



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director and Special Counsel
Hannah Zeitlin, Assistant Legal Counsel
Maria Caulder, Finance Manager
Metropolitan Council Office

COUNCIL MEETING DATE: November 5, 2019

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 10/30/19:

4% Reserve Fund	\$36,758,347*
Metro Self Insured Liability Claims	\$3,551,274
Judgments & Losses	\$2,817,009
Schools Self Insured Liability Claims	\$3,327,344
Self-Insured Property Loss Aggregate	\$6,997,647
Employee Blanket Bond Claims	\$696,942
Police Professional Liability Claims	\$2,154,802
Death Benefit	\$1,648,045

*This assumes unrealized estimated revenues in FY20 of \$30,310,830.

Note: No fiscal note is included for legislation that poses no significant financial impact.

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTIONS NO. RS2019-50 THROUGH RS2019-54 – These resolutions would approve exemptions for five establishments, listed below, from the minimum distance requirements for obtaining a beer permit. The establishments and locations are as follows:

- **Resolution No. RS2019-50** (WITHERS) - Cinco De Mayo, located at 1313 Woodland Street
- **Resolution No. RS2019-51** (PARKER) - Citizen Market LLC, located at 975 Main Street, Suite 105
- **Resolution No. RS2019-52** (PARKER) - Taco's Aurora LLC, located at 975 Main Street, Suite 103
- **Resolution No. RS2019-53** (PARKER) - The Picnic Tap, located at 975 Main Street, Suite 102
- **Resolution No. RS2019-54** (PARKER) - Vui's Kitchen Hunter's LLC, located at 975 Main Street, Suite 104

The Metro Code prevents a beer permit from being issued to any establishment located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)).

A public hearing must be held by the Council prior to voting on each resolution brought under Section 7.08.090(E).

– ORDINANCES ON PUBLIC HEARING –

BILL NO. BL2019-3 (SYRACUSE, MURPHY & OTHERS) – This ordinance would authorize the Metropolitan Government to opt into the historic properties tax abatement program under state law and would establish a historic properties review board. T.C.A. § 67-5-218 authorizes local governments to establish a historic properties review board, and to establish tax abatement programs for historic properties through such board. T.C.A. § 67-5-218 further allows a property tax exemption on the value of improvements made to properties certified by a historic properties review board. The owner must agree to restore the structure in accordance with guidelines established by the board and agrees to refrain from significantly altering or demolishing the structure during the period of exemption. Such exemption would be for a period of ten years in the case of a partial or exterior restoration or improvement, and fifteen years in the case of a total restoration, as determined by the review board. At the end of the applicable period, the structure would be assessed and taxed on the basis of its full market value.

If any structure receiving a historic properties tax exemption is demolished or significantly altered during the period of exemption, the exemption of the improved value will immediately terminate and the owner would be liable at that time for any difference between the tax paid and the tax that would have been due on such improved value.

This ordinance further designates the existing Metro historic zoning commission to also serve as the historic properties review board for Nashville and Davidson County.

T.C.A. § 67-5-218 was enacted by the Tennessee General Assembly in 1976. A Tennessee Attorney General opinion from 1982 called into question the constitutionality of the statute since Article II, Section 28, of the Tennessee Constitution specifies the categories for which the General Assembly can authorize a property tax exemption. However, this statute has never been challenged in court and the statute was never repealed. At least one other jurisdiction in Tennessee has implemented the statute at the local level.

This ordinance has been approved by the Planning Commission.

BILL NO. BL2019-6 (HENDERSON) – This ordinance would amend Section 17.16.070.U., subsection 4.I.vi.(2), and Section 17.16.250.E., subsection 4.I.vi.(2), of the Metropolitan Code pertaining to the waiting period for properties found to be operating as a short term rental property (STRP) without a permit. The Code currently provides that upon a finding by the board of zoning appeals (BZA) that an STRP has operated without a permit, there shall be a waiting period of “up to one year” from the date of such finding, “as determined by the BZA” before a permit could be issued for the property. This ordinance deletes the phrase “up to” so that it would be a fixed one year waiting period before an STRP permit could be issued. This ordinance also deletes the redundant language “as determined by the BZA.”

This ordinance has been approved by the Planning Commission.

BILL NO. BL2019-7 (O'CONNELL) – This ordinance would amend Section 17.16.250.E.1 of the Metropolitan Code pertaining to STRP permits for two-family dwellings. The Code currently requires both dwellings to be under the same ownership in order for a two-family dwelling to have an STRP permit. This ordinance would create a mechanism whereby two separate STRP permits could be issued for two-family dwellings when the units are owned by different persons and each unit is the primary residence of the corresponding owner. No more than two permits could be issued per lot, and only one permit could be issued per dwelling unit.

This ordinance has been approved by the Planning Commission.

BILL NO. BL2019-8 (ROBERTS) – This ordinance would amend Section 17.20.120 of the Metropolitan Code regarding the sidewalk fund.

Currently, money collected from the payment in lieu of sidewalks is collected into a pedestrian benefit fund. The funds are required to stay in the pedestrian benefit zone from where the payment was made.

This ordinance would remove the pedestrian benefit zones and instead require funds to stay within the Council district of the new development.

It is anticipated that the sponsor will defer this ordinance pending the work of the special sidewalk committee appointed by the Vice Mayor.

The Planning Commission recommended that this ordinance be deferred indefinitely.

– RESOLUTIONS –

RESOLUTION NO. RS2019-44 (MURPHY & STYLES) – This resolution would approve an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Metropolitan Department of Public Works to establish a General Maintenance Agreement for various traffic signal devices under SMART Corridor (Phase 2) on I-24, from I-440 to State Route 10 in Murfreesboro and various connector routes. This agreement would cover the installation of radar detectors and cameras as shown in Exhibit A, attached to the agreement.

A substitute is anticipated to correct the federal project number included in the caption of this resolution.

Future amendments to the terms of this agreement may be approved by resolution. This has been approved by the Planning Commission.

Fiscal Note: TDOT would pay the entire cost for the installation of these traffic and signal devices. Metro would be responsible for maintenance and operational costs after the devices are placed in service.

RESOLUTION NO. RS2019-55 (MENDES, STYLES, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-56 (MENDES & TOOMBS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-57 (MENDES & TOOMBS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-58 (MENDES, HAUSSER, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-59 (MENDES, PULLEY, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-60 (MENDES, PULLEY, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-61 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-62 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-63 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-64 (MENDES, HURT, & STYLES) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-65 (HENDERSON, MENDES, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-66 (MENDES) – This resolution would authorize the Department of Law to settle the personal injury claim of Jessica L. Douglass against the Metropolitan Government in the amount of \$15,000.00.

