

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

Minutes

February 15, 2024

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 Metropolitan Courthouse. Present were Chair Sal Hernandez, Vice Chair Pat McNally, Commissioners Freddie Carr, Michael Hayes, Carol Westlake, Keith Pyle, Carey Rogers, and Charles Sueing (8). Also present were NDOT Director Diana Alarcon along with NDOT staff Lisa Steelman, Richard Rooker, Leigh Ann Dickerson, and T.D. Schlafer. 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.

The Chair opened the floor for public comment from those gathered and there was a request to speak by Steven C. Knapp. Mr. Knapp indicated his comment would be preliminary to his complaint listed on the agenda. The Chair requested that Mr. Knapp give his preliminary statement during his complaint. There were no further requests to speak.

The Chair welcomed the mayor's newest TLC appointee, Commissioner Charles Sueing.

Mr. Rooker welcomed new NDOT staff member Leigh Ann Dickerson.

The Chair recognized the retirement of former TLC Director Billy Fields and thanked him for his outstanding tenure and contributions to the TLC. The Chair then recognized Mr. Richard Rooker as Interim TLC Director effective immediately.

Vice Chair McNally with a second from Commissioner Westlake moved approval of the minutes from the previous meeting.

ACTION: Approved 6-0

Commissioner Carr arrived.

Public Hearings

The Chair announced the annual public hearing for the consideration of applications for Certificates of Public Convenience and Necessity for taxicabs. Mr. Rooker explained that there was one application for the expansion of TN National Cab LLC, an existing company, and one application for a new company requesting to operate, Regal Taxi LLC. Mr. Rooker further explained that Regal Taxi LLC requested a one-month deferral through their attorney James Bryan Lewis. Mr. Rooker recommended deferral until two months after the final Connect Downtown study has been presented to the Commission, as consistent with previous motions for Low-Speed Vehicles, Pedal Vehicles, and Horse-Drawn Carriages. Director

Alarcon indicated the Connect Downtown study would be presented at the March 2024 TLC meeting, thus the motion for deferral could extend to May 2024.

After some discussion, Vice Chair McNally with a second from Commissioner Hayes moved to defer the annual hearing on taxicabs until May 2024.

ACTION: Approved 7-0

Metro Legal advisor Theresa Costonis introduced a proposed ordinance change:

ORDINANCE NO. _____

An ordinance to amend Title 6, Chapter 75 of the Metropolitan Code
of Laws, regarding renewal of pedicab and pedal carriage
certificates of public necessity and convenience and permits.

WHEREAS, the current renewal language of Chapter 6.75 does not provide a process for
reducing the number of certificates of public necessity and convenience (CPCN); and,

WHEREAS, this ordinance should put pedal carriage and pedicab CPCN holders and permittees
on notice that they should not necessarily expect a routine annual renewal of their CPCN and
permits at the August 2024 meeting of the Metropolitan Transportation Licensing Commission
(MTLC), upon its consideration of the number of pedal carriage and pedicab vehicles; and,

WHEREAS, at its meeting on April 27, 2023, the MTLC met and recommended approval of the
concept behind this ordinance to council, as it relates to entertainment transportation vehicles,
and BL2023-1869 was signed into law on August 15, 2023; and,

WHEREAS, at its meeting on February 15, 2024, the 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 6.75.030 of the Metropolitan Code be hereby amended by deleting
the current section in its entirety and replacing it with the following:

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

A. The MTLC must make a prerequisite finding as to what number of pedicab or pedal carriage 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 pedicabs and pedal carriages 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:

6.75.060 – 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 6.75.030, above, that the

number of pedicabs and pedal carriages 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 pedicabs and pedal carriages 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 pedicabs or pedal carriages 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 pedicab or pedal carriage that was permitted in the preceding year. In the event the number of permits is reduced and any existing permits are not renewed at the annual meeting, such non-renewed permitted pedicabs or pedal carriages may continue operating for 100 days from the date of the non-renewal. 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.

D. If a licensed pedicab or pedal carriage 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 6.75.090 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 6.75 of the Metropolitan Code of Law (MCL) which covers pedal carriages and pedicabs. Ms. Costonis stated that with these proposed changes, the presumption regarding the renewal of pedal vehicle permits will be altered. 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 6.75 language. If approved by the Council, the TLC, in the future, would be allowed to allocate permits at the next annual hearing on the proven optimal number for CPCN.

