

MEETING MINUTES  
OF THE  
TRAFFIC AND PARKING COMMISSION  
FEBRUARY 12, 2018

Note: The monthly meetings of the Traffic and Parking Commission are documented via video and are available through Metro ITS Department (<http://www.nashville.gov/Information-Technology-Services.aspx>) and Metro Nashville's YouTube Channel (<https://www.youtube.com/MetroNashville>)

The regular monthly meeting of the Traffic and Parking Commission was held at 3:00 p.m., on Monday, February 12th, 2018 at the Sonny West Conference Center. The following were present unless noted otherwise:

Commission Members

John Green, Chairman  
Betsy Williams  
Mary Vavra - Absent  
Nora Kern  
Saralee Woods - Absent

Metro Council Member – Larry Hagar  
Breonus Mitchell - Absent  
Feller Brown, Vice Chairman  
MNPD – Lieutenant Gilliland

Staff Members

Chip Knauf, Traffic Engineer  
Diane Marshall, Parking Administrator  
Jackie Conner, Administrative  
Assistant

Benny Word, Traffic Calming - Absent  
Theresa Costonis, Legal Advisor  
Korby Bowden, Engineer Tech Senior

Chairman John Green called the meeting of February 12, 2018 to order at 3:00 p.m.

**CALL TO ORDER**

Chairman John Green mentioned ordinance No. BL2006-1050 regarding the appeals process of the Traffic and Parking Commission.

*"If you are not satisfied with a decision made by the Traffic & Parking Commission, you may appeal the decision by filing for a writ of certiorari with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Commission's decision. We advise that you seek your own independent legal advice to ensure that your appeal is filed in a timely manner and that all procedural requirements have been met."*

**APPROVAL OF AGENDA**

Commissioner Brown moved for **approval** of the Agenda, seconded by Metro Council Member Hagar, and **approved with no opposition**.

**APPROVAL OF MINUTES**

Commissioner Brown moved for **approval** of the January Minutes, seconded by Metro Council Member Hagar, and **approved with no opposition**.

## CONSENT AGENDA - Resolution 02-18

### Mandatory Referrals

- a) **CD21:** Proposal 2018M-003AB-001 – A request for the abandonment of Alley #1189 and Alley #1205, Alley #1189 from Clifton Avenue northeastward to Michigan Avenue, Alley #1205 from Alley #1189 southeastward to its terminus (see map for details), easements are to be retained; requested by Jonathan Kingham, applicant

### Parking Regulations

- b) **REMOVED FROM CONSENT AGENDA**
- c) **CD19:** Authorize 50-foot Valet Zone at 230 4<sup>th</sup> Avenue N, 24 hours 7 days a week; requested by Parking Management Company – **For clarification, this is a main thoroughfare where two valets are at this location. This is an extension to create three consecutive valet zones, it does not take up a lane of traffic.**
- d) **CD19:** Authorize 50-foot Loading Zone from 5AM to 5PM on west side of Magazine Street and 20 feet north of Division Street; requested by Market Street Enterprise
- e) **CD19:** Authorize Loading Zone on south side of Demonbreun Street from 1<sup>st</sup> Avenue S to 2<sup>nd</sup> Avenue S; requested by Metro Public Works – **CM Williams asked for clarification with loading zones from 2<sup>nd</sup> to 1<sup>st</sup> Avenues. Per Diane Marshall and Chip Knauf the loading zone will service a new business and is offset which won't be in the travel lane.**
- f) **CD21:** Authorize Valet Zone lane increase from 2 spaces to 4 spaces at 217 Louise Avenue (Jimmy Kelly's Steakhouse); requested by Parking Management Company
- g) **REMOVED FROM CONSENT AGENDA**
- h) **CD21:** Authorize Parking Meter removal on Reidhurst Avenue at 25<sup>th</sup> Avenue N; requested by Metro Public Works

### Traffic Regulations

- i) **CD30:** Authorize all way stop control at Colemont Drive and Kelley Drive; requested by Council Member Potts
- j) **CD19:** Authorize all way stop control at 16<sup>th</sup> Avenue N and Herman Street; requested by Council Member O'Connell

