

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

**Minutes**

**July 18, 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 Justice A.A. Birch Building. Present were Chair Pat McNally, Commissioners Carey Rogers, Charles Sueing, Erica Penley, Annie Klaver, Michael Hayes, and Keith Pyle (7). Also present were NDOT staff members Lisa Steelman, Richard Rooker, Amanda Mullins, T.D. Schlafer, and NDOT Director Diana Alarcon. Also present were Metro Legal advisors Theresa Costonis and Erica Haber.

Chair McNally 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. CM Emily Benedict, CM Jacob Kupin, Shelly Williams, Fawzy Zaky, Doug Trimble, Akrem Hasan, Michael Rowan, and Leesa LeClaire spoke. There were no further requests to speak.

Commissioner Hayes with a second from Commissioner Rogers moved approval of the minutes from the previous meeting.

ACTION:           Approved           6-0

Director Rooker recognized former Chair Sal Hernandez for 13 years serving the Commission and thanked him for his selfless tenure of service to Nashville. Mr. Hernandez addressed those gathered and expressed his gratitude to the Commission and its staff for their dedication of time and thoughtfulness in decision-making through the years. Chair McNally thanked Mr. Hernandez for his leadership through the addition of OPVH, LSV, SUMD, Pedal Vehicles, and Entertainment Transportation to the Commission's regulatory authority. Mr. McNally also recognized former Commissioner Freddie Carr, who was unable to attend, for his 8 years of service to the Commission.

**Disciplinary Hearing**

A hearing was called to address an industry complaint from Grant Rosenblatt of Honky Tonk Party Express against Old Town Trolley, alleging operations between 4-6 PM, Monday through Friday, in violation of Metro Code Chapter 6.77.090 and TLC Rules and Procedures Section 805 F. Grant Rosenblatt and Christy Patterson were present and placed under oath to give testimony and evidence in support of the complaint. Attorney Alex Dickerson and Old Town Trolley manager Scooter Pardue were present to answer the complaint for Old Town Trolley. Mr. Pardue was placed under oath.

Mr. Rosenblatt and Mrs. Patterson placed into evidence testimony and videos purporting to show Old Town Trolley operating in the downtown core on June 27, 2023, and April 19, 2024, in alleged violation of TLC Rules and Procedures Section 805 F. At the time of the complaint, the rule was as follows:

Prior TLC Rule Section 805 F - To enhance safety and encourage traffic flow, entertainment transportation vehicles must travel in a manner consistent with the flow of traffic and may not operate during the rush hour period between 4:00-6:00 p.m., Monday through Friday.

On May 9, 2024, the TLC held a special-called meeting where the rule was amended as follows:

Current TLC Rule Section 805 F - To enhance safety and encourage traffic flow, entertainment transportation vehicles must travel in a manner consistent with the flow of traffic and may not operate on or between the northernmost boundary of Union Street and the southernmost boundary of Korean Veterans Boulevard, and on or between 1<sup>st</sup> Avenue and the westernmost boundary of 8<sup>th</sup> Avenue, during the rush hour period between 4:00-6:00 p.m., Monday through Friday. During this time period, ETVs may only operate on routes or zones outside of that area, that are approved by the Director of the TLC and NDOT's Chief Engineer.

The Commission was presented with video from the March 21, 2024, TLC meeting where Mr. Rosenblatt initially raised his concern of Old Town Trolley's alleged operations. Director Alarcon stated at the time

that she had been informed that special permission was granted to Old Town Trolley to operate during the 4-6 PM timeframe by a former TLC Director.

Director Alarcon arrived at the meeting.

Mr. Dickerson read a timeline of events related to Old Town Trolley's operations.

Director Alarcon responded to questions from the Commission about the statements made in the timeline read by Mr. Dickerson.

Mr. Dickerson requested a continuance of the hearing in order to investigate the allegation of Old Town Trolley operations on April 19, 2024, and June 27, 2023.

After some additional discussion, Commissioner Rogers with a second from Commissioner Pyle moved to defer the hearing until the August 15, 2024, TLC meeting to allow time for Old Town Trolley to review evidence in the complaint against them.

ACTION: Deferred 6-0

A hearing was called to review an industry complaint by Nicholas Lyon of Hell On Wheels against Old Town Trolley, alleging operations between 4-6 PM, Monday through Friday, in violation of Metro Code Chapter 6.77.090 and TLC Rules and Procedures Section 805 F but Mr. Lyon was not present. Mr. Rooker stated that staff had notified Mr. Lyon to appear.