On March 12, 2019, a Metropolitan Office of Emergency Management employee stopped behind Jessica Douglass's vehicle on the I-24 East off ramp at the Old Hickory Boulevard exit. The employee's foot slipped off the brake and he mistakenly put his foot on the accelerator, striking the rear of Ms. Douglass's vehicle. Her vehicle sustained rear end damage and the property damage claim was previously settled for \$2,873.23.

Ms. Douglass sought treatment for back pain, which required x-rays of her thoracic and lumbar spine. She was diagnosed with strains of the muscle fascia and lower back tendon. This required physical therapy for approximately three months. She has agreed to accept a total of \$15,000.00 in full settlement of this case, based upon \$10,995.58 for reimbursement of her medical expenses plus \$4,004.42 for pain and suffering.

The Department of Law recommends settlement of this claim for \$15,000.00.

No disciplinary action was taken against the employee.

Fiscal Note: This \$15,000.00 settlement, along with the settlements per Resolution Nos. RS2019-67, RS2019-68, and RS2019-69, would be the ninth, tenth, eleventh and twelfth payments from the Self-Insured Liability Fund in FY20 for a cumulative total of \$480,348. The fund balance would be \$3,551,274 after these payments.

RESOLUTION NO. RS2019-67 (MENDES) – This resolution would authorize the Department of Law to settle the personal injury claim of Abdulrahman Al Ammari against the Metropolitan Government in the amount of \$38,500.00.

On March 15, 2019, a Metropolitan Nashville Police Officer was responding to a call with vehicle lights and siren activated. The officer entered the intersection of East Trinity Lane and Dickerson Pike on a red traffic signal. Mr. Al Ammari was traveling north on Dickerson Pike and had a green traffic signal when he proceeded through the intersection. The officer struck Mr. Al Ammari's vehicle. Damages to his vehicle were previously settled for \$9,277.24.

Mr. Al Ammari sought treatment for pain in his neck, hand, and back. He required x-rays and a CT scan and was ultimately diagnosed with a cervical strain. He additionally suffered from ankle pain and swelling and was diagnosed with ligament sprains of the cervical, thoracic, and lumbar spine. He has agreed to accept a total of \$38,500.00 in full settlement of this case, based upon \$26,527.19 for reimbursement of his medical expenses plus \$11,972.81 for pain and suffering.

The Department of Law recommends settlement of this claim for \$38,500.00.

Disciplinary action against the employee consisted of a three day suspension and written reprimand.

Fiscal Note: This \$38,500.00 settlement, along with the settlements per Resolution Nos. RS2019-66, RS2019-68, and RS2019-69, would be the ninth, tenth, eleventh and twelfth payments from the Self-Insured Liability Fund in FY20 for a cumulative total of \$480,348. The fund balance would be \$3,551,274 after these payments.

RESOLUTION NO. RS2019-68 (MENDES) – This resolution would authorize the Department of Law to settle the personal injury claim of Douglas E. Doss against the Metropolitan Government in the amount of \$18,000.00.

On November 13, 2018, a Metropolitan Nashville Police Department employee was driving toward White Bridge Pike from the Lions Head Village business complex. The employee attempted a U-turn and struck the side of Douglas E. Doss's vehicle. Mr. Doss's vehicle sustained damage to the entire left side, and the property damage claim was previously settled for \$6,167.49.

Mr. Doss sought treatment for should, lower back, and neck pain, as well as frequent headaches. He was diagnosed with craniocervical junction syndrome, post-traumatic headache, and cognitive impairment. He has agreed to accept a total of \$18,000.00 in full settlement of this case, based upon \$11,403.94 for reimbursement of his medical expenses plus \$6,596.06 for pain and suffering.

The Department of Law recommends settlement of this claim for \$18,000.00.

Disciplinary action against the employee consisted of a written reprimand.

Fiscal Note: This \$18,000.00 settlement, along with the settlements per Resolution Nos. RS2019-66, RS2019-67, and RS2019-69, would be the ninth, tenth, eleventh and twelfth payments from the Self-Insured Liability Fund in FY20 for a cumulative total of \$480,348. The fund balance would be \$3,551,274 after these payments.

RESOLUTION NO. RS2019-69 (MENDES) – This resolution would authorize the Department of Law to settle the personal injury claim of Sir McCutcheson against the Metropolitan Government in the amount of \$12,500.00.

On January 25, 2019, a Metropolitan Nashville Police Officer rear ended a vehicle driven by Mr. McCutcheson at a red light. The force of the impact pushed Mr. McCutcheson's vehicle into the rear of the car in front of him. Mr. McCutcheson's vehicle sustained front and rear end damage, and a property damage claim was previously settled for \$3,589.26.

Mr. McCutcheson sought treatment for lower back, right rib, and left shoulder pain, which required x-rays. He was diagnosed with lumbosacral strain, left shoulder strain, strain of the thoracic spine, and rib injury. He has agreed to accept a total of \$12,500.00 in full settlement of this case, based upon \$7,936.43 for reimbursement of his medical expenses plus \$4,563.57 for pain and suffering.

The Department of Law recommends settlement of this claim for \$12,500.00.

Disciplinary action against the employee consisted of a suspension of 30 days. The officer involved submitted his resignation.

Fiscal Note: This \$12,500.00 settlement, along with the settlements per Resolution Nos. RS2019-66, RS2019-67, and RS2019-68, would be the ninth, tenth, eleventh and twelfth payments from the Self-Insured Liability Fund in FY20 for a cumulative total of \$480,348. The fund balance would be \$3,551,274 after these payments.

RESOLUTION NO. RS2019-70 (HANCOCK, MENDES, & HAGAR) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-71 (MENDES, PULLEY, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-72 (MENDES, PULLEY, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-73 (MENDES & PULLEY) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-74 (MENDES, MURPHY, & OTHERS) – This resolution would authorize the execution of an option agreement for the purchase of a flood-prone property located at 724 Hite Street, consisting of approximately .22 acres. Section 2.24.250.F of the Metropolitan Code authorizes the Director of Public Property to negotiate the purchase of property and to obtain from property owners an option to sell at a fixed price, subject to the approval of the Council by resolution.

The proposed option has been approved by the Planning Commission.

Fiscal Note: The purchase price for this property would be \$206,000, which is the appraised value of the property.

RESOLUTION NO. RS2019-75 (MURPHY, HENDERSON, & OTHERS) – This resolution would approve an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Metropolitan Department of Public Works for a Signal Maintenance Agreement.

