. Campbell stated UBER drivers can take on customers who haven't gone online to request a ride and pocket their money. Their drivers and insurance should be approved by the City like he has to do, and if they are caught without it then they should be fined for that. They should not have a separate ordinance, they should follow the same requirements the City set for taxi cab companies. The Aldermen were voted in by the citizens of Green Bay and this Committee is supposed to protect the welfare of the citizens and they should do so by making UBER follow the ordinance that is already in place. Mr. Campbell stated he also read reports where UBER was banned from other cities because they couldn't provide proof of insurance.

Ald. Steuer asked Mr. Kant if any of these allegations that have been made are true. Mr. Kant replied that stickers have not been supplied to any driver in Green Bay, and if a driver is found to be soliciting rides he is then deactivated. Stickers could be made by anyone and placed on the vehicles, and if drivers who are not partnered with UBER place stickers on their vehicles and are later discovered by UBER they would take civil action against these individuals. Mr. Kant stated their drivers do not have identification cards; however when a client does request a ride on their phone app a picture of the driver as well as the make, model and license plate of the vehicle picking you up is sent to you.

Atty. Leigl stated if the police department pulls over someone claiming to work for UBER and they cannot prove it by showing the app then they will be cited.

Mr. Kant stated that UBER would be happy to provide proof of their insurance and how it's applied to the City.

Mr. Kutska reappeared and stated that there doesn't seem to be any supervision for UBER driver's in the City.

Theresa Miller, Yellow Cab of Brown County, appeared and stated it isn't realistic that police are going to ask drivers if they work for UBER if they get pulled over. Ms. Miller also stated UBER just appeared one day and went right to work without a license from the City whereas taxi cab companies must be licensed before they can operate. Ms. Miller also stated she has heard their rates are raised multiple times throughout the day and that's surge pricing. Ms. Miller encouraged the Committee to start reading the online reports on UBER.

Kurt Wipperfurth, 2084 Sun Creek Circle, Bellevue, appeared and stated everyone who spoke tonight made some very good points. Mr. Wipperfurth stated he has a different opinion of the term 'ride share' than UBER does, this isn't individuals sharing rides, and they are operating as a taxi cab service. Mr. Wipperfurth stated there are countries trying to stop UBER from operating and abusing their citizens. UBER is trying to break the taxi cab industry until such time they can replace all of these gullible drivers with driverless vehicles. They should follow the same ordinance as taxi cab companies do. Mr. Wipperfurth questioned if he could also decide to have an app for their company and then he wouldn't have to have his drivers or vehicles licensed or inspected.

Brian Charles, 840 Williams Charles Court, appeared and stated he owns Royal Shuttle for the past six years and doesn't think it's fair to have UBER treated differently especially if they're doing the same thing. They should also have to pay the high insurance rates. Mr. Charles said he has had to downsize his company because UBER is taking away customers.

Mr. Hyde reappeared and stated every single business owner here tonight had to abide by the City ordinance when they started up their business and UBER should as well.

Ald. Steuer returned to regular order of business.

Ald. Steuer stated he heard some good testimony and will give serious consideration that UBER should follow the same ordinance.

Ald. Zima appeared and questioned why the City Attorney's Office has been working on drafting a separate ordinance if this Committee hasn't discussed this item before tonight. The ordinance should either be enforced or abolished, because it appears that UBER has found a way around it. If a transportation company comes into Green Bay they should follow the ordinance. Ald. Zima suggested that maybe licenses should be given on a limited basis.

Ald. Nennig states we only regulate things when we see a need for it as a Committee and would like to research UBER further before making a decision. Ald. Steuer stated he agreed.

Ald. Steuer returned to regular order of business.

Mr. Wipperfurth inquired since this Committee hasn't made a decision tonight would UBER would be breaking the law if they continue working.

Discussion that followed included notifying UBER to cease operations until an ordinance is put into place, enforce UBER to fulfill the requirements under our ordinances, or to have the City Attorney's Office come back with a legal opinion whether or not UBER can be regulated like taxi cabs can at the next Protection & Welfare Committee meeting since Ald. Wery requested this and it's unsure what his intentions were.

A motion was made by Ald. Nennig and seconded by Ald. Scannell to refer back to the City Attorney's Office to generate a report regarding regulation and enforcement of UBER and similar companies as it applies to the current taxi ordinance. Motion carried.

4. Request by Ald. Wery to review, with possible action, the taxicab licensing ordinance, Section 6.21 (postponed from the October 13, October 27, 2014 and January 12, 2015 meetings).

Atty. Leigl stated at the last Protection and Welfare meeting Ald. Wery suggested holding a special meeting to review the taxicab licensing ordinance due to concerns that were expressed by taxi cab companies.

