



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: June 16, 2020

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 6/10/20:

4% Reserve Fund	\$18,600,037*
Metro Self Insured Liability Claims	\$2,117,069
Judgments & Losses	\$2,611,158
Schools Self Insured Liability Claims	\$3,353,980
Self-Insured Property Loss Aggregate	\$8,054,069
Employee Blanket Bond Claims	\$712,262
Police Professional Liability Claims	\$2,063,250
Death Benefit	\$1,664,350

*This assumes unrealized estimated revenues in FY20 of \$3,762,651

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

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTION NO. RS2020-331 (SLEDGE) – This resolution approves an exemption for Saint Elle, located at 1420 3rd Avenue South, from the minimum distance requirements for obtaining a beer permit.

The Metro Code of Laws (MCL) 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)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

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

RESOLUTION NO. RS2020-357 (WITHERS) – This resolution approves an exemption for Vinyl Tap, located at 2038 Greenwood Avenue, from the minimum distance requirements for obtaining a beer permit.

The Metro Code of Laws (MCL) 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)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

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

– RESOLUTIONS –

RESOLUTION NO. RS2020-358 THROUGH RS2020-360 – These three resolutions adopt new pay plans for the employees of the Metropolitan Government -- with the exception of the Board of Education -- to take effect July 1, 2020. The primary effect of these resolutions would be to continue the respective pay plans at the fiscal year 2020 levels. The pay plans do not include increment pay or an increase for open range employees except for three employee classifications. The Civil Service Commission recommended increasing the base salary for Park Police Sergeant by 7.1%, and recommended increasing the base salary for the first two levels of emergency communication center employees by 9% and 3%, respectively.

The pay plan also includes the new positions of Environmental Compliance Supervisor and Water Quality Supervisor. These positions are the subject matter of BL2020-289 on third reading.

Per section 12.10 of the Metropolitan Charter, pay plans may not be amended by the Council except by making uniform modifications of all employment grades (because the relationship between pay grades must remain the same under the Charter). The pay plan amendments have been approved by the Civil Service Commission, the Finance Director, the Board of Health, and the Mayor.

There will be an amendment offered for the pay plans to reinstate increments and provide a 1% cost-of-living-adjustment (COLA) for employees consistent with the Budget & Finance Committee Chair's substitute budget.

The proposed pay plans are as follows:

- **Resolution No. RS2020-358** (MENDES) approves the pay plan for general employees of the Metropolitan Government;
- **Resolution No. RS2020-359** (MENDES) approves the pay plan for the Board of Health employees; and
- **Resolution No. RS2020-360** (MENDES) would approve the pay plan for employees of the Fire and Police departments.

RESOLUTION NO. RS2020-361 (MENDES & HURT) – This resolution would repeal the longevity pay for Metro employees for fiscal year 2021. Longevity pay has been paid for many years as an incentive for employees to remain in the service of Metro Government and in recognition of their service. Under the longevity program, the amount of the annual payment is increased based upon an employee's years of service with Metro. The program was amended in 2017 to move up the payment date from December to November.

This resolution essentially suspends the longevity payment until November 2021, which will save \$3,929,600 for fiscal year 2021.

RESOLUTION NO. RS2020-362 (MENDES) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-363 (MENDES & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-364 (MENDES) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-366 (MENDES & ALLEN) – This resolution authorizes the mayor to submit Amendment Six to the Action Plan for Community Development Block Grant (CDBG) Disaster Recovery funds to complete recovery efforts resulting from the May 2010 flood.

Immediately following the flood, the Metropolitan Government and the Metro Development and Housing Agency (MDHA) sought to reallocate approximately \$6 million in previously awarded CDBG funds to assist homeowners affected by the flood. MDHA also entered into an agreement with Metro to spend an additional \$5 million in anticipation of federal funds. In February 2011, the US Department of Housing and Urban Development (HUD) made \$10,731,831 in funds from the 2010 federal supplemental appropriations act available to Metro for disaster recovery. Subsequently, HUD released an additional \$22,357,982 of CDBG disaster recovery funds to Metro in August 2011, which was adopted in the first amendment. This brought the total allocation to \$33,089,813. The plan for the CDBG disaster recovery funds has been amended four additional times (RS2011-1671), 2013 (RS2013-711), 2014 (RS2014-1193), and in 2018 (RS2018-1091), which provided further clarification of the proposed activities in the CDBG and reallocated funds from activities that had been canceled or closed due to other existing activities.

This resolution would approve the sixth amendment to the CDBG disaster recovery action plan reallocating \$1,043,418.50 from the Homeowner and Rental Rehab Loan and Grant programs to be used for new construction of single-family affordable housing. The total allocation of \$33,089,813 would remain the same.

A public comment period for this amendment was open between April 20 and April 30, 2020. No written comments were submitted during the public comment period.

RESOLUTION NO. RS2020-368 (MENDES, PULLEY, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-369 (MENDES, HURT, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-370 (MENDES, HURT, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-371 (MENDES, HURT, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-372 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-373 (MENDES, HURT, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-374 (MENDES, HURT, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-375 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-376 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-377 (MENDES, HURT, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-378 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTIONS NO. RS2020-379, RS2020-380 & RS2020-381 (MENDES, MURPHY, & HENDERSON) – These resolutions approve facility encroachment agreements between CSX Transportation, Inc. (“CSX”) and the Metropolitan Department of Water and Sewerage Services (“MWS”) to construct, use, and maintain sanitary sewer line in the railroad right-of-way along Hurricane Creek. The resolutions approve the following:

- **Resolution No. RS2020-379** – MWS will install one thirty-inch diameter sub-grade pipeline crossing and will pay CSX \$10,800 for the application review fee, railroad protective liability, and the license fee.
- **Resolution No. RS2020-380** – MWS will install one twenty-eight-inch diameter sub-grade pipeline crossing and will pay CSX \$10,300 for the application review fee, railroad protective liability, and the license fee.
- **Resolution No. RS2020-381** – MWS will install one eight-inch diameter sub-grade pipeline crossing and will pay CSX \$8,300 for the application review fee, railroad protective liability, and the license fee.

RESOLUTION NO. RS2020-382 (HENDERSON) – This resolution is an annual housekeeping matter required by state law to formally classify all public roads in Davidson County. (Tennessee Code Annotated § 54-10-103).

By adoption of this resolution, roads and alleys listed on the Official Street and Alley Acceptance and Maintenance Map, as approved by Ordinance No. BL2019-96 under Proposal Number 2019M-002OT-001 and as supplemented by the public county road list attached to the resolution, would officially be classified as public roads.

RESOLUTION NO. RS2020-383 (JOHNSTON, MENDES, & OTHERS) – This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation (“TDOT”) and the Metropolitan Department of Public Works for signal maintenance.

TDOT would install a traffic signal under Road Safety Audit Review (RSAR) at I-65 Intersection at State Route 255 (Harding Place), Northbound Ramp, Exit 78 (Ramp Queue Project). 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 of this traffic signal. Metro would be responsible for maintenance and operational costs after the device is placed in service.

RESOLUTION NO. RS2020-384 (WELSCH, MENDES, & OTHERS) – This resolution approves Amendment 1 to an agreement between the Tennessee Department of Transportation (TDOT) and the Metro Department of Public Works for the acceptance of work in connection with construction of a Complete Street on State Route 1 (Murfreesboro Road) from I-24 Ramp to Foothill Drive. The original agreement was approved by Resolution No. RS2017-634.

The amendment increases the estimated cost of the project from \$3,904,000 to \$4,102,500. The federal government would remain responsible for 80% of the funding and Metro would remain responsible for 20% of the funding. The reason for the increase is due to more defined levels of project design and future right-of-way impacts within the Murfreesboro Road project limits as a result of the completed NEPA works. Additional changes would include new language in accordance with applicable state law and policy which allows Metro to use TDOT's Local Programs procured On-Call Consultants for the provision of engineering and design related services or right-of-way acquisition services. The recitals of the resolution state that this change will expedite the procurement of consultants, expedite the overall project timeline, and streamline the payment of the local match to TDOT.

