

METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION

Minutes

November 15, 2012

The Metropolitan Nashville-Davidson County Transportation Commission (TLC) met in regular session on this date at the Metropolitan Courthouse. Present were Vice Chair Brian Winfrey, Commissioners Sal Hernandez, Rhonda Marko, Sam Patel and Curt Wallen (5). Also present were Metro Legal Advisers Theresa Costonis and Rachelle Gallimore-Scruggs along with TLC staff members Lisa Steelman, Debbie Saddler, Milton Bowling, Howard Morris, Walter Lawhorn and Interim Director Billy Fields.

Vice Chair Brian Winfrey called the meeting to order and led the Pledge of Allegiance and then read the Notice of Appeal Statement which outlined the right of appeal for TLC decision.

Minutes

Commissioner Hernandez made one correction then moved to approve the minutes from the October 25, 2012 TLC meeting followed by a second from Commissioner Wallen.

Motion passed 4-0.

Booting Services

Michael G. Hoskins filed a complaint against Parking Enforcement, LLC alleging a violation of the ordinance. However, Mr. Hoskins was not present when called by the vice chair. Commissioner Hernandez moved, with a second from Commissioner Patel to move the item to the last part of the agenda.

Later in the meeting, Inspector Morris advised the TLC that he personally spoke with Mr. Hoskins about the hearing. Brian Lewis, representing Parking Enforcement, LLC., said Mr. Hoskins paid Central Parking rather than Premier Parking which was the lot in which the vehicle was booted. The parking lot in question was described as being adjacent to each other and clearly marked.

Commissioner Hernandez moved to adjourn this hearing until the January meeting and advise Mr. Hoskins that the complaint will be dismissed unless he is present, but failed for lack of a second.

Commissioner Hernandez moved, with a second from Commissioner Patel, to defer this item until the January meeting and advise Mr. Hoskins that he needs to be present at the meeting.

Motion passed 4-0.

Wrecker and Towing Services

Consideration of Current General Wrecker License Applications

Commissioner Marko, with a second from Commissioner Patel, moved to approve the application for renewals of the following existing general wrecker companies:

Nashville Limo/Bus
Eugene Towing
Lightning Towing
Unlimited Towing
Dukes Towing

Motion passed 4-0.

Public Hearing for Consideration of New General Wrecker Company Applications

Music City Towing

Commissioner Wallen moved, with a second from Commissioner Marko, to approve a general wrecker license to Music City Towing.

Motion passed 4-0.

Music City Towing re: non-consent wrecker permit

Director Fields advised that by rule non-consent towing had to be approved by the TLC and also that by practice he had been advised that TLC required a company to be in business for a year before being allowed to perform non-consent towing. Tommy Brooks, representing of Music City Towing, said he had been advised that it would be permissible for the company to begin doing non-consent towing if the company were to be placed on probation for one year and he was agreeable to the probation period. Shawn Griffin, a Music City Towing partner, said he had been in the wrecker business since 1996 as a licensed operator or as a driver. After some discussion, Commissioner Hernandez moved, with a second from Commissioner Patel, to deny the request for a non-consent permit for Music City Towing.

Motion passed 4-0.

Commissioner Marko moved, with a second from Commissioner Wallen, to approve a wrecker driver permit for Mr. Griffin.

Motion passed 4-0.

The Vice Chair then referred back to the appeal process for disagreement of decisions of the TLC.

Easy Towing

Director Fields said the staff recommended approval pending the wrecker passing inspection. Commissioner Marko moved, with a second from Commissioner Hernandez, moved to approve the application pending the positive wrecker inspection.

Motion passed 4-0.

Fast Towing

Representatives from Fast Towing were not present and Commissioner Hernandez, with a second from Commissioner Marko, moved to defer consideration for a future meeting.

Motion passed 4-0.

Interstate Towing

Mike McGovern, representing Interstate Towing for owner Charles Duke, explained that this name had been used by William Parrish as a “doing business as” company. He said this company has been dormant since 2006. He said that earlier this year, Mr. Parish applied to do business as Interstate Towing. Mr. McGovern said Mr. Duke had purchased this business name from Mr. Parrish and was applying as Interstate Towing Inc. Director Fields advised the TLC that Mr. Duke currently held a license to operate as Duke’s Towing Inc. and had no issues with the application.

Commissioner Marko, with a second from Commissioner Patel, moved to approve the application.

Motion passed 4-0.

Nashville Auto Care

Commissioner Hernandez moved, with a second from Commissioner Wallen to approve the application.

