

MINUTES
OF THE MEETING OF THE
TRAFFIC AND PARKING COMMISSION
March 9, 2009

The regular monthly meeting of the Traffic and Parking Commission was held at 3:00 p.m. on Monday, March 9, 2009, at the Metro Southeast at Genesco Park. The following were present unless noted otherwise:

Commission Members

Debbie Frank, Chairperson	Feller Brown
Richard Fletcher, Vice Chairperson	Breonus Mitchell, Sr. - absent
Kathy Austin	Richard M. Morin
Capt. Randall Hickerson	Council Member Carl Burch
Gene Ward	

Staff Members

Jon Michael, Legal Advisor	Korby Bowden, Engineering Tech II
Chip Knauf, Traffic Engineer	Diane Marshall, Parking Administrator
Benny Word, Collier Engineering	Mauri Wood, Collier Engineering
Mark Macy, Assistant Director	

Others Present

Council Member Pam Murray, District 5
Toks Omishakin, Bicycle and Pedestrian Advisory Committee
Bill Cartwright, Traffic Violations Bureau
Alex Bucary, 1260 Cheyenne Blvd.

Chairperson Debbie Frank called the meeting of March 9, 2009, to order at 3:00 p.m.

CALL TO ORDER

Ms. Frank 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

Mr. Richard Morin moved for **approval** of the Revised Agenda, seconded by Council Member Carl Burch and **approved with no opposition**.

APPROVAL OF MINUTES

Mr. Morin moved for approval of the February 9, 2009, Minutes and seconded by Mr. Richard Fletcher, ***approved by voice vote with no opposition.***

CONSENT AGENDA

Ms. Frank read a list of items proposed for ***approval*** on consent.

1. RESOLUTION NO. 2009-03

- Authorize Traffic Signals at:
 - Children's Way and 24th Ave. S
 - Children's Way and 25th Ave. S
 - Children's Way and Natchez Trace
- Change Speed Limit from 30mph to 25mph on Brookside Woods Bv. from Tulip Grove Rd. to Dead End
- Authorize Stop on Ponder Pl. at Athens Way
- Establish "No Parking or Standing Anytime" on Bowfield Dr, west side from Richards Rd to 550' S of Richards Rd.
- Establish "No Parking 1:00-2:30pm Monday-Friday, School Days" on Bowfield Dr., east side from Richards Rd. to Bowfield Ct.
- Authorize 2 Hour (\$1.00/hr) Parking Meters on Lyle Ave., east side from Broadway to West End Ave.
- Remove 3 Parking Meters on the north side of Lindsley Ave. between 2nd Ave. S and 3rd Ave. S
- Remove Commercial Loading Zones on McGavock St., south side (1103 McGavock St.), 100',
- Extend Commercial Loading Zone on McLemore St., west side (50' N of Church St.) from 25' to 50'

Change in records only:

- Remove "No Parking or Standing 7:00-9:00am" on 12th Ave. S, east side from Kirkwood Ave. to Acklen Ave.
- Remove "No Parking or Standing Anytime" on 12th Ave. S, both sides from Division St. to Acklen Ave.
- Remove "No Parking or Standing Anytime" on Thompson Ln., south side from Railroad Tunnel to Nolensville Rd.
- Remove "No Parking Anytime" on Thompson Ln., north side from Nolensville Pk. to 300' E of Nolensville Rd.
- Remove "No Parking or Standing Anytime" on Thompson Ln., north side from St. Edwards Dr. to 500' E of St. Edwards Dr
- Remove "No Parking or Standing Anytime" on Commerce St., both sides from 6th Ave. to 8th Ave.

- Remove “No Parking or Standing 6am-6pm” on Commerce St., both sides from 4th Ave. to 6th Ave.

REPORTS

1. Parking – *included in agenda packet*
2. Engineering – *included in agenda packet*
3. Accepted Roadway Report – *included in agenda packet*

Mr. Morin made a motion to approve the Consent Agenda, seconded by Mr. Fletcher and ***approved by a 7-0 hand vote.***

OTHER BUSINESS

Council Member Carl Burch requested that the Other Business Item regarding Outstanding Parking Citations be moved ahead of the other items for discussion.