Fiscal Note: The total cost of the project is estimated to be \$4,102,500. \$3,282,000 (80%) of this amount would be paid by the federal government. The remaining \$820,500 (20%) would be paid by Metro.

RESOLUTION NO. RS2020-385 (O'CONNELL, MURPHY, & HENDERSON) – This resolution authorizes Nashville Underground, LLC to construct, install, and maintain an aerial encroachment located at 105 Broadway. The encroachment comprises one double-faced, illuminated, projecting sign.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party. The applicant must also hold the Metropolitan Government harmless from all claims connected with the installation.

The 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 encroachment without liability.

Plan for the 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.

The encroachment's construction must be carefully guarded and must be completed promptly, so as to cause the least inconvenience to the public.

This proposal has been approved by the planning commission.

Ordinance No. O98-1393 authorized Metro to enter agreements such as this with CSX for water and sewer line construction by resolution.

Fiscal Note: Metro Water Services would pay CSX a total of one-time nonrefundable License and Insurance fee of \$29,400 for these resolutions to be paid from Fund No. 47410, Business Unit 65490164.

– ORDINANCES ON SECOND READING –

SUBSTITUTE BILL NO. BL2020-147 (MURPHY) – This ordinance, as substituted, amends Chapter 2.196 of the Metro Code regarding lobbyist registration and disclosure. Various changes would be made to update the ordinance to resemble the state law governing lobbyists who conduct business at the state level. This includes updating definitions, creating a category of volunteer lobbyists, and adding specific complaint procedures.

The annual filing fee for lobbyists would be increased from \$50 to \$100. Persons who do not receive any compensation for services, other than reimbursement of actual expenses for more than ten days per calendar year, would be categorized as volunteer lobbyists. These volunteer lobbyists would be required to register with the Metro Clerk but do not have to pay the annual filing fee.

Specific complaint procedures would be added. Complaints would be filed with the Clerk. The Department of Law would review and evaluate the complaint and make a recommendation to the Board of Conduct. The Board of Conduct would further evaluate the complaint and make a recommendation for what action, if any, would be taken against the person who is the subject of the complaint. Available penalties would include a suspension from registration as a lobbyist for up to two years, or referral to the district attorney or department of law for further action. Violations of the chapter would be punishable by a fine of up to \$50 per day, per violation.

Lobbyists would not be allowed to receive compensation contingent on a particular outcome. A lobbyist would be required to identify themselves when speaking at a public hearing, presenting, speaking at community meetings, or engaging in lobbying activities. The definition of “lobbyist” would be amended to include any person who engages in lobbying “in the course of their regular employment.”

The current lobbyist registration ordinance was first adopted in 1991 and has not been significantly updated since.

Fiscal Note: There are currently 240 lobbyist registrations listed on the Metro Clerk’s website. At the current \$50 rate, that equates to \$12,000 in revenue. If the rate is increased to \$100 and there are the same level of registrations going forward, the revenue would increase to \$24,000.

BILL NO. BL2020-235 (MENDES, HENDERSON, & OTHERS) – This ordinance amends Sections 2.62.040 and Metropolitan Code Section 12.56.170 to increase special event and parade permit fees. These fees were last increased in 2016. The current special event permit fees consist of a \$230 application fee plus a \$100 administrative fee for events within the Right-of-Way Permit High Impact Area (“HIA”) (as defined in Metropolitan Code Section 13.20.030.D.1), and a \$50 administrative fee for events outside of the HIA. For parades, there is currently a \$100 administrative fee for events within the HIA, and a \$50 administrative fee for events outside of the HIA.

This ordinance adopts new fee schedules based upon anticipated attendance.

For a special event being held within the HIA:

Expected Attendees	Application Fee	Administration Fee
Less Than 100	\$250.00	\$100
100 - 299	\$500.00	\$100
300 - 499	\$1,100.00	\$100
500 or Greater	\$2,300.00	\$100

For events being held outside of the HIA:

Expected Attendees	Application Fee	Administration Fee
Less Than 100	\$100.00	\$50
100 - 299	\$250.00	\$50
300 - 499	\$500.00	\$50
500 or Greater	\$1,100.00	\$50

For a parade within the HIA:

Expected Attendees	Application Fee	Administration Fee
Less Than 100	\$200.00	\$100
100 - 299	\$400.00	\$100
300 - 499	\$800.00	\$100
500 or Greater	\$1,600.00	\$100

For a parade event being held outside of the HIA:

Expected Attendees	Application Fee	Administration Fee
Less Than 100	\$100.00	\$50
100 - 299	\$200.00	\$50
300 - 499	\$400.00	\$50
500 or Greater	\$800.00	\$50

BILL NO. BL2020-276 (HALL, VERCHER, & OTHERS) – This ordinance would amend Title 5 of the Metropolitan Code to impose an impact fee on development. Impact fees are monetary amounts paid by developers at the time a development commences that are designed to offset the impact the development will have on government services and infrastructure. Pursuant to this ordinance, any person who constructs a new residential development or commercial building within Davidson County would be required to pay an impact fee in the amount of \$1,500 for each residential unit and \$5,000 for each commercial building. The impact fee would be collected by the Codes Department at the time of application for a building permit for development. All impact fee revenue collected would be required to be used as follows:

- 60% for Metropolitan Nashville Public Schools capital projects. Of this 60% collected, 40% of that amount is to be used for capital improvements to schools identified as a Priority School by the State of Tennessee.
- 40% for public infrastructure projects, including, but not limited to, streets, roads, sidewalks, bikeways, water/sewer facilities, solid waste facilities, and transportation/transit facilities.

The Council Office is of the opinion that this ordinance is inconsistent with the 2006 Tennessee County Powers Relief Act (CPRA) (codified as T.C.A. § 67-4-2901, *et seq.*), and thus cannot be implemented in Davidson County. While there was a state public act from 1988 regarding impact fees that other counties used to implement impact fees, that act predated the CPRA. The 1988 public act has essentially been preempted by the CPRA, which provides that “after June 20, 2006, no county shall be authorized to enact an impact fee on development or a local real estate transfer tax by private or public act.” (T.C.A. § 67-4-2913). Since Metro did not have an impact fee enacted prior to 2006, Metro cannot rely on the 1988 public act.

In order to be eligible to enact an impact fee under the CPRA, Metro must meet one of the following:

1. The county experienced a growth rate of 20% or more in total population from the 1990 federal census to the 2000 federal census, or any subsequent federal decennial censuses; or
2. The county experienced a 9% or more increase in population over the period from the year 2000 to 2004, or over a subsequent four-year period, according to United States census bureau population estimates.

To date, Metro has not met the population increase thresholds articulated in the state law. In addition, a court would likely find there is not a sufficient nexus between the development paying the impact fee and the use of the funds.

At the sponsor’s request, the Council Office prepared a substitute for this bill to address the legal concerns noted above. The substitute is consistent with the state enabling legislation prepared by the Department of Law. Further, the substitute provides that the bill will only become effective upon approval of the state enabling legislation. As provided in the state enabling legislation draft, the amount of the impact fee would be \$1.00 per gross square foot of residential development and \$2.00 per gross square foot of non-residential development.

Fiscal Note: As originally drafted, for new construction, Metro will receive \$1,500 for a residential unit and \$5,000 for commercial building for impact fees.

BILL NO. BL2020-297 (ROBERTS & HENDERSON) – This ordinance abandons existing public water main easement and accepts a new fire hydrant assembly for property located at 5320 Centennial Boulevard.

This has been approved by the planning commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Abandoned and donated easements have no market value according to the Department of Water Services.

BILL NO. BL2020-300 (BENEDICT & BRADFORD) – This ordinance amends Section 9.30.010 of the Metropolitan Code to further restrict construction noise. The Code currently prohibits construction noise in excess of 70 decibels, except for emergency work, between the hours of nine p.m. and six a.m. This ordinance would extend those quiet hours to between seven p.m. and seven a.m.

BILL NO. BL2020-301 (ROSENBERG, HURT, & BRADFORD) – This ordinance amends Section 10.18.010 of the Metropolitan Code to prohibit smoking on playgrounds. Metro has the authority pursuant to T.C.A. § 39-17-1551 to regulate the use of tobacco products in buildings owned or leased by Metro and on hospital grounds. MCL Section 10.18.020 currently exercises that authority by prohibiting smoking inside all Metropolitan Government buildings and outdoor amphitheaters. Smoking is also currently prohibited in all non-enclosed areas of public spaces where smoke can infiltrate into a Metropolitan Government building.