TDOT would assist Metro by installing pedestrian overhead signals and upgrading existing pedestrian signal equipment on State Route 1 (Murfreesboro Road) from Division Street to near Vultee Boulevard. Metro would agree to cooperate with TDOT during the installation and upon completion of the installation, Metro would accept and maintain these devices.

Future amendments to the terms of this agreement may be approved by resolution. This agreement has been approved by the Planning Commission.

Fiscal Note: TDOT would pay the entire cost for the installation and upgrade of these signal devices. Metro would be responsible for maintenance and operational costs after the devices are placed in service.

RESOLUTION NO. RS2019-76 (MENDES & HENDERSON) – See attached grant summary spreadsheet.

RESOLUTIONS NO. RS2019-77 THROUGH RS2019-80 - These resolutions would authorize the construction, installation, and maintenance of aerial encroachments at four separate locations:

- **Resolution No. RS2019-77** (O'CONNELL, MURPHY, & HENDERSON) would authorize 4Pant, LLC to install one projecting sign, measuring 2 feet by 3 feet at 201 4th Avenue North.

- **Resolution No. RS2019-78** (O'CONNELL, MURPHY, & HENDERSON) would authorize Matts 123 LLC, *dba* Mattheessen's to install one projecting sign measuring 49 inches by 105.5 inches at 123 2nd Avenue North.
- **Resolution No. RS2019-79** (O'CONNELL, MURPHY, & HENDERSON) would authorize 119 South LLC to install one projecting sign measuring 127.47 inches by 93 inches at 121 3rd Avenue South.
- **Resolution No. RS2019-80** (O'CONNELL, MURPHY, & HENDERSON) would authorize Complexion Nashville, PLLC to install one projecting sign measuring 35.5 inches by 35.5 inches at 158 Rosa I Parks Boulevard.

In each instance, the resolution requires the applicant to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and further requires the applicant to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

In each case, Metropolitan Government retains the right to pass resolutions or ordinances regulating the use of surrounding streets, including the right to construct and maintain utilities, and to order the relocation of facilities at the expense of the applicant. Metro further retains the right to repeal approval of the encroachments without liability.

The plans for each encroachment must be submitted to the Director of Public Works for approval, along with all work and materials; and the installation, when completed, must be approved by the Director. Construction of the signs must be carefully guarded and must be completed promptly, so as to cause the least inconvenience to the public.

These proposals have each been approved by the Planning Commission.

RESOLUTION NO. RS2019-81 (ROSENBERG) – This resolution would approve the election of 353 Notaries Public in accordance with state law. Per Rule 27 of the Metro Council Rules of Procedure, the Davidson County Clerk has advised that each of the applicants meets the qualifications for the office.

– ORDINANCES ON SECOND READING –

BILL NO. BL2019-4 (SLEDGE) – This ordinance, as amended, would amend Chapter 6.04 of the Metropolitan Code of Laws (MCL) to prohibit aerial advertising.

The ordinance would amend MCL Chapter 6.04, relative to advertising signs and other advertising methods, to add a new provision to prohibit aerial advertising. Under this propose Section 6.04.030, aircraft or other self-propelled or buoyant airborne object would be prohibited from displaying any sign or advertising device. “Sign” or “advertising device” would be defined to include “a poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol or any other form of advertising sign or device.” This prohibition would not apply to the display of an identifying mark or trade name affixed to the exterior of the body of an aircraft, any advertisements solely visible within the interior of an aircraft, or an advertisement placed on or attached to any ground, building or structure (which would instead be governed by other applicable law).

Additionally, the ordinance would relocate existing provisions of Chapter 6.04 regarding the exemptions of various Metropolitan Government departments and agencies from provisions of the Chapter. The “conflict of provisions” section in Section 6.04.060 would be updated to reflect the relocation of these provisions. Further, the term “advertising device” would be added to existing language within Chapter 6.04 for consistency with the new Section 6.04.030.

A similar ordinance from Honolulu, Hawaii has been upheld by the Ninth Circuit Court of Appeals as not being preempted by federal law and not in violation of the First Amendment to the United State Constitution.

BILL NO. BL2019-12 (MENDES, HAGAR, & OTHERS) – This ordinance would approve a lease between the Metropolitan Government and the Sports Authority of the Metropolitan Government for a community ice hockey and skating recreation complex located at One Bellevue Place.

Pursuant to the terms of the lease agreement, Metro would lease the community ice hockey and skating recreation complex to the Sports Authority, to be operated by the Sports Authority as an ice rink open to the public for sporting and recreational purposes. The initial term of the agreement would be 30 years, effective February 1, 2019. After this initial term, the lease could be extended for an additional term of not more than 30 years, upon written notice of the Sports Authority to Metro. After the extension is exercised, the lease could be extended for an additional 15 years, upon written notice of the Sports Authority to Metro. The Sports Authority would pay an annual nominal rent of ten dollars on or before July 1 of each calendar year, which is typical for such intergovernmental leases.

The Sports Authority has entered into a separate facility management and use agreement (the “Agreement”) with a subsidiary of the Nashville Predators (Mid-Ice, LLC, referred to in this analysis as the “Manager”), for the day-to-day operation of the facility. This arrangement is modeled after

the Ford Ice Antioch facility, which is also operated by the Manager. The Agreement is for a term of seven years, which may be extended for subsequent terms of seven years each. The Agreement required the Manager to make a \$3 million capital contribution toward the cost of the facility, which has been paid. The Manager will be paid an annual management fee based upon the amount of the revenue generated at the facility. The Sports Authority would retain a certain amount of the revenues dependent upon amount of net operating income. The Council Office has been informed that the Sports Authority intends to use their portion of the revenue for future long-term capital needs at the facility.

The Manager will be responsible for all operating costs of the facility, including utilities, janitorial, maintenance, HVAC, electrical, mechanical, and plumbing systems at the facility. The manager is also required to maintain liability insurance for the facility, and is required to indemnify the Sports Authority and the Metropolitan Government for all claims associated with the operation of the facility.

There is a proposed amendment that would:

1. Incorporate the Agreement into the lease,
2. Reflect that any assignment of the lease by the Sports Authority requires Council approval,
3. Terminate the lease automatically if the Agreement ever terminates,
4. Make the lease term coincide with the term of the Agreement, and
5. Clarify that Metro is not responsible for paying any utilities.

This agreement has been approved by the Planning Commission. Future amendments to the lease agreement may be approved by a resolution receiving 21 votes.

Fiscal Note: Metro would receive an annual rent of ten dollars for the term of this agreement.

BILL NO. BL2019-30 (MURPHY) – This ordinance would amend Chapter 16.04 of the Metropolitan Code of Laws (MCL) regarding the use of barbed wire fencing.