**Commissioner Kern made a motion to remove item g from the consent agenda, and defer one month, seconded by Council Member Hagar, and approved with no opposition.**

- g) **CD24:** Authorize Residential Parking Permit 12PM to 12AM on 45<sup>th</sup> Avenue N from Nebraska Avenue to Utah Avenue; requested by Council Member Kathleen Murphy

**Commissioner Kern made a motion to remove item b from the consent agenda, seconded by Commissioner Brown, and approved with no opposition.**

- b) **CD17:** Authorize 30-foot Loading Zone from 8AM to 5PM on east side of 3<sup>rd</sup> Avenue S, 67 feet south of Lea Street in front of 615 3<sup>rd</sup> Avenue S; requested by Barge Design Solutions

*Commissioner Kern was concerned that there would be a conflict with a future bike lane that has been planned for that area. Per Chip Knauf, they did look at the bike plan and it shows there will be a bike facility there but there are a lot of conflicts in that area. We are recommending going ahead with the loading zone up until the actual bike facility will be installed.*

*Jeff Cundiff with Barge Design Solutions, and Burt Matthews with Matthews Company and the developer of 615 3<sup>rd</sup> Avenue S spoke to the commission explaining there is currently parking up and down 3<sup>rd</sup> Avenue. They said there is a planned bike route for 2<sup>nd</sup> and 4<sup>th</sup> Avenues but not 3<sup>rd</sup> Avenue based on the exhibits they have on hand. They are designing around that and assured there will be a future bike lane but currently want to make it safe for everyone. Currently for the next 6 to 18 months they are needing a loading zone in*

place for safety. Our intent is to be a bike friendly business, they have showers and a bike rack in the building design. They also expressed a willingness to work with them as needed along the way. Jeff Hammond from Public Works Traffic Engineering spoke to confirm parking is there now but that a bike facility is planned for 3<sup>rd</sup> Avenue with no time table, earlier sketches show 2<sup>nd</sup> and 4<sup>th</sup> Avenue, approximately 1 year to 18 months. There are many projects in the area and we are comfortable to work with them when the bike facility comes back up.

As this clarified and with their willingness to work with them, **Commissioner Kern made a motion to approve Item b, seconded by Commissioner Williams, and approved with no opposition. Motion Passed.**

**Consent Agenda consisting of Resolution 02-18 was modified and approved as presented. Commissioner Kern made a motion to approve the resolution on the consent agenda, seconded by Lieutenant Gilliland, and approved with no opposition.**

## **NEW BUSINESS**

**CD19:** Amendment to contract with Metro Public Works regarding management of Howard Office Complex parking; requested by the Nashville Downtown Partnership

*Amendment to the contract was approached from the Mayor's office and surrounding businesses at 3<sup>rd</sup> and Lindsley, Howard Office Complex, and how they are losing parking spaces. They would like the parking deck and service lots, currently only offer business hours, to be used after hours which includes nights and weekends. And, a request to charge up to \$10. During tax season and elections, we would be required to work around those dates, there is a calendar that can be set for those type of dates.*

**Council Member Hagar made a motion to approve, seconded by Commissioner Brown, and all in favor with no opposition. Motion Passed.**

**CD19:** Requesting 100 complimentary parking spaces at the Metro Courthouse garage on April 14<sup>th</sup>, 2018; requested by Nashville Cherry Blossom Festival

*Per Diane Marshall, according to the contract with the Nashville Downtown Partnership any request for complimentary parking must be approved by this commission, this is something we have done in years past.*

**Commissioner Kern made a motion to approve, seconded by Council Member Hagar, and all in favor with no opposition. Motion Passed.**

**CD19:** Requesting to speak to the Commission about requesting additional parking spaces for the horse drawn carriages; requested by Sugar Creek Carriage