Mr. Dickerson requested that the Commission entertain a motion to dismiss Mr. Lyon's complaint.

Commissioner Rogers with a second from Commissioner Penley moved to dismiss the complaint.

ACTION: Dismissed 6-0

The Chair called for a 5-minute break.

The Chair called the meeting back to order.

#### **Consent Items**

The following new applications were submitted for Other Passenger Vehicles for Hire (OPVH):

▪ Upscale Journeys ▪ Lux Black Car Service LLC ▪ D-Luxe Rides TN LLC ▪ Roza Black Cars ▪ Kwic Limousine Service ▪ LuxRide ▪ DS Limo ▪ Debourg Services LLC ▪ Eric Drescher ▪ C&Y LLC ▪ Murfreesboro Limo Transportation

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

ACTION: Approved 6-0

B&T Transportation LLC dba Party Bus Music City requested to modify ownership by adding partners Justin Lillard and Chris Keith. Commissioner Penley with a second from Commissioner Sueing moved to approve.

ACTION: Approved 6-0

#### **Entertainment Transportation (ET)**

An agenda item deferred from the May 2024 regular meeting was called for consideration of applications for additional ET vehicle permits and for permit swaps between ET and Seated Sightseeing.

Commissioner Rogers with a second from Commissioner Pyle moved to approve no new permits for ET vehicles. During discussion, Commissioner Penley offered the perspective that the Connect Downtown study recommended a lower number of ET vehicles than what is currently approved and that given downtown congestion issues, the Commission should not entertain additional permits at this time.

ACTION: Approved 6-0

Commissioner Rogers with a second from Commissioner Klaver moved to approve no proposed ET permit swaps, given that the requests would reduce the number of approved Seated Sightseeing vehicles and add to the number of Entertainment Transportation vehicles currently operating. Commissioner Penley offered the perspective that the finding of Public Convenience and Necessity for the two types of ETs was separate, thus two types could not be seamlessly swapped without evidence articulating the necessity.

ACTION: Approved 6-0

### **Taxicabs**

Pursuant to Metro Code Chapter 6.72.200, recently approved taxicab company Regal Taxi, LLC was present to request approval of their color scheme. Director Rooker noted that the cab would be black and yellow and contain an emblem of a lion. Commissioners Penley and Klaver voiced their approval of the design.

After some discussion, Commissioner Hayes with a second from Commissioner Sueing moved to approve the color scheme.

ACTION: Approved 6-0

At the September 24, 2020, TLC meeting, the Commission moved to reduce the fees that each taxicab permit holder shall remit to \$20 per taxicab permit and \$5 quarterly given the Public Health Emergency Declaration in place due to the COVID-19 pandemic. At the August 26, 2021, TLC meeting, the Commission moved to continue a reduced fare given the ongoing Public Health Emergency Declaration. On May 11, 2023, the COVID-19 Public Health Emergency Declaration ended. Director Rooker reported that staff was bringing the issue back to the Commission to determine whether the fees should revert to the pre-pandemic level of \$75 per vehicle and \$45 quarterly.

Commissioners Klaver, Penley, and Hayes expressed a desire to have the Commission review the approved taxicab fares in Section 219 of the TLC rules at a future meeting. Commissioner Pyle inquired whether staff could compile a suggestion on a fare increase to the Commission at the August meeting and Director Alarcon confirmed they would do so.

Commissioner Rogers with a second from Commissioner Pyle moved to the revert the taxicab fee rates to the pre-pandemic level of \$75 per vehicle and \$45 quarterly.

ACTION: Approved 6-0

Director Rooker gave an update on the proliferation of “ghost cabs” in Nashville, or unlicensed taxicabs. Mr. Rooker spoke about the safety concern and the combined efforts of NDOT, MNP, the Mayor’s Office of Nightlife, and the taxicab companies to increase awareness and enforcement of the taxicab industry. Director Rooker shared that the public should check for the following to ensure they are in a licensed cab: a top light, professional decals, tagged taximeter, visible driver’s permit, rate card, and passenger bill of rights.

The Chair recognized Doug Trimble of Yellow Cab to address the Commission on behalf of the taxicab industry. Mr. Trimble expressed a desire for increased enforcement.