Currently, barbed wire and razor wire fencing is prohibited along sidewalks within the Urban Services District, pursuant to MCL Section 13.32.120. However, a single strand of barbed wire may be stretched on top of any fence over seven feet high.

This ordinance would amend MCL Section 16.04.200.B, which also contains regulations regarding barbed wire fencing, to include a reference to the already existing requirements in MCL Section 13.32.120. In addition, this ordinance would add a new requirement to prohibit barbed wire and razor wire fencing in the Urban Zoning Overlay District along arterial and collector roadways, as defined by the adopted Major & Collector Street Plan.

BILL NO. BL2019-31 (MURPHY & STYLES) – This ordinance would amend Chapter 16.04 of the Metropolitan Code of Laws (MCL) to require a fence permit for all permanent fences to be constructed in Nashville and Davidson County.

The ordinance under consideration would require all new fences to obtain a permit issued by the Department of Codes Administration. Codes would determine all associated fees for the fence permit. This fence permit requirement would not apply to temporary construction fencing, temporary tree protection fencing, temporary festival fencing, fencing around a place of incarceration, or to any fence located on property zoned AR, AG, R80, or RS80. Fences constructed prior to the adoption of this ordinance would be exempt from the fence permit requirements.

BILL NO. BL2019-33 (MENDES, HANCOCK, & OTHERS) – This ordinance amends the low-income elderly resident property tax relief program to increase the income eligibility limits in accordance with state law. T.C.A. § 5-9-112 authorizes county legislative bodies to appropriate funds for the purpose of providing assistance to low-income elderly residents in the county on an annual basis, based on the particular needs of eligible recipients. Additionally, T.C.A. § 67-5-702 provides that the general funds of the state shall be paid to certain low-income taxpayers 65 years of age or older necessary to pay or reimburse such taxpayers for all or part of their local property taxes. For many years, Metro has provided a double match of the state funds for the program.

In June 2019, the Council approved Ordinance No. BL2019-1626 to establish the low-income elderly property tax relief program for fiscal year 2019-2020. This program has been in existence for many years, but must be extended annually since the funds for the program are appropriated on an annual basis. The fiscal year 2019-2020 operating budget ordinance appropriated \$3.9 million for this program.

The State of Tennessee recently amended the annual income threshold for eligibility to participate in the tax relief program from \$29,270.00 to \$29,860.00. This ordinance simply amends the program to reflect the revised income cap. All persons who qualify for the state property tax relief program and whose income does not exceed the state-mandated cap of \$29,860 annually will qualify for this program.

BILL NO. BL2019-34 (SYRACUSE, MURPHY, & OTHERS) – This ordinance approves an amendment to an existing conservation easement and accepts a temporary construction easement to be used in connection with the development of the Opry Mills Connector greenway. RHP Corporate Properties, LLC (“RHP”) owns property that is subject to a conservation easement held by Metro for use in connection with the construction of the greenway. The parties propose amending the conservation easement to substitute a new description of the easement area. In addition, RHP proposes to grant Metro a temporary construction easement to provide a construction working area and for erosion control. The term of the construction easement is for three years or until the date of completion, whichever is sooner.

This ordinance approves the amended conservation easement and the temporary construction easement. There is no cost to Metro associated with the acquisition of these easements. The revised conservation easement area is 1.98 acres, and the construction easement area is 1.85 acres. Future amendments to the easements may be approved by resolution of the Metropolitan Council.

The property interests to be accepted by this ordinance have been approved by the Parks Board and the Planning Commission.

BILL NO. BL2019-35 (MURPHY) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning Alley Number 377 right-of-way and easement. This abandonment has been requested by Kimley-Horn, applicant.

This has been approved by the Traffic and Parking Commission and the Planning Commission.

BILL NO. BL2019-36 (MURPHY) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning Alley Number 691 right-of-way and easement. This abandonment has been requested by Dale and Associates, applicant.

This has been approved by the Traffic and Parking Commission and the Planning Commission.

BILL NO. BL2019-37 (SLEDGE & MURPHY) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning Alley Number 402 right-of-way. This abandonment has been requested by Ragan Smith Associates, applicant.

This has been approved by the Traffic and Parking Commission and the Planning Commission.

BILL NO. BL2019-38 (O'CONNELL & MURPHY) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley Number 413 right-of-way and easement. This abandonment has been requested by Illume Nashville, LLC, applicant.

This has been approved by the Traffic and Parking Commission and the Planning Commission.

BILL NO. BL2019-39 (MURPHY & BENEDICT) – This ordinance would authorize the negotiation and acceptance of permanent and temporary easements for the Stratford Avenue Stormwater Improvement Project for 21 properties located along Stratford Avenue, McChesney Avenue, Gallatin Pike and Katherine Street.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: There is no cost to Metro for the easements and property rights.

BILL NO. BL2019-40 (MURPHY) – This ordinance would abandon existing public water main and easements and accept new public sewer and water mains, sanitary sewer manholes and a fire hydrant assembly and easements for property located at 910 Robinson Road.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2019-41 (TAYLOR & MURPHY) – This ordinance would abandon existing easement rights on property located between Felicia Street to Alley Number 945, formerly known as 30th Avenue North. The abandonment has been requested by Andrea L. Hayes, owner.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

– ORDINANCES ON THIRD READING –

BILL NO. BL2019-1 (SLEDGE, O’CONNELL, & STYLES) – This ordinance, as amended, would amend the Metropolitan Code of Laws to increase parking related fines to \$25.

Currently, Metropolitan Code of Laws Sections 1.01.030 and 12.08.170 set out the fines for parking violations. Parking at a meter without depositing payment, or parking at a meter where payment has expired, results in a fine of \$10. Parking at a meter for a consecutive period of time longer than the limited time permitted at the meter results in a fine of \$15. All other parking violations result in a fine of \$10.

The ordinance under consideration would increase the fine for violations regarding parking meters, overtime at parking meters, and all other parking infractions to \$25. It has been at least nine years since the parking fines were last increased. BL2010-793 was the last ordinance to set the fines. As amended, this ordinance would take effect on December 1, 2019 to coincide with the purchase of new parking tickets to avoid unnecessary printing costs.

Fiscal Note: The parking fine would increase from \$10 to \$25 for violation regarding parking meters; \$15 to \$25 for violation regarding overtime at parking meters; \$15 to \$25 for all other parking infractions.

BILL NO. BL2019-2 (SLEDGE) – This ordinance would amend Metropolitan Code of Laws Section 2.212.030 to modify the valuation limits for the blighted property grant program.