The bill under consideration would add a new smoking restriction for playgrounds as a result of the recent enactment of 2020 Tennessee Laws Pub. Ch. 529 (S.B. 9), which allows local governments to prohibit smoking on the grounds of government-owned playgrounds by adopting an ordinance approved by a two-thirds vote of the local legislative body.

This ordinance will require 27 votes on third reading in order to comply with the state enabling legislation.

BILL NO. BL2020-302 (MURPHY) – This ordinance amends Section 13.08.015 of the Metropolitan Code pertaining to the report from the Planning Commission and the Emergency Communications District Board for proposed changes to street names. Section 13.08.015 currently requires the planning commission and emergency communications district (ECD) board to provide the council with a recommendation approving or disapproving the proposed street name change at least one week prior to the third reading of the ordinance changing the name.

This ordinance would prohibit any action by the Council on second reading until the planning commission and ECD have provided a recommendation or 60 days has passed from the date the ordinance was forwarded by the metropolitan clerk to the planning commission and the ECD board.

A similar change was approved by Ordinance No. BL2019-110 in January 2020 to require the written report from the historical commission regarding the historical significance of the street name to be provided to the Council prior to consideration on second reading instead of third reading.

BILL NO. BL2020-303 (PULLEY) – This ordinance approves the enrollment of the Metropolitan Nashville Police Department in the CARFAX Investigative Tools Program and CARFAX Crash Report Distribution Platform.

MNPD would agree to provide to CARFAX all public record motor vehicle accident reports that are created or collected by MNPD that it is permitted to provide. MNPD would authorize CARFAX to include any and all non-personal information in the accident data in the Vehicle History Service database. MNPD would authorize CARFAX to include any and all information, including personal information, in the Crash Report Center database.

In exchange for the provision of accident data provided by MNPD, CARFAX would grant MNPD a subscription to the CARFAX databases. The Vehicle History Database provides access to CARFAX vehicle history reports, QuickVIN, VINAlert, Partial License Plate Search and other investigative services. The Crash Report Center Database allows access to motor vehicle accident reports provided to CARFAX by other law enforcement agencies and any information contained in those reports. The agreement notes that, pursuant to the Federal Driver's Privacy Protection Act, personal information contained in the reports can only be used by MNPD to "(i) to carry out its functions; (ii) in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, or performance monitoring of motor vehicles; (iii) in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State or local court; (iv) to provide notice to the owners of towed or impounded vehicles; or (v) for any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety."

The term of this agreement begins from the date on which MNPD first provides accident data to CARFAX in a form and format that allows it to upload the data into the CARFAX databases and would continue for one year. The agreement would automatically renew for up to five additional one-year terms until either party provides the other party 90 days written notice prior to any renewal date. MNPD could terminate its subscription to any of the CARFAX services and/or databases upon 30 days written notice to CARFAX.

Fiscal Note: There is no cost to Metro to participate in the CARFAX program.

BILL NO. BL2020-304 (WITHERS, MURPHY, & OTHERS) – This ordinance amends the official Geographic Information Systems Street and Alley Centerline Layer by renaming a portion of Summer Place between South 4th Street and South 5th Street to “Jerry Newson Way”.

This street name change request was submitted by Councilman Brett Withers, applicant, at the request of Sheriff Daron Hall. Jerry Newson was a Davidson County Sheriff’s Department deputy who was killed in the line of duty on September 22, 1995, while attempting to serve a warrant. This section of Summer Place is adjacent to the new Sheriff’s Department headquarters.

This has been approved by the planning commission and referred to the emergency communications district board. A recommendation from both is required before third reading.

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 second reading stating the historical significance, if any, associated with the existing street name. A copy of the report is attached to this analysis.

BILL NO. BL2020-305 (MENDES, MURPHY, & HENDERSON) – This ordinance accepts the donation of certain properties located on West Hamilton Avenue from Piedmont Natural Gas and approves the conveyance of easements across certain other properties to Piedmont.

Piedmont owns four parcels of property located on West Hamilton Avenue. Metro owns twenty-four parcels located on West Hamilton Avenue. All parcels are flood-prone and the Metro properties were obtained and cleared of structures in order to mitigate area flood risks. Piedmont seeks to install underground gas lines and other equipment across both the Piedmont and Metro parcels and has requested fifty-foot utility easements across the Metro properties. In exchange for these easements, Piedmont proposes to donate the four Piedmont properties to Metro, while retaining fifty-foot utility easements across these four properties. The Metro properties and Piedmont properties are of approximate equal value.

An appraisal report is attached to the ordinance and values the right-of-way easements along the Metro-owned parcels along West Hamilton Avenue at approximately \$102,190. A second appraisal report attached to the ordinance values the four Piedmont properties at approximately \$103,800.

Fiscal Note: The appraised value of the donated easement is \$102,190 on West Hamilton Avenue. The appraised value of the conveyed easements for the four Piedmont properties is \$103,800.

BILL NO. BL2020-306 (ROSENBERG) – This ordinance readopts the Metro Code prepared by Municipal Code Corporation to include all ordinances enacted on or before December 20, 2019.

BILL NO. BL2020-307 (MURPHY & HENDERSON) – This ordinance abandons existing sanitary sewer main, a sanitary sewer manhole and easements and accepts new sanitary sewer main, sanitary sewer manholes and easements for properties located at 3717 West End Avenue and 101 Leonard Avenue.

This has been approved by the planning commission. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: This ordinance has no cost to Metro. Abandoned and donated easements have no market value according to the Department of Water Services.

BILL NO. BL2020-308 (CASH, MURPHY, & HENDERSON) – This ordinance authorizes Vanderbilt University to install, construct, and maintain underground encroachments in the right-of-way at 2525 West End Avenue. The encroachments consist of an enhanced crosswalk with inground lighting.

Vanderbilt University has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments and would be required to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This proposal has been approved by the planning commission.

BILL NO. BL2020-309 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes SMH Holdings, LLC to install, construct, and maintain underground encroachments in the right-of-way at 1708 Pearl Street. The encroachments consist of an inground irrigation system.

Vanderbilt University has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments and would be required to provide a \$10 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This proposal has been approved by the planning commission.

– ORDINANCES ON THIRD READING –

SECOND SUBSTITUTE BILL NO. BL2019-48 (ROSENBERG, YOUNG, & OTHERS) – This ordinance, as substituted, amends the home occupation requirements in Section 17.16.250.D of the Metro Code.

The current provisions allow for a home occupation if no clients or patrons are served on the property and if no more than one employee (part-time or full-time) not living at the home is employed by the business. Other requirements prohibit causing a nuisance, certain limitations on mechanical and electrical equipment, and regulations on the storage of materials and goods on the premises. Permits are currently required for all home occupations.

The ordinance under consideration would remove the prohibition on serving clients on the premises and would instead allow no more than three vehicle trips per hour, with a maximum of six visits per day related to the business. Customer visits could only occur by scheduled appointment and between the hours of 8 a.m. and 7 p.m. Monday through Saturday. Only certain occupations would be permitted, including personal instruction, general office, personal care services, multimedia production, and artisan manufacturing uses. Permits would be required of all home occupations, except those where no customers are served on the property and any employees live within the dwelling. Permits would not be transferable or assignable, and a permit could be revoked upon three or more verified complaints within a calendar year.

This ordinance received a tie vote at the planning commission and, as a result, was given no recommendation.

SUBSTITUTE BILL NO. BL2019-78 (SLEDGE) – This ordinance requires a minimum distance for a new Short Term Rental Property - Not Owner-Occupied from churches, schools, daycares, and parks. No new STRP permit could be located less than 100 feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground, unless, after a public hearing, a resolution receiving 21 affirmative votes is adopted by the Council. The distance would be measured in a straight line from the closest point of the property line for which the STRP is sought to parcel line of the property on which the religious institution, school or its playground, park, or licensed daycare center or its playground are located.

