

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

Minutes of

February 28, 2006

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 Chair Cynthia Odle, Vice Chair A. Roger Abramson, and Commissioners Ray Dayal, Gladys Lozada, Holly Sharp and Kim Thompson (6). Also attending were Metro Legal advisor Ted Morrissey; Commission staff members Larry Ennis, Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Cynthia Odle called the meeting to order and led the Pledge of Allegiance.

The minutes of the January 24, 2006 meeting were unanimously approved.

PUBLIC HEARING: APPLICATIONS FOR TRANSFER OF TAXICAB CERTIFICATES

Chair Cynthia Odle called the public hearing to order, to consider applications filed by Taxi USA of Tennessee, LLC for the transfer of Certificates of Public Convenience and Necessity and taxicab permits of Allied Cab, Nashville Cab and Kennedy Cab. Director Brian McQuiston informed the Commission that the applications submitted in December 2005 and received at the January 24 meeting had been supplemented with additional financial information, including a bank letter extending a line of credit to the new corporation. Mr. William Bodenhamer and Mr. Mitch Rouse, principals of the corporation, appeared before the Commission with attorney Mr. Guilford Thornton. Mr. Bill Young, owner of the three companies, also appeared. **Chair Odle** expressed concern about the financial support guaranteed by the LLC. Mr. Bodenhamer referred to his taxi and transportation industry experience in other cities, and outlined early steps that Taxi USA would take: increasing levels of liability insurance coverage on their vehicles, securing a new business location, purchasing new company-owned vehicles, outfitting the companies and all vehicles with computerized dispatch technology, and providing a drivers' training program and facility to improve service. **Commissioner Ray Dayal** stated that he welcomed the approach to improve driver training, and asked if the new owners would consider a commitment to add ADA-accessible taxicabs as a condition to their application. Mr. Rouse responded that Taxi USA was not opposed to adding ADA-accessible taxicabs, but he noted that Yellow Cab had only been asked to provide them when they were seeking additional permits. He stated that Taxi USA might also request additional permits at a future date, and would like to reserve making a commitment to provide ADA-accessible taxicabs until then. **Chair Odle** opened the hearing for public comment. There was none, and the public hearing was closed. Commissioners discussed whether a number or percentage of ADA-accessible taxicabs should be considered as a precondition for approval of the application. Mr. Bodenhamer stated that he would provide three ADA-accessible taxicabs within a year. **Commissioner Holly Sharp** moved, in light of this commitment, to approve the transfer of the Certificates of Public Convenience and Necessity and permits of Allied Cab, Nashville Cab, and Kennedy Cab to Taxi USA of Tennessee, LLC. **Commissioner Gladys Lozada** seconded, and the motion passed unanimously.

PUBLIC HEARING: APPLICATIONS FOR TRANSFER OF EMERGENCY ZONE LICENSE

Chair Cynthia Odle called the public hearing to order, to consider applications for the transfer of the emergency wrecker service zone operated by Chapman's Wrecker Service. Director McQuiston explained that Mr. Robert Chitwood, owner of the company, had requested and received permission from the Commission to add Mr. John Graham as a full partner in April 2004, but when the company applied for renewal of its license in December

2005, Mr. Chitwood's name did not appear on the application; the owners were listed as Mr. John Graham and Mr. Christopher Graham. Noting that section 6.80.545(D) of the wrecker ordinance is very specific on procedures which must be followed to transfer a zone, Director McQuiston stated that he had informed the owners of the requirement to submit an application for transfer of the zone license, had notified other companies of the opportunity to apply for the license, and had published a public notice concerning the hearing. He added that, in addition to Mr. Graham's application, applications for the zone had been received from Jerry's Wrecker Service, Tow Pro, Inc., and West Nashville Wrecker Service. **Chair Odle** called for Mr. Chitwood and Mr. Graham to appear before the Commission. Mr. John Doak also appeared as counsel for Mr. Graham. **Chair Odle** asked Mr. Chitwood if he had known that the renewal application submitted in December 2005 had not listed him as owner; he replied that he had not known about that, and that he had only found out about the transfer request on February 27, 2006. **Chair Odle** asked if he was still involved in the operation of Chapman's Wrecker Service; Mr. Chitwood replied that he was not. **Chair Odle** asked if he continued to have a financial interest in the company. Mr. Chitwood said that he did not; but because he had just learned that he was being sued concerning Chapman's Wrecker Service, he was unwilling to agree to a transfer. Mr. Doak informed the Commission that the lawsuit had been filed months before, and that Mr. Chitwood had abandoned the company. He stated that his client Mr. Graham had spent thousands of dollars to purchase vehicles, secure property and insurance; and had operated the company and the zone effectively without Mr. Chitwood's participation. **Vice Chair A. Roger Abramson** noted that there is no legal requirement for a partner to invest time or money. **Chair Odle** stated that the partners had failed to comply with the ordinance and rules of the Commission by failing to apply for license renewal and/or by failing to apply for transfer of the zone. She directed Mr. Chitwood and Mr. Graham to appear for a show-cause hearing at the March 28, 2006 Commission meeting. She advised them that, as co-owners, they were both accountable to the Commission for the operation of the zone, and responsible to ensure that their applications were in order. After consulting with staff, **Chair Odle** noted that it would be inappropriate to consider transfer applications at this meeting. **Commissioner Gladys Lozada** moved to defer the public hearing on applications for transfer of the zone license until the March 28 meeting. **Commissioner Holly Sharp** seconded, and the motion passed unanimously. Officer James Curtis, MNPD, asked to address the Commission. For over ten minutes, he criticized the Commission for failures in past years to enforce the ordinance and rules with emergency companies and drivers. **Chair Odle** noted that none of these specific problems had come to the attention of the Commission, and asked him to speak with Director McQuiston.

