

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

Minutes of

January 27, 2009

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Courthouse. The Commissioners present were Chair Helen Rogers, Vice Chair Duane McGray, and Commissioners Jennifer Brundige, Mary Griffin, Tom Turner, Quenton White and Ed Whitmore (7). Also attending were Legal Advisor Jon Michael; Commission staff members Walter Lawhorn, Milton Bowling and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Helen Rogers called the meeting to order. She led the Pledge of Allegiance and read the Notice of Appeal statement, advising of the right to appeal decisions of the Transportation Licensing Commission.

The minutes of the December 16, 2008 meeting were approved.

REPORT ON STATUS – ANCHOR TOWING & RECOVERY

Director McQuiston provided information on the status of Anchor Towing & Recovery, following up on decisions by the Commission at the September and October 2008 meetings. He stated that Codes had granted conditional approval for Anchor to operate a wrecker company storage at their address, and that the company had been granted a general wrecker license, with approval to perform nonconsent towing.

John Stancil, owner of the company, appeared. He stated that he had started the SP re-zoning process two months earlier, and explained the physical changes to the property that the company had been required to make. He noted that the cost of the application alone had been approximately \$7000, and that the cost of the required improvements would be well over \$30,000. Director McQuiston asked if the Metro Council had approved the re-zoning. Mr. Stancil indicated that the process was still underway, because of the number of improvements required.

WRECKER COMPANY HEARING: NASHVILLE TOWING & RECOVERY

Director McQuiston summarized the decisions of the Commission at the September and October 2008 meetings related to Nashville Towing & Recovery (NTR), as follows:

- At the September 23 meeting, the Commission had concluded that company owner Darrell Greer had violated Section 6.80.545(D) of the Metro Code by assigning or otherwise transferring the right to service his emergency zone – for light-duty towing – to "Anchor NTR", an unlicensed company, without Commission approval. With input from Mr. Greer and his attorney, the Commission had established a deadline

of October 13 for Mr. Greer to satisfy the commission staff that NTR was able to re-assume responsibility for all emergency towing in the zone; failure to meet this deadline would result in a Commission public hearing on the transfer of the zone. Light-duty towing in the zone had been assigned temporarily to adjacent zone operators Gary's Garage & Wrecker and Brown's Wrecker Service.

- At the October 28 meeting, there had remained outstanding issues related to the company's readiness to operate the zone: in particular, Mr. Greer did not have a Codes permit to operate a wrecker company at his 1216B Dickerson Road business address. Representatives from the Codes Department and Metro Council members had presented information on the process to obtain the necessary permit. Based on that information, the Commission had agreed to an extension until the January 27, 2009 meeting, to allow the rezoning/permit process to be completed.

Director McQuiston stated that in early December, Mr. Greer had informed the staff that he was no longer pursuing a Codes permit for the 1216B Dickerson Road address, but would try to obtain another lot. The director stated that Mr. Greer had not communicated with the staff since that time, and that it appeared that Mr. Greer had been unable to meet the requirements of the Commission.

Mr. Greer appeared. He stated that he had moved to Goodlettsville. He stated that he was not going to pursue light-duty towing. He stated that he would like to continue doing heavy-duty towing, and recommended that the Commission allow Anchor Towing & Recovery to perform light-duty towing in the zone.

Chair Helen Rogers noted that the zone had been assigned to NTR, and that the annual public hearing on emergency wrecker zones would not be until June. She asked Director McQuiston how Mr. Greer's suggestion could impact on zone assignments. The director stated that such a proposal was not consistent with the current emergency wrecker system. He added that other companies had expressed interest in performing only heavy-duty emergency towing, because it was financially more lucrative; but they had not been allowed to do so. **Chair Rogers** asked Mr. Greer if he had notified the Commission of his new address. He responded that he had not.

Following a short discussion, **Vice Chair Duane McGray** moved that the Commission defer action on the matter until the February meeting. **Commissioner Jennifer Brundige** seconded, and the motion passed (5-1).

WRECKER COMPANY LICENSE APPLICATION: EXPRESS TOWING

Director McQuiston reported that an application had been received from Craig "Allen" Mann and Jill Mann, owners of Express Towing, for a license to operate a second wrecker company, Action Towing, to perform nonconsent towing from a lot at 5519 Kentucky Avenue. He explained that Express Towing had been performing nonconsent towing from a leased lot at 809 5th Avenue South, but when they applied to renew their license in December they had learned that the lot did not have the proper Codes permit. He stated that the Manns had since secured the lot on Kentucky Avenue, which already had been approved by Codes. He added that the property was also subject to specific storage facility requirements defined in the wrecker ordinance, which would be addressed by Inspector Bowling.

