

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

**Minutes**

**April 27, 2023**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (TLC) met for its regular meeting on this date in the Jury Assembly Room of the Historic Davidson County Courthouse. Present were Chair Sal Hernandez, Vice Chair Pat McNally, Commissioners Keith Pyle, Freddy Carr, Carey Rogers, Carol Westlake, Michael Hayes, and Michael Santistevan (8). Present were NDOT/TLC staff members Diana Alarcon, Lisa Steelman, Amanda Mullins, T.D. Schlafer, Richard Rooker, Jimmy Russell, Timika Smith, Ronnie Brock and Billy Fields. Also present were Metro Legal advisors Erica Haber and Theresa Costonis.

The Chair called the meeting to order 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 Carr with a second from Commissioner Westlake moved approval of the meeting minutes from the previous meeting.

ACTION:        Approved        7-0

Executive Secretary Fields presented NDOT's request to extend the moratorium for right of way changes downtown until the Connect Downtown study is completed. After some discussion, Commissioner Hayes with a second from Commissioner Rogers moved to extend the moratorium through August 1, 2023.

ACTION:        Approved        7-0

The Chair asked Executive Secretary Fields to introduce the consent agenda.

The following Companies applied to operate as an Other Passenger Vehicle For Hire (OPVH) company:

Abrish Limo	Malikzada Transportation Service
A La Bottom Accommodations LLC	Micky Lemma Transportation
Animut Taglu LLC	Nashville Executive Transportation
Ark Limo	NLC
Bemnet Black Limo Service	Nova Transportation
Blue Nile	Nowluck Transportation LLC
Five Star Limo Service	Royal Boss Private Rides LLC
Judah Elite	Sami Limo
Kash Luxury Limo	SHM Services LLC
Lewis Drivers LLC	TN Private Rides
Mafe Limo Service	Wayne Transportation LLC

After some discussion and explanation, Vice Chair McNally with a second from Commissioner Rogers moved to approve all OPVH applications (except Blue Nile) on consent agenda.

ACTION:        Approved        7-0

Aydin's Transportation reported wanting to add Kay Yasin and Fuad Kuremay as owners. Commissioner Westlake with a second from Commissioner Rogers moved to approve.

ACTION:        Approved        7-0

The following companies reported address changes:

- HB Limo address change to 9240 Thomason Trail, Antioch 37013
- Professional Logistics address change to 7201 Rising Fawn Trail, Hermitage 37076
- Rising Star Limo address change to 2760 Murfreesboro Pike, Unit 40, Nashville 37013

Vice Chair McNally with a second from Commissioner Santistevan moved to approve.

ACTION:        Approved        7-0

The following OPVH companies requested name changes:

- Crosstown Companions name change to Crosstown Car Services
- Ed Limo name change to Afson Group LLC
- Jenny the Guide name change to Greetings from Tennessee LLC

Vice Chair McNally with a second from Commissioner Santistevan moved to approve.

ACTION: Approved 7-0

Nash 509 (OPVH) reported a name and address change Nash 509 Limo Services LLC, 838 Hillwood BLVD, 37209. Vice Chair McNally with a second from Commissioner Pyle moved to approve.

ACTION: Approved 7-0

The following companies applied to be general wrecker companies:

- Anytime Towing & Recovery
- Duhok Towing
- Pantusa Towing Nashville LLC

After some discussion, Commissioner Westlake with a second from Commissioner Rogers moved to approve the applications.

ACTION: Approved 7-0

Nashville Bronco Tours reapplied to operate as a OPVH company. Executive Secretary Fields stated the company failed to meet the March 31, 2023 renewal deadline. Represented by Gary Blackburn, owner Eric Baty asked for approval of the application as well as its two vehicles. After some discussion, Commissioner Rogers with a second from Commissioner Hayes moved to deny.

ACTION: Denied 7-0

Metro Legal Adviser Theresa Costonis introduced a proposed ordinance change:

**Ordinance No. BL2023-\_\_\_**

An ordinance to amend Title 6, Chapter 77, Article I of the Metropolitan Code of Laws, regarding renewal of Entertainment Transportation certificates of public necessity and convenience and Entertainment Transportation vehicle permits.