*Sugar Creek Carriage was present to speak, Ms. Warren, operator and John Smith who owns Sugar Creek Carriage. Per Ms. Warren, we are here regarding parking issues with unloading and loading their carriages downtown Nashville. Parking spaces have been allotted for 4 carriages. The carriages may load or unload for marked loading zones only. There is no ordinance stating this. If they can't fit in one of the 4 parking spaces, then the carriages must ride around until one is available. We have 13 carriages, and horses must rest 10 minutes for every 50 minutes of work. We are losing income for drivers and our industry. We are requesting our equines to stand in any loading zone, temporarily, we will not be parking. This keeps our carriages in business. All other types stand their vehicles in any loading zone. This transportation is not just entertainment as others think. We are also asking for two other areas to park our carriages, first is between 1<sup>st</sup> and 2<sup>nd</sup> on 2<sup>nd</sup> Street next to Rock Bottom, the taxi stand here is not utilized. It fits at least 3 carriages and we would use this space after 6pm, not to impede on the tour buses. The second area will be 2<sup>nd</sup> Street going to 1<sup>st</sup> from Rock Bottom. Another issue just came up where NES will be digging up their current stand at 2<sup>nd</sup> Avenue. By allowing us these three things we will boost business, lower stress, service our horses and satisfy customers.*

*Per Diane Marshall, we can look at the location on 2<sup>nd</sup> Avenue, talk to NES, and see what their plans are for that location. We need to talk with Mr. Fields with the transportation license and commission in which we would have to modify that taxi stand, then bring this back to the commission with that approval.*

*Legal will review to answer Metro code on horse carriages with loading and unloading zones.*

Get a temporary permit at certain locations with Diane Marshall.

Added to the Agenda for next month.

## APPEAL

**CD17:** Appeal denial of All Way Stop control on Horton Avenue and 15<sup>th</sup> Avenue S; requested by Council Member Sledge

*Chip Knauf from Public Works talked to the council member about this intersection, he relooked at the data and got a new traffic count, Chip is recommending installation of the All Way Stop control.*

**Commissioner Brown made a motion to approve installation of All Way Stop control on Horton Avenue and 15<sup>th</sup> Avenue S, seconded by Council Member Hagar, and all in favor with no opposition. Motion Passed.**

**CD23:** Appeal denial of All Way Stop control at Darden Place and Huckleberry Drive; requested by Council Member Johnson

*Per Chip Knauf, when there is very low daily volume and limited sight distance we prefer to install a cross road warning sign. According to the data for this intersection, the volume here meets the criteria balance along with sight distance issues and pedestrians in the area. Based on this we are recommending adding an All Way Stop control.*

*Per Council Member Mina Johnson representing District 23, there is a lot of traffic volume. An All Way Stop control is normally not standard, however this intersection is unique in topography and we will show with pictures how it warrants one. Even per the pictures a tree causes limited sight distance. If there is not a stop sign they go over Darden in a nice speed, there have been a few near misses at this intersection as well. Based on very limited sight distance and unique topography for the safety we would like an all way stop installed. Per MNPD Lieutenant Gilliland there has been one accident in the past two years.*

**MNPD Lieutenant Gilliland made a motion to approve the appeal and installation of All Way Stop control at Darden Place and Huckleberry Drive, seconded by Commissioner Kern, and all in favor with no opposition. Motion Passed.**

## OTHER

**CD20:** Update on 51<sup>st</sup> Avenue between Delaware Avenue and Centennial Blvd truck restriction

*Chip Knauf sent a letter to commission members from the Tennessee Department of Transportation (TDOT) to the Federal Highway Administration. It addresses the question of whether the implementation of a truck restriction such as that adopted by the Commission regarding 51<sup>st</sup> Avenue North, in the vicinity of a highway/interstate system violates a Federal Regulation codified at 23 C.F.R. 658.19. TDOT investigated this issue and concluded that the prior action of the Commission in implementing the truck restriction did violate 23 C.F.R. 658.19(a), which provides that there cannot be a law denying trucks reasonable access between the Nationwide Network and "terminals and facilities for food, fuel, repairs and rest." TDOT therefore concluded that the Commission should reconsider its prior action.*

