

METROPOLITAN NASHVILLE-DAVIDSON COUNTY

TRANSPORTATION LICENSING COMMISSION

Minutes

November 21, 2013

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (TLC) met in regular session on this date at the Historic Metropolitan Courthouse.

Present were Commissioners Sal Hernandez, Tom Turner, Sam Patel, Curt Wallen, Rhonda Marko, Pat McNally and Ben Jordan. Also present were Metro Legal Advisers Theresa Costonis, Rachelle Gallimore-Scruggs along with TLC staff members Lisa Steelman and Billy Fields.

The Chair, called the meeting to order at 1:35 p.m., led the Pledge of Allegiance, and read the *Notice of Appeal Statement* which outlines the right of an appeal for decisions of the Transportation Licensing Commission.

Commissioner McNally, with a second from Commissioner Wallen, moved to approve the minutes from the previous meeting.

ACTION: Approved 5-0

Since a vacancy in the chair and vice chair positions, Commissioner Wallen, with a second from Commissioner Marko, moved to elect Vice Chair Hernandez to be chair.

ACTION: Approved 5-0

Then Commissioner Wallen, with a second from Commissioner Marko, moved to elect Commissioner Turner to be Vice Chair.

ACTION: Approved 5-0

Public Hearings

The Chair asked Director Fields to explain the public hearing for consideration of revisions to taxicab rule 7B. Director Fields explained that taxicab rule 7B established standards for liability insurance. He went on to explain that there had been concerns raised about the liability insurance requirements for the planned increase in September 2014. In addition, Director Fields explained that there had been requests for other ratings companies in addition to AM Best be allowed for insurance carriers providing insurance coverage for taxicabs. Mr. Fields suggested the following would address these issues:

Effective on December 31, 2013, all licensed taxicabs to have liability insurance coverage of 50/100/50. On March 1, 2014, all licensed taxicabs must carry uninsured motorist insurance coverage of 25/50/15. All insurance carriers providing this coverage must have a rating of B+ or better from A.M. Best, or other rating representing an equivalent degree of financial stability from the following approved insurance rating companies: Standard & Poor's, Fitch, Demotech and Moody's.

The Chair opened the public hearing and the following individuals spoke:

Jere Lee	Nathan Spears
Del Ambaw	Paul Fisher
Doug Trimble	Khayr Ahmed
David McIndoo	Melinda Grant

The chairman closed the public hearing.

After some discussion, Commissioner Marko, with a second from Vice Chair Turner, moved to leave the rule as it is in its entirety and take no action.

ACTION: Passed 6-0

Taxicabs

Joe Lorance appeared to request approval of renewal of a taxicab driver permit. Director Fields explained that Mr. Lorance had tested positively on his application drug screen, but took a second drug test through hair analysis. After some discussion, Commissioner Jordan, with a second from Commissioner McNally, moved to approve with random drug testing for a period of one year with Yellow Cab triggering the testing in cooperation with Director Fields.

ACTION: Approved 5-0

Khalil Almori appeared to request approval of a taxicab driver permit. Director Fields had failed to fully disclose a 2008 marijuana charge. Commissioner Marko, with a second from Commissioner Jordan, moved to approve.

ACTION: Approved 5-0

Christopher Gilbert failed to appear. Commissioner Jordan, with a second from Commissioner McNally, moved to deny this application.

ACTION: Approved 5-0

Addis Gebrhiwot, represented by David Ewing, appeared to request approval for a taxicab driver permit. Mr. Fields stated that he had failed to fully disclose a 2007 charge of failure to appear. After some discussion, Commissioner Marko, with a second from Commissioner McNally, moved to approve.

ACTION: 5-0

Other Vehicles for Hire

Melinda Johnston appeared to request permission to purchase and operate Roadrunner Limousine. After some discussion, Commissioner Wallen, with a second from Commissioner Jordan, moved to approve.

ACTION: 5-0

Earline V. Partee-Henderson appeared to request a permit to drive a passenger for hire vehicle. Mr. Fields explained that she had failed to fully disclose her charges. After some discussion, Commissioner Jordan moved, with a second from Commissioner Marko, to approve.

ACTION: Approved 5-0

Horse and Carriage

Carole Hunt appeared to request permission to operate Capital Carriage Co. Director Fields explained that Ms. Hunt inherited the company from her father who had purchased the company from Ron Jenkins. He also explained that the purchase by her father failed to comply with TLC rules. However, Ms. Hunt was not a party to the purchase. After some discussion, Commissioner Marko, with a second from Commissioner Patel, moved to approve.

