

MEETING MINUTES  
OF THE  
TRAFFIC AND PARKING COMMISSION  
MARCH 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, March 12th, 2018 at the Sonny West Conference Center. The following were present unless noted otherwise:

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

Commission Members

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

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

Staff Members

Chip Knauf, Traffic Engineer  
Diane Marshall, Parking Administrator  
Korby Bowden, Engineer Tech Senior  
Jackie Conner, Administrative  
Assistant

Benny Word, Traffic Calming  
Theresa Costonis, Legal Advisor  
Mary Peoples, Administrative  
Assistant

**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 Commissioner Vavra, and **approved with no opposition**.

**APPROVAL OF MINUTES**

Per Legal Counsel, there were some extensive edits to the 51<sup>st</sup> Avenue issue that haven't been circulated with the commission to review. It was recommended to defer the February Minutes.

Commissioner Woods motioned to **defer** the February Minutes, seconded by Commissioner Brown, and **deferred with no opposition**.

## **CONSENT AGENDA - Resolution 03-18**

### **Mandatory Referrals**

- a) **CD11:** Proposal 2018M-004AB-001 – A request for the abandonment of an excess strip of right-of-way on the north side of Hadley Avenue (see plan of Berryville, Book 421 Page 117 RODC, TN), between First Street and Sixth Street, and being approximately 20' in width, or as determined by an accurate survey, this request excludes any right-of-way owned by TDOT for State Route 45 (Old Hickory Boulevard) or currently in use by the public, or public utilities, easements are to be retained; requested by Metro Public Works, applicant
- b) **CD16:** Proposal 2018M-005AB-001 – A request for the abandonment of a portion of Alley #1897, from dead end to behind 303 Tanksley Avenue and 302 Timmons Street (see sketch for details), Utility Easement is to be retained; requested by Pam Kimbro, applicant

### **Parking Regulations**

- c) **REMOVED ITEM c FROM THE AGENDA**
- d) **CD19:** Authorize Valet Zone five (5) spaces on west side at 221 5<sup>th</sup> Avenue N, hours of 4PM to Midnight; requested by Parking Management Company
- e) **CD19:** Authorize Loading Zone hour change from 8AM to 4PM to 24 Hours on south side of 101 Church Street at 1<sup>st</sup> Avenue N; requested by Ron Limb
- f) **CD18:** Authorize Valet Zone by combining two (2) valet zones into one (1) valet zone at 1910 Belcourt Avenue, hours of 10AM to Midnight; requested by Parking Management Company
- g) **REMOVED ITEM g FROM THE AGENDA**

### **Traffic Regulations**

- h) **CD11:** Authorize all way stop at 8<sup>th</sup> Street and Jones Street; requested by CM Hagar
- i) **CD17:** Authorize truck restriction over 8 tons with six (6) "No Trucks Over 8 Tons" signs on Allison Place, Neal Terrace, and Carvell Avenue between Wedgewood Avenue and Southgate Avenue; requested by Council Member Sledge
- j) **CD31:** Authorize "No Parking" signs on Autumn Crossing Way on the east side at 200' north of Scarlett Ridge Drive to 715' north of Scarlett Ridge Drive; requested by Metro Public Works
- k) **CD31:** Authorize "No Parking" signs throughout Indian Creek Subdivision at the following locations; requested by Metro Public Works on behalf of Council Member Bedne and the HOA for Indian Creek Subdivision
  - a. Broken Bow Drive from Calderwood Drive to Old Hickory Blvd.
  - b. Tee Pee Trace from Broken Bow Drive to Tuckleechee Lane
  - c. Tuckaleechee Lane from Calderwood Drive to Dead End
  - d. Nantahala Court from Tuckaleechee Lane to Dead End
  - e. Calderwood Drive from Santeelah Way to Dead End
  - f. Santeelah Way from Stecoah Street to Calderwood Drive
  - g. Cheoah Court from Santeelah Way to Dead End
  - h. Stecoah Street/Oakfield Grove from Calderwood Drive to Tapoco Lane
  - i. Stecoah Court from Stecoah Street to Dead End
  - j. Chinook Drive from Stecoah Street to Dead End
  - k. Ochoa Lane from Oakfield Grove to Dead End
  - l. Mandan Drive from Tapoco Lane to Oakfield Grove
  - m. Ottoe Court from Oakfield Grove to Dead End

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

**c) CD19:** Authorize additional parking spaces for the horse drawn carriages; requested by Sugar Creek Carriage

*A letter was sent to commissioners and a traffic study presentation was given from Bob Murphy with KCI Technologies. Per Mr. Murphy, a slow-moving vehicle study looked in detail with horse carriages and low speed vehicles. The purpose of the study was to see if there could be more improvements to reducing traffic impacts and enhance safety. There has been an increase of slow moving vehicles which has impacted traffic at certain locations, but the previous study only focused on paddle cabs and lesser extent on horse carriages. On the conclusion of the new study, which included all slow-moving vehicles and horse carriages, showed that the 2<sup>nd</sup> Avenue stand is not long enough for the horse carriages currently in place. Because the stand wasn't long enough with carriages loaded in the zone, they would have no where to go which slowed down traffic. KCI made several suggestions and recommend that the carriage stand be relocated from 2<sup>nd</sup> Avenue to either the north side of Broadway west of 1<sup>st</sup> Avenue along the frontage of Hard Rock Café or to the east side of 1<sup>st</sup> Avenue south of Broadway, opposite Acme. Another recommendation would be to staff the carriage stands to help marshal the carriages and their operation to help organize and ensure regulations were being enforced. Also recommended was to limit a number of carriages at particular times. And, change of routes to the stadium and Bicentennial Mall, these routes could be in addition to current times listed to the downtown time limitations.*

*Mr. Billy Fields, director of Transportation and License Commission spoke to clarify that the Transportation Licensing Commission looks to the Traffic and Parking Commission on any sort of issue related to horse carriage stands and routes.*

*Mr. Chip Knauf clarified that the board oversees parking and if they were to change on street parking that it would be a new business item for the Commission. If routes and zones are to change, which is a gray area, that goes to Mr. Fields' Commission. There was not enough information to make a decision today.*

*Commissioner Vavra asked Mr. Murphy about the proposed locations on the east and west side of Broadway and if there were any advantages to having the carriages on one side or both. Mr. Murphy said either or.*

*Commissioner Brown asked if there is enough activity for those horse carriages at the Stadium and Jefferson Street areas and is it going to be a scenic route for horse carriages as well. Mr. Murphy felt like there's certainly some scenic attributes to both of those locations. He stated horse carriages have a limit to the grade of the road which limits the areas they can be in. Broadway can accommodate approximately 12 to 15 carriages at one given time but not all the carriages will be there at the same time.*

*Mr. Murphy will make sure a copy of the study will be forwarded to the commissioners and that Ms. Marshall will arrange everyone involved to be at the next meeting.*

**Commissioner Woods made a motion to defer one month, seconded by Commissioner Brown, and approved with no opposition. Motion deferred one month.**

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

**g) CD06:** Authorize modification of residential permit parking on S 10<sup>th</sup> Street from 5PM to 7AM with 2 hours for non-permit parking to 24 Hours residential permit parking only; requested by Council Member Withers

*Commissioner Kern had questions about the sections surrounding that area. Ms. Marshall said the area is on the east side from Woodland to Russell Street which will serve directly in front of the town house residents. It was requested by the residents and Council Member Withers to modify the hours.*

**Commissioner Kern made a motion to approve Item g, seconded by Commissioner Williams, and approved with no opposition. Motion Passed.**

**Consent Agenda consisting of Resolution 03-18 was modified and approved as presented. Commissioner Vavra made a motion to approve the resolution on the consent agenda, seconded by Commissioner Kern, and approved with no opposition.**

## **NEW BUSINESS**

**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

*Ms. Marshall stated at last month's meeting, there is enough on street parking at the front but not the side which is why they are requesting residential parking on 45<sup>th</sup> Avenue North. Ms. Murphy was not at the meeting to speak. There was a letter from the council member and petition request. There are three letters in opposition.*

**Council Member Hagar made a motion to defer, seconded by Commissioner Vavra, and all in favor with no opposition. Motion deferred one month.**

**CD19:** Extend agreement between Metro and 511 Union Nashville, for up to 100 parking spaces in the Library Garage from current term ending September 30, 2027 to December 31, 2030; requested by 511 Union Nashville, LLC

*Mr. Henry spoke to the commission stating that there was a 12-year lease agreement that Metro executed with the 511 City Center Building that is in place for a hundred parking spaces in the public Library garage. They would like to request to extend it to a 15-year term or an additional 3-year extension on the lease agreement. No increase in the number of parking spaces. These are market rate spaces.*

**Commissioner Woods made a motion to approve, seconded by Commissioner Williams, and all in favor with no opposition. Motion Passed.**

## **OTHER**

**CD20:** Consideration of the rescission of the Commission's prior action restricting trucks over 8 tons on 51<sup>st</sup> Avenue

*Ms. Costonis from Metro's legal department was present and gave an update on the consideration of rescission regarding the vote made by the commission previously. She stated that on February 12, 2018 the commission's vote to rescind the truck restriction was in violation of the Standing Rules of the Metropolitan Traffic and Parking Commission because the number of commission members present was below the required three-fourths majority. The commission must have three-fourths of the members present and voting in favor of the motion, in this case 7 of 9 members, to vote to rescind. The previous vote was unanimous with 6 members present. Ms. Costonis advised that the commission voted to rescind based on the letter received from TDOT and the FHWA in the previous meeting, and referenced the violation of federal regulations, specifically 23 C.F.R Section 658.19. She recommended that Metro develop an engineering study to see if safety issues exist. Commissioner Vavra asked if Metro Public Works could make a recommendation. Chip Knauf stated that regardless of the decision, Metro Public Works is going to do a safety study and suggested rescission pending the outcome of the study. He also stated we should have that done within 2 months and could present that study to commission members upon completion. In addition, Ms. Costonis stated that there is a pending lawsuit and a stay was issued which means the truck restriction was never implemented. Legal has concerns about this and urges the Commission to make a good faith effort to follow the TDOT recommendations so that federal funds will not be refused or withdrawn for violations. She advised that if the Commission wished to do so, that the commission could go into executive session privately to be advised about the pending lawsuit. Also, if the commission rescinds today, the pending lawsuit will be dropped. This will give the Department the opportunity to complete the traffic study. Ms. Costonis further explained that the provision in the Standing Rules of the Metropolitan Traffic and Parking Commission that citizens and council members cannot present the same appeals to the Commission twice within a six month period, does not prevent the Commission itself from choosing to revisit the issue within a six month period. Chairman John Green opened the floor for public comments from the residents and business owners of the area affected by the restriction. The consensus was that safety is the number one issue. They do not want the rescission citing pedestrian issues, speed and freight safety considerations. Commissioner Vavra asked Public Works for a recommendation, and Chip Knauf spoke on behalf of Public Works. He stated that he stands by his original recommendation and that is to have the safety study done to include all areas of concern and to rescind the prior actions agreed on by the commission. Commissioner Brown made the motion to rescind the prior action made by the commission pending the safety study outcome. No one seconded the motion. Chip Knauf posed the question to Ms. Costonis, what happens if there is no rescission? She responded by saying that the outcome would be that the tentative settlement that had been reached in the related lawsuit would be derailed, and that there could also be a permanent injunction along with other negative consequences*

*in that related lawsuit, but that if the Commission wanted to discuss this in more detail this should be discussed in executive session. She stated that commission members cannot vote during executive session. Mr. Green stated that he wanted the commission to have all pertinent information necessary to make a decision and that he does “not want the law to decide that the Commission is defunct in this matter.” At that time, Attorney Tom Lee with Marathon Oil came forward to respond to Commission questions. Commissioner Woods asked how far we are away from an agreement. His response was that all parties agree that safety is the issue, but conversation needs to be had including all parties. It is the role of Metro to bridge that gap. Also, he noted some language in the October 23, 2017 letter from the Federal Highway Commission which suggested that if TDOT determined in response to that letter that Metro was in non-compliance with the federal regulations this could jeopardize federal funds. He stated that they also have an obligation to represent the status of the matter to the Court and make sure the Court knows how things are proceeding. Commissioner Williams then asked if the original study was inclusive of the current situation. Attorney Lee verified that the “Complete Street Project” was included in the study. Mr. Brown made the motion to rescind the Commission’s prior actions in the February 12, 2018 meeting based on Legal’s recommendation, Metro Public Works’ recommendation, and the federal law. Ms. Woods seconded that motion “with a request that in future we can set up an executive session.” Commissioner Kern suggested modifying the motion to provide that the matter be added back onto the Commission’s agenda upon the completion of the safety study. Commissioners Brown and Woods accepted that amendment to the motion. Chairman John Green asked that the minutes be prepared in advance, so they can be reviewed prior to the April 9<sup>th</sup> meeting and wants the minutes to reflect the Commission’s concern about the importance of safety and the safety study.*

**Commissioner Brown made a motion to rescind the Traffic and Parking Commissions’ previous decision based on the law, and federal government requirements. . Also, included in the motion was that this item be included on a future agenda immediately following the completion of the safety study. The motion was seconded by Commissioner Woods, and all seven members present voted in favor with no opposition. Motion Passed.**

***Per Diane Marshall, the Traffic and Parking Commission meeting for April 9<sup>th</sup>, 2018 will be in the Metropolitan Health Department at 28<sup>th</sup> Avenue North, we will send out a reminder prior to the next commission meeting.***

Traffic and Parking Commission Resolution No. 03-18 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: March 12, 2018

EFFECTIVE: March 16, 2018

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

**ADJOURNMENT**

There being no further business, Commissioner Kern moved to ***adjourn***, seconded by Commissioner Vavra and ***approved by voice vote with no opposition***. The meeting adjourned at 4:40 p.m.

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

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Assistant Director  
Department of Public Works

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Chairperson  
Traffic and Parking Commission