Public notification of the public hearing would be required in accordance with Chapter 17.40 of the Metro Code. Public notice would be mailed to all property owners within 600 feet of the unit seeking the exemption not later than 14 days prior to the date of the public hearing. The costs of notification would be paid by the applicant.

This proposed minimum distance requirement is similar to the distance requirements applicable for the issuance of a beer permit.

This ordinance has been approved by the Planning Commission.

SUBSTITUTE BILL NO. BL2020-187 (PULLEY & JOHNSTON) – This ordinance, as substituted and amended, transfers Nashville’s Short Term Rental Property (STR) code provisions from Title 17 to Title 6, and establishes a Short Term Rental Appeals Board to hear and decide appeals from decisions made by the zoning administrator regarding STR permits. This ordinance was filed at the request of the Department of Codes Administration to relieve the burden on the board of zoning appeals, which has seen its docket clogged with STR appeals in recent months.

This ordinance does not make any substantive changes to the STR conditions, regulations, and restrictions. It just moves those provisions under the business licensing and regulation title of the Metro Code. The ordinance also establishes a Short Term Rental Appeals Board consisting of seven members to hear appeals of zoning administrator decisions. One member of the board would be a member of the Metro Council selected by the body from its membership to serve for a term of two years. The remaining six members would be appointed by the mayor and confirmed by a majority vote of the Council. Of the remaining six members, at least one must be an attorney. The board would be required to meet at least once a month, but could hold special meetings as necessary. The board would have jurisdiction to uphold, reverse, or modify in whole or in part the zoning administrator’s decision regarding STR permit issuance or revocation for all permits eligible for review.

As amended, this bill will still require a public hearing to be held before the Metropolitan Council prior to making any future changes to the STR regulations. Since the regulations would be moved out of Title 17, a public hearing would not otherwise be required by law.

This ordinance has been approved by the planning commission.

SUBSTITUTE BILL NO. BL2020-188 (HENDERSON) – This ordinance, as substituted, amends Chapters 13.08, 13.12, and 17.20 of the Metro Code to require all driveways to have an apron to be paved with a hard surface and to prohibit the runoff of gravel into the public rights-of-way. The purpose of this ordinance is to address the problems associated with gravel washing into the public rights-of-way from rainstorms and general use, which presents a hazard to pedestrians and cyclists.

This ordinance would require all driveways constructed or modified to the point of requiring a new driveway authorization application after July 1, 2020 to have an apron to be paved with a hard surface from the edge of street pavement to the edge of the right-of-way or 10 feet, whichever is greater. If the distance exceeds 10 feet, the Chief Engineer would have the authority to permit an alternate design. The design and construction of this required apron must not impede any drainage way. The ordinance also makes it a code violation for a property owner to allow gravel to wash or encroach into the right-of-way.

This ordinance has been approved by the planning commission.

BILL NO. BL2020-223 (MURPHY) – This ordinance, as amended, amends section 7.16.110 of the Metro Code to provide a mechanism for retail liquor establishments to obtain an exemption from the minimum distance requirements for obtaining a certificate of compliance upon approval of the Council by resolution. Although retail liquor stores are primarily regulated under state law, T.C.A. § 57-3-208 requires liquor store applicants to obtain a certificate of compliance signed by the mayor stating that the applicant hasn't been convicted of a felony within the past ten years and that the store complies with local location restrictions. Section 7.16.110 of the Metro Code generally prohibits liquor stores from being located within 50 yards of a private residence or a branch of the Nashville Public Library on the same side of the street as the proposed retail store, within 100 yards of any place of worship, or within 200 yards of a school or college campus.

This ordinance would allow a waiver from these location restrictions upon approval of a Council resolution after a public hearing in the same manner that waivers of the beer permit distance requirements for restaurants are approved. In considering the resolution, the Council would take into consideration (a) the unique characteristics of the property at issue, (b) whether the granting of an exemption will be injurious to other property or improvements in the area, and (c) whether the granting of an exemption will be detrimental to the public welfare. Notice of the public hearing must be sent by mail to all property owners within 600 feet of the proposed liquor store seeking the exemption from the minimum distance requirements not later than 14 days prior to the scheduled public hearing on the resolution. Further, posting of a public notice sign meeting the general requirements of Section 17.40.730 of the Metropolitan Code must be posted on the property at least 14 days prior to the scheduled public hearing. The costs for the public notification requirements are to be paid by the applicant. The applicant would coordinate the scheduling of the public hearing with the metropolitan clerk's office prior to the filing of the resolution and notify the district Councilmember within five days of submitting the request for a distance waiver.

The Council Office would note that while Metro has had a mechanism for providing a waiver of beer distance requirements for many years, court decisions have called into question whether allowing exceptions to a distance requirement could compromise enforcement of the distance requirements against future applicants. The Tennessee Court of Appeals has stated "discriminatory enforcement of a distance rule, once established, prohibits reliance upon the rule as a valid ground for the denial of a beer permit." *Boyd's Creek Enterprises, LLC v. Sevier Cty.*, 362 S.W.3d 600, 604 (Tenn. Ct. App. 2010).

BILL NO. BL2020-227 (WITHERS, MENDES, & OTHERS) – This ordinance authorizes the grant of permanent and temporary construction easements to Piedmont Natural Gas Co. on property owned by the Metropolitan Government. The easements would be across a portion of Shelby Park located at 2009 Sevier Street. The easement would be used for the purposes of installing a new natural gas line and above ground improvements to upgrade and improve service to the area. Piedmont has agreed to pay \$225,000 as compensation for this easement, reflecting fair market compensation for the easements.

Fiscal Note: Metro will receive \$225,000 for the conveyance of these easements which represents the fair market value of the easements.

BILL NO BL2020-230 (PARKER, MURPHY, & OTHERS) – This ordinance amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government by abandoning a portion of Alley #312 from N. 9th Street to Alley #278, between N. 9th Street and Neil Avenue. This closure has been requested by Rick Wells. Metro will retain all utility easements within the rights-of-way to be abandoned. Future amendments to the ordinance may be approved by resolution. This ordinance has been approved by the planning commission and the traffic and parking commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works department, abandoned right-of-way has no market value when the Department has agreed that the abandoning of said right-of-way is considered acceptable. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.

SUBSTITUTE BILL NO. BL2020-277 (SYRACUSE) – This ordinance, as substituted, amends Section 17.40.660 of the Metropolitan Code to allow nonconforming structures destroyed during the March 3, 2020 tornado to rebuild, regardless of the percentage of floor area destroyed. Section 17.40.660 currently provides that nonconforming structures damaged as a result of a natural disaster may be reconstructed if the damage was to less than fifty percent of its total floor area or less than fifty percent of the building value. The March 3 tornado destroyed some older homes that were nonconforming because the setback requirements have changed since the home was constructed.

This ordinance would allow nonconforming structures damaged or destroyed by the March 3, 2020, tornado to be reconstructed so long as there is not a substantial increase in the degree of non-conformity, regardless of the percentage of floor area damaged or destroyed.

BILL NO. BL2020-285 (STYLES, TOOMBS, & OTHERS) – This ordinance, as amended, requires employees of all businesses allowed to operate under an order of the Metropolitan Director of Health interfacing with the public to wear appropriate face coverings. These face coverings must comply with guidelines from the CDC.

The Amended and Restated Order No. 3 of the Metropolitan Director of Health dated April 1, 2020, known as the “Safer at home Order” (the “Order”), required all businesses not performing essential services to close their business facilities in order to help reduce the spread of COVID-19. This Order expired on May 8, 2020 and was replaced with Order No. 5 outlining Phase One of Metro’s “Roadmap to Reopening” plan. Additional businesses have been allowed to operate under this new order.

An April 3, 2020 CDC guidance recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain.

This ordinance requires all employees of businesses allowed to operate under an order of the Metropolitan Director of Health to wear cloth face coverings whenever these employees have face-to-face contact with the public. Workers at construction sites are also required to wear cloth face coverings when more than one worker is present. It also clarifies that these masks must conform to CDC guidelines.