WHEREAS, the Connect Downtown study suggests that the slow pace of downtown Nashville traffic would be ameliorated if the number of Entertainment Transportation (ET) vehicles operating in downtown Nashville were reduced to a maximum number of permitted vehicles of between 40-50; and,

WHEREAS, there are currently 87 ET vehicles permitted to operate within Metro; and,

WHEREAS, the current renewal language of Chapter 6.77 does not provide a process for significantly reducing the number of certificates of public necessity and convenience (CPCN); and,

WHEREAS, this ordinance should put ET CPCN holders and permittees on notice that they should not necessarily expect a routine annual renewal of CPCN's and permits granted in April, 2023, at the April, 2024, meeting of the Transportation Licensing Commission, due to the need to reduce numbers of ET vehicles to increase the pace of traffic in downtown Nashville; and,

WHEREAS, at its meeting on April 27, 2023, the Metropolitan Transportation Licensing Commission (MTLC) met and recommended the approval of this ordinance to Council.

NOW THEREFORE, be it ENACTED by the Council of the Metropolitan Government of Nashville and Davidson County:

Section 1. That Section 6.77.030 of the Metropolitan Code be hereby amended by deleting the current section in its entirety and replacing it with the following:

**6.77.030 - Findings—Issuance of certificate, renewal or additional permits.**

A. The MTLC must make a prerequisite finding as to what number of entertainment transportation vehicle service providers and vehicles are required by the public convenience and necessity, in the metropolitan government area, before it may issue any new certificates of public convenience and necessity, renew any previously issued expiring certificates, or add any additional permitted vehicles to an existing certificate-holder's permitted fleet. Further, the MTLC must find that an applicant is fit, willing, and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTLC, before the MTLC may issue a certificate of public convenience and necessity to a particular applicant. The certificate shall state the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance.

B. In making the above findings, the MTLC shall, at a minimum, take into consideration the number of entertainment transportation vehicles already in operation, whether existing service is adequate to meet the public need, or so great as to be exceeding the public need and unnecessarily adding to traffic congestion; the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTLC in its rules.

Section 2. That Section 6.77.060 of the Metropolitan Code of Laws be hereby amended by deleting the current section in its entirety and replacing it with the following:

**6.77.060 – Annual renewal.**

A. All certificates issued under the provisions of this chapter shall expire on April 30 of the year following the date on which the certificate was issued. All certificates may be renewed by the MTLC director for each successive year between April 1 and 30 of each year, if the applicant meets all applicable standards for renewal as established by the MTLC, and if it has not been determined, pursuant to section 6.77.030, above, that the number of entertainment transportation vehicles already in operation is so great as to be exceeding the public need and adding to traffic congestion. A renewal fee for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.

B. All applicants for renewal must be current with all assessments and taxes due to the metropolitan government.

C. If the MTLC has made a finding that the number of entertainment transportation vehicles already in operation immediately prior to the annual meeting, is so great as to be exceeding the public need and adding to traffic congestion, the MTLC shall determine what lower number would meet the public need. All renewing and new applicants shall be placed on notice that at the annual meeting they must show cause why their application for a new certificate, a renewal, or for the addition of vehicles to their fleet should be among the new number determined to be adequate to meet, and not exceed, the public need. It, accordingly, may not be possible to renew every certificate and/or vehicle that was permitted in the preceding year. In determining which applications will be granted, the MTLC may take into consideration the following non-exclusive factors, among any other criteria they see fit to adopt in their regulations. Whether the applicant for a new or renewed certificate has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTLC;
2. Violated any provision of this code or other ordinances of the metropolitan government or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise or alcoholic beverage open containers;
3. Failed to pay assessments or taxes due to the metropolitan government; or
4. Made a misrepresentation or false statement when obtaining or renewing a certificate or additional permits, or transferring a certificate.

C. If a licensed entertainment transportation vehicle company or individual fails to submit an application to renew by the deadline set by the MTLC for same, the license shall expire.

