

TRAFFIC COMMISSION MINUTES

Mike Graft was not present (on Vacation) so Sam Ramsey called to order the Marion Traffic Commission meeting for Sept. 17th, 2019. He starts (2:06 as the Secy. Was late) with the saying of the Pledge of Allegiance and then the meeting starts. He does the Roll Call:

Roll Call:

Present:

Don Bachelor	City Council Representative
Tony Fox	Fire Department Representative
Tom Hunt	Legal Department Representative
Sam Ramsey	City Plan Director

Non-voting members:

Rhonda Pierson	Traffic Department Representative
Virgil Hartley	Traffic Commission Secretary

Absent:

Mike Graft	Chairman of Commission
David Gilbert	Police Department Representative

After Roll Call Sam asks if everyone had a chance to read last month's minutes, everyone says yes, so he asks to have a Motion to accept last month's minutes- Tony makes the motion, Don seconded, and all were in favor with no objection- motion passed to accept the August T.C. minutes.

Old Business: 3- Way Parking request (by Phil Pearson): this was on the agenda to revisit (after last month's meeting) on clarification whether there was a real need to make this intersection a 3-Way. Sam asks Phil if he had anymore to add on this he did not. Virgil mentions again that this was a posted 25 MPH Zone and that there were already "STOP FOR PEDESTRIANS IN CROSSWALK" signs on S. Carey St. Virgil says that the time he & Sam went out to investigate the area, there wasn't anything that may warrant a 3-Way Stop- 28th is already a Stop street. Also Sam adds that he had talked to the director at Tony mentions that he thought there were too many driveways (egress-ingress) in the approximate of 28th Street and the crosswalks (once they are reinstalled), Sam says that he thinks once the crosswalks are repainted there shouldn't be any problems. Sam then asks Tom what the procedure should be, Tom says that he should ask for a Motion to approve the proposed 3-Way Stop and bring it up for a vote. If there isn't a

Motion then the issue dies. With that Sam asks for a motion to approve the 3-Way Stop at S. Carey and W. 28th St.'s – there wasn't a motion the request is dead.

Next is a New Business/Public Forum on the NO PARKING ANYTIME" on W. 1st Street between S. Short St. & S. Bradner Ave. –speaking is Jeff Miller property owner/landlord of 1812 W. 1st Street: He begins that he is here to question the No Parking in the 1800 block of W. 1st St.(before the meeting he is handed a copy of the ordinance & aerial photo of the area as was the Commission member) he states that it (G.O.) reads that parking can be taken off both sides of a street if the dimension is 25 ft. or less. He asks where that taken, Virgil states that is edge of pavement (EOP) to edge of pavement (EOP). He then asks would that be inside of the curb to inside of curb and Virgil replies that it is the EOP to EOP (there are no curbs in that area). Mr. Miller then says something about measuring where the new sign was something about a good 10 feet pass what Virgil measured. Virgil tells Mr. Miller that his measurement was 22 ft., but Mr. Miller says its more than 25 ft. Virgil adds that he measured in front of his property, Mr. Miller says that is a problem as Peerless sloped and paved their parking lot and in his opinion the street should be wider then what Virgil measured. Then Mr. Miller states that if one goes to the 1700 block it is wider.

NOTE: City blocks are not necessarily uniform in width. Some maybe (Example): 30 ft. wide the next it could be 28 ft. wide, etc.

The 1800 block doesn't have curbs as it does east of Short St. thus the street (1800 blk.) is narrower. He again thinks if the measurements were taken east of Short the pavement would be wider than the 25 foot in the G.O. Virgil tries to let Mr. Miller know that the measurements don't include the area in front of the the sidewalk (on the 1800 block), it is where the street is paved (EOP). The street had been paved just in a couple of years ago. This is where Virgil measured- not to the sidewalk. Mr. Miller still is not convinced about the measurement Virgil had taken. He still thinks someone (Peerless?) paved over the City's street thus making the pavement narrower. He then asks to have this issue revisited and have Virgil re-measure the street with him present. Virgil agrees. Mr. Miller then says something about the area is now zoned 'Business,' but was once zoned 'Residential' He then states that he thinks it should be parking on both sides of w. 1st Street from Western Ave to Bradner Ave. He adds that now there is a business there it's "NO PARKING (on both sides). He continues that he isn't sure who brought this up- maybe Peerless did as their business grew and trucks got longer. He continues that in years past the people at 1812 let Peerless use the drive(apron) because Peerless would plow snow in the exchange to let the trucks back up (using his drive). He goes on to say that the drive apron had been destroyed and he had to repair it. He has asked Jeff Carson (Peerless) if they would help pay for the repair or if they were still allowed to use the drive would they (Peerless) continue to help out with the snow plowing and/or maintaining the drive, the answer he got from Mr. Carson was a 'No.' Mr. Miller continues that his renter and Peerless have been "feuding" for some time now, he goes on to say that this issue has now devalued his property because there is no on street parking (in front of the house). He adds that in his opinion the City