Ms. Diane Marshall, Metro Public Works, reviewed the traffic violations process and outstanding numbers and turned the floor over to Mr. Bill Cartwright, Traffic Violations Bureau.

Mr. Cartwright presented the Commission with information regarding outstanding parking and moving violations in Davidson County. He noted that persons with a parking ticket have a 45 day grace period to pay their ticket in a timely manner before action is taken by the warrant office to collect the funds. After the 45 day grace period, the warrant office attempts to collect outstanding funds by sending out mailers and making phone calls. If these efforts are not successful, the warrant office will attempt to garnish wages, place liens on property, and levy cash on hand.

Mr. Morin asked if these actions were approved by Metro Council and legally acceptable for the warrant office. Mr. Cartwright said that the warrant office holds authority to garnish wages and take any other means necessary to collect outstanding funds. He said that of the \$23,000 in the warrant office for collections, the individual ticket price can range from \$20-\$50, depending on the violation.

Council Member Carl Burch asked if there were any other options that could be taken legislatively or by the Commission, other than what is already in place. Mr. Jon Michael, Metro Legal, noted that the Traffic and Parking Commission has limited means in this instance. He added that Metro Council can change policy and increase the fine but the Commission has little influence in the collection process. Council Member Burch said that the Council would more than likely not be in favor of increasing the price of the tickets, as it is difficult to collect as it stands.

Council Member Burch noted that this issue has been brought to the attention of several Council Members, as there are several habitual offenders taking advantage of the system. He hopes that Council or this Commission could find a way increase the importance of collecting these outstanding fines and lessen the chances for habitual offenders in the future.

Mr. Richard Fletcher asked if the numbers presented were outstanding fines for 2008 alone. Mr. Cartwright said that these numbers include 2008 but reflect the past 10 years. Council Member Burch noted that in all, the warrant office is doing a good job at collecting these outstanding fines. The main concern is to get the habitual offenders to pay their fines and not to turn their heads on the law.

Chairperson Debbie Frank asked if tickets were the only means of citing violators in Nashville. She added that in other cities, 'boots' are placed on those vehicles that are in violation of the law. Mr. Cartwright said that, at this time, no 'boots' are used, just tickets. Council Member Burch said that 'booting' is an option that the Council might need to entertain. He said that as it is, the ticket writers are in small vehicles, along with the MPD, and other means would have to be taken if they sought other means.

Mr. Fletcher asked if these tickets were turned over to a collection agency after the default on payment. Mr. Michael said that the warrant office does have a permit to garnish wages. Mr. Cartwright added that they send mailers and make phone calls and if that proves unsuccessful, they will issue a subpoena to court for judgment as well as garnish wages.

Mr. Feller Brown asked if there was any interest added to the outstanding fines after the 45 day grace period. He added that the fear of the increase in the fine over time may influence the offender to pay in a timely manner to avoid the additional cost. Mr. Morin asked if there were any fees that exceeded \$50. Mr. Cartwright said that the habitual offenders generally park in the same location and if they are unemployed, they will not have the means to pay these tickets regardless of it collecting interest. He said that there are no means in place for a ticket to collect interest and there are no individual fines over \$50.

Council Member Burch asked what would happen if these cars were 'booted' or impounded. He asked if there was any legislation in place for this type of enforcement. Mr. Michael said that this Commission does not have the ability to make such decisions and all 'booting' would be taken place via MPD. Capt. Randall Hickerson said that they do not currently 'boot' or impound cars in violation of parking laws. Mr. Michael added that although a 'boot' would help alleviate some of the parking problems, it creates a problem for the city as there is a vehicle sitting on the street, taking up a parking space, and costing the city money.

Council Member Burch said that he would like this information to be addressed legislatively from a Metro Council standpoint. He hoped that they would find a way to impound these habitual offenders and to help the warrant office collect the outstanding funds.

Chairperson Frank noted that this is a very viable topic and would like to see it go on to the appropriate body of government for action. She added that Council Member Burch and the Metro Council has full support from the Traffic & Parking Commission.

Council Member Burch said that he appreciates Mr. Cartwright attending the meeting and he hoped that with the efforts by Council, they could assist in their efforts to collect these outstanding citations. He added that with tight budget times, the government needs to take advantage of these outstanding tickets and do all they can to collect this money.

