

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

Minutes

September 19, 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, Vice Chair Carol Westlake, Commissioners Carey Rogers, Erica Penley, Annie Klaver, and Michael Hayes (6). Also present were NDOT staff members Diana Alarcon, Lisa Steelman, Richard Rooker, Amanda Mullins, and T.D. Schlafer. Also present were Metro Legal advisors Erica Haber and Phylinda Ramsey.

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. Jon Cooper, Emmitt Martin, Ash Pereira, Max Caskie, and Stephen Denninger spoke. There were no further requests to speak.

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

ACTION: Approved 5-0

Disciplinary Hearings

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. Metro Legal advised they were recommending acceptance of a proposed settlement.

RESOLUTION OF THE METROPOLITAN TRANSPORTATION LICENSING COMMISSION

The Metropolitan Transportation Licensing Commission (“the Commission”) makes the following findings:

1. In April 2024, three entertainment transportation vehicle (“ETV”) operators filed complaints against Old Town Trolley Tours of Nashville (“OTT”) (collectively, “the Complaints”).
2. The Complaints alleged that OTT had been operating its seated sightseeing vehicles on Mondays through Fridays, during the hours of 4:00 and 6:00 PM, in violation of Section 805(f) of the Transportation Licensing Commission Rules and Procedures.
3. OTT concedes that it operated vehicles between 4:00 and 6:00 PM, during the period between August 18, 2022, and March 20, 2024, and that this operation represents a violation of Rule 805(f).

4. The Commission accepts OTT's admission and finds that OTT's operations between August 18, 2022, and March 20, 2024, represent a continuing violation of Section 805(f).
5. As of May 1, 2024, Tenn. Code Ann. § 7-51-1008 establishes a new disciplinary matrix that this Commission must use when determining whether to revoke a permit for an ETV operator. Given the new state law's material effect on disciplinary matters, the Commission elects not to impose discipline on any ETV operators who had a permit as of May 1, 2024, including OTT, for any infraction occurring before that date.
6. The Commission will impose no discipline for OTT's continuing violation of operating on Mondays through Fridays from August 18, 2022 through March 20, 2024, between 4:00 and 6:00 PM.
7. OTT also concedes that on April 19, 2024, one of its seated sightseeing vehicles operated outside of its administratively approved routes, in violation of Rule 805(f), and that this operation represents a violation of Rule 805(f).
8. Based on OTT's swift handling to correct the April 19th violation, the Commission will not impose any discipline against OTT for the April 19th violation.

After some discussion, Vice Chair Westlake with a second from Commissioner Penley moved to adopt the resolution as recommended by Metro Legal.

ACTION: Approved 3-0-2 (Commissioners Rogers and Hayes abstained)

A hearing was called to review a complaint by Michael Winters alleging violations set forth in Metropolitan Code Chapter 2.100. The issue had been deferred without resolution since April 2024.

Mr. Winters spoke on his complaint.

After some additional discussion, Vice Chair Westlake with a second from Commissioner Klaver moved to dismiss the complaint.

ACTION: Dismissed 5-0

A hearing was called to review the emergency suspension of taxicab driver Youssef Shehata Micheal. Representing attorney Paul Walwyn was not present in the room, thus the Chair rolled the item to end of the agenda.

Consent Items

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

- Askari Limo ▪ PRVT Transportation LLC ▪ Fabikar Executive Transportation LLC ▪ PTrans ONE Inc ▪ High Country Transportation LLC ▪ Zain Limo Luxury Services ▪ Amy's Limo Services LLC ▪ Ahadu Limo ▪ Bouh Limo ▪ SP Luxury LLC ▪ Adam Limo LLC ▪ Music City Car Service ▪ ABM ▪ Kam's Auto LLC ▪ E. Lux Transport

LLC ▪ Alabdi's Limo ▪ Hala Madrid LLC ▪ Gilgal LLC ▪ Ivy Limo ▪ Aziza LLC ▪ CEA Luxury Transportation LLC
▪ UR Ride LLC

After some discussion, Vice Chair Westlake with a second from Commissioner Klaver moved to approve.

