

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

**Minutes
February 25, 2021**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (TLC) met through Web-X Conferencing for the TLC meeting on this date. Present for the video conference were Chair Sal Hernandez, Vice Chair Pat McNally, Commissioners Carey Rogers, Jessica Powell, Mona Lisa Warren, Freddy Carr and Carol Westlake. (7). Present were Metro Legal Advisers Theresa Costonis and Tara Ladd with TLC staff members Lisa Steelman and Billy Fields.

The Chair called the meeting to order which was followed by a reading of the Notice of Appeal Statement which outlined the right of appeal of TLC decisions.

The chair welcomed Carol Westlake as a new Commissioner.

The Chair stated that the TLC must vote on the record that the Covid-19 pandemic requires the meeting to be held telephonically and/or through video conferencing as permitted under the Governor's Executive Order Number 16.

Vice Chair McNally moved with a second from Commissioner Carr that meeting electronically was necessary to protect the health, safety and welfare of Tennessee in light of the Covid-19 outbreak.

A roll call vote followed with 5-0 vote for approval.

ACTION: Approved 5-0

The minutes from January 28, 2021 were presented for approval. After some discussion Commissioner Warren with a second from Vice Chair McNally moved to approve the minutes.

A roll call vote followed with 5-0 vote for approval.

ACTION: Approved 5-0

Public Hearing

The Chair announced a public hearing for the purposes of consideration of a request by Mitchell's West Nashville Wrecker Service to operate the emergency wrecker zone currently assigned to Hillwood Wrecker Service. Director Fields reported that Hillwood Wrecker and the Shope Family had decided to leave the industry. Mertis Shope as well as her children were present for the hearing as was Jim Mitchell, operator of West Nashville Wrecker.

The Chair opened the public hearing. James Weaver, representing Tow Pro/Cotton's, called to ask the email below be entered as a part of the record:

From: James Weaver

Sent: Tuesday, February 16, 2021 2:07 PM

To: billy.fields@nashville.gov; Sal Hernandez <SHernandez@rwjplc.com>

Cc: Theresa.Costonis@nashville.gov; Kimberly Faye <Kimberly.Faye@wallerlaw.com>; James Weaver <James.Weaver@wallerlaw.com>

Subject: Public Comment: Acquisition of Tow Zone [Hillwood Wrecker] by Mitchell's West Nashville Wrecker Service ("WNWS")

Chairman Hernandez/Director Fields:

As you may know, we represent Tow Pro. It is our client's understanding that Jim Mitchell, through one of his subsidiary companies, MNWS, is seeking to acquire Zone 9, the Hillwood Wrecker zone. A public hearing is scheduled on the matter for February 25 before your Commission. If this acquisition is confirmed, it will give Mr. Mitchell control of five zones. We feel it is necessary to point out to the Commission that Mr. Mitchell's acquisition of Zone 9 could potentially be in violation of Metro's law regarding equitable distribution of the zones.

As you are aware the Commission is required to divide Metro Nashville into zones in order to provide for the immediate removal of vehicles constituting an emergency situation. Metro Code § 6.80.545. The Commission must establish the zones "in a manner which best serves the traffic and safety needs of the community and as near as possible divides the emergency wrecker business ***equitably among those persons licensed*** to provide emergency wrecker service." *Id. Emphasis added.* To each zone, the Commission is required to assign at least one emergency wrecker service licensee. *Id.*

Our client does not wish to protest the acquisition or transfer of Zone 9 to WNWS at this time. However, any additional zone acquisitions by Mr. Mitchell will, in our opinion, result in a clear unequitable distribution and thus would violate § 6.80.545. We have discussed in the past that perhaps it's time to closely examine the current zone allocations. At some point Mr. Mitchell's arguments that a proportionate saving in costs and increase in customer service to consumers gained by an increased concentration of zones in one entity would likely have to be examined as an attempt to monopolize the tow business in Nashville, a monopoly that Metro law doesn't condone or authorize.

Thank you both for your service to our City.

James M. Weaver

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There were no other calls and the Chair closed the public hearing.

Director Fields commented that Hillwood and the Shope family had provided excellent service for many years as an emergency operator and would be missed. He also reflected on the late Charles Shope and his many years of service to the community.

After some discussion, Vice Chair McNally with a second from Commissioner Rogers moved to transfer the operation of the Hillwood Wrecker zone to be operated by West Nashville Wrecker.

A roll call vote followed with 5-0 vote for approval.

ACTION: Approved 5-0

The Chair thanked Hillwood Wrecker and the Shope Family for their service to the Metropolitan Transportation Licensing Commission and wished them well.

Other Passenger Vehicles for Hire

Esmale Limo applied to operate an OPVH company. Commissioner Rogers with a second from Vice Chair McNally moved to approve the application.

A roll call vote followed with 6-0 vote for approval.

ACTION: Approved 6-0

With no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Billy Fields
Director/Executive Secretary

Sal Hernandez
Chair

Date