Motion passed 4-0.

Commissioner Hernandez, with a second from Commissioner Marko, moved to approve the wrecker driver permit application for Mr. Salim Husarei.

Motion passed 4-0.

Consideration of Current Wrecker Driver Application

Director Fields advised that the TLC was required by ordinance to approve the reapplication of wrecker drivers.

Commissioner Patel moved with a second from Commissioner Wallen, to approve James Baker, Jerry DeMoss, Robert Gilliland, Michael Goode and Todd Morgan.

Motion passed 4-0.

Consideration of New Wrecker Driver Permits

Commissioner Wallen moved, with a second from Commissioner Patel, to approve Mr. Louis Brewington's application.

Motion passed 4-0.

After some discussion, Commissioner Hernandez, moved with a second from Commissioner Wallen, to approve the application for Joseph Evans with restriction to Southside Towing.

Motion passed 4-0.

Commissioner Patel moved, with a second from Commissioner Wallen to approve Rick Payne's application

Motion Passed 4-0

Consideration of Tow Pro offer to resolve litigation related to March 22, 2012 disciplinary action

Emily Lamb, Metropolitan Department of Law, reviewed the disciplinary actions from the March 22, 2012 meeting against Tow Pro. Mike McGovern, attorney for Tow Pro, was present. Ms. Lamb said Tow Pro made an offer to settle their appeal in Chancery Court for a two month (60 day) probationary period and a \$2100 fine for the first incident and a \$400 fine for the second incident. Commissioner Wallen, with a second from Commissioner Marko, moved to accept the settlement offer of 60 days probation and fines totaling \$600.

Motion passed 4-0.

Taxicabs

Director Fields requested reconsideration of a denial of a taxicab driver application for Francis C. Okonkwo which was approved at the October, 2012 TLC meeting. Director Fields said that there is a miscommunication on the meeting date between the TLC staff and Mr. Okonkwo. Commissioner Wallen moved, with a second from Commissioner Marko, to resend the TLC previous denial.

Motion passed 4-0.

Director Fields explained that Mr. Okonkwo failed to renew his application on time and received a Metro citation while in a cab without a permit. Commissioner Marko moved, with a second from Commissioner Patel, to approve the application for Mr. Okonkwo.

Motion passed 4-0.

Other Vehicles for Hire

Director Fields explained that in the application filed by Ms. Frances Davis she failed to list arrests and/or convictions. Mr. Fields said the last charge was from March, 2006. Commissioner Wallen moved, with a second from Commissioner Patel to readdress this at the next TLC meeting and ask a representative from Grand Avenue to be present.

Motion passed 4-0.

Horse and Carriages

Director Fields advised that several complaints and cross complaints have been failed within the horse drawn carriage companies and none were observed by TLC staff. The complaints included:

- Elizabeth Lucky (Hat Creek Carriage) – complaint of Raymond T. Throckmorton, III
- Sam Roberts (Hat Creek Carriage) – complaint of Raymond T. Throckmorton, III
- Matthew Clark (Hat Creek Carriage) – complaint of Raymond T. Throckmorton, III
- Russell Bassett (Southern Comfort) – complaint of Raymond T. Throckmorton, III
- Melody Robinson (Southern Comfort) – complaint of Raymond T. Throckmorton, III
- Lee Rader (Hat Creek Carriage) – complaint of Raymond T. Throckmorton, III
- Johnny Smith (Sugar Creek Carriages)
 - Complaint of Matthew Clark
 - Complaint of Russell Bassett

Gary Blackburn, representing Sugar Creek Carriages/Johnny Smith, proposed these issues be postponed indefinitely to work through various issues related to these complaints with Director Fields an offered several reasons why this should be deferred. Tyler Yarbrow and Jason Gishner, representing Hat Creek and Capitol Carriage and the drivers listed on the agenda, said they were ready to go forward and were not agreeable to an indefinite continuance of the matter.

Director Fields described that the ordinance provides for the director to have wide latitude in handling horse drawn carriage issues then asked for permission to meet with representatives from the complainants in an attempt to resolve this. A 10 minute recess was taken for consultation with each side by their representatives.

Commissioner Hernandez moved, with a second from Commissioner Patel, that the TLC defer action until the January meeting to allow Director Fields to hear from both parties and see if he is able to come to some resolution and if it is not acceptable to both parties it can be appealed to the TLC.

Motion passed 4-0.

With no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Billy Fields
Interim Director

Brian Winfrey
Vice Chair