*Per Legal counsel, in analyzing the Federal Highway Administration's request to TDOT to investigate the question of whether this commission's action in restricting truck traffic on 51<sup>st</sup> Avenue North violated Federal Highway Act Regulations 23 CFR 658.19, TDOT consulted Metro and received copies of full transcripts of both hearings of this matter before the Commission and received a copy of the RPM study. TDOT further concluded that the Commission's prior action violated subparagraph(i)(2)(ii) of section 658.19 which provides that the denial of access to terminals and services may only be made "on the basis of a safety and engineering analysis of the proposed access route." Even though there were numerous witnesses who presented anecdotal testimony at the prior hearings on this matter, there was no engineering analysis presented that supported the action taken by the Commission in implementing the truck ban, and the RPM study concluded that truck access to 51<sup>st</sup> Avenue should be left in place. Counsel recommend that the Commission should follow TDOT's directive to reconsider its prior action with regard to the truck ban, but further recommended that a safety and engineering analysis could be made and that such a study could have a larger scope to determine whether there are any other measures that could be taken to increase safety for pedestrians. Staff further noted that failing to follow TDOT's recommendation and FHWA's requirements could jeopardize federal funding, which legal counsel affirmed.*

*Council Member Roberts was present along with some constituents to discuss 51<sup>st</sup> Avenue. She stated that the masses came last time and talked about the issues of safety down 51<sup>st</sup> Avenue. She said they have huge concerns about safety. She said the last study was done before 51<sup>st</sup> Avenue was complete. The viewpoint is about safety. Council Member Roberts would like a safety study done.*

*Mr. Tom Lee was present on behalf of Marathon Petroleum. He stated TDOT has it correct, that the June and August hearings occurred after the complete street project was being. RPM indicated that they did consider the complete street project. He stated that they were happy to participate in arriving at a number of solutions. If the Commission reconsiders their action they will engage in a conversation with Metro Public Works (MPW) and neighborhoods for traffic, street parking, and solutions for all the problems in the neighborhood. He stated that the neighborhood has changed, and they would like to work with MPW to solve these issues.*

*Per Legal counsel, the current status quo is that there is a Court-issued stay in place of the action of the commission and that the trucks are still using 51<sup>st</sup> Avenue North. MPW would like the Commission to request a safety study, but also to reconsider the prior action.*

*Commissioner Hagar asked if they should defer or vote to rescind? Legal responded and said that the recommendation is to reconsider the action due to the noncompliance found by TDOT, but that it is the commission's decision. She stated she was not sure how long a study will take, but that TDOT stated that it was giving the Commission time to try to resolve this on its own. The recommendation was to rescind today to comply with Federal Law, then go through the safety and engineering analysis, then come back to the board with the results of that analysis.*

*Commissioner Kern, stated that she didn't think the Commission had much choice, but that the previous study didn't address the safety of pedestrians. That didn't seem to be the focus of the study.*

**MNPD Lieutenant Gilliland made a motion to repeal previous decision pending a safety study to rescind the truck restriction on 51<sup>st</sup> Avenue North, seconded by Commissioner Kern, and all in favor with a hand vote with no opposition. Motion Passed.**

Traffic and Parking Commission Resolution No. 02-18 authorized by Chapter 9 of the Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee as amended

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BE IT RESOLVED by the Traffic and Parking Commission of the Metropolitan Government of Nashville and Davidson County, Tennessee as follows:

SECTION I: That Chapter 12 of said Metropolitan Code, said Chapter being entitled 'Vehicles and Traffic' is amended as follows:

SECTION II. BE IT FURTHER RESOLVED that this Resolution be published in a daily newspaper in Metropolitan Nashville/Davidson County, Tennessee, and that a certified copy be filed with the Chief of Police of the Metropolitan Police Department, and that a certified copy be filed with the Metropolitan clerk, and that said Resolution take effect five (5) days thereafter.

APPROVED: February 12, 2018

EFFECTIVE: February 16, 2018

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**The above-mentioned Resolution items were previously approved under the Consent Agenda.**

### **ADJOURNMENT**

There being no further business, MNPD Lieutenant Gilliland moved to **adjourn**, seconded by Council Member Hagar and **approved by voice vote with no opposition**. The meeting adjourned at 4:00 p.m.

Approved on the **12th** day of **February** 2018.

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Assistant Director  
Department of Public Works

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Chairperson  
Traffic and Parking Commission