### **Public Hearing**

A Public Hearing was called for a proposed amendment to TLC Rules and Procedures Section 103.

Section 103 COMPLAINTS - Complaints (by the public or regulated individuals or companies) regarding taxicabs, wreckers or other functions of the Transportation Licensing Commission must be filed in writing by the complainant. Anyone wishing to file a complaint may do so via HUB Nashville, letter, fax, or e-mail. Upon request, a complaint form will be mailed. Complaints must be returned to the Commission office at least 14 days prior to a Commission meeting in order to be considered for the agenda. The Commission reserves the right to hear a complaint which does not meet the 14-day time period. All complaints must be filed within 30 days from the incident however the Commission reserves the right to hear complaints outside of those parameters.

The Chair opened the Public Hearing. CM Jacob Kupin and Akrem Hasan spoke. There were no further requests to speak. The Chair closed the Public Hearing.

Commissioner Klaver with a second from Commissioner Pyle moved to approve the change to Section 103 of the TLC Rules.

ACTION:           Approved           6-0

#### **Other Business**

An agenda item was called for Metro Legal to provide an Ethics Refresher to the TLC. The Chair noted it was after 4 P.M. and the Commission still had many other items to address on the agenda.

After some discussion, Commissioner Hayes with a second from Commissioner Penley moved to defer the Ethics Refresher until the August 2024 TLC meeting.

ACTION:           Deferred           6-0

#### **Application Reviews**

The Chair requested that Metro Nashville Network cease recording during applicant background reviews.

Justin Lillard, deferred from May 2024, applied to be an ET driver but failed to fully disclose information on the application. After some discussion, Commissioner Sueing with a second from Commissioner Rogers moved to approve the application.

ACTION:           Approved           6-0

An OPVH driver application, deferred from April 2024, for Jasen T. Long was called but Mr. Long was not present. Commissioner Rogers with a second from Commissioner Penley moved to deny the application.

ACTION:           Denied           6-0

Ladarius D. Fentress, deferred from June 2024, applied to be an OPVH driver but failed to fully disclose information on the application. After some discussion, Commissioner Rogers with a second from Commissioner Penley moved to approve the application.

ACTION:           Approved           6-0

Abdallah Z. Sader, deferred from June 2024, applied to be a taxicab driver but failed to disclose any information on the background portion of the application. After some discussion, Commissioner Klaver with a second from Commissioner Penley moved to deny the application.

ACTION:           Denied           6-0

Tracy White, deferred from June 2024, applied to be an OPVH driver and to create a new OPVH company called White Ice Luxury Car Service but failed to fully disclose information on the application. Commissioner Penley with a second from Commissioner Rogers moved to approve both applications.

ACTION:           Approved           6-0

Leland B. Britton applied to be a Wrecker and Towing Services driver but was unaccompanied by a company representative. Mr. Britton stated that his management contact at Tow Pro was on vacation.

Section 302 APPLICATION FOR WRECKER DRIVER PERMITS - Applicants with a record or lesser convictions may be required to appear for a Commission hearing to determine if a permit will be approved. If an applicant is required to appear for a Commission hearing, a management representative of the employing wrecker company must also appear at the hearing. Upon denial of an application for a wrecker driver permit, no new application may be submitted for consideration for a period of 3 months.

Commissioner Rogers with a second from Commissioner Sueing moved to waive the requirement in TLC Rules and Procedures 302 that a management representative of the employing wrecker company appear at the hearing.

ACTION: Waived 6-0

After some additional discussion, Commissioner Rogers with a second from Commissioner Pyle moved to approve the application for Leland B. Britton.

ACTION: Approved 6-0

Goran Rohani applied to be a taxicab driver but failed to fully disclose information on the application. After some discussion, Commissioner Klaver with a second from Commissioner Pyle moved to approve the application.

ACTION: Approved 6-0

Metro Legal advisor Theresa Costonis requested a point of personal privilege which the Chair granted. Mrs. Costonis reported that this was her final TLC meeting, as she planned to relocate with family. Mrs. Costonis served the Commission for over 15 years. The Commission thanked her for her many contributions and added that she will be missed.

Commissioner Hayes with a second from Commissioner Klaver moved to adjourn.

ACTION: Approved 6-0

ATTEST:

APPROVED:

\_\_\_\_\_  
Richard Rooker  
Executive Secretary

\_\_\_\_\_  
Pat McNally  
Chair

\_\_\_\_\_  
Date