The Metro Department of Health is empowered to enforce this ordinance, and fines are to be assessed against the business owner or management, not the individual employees. The provisions of the ordinance would be applicable for so long as the Director of Health determines appropriate.

BILL NO. BL2020-286 (MENDES) – This ordinance is the proposed operating budget for the Metropolitan Government for Fiscal Year 2021. The budget filed by the Mayor provides for the following proposed funding:

• General Services District General Fund	\$1,045,932,700
• General Services District Schools Fund	\$914,892,600
• General Services District General Debt Service Fund	\$213,492,000
• General Services District Schools Debt Service Fund	\$119,492,000
TOTAL GENERAL SERVICES DISTRICT BUDGET	\$2,293,809,300
• Urban Services District General Fund	\$138,357,200
• Urban Services District General Debt Service Fund	\$20,984,500
TOTAL URBAN SERVICES DISTRICT BUDGET	\$159,341,700
TOTAL OPERATING BUDGET	\$2,453,151,000

The Fiscal Year 2020 budget is \$2,331,618,000. The Mayor's proposed budget represents an overall increase of \$121,533,000 (5.2%).

Prior to the March tornado and the COVID-19 pandemic, the Finance Department was projecting revenues for FY21 (assuming no tax increase) of \$2.4 billion. However, the impact of the disasters on FY21 revenues reduced this amount by approximately \$280.6 million.

The Department of Finance's budget presentation states that Metro needs a minimum of \$115.9 million over and above last year's operating budget for the following:

- Restore Cash and Fund Balances at Council / State levels - \$99.9 million
- General Government (health, safety and other required) - \$35 million

- Schools funded at state required “Maintenance of Effort” level - \$0.4 million
- Debt Service increase (after benefit of delayed bond issuance) - \$6.2 million
- Civil Service class study pay increase - \$2.2 million
- Costs for Employees Injured on Duty - \$10.7 million
- Employee health insurance increase - \$5.6 million
- Water rate increase - \$3 million
- District Energy System - \$0.6 million
- Savings opportunities identified - (\$47.7 million)
 - MTA/RTA to be covered by Federal Programs - (\$22.3 million)
 - MDHA Tax Increment Refinancing - (\$9.3 million)
 - Suspend Longevity for FY 2021 - (3.9 million)
 - Delay full implementation of Body Worn Cameras - (\$1.9 million)
 - Direct appropriation reductions - (\$2.7 million)
 - Community Partnership funding reductions - (\$1 million)
 - Eliminate Community Education Commission – (\$516,600)
 - Postpone Studies - (\$500,000)
 - Continue Travel Freeze - (\$422,900)

Factoring in last year’s budget total of \$2.332 billion, the \$115.9 million in new minimum funding needs, and the \$2.116 billion in available revenue, Metro needs \$332 million in new revenue for FY21.

In order to fill the \$332 million budget gap, the mayor has proposed a property tax increase of \$1.00 in the GSD. The current property tax rate for the GSD is \$2.755 per \$100 of assessed value. The current rate for the USD is \$0.400, resulting in a combined rate of \$3.155. The Mayor has proposed increasing the property tax rate by \$1.00 per \$100 of assessed value, for a GSD rate (all of Davidson County) of \$3.755 and a USD rate of \$0.400, resulting in a combined rate of \$4.155.

The proposed budget does not provide any funding for pay plan improvements. As approved by the Civil Service Commission, employee salaries would be frozen at the FY20 levels.

As noted above, the mayor’s budget factors in \$47.7 million in savings opportunities. This essentially guarantees that the departments will be required to realize their same savings they were asked to identify in FY20 since that amount will have been reduced from their budget.

The proposed budget provides a \$400,000 increase for Metro Schools, which is the required minimum under the state “maintenance of effort” requirements. This would result in a total MNPS operating budget of \$914,892,600. This amount does not include an estimated \$26 million in federal relief MNPS is expected to receive.

The Hospital Authority would receive a subsidy of \$43.1 million in the proposed budget for General Hospital, which is the same amount as the FY20 subsidy. \$3.5 million would be appropriated in the budget for the contract with Signature for the management of the Bordeaux Nursing Home.

Likewise, \$2 million would be appropriated for the contract with Anthem Care to manage the Knowles Assisted living Facility.

The FY21 would reduce the community support contributions by fifty percent. The amounts to appropriated are as follows:

- Summer Youth Employment Program \$1,449,400
- Community College GRAD Program \$500,000
- Misc. community agencies/services \$900,000

The Barnes Fund for Affordable Housing would receive an additional \$10 million as part of the continuing commitment for affordable housing and to help the homeless, which is partly funded by the local portion of the hotel/motel taxes generated by short-term rental properties.

Metro's established policy is to maintain a fund balance equal to or greater than 5% for each of the six primary budgetary funds: the GSD General Fund, USD General Fund, General Purpose School Operations Fund, and the three related debt service funds. The impact of COVID-19 on Metro's tax revenues is estimated to be a loss of \$192,400,000 for Fiscal Year 2020. This, along with the loss of nonrecurring revenue from the terminated DES sale and parking concession agreement, will leave all of our fund balances at dangerously low levels on June 30, 2020, especially for the GSD general fund, which is estimated to be a sparse \$1,200,000 (0.1%). Thus, approximately one-third of the proposed property tax increase under the Mayor's budget for FY21 would be used to restore \$100,000,000 to Metro fund balances.

The Mayor's proposed budget is projected to result in the following fund balance percentages by June 30, 2021, all but two of which would still be below Metro's established 5% policy:

- General Services District General Fund 5.0%
- General Services District Debt Service Fund 3.7%
- General Services District Schools Operations Fund 4.0%
- Schools Debt Service Fund 4.4%
- Urban Services District General Fund 5.3%
- Urban Services District Debt Service Fund 3.7%

As the next order of business following adoption of the operating budget ordinance, the Urban Council must meet to approve a separate resolution to approve the property tax rate as proposed for the Urban Services District.

Per Rules 39 and 41 of the Metro Council Rules of Procedure, the budget ordinance is amendable on third reading. And pursuant to section 6.06 of the Metro Charter, the Council must adopt a substitute operating budget no later than June 30th. Otherwise, the budget as originally submitted by the Mayor becomes effective on July 1.

The Budget & Finance Committee Chair has proposed a substitute budget and tax levy that would increase the amount of the proposed tax increase to \$1.066 per \$100 of assessed value, as opposed to the Mayor's proposed increase of \$1.00. A summary chart prepared by Chairman Mendes showing the differences between the Chair's substitute budget and the Mayor's budget is attached to this analysis.

BILL NO. BL2020-287 (MENDES) – This ordinance would adopt the property tax levy for FY21. Section 6.07 of the Metro Charter provides that the Council's next order of business upon adopting the annual operating budget is to adopt a tax levy that fully funds that budget.

The property tax rate proposed by this ordinance is an increase of \$1.00 per \$100 of assessed value in the General Services District (GSD), which comprises the entire county. The tax rates would be \$3.755 per \$100 of assessed value in the GSD and \$0.400 per \$100 of assessed value in the Urban Services District (USD), for a total tax rate of \$4.155 in the USD. This tax levy rate is projected to be sufficient to fully fund the proposed FY21 operating budget.

The tax levy is amendable on third reading. There is a proposed amendment to the tax levy from the sponsor that would increase the combined rate to \$1.066 per \$100 of assessed value to match the funding in his proposed substitute operating budget.

BILL NO. BL2020-289 (MENDES & HENDERSON) – This ordinance creates the new positions of Environmental Compliance Supervisor and Water Quality Supervisor within the Metropolitan Government. Section 12.10 of the Metropolitan Charter provides that newly created positions within the Metropolitan Government must be approved by ordinance.

The Civil Service Commission, upon the recommendation of the Director of Human Resources, has created the positions of Environmental Compliance Supervisor and Water Quality Supervisor. A job description for each is attached to the ordinance.