OLD BUSINESS

1. Request to authorize parking in the bike lane on Douglas Ave. between Meridian St. and Alley #344, deferred from February 9, 2009, meeting.

Mr. Chip Knauf, Metro Public Works, presented information discussed in the previous meetings regarding the bike lanes and parking on Douglas Ave. He said that the main focus of attention is the business center on-street parking that is being affected by the recent Code changes prohibiting parking in a bike lane. The Bicycle and Pedestrian Advisory Committee (BPAC), formed by the Mayor's Office, met and formed their recommendation for a shared route at this location. A shared route allows parking, biking, and vehicular travel. He noted that Staff agrees and supports this recommendation by BPAC and that the Commission is not charged with taking action on this change. BPAC also recommends lowering the speed limit from 30mph to 20mph. Staff would like to wait on the speed reduction to explore other options for slowing the vehicular traffic in this area, such as advisory speed signs.

Mr. Toks Omishakin reiterated what Mr. Knauf presented. He said that BPAC had a very successful meeting on February 17, 2009 where the Douglas Ave. concerns were discussed. Mr. Omishakin said that they recommend that the existing bike lane be modified into a shared use system where bikes share the road with automobiles. He added that there will be some engineering steps that have to be taken regarding signage and pavement markings. Mr. Omishakin said that their second recommendation would be to reduce the speed limit but there could be other ways to address the speed concerns of the Committee. He said that he understands that Metro Public Works has a minimum speed of 30mph on collector streets but BPAC would like to come to a compromise to help accommodate the bikers. This recommendation is the first of its kind and BPAC plans to create a set of standards and policies for instances like these in the future.

Council Member Pam Murray, District 5, said that she still stands in full support of the bike lanes option in this area. However, she also supports the recommendations by BPAC and staff. She would like to have staff review this location in a year to see the impact of the shared lane.

Chairperson Frank asked Council Member Murray if she was also in support of the speed reduction. Council Member Murray said that she does support the speed reduction but is concerned about enforcement issues that could arise.

Mr. Gene Ward requested that the Committee review each instance regarding bike lanes and parking as they do not want to place a potential hardship on business owners

by restricting their parking. Mr. Omishakin said that the city is moving in a direction to install more bike lanes and sidewalks. He said that they would like to make Nashville a pedestrian friendly city where one can travel by other means than a car. He added that he understands the concerns of Mr. Ward and the Commission and will work closely with Staff and the Commission in the future.

Mr. Ward said that as long as parking is available, he supports the installation of additional sidewalks and bike lanes. But, if the only parking that a business has is on the street, he would like those decisions to have careful consideration. Mr. Omishakin said that if there is no parking in front of businesses, they will make sure parking is nearby.

Mr. Fletcher complimented Mr. Omishakin and BPAC for their recommendation and said that they appreciate their input. Mr. Morin added that he attended the February BPAC meeting and the final decision was a result of much deliberation and consideration from all sides.

Council Member Burch asked what action needs to be taken by the Commission after the agreement on the BPAC recommendation. Mr. Knauf said that he would like to see the request to reduce the speed limit be deferred so Staff and BPAC can explore other options. He said that the current bike lane will be turned into a shared route and no action is required by Commission.

Ms. Kathy Austin asked how long it will take for the transformation of the bike lane to a shared lane. Mr. Knauf said that with cooperative weather, it should not take more than 3 weeks. Mr. Ward asked the length of the potential speed reduction. Mr. Knauf said the reduction would have to be pretty lengthy, from Pennock Ave. to Stockell St. Mr. Ward noted that he did not want this area to turn into a speed trap for motorists. Mr. Knauf said that he would like to see speed advisory signs to start and explore other possible options.

Ms. Kathy Austin made a motion to defer this item for one month to allow for the change in the bike lane to a shared route and for compromise from staff and BPAC on the speed reduction. Council Member Burch seconded and the motion to defer for one month was ***approved by a unanimous voice vote.***

APPEALS

1. Request to appeal the denial for the installation of a traffic signal at Dickerson Pk. and Hancock St., requested by Council Member Pam Murray, District 5.

Mr. Knauf presented slides and information regarding the traffic volumes and accident history for the intersection of Dickerson Pk. and Hancock St. He said at this time, this intersection does not warrant a signal.

