

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

**Minutes of
January 25, 2011**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Justice A. A. Birch Building. The Commissioners present were Chair Helen Rogers and Commissioners Jennifer Brundige, Sam Patel, Tom Turner, Ed Whitmore and Brian Winfrey (6). Also attending were Metro Legal advisor Corey Harkey 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 14, 2010 meeting were approved as revised.

APPLICATION FOR WRECKER DRIVER PERMIT: REGINALD MAYES

Director McQuiston reported that Mr. Mayes had applied for a permit on December 20, to drive for Dad's Towing. He provided Commissioners a copy of the applicant's background check report, noting that it included felonies. Mr. Mayes appeared. **Chair Rogers** asked him how long he had been out of jail; Mr. Mayes responded that he had been released in 2001. He stated that he had been in jail for failing to pay support, but he had caught up on his payments and was on probation. He stated that he had been towing in Atlanta and Memphis, but wanted to move back to Nashville. He added that he was married and had children. Jim Mitchell, owner of Dad's Towing appeared. He stated that he would be willing to closely supervise Mr. Mayes, and recommended that he be given a chance. He stated that he had checked Mr. Mayes' work references, and that they were acceptable. **Commissioner Tom Turner** moved to approved a permit, restricted to Dad's Towing, and to place him on probation until December 1, 2011. **Commissioner Jennifer Brundige** seconded, and the motion passed (5-0).

TAXICAB DRIVER DISCIPLINARY HEARING: MOHAMED M. MOHAMED

Mr. Mohamed appeared with attorney Doug Thurman. Director McQuiston reported that Mr. Mohamed had held a taxi driver permit since 2006. The director stated that in December he had received a report from the Airport Ground Transportation office that Mr. Mohamed had been barred permanently from the airport after an altercation with an airport employee in the presence of a passenger. He added that a copy of the report was in the packets provided to Commissioners. The director stated that section 6.72.430(B) of the Metro Code applied:

6.72.430 Prohibited acts by driver.

B. No taxicab driver shall engage in abusive language or conduct, including, but not limited to, cursing, verbal insults or derogatory comments in the presence of passengers.

Chair Rogers noted that no one from the Airport authority was present.

Mr. Thurman stated that he understood that there was a surveillance video available, but that he had not seen it. He requested that the video be made available. **Chair Rogers** asked the director to get a copy of the video and to invite the Airport Authority to appear. **Commissioner Tom Turner** moved to defer the hearing until the February 22 meeting. **Commissioner Brian Winfrey** seconded, and the motion passed (5-0).

PUBLIC HEARING ON PROPOSED NEW RULE: TAXICAB DECALS

Director McQuiston presented a staff proposal for a proposed new Rule 36, to define the process by which the quarterly "license plate" decal would be replaced with a more visible annual decal to be affixed to the vehicles by Inspectors:

36. TAXICAB DECALS

A uniquely numbered decal, signifying compliance with requirements for permitting, payment of quarterly fees, and vehicle inspection will be affixed to the to the rear window of each taxicab by a Transportation Licensing Inspector. This will be accomplished during annual inspection or during the inspection required when a new or replacement vehicle is placed in service as a taxicab. These decals are not transferable. When any vehicle is to be removed from service as a taxicab, the decal will be removed, and evidence of its removal will be provided to the Commission office.

The director stated that this would enable better enforcement and inspections, and would save money on the purchase of decals. He added that the proposed process was being used to inspect and permit Other Vehicles For Hire. He stated that the proposed new Rule had been disseminated to the taxi industry in early January.

Chair Helen Rogers opened the hearing for public comment.

Jim Burrow, manager for Taxi USA of Tennessee (Allied, Nashville and Diamond Cab), supported the proposal.

Johnny White, co-owner of American Music City Taxi, supported the proposal.

Basil Awwad, representing the Metro Nashville Taxi Driver Alliance, supported the proposal.

Ahmed Abukar, taxi driver, stated that Rules and ordinances also should be enforced with Other Passenger Vehicles For Hire. **Chair Rogers** stated that the new ordinance to regulate those vehicles had gone into effect, and that those companies, vehicles, and drivers would also be subject to regulations.

There were no other public comments, and the hearing was closed.