The Chair opened the public hearing on the issue and invited those who would like to speak to come forward. Attorney Quan Poole, representing Sprocket Rocket Tours and Nashville Pedal Tavern, spoke. The public hearing was closed.

After some further explanation and discussion, Commissioner Westlake with a second from Commissioner Hayes moved to recommend the proposed draft ordinance on future Pedal Vehicle renewals to Metro Council with an amendment to language in the recital and clerical error corrections.

ACTION: Approved 3-1-3 (abstention by Rogers, Carr, Sueing)

Consent Items

Helping Hand Towing LLC applied to operate as a general wrecker company. Vice Chair McNally with a second from Commissioner Westlake moved to approve.

ACTION: Approved 7-0

The following new applications were submitted for Certificates of Public Convenience and Necessity for Other Passenger Vehicles for Hire:

- | | |
|--|---------------------------------------|
| ▪ ABM | I Will Always Care Transportation LLC |
| ▪ Atlas Limo | J&S Luxury Services LLC |
| ▪ Black Car Transportation LLC | Keith's Car Service LLC |
| ▪ Chalky | Mr. Jones Driver Services |
| ▪ Exclusive Transportation and Logistics | Nashrovers LLC |
| ▪ Godfather of Transportation | Royal Limousine LLC |
| ▪ Happy Ride LLC | Sultan Limo |

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

ACTION: Approved 7-0

Noori Transportation requested to modify its OPVH ownership by adding partner Mohammad Zikri Ziaee. Commissioner Westlake with a second from Vice Chair McNally moved to approve.

ACTION: Approved 7-0

Two OPVH company requests to change address were submitted:

- K&J to change address to 205 Riverbend Lane, Nashville, TN 37221
- Shewa Limo to change address to 5018 Claude Drive, Smyrna, TN 37167

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

ACTION: Approved 7-0

Jember Limo Service requested to change its name to Fisseha Limo Service and to add partner Fisseha Damtew. Vice Chair McNally with a second from Commissioner Westlake moved to approve.

ACTION: Approved 7-0

Disciplinary Hearing

Steven C. Knapp appeared to present a complaint against Nashville Booting, LLC. Brian Miller, Operations Manager, appeared on behalf of Nashville Booting, LLC. After some discussion, Vice Chair McNally with a second from Commissioner Hayes moved that Nashville Booting, LLC violated Metro Code 6.81.170 (F) by operating without a valid permit from December 1-12, 2023.

ACTION: Approved 7-0

Vice Chair McNally with a second from Commissioner Carr offered the following motion:

Nashville Booting, LLC will enter a period of probation indefinitely until the following conditions are met:

- 1) At the March 21, 2024, TLC meeting, provide a list of every customer booted from December 1-12, 2023, identifying every customer who has been refunded and who remains to be refunded with the intent that all customers booted in this timeframe are refunded.
- 2) Provide a policy on how Nashville Booting handles complaints from those who feel they have been wrongfully booted.

ACTION: Approved 7-0

Other Business

Mr. Schlafer presented the 2023 SUMD ride summary report and answered questions about the SUMD program from the Commission.

Director Alarcon discussed plans for an SUMD RFP and gave an update on the expected date for presentation of the completed Connect Downtown study.

The Chair left the meeting. The Vice Chair assumed the role of Chair.

Director Alarcon requested a date change for the 2024 Entertainment Transportation annual hearing. Commissioner Westlake with a second from Commissioner Pyle moved to reschedule the ET annual hearing to May 16, 2024. The new filing deadline for all applications is March 25, 2024, at noon.

ACTION: Approved 6-0

Commissioner Rogers requested a legal opinion on the operation of SUMDs on greenways.

Mr. Rooker reported that Metro Legal requested a follow-up work session on Entertainment Transportation. After some discussion, the work session was scheduled to be held on Thursday, March 7, 2024, at 2 P.M in the Jury Assembly Room of the Historic Metropolitan Courthouse.

Metro Legal requested that Metro Nashville Network cease recording the meeting during driver applicant background reviews.

A review of an OPVH driver application for Adam Mercado Ferrer was called but Mr. Ferrer was not present. Commissioner Westlake with a second from Commissioner Carr moved to defer the review to the March 2024 meeting.

ACTION: Approved 6-0

With no further business, Commissioner Pyle with a second from Commissioner Carr moved to adjourn.

ACTION: Approved 6-0

ATTEST:

APPROVED:

Richard Rooker
Interim Executive Secretary

Sal Hernandez
Chair

Date

Patrick McNally
Vice Chair

Date