Section 3. That section 6.77.090 of the Metropolitan Code of Laws be hereby amended by deleting the current section in its entirety and replacing it with the following:

**6.77.090 - Suspension and revocation.**

A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, or otherwise restricted, by the MTLC if the holder thereof has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTLC;
  2. Violated any provision of this code or other ordinances of the metropolitan government or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise or alcoholic beverage open containers;
  3. Failed to pay assessments or taxes due to the metropolitan government; or
  4. Made a misrepresentation or false statement when obtaining or renewing a certificate or additional permits, or transferring a certificate.
- B. Prior to any action to revoke, suspend, place on probation, or otherwise restrict a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTLC.
- C. If the holder commits an act in violation of the criminal laws of the United States of America or state of Tennessee Code and the MTLC director determines that holder poses a threat to the public safety, the MTLC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTLC at the next available meeting, but in no circumstance later than sixty days from the date of the emergency suspension.

Section 4. This Resolution shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Ms. Costonis explained that the Department of Law was asking the TLC to review and recommend the proposed draft ordinance. She added that only the Metropolitan Council can make these changes, but the input and recommendation from boards and commissions has been appreciated by the Council members.

Ms. Costonis explained that these proposed changes would affect Chapter 6.77 of the Metropolitan Code of Law (MCL) which covers entertainment transportation (ETs). Ms. Costonis stated that with these proposed changes, the presumption regarding the renewal of ET permits will be altered, but it would not apply at this meeting. It would, however, if enacted by the Council, be effective for the April 2024 annual meeting for ETs. She went on to explain that the changes would allow the TLC to allocate permits within the parameters found to be optimal for Certificates of Public Convenience and Necessity (CPCN). She added that this could mean not renewing permits that would have otherwise been renewed under the current 6.77 language.

Ms. Costonis said, at present, all permits are eligible for approval if the applicant met the requirements in MCL 6.77 by being current on fees and assessments and are willing and able to provide the prescribed services while conforming to all laws, regulations, and other requirements. Currently all who fit the three sections would expect to be renewed. However, Ms. Costonis said this is contrary to the evidence which was presented to the TLC during the March 2023 meeting which described a lower optimal number of ETs needed compared to what is currently in effect. If approved by the Council, the TLC, in the future, would be allowed to allocate next year on the proven optimal number for CPCN.

After some explanation and discussion, Commissioner Westlake with a second from Vice Chair McNally moved to recommend the proposed draft ordinance on future ET renewals to Metro Council with deletion of the first two "whereas" clause paragraphs, deletion of the word "significantly" in the third Whereas clause, clerical error corrections, and in the event that the number of permits are reduced, the operators will be allowed to continue operating for 100 days following the ET annual meeting.

ACTION:                      Approved              7-0

After additional discussion, Commissioner Westlake with a second from Commissioner Rogers moved to recommend 45 as the optimal number of ET certificates of public convenience and necessity based upon public safety considerations as a result of ongoing NDOT studies indicating the impact of slow-moving vehicles on downtown safety and traffic congestion.

Commissioner Hayes moved to amend the motion to be 35 entertainment transportation vehicles.

There was no second.

The original motion was withdrawn.

The Chair opened a public hearing for the purpose of consideration of changes to the Shared Urban Mobility Device rules 905 M.5, 905 L and consider expansion of WeGo Pilot project. Chris Gobble and Eben Cathay spoke. With no others present to speak, the Chair closed the public hearing.

After some discussion, Commissioner Rogers with a second from Commissioner Westlake moved to change TLC Rule 905 M.5. to be amended as follows:

No ride zone – The Vanderbilt University Medical Center areas shown on the attached Exhibit A.

No scooter ride zone – The Vanderbilt University areas shown on the attached Exhibit A.

No e-bike ride zone – The Vanderbilt University areas shown on the attached Exhibit A, unless a contracted agreement between Vanderbilt University and SUMD operators is approved by the TLC Director.