Commissioner Tom Turner moved to approve the new Rule. **Commissioner Jennifer Brundige** seconded, and the motion passed (5-0).

REQUEST FOR NAME AND COLOR SCHEME CHANGE: DIAMOND CAB

Director McQuiston reported that Taxi USA of Tennessee LLC had submitted a request to change the name of Diamond Cab to "1-800-TAXICAB" and to change the color scheme for its 21 taxicabs. He noted that these were material changes requiring Commission approval, but did not require a public hearing.

Jim Church and Jim Burrow appeared representing the company. Mr. Church provided packets to the Commissioners, including photographs of the proposed paint/lettering scheme, as well as photos of the other taxi companies' taxicabs. He stated that 1-800-TAXICAB was a nationwide marketing firm that arranged transportation for travelling executives. He explained that this change was to take advantage of an opportunity to increase business for the company's drivers. **Chair Helen Rogers** asked if there were other 1-800-TAXICAB franchises in other cities with similar paint schemes. Mr. Church responded that the concept was so new that he was not aware of any other taxicab companies in other cities that had taken advantage of the opportunity to include a franchise name change. He stated that Taxi USA of Tennessee would pay for the repainting of the Diamond Cab vehicles, and that the process would likely take ninety days to complete.

Chair Rogers stated that the checker pattern on the proposal was confusing, and could be replaced with some other pattern. Mr. Church argued that the color and design were distinctly different from those of other companies. Following discussion, **Commissioner Jennifer Brundige** moved to defer the issue for one month, and requested to see a mock-up of a vehicle with a design element other than checkers. **Commissioner Tom Turner** seconded, and the motion passed (4-1).

RECEIPT OF APPLICATION FOR TRANSFER OF EMERGENCY WRECKER ZONE AND LICENSE (GARY'S WRECKER SERVICE)

Director McQuiston announced that an application had been received from Bailey's Wrecker Service owner Joseph Michael Martin for the transfer of the zone and license operated by Gary's Wrecker Service. He stated that Mr. Martin's intention was to merge the territory of the Gary's zone into the Bailey's zone. The director noted that, in accordance with the requirements of the wrecker ordinance and Commission Rules, a public hearing to decide on the matter would be placed on the February agenda, and would include any applications received from others for transfer of the license and zone.

2011 COMMISSION MEETING SCHEDULE

Chair Helen Rogers noted that a revision of the proposed schedule for 2011 Commission meetings had been circulated. Director McQuiston reminded Commissioners that the February 22 meeting would be at the Green Hills auditorium at 1417 Murfreesboro Road. **Commissioner Tom Turner** moved to approve the new schedule. **Commissioner Jennifer Brundige** seconded, and the motion passed (5-0). Director McQuiston stated that the schedule would be posted on the Commission's web site.

APPLICATION FOR TAXICAB DRIVER PERMIT: JAMES LEE

Mr. Lee appeared. Director McQuiston reported that Mr. Lee had held a taxi driver permit from January 1993 until October 27, 2009 when his permit was suspended by the Commission for failing to provide records to the Commission. The director stated that Mr. Lee had completed the suspension, and that Inspectors had recommended that his application be approved. Mr. Lee stated that he had been a driver for many years, and requested that his permit be approved. Johnny White, co-owner of American Music

City Taxi, stated that he would be glad to have Mr. Lee return to the company. **Commissioner Jennifer Brundige** moved to approve the application. **Commissioner Brian Winfrey** seconded, and the motion passed (5-0).

OTHER BUSINESS:

Director McQuiston provided a letter from attorney Michael McGovern, requesting that the wrecker driver permit applications of Jason Swafford and Jonathan Fuqua be placed on the Commission agenda for the February meeting. **Chair Helen Rogers** stated that the Commission had already made a decision to defer the applications until March, and asked if a motion was necessary. Legal advisor Harkey stated that if the Commission did not intend to change its decision, then nothing more was required. There were no motions presented. **Chair Rogers** stated that the decision would stand.

Director McQuiston informed Commissioners that a bill had been introduced in the Metro Council to eliminate the minimum rate for livery services in the Other Passenger Vehicles For Hire ordinance.

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

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Helen S. Rogers
Chair