BILL NO. BL2020-294 (MENDES & ALLEN) – This ordinance abolishes the Community Education Commission (CEC) as recommended in the Mayor's proposed FY21 operating budget ordinance. The CEC was created by the Metro Council in 2009 through the enactment of Ordinance No. BL2009-501, which abolished the Community Education Alliance as recommended by the Community Education Task Force. This task force was created by the Council in March 2009 for the purpose of studying the changing role of community education and determining how community education may best serve Nashville's residents. The community education model in place at the time had been in existence since 1976, and concerns regarding financial accountability for community education and reduced participation in the Alliance's programs raised questions about the viability of this 30 year old governance model. The task force recommended a new governance structure for community education modeled after the Metropolitan Action Commission. These recommendations led to the creation of the CEC.

The CEC is responsible for establishing rules and regulations for the community education program, setting the fee structure for the classes, and employing an executive director and other employees to operate the program.

This ordinance would repeal Ordinance No. BL2009-501 and would abolish the CEC effective July 1, 2020. The recitals in the ordinance note that many of the citizens who are serviced by the CEC have numerous online alternatives to receive comparable educational assistance, and that the CEC provides discretionary programming that is outside the scope of the Metropolitan Charter. The FY20 Metro operating budget includes a general fund subsidy for the CEC in the amount of \$521,600.

If the Budget & Finance Committee Chair's proposed substitute operating budget is approved, there would be no need for this ordinance since the CEC would be allowed to use its remaining fund balance plus revenues collected next year to continue operating at a reduced level.

BILL NO. BL2020-295 (MENDES, HURT, & OTHERS) – This ordinance abolishes the Nashville Career Advancement Center (NCAC) and moves the functions of NCAC to the Metropolitan Action Commission (MAC), effective July 1, 2020. NCAC was created by Ordinance No. BL2001-697 as a division of the Mayor's Office. It was originally established to manage the federal funds that were passed through from the state under the federal Workforce Investment Act of 1988, which was subsequently amended by the Workforce Innovation and Opportunity Act of 2014 (the "Federal Act"). Originally, NCAC managed the Federal Act funds that were flowing through Metro for career and training services for Davidson and three surrounding counties.

For many years, NCAC functioned as the fiscal agent for Workforce Area 9. In May 2018, the State Workforce Board voted to realign the State's workforce area, which resulted in Davidson County's workforce area merging with an area of nine additional counties. As part of this realignment, NCAC lost the role of fiscal agent for the grant funds. In recent years, NCAC has operated two Metro Government-funded programs: Opportunity Now and the Construction Readiness Program.

This ordinance provides that the functions currently being performed by NCAC would be transferred to MAC. This ordinance would also transfer the following NCAC "Powers and Duties" from the NCAC Metro Code Section (2.175.040) to the MAC Code section (2.108.050):

- Coordinate among government departments, agencies, and officials as necessary to meet the objectives created by the State of Tennessee under the Federal Act.
- To administer programs as described in the workforce development system pursuant to the Federal Act's rules and regulations.
- To accept grant funds made available to accomplish the purpose and intent of the Federal Act and, subject to a resolution of the Metropolitan Council appropriating said funds, enter into operational agreements using such funds with the local work force investment board and any successor or additional agency as established and required by the Federal Act.
- To monitor and evaluate program operations implemented under the Federal Act.

- To contract with vendors for services contemplated by the Federal Act.

This ordinance also allocates funding previously allocated to NCAC necessary for personnel and programming to MAC, to the extent needed.

BILL NO. BL2020-296 (O'CONNELL & SWOPE) – This ordinance approves a temporary “Special Event Zone” for the downtown area, in conjunction with the 2020 July 4th Celebration scheduled July 2 to 5, 2020.

The Special Event Zone established under this ordinance would consist of seven areas, all contiguous within Downtown Nashville, as follows:

- Area 1 extends from 8th Ave to Rosa L Parks Blvd, and from Korean Veterans Blvd to Commerce Street, with an extension from Commerce Street to Church Street along 2nd and 1st Ave North.
- Area 2 extends from the East side of the Woodland Street Bridge to Interstate Drive, between Woodland Street and Shelby Ave.
- Area 3 contains the John Seigenthaler Pedestrian Bridge from 3rd Ave South to South Second Street.
- Area 4 contains the Woodland Street Bridge, from 1st Ave North to South 1st Street.
- Area 5 contains the Gay Street Connector; 3rd Ave North to the Cumberland River, between James Robertson Parkway and Union Street; and 2nd Ave North to 1st Ave North, between Union Street and Church Street, including Bank Street.
- Area 6 contains Woodland Street to Shelby Street, between the Cumberland River and Interstate Drive including Cumberland Park, and South 2nd Street, from Sylvan Street to Korean Veterans Blvd.
- Area 7 contains the Korean Veterans Blvd. Bridge.

Activity restrictions within the Special Event Zone would begin at nine o'clock (9:00) p.m. on Tuesday, July 2, 2020, and end at 11 o'clock (11:00) p.m. on Friday, July 5, 2020.

Activities on public property or in the public right-of-way within the Special Event Zone are regulated as follows:

1. The sale of any food, beverages, goods, or merchandise would be prohibited, unless street vendors obtain a “Special Event Zone” permit from the Nashville Convention and Visitors Corporation (CVC) in order to sell within the geographic area listed above.
2. Alcoholic beverages provided, served, or sold from any temporary outdoor would be prohibited, except as authorized.
3. The sale or distribution of merchandise pertaining to the July 4th Celebration, where it is apparent on its face that the merchandise is not licensed by CVC, would be prohibited.
4. No tents or membrane structures of any kind would be permitted, except as authorized by CVC or Metro for public safety purposes.
5. The construction, placement, occupation, or use of any temporary structure would be prohibited except those sanctioned and authorized by the CVC.

6. The distribution, promotional give-away activity, or provision of free products, services, or coupons by persons or entities that are not event sponsors officially sanctioned and authorized by CVC would be prohibited, except within any Public Participation Area.
7. Vehicles would be allowed only as directed by Metropolitan Nashville Police.
8. No shared urban mobility devices, as defined by Metropolitan Code of Laws Section 12.62.010, would be permitted within the Special Event Zone.
9. No handguns, rifles, or firearms would be permitted. (Tennessee Code Annotated § 39-17-1359)
10. No knives, swords, or other fighting devices would be permitted.
11. No fireworks, firecrackers, or explosive devices of any type would be permitted, except exhibitions permitted by CVC.
12. The Special Event Zone would be a “no fly zone.”

This ordinance establishes at least one Public Participation Area within the Special Event Zone while the zone is in effect. This Area allows for the reasonable expression by the public in a manner that is not disruptive to the July 4th Celebration, activities, and events.

Fiscal Note: This ordinance places restrictions on the activities allowed to take place within the special event zone during the July 4th Celebration. However, no additional Metro personnel or overtime would be required just for the enforcement of these restrictions.

BILL NO. BL2020-299 (GLOVER) – This ordinance amends Sections 5.32.030 and 5.32.110 of the Metropolitan Code to increase the amount of the annual commercial vehicle and passenger motor vehicle regulatory license fees. These are the fees vehicle owners pay annually to the county clerk for the privilege of operating a motor vehicle in Davidson County. These fees were last increased in 2005. The current fees are \$55 per year for passenger vehicles and \$66 per year for commercial vehicles. This ordinance would increase the annual fee to \$80 for passenger vehicles and \$116 for commercial vehicles.

The sponsor estimates that this increase would generate approximately \$15,000,000 per year in additional revenue, but these estimates are still being reviewed by the Finance Department.