Metropolitan Code of Laws Section 2.212.030 sets forth an economic development incentive grant program for construction or rehabilitation of facilities on blighted property. The program was modeled after state legislation that allows local governments to make grants directly to developers who invest in blighted property “to encourage the repair, rebuilding and renovations of existing facilities and structures in neighborhoods whose stability depends upon the elimination of blight and the upgrading of structural needs of a facility.” (T.C.A. § 7-51-1901, *et seq.*)

The existing program provides that grant funds can only be used for the purpose of constructing or rehabilitating the exterior portions of commercial property located within eligible census tracts and having a property value not to exceed \$1,000,000 at the time a grant application is made to ECD, based upon the appraised value of the property as determined by the Metropolitan Assessor of Property. Construction or rehabilitation must exceed \$10,000. Eligible census tracts are those where at least sixty-five percent of households are at or below eighty percent area median income (AMI). This grant program is managed by the Mayor’s Office of Economic and Community Development, which awards grants on a first-come-first-served basis.

The ordinance under consideration would add a provision to allow the property value of a site to be prorated for the purposes of determining eligibility if a single tenant undertakes construction or rehabilitation on a portion of a multi-tenant blighted commercial property.

BILL NO. BL2019-5 (HENDERSON) – This ordinance would amend Section 13.08.025 of the Metropolitan Code of Laws relative to honorary street signs.

Currently, MCL Sec. 13.08.025 states “A member of council shall not sponsor more than one ordinance in each calendar naming an honorary street for which the costs of the signs are to be borne by the department of public works.” This ordinance would simply add the word “year” after the word “calendar”.

BILL NO. BL2019-9 (MENDES) – This ordinance would approve a lease agreement between the Metropolitan Government and the Metropolitan Airport Authority for Luton Center. This property is used to provide space for the operation of an Emergency 911 center.

The term of the lease would be five years, with two successive options for Metro to extend the term for an additional period of one year. Until the lease is approved by the Council, Metro will pay a monthly installment of \$5,665.25. Upon the approval of this lease, the annual rent will be \$136,458.00, payable in monthly installments of \$11,371.50. Rental amounts would increase by 3% each year.

The Planning Commission approved the lease agreement on June 12, 2019. Future amendments to this lease could be approved by a resolution receiving twenty-one votes.

Fiscal Note: Metro will pay the annual rent of \$136,458.00, payable in monthly installments of \$11,371.50 for the first year and would increase by 3% each year.

BILL NO. BL2019-10 (MENDES, GAMBLE, & VERCHER) – This ordinance would approve a contract between the Metropolitan Government and the United Way for the continuation of the Nashville Financial Empowerment Center. The Financial Empowerment Center provides one-on-one financial counseling and other financial education activities at no charge to low income residents.

Metro was the recipient of a grant from Bloomberg Philanthropies for the purpose of operating the financial empowerment program through December 2015. Ordinances No. BL2016-387, BL2017-869, and BL2018-1313 have extended the Nashville Financial Empowerment Center for one year terms.

The term of this contract would be from July 1, 2019 through June 30, 2020. The United Way would conduct a minimum of 2,160 counseling sessions during this period. At least three full-time (or equivalent) counselors would be retained and supervised to provide these services.

Fiscal Note: Metro would pay the United Way an amount not to exceed \$250,000, which would include all labor, overhead, profit, and expenses.

BILL NO. BL2019-13 (HURT & PULLEY) – This ordinance would approve a contract between the Nashville Fire Department (NFD) and Vanderbilt University Medical Center for the clinical training of Vanderbilt resident physicians. Residents would be assigned to the NFD Division of Emergency Medical Services. The resident physicians would not be considered employees of Metro and would not receive any compensation from Metro.

The term of this agreement would be five years from July 1, 2019 through June 30, 2024 but may be terminated by either party upon 30 days written notice.

Fiscal Note: There would be no cost to Metro for services performed under this agreement. Vanderbilt University Medical Center (VUMC) would procure and maintain for the term of this agreement comprehensive general and professional liability insurance for its personnel who may participate in this agreement.

BILL NO. BL2019-14 (VANREECE & HENDERSON) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by changing the name of Worth Street to “Creative Way”.

This has been approved by the Planning Commission and the Emergency Communications Board.

Pursuant to the requirements of MCL Section 13.08.015.B, the Historical Commission is required to provide a report to the Council prior to third reading stating the historical significance, if any, associated with the existing street name. A copy of the Historical Commission report is attached to this analysis.

BILL NO. BL2019-15 (HURT, O’CONNELL, & VERCHER) – This ordinance would establish the honorary designation of “Rev. James C. Turner Way” for a portion of Hawkins Street, between 14th Avenue South and 13th Avenue South.

The portion of Hawkins Street, in front of New Hope Missionary Baptist Church, would be honorarily named for Rev. James Chunn Turner, Sr., the fourth past of that church. Rev. Turner, who passed away in 2013, was also an active member of the Missionary Baptist State Convention of Tennessee and the National Baptist Convention of America, Inc. He further served as the Chaplain of the Davidson County Sheriff’s Department.

Section 13.08.025 of the Metro Code of Laws provides a procedure for the designation of honorary street signs whereby the Council, by ordinance, can authorize and direct the Department of Public Works to install two (2) honorary street signs per street – at each end of a street – beneath the official street name sign for any street identified on the official Street and Alley Centerline Layer map. No honorary street sign can be installed honoring a living person; and each member of council can sponsor only one such ordinance each calendar year.

Neither this ordinance, nor honorary street names in general, officially re-name the designated street. Therefore, there would be no change of official address for properties along this portion of Hawkins Street.

Fiscal Note: Pursuant to MCL Sec. 13.08.025, the Department of Public Works will absorb the costs for making and installing up to five honorary street sign designations per calendar year. Any additional honorary signs after these first five must identify a specific funding source for the new signs. This honorary designation would be the third in 2019.

The total cost for installation of these two signs is anticipated by Public Works to be \$173.15.

BILL NO. BL2019-16 (HAGAR & HENDERSON) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Unnumbered Alley right-of-way and easement, located along Alley Number 1140 between Charlotte Avenue and Trevor Street. The abandonment has been requested by Barge Cauthen and Associates, applicant.

This has been approved by the Traffic and Parking Commission and the Planning Commission.

BILL NO. BL2019-17 (BENEDICT & HENDERSON) – This ordinance would abandon existing sanitary sewer main, sanitary sewer manhole and easements for three properties located at 1307 McGavock Pike and 2300 and 2302 Riverside Drive.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2019-18 (MURPHY & HENDERSON) – This ordinance would authorize the negotiation and acceptance of permanent and temporary easements for the West End Place Stormwater Improvement Project for 22 properties located on Bowling Avenue, Central Avenue, Greenway Avenue, and West End Place.

