

MINUTES
OF THE MEETING OF THE
TRAFFIC AND PARKING COMMISSION
September 12, 2011

The regular monthly meeting of the Traffic and Parking Commission was held at 3:00 p.m. on Monday, September 12, 2011, at the Sonny West Conference Center. The following were present unless noted otherwise:

Commission Members

Gene Ward, Chairperson
Feller Brown
Breonus Mitchell Sr
Richard Morin

Steven Turner
Capt. Brian Johnson
John Green
Brenda Sanderson

Staff Members

Chip Knauf, Traffic Engineer
Corey Harkey, Legal Advisor
Korby Bowden, Engineering Tech II

Benny Word, Collier Engineering
Diane Marshall, Parking Administrator
Julie Herring, CNT

Council Members

Emily Evans, District 23

Guests

As noted in minutes .

Chairperson Gene Ward called the meeting of September 12, 2011 to order at 3:00 p.m.

CALL TO ORDER

Chairperson Gene Ward 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. Morin moved for **approval** of the Agenda, seconded by Mr. Green and **approved with no opposition**.

APPROVAL OF MINUTES

Mr. John Green moved for approval of the August 8, 2011 Minutes and seconded by Mr. Morin and **approved by voice vote with no opposition**.

CONSENT AGENDA

Chairperson Ward read a list of items proposed for **approval** on consent agenda. Mr. Morin made a motion to approve seconded by Rev. Breonus Mitchell and **approved with no opposition**.

OLD BUSINESS

1. Mobile Food Vendors

Ms. Brenda Sanderson recused herself from the discussion and vote on the Mobile Food Vending regulations.

Commissioner Ward approved Ms. Sanderson's request.

Mr. Matt Scanlan, represents the TN Hospitality Association. He stated that the Board of Hospitality met last week and voted to allow the food trucks to join as members of the organization. He stated that the TN Hospitality Association will have their own set of regulations that the mobile food vendors will have to abide by if in the association.

Mr. Tom White with Tune, Entrekin, and White law firm represents The Arcade. Mr. White noted that he was in favor of the food trucks, however; the location of the Food Trucks when parked on 5th ave is in a congested area and presents a safety concern.

Mr. Knauf acknowledged the comments that were received on the first set of draft regulations and noted some of the changes to the regulations. He addressed the prohibited streets.

Mr. BJ Loffback, president of the Nashville Mobile Food Vendors association stated that the Vendors were pleased with the first set of draft regulations and addressed some concerns the Mobile Food Vendors have. He made suggestions to the draft on behalf of the Mobile Food Vendors and submitted recommendations to the Commission.

Ms. Nancy Manus commended the Commission and Staff on the first set of draft Regulations. She expressed her concerns with the current Parking issues downtown and stated that they did not need to add to the parking issues.

Ms. Lauren Meyers with Happy Japan noted that the Vendors do take into consideration the safety of pedestrians and motorist. She states that they are willing to work with the Commission and the Brick and Mortar businesses so that everything is fair.

Ms. Sabrina with Service International stated she represents the Hispanic Community of Mobile Food Vendors on Nolensville Rd. She questioned if these regulations were going to include vendors outside the CBD.

Commissioner Ward stated that there is a possibility that there will be rules for the CBD and for the areas outside the CBD.

Commissioner Ward stated that this was going to be **deferred for one month** so that the Commission, Staff and Legal can draft the final set of Regulations.

APPEALS

1. Request to appeal the denial of all way stop at Carnavon Parkway and Clearbrook Dr.
Requested by Council Member Emily Evans, District 23.

Council Member Emily Evans stated that they are really trying to slow vehicles down in this school zone. She stated that Metro PD has been out there before and after school. She said that the neighborhood has asked for additional help with this issue. She states that she is willing to try traffic calming

Mr. Knauf stated that this case did not meet all way stop warrants, but in this case Public Works would like the Commissions feedback. He noted the accident history and traffic volumes.

Mr. Morin asked if this should not have a stop considering that it is a school zone.
Mr. Knauf stated that our Federal Regulations says that we have to meet warrants and we would be over ruling that, should we proceed with the stop.