took parking off to help Peerless delivery trucks out and taking the parking away from the front of his property.

NOTE: there is parking in the 2 car driveway and also access to an old driveway from a house Mr. Miller torn down years ago.

Mr. Miller now is talking about the easement (I believe he is referring to the Right-of-Way) which Virgil says is 49.5' (49'-6") and Mr. Miller is saying something about 24.75' (24'-9") as if he parked off the easement he would be parked over the sidewalk is illegal and tells the Commission members that he knows darn well that the trucks Peerless has using the loading docks is parking in the easement. He feels Peerless is getting "special" treatment at the expense of his renter. He then tells the Commission that his house has been there since 1906 and was there a lot longer than Peerless (circa 1922?) and with that he wants this issue to be revisited. He then is complaining that he didn't know when these meetings are held (Traffic Commission) and why he wasn't notified on this. He wished he was notified as he would have been here and debated his views on this. He wants the street re-measured and have a solution to this. He then he brings up about Peerless having their doors open and the noise coming from them, the truckers blowing their horn (he says he thinks this is on purpose), he tells the Commission that his renter is a GM worker transferred from Michigan, works 3rd shift. He then explains that the renter is complaining of the noise coming from the delivery trucks rattling the windows, etc. He explains that the problem isn't with Peerless, but with the drivers of the delivery truck drivers. He tells the Commission that he would like to have parking reinstalled to one side of the street. Again he brings up about the devaluation of his property, then adds that if you put two cars deep in the driveway you are almost in the street. And if they have company there isn't anywhere for them to park. He explains to the Commission again that he had bought the house next doors, tore it down that's why there is an old existing concrete drive east of the house.

Mr. Miller goes on to say that the renter basically has nowhere to parks as he doesn't want them parking in the yard and that at one time this was a commercial area (he means Residential) and now the City is now catering to a Business- he says that now he can't use the area (street) and Peerless can. He then is explaining the location of Peerless's dock and his property's driveway and says something that it's obvious why Peerless built the dock and it was okay with the previous owner, but not with him. He continues that now he has the information on street width for parking he has other areas he is going to look at, but adds that will be another time. His main issue is with his renter's parking situation. He states that with potential renters not only is the noise a factor, but now it's going to be parking. He goes on to talk about other areas in the neighborhood that he has complained about like trash, etc. and can't get anything done. He continues that all his houses are clean & well kept (and he is right on this) and again he says that is where he is at on this. He brings up again that he doubts the measurements Virgil had taken because he thinks at the intersection it's wider than the 25 ft. requirement. He says something about him bring something up to vote. He then adds that he believes that the City took away the parking just so Peerless could use it for their deliveries and

thought that a less evasive measure would be having a “timed” No Parking ex.: No Parking 7:00 AM to 4:00 PM or something like that. Because Peerless has only one shift- his renter is there 24/7. Virgil says that when he was at Peerless they showed him a video of Mr. Miller’s renter once the delivery truck backs into the loading dock, pull his cars out of the garage and move his truck up so that it made it almost impossible for the driver to pull out to leave, Virgil asks Mr. Miller was that right & Mr. Miller said he didn’t know anything about this. He adds that the people at Peerless have tried to talk to this gentleman and he wasn’t too “friendly.”

NOTE: Virgil has talked to the renter and can concur that he was not very “friendly” to him either. When asked for an ID Virgil handed him his City business card and the gentleman said that his card didn’t mean anything as anyone can get these made. Virgil said that he had to walk him off- the gentleman was quite hostile.