The director stated that he had concerns about issuing a second company license, because the Kentucky Avenue lot had been used by other companies with whom the

Commission had experienced problems; and the Commission always should be wary of “front” companies operating nonconsent companies on behalf of owners whose licenses have been revoked, suspended, or restricted. He added that it would be problematic to have two wrecker companies under the same ownership, because if the Commission were to revoke one license the owner might simply shift operations to the other, and thereby avoid or circumvent consequences. The director stated that he had recommended to the Manns that they consider operating only Express Towing, and adding the Kentucky Avenue lot as a second location for the company. He stated that they had agreed.

Inspector Bowling reported that the lot at Kentucky Avenue needed some signs and additional lighting to meet wrecker ordinance standards, but that it was close to being ready. Director McQuiston added that the process for gaining a Codes permit for the 809 5th Avenue property had progressed, and that Codes was prepared to authorize its use as a wrecker company storage lot.

Chair Helen Rogers asked Mr. Mann if his intention was to operate the 5519 Kentucky Avenue lot as a second lot under Express Towing. He responded that they would do so.

Commissioner Quenton White asked Mr. Mann if he had any relationship with the previous owners of Action Towing or Action Transport Services; Mr. Mann stated that he had sold them some trucks, but that there were no separate agreements with the previous owners.

Commissioner Tom Turner moved to approve the use of 5519 Kentucky Avenue as a second storage lot for Express Towing. **Commissioner White** seconded, and the motion passed (6-0).

WRECKER DRIVER PERMIT APPLICATIONS

Charles Dye: Mr. Dye appeared with Kenneth Polly, owner of Polly’s Towing. **Chair Helen Rogers** referred to Mr. Dye’s application, and asked him why he had not disclosed a reckless driving conviction. Mr. Dye responded that he thought he only had to disclose felony charges. **Chair Rogers** read the application question aloud, and noted that Mr. Dye had failed to disclose the conviction, which had been less than two months before.

Vice Chair Duane McGray moved to disapprove the application. **Commissioner Quenton White** seconded, and the motion passed (6-0).

Brandon Vanatta: Mr. Vanatta appeared with Myrtis Shope, owner of Hillwood Wrecker Service. **Chair Helen Rogers** referred to Mr. Dye’s application, and noted that he had disclosed a felony conviction. Mr. Vanatta explained the circumstances of the arrest in detail, which had stemmed from a domestic problem. He stated that he pleaded guilty, and that he had not seen his wife or his child since the date of the conviction. Mrs. Shope stated that she supported Mr. Vanatta’s application. Following discussion, **Vice Chair Duane McGray** moved to approve a temporary permit until December 1, 2009, restricted to Hillwood Wrecker Service. **Commissioner Tom Turner** seconded, and the motion passed (6-0).

REQUEST FOR APPROVAL OF EMERGENCY WRECKER COMPANY RELOCATION: COTTON’S TOWING

Robert Dean, owner of Cotton’s Towing, Inc. appeared, to request approval for the

relocation of his emergency wrecker service. He stated that he was currently leasing his storage lot, but had an opportunity to purchase a property at 3203 Old Ezell Road. He stated that the proposed property was about two hundred feet outside of his zone, and within the zone operated by Chapman's Wrecker Service. He provided information to Commissioners about the locations of police calls to which the company had responded during the last half of 2008, and copies of diagrams showing the layout of the proposed storage lot. He added that the property was zoned appropriately for a wrecker company storage lot, and that he expected no problems in obtaining the required Codes permits. Director McQuiston asked if Cotton's would be able to cover their entire zone, to the County line. Mr. Dean stated that the storage lot was actually closer to the interstate; so it would not adversely affect their response time.

John Graham, owner of Chapman's Wrecker Service, stated that he supported the relocation.

Director McQuiston stated that the relocation could be approved. He referred to Commission Rule 15 (Wreckers):

15. LOCATION OF EMERGENCY WRECKER ZONE COMPANIES

A company designated as an Emergency Wrecker Service shall be located within Davidson County and within the boundaries of the zone to which it is assigned. However, subject to the Commission's approval, a company designated as an Emergency Wrecker Service may be located a reasonable distance outside of the boundaries of the zone to which it is assigned, but within Davidson County.

Vice Chair Duane McGray moved to approve the proposed relocation. **Commissioner Tom Turner** seconded, and the motion passed (6-0).

TRANSFER APPLICATIONS

Director McQuiston reported that applications had been received from West Nashville Wrecker Service and from David Dunn for the transfer of the emergency wrecker service license and zone currently operated by A. B. Collier, LLC. He also reported that an application had been received from Taxi USA of Tennessee, LLC for the transfer of the certificate of public convenience and necessity currently issued to Diamond Taxi. In accordance with ordinance and Rules procedures, these were deferred; and public hearings were set for the February 24, 2009 meeting. The director stated that, in order for any other applications to be considered at the public hearing, the deadline for their submission would be February 9.

OTHER BUSINESS

There was no further business, and the meeting was adjourned.

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Helen S. Rogers
Chair