UPDATE ON YELLOW CAB PERMITS

Doug Trimble, President of Yellow Cab, appeared before the Commission. **Chair Cynthia Odle** reminded Commissioners that the company had been granted an additional 27 taxicab permits at the November 22, 2005 annual public hearing; but that approval had been conditional, based on the company adding two ADA-accessible taxicabs within ninety days and a third ADA-accessible taxicab by December 2006, and then sustaining that number. Mr. Trimble reported that he had one ADA-accessible taxicab. He asked that the company be granted an extension of one year to add the second ADA-accessible taxicab, and that the requirement for the third vehicle be rescinded. **Commissioner Ray Dayal** stated that it was clear that there were time and financial constraints on a company trying to field quality accessible vehicles, and moved to grant Yellow Cab Metro, Inc. an extension until November 22, 2006 to add a second ADA-accessible taxicab, and to rescind the requirement for the third ADA-accessible taxicab. **Commissioner Holly Sharp** seconded, and the motion passed unanimously.

TAXI DRIVER PERMIT APPLICATIONS

Aston U. Eguakun: Mr. Aston Eguakun, former driver for Allied Cab, appeared before the Commission with Mrs. Young. Director McQuiston informed Commissioners that Mr. Eguakun's taxicab driver permit had expired in September 2005; when he re-applied for a permit in January 2006, he was treated as a new driver applicant. Director McQuiston stated that a staff review of Allied Cab monthly reports had then revealed that the company had been listing Mr. Eguakun as an active driver from November 30, 2005 through January 31, 2006; as a result, his application was referred to the Commission. **Chair Cynthia Odle** asked

Mr. Eguakun if he had been driving without a permit. He replied that he had not been driving; he stated that his father had died, so he had gone home. Mrs. Young agreed with his explanation. Inspector Walter Lawhorn asked if Mr. Eguakun was an owner-operator of Allied #95; Mr. Bill Young, owner of the company, responded that Mr. Eguakun was leasing the vehicle, but that he had not been required to pay during the period, because he had not been driving. Mrs. Young apologized for the inaccurate reports; and stated that, because of her health problems, other employees at Allied Cab had not kept driver records up to date. After discussion, **Commissioner Holly Sharp** moved to approve Mr. Eguakun's application for a taxi driver permit, but to place him on probation for one year. **Commissioner Gladys Lozada** seconded. After discussion concerning the probation requirement, the motion passed (4-1).

Samuel Ogaga: Mr. Samuel Ogaga, former driver for Allied Cab, appeared before the Commission with Mrs. Young. **Chair Cynthia Odle** reminded Commissioners that Mr. Ogaga's permit had been revoked by the Commission in September, 2005 for refusing to transport a service animal. Director McQuiston stated that the ordinance allowed Mr. Ogaga to reapply as a new applicant after ninety days, and added that Mr. Ogaga had submitted a letter expressing remorse for his behavior concerning the service animal and its owner. **Commissioner Holly Sharp** asked Mr. Ogaga if he had overcome his fear of dogs; Mr. Ogaga replied that he had. **Commissioner Sharp** moved to approve Mr. Ogaga's application. **Vice Chair A. Roger Abramson** offered a friendly amendment, to include a probation period of one year. **Commissioner Sharp** accepted the friendly amendment, and moved to approve Mr. Ogaga's application for a taxi driver permit, but to place him on probation for a period of one year. **Vice Chair Abramson** seconded, and the motion passed unanimously.

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

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Cynthia M. Odle
Chair