Ms. Harkey advised that we do have to go by the Federal Regulations and this does need to come before the Commission to make that decision .

Mr. Morin asked if there is a flashing warning beacon at West Meade School.

Officer Johnston responded to Mr. Morin and stated that there is a warning beacon for that school, however; it is on Highway 70.

Mr. Knauf stated that he recommends it stay as is and try other forms of traffic calming.

Mr. Word stated that he would work with the Neighborhood and Council Lady Evans to see if Public Works can come up with a traffic calming plan.

Commissioner Ward made a recommendation **to defer for one month** to work on a traffic calming plan, seconded by Rev. Mitchell and **approved with no opposition**.

2. Request to appeal the installation of the No Parking signs on Cherokee Rd. Requested By Bryan Tuttle.

Mr. Tuttle presented documentation to the Commission to support his appeal. He stated his reason to appeal the No Parking signs on Cherokee Rd.

Mr. Knauf stated the concerns Public Works has with parking on Cherokee Rd. He states the traffic volumes and the width of the street. He stated that this road is traveled by pedestrians, vehicles and bicycles. He noted that this street is a cut through and is used by pedestrians to get to the Greenway.

Mr. Knauf presented a video of cars parked on Cherokee and motorist swerving into the double yellow lines to get around the parked Vehicles.

Ms. Katherine Brown, President of the Cherokee Park Home Owners association, expressed her gratitude for the No Parking Signs on Cherokee rd. She stated that she uses this road to bike to the Greenway and states it is much safer and that the Neighborhood is in favor of keeping the signs posted.

Mr. Green made a motion to **deny the appeal**, seconded by Rev. Mitchell and **approved with no opposition**.

NEW BUSINESS

1. Request to provide complimentary parking in the Public Square Garage on September 8, 15, 22, 29, October 6 and October 13, 2011, for the 2011 Live on the Green.

Ms. Marshall requested approval for the complimentary parking.

Rev. Mitchell made a motion to **approve**, seconded by Mr. Moring and **approved with no opposition**.

2. Proposal No. 2011M- 010AB-001- A request to abandon a portion of Duncanwood Drive and to retain the utilities and easements within adjacent to properties located at 1120 Glendale Lane and 1121 Duncanwood Drive, requested by John and Oleana Roper Trustees, applicants; John and Oleana Roper Trustees and Monroe Harding Children's Home Owners.

Mr. Knauf stated that anytime Metro Public Works abandons an easement they need the cooperation of all the affected property owners. He said that one property owner did not sign off due to future plans of that easement. Mr. Knauf stated that we needed the driveway attachment to Duncan Wood.

Mr. David Klienfield, represents Monroe Carroll, and states that they are in favor of the disapproval of this abandonment.

Mr. Morin made a motion to **disapprove** Proposal No. 2011M- 010AB-001, seconded by Ms. Sanderson and **approved by 5-0 hand vote**.

Resolution 11-09: Consent Agenda

- Authorize Valet Parking at The Standard Restaurant – 167 Rosa Parks Blvd from 6pm-12 am
- Authorize Residential Parking Only on:
 - Both sides of Barton Ave from 24th Ave S to 26th Ave S from 8am-4pm Monday-Friday and one hour non permit parking
 - Both sides of 25th Ave S from Fairfax Ave to Barton Ave from 8am-4pm Monday-Friday and one hour non permit parking
- Authorize Stop on Ewing Creek Rd. at Tuckahoe Dr.

REPORTS

1. Parking – *on consent agenda*
2. Engineering – *on consent agenda*
3. Accepted Roadway Report – *on consent agenda*

The resolution was approved.