ACTION: Approved 7-0

After additional discussion, Commissioner Rogers with a second from Commissioner Pyle moved to amend TLC Rule Section 905 L. as follows:

Operation of SUMDs is prohibited after midnight and before 5:00 AM, except for bicycles and electric bicycles

ACTION: Approved 6-0-1 (Commissioner Hayes abstained)

After additional discussion, Commissioner Rogers with a second from Commissioner Pyle moved to amend the WeGo Pilot Project by expanding the SUMD pilot program by an additional 100 scooters per company to be staged for first and last mile opportunities outside of downtown/midtown.

ACTION: Approved 7-0

The Chair opened the public hearing pursuant to MCL Section 6.77.030 and further in MTLC Entertainment Transportation Rule 801; the Metropolitan Transportation Licensing Commission shall hold a public hearing for the purpose of consideration of Applications for Public Convenience and Necessity for operations an Entertainment Transportation Company.

The following individuals spoke:

Brady Cannon

Ben Simpson

Lisa Haller

Tonya McBride-Robles

Jeanette Barker

Lisa LeClair

In addition, all applicants were allowed an opportunity to speak.

After some discussion, Vice Chair McNally with a second from Commissioner Santistevan moved that the optimal number of ET permits of public convenience and necessity is between 35-70 as supported by PowerPoint slides 7 and 8 of the KCI study presented at the March TLC meeting and also taking into consideration public comments at the April TLC meeting. Following discussion, the question was called by Commissioner Westlake with a second from Commissioner Rogers.

On the Question: Approved 5-2

Vote on original motion,

ACTION: Approved 5-2

Chair Hernandez left meeting.

After additional discussion, Commissioner Westlake with a second from Commissioner Carr that the TLC will renew the existing ET permits for companies without violations and also for those whose only violations have been retired by the court including the following companies: Big Green Tractor, Big Drag Bus, Extreme Experience, Xperience Nashville, Grey Lion, Grooveline, Hell on Wheels, Honky Tonk, Nashville Bar Bus, Old Town Trolley, Grayline, Nashville Tractor, Music City Rollin Jamboree, TN Transport Holdings Cruzzin and Upstage Party Bus.

ACTION: Approved 6-0

After discussion, the following actions were taken:

Commissioner Westlake with a second from Commissioner Carr moved to renew Party Central’s one existing permit.

Action: Approved 6-0

Commissioner Carr with a second from Commissioner Westlake moved to renew Party Bus Music City’s existing two permits.

ACTION: Approved 6-0

Commissioner Hayes with a second from Commissioner Westlake moved to renew Nashville Party Barge’s two existing permits

ACTION: Approved 6-0

Commissioner Westlake with a second from Commission Rogers moved to renew Nashville Party Fire Engine’s one existing permit.

ACTION: Approved 6-0

Commissioner Westlake with a second from Commission Rogers moved to renew NashTrash’s one permit with the recommendation that the TLC consider (in the future) disciplinary actions against companies that fail to report a citation in the application process.

ACTION: Approved 6-0

Commissioner Westlake with a second from Commissioner Rogers moved to renew Nashville Ultimate Party Bus’s three existing permit but return the company to the TLC for potential disciplinary action after the June 27 Metro Citation Court hearing.

ACTION: Approved 6-0

Commissioner Pyle with a second from Commissioner Rogers moved to renew Redneck Comedy Tour’s two existing permits.

ACTION: Approved 6-0

Commissioner Westlake with a second from Commissioner Rogers moved to renew the Rowdy Bus two existing permits.

ACTION: Approved 6-0

Commissioner Carr with a second from Commissioner Westlake moved to renew TN Transport Services dba Joyrides’ six existing permits.

ACTION: Approved 6-0

After some discussion, a specially called meeting was requested to continue review and potential action on entertainment transportation applications that will be held May 11, 2023 at 12:30 p.m.

Commissioner Rogers with a second from Commissioner Pyle moved to adjourn.

ACTION: Approved 4-2

ATTEST:

APPROVED:

\_\_\_\_\_  
Billy Fields  
Executive Secretary

\_\_\_\_\_  
Sal Hernandez  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Patrick McNally  
Vice Chair

\_\_\_\_\_  
Date