

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

Minutes of

August 23, 2005

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Chair Cynthia Odle and Commissioners A. Roger Abramson, Ray Dayal, Holly Sharp, and James Utley (5). Also attending were Metro Legal advisor Jason Bergeron; Commission staff members Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Cynthia Odle called the meeting to order and led the Pledge of Allegiance.

The minutes of the July 26, 2005 meeting were unanimously approved.

CARRIAGE COMPANY APPEAL - CUMBERLAND CARRIAGE: Director McQuiston reported that Sara Williams, owner of Cumberland Carriage, had withdrawn her appeal.

TAXI DRIVER DISCIPLINARY HEARING - MUSEVENI Y. MALIANI: Director McQuiston noted that a disciplinary hearing to review this complaint had been on the July 26, 2005 agenda, but had been deferred to this meeting. Taxi driver Museveni Y. Maliani and complainant John Stern appeared before the Commission.

Chair Cynthia Odle asked Mr. Stern to explain what had happened on May 30, 2005. Mr. Stern stated that he had been picked up at the airport by Allied taxicab number 23, and he asked to be driven to his home in Hermitage. He described the trip, asserting that the driver drove carelessly and used a cellular telephone. Mr. Stern stated that, at the end of the trip, he had asked to see the driver's taxi driver permit, but the driver would not allow him to see it. He said that he called Mr. Bill Young, owner of Allied Cab, to complain; but was not satisfied by Mr. Young's response. Mr. Stern stated that he then provided the driver with his name and telephone number, indicated that he would pay the fare only after the driver provided the requested information, and went into his house. He said that he went outside sometime later, and the driver had called a police officer; the officer accused Mr. Stern of not paying the fare and asked the driver if he wanted to press charges. Mr. Stern stated that he paid the driver twenty dollars and asked for a receipt, which the driver refused to provide.

Chair Cynthia Odle asked Mr. Young to appear, and asked how he had responded to Mr. Stern's telephone call. Mr. Young said that he had advised Mr. Stern to pay the driver, and then to file a complaint with the company. **Chair Odle** asked Mr. Young if he had told the driver to show Mr. Stern his taxi driver permit; Mr. Young responded that he did not. He stated that he had thought Mr. Stern was drunk. **Commissioner Ray Dayal** told Mr. Young that he was concerned that people working in a hospitality industry, including the taxicab business, should be careful to avoid dismissing the complaints of their customers. **Commissioner Roger Abramson** asked Mr. Stern if he had been intoxicated at the time of the incident; Mr. Stern responded that he had not been legally drunk.

Chair Cynthia Odle asked Mr. Maliani to relate what had happened. Mr. Maliani stated that he had taken Mr. Stern to his home in Hermitage. He denied that he had broken any laws for safe driving or any taxicab rules. **Chair Odle** asked how much the fare had been; Mr. Maliani responded that the meter charge had been fifteen dollars for the trip, plus five dollars for waiting time after Mr. Stern went into his house. **Chair Odle** asked Mr. Maliani how he had displayed his driver permit in the taxicab; Mr. Maliani responded that it was on the vehicle dashboard. Mr. Stern disagreed. **Commissioner Roger Abramson** asked Mr. Maliani why he had refused to provide a receipt; Mr. Maliani replied that he did not have any receipts, or even a pen and paper, with him at the time. **Commissioner Abramson** asked how long Mr. Maliani had been a driver. Director McQuiston responded that Mr. Maliani had received his initial temporary permit on May 3, 2005; and had received his regular permit on June 3, 2005. **Chair Odle** asked Director McQuiston where the taxicab driver permit was required

to be displayed; Director McQuiston replied that Commission Rule 24 required that the permit should be displayed in full view of the passengers. **Chair Odle** reminded Mr. Maliani that the taxicab ordinance required that drivers provide passengers with a receipt on request.

Commissioner Holly Sharp moved that Mr. Maliani's taxicab driver permit be suspended for three months, followed by probation for a period of three years. **Commissioner James Utley** seconded, and the motion passed (3-1). **Chair Cynthia Odle** recommended that Allied Cab provide additional training to new drivers.

ANNUAL PUBLIC HEARING: EMERGENCY WRECKER SERVICE ZONES

Director McQuiston updated the Commission on issues related to emergency wrecker services since the last annual public hearing in June 2004, including: the updating of the emergency wrecker zone map in July 2004; the amendment to the Wrecker and Towing Services ordinance in February 2005; changes in the processing of wrecked and abandoned vehicles by the Tennessee Department of Safety, beginning in spring 2005; and a new Metropolitan Nashville Police Department General Order on Impoundment in June 2005. He stated that Mr. Matt Wilson was present and had requested to appear at the public hearing to request inclusion as an emergency wrecker service. He introduced Lieutenant Calvin Hullett, MNPD, who had been invited to present information related to the Impound Lot. He also notified zone operators that the Commission office would require updated company information when licenses were renewed in December 2005.

Chair Cynthia Odle called the public hearing to order. She stated that she would recuse herself from voting on any company issues that might arise during the hearing. She noted that there were no unresolved complaints on file with the Commission, and invited each emergency wrecker company to come forward.