This ordinance has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: There is no cost to Metro for the easements and property rights.

BILL NO. BL2019-19 (HENDERSON) – This ordinance would authorize the negotiation and acceptance of permanent and temporary easements for the Tusculum Road Stormwater Improvement Project for 13 properties located on Old Tusculum Road and Tusculum Road.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: There is no cost to Metro for the easements and property rights.

BILL NO. BL2019-20 (PARKER & HENDERSON) – This ordinance would abandon existing sanitary sewer easement rights for property located at 110 North 1st Street. The abandonment has been requested by Sensing Enterprise, owner.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2019-21 (MURPHY & HENDERSON) – This ordinance would abandon existing sanitary sewer main and easements and accept new sanitary sewer main, sanitary sewer manholes, and easements for property located at 3964 Woodlawn Drive.

This has been approved by the Planning Commission. Future amendments to this ordinance may be approved by resolution.

GRANTS LEGISLATION – NOVEMBER 5, 2019

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2019-55	<p>From: Davidson County Mental Health and Veteran’s Court Assistance Foundation</p> <p>To: Davidson County General Sessions Court</p>	Not to exceed \$85,445.00	\$0	N/A	The grant proceeds would be used to supplement employee salaries and assist in providing direct assistance to Veteran’s Treatment Court participants.
RS2019-56	<p>From: Tennessee Department of Mental Health and Substance Abuse Services</p> <p>To: Davidson County General Sessions Court</p>	Increase by \$50,000.00	\$0	N/A	<p>This would approve the first amendment to a grant contract approved by RS2019-1779.</p> <p>This would increase the grant amount from \$10,000 to \$60,000. Grant proceeds are used to provide Tennessee Certified Recovery Court Program (TCRCP) collection of participant data utilizing the Tennessee Web-based Information Technology System (TN-WITS) to assist the State in meeting federal reporting requirements.</p>

<p>RS2019-57</p>	<p>From: Tennessee, Department of Mental Health and Substance Abuse Services</p> <p>To: State Trial Courts</p>	<p>Increase by \$50,000.00</p>	<p>\$0</p>	<p>N/A</p>	<p>This would approve the first amendment to a grant contract approved by RS2019-1778.</p> <p>This would increase the grant amount from \$450,000 to \$500,000. Grant proceeds are used to provide the Tennessee Certified Recovery Court Program (TCRCP) to enable the establishment of adult and juvenile drug court programs to address the needs of non-violent offenders.</p>
<p>RS2019-58</p>	<p>From: Metropolitan Housing Trust Fund Commission</p> <p>To: Mending Hearts</p>	<p>N/A</p>	<p>N/A</p>	<p>Extend term by eight months</p>	<p>This would approve the first amendment to a grant contract approved by RS2017-965.</p> <p>The term of the agreement would be extended from no greater than 24 months to no greater than 32 months. The grant proceeds are used for the express purpose of constructing affordable housing.</p>
<p>RS2019-59</p>	<p>From: U. S. Department of Justice</p> <p>To: Office of Family Safety</p>	<p>\$200,000</p>	<p>\$0</p>	<p>October 1, 2019 through September 31, 2021</p>	<p>The proceeds from this Enhancing Language and Other Access to Services grant would be used to enhance language access services for crime victims in order to break down barriers that prevent individuals from reporting crimes.</p>

RS2019-60	From: Tennessee Department of Mental Health and Substance Abuse Services To: Office of Family Safety	Not to exceed \$92,179.00	\$0	October 1, 2019 through September 31, 2020	The grant proceeds would be used for the Tennessee Human Trafficking Court Program (THTCP) Cherished Hearts which considers the needs of victim-Defendants and seeks to address those needs.
RS2019-61	From: Tennessee Department of Health To: Metropolitan Board of Health	Not to exceed \$305,800.00	\$0	July 1, 2019 through June 30, 2020	The grant proceeds would be used to promote the proper use of all recommended vaccines, and respond to vaccine-preventable diseases in collaboration with the CDC and other partners.
RS2019-62	From: U.S. Department of Health and Human Services To: Metropolitan Board of Health	Increase by \$22,899.00	\$0	N/A	This would approve the first amendment to the Healthy Start Initiative – Eliminating Racial/Ethnic Disparities Grant approved by RS2019-1697. The grant amount would be increased from \$ \$1,070,000 to \$1,092,899. Grant proceeds are used to provide a variety of services in reducing infant mortality for pregnant and parenting women.
RS2019-63	From: U.S. Department of Housing and Urban Development To: Metropolitan Social Services Department Homeless Impact Division	\$150,000	\$0	N/A	The grant proceeds would be used to contribute to the national effort to end homelessness. This supersedes RS2019-42, adopted at the October 15 meeting, which mistakenly included references to MDHA.

RS2019-64	<p>From: Dorothy Cate and Thomas F. Frist Foundation</p> <p>To: Metropolitan Nashville Social Services Commission, Metro Homeless Impact Division</p>	\$10,000.00	\$0	N/A	The grant proceeds would be used to benefit the How's Nashville Program.
RS2019-65	<p>From: Friends of Warner Parks</p> <p>To: Metropolitan Parks and Recreation Department</p>	Not to exceed \$25,000.00	\$0	N/A	The grant proceeds would be used to provide a sand bin and port-o-let field blinds at the Percy Warner golf course.
RS2019-70	<p>From: Jarvis Signs</p> <p>To: Metropolitan Parks and Recreation Department</p>	Not to exceed \$1,261.79	\$0	N/A	The grant proceeds would be used to provide a memorial sign in honor of Metro Police Officer Eric Mumaw near the Neely's Bend boat ramp in Peeler Park.
RS2019-71	<p>From: U.S. Department of Justice</p> <p>To: Metropolitan Nashville Police Department</p>	Not to exceed \$250,000.00	\$133,039.00	N/A	The proceeds from this DNA Capacity Enhancement and Backlog Reduction (CEBR) Program grant would be used to assist in the purchase of DNA laboratory processing software to increase the efficiency and effectiveness of the Forensic Biology Unit.