GRANTS LEGISLATION – JUNE 16, 2020

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2020-362	<p>From: Tennessee Department of Mental Health and Substance Abuse Services</p> <p>To: Davidson County General Sessions Court</p>	Not to exceed \$60,000	\$0	July 1, 2020 through June 30, 2021	The grant proceeds will be used to provide Tennessee Certified Recovery Court Program (TCRCP) collection of participant data utilizing the Tennessee Risk Assessment System (TNRAS).
RS2020-363	<p>From: Tennessee Department of Children's Services</p> <p>To: Davidson County Juvenile Court</p>	Increase by \$434,333	N/A	Extend to June 30, 2021	<p>This approves the first amendment to a grant approved by RS2018-1224.</p> <p>The grant amount will be increased from \$868,666 to \$1,302,999 and the end date will be extended to June 30, 2021. The grant proceeds are used to provide community-based case management and probation services to children at high risk of state custody.</p>
RS2020-364	<p>From: Tennessee Administrative Office of the Courts</p> <p>To: Davidson County Juvenile Court</p>	N/A	N/A	Extend to June 19, 2020	<p>This approves the first amendment to a grant approved by RS2018-1518.</p> <p>The amendment allocates \$53,396.58 from the original grant award of \$104,069.99 for key card door security systems and extends the end date of the grant term to June 19, 2020. The grant proceeds are used to improve courtroom security and provide a safe and secure facility in which to conduct business and the duties of the court.</p>

<p>RS2020-368</p>	<p>From: Tennessee Department of Finance and Administration</p> <p>To: Metropolitan Nashville Police Department</p>	<p>Not to exceed \$1,079,201</p>	<p>\$269,800</p>	<p>July 1, 2020 through June 30, 2021</p>	<p>The funds from this Victim of Crime Act (VOCA) grant will be used to fund counselor and victim advocate positions to provide mental health services, support services, and criminal justice system advocacy.</p>
<p>RS2020-369</p>	<p>From: Greater Nashville Regional Council</p> <p>To: Metropolitan Social Services Commission</p>	<p>Not to exceed \$147,335</p>	<p>\$0</p>	<p>April 17, 2020 through September 30, 2021</p>	<p>The grant proceeds will be used to provide meals that meet RDA nutritional guidelines to eligible seniors.</p>
<p>RS2020-370</p>	<p>From: Greater Nashville Regional Council</p> <p>To: Metropolitan Social Services Commission</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>This approves amendment four to a grant approved by RS2018-1369.</p> <p>The agreement would attach a new contract budget and corresponding provisions regarding total number of meals to reallocate \$107,502 from the Congregate Meals provision to the Home Delivered Meals provision. The grant is used to provide meals that meet RDA nutritional guidelines and transportation services to eligible seniors and handicapped residents.</p>

RS2020-371	<p>From: Greater Nashville Regional Council</p> <p>To: Metropolitan Social Services Commission</p>	Increase by \$80,000	N/A	Extended to June 30, 2022	<p>This approves the second amendment to a grant approved by RS2018-1300.</p> <p>This amendment increases the grant by an additional \$80,000 for a new grant total of \$240,000 and extends the term of the grant for one year. The grant proceeds are used to provide Nutrition HCBS (Home and Community Based Services) to eligible seniors throughout Davidson County.</p>
RS2020-372	<p>From: U.S. Department of Health and Human Services</p> <p>To: Metropolitan Board of Health</p>	Not to exceed \$1,122,889	\$0	April 1, 2020 through March 32, 2021	The proceeds from this Healthy Start Initiative – Eliminating Racial/Ethnic Disparities Grant will be used to provide a variety of services in reducing infant mortality for pregnant and parenting women.
RS2020-373	<p>From: Tennessee Department of Health</p> <p>To: Metropolitan Board of Health</p>	Not to exceed \$505,200	\$0	December 1, 2019 through August 31, 2020	The proceeds from this grant will be used to build local capacity to improve public health response to the substance misuse epidemic in the Middle Tennessee High-Impact Area (HIA).

RS2020-374	From: Tennessee Department of Health To: Metropolitan Board of Health	Not to exceed \$1,459,900	\$0	July 1, 2020 through June 30, 2021	The grant proceeds will be used to achieve sustained tuberculosis control and enhanced tuberculosis prevention to eventually eliminate tuberculosis as a public health threat in Tennessee.
RS2020-375	From: U.S. Department of Health and Human Services To: Metropolitan Board of Health	Not to exceed \$917,764	\$0	April 1, 2020 through March 31, 2021	The grant proceeds will be used to prepare, prevent, and respond to COVID-19, as needs evolve for clients of Ryan White HIV/AIDS program recipients.
RS2020-376	From: U.S. Department of Health and Human Services To: Metropolitan Board of Health	Not to exceed \$838,190	\$0	March 1, 2020 through February 28, 2021	The grant proceeds will be used to enhance access to a comprehensive continuum of high quality, community-based care for low income individuals and families with HIV disease.
RS2020-377	From: Tennessee Department of Health To: Metropolitan Board of Health	Increased by \$305,800	N/A	Extend to June 30, 2021	This approves the first amendment to a grant approved by RS2019-16. The amendment increases the grant amount from \$305,800 to \$611,600 and extends the end date by one year. The grant proceeds are used to promote the proper use of all recommended vaccines, and respond to vaccine preventable diseases in collaboration with the CDC and other partners.

<p>RS2020-378</p>	<p>From: United States Environmental Protection Agency</p> <p>To: Metropolitan Board of Health</p>	<p>Increased by \$339,187</p>	<p>\$588,188</p>	<p>N/A</p>	<p>This approves the first amendment to a grant approved by RS2020-187.</p> <p>The amendment increases the amount of the grant from \$75,000 to \$414,187 and includes a cash match of \$588,188 that was omitted from the original resolution. The grant proceeds are used for the ongoing collection of data on ambient air concentrations for fine particulate matter in Nashville, Tennessee.</p>
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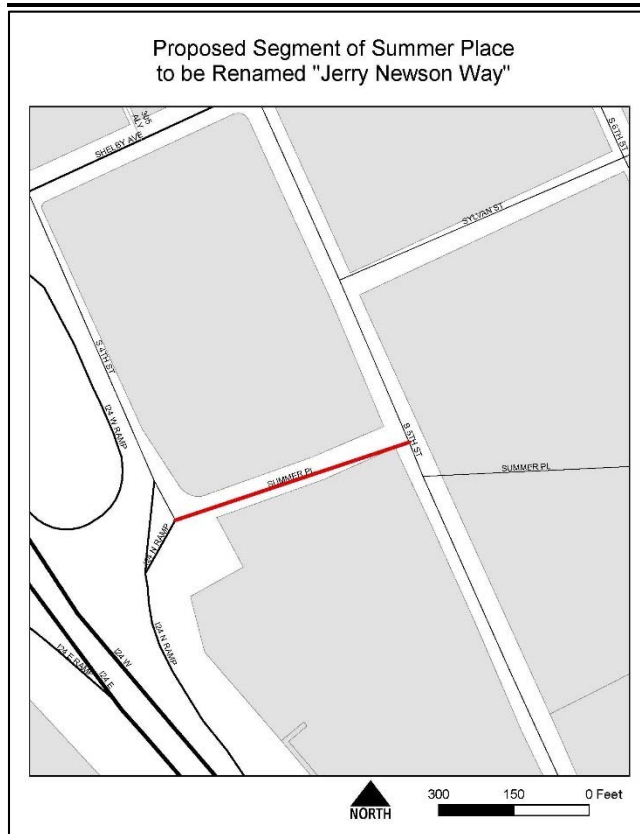
METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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: June 3, 2020
Re: BL2020-304

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming a portion of Summer Place between South 4th Street and South 5th Street to “Jerry Newson Way.” (Proposal Number 2020M-002SR-001).



The subject portion of Summer Place, located between South 4th Street and South 5th Street, is a continuation of the first segment of Summer Place, which was first constructed between South 5th Street and South 6th Street (Fig. 1). The original segment of Summer Place was established as a Private Drive for the James A. Cayce Homes, as shown on the *Street and Utility Easement Plat for James A. Cayce Homes No. 2* recorded in 1957 (Fig. 2).¹ It continues to serve as a private drive.

Figure 1: Proposed Segment of Summer Place to be Renamed “Jerry Newson Way.” Source: Metropolitan Planning Department, exhibit for 2020M-002SR-001.

¹ *Street and Utility Easement Plat for James A. Cayce Homes No. 2*, Recorded February 26, 1957, Plat Book 2663, Page 9.

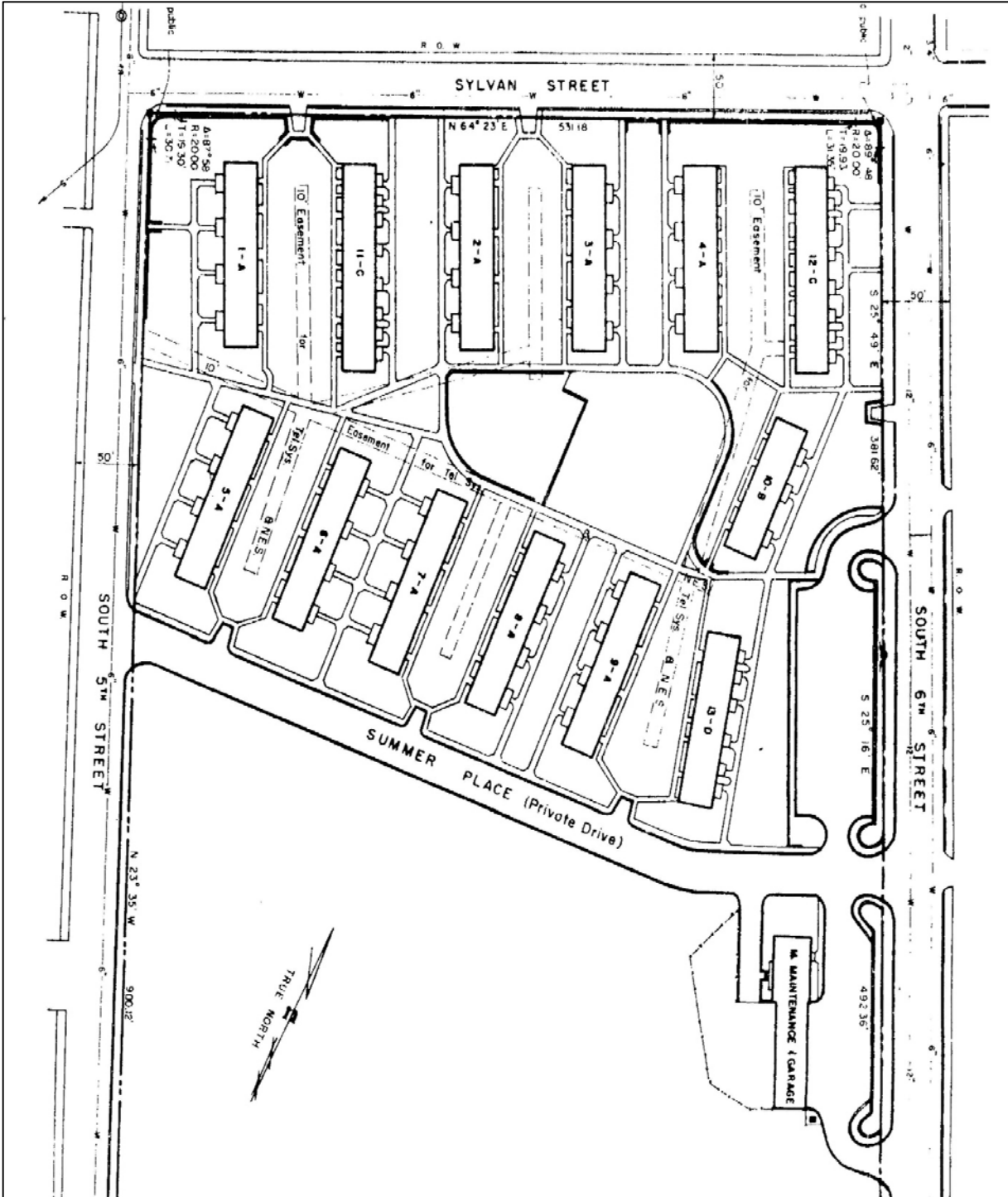


Figure 2: Street and Utility Easement Plat for James A. Cayce Homes No. 2, February 26, 1957.
 Source: Register's Office Davidson County, Online Portal.

The segment of Summer Place proposed for renaming was constructed as part of the “MDHA East Nashville, Contract T, 1962 Urban Renewal Plans.” According to “As Built Plans” on file

with Metro Nashville Public Works, the road was known as “Sylvan Street” (Fig. 3). Although a road named Sylvan Street already ran from South 4th Street to South 5th Street, just one block southeast of Shelby Avenue and northwest of the new road, the plans clearly identify the new road as “Sylvan Street.” The plans show the Davidson County Highway Commission Work House south of the new road, confirming that this portion of Sylvan Street is the same road as the subject segment of Summer Place and is not the original Sylvan Street located to the northwest (Fig. 4).²

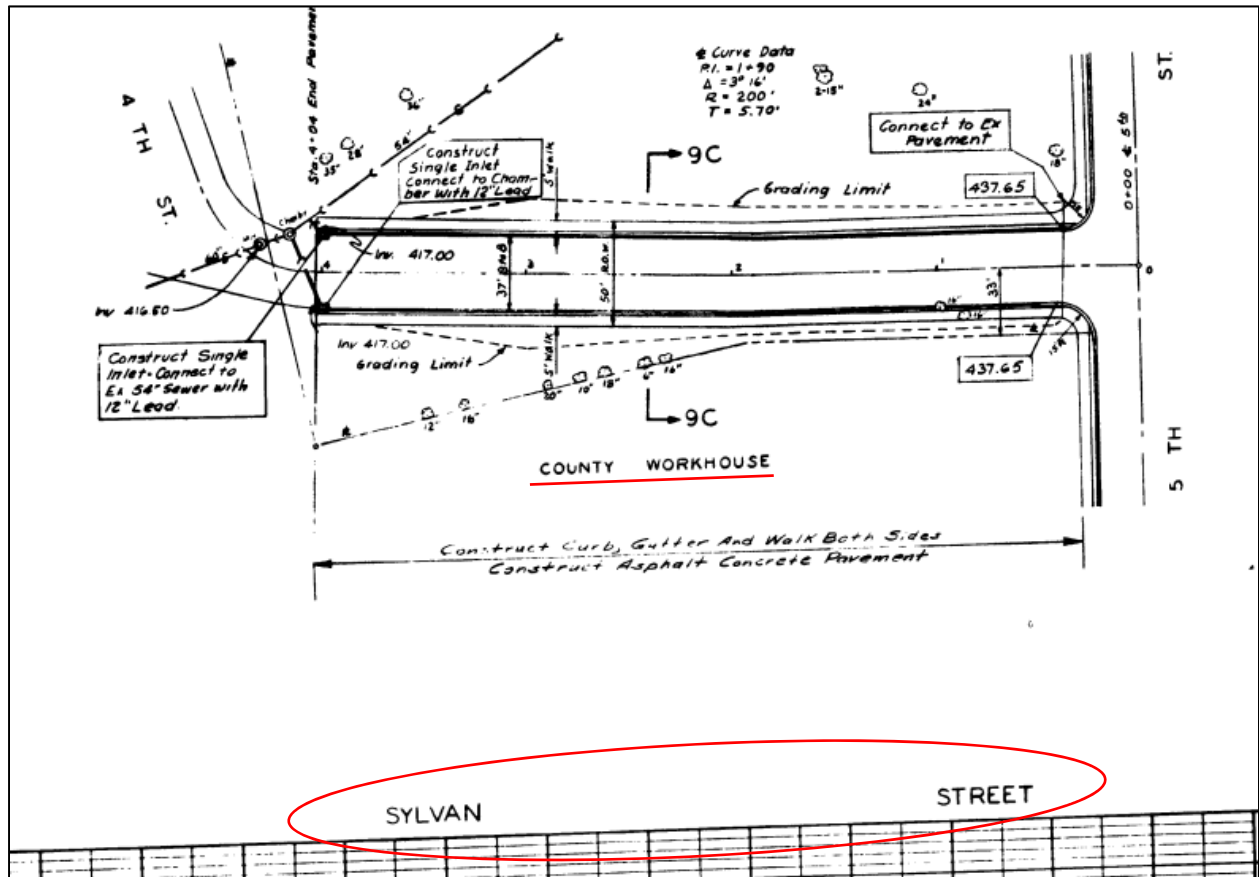


Figure 3: MDHA East Nashville, Contract T, 1962 Urban Renewal Plans, As Built Plans – Sylvan Street. Source: Metro Nashville Public Works.

² The Davidson County Highway Commission built the Work House at this location (750 South 5th Street) in 1929, per Sanborn Fire Insurance Maps, 1951, Volume 3, Sheet 348.