Traffic and Parking Commission Resolution No. 11-08 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:

Resolution 11-09: Consent Agenda

- Authorize Valet Parking at The Standard Restaurant – 167 Rosa Parks Blvd from 6pm-12 am
- Authorize Residential Parking Only on:
 - Both sides of Barton Ave from 24th Ave S to 26th Ave S from 8am-4pm Monday-Friday and one hour non permit parking
 - Both sides of 25th Ave S from Fairfax Ave to Barton Ave from 8am-4pm Monday-Friday and one hour non permit parking

KARL F. DEAN
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING
750 SOUTH FIFTH STREET
NASHVILLE, TENNESSEE 37206
615-862-8760

September 27, 2011

Dear Council Member:

RE: Regulations for on-street mobile vending

This item will be on the agenda for October 10, 2011 Traffic and Parking Commission meeting. The meeting is scheduled for 3:00 p.m. at the Howard School Building, 700 2nd Ave N. in the Sonny West Conference Center.

We invite you to attend this meeting and give the Commission the benefit of any opinions you may have on these matters.

The proposed regulations can be viewed at the Public Works website:
<http://www.nashville.gov/pw>

If you have any questions, please contact Julie Herring at 880-1659, or myself at 880-2443.

Sincerely,
The Department of Public Works



Chip Knauf, P.E.
Chief Traffic Engineer,

JNH:s
Copy to: Council Staff Office
Metro Public Works, Traffic & Parking Files
Marty Szeigis, Mayors Office

Regulations for On-Street Mobile Vending

DRAFT 9/23/2011

474-7940
Cedenc

Promulgated by the Metropolitan Traffic and Parking Commission pursuant to Metropolitan Code of Laws 13.08.040. Adopted on _____

Section 1 Effective Date

These regulations shall become effective on the date that they are filed in the Office of the Metropolitan Clerk.

Section 2 Findings and Purpose

It is found and declared that:

- a) The primary purpose of the public streets, sidewalks, and other public ways is for use by vehicular and pedestrian traffic;
- b) Vending and commercial displays on such public ways promotes the public interest by contributing to an active and attractive pedestrian environment;
- c) Reasonable regulation of any temporary encroachment on public ways is necessary to protect the public health, safety, and welfare; and
- d) These regulations are not intended to prohibit or hamper speech that is protected by the First Amendment, but merely to regulate specific activities, which are commercial in nature, and to ensure that the public ways remain safe and useful for their primary purpose and are attractive to tourists and public.

Section 3 Definitions

- a) "Business" or "Property Owner" shall mean any individual, including an employee or agent of a group of individuals, partnership, or corporation who is a tenant in or who owns property abutting public streets, roads or sidewalks.
- b) "Commission" shall mean the Traffic and Parking Commission
- c) "Mobile Vendor" or "Mobile Vending" shall mean a person, corporation, company, or business that sells or offers for sale goods, wares, merchandise, beverages or food stuffs of any kind or nature whatsoever from the roadway using a vehicle capable of movement.
- d) "Permit" shall mean the form issued by the County Clerk or designated agency evidencing that the Mobile Vendor is allowed to sell merchandise, food, beverages or services on the public way.
- e) "Pedestrian" shall mean a person who is walking or otherwise traveling on the public way, sidewalk or other area created for pedestrian travel.
- f) "Public Property" shall mean all property, real and personal, belonging to the Metropolitan Government, excluding that which is used and /or intended for the use by vehicular or pedestrian traffic and defined herein as a public way.
- g) "Public Way" shall mean all areas legally open to public use and used or intended for vehicular or pedestrian traffic, including public

streets, alleys, sidewalks, and roadways, but excluding any public property of the Metropolitan Government.

- h) "Roadway" – shall mean the portion of the highway improved for vehicular travel or use
- i) "To Obstruct" shall mean to so occupy the public ways so that the free use and enjoyment thereof by the public is in any way interrupted or interfered with, or such that the free ingress and egress to and from any building fronting on any public thoroughfare is impaired, except as provided by these regulations.

Section 4 **Distance.**

All measured distances and distance requirements addressed in these Regulations shall be distances measured in a straight line from the nearest edge of the Mobile Vending unit to the nearest edge of the object from which the Mobile Vending unit is to be distant.

- b) Signs. Permits for signs must be kept on the premises of the business or property placing the sign.

Section 6 **Placement and Operation of Mobile Vending**

a) Safeguarding Traffic Flow and Pedestrian Passage

Placement of devices related to mobile vending shall not interfere, obstruct, or impede with pedestrian path of travel or traffic flow. Mobile Vending placement must adhere to current Federal, State, and Local regulations and policies. Mobile Vending from parking spaces, whether marked or unmarked, shall not reduce the clear pedestrian path of travel to less than four (4) feet. This includes any and all related components of the Mobile Vending (i.e. customers trash and recycle containers, etc).

b) Placement of Mobile Vendors.

- 1) Mobile Vending in marked on-street parking spaces shall not exceed the area allowed by the markings unless appropriate parking meter fees are paid for each space affected.
- 2) Mobile Vending must follow rules and regulations regarding utilization of that parking space, including time limits.
- 3) Mobile Vendors shall be parked with right side of unit facing curb or edge of pavement, and shall be placed a maximum of eighteen (18) inches from curb face or edge of pavement. On one-way streets parking with the left side of vehicle facing curb is permitted.
- 4) Mobile Vending shall not impede access to the entrance or driveway of any adjacent building.
- 5) Mobile Vending shall not obstruct sight distance for drivers;
- 6) Mobile Vending shall not use stakes, rods, or support poles, or any method of support that is required to be drilled, driven, or otherwise fixed, in asphalt pavement, curbs, sidewalks or buildings.

- 7) Mobile Vending is prohibited within fifteen (15) feet of any fire hydrant, fire escape, bus stop, any intersection curb radius return (the point of intersection of the street curb line and the curb radius), any doorway or driveway or other main entrance of any building, and of any emergency or fire exits.
- c) Attendant/Removal. A mobile vendor must be in attendance at all times.
- d) Hours of Operation. No vending operations shall take place between the hours of 2:00 a.m. and 6:00 a.m in the Central Business District.
- f) Removal of Trash and Recyclables All Mobile Vendors selling food or beverages must provide trash and recycling receptacles as a part of their Mobile Vending. Mobile Vending operations must supply, in a prominent location, trash and recycling containers sufficient in size to collect all waste and recyclables generated by customers and staff of the Mobile Vending operation. All trash and debris surrounding any Mobile Vending operation shall be collected by the Mobile Vendor and deposited in their trash or recycle container and removed from the site by the Mobile Vendor.
- g) Noise and Nuisance. Mobile Vendors shall obey all applicable laws prohibiting excess noise or other nuisance.
- h) Sales to Vehicle Occupants Prohibited. Mobile Vendors may not sell to persons in vehicles on streets or roads.

Section 7 Prohibited locations and Reservations

Unless otherwise designated by marked areas approved by the Commission:

- 1) a) Mobile Vending is prohibited at the following locations:
- o Second Avenue from Church Street to the Shelby Street Pedestrian Bridge
 - o 4th Avenue from Union Street to Broadway Avenue
 - o 5th Avenue from Union Street to Korean Veterans Boulevard
 - o Broadway Avenue from 1st Avenue to 6th Avenue
 - o Shelby St. Pedestrian Bridge
 - o Commerce Street from 2nd Avenue North to 6th Avenue North.
 - o Union Street from 1st Avenue N to 6th Avenue North
 - o Church Street from 1st Avenue North to 6th Avenue North
 - o Demonbreun Street
 - o 21st Avenue from Wedgewood Avenue to Magnolia Boulevard

Mobile Vending is prohibited in public alleys

** Possible *
* Belcourt
from 21st Ave
to 24th Aves*

** also Acklen; however, there are no rest.
on that side of Ack.*

- Authorize Stop on Ewing Creek Rd. at Tuckahoe Dr.

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: September 12, 2011

EFFECTIVE: September 17, 2011

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

OTHER BUSINESS

ADJOURNMENT

There being no further business, Cpt. Brian Johnson moved to ***adjourn***, seconded by Mr. Morin and ***approved by voice vote with no opposition***. The meeting adjourned at 4:15 p.m.

Approved on this the 10th day of October, 2011.



Director
Department of Public Works



Chairperson
Traffic and Parking Commission