Then Virgil rephrases his question is that ‘fair?’ Mr. Miller answers is it fair for the drivers to blow their horn and disturb his renter? He (Mr. Miller) continues that he knows that Peerless & his renter are “feuding” (Virgil agrees) and in his opinion thinks this is a civil matter not a Traffic Commission problem. He continues that they are feuding and this is the outcome. Rhonda mentions something about that the renters couldn’t park in the Easement, but Mr. Miller said that he asked Officer Leland Smith and he said it was okay. He says that when Peerless’s delivery trucks are backed into the dock, they are in fact parked in the easement. Again he doesn’t think this situation is right. Mr. Miller says this isn’t fair as his building was there since 1906 and he didn’t know when Peerless was built (it was built ~ 1922), but then he says his building is older. He then says something about the easement (again I believe he is talking about the Right-of-Way) being something about 24’-9” and if a driver could get his truck backed within that distance he is doing good. Virgil says that he’s never seen truck tire marks in the yard when Mr. Miller asks if he goes by there everyday. He again brings the fact that they (Peerless’s delivery trucks) are parked in the Easement.

NOTE: The conversation between the Secretary & Mr. Miller is a bit confusing. Mr. Miller is thinking that he is not allowed to park in the easement when in fact everyone parks in the easement/Right-of-Way. One problem is what was told to him a couple of days ago when the City erected the No Parking signs. He thinks since someone told him he couldn’t park over the sidewalk he is confused on the parking in the “easement” with “roadway.” Technically we are talking about parking in the Right-of-Way not an “easement.” This is a misconception on his part. The G.O. states:

“(A) The City Traffic Engineer, with the approval of the City Traffic Commission, may erect signs indicating no parking upon any street when the width does not exceed 25 feet or upon one side of a street as indicated by those signs when the width of the roadway does not exceed 30 feet.”
“(B) When official signs prohibiting parking are erected upon narrow streets under this section, no person shall park a vehicle upon that street.” Mr. Miller was given a copy of this also along w/an aerial photo.

Mr. Miller states that if he can't park in the easement then the delivery trucks at Peerless shouldn't be either. He claims the trucks are parked in the easement, he said "they" measured it (24'-9" ½ of the 49'-6' total for the Right-of-Way) from the centerline of the road. Again he brings up that when the trucks are parked in the loading docks they are technically parked in the easement. He adds that if it's good for him, it's good for Peerless

Tom now directs Sam that the correct procedure at this point is to ask for a Motion to reopen this issue, with that Sam (acting Chair) asks for a Motion to reopen this: Don speaks up about having this discussion last month and what had been done, Virgil says that it was that parking was taken off on both sides (of W. 1st Street), Don asks if it was accepted* and the answer was yes. Don continues in asking so that is about parking on both sides of the street. Virgil says that it is because Mr. Miller thinks the City is being unfair to him & his renters for taking the parking off the street and that he is making an issue that Peerless's delivery trucks are parking in the easement and his renters is not. He continues that he is now complaining about the noise coming from Peerless. Mr. Miller is again mentioning that if he can't park in the easement then Peerless's truck shouldn't either. Virgil says that they aren't really 'parking' in the easement they are making deliveries they are not in the roadway. This is where Mr. Miller is a bit confused. Tony agrees in the he is stating that Mr. Miller is talking about the trucks parked in the docks.

*NOTE: The Traffic Commission accepted a motion for an "acceptable recommendation" for posting "NO PARKING ANYTIME (both sides of W. 1st St.) to the Ordinance committee. This was done at the Aug. 20th meeting. It was then researched that this didn't need to be approved by Council as it was already covered in the General Ordinance (see above).

Virgil asks Mr. Miller how long do these trucks park in "easement" and or are they parking in the road. Mr. Miller said he didn't say they were blocking the streets, though he does say they are sometimes in the roadway. He brings up that "they (Peerless)" paved over the road and that was fine with him, but then Virgil asks Mr. Miller so the delivery trucks are parked in the easement and this is Mr. Millers questioning. Virgil tells Mr. Miller that the aerial shows a truck that is at the Loading Dock and is not in the easement, but was told this was not a typical tractor-trailer. Virgil questions Mr. Miller that the photo shows 5 vehicles parked at his property- Mr. Millers response was that he couldn't answer that- that maybe he and his workers were working when that aerials was taken. Don asks Rhonda what she mentioned just before Mr. Miller and Virgil were in discussion. Rhonda replies that she could put up a "NO PARKING LOADING ZONE" so that there wouldn't be a "parking in the easement" problem for Peerless's delivery trucks. Mr. Miller comments that the City is just going to circumvent this issue on the no parking on the northside of W. 1st. Rhonda replies to Mr. Miller that they aren't technically parking in the easement, he argues that they are, Rhonda disagrees. Again Mr. Miller says that is circumventing the issue- he just wants to be able to park in front of his property. Rhonda brings up with all the places Mr. Miller's renter has to park he parks right where the trucks can't maneuver in-out of the loading dock. Again Mr. Miller tells Rhonda and the Commission that the renter and people at Peerless are feuding and then ads that his renter