A. B. Collier Wrecker Service: Mr. Michael McGovern, representing Mr. Scott Heinrich, owner, appeared before the Commission. He provided a list of equipment, and expressed satisfaction with current zone assignments.

Bailey's Service Center: Mr. Randy Bailey appeared before the Commission. He described the company's equipment, and expressed satisfaction with current zone assignments.

Brown's Wrecker Service: Mr. Gary Brown appeared before the Commission. He described the company's equipment, and expressed satisfaction with current zone assignments.

Carter's Automotive: Mr. Phillip Randall, representing owner Jimmy Carter, appeared before the Commission. He described the company's equipment, and expressed satisfaction with current zone assignments.

Chapman's Wrecker Service: Mr. John Graham appeared before the Commission. He described the company's equipment. He requested that the short section of Murfreesboro Road in the north corner of the A. B. Collier zone be moved to the Chapman zone, due to its proximity to his company's location.

Cotton's Towing Service: Mr. Robert Dean, manager of Cotton's, appeared before the Commission. He provided a list of equipment, and expressed satisfaction with current zone assignments.

Custom Towing: Ms. Brenda Vanderpool appeared before the Commission. She described the company's equipment, and expressed satisfaction with current zone assignments.

Donelson Wrecker Service: Ms. Christine Shelton appeared before the Commission. She described the company's equipment, and expressed satisfaction with current zone assignments.

Gary's Garage and Wrecker: Mr. Gary Ray appeared before the Commission. He described the company's equipment, and expressed satisfaction with current zone assignments.

Hillwood Wrecker Service: Mrs. Mertis Shope appeared before the Commission. She described the company's equipment, and expressed satisfaction with current zone assignments.

Martin's Wrecker Service: Mr. Mike Martin appeared before the Commission. He described the company's equipment, and expressed satisfaction with current zone assignments. He stated that the

new General Order on Impoundment directed that parking violations should be towed to company lots; because signs still directed them to reclaim their vehicles at the Impound Lot, many tourists were being adversely affected by this change. He also stated that, although the new General Order directed that abandoned and junked vehicles were to be left for Codes, zone operators were still being called to remove them. Combined with slow processing of paperwork at the Tennessee Department of Safety, the effect of the General Order was that company lots were being filled up.

Nashville Towing and Recovery: Mr. Darrell Greer appeared before the Commission. He described the company’s equipment, and expressed satisfaction with current zone assignments.

Smith Car Care Center: Mr. Victor Smith appeared before the Commission. He described the company’s equipment, and expressed satisfaction with current zone assignments.

Tommy’s Wrecker Service: Mr. Tommy Goddard appeared before the Commission. He described the company’s equipment, and expressed satisfaction with current zone assignments.

Tow Pro Custom Towing: Mr. Doug Williams appeared before the Commission. He described the company’s equipment, and expressed satisfaction with current zone assignments. He stated that Tow Pro was handling Class C towing in the Donelson area.

West Nashville Wrecker: Mr. Mike McGovern, representing West Nashville Wrecker, appeared before the Commission with Mr. Brian Rice and Mr. Larry Pedigo. He provided a list of equipment, and stated that the company was satisfied with current zone assignments. Mr. McGovern stated that Department of Safety internal policies related to title processing had caused a significant backlog; efforts were under way with stakeholders to develop legislation to expedite the process for disposal of worthless/low-value vehicles.

Chair Cynthia Odle invited Mr. Matt Wilson, owner of Independent Towing and Recovery in Mt. Juliet, to appear before the Commission. Mr. Wilson asked to be allowed to have Class C emergency wrecker business east of the Interstate 24/Interstate 40 split. **Chair Odle** asked if he would be transporting recovered vehicles to a lot in Davidson County; Mr. Wilson stated that he would tow them to his lot in Wilson County. Mr. Wilson described his equipment and storage facility, and stated that his company was already licensed to operate as a wrecker service in Davidson County. Director McQuiston stated that consideration of Mr. Wilson’s request would have to be preceded by a change to Commission Rule 15, which specifically requires that companies designated as emergency wrecker services must be located within Davidson County, and that issues of jurisdiction and enforcement should be addressed. **Chair Odle** noted that changing the Rule would require a public hearing, and could also require action involving the Metro Council. Following discussion about the need for additional information and advice, **Chair Odle** asked Mr. Wilson to step down and invited Lieutenant Hullett to appear.

Lieutenant Hullett described overcrowding at the Impound Lot, and addressed specific steps that could be taken to mitigate some of the concerns that wrecker services had brought to his attention. **Chair Odle** asked if he had an opinion on the request by Independent Towing and Recovery to perform emergency wrecker services; Lieutenant Hullett replied that he could not give advice on this issue. **Commissioner Holly Sharp** stated that more information was needed, and moved to defer action on any Rule changes. **Commissioner Roger Abramson** seconded, and the motion passed unanimously.

Following discussion, **Commissioner Roger Abramson** moved to make no changes to current zones. **Commissioner James Utley** seconded, and the motion passed unanimously.

OTHER BUSINESS

There was no further business, and the meeting was adjourned.

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Cynthia M. Odle
Chair