

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

**Minutes of**

**March 16, 2004**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Vice-Chair Sammye Woods, Commissioners Roger Abramson, Carey Rogers and James Utley (4). Also attending was Laura Kidwell from Metro Legal as well as Commission staff members Larry Ennis, Walter Lawhorn, Lisa Steelman and Kelvin D. Jones, Interim Director- Executive Secretary to the Commission.

**Vice-Chair Sammye Woods** called the meeting to order and led the Pledge of Allegiance.

The minutes of the February 24, 2004 meeting were unanimously approved.

**WRECKER ISSUES**

**Complaint filed against Timmy Dee Garrett:** Interim Director- Executive Secretary Kelvin D. Jones reported to the Commission that this matter had been continued from the February 24, 2004 Commission meeting. At that time, the Commission desired that Mr. Garrett's hearing be deferred until such time as a final disposition on Mr. Garrett pending assault and battery charges is entered.

**Commissioner Carey Rogers** moved that the Commission defer making a decision on Mr. Garrett's fitness to own/operate a tow company until the June 2004 Commission meeting. **Commissioner Abramson** seconded the motion and the motion was unanimously approved by the Commission.

**Complaint filed against Mr. Carl L. Stevens III by Sam Gentry:** The Commission heard from both Mr. Sam Gentry and Mr. Carl Stevens. **Commissioner Abramson** moved to dismiss Mr. Gentry's Complaint with the caveat that Mr. Stevens re-appear before the Commission in order for the Commission to determine his fitness to serve as a wrecker driver. **Commissioner Carey Rogers** seconded the motion and the motion was unanimously approved by the Commission.

**Complaint filed against Carter's Wrecker Service (Continuation from 2/24/04):** Metro Legal attorney Laura Kidwell reported on Metro Legal's memorandum of law relating to whether wrecker companies must provide access to towed vehicles for the purpose of obtaining personal effects. **Vice-Chair Sammye Woods** requested that staff provide all wrecker companies with a copy of Metro Legal's opinion

**Commissioner Carey Rogers** moved that the complaint against Carter's Wrecker be dismissed with the understanding that Carter's Wrecker comply with the Commission's policy as it relates to permitting access (to owners) to towed vehicles for the purpose of obtaining personal effects. **Commissioner Roger Abramson** seconded the motion and the motion was unanimously approved by the Commission.

**Complaint filed against Dukes Wrecker Service (Continued from 2/24/04):** For the same reasons as above (*in re: Carter's Wrecker Service*) **Commissioner Roger Abramson** moved that the complaint against Dukes Wrecker be dismissed with the understanding that Dukes Wrecker comply with the Commission's policy as it relates to permitting access (to owners) to towed vehicles for the purpose of obtaining personal effects. **Commissioner Carey Rogers** seconded the motion and the motion was unanimously approved by the Commission.

## TAXICAB ISSUES

**Diamond Cab:** Interim Director-Executive Secretary Kelvin D. Jones informed the Commission that Diamond Cab was not in compliance with the Ordinance because the company did not possess the requisite minimum of fifteen permits. Interim Director-Executive Secretary Jones further informed the Commission that Diamond Cab had committed to complying with the Ordinance by requesting and filling eleven to fifteen permits within the next twelve months. Roy Gillespie spoke on behalf of Diamond Cab and indicated his desire to comply with the Ordinance. Because a Request for Additional Permits was not placed on file in time for the Commissioners to review the request, **Commissioner Carey Rogers** moved that the Commission take action on Diamond Cabs' request at the April 27, 2004 Commission meeting. **Commissioner Roger Abramson** seconded the motion. **Commissioner James Utley** offered a "friendly amendment" requesting that Metro Legal research whether the Commission had "grandfathered" Diamond Cab thus exempting it from being required to maintain fifteen permits. Commissioner James Utley's "friendly amendment" was accepted by Commissioner Carey Rogers and the motion was unanimously approved by the Commission.

**Public Hearing: Vice-Chair Sammye Woods** called the public hearing to order to consider an application for Certificate of Public Convenience and Necessity.

**London Cabs of Nashville:** Interim Director-Executive Secretary Kelvin D. Jones informed the Commission that London Cabs of Nashville was desirous of making application for a Certificate of Public Convenience and Necessity. David Preston of London Cabs of Nashville made the presentation to the Commission and answered questions. Vice-Chair Sammye Woods opened the Commission floor for **public comment**. After numerous comments and questions from the audience, **Commissioner James Utley** moved that a Certificate of Public Convenience and Necessity be granted to London Cabs of Nashville (with the understanding that MTA approve the vehicles specifications, that the staff approve the color scheme for the company and that the Company obtain fifteen permits within twelve months of the first vehicle going into service). **Commissioner Carey Rogers** seconded the motion and the motion was unanimously approved by the Commission

**Vice-Chair Sammye Woods** informed the Commission that the search for a Director was ongoing and that interviews would be scheduled soon.

With no further business, the meeting was adjourned.

ATTEST:

APPROVED:

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Kelvin D. Jones  
Interim Director-Executive Secretary

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Sammye Woods  
Vice-Chair