has the right to do so (park in the street). He states that the City took away the parking because Peerless had trouble using their loading dock. Rhonda adds that with all the space the renter had he parks where the delivery trucks have a hard time using the docks. Again Mr. Miller states that his renter had the right to park anywhere on that street, Rhonda adds now it's illegal, and Mr. Miller says that is unfair. Mr. Miller continues about Peerless parking in the easement Rhonda again says that they are not. Don then asks so now there is no parking on both sides of the street and the answer was correct. Mr. Miller is still saying that Peerless is parking in the easement and that a Police Officer had them move a truck out of it. Rhonda tries to explain that there is now no residential parking, but Mr. Miller says it's okay for a flatbed truck to park for 4-5 hours. Mr. Miller is looking at Virgil and saying that it's not funny and Virgil responds that he's right, but Mr. Miller says that Virgil is laughing and Virgil responds that now he understand what Mr. Miller is alluding to: He thinks since his renter can't park on the street why should Peerless's delivery trucks be able to. Virgil tries to explain there is a difference in residents parking versus a truck picking up/making deliveries. Virgil mentions it's semantics on the word "parking in the easement." Mr. Miller is now saying that the only reason the City has taken the parking off W. 1st Street is because Peerless can't get their trucks in and out of the loading adding in fact he states that is the only reason. Virgil says to Mr. Miller that Peerless has come over to talk to the renter and have asked if he would/could move his truck so they could get deliveries and/or get the trucks out. It was said that the renter would not and on several occasions the Marion Police had to come out to handle the situation.

Now Mr. Miller says he was out there today and the delivery trucks were honking their horns, laughing for no reason, but irritate his renter (he does work 3rd Shift). Virgil asks was it to let Peerless open the doors or what. Mr. Miller says no- it was blatant, Virgil then comments then he doesn't know why that happened. Mr. Miller then comments on the noise coming from Peerless it is an issue, but he and his renter never said anything to the people at the factory. Virgil then asks if his other renters complained about the noise coming from the factory- Mr. Miller said that they did, but he didn't say anything. Mr. Miller then comments that he will address the issue of noise to Peerless. He goes on to tell the Commission that he addressed the truck "thing" for the first couple of years and after that it was over with, he continues that he's not over there and it hadn't bothered him, but know these renters it does bother them. Mr. Miller says that now he has to do something about this- the City took away the parking just to make it easier for the delivery trucks getting in & out of Peerless. Virgil suggested that Mr. Miller put in a stone parking area, Mr. Miller suggested that "we" make Peerless move their loading dock. Virgil says they aren't going to spend a million dollars to move their docks. Mr. Miller says it wouldn't cost a million dollars w/that response Virgil says it would be a heck of a lot cheaper to put stone down in the yard to make a parking area. Mr. Miller then says why he should spend money when he had parking and now he doesn't. Someone asks how this all began and Sam is telling the Commission member that when a truck was trying to leave from making a delivery Mr. Miller's renter would get his vehicle out and parking in front of his house thus making it very difficult for the trucks to come out. (again Virgil has seen a video of this very thing happening). Mr. Miller says he didn't know on this. Mr. Miller tells the Commission that

