

TRANSPORTATION LICENSING COMMISSION

Minutes

August 30, 2018

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (TLC) met in regular session on this date in the Jury Assembly Room of the Historic Courthouse. Present were Chair Sal Hernandez, Commissioners Pat McNally, Mona Lisa Warren, Freddy Carr and Jessica Powell . (5) Present was Metro Legal Advisers Tara Ladd and Theresa Costonis and TLC staff members Lisa Steelman and Billy Fields.

The Chair called the meeting to order at 1:35 p.m. then led the Pledge of Allegiance followed by a reading of the Notice of Appeal Statement which outlined the right of appeal of TLC decisions.

Commissioner McNally with a second from Commissioner Carr moved approval of the previous meeting minutes with corrections.

ACTION: Approved 3-0

Director Fields asked the TLC to consider a correction to the meetings of the May 2018 TCL meeting. The minutes inaccurately reflected the date for a discussion. The decision should have been specified as being planned for June rather than May. Commissioner McNally with a second from Commissioner Warren moved to accept the correction.

ACTION: Approved 3-0

Annual Meeting for Low Speed Vehicles and Pedicabs/Pedal Carriages

The Chair called the public hearing for the purposes of holding an annual meeting to consider applications for Certificate of Public Convenience and Necessity for Low Speed Vehicles, Pedal Carriages and Pedicabs.

Country Music Crawler represented by Susan Pizzatola and Michael Wrenn with a request for four carriages but would accept two. Nashville Party Pedal represented by Frederick Barr requested four pedal carriages. Nashville Pedicab LLC represented by Dustin Olsen requested five pedal carriages and would surrender its Certificate of Public Convenience and Necessity to operate pedicabs if the award was made.

MNPD Sgt. John Bourque spoke on the topic

The chair closed the public hearing.

After some discussion, Commissioner Carr with a second from Commissioner McNally moved to find that that proof for the need of public convenience and necessity had been made.

ACTION: Approved 3-1

Commissioner McNally with a second from Commissioner Carr moved to deny the request of the Country Music Crawler and the Nashville Party Pedal and to accept the surrender of the Certificate for Public Convenience and Necessity to operate Pedicabs from Nashville Pedicabs LLC and to award Nashville Pedicab LLC a Certificate of Public Convenience and necessity to operate two (2) pedal carriages.

ACTION: Approved 3-1

Public Hearings

The Chair called for a public hearing to review rule for low speed vehicles (LSVs) Operational Area Exception Policy. Director Fields remind the TLC of the request from the July meeting to present a policy regarding requests by LSV operators for operational exceptions boundaries. Director Fields explained that he and Commissioner Warren met and suggested that there be a limit to the number of requests. Michael Winters, Eddie Garcia and MNPD Sgt. Smith all spoke on the issue. The Chair closed the hearing.

After some discussion, Commissioner Carr with a second from Commissioner McNally to allow the TLC Director to make decisions on up to 10 requests per year and any beyond is presented to the TLC.

ACTION: Approved 4-0

The Chair opened a public hearing on a request to allow LSVs to operate during rush hour. Director Fields explained that TLC LSV rule 6 prohibited LSV operations between 7-9 a.m. and 4-6 p.m. Monday through Friday.

Chris Sizemore, Kenneth Ross, Michael Winters and Eddie Garcia all spoke on the issue. The Chair closed the public hearing.

After some discussion, Commissioner McNally with a second from Commissioner Carr moved to suspend LSV Rule 6 until the December TLC meeting and review the situation at that time.

ACTION: Approved 4-0

Wreckers and Towing Services

Derrick R. Hoffman applied to be a wrecker driver at the July meeting, but was not present so action was deferred until the August meeting and was not present again. Commissioner McNally with a second from Commissioner Warren moved to deny.

ACTION: Approved 4-0

Randall Mooneyham applied to be a wrecker driver, but asked to defer the hearing until September.

Kelly J. Morris applied to be a wrecker driver at the July meeting, but was not present so action was deferred until the August meeting and was not present again. Commissioner Carr with a second from Commissioner McNally moved to deny the application.

ACTION: Approved 4-0

Robert L. Rutherford applied to be a wrecker driver. Commissioner McNally with a second from Commissioner Warren moved to approve the application.

ACTION: Approved 4-0

Robert A. Smith applied to be a wrecker driver. Commissioner McNally with a second from Commissioner Carr moved to approve the application.

ACTION: Approved 4-0

Director Fields asked that Ezekiel Newby be added to the agenda for review since his application was denied in May by staff. Commissioner Warren with a second from Commissioner Powell moved to approve the application.

ACTION: Approved 4-0

Low Speed Vehicles

Howard Keltner applied to be a Low Speed Vehicle Driver. Commissioner McNally with a second from Commissioner Warren moved to approve the application.

ACTION: Approved 4-0

Other Passenger Vehicles For Hire

The following Companies applied to operate as an OPVH company:

- Abel Ashenafi Limo Service
- KM Transportation Service Inc.
- MA Diamond Transportation
- Nashvegas Party Bus Inc.

Commissioner McNally with a second from Commissioner Warren moved to approve each applicant.

ACTION: Approved 4-0

Taxicab

Gerald Johnson applied to be a taxicab driver. Commissioner McNally with a second from Warren moved to approve.

ACTION: Approved 4-0

Disciplinary/Complainant Issues

Due to the late hour, all complaints were rescheduled to be heard at a special meeting to be set for September.

Other Business

Attorney Gary Blackburn spoke on issues related to the numerous complaints being filed related to the horse drawn carriage industry and offer suggestions on dealing with them. In addition, he suggested and presented a plan to establish a monitored horse-drawn carriages stand.

Legal Adviser Costonis offered a report on issues related to ex parte communication between the TLC Commissioners and the public.

Legal Advisor Costonis also suggested that an administrative process can be developed by which individual commissioners could serve as hearing officers then report findings back to the TLC for its consideration. No action was taken at this time.

With no further business, the meeting was adjourned at 4:43 p.m.

ATTEST:

APPROVED:

Billy Fields
Director/Executive Secretary

Sal Hernandez
Chair

Date