<p>RS2019-72</p>	<p>From: U.S. Department of Justice</p> <p>To: Metropolitan Nashville Police Department</p>	<p>Not to exceed \$481,585.00</p>	<p>\$0</p>	<p>October 1, 2018 through September 30, 2020</p>	<p>The proceeds from this Edward Byrne Memorial Justice Assistance Grant (JAG) would be used for specialized training and equipment to ensure personnel maintain needed certifications for criminal investigation and crime reduction initiatives.</p>
<p>RS2019-73</p>	<p>From: Tennessee Department of Finance and Administration</p> <p>To: Metropolitan Nashville Police Department</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>This would approve the fifth amendment to a grant contract approved by RS2015-1543.</p> <p>This amendment would replace Attachment A, the Grant Project Cover Sheet, and Attachment A-1, the Grant Budget. The grant terms would not change. The grant proceeds are used Metropolitan Nashville Police Department</p>
<p>RS2019-76</p>	<p>From: Keep Tennessee Beautiful</p> <p>To: Metropolitan Public Works Department</p>	<p>Not to exceed \$6,000.00</p>	<p>\$0</p>	<p>N/A</p>	<p>The grant proceeds would be used for additional litter prevention activities.</p>

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Metropolitan Historical Commission
Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970

To: Metropolitan Council
From: Metropolitan Historical Commission, Staff
Date: October 24, 2019
Re: BL2019-14

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by changing the name of Worth Street to “Creative Way.” (Proposal Number 2019M-001SR-001).

As mapped, the subject road, Worth Street, runs from Briarville Road east to Lewis Road. Currently, only about half of the mapped route has been constructed. As built, Worth Street runs from Briarville Road east to the intersection with Ellington Place, primarily serving as an extended entrance to the Ellington Place Condominiums located to its south (Figures 1 and 3). The mapped segment of Worth Street intended to run from the intersection with Ellington Place east to Lewis Road remains unbuilt. All units in the Ellington Place Condominiums maintain Ellington Place addresses; there are no addresses on Worth Street.

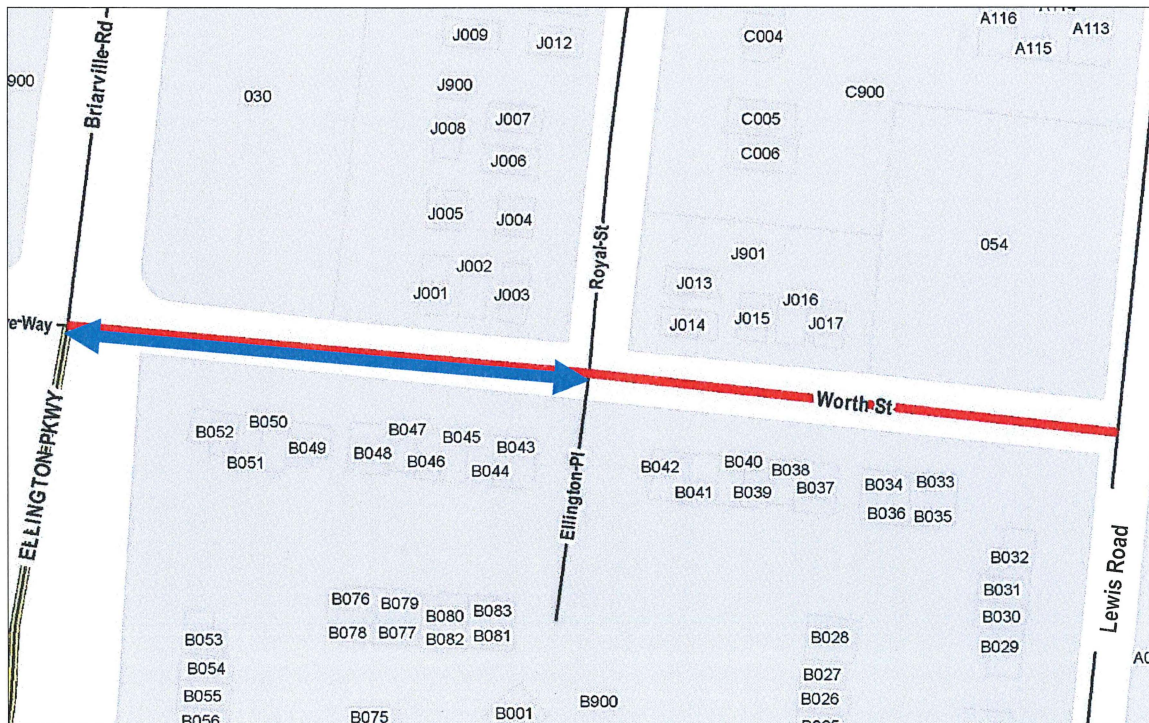


Figure 1: Red line indicates mapped route of Worth Street. Blue line (with arrows) indicates built segment.

Deeds for properties adjacent to Worth Street refer to a common plat, the *Subdivision of the Herbert Anderson Tract, Part of the N.O. Love Estate*, recorded on May 17, 1913.¹ Worth Street does not appear on this plat, but the road does appear on subsequent re-subdivisions of the Anderson property. Over thirty years after the recording of the Anderson subdivision, Worth Street appears on the unrecorded plat for *E.E. Russell's Subdivision of Lots Nos. 14-15-16-17 of the Herbert Anderson Tract as of record in Book 421, page 37 R.O.D.C.*, drawn in July 1947.² On this plat, Worth Street is mapped as a 50' wide road running from Briarville Road east to Lewis Road, crossing Royal Street at its midway point. This route is similar to the route shown in Figure 1.

Although Worth Street was mapped by 1947, the road remained unbuilt for at least thirty more years, as noted on the plat for *Subdivision of B.F. and P. Properties*, recorded on October 5, 1978.³ Worth Street appears on this plat, which subdivided property located at the northeast corner of the Briarville Road and Worth Street intersection, but a parenthetical notation alongside it indicates that the road, now mapped as 40' wide, is “unbuilt.”

Several more years passed before construction of Worth Street finally began. Worth Street appears on the *Subdivision Plat for Ellington Place Condominiums*, recorded on February 28, 1986 (Figure 2).⁴ On this plat, Worth Street runs from Briarville Road east to a stub intersection with Royal Street (Figure 3).⁵ Unlike the route shown on *E.E. Russell's Subdivision*, it does not continue to Lewis Road, which is labeled as “Not Open” on the plat. According to the Assessor of Property's online records, units in the Ellington Place development were built in 1986.

With the road finally built, Metro Nashville Public Works accepted Worth Street for maintenance on February 27, 1987.⁶ Metropolitan Council approved amendments to the Official Street and Alley Acceptance and Maintenance Map, which included the acceptance of Worth Street, by Ordinance No. 088-175 on March 15, 1988.⁷ Mayor Bill Boner approved the ordinance on March 18, 1988.⁸

¹ *Subdivision of the Herbert Anderson Tract, Part of the N.O. Love Estate*, recorded on May 17, 1913, Plat Book 421, Page 37, RODC.