this issue is with Peerless and his renter not with him or his property. He goes on that maybe the Police should have arrested the guy, he doesn't know. But then comments that the renter wasn't doing anything illegal. Tom now is commenting that again the proper procedure is to ask for a motion to reopen this issue- make a motion, second it and vote, if not then the motion dies this issue is over. Sam is looking at Virgil who responds that he is not a voting member, Tony motions to reopen this issue because Mr. Miller was not allowed a voice on this issue, Don seconds. Sam asks for a vote and it is a 2-2 vote (Sam & Tom being the Nay vote). Sam asks Tom what happens now, Tom responds that in a tie the motion to reopen fails. Tom asks Rhonda if she was a voting member she responds that she isn't. Tom then asks Sam then there are only 4 voting member since he was the temporary Chair, Sam says that yes- He, Tom, Don & Tony were the voting members today (4 out of 6). Sam does agree that when the City restricts parking then the property owners should be notified, someone (could not make out who) agrees, Sam continues that in the future this is something we need to look into. Sam then asks if a resident gets off the pavement then could the resident still park in front of their place as long as it's not over the sidewalk. Sam uses the example of the resident at the end of the street (1822 W. 1st St.) who Virgil says made a parking "blister." Mr. Miller says they had a sidewalk, but nobody else is sure. Sam asks Mr. Miller if the option of parking in the yard off the pavement could be an option. Mr. Miller says it could although there are a couple of trees that would have to come out. The Commission is looking at the aerials to see what Mr. Miller is saying. Tony is asking about the old driveway from a house Mr. Miller torn down. He goes on that he does own 3-4 parcels there, he then gives a brief history of some of the projects he's done- he says he has done all this without asking the City for anything. Someone is asking him (maybe Don) if he felt this was all unfair to him and not necessary to the renter, Mr. Miller replies yes he thought so.

Mr. Miller then asks who decides on taking parking off- does a Councilman or does the Commission decides on taking parking off- how does it work is his question. Sam made the motion last month as he thought this would have to go to Council (Ordinance Com.), but Tom states that in the General Ordinance it's the "City Traffic Engineer" that makes that decision after getting a "Favorable Recommendation" from the City Traffic Commission. Mr. Miller then asks would that be Mike Graft- the answer was yes as he is also the Chairman of the Commission. Sam then adds that he was here at the last meeting (Aug. 20th) when this was brought before the Commission. Mr. Miller says that he wished he was here so that he could plead his case on this issue- he believes that was what should have happened. He thinks something should have been in the paper do that some kind of a dialogue could have had happened. He adds that this is the result of two "people" feuding and questions the outcome and in his words "was all that was." Sam is saying that maybe Mr. Miller come back when Mike is back from vacation and "reopen" this discussion with a "full" members of the Commission. Tom comments that this issue as far as reopening (this meeting) has been turned down. Mr. Miller is asking then if he puts gravel in front of his rental that would be alright. Virgil answers as long as he's off the pavement and not parked over the sidewalk. Virgil mentions it has to be like the people on the corner west of him. He tells Virgil & the Commission that the only reason

they have off street parking is because they tore out the sidewalk. Virgil responds that he didn't know anything about that or when that was done. He says that there was/is a sidewalk from Short to Bradner St.'s. Sam says yes it would be okay to put in a gravel lot for parking. Mr. Miller is then explaining how the people on the corners are parking in the easements, but he can't. Virgil says everybody parks in the easement/right-of-way and Mr. Miller interrupts that he can't because he has a sidewalk again Virgil didn't know anything about a sidewalk been torn out on the corner house. He says that since he has a sidewalk he can't park in front of his building, Virgil asks the measurement from the edge of pavement to the edge of the sidewalk- the answer was about 4-5 feet. Virgil responds that is much, Mr. Miller says that is about normal and gives some examples. Virgil says that the City is trying to help him out, but that measurement isn't enough for him to get off street parking in front of his house. Mr. Miller is now explaining that there are two cars in the driveway and if the renter parks behind them his truck will be out into the street/over the sidewalk, he continues that technically there could be four spots.

Mr. Miller now gives a brief history of his place and why he is concerned about the parking. Virgil asks if he read the G.O. (along w/an aerial) he says he did , but then Virgil adds he doesn't have 30 feet for parking on one side-Virgil measured says that he measured 22 feet 3- feet shorter than required for no parking on both sides. Mr. Miller says that is not correct, Virgil says that they can get together and Mr. Miller can see where Virgil took the measurement. Mr. Miller then says the City didn't have to take parking off the south side as no body parks there anyway. Virgil says Peerless didn't care, but Mr. Miller says they do now because he (Virgil asks for a No Parking this side sign), Virgil responds that he didn't ask for anything as he didn't have anything to do with where or how these signs were to be installed. Virgil then asks who told him that he said Phil did, Virgil then asks Phil (who is in the audience) what did he (Virgil) tell them, Phil shakes his head. Virgil says he doesn't know what Mr. Miller is talking about. Rhonda says they (Peerless) didn't have any problems, Mr. Miller continues that they are parking in the easement that's where a red mark was. Sam asks for a motion to =adjourn the meeting Tony makes a motion to adjourn, Don second's, all are in favor there are no objection, the motion is accepted meeting is closed.