ACTION: 5-0

The following individuals, represented by Gary Blackburn, appeared to offer complaints against Hat Creek Carriage Driver Matthew Clark:

Brad Kaylor
Stacey Romines

Jimmy Uhl
Michael Stokes

Mr. Clark, who had been notified, was not present. Sam Roberts, owner of Hat Creek was present to offer his views on the situation and the charges.

After some discussion, Commissioner McNally moved, with a second from Commissioner Jordan, moved to find that the TLC found Mr. Clark in violation of the Metropolitan Code of Law. 12.54.200.

Mr. Fields explained that the Metropolitan Council had amended the Metropolitan Code of Law with 12.54.200 (A) (9) and 12.54.310 allowing the Traffic and Parking Commission staff to develop operational routes or zones for horses and carriages which affected Horse and Carriage rule 9. Mr. Fields asked the TLC to consider the following in a public hearing:

The Transportation Licensing Commission ("TLC") adopts the horse and carriage operational routes and/or zones developed and approved by the Traffic and Parking Commission ("T & P") staff and directs the TLC staff to assist the T & P staff, if necessary. Any horse and carriage operations outside of the approve zones and/or routes must be approved in advance by T & P staff and TLC staff must be notified.

The Chair opened the public hearing; however, no one spoke on the topic so the public hearing was closed.

Commissioner McNally, with a second from Commissioner Patel moved to adopt the rule as suggested.

ACTION: Passed 6-0

Wreckers

The Emergency Wrecker Association, represented by Jim Mitchell, asked the TLC to consider the Metropolitan Code of Law 6.80.510 with respect to emergency towing and who is authorized to provide this service. The TLC asked Metro Legal to further research this issue to see what remedies may be available. After some discussion, Commissioner Turner moved, with a second from Commissioner McNally, to defer action until the next TLC meeting.

ACTION: Passed 6-0

Michael Copeland, represented by Bryan Lewis, appeared to request approval of his application to be a wrecker driver. Director Fields explained that the TLC had revoked his permit and had advised him to wait 18 months before reapplying. Commissioner McNally, with a second from Commissioner Marko, moved to approve the wrecker driver application.

ACTION: Passed 6-0

Salmon Dehban appeared to request approval for a wrecker driver permit as well as general wrecker company permit, Car 1. Commissioner Wallen, with a second from Commissioner McNally, moved to approve.

ACTION: Passed 6-0.

Maurice Jennings appeared to request approval of his wrecker driver application. Director Fields stated that Mr. Jennings had failed to reveal a 2011 charge related to drug paraphernalia and casual possession of a controlled substance. Mr. Jennings was asked if he could pass a drug test today, he indicated that he could not. After some discussion regarding his drug use, Commissioner Turner moved, with a second from Commissioner Wallen, to defer action until the next TLC meeting.

ACTION: Passed 6-0

Walter Lee Johnson appeared to request approval of his wrecker driver permit. Director Fields explained that his application revealed 19 charges and asked the TLC to consider the application. Mr. Johnson was asked if he could pass a drug test today and he should be able to do so. Commissioner McNally, with a second from Commissioner Patel, moved to defer action until the next TLC meeting.

ACTION: Passed 6-0

Daniel Martin appeared to request approval of his application to be a wrecker driver. Director Fields stated that he had failed to reveal a 2006 domestic violence charge. After some discussion, Commission Marko, with a second from Commissioner Jordan, moved to approve the application.

ACTION: Approved 6-0

Commissioner Jordan moved, with as second from Commissioner McNally, to suspend Mr. Clark's operating permit for a period of 30 days to commence immediately.

ACTION: Approved 5-0

Other Business

Director Fields asked the TLC to establish its 2014 meeting schedule. After some discussion, the TLC approved the following dates for its 2014 meetings:

January 23	Annual Taxicab Public Hearing	July 24
February 20		August 28
March 27		September 18
April 24		October 23
May 22		November 20
June 12	Annual Wrecker Zone Public Hearing	December 18

Commissioner Patel, with a second from Commissioner McNally moved to set the deadline for applications for new taxicab permits or certificates to be Dec. 13, 2013.

Approved 5-0

With no further business, the meeting was adjourned at 4:15 p.m.

ATTEST:



Billy Fields
Interim Director/Executive Secretary

APPROVED:



Sal Hernandez
Chair