² *E.E. Russell's Subdivision of Lots Nos. 14-15-16-17 of the Herbert Anderson Tract as of record in Book 421, page 37 R.O.D.C.*, unrecorded plat 2289, dated July 8, 1947, L.D. Justice, Surveyor. Filed in Misc. Plat Book 4, Page 8, accessed through Metropolitan Planning Department's digital files. Also called “Russell Heights” in subsequent deeds.

³ *Subdivision of B.F. and P. Properties*, Subdivision No. 78-344-G, recorded on October 5, 1978, Plat Book 5200, Page 95, RODC.

⁴ *Ellington Place Condominiums*, Subdivision No. 85-527-G, recorded on February 28, 1986, Plat Book 6250, Page 829, RODC.

⁵ As of July 2019, Royal Street does not intersect Worth Street. Like Worth, the mapped segment remains only partially built.

⁶ Per email correspondence with Metro Nashville Public Works, July 19 and 22, 2019.

⁷ Ordinance 088-175 approved the maintenance map for all streets accepted by Metro Nashville Public Works between October 1986 and September 1987. Per email correspondence with Metro Nashville Public Works, July 19 and 22, 2019.

⁸ Metropolitan Clerk's Office, Digital Records.

The historical record (deeds, plats, etc.) does not indicate the origin of the name “Worth.”

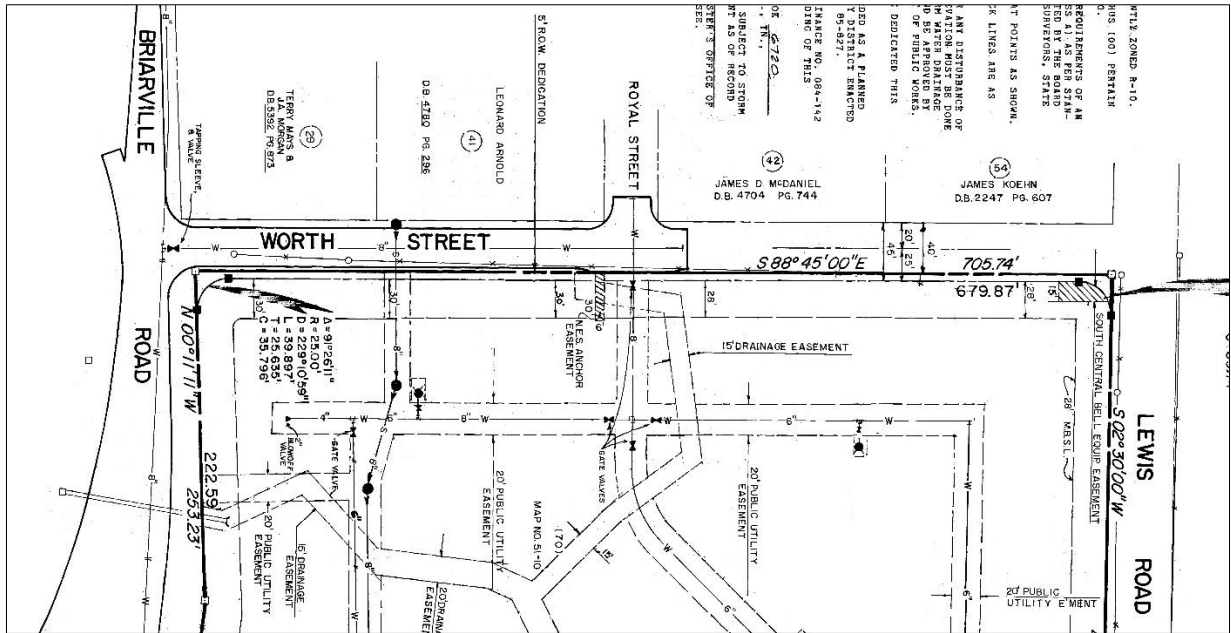


Figure 2: Subdivision Plat for Ellington Place Condominiums, 1986.

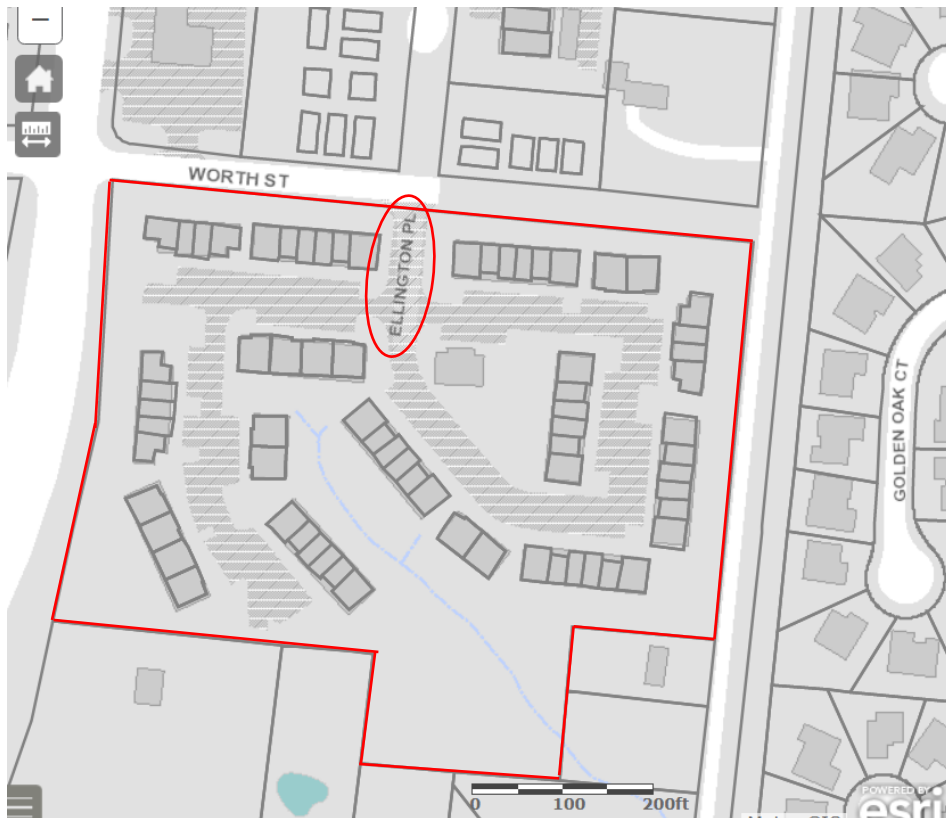


Figure 3: Parcel map of Ellington Place Condominiums, October 23, 2019. Ellington Place circled in red.