Ald. Steuer recalled that there were several concerns regarding posting rates and attending hospitality training.

Ald. Steuer opened the floor without objection.

Kurt Kutska, 1823 Nancy Avenue, appeared and stated he doesn't understand the new regulations which appear to be vague, there needs to be more definite guidelines. For example is there a certain size the posting of rates should be? Mr. Kutska also questioned who has to pay for the hospitality training and who will compensate the driver for their time. All the drivers he knows are in compliance already and he doesn't understand why this is necessary.

Ald. Steuer asked Atty. Leigl to remind the Committee why the ordinance was updated. Atty. Leigl stated the Mayor's office received numerous complaints that rates were too high and the drivers weren't very hospitable. The Mayor referred the complaint to the City Attorney's Office to look into. Their recommendations included having the rates visible to consumers who could make a decision whether or not to choose that cab company. Another recommendation was for drivers to take a hospitality course to help drivers interact with their riders regarding the highlights of the City and refer them to restaurants and other points of interest. The hospitality training is now available.

Mr. Kutska thanked the Committee for listening to his complaints.

Ald. Zima stated on Packer game days there are semi's blocking Lombardi Avenue. He inquired if there was a possibility to let taxi cabs line up in that area after the game.

Ald. Steuer stated he has taken many taxi rides and sometimes he asks questions about the city he is in but he doesn't think the City should legislate this hospitality training. Ald. Steuer stated if a driver wants to voluntarily educate themselves that would be great, but they shouldn't be forced to be told how to act.

Brian Charles reappeared and stated the hospitality training should be left up to the driver to take, if they want to grow and keep their customers they might want to take it.

Ald. Scannell addressed the audience and stated if they had anything they want to discuss regarding the current ordinance to speak.

Doug Campbell stated he would like to go back to having meters installed and to bring back 24/7 service.

Kurt Wipperfurth stated every cab company is currently in violation of the ordinance because it states you had to have taken the hospitality course and it's

not even offered yet. The ordinance states that all rates must be posted which should include rate changes for Packer games and clean up fees. He asked for the rate fees from all the taxi cab companies and he's the only one who has everything listed that people will get charged for.

Mr. Wipperfurth stated it would be ideal for everyone concerned to have the prior ordinance brought back, if not he would be happy to go line-by-line over what he would like to discuss making changes to.

Ald. Steuer stated he would like to compare the ordinances.

Mr. Kutska stated he was unaware that his company wasn't in regulation until Mr. Wipperfurth pointed out the changes that were made to the taxi cab ordinance. Atty. Leigl assured him that as long as his drivers have their cards and his vehicles are insured and inspected he is in compliance until the matter of the ordinance has been resolved.

Atty. Leigl stated the two main concerns seem to be the hospitality training and the posting of rates.

Mr. Wipperfurth also stated he believes the last paragraph of Section 6.21 is unconstitutional and asked that it be changed to be current with State law and make it more understandable to read to the layman.

Ald. Steuer inquired if anybody in the audience has anything else to add.

Mr. Kutska stated that he agrees with Mr. Wipperfurth and wants the old ordinance brought back.

Mr. Wipperfurth recommended a possible motion would be to continue to abide and enforce the previous ordinance until the current ordinance has been revoked or changed. Mr. Wipperfurth wants to make sure the police department would be made aware of this in case a rogue cop who's having a bad day decides to write up a citation on a taxi cab because it's not following the ordinance as it is.

Ald. Steuer returned to regular order of business.

Ald. Scannell noted that since half of this Committee isn't present he doesn't want to make a final decision tonight and suggested that the City Attorney's Office make a determination.

Atty. Leigl suggested wording the motion that the Committee will review the old ordinance along with the new ordinance and make a decision at the February 23, 2014 Protection and Welfare meeting.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to review, with possible action, the prior taxi cab ordinance to determine if it shall become re-adopted. Motion carried.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to adjourn the meeting at 7:09 p.m. Motion carried.

For all licensing issues, the Committee may potentially convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wisconsin Statutes, for the purpose of considering information with respect to licensing for a person. The applicant has the right to demand that the meeting be held in open session. The applicant may also request that the meeting be held in closed session. The Committee may, thereafter, reconvene in open session pursuant to §19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

If there are any questions regarding the agenda, please call Dawn, City Clerk's Office, at 448-3010.

ACCESSIBILITY: Any person wishing to attend who, because of a disability, requires special accommodation should contact the City Safety Manager at 448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.

Please take notice that it is possible that additional members of the Council may attend this committee meeting resulting in a majority or quorum of the Common Council. This may constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.

The audio tape and minutes of this meeting will be available at www.greenbaywi.gov