ACTION: Approved 5-0

OPVH company Gaffney Enterprises LLC dba Judah Elite Transportation reapplied after failure to timely renew. Vice Chair Westlake with a second from Commissioner Hayes moved to approve.

ACTION: Approved 5-0

OPVH company Apex Transportation Services requested an address change from 11518 Bobby Drive to 2715 McKeige Drive.

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

ACTION: Approved 5-0

Shared Urban Mobility Devices (SUMD)

Meghan Mathson, NDOT Transportation Demand Manager, was present to discuss docked bikeshare RFQ 384391 and request approval. RFQ 384391 was published by Metro Department of Finance, Division of Purchases on Monday, September 9, 2024. The deadline to submit questions is Monday, September 30, 2024, at 2 P.M. Central. The deadline to submit offers is Thursday, October 24, 2024, at 2 P.M. Central. Director Alarcon and Mr. Schlafer spoke on the RFQ.

After some discussion, Commissioner Rogers with a second from Vice Chair Westlake moved to add local operating experience in Nashville to the criteria by which respondents would be evaluated and scored. The request was contingent upon Metro Legal reviewing and approving the change.

ACTION: Approved 5-0

Commissioner Rogers with a second from Commissioner Klaver moved to approve RFQ 384391.

ACTION: Approved 5-0

An agenda item was called to review a request from Nashville Yards to geofence private property pursuant to TLC Rules and Procedures Section 905 M. Director Rooker reported that additional information was needed to move forward and NDOT was recommending indefinite deferral.

After some additional discussion, Vice Chair Westlake with a second from Commissioner Hayes moved to defer the request indefinitely.

ACTION: Deferred 5-0

A request from Lime was reviewed to operate class 2 e-bikes as defined in Tennessee Code Annotated 55-8-301. Current TLC rules in Section 909 B require powered bikes added to SUMD fleet to be class 1. Alex Molina of Lime was present to answer questions from the Commission. He reported that the throttle option was more popular in other markets. Commissioner Rogers and Mr. Schlafer had the opportunity to test ride the class 2 e-bikes and recommended their approval to the Commission. After review, the Commission requested that the item be placed on the agenda for a Public Hearing in October.

The Chair called for a 10-minute break.

The Chair called the meeting back to order.

Alex Molina of Lime presented a request for a 50-scooter fleet increase per TLC Rules and Procedures Section 913. Mr. Schlafer reported that Lime's scooter utilization was 2.92 rides per scooter per day in August, qualifying them to appear on the agenda to request a fleet increase. Director Alarcon expressed concern with downtown congestion, illegal riding and parking, response times, and discussed imminent plans for future corralled parking.

After some discussion, Commissioner Rogers moved to approve a fleet increase of 50 scooters to be deployed outside of downtown, on the condition that Lime would also add an additional 25 e-bikes. There was not a second. The motion failed. No further action was taken.

Pedal Vehicles

A Public Hearing was held in August 2024 to review a proposed change to TLC Rules and Procedures Section 702. Decision was deferred until the September 2024 meeting. The Commission heard further testimony from Jon Cooper, Emmitt Martin, Craig Davis, and Ash Pereira on the issue.

Proposed TLC Rule 702: OPERATIONAL HOURS - Pedal vehicles may not operate on the streets between 7-9 a.m., Monday through Friday. Between 4-6 p.m. Monday through Friday, pedal vehicles may operate on routes or zones that are approved by the Director of the TLC and NDOT's Chief Engineer.

After some discussion, Vice Chair Westlake with a second from Commissioner Rogers moved to approve the proposed change to TLC Rules and Procedures Section 702. Commissioner Rogers requested an amendment to exclude pedicabs from the requirement of submitting fixed routes to operate upon during 4-6 PM. The amendment did not move forward with a second. Commissioner Klaver requested an amendment to the rule language to require companies to log deviations from their approved routes. The amendment did not move forward with a second. Vice Chair Westlake renewed her original motion to vote upon the originally proposed language and Commissioner Hayes seconded the motion. During discussion, Commissioner Klaver moved to defer action on the rule change for one meeting. Metro Legal advised a motion was already on the table. Vice Chair Westlake's original motion to approve the proposed language was called for a vote.

ACTION: Approved 3-2

Metro Legal advised that a further amendment to the language of the rule would need to be noticed on the agenda for a public hearing to make a change. Commissioner Klaver requested that the item be

included on the October 2024 agenda as a Public Hearing for an amendment to the approved language. Commissioner Klaver further requested that approved routes for Entertainment Transportation vehicles operating between 4-6 PM be provided to the Commission, as well as any proposed routes or zones for Pedal Vehicles.

Taxicabs

Eliya Saleeb was present to request approval of a new taximeter shop pursuant to TLC Rules and Procedures Section 211. Director Rooker reported that there was currently only one vendor approved by the TLC for taximeter calibration services. The Commission was presented with a Certification on Pulsar and M10 Meters, completed by Mr. Saleeb on August 9, 2024.

After some discussion, Commissioner Klaver with a second from Commissioner Penley moved to approve the taximeter shop request from Eliya Saleeb.

ACTION: Approved 4-0 (Commissioner Rogers was not present to vote)

Disciplinary Hearing

A disciplinary hearing was again called to review the emergency suspension of taxicab driver Youssef Shehata Micheal. Mr. Micheal was represented by attorney Paul Walwyn.

Director Rooker was placed under oath. He reported that the TLC had issued prior discipline to Mr. Micheal on March 23, 2023, requiring him to complete an anger management course and serve six months of probation. Subsequently, the office received a complaint on April 28, 2024, that Mr. Micheal was hostile and verbally abusive toward passengers, and that on May 23, 2024, a traffic citation was issued by an MNPD officer, followed by a misdemeanor citation for Disorderly Conduct.

Pursuant to authority in Metro Code 6.72.180 (B), Mr. Micheal was placed on emergency suspension on May 24, 2024, pending a hearing by the TLC. The emergency suspension hearing originally appeared on the June 2024 agenda, but the Commission lost quorum prior to the hearing. The originally scheduled July and August hearings were requested for deferral through Mr. Walwyn's office.

Director Rooker recommended revocation of Mr. Micheal's taxicab driver permit, based upon the serious nature of the offenses, Mr. Micheal's status as a repeat offender, and due to ongoing public safety concerns.

After some discussion, Commissioner Hayes with a second from Commissioner Penley moved to suspend the taxicab driver permit of Yousseff Shehata Micheal.

ACTION: Suspended 5-0

After additional discussion, Commissioner Hayes with a second from Commissioner Penley moved to rescind the prior motion and action of the Commission.

ACTION: Rescinded 5-0

Commissioner Hayes with a second from Commissioner Penley moved to permanently revoke the taxicab driver permit of Youseff Shehata Micheal based upon the evidence presented in the hearing against Mr. Micheal.

ACTION: Revoked 5-0

Other Business

There was no other business.

Application Reviews

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

An application was called for Jonathan Barreto to operate as a Horse and Carriage driver, but Mr. Barreto was not present. Director Rooker confirmed that staff had notified Mr. Barreto to appear at the hearing. Vice Chair Westlake with a second from Commissioner Hayes moved to deny the application.

ACTION: Denied 5-0

Gregory Burton applied to be a Horse and Carriage driver but failed to fully disclose information on the application. Company representative Paul Morrison from South Comfort Carriage was present to confirm his intent to hire Mr. Burton. After some discussion, Vice Chair Westlake with a second from Commissioner Klaver moved to approve the application.

ACTION: Approved 5-0

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

ACTION: Approved 5-0

ATTEST:

APPROVED:

Richard Rooker
Executive Secretary

Pat McNally
Chair

Date