Council Member Murray said that it is very difficult to exit at this location and safety is an issue. There have been several accidents at this intersection. However, there are several other intersections along Dickerson Pk. that might be more suited for a signal.

She said that she would like to defer this appeal and look at other locations and possibilities.

Chairperson Frank asked if she would like to defer this request to study other intersections. Council Member Murray said that there is some beautification construction that could be a distraction in the near future between Spring St. and Hancock St. She said that this is a very congested area and would like to see some relief.

Chairperson Frank suggested that they defer this request and look into other mechanisms to possibly alleviate some of the congestion and slow the traffic in this area. Mr. Benny Word, Traffic Calming Manager, said that he had not met with Council Member Murray regarding this location but will work with her and explore options. Council Member Murray added that the construction should be completed in 3-4 months and would like to evaluate after that is completed.

Council Member Burch made a motion to defer this item indefinitely and have Council Member Murray explore other options to bring back before the Commission. Mr. Fletcher seconded the motion and it was **approved by a unanimous voice vote**.

2. Request to appeal the denial to reduce the speed limit from 40mph to 30mph on Cheyenne Blvd., requested by Mr. Alex Bucary.

Mr. Knauf presented data regarding the speed and street configurations for Cheyenne Blvd. He said that Staff's recommendation is to leave the speed limit as is due to the low volume and current speed. The current speed limit data was presented as having an 85th percentile speed of 44 mph. He stated that when determining speed limits, the 85th percentile speed is a major factor. In addition, he noted that the Commission was provided a letter from Council Member Forkum opposing a speed limit change, as he could not come to the meeting due to prior engagements.

Mr. Alex Bucary, 1260 Cheyenne Blvd., spoke in favor of the request to lower the speed limit from 40mph to 30mph on Cheyenne Blvd. He said that the excessive speed on Cheyenne Blvd. poses a safety concern for the neighbors. He presented several options that he felt would lower the speed, including the removal of the turn lane. Mr. Bucary said that he had attempted to reach Council Member Forkum in the past but was not successful and chose to seek out and explore options for himself. He presented the Commission with a petition of the neighbors on and near Cheyenne Blvd. in support of the speed reduction.

Chairperson Frank noted that the Commission is charged with making a decision regarding the reduction of the speed on Cheyenne Blvd. She said that the Commission should be mindful of the letter on behalf of Council Member Forkum and his opposition to the decreasing speed limit. He too canvassed the neighborhood and spoke with residents and is not in support of this request.

Mr. Bucary said that everyone he spoke with felt that the posted speed limit on Cheyenne Blvd. is too high and would like to see some change and efforts into slowing traffic. Mr. Feller Brown said that Cheyenne Blvd. is a wide street and the wider the street, the faster the cars will and can go. He added that if the turn lane were to be removed, this would create a disaster for those turning onto the arterial streets into the subdivisions. He said that according to Council Member Forkum's letter, he did not get any support for these changes. Mr. Brown asked if there had been a formal neighborhood meeting with the neighbors and Council Member Forkum to discuss this issue and a possible compromise. Mr. Bucary said they had not met.

Council Member Burch said he feels that Council Member Forkum would be obliged to attend a neighborhood meeting, if organized, to address this issue. He added that Council Member Forkum is at nearly every meeting in which he is invited and very diligent in his duties to the community. Mr. Bucary said he appreciates Council Member Forkum but has yet to come to a compromise with him on this issue.

Chairperson Frank asked if this area had maintained a good safety record. Mr. Knauf said that there are very few recorded accidents in this area and he added that a significant difference in speed should be avoided to keep that good safety record.

Council Member Burch asked if there had been any Traffic Calming efforts attempted at this location. Mr. Word said that Cheyenne Blvd. is a collector street and does not qualify for the Traffic Calming Program.

Council Member Burch suggested that the neighborhood residents request additional patrol officers in this area in attempt to slow the traffic. Mr. Hickerson said that the Police Precinct in this area would assist in those efforts.

Mr. Fletcher asked why the request is for drastically lowering the speed from 40mph to 30mph instead of 35mph. Mr. Bucary said he was under the impression that Cheyenne Blvd. is classified as a residential street and from his research, found that residential streets in Davidson County are signed 30mph.

Mr. Morin made a motion to defer this request for 30 days in hopes that the neighbors and Council Member Forkum can meet and have information to bring back next month. Ms. Austin seconded the motion and it was ***approved by a unanimous voice vote.***

NEW BUSINESS

1. **Resolution No. 09-03:** The March monthly regulatory Resolution was previously approved under the Consent Agenda.

Traffic and Parking Commission Resolution No. 09-03 authorized by Chapter 9 of the Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee as amended.

BE IT RESOLVED by the Traffic and Parking Commission of the Metropolitan

Government of Nashville and Davidson County, Tennessee as follows:

Schedule I, 'Traffic Control Signals'

ADD:

Childrens Way and 24th Av S
Childrens Way and 25th Av S
Childrens Way and Natchez Trace

Schedule II, 'Speed Limits'

ADD:

Brookside Woods Bv from Tulip Grove Rd to Dead End, 25mph

Schedule V, 'Through Streets'

ADD:

Blairfield Dr from Cane Ridge Rd to Dead End
Deer Valley Tr from Pettus Rd to Oak Chase Dr
Hidden Creek Dr from Morning Dr to Old Hickory Bv
Sherbrook Ln from Holt Rd to Dead End
Sundown Dr from Pettus Rd to Dead End
Sunnywood Dr from Lenox Village Dr to Tarmac Way

Schedule VI, 'Stop and Yield Intersections'

ADD:

Yield on Canonbury Dr at Burkitt Pl
Stop on Canonbury Dr at Elmcroft Ct
Stop on Forest Lake Dr at Hickory Run
Stop on Forest Lake Dr at Sherbrook Ln
Stop on Hickory Run Ct at Hickory Run
Stop on Kemberton Ct at Kemberton Dr W
Yield on Kemberton Dr at Canonbury Dr
Stop on Middlewick Ln at Caswick Ct
Stop on Middlewick Ln at Ivymont Ln
Stop on Morning Ct at Morning Dr
Stop on Morning Rd at Daybreak Dr
Stop on Ponder Pl at Athens Way

Schedule VII, 'Parking Restrictions'

Section A: Stopping, Standing, or Parking Prohibited

DELETE:

12th Av S, east side from Kirkwood Av to Acklen Av, NP OR S 7-9AM

12th Av S, both sides from Division St to Acklen Av, NP OR SAT
Commerce St, both sides from 6th Av to 8th Av, No Parking or Standing Anytime
Commerce St, both sides from 4th Av to 6th Av, No Parking or Standing 6am-6pm
Thompson Ln, north side from St Edwards Dr to 500'e St Edwards, NP OR SAT
Thompson Ln, north side from Nolensville Pk to 300'e Nolensville, NPAT
Thompson Ln, south side from R.R. Tunnel to Nolensville Rd, NP OR SAT

ADD:

Bowfield Dr, west side from Richards Rd to 550' S Richards Rd, No Parking or Standing Anytime
Bowfield Dr, east side from Richards Rd to Bowfield Ct, No Parking 1-2:30pm M-F School Days

Schedule VIII, 'Parking Meters'

Section I-1: 1.00/1 Hour, Limit 2 Hours

ADD:

Lyle Av, east side from Broadway to West End Av

Schedule X, 'Loading Zones'

Section A: Commercial

DELETE:

McGavock, south side (1103 McGavock St), 100', 11am-2pm and 5pm-12am (Valet) (Radius 10)
McLemore St, west side (50' N Of Church), 25', 8am-6pm (Ymca)

ADD:

McLemore St, west side (50' of Church St), 50', 8am-6pm (YMCA)

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 9, 2009

EFFECTIVE: March 14, 2008

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

OTHER BUSINESS

Ms. Diane Marshall noted that a presentation will be made regarding parking meter rate increases in the April 13, 2009 meeting.

ADJOURNMENT

There being no further business, Capt. Randall Hickerson moved to *adjourn*, seconded by Council Member Burch and ***approved by voice vote with no opposition***. The meeting adjourned at 4:24 p.m.

Approved on this the _____ day of _____, 2009.

Director
Department of Public Works

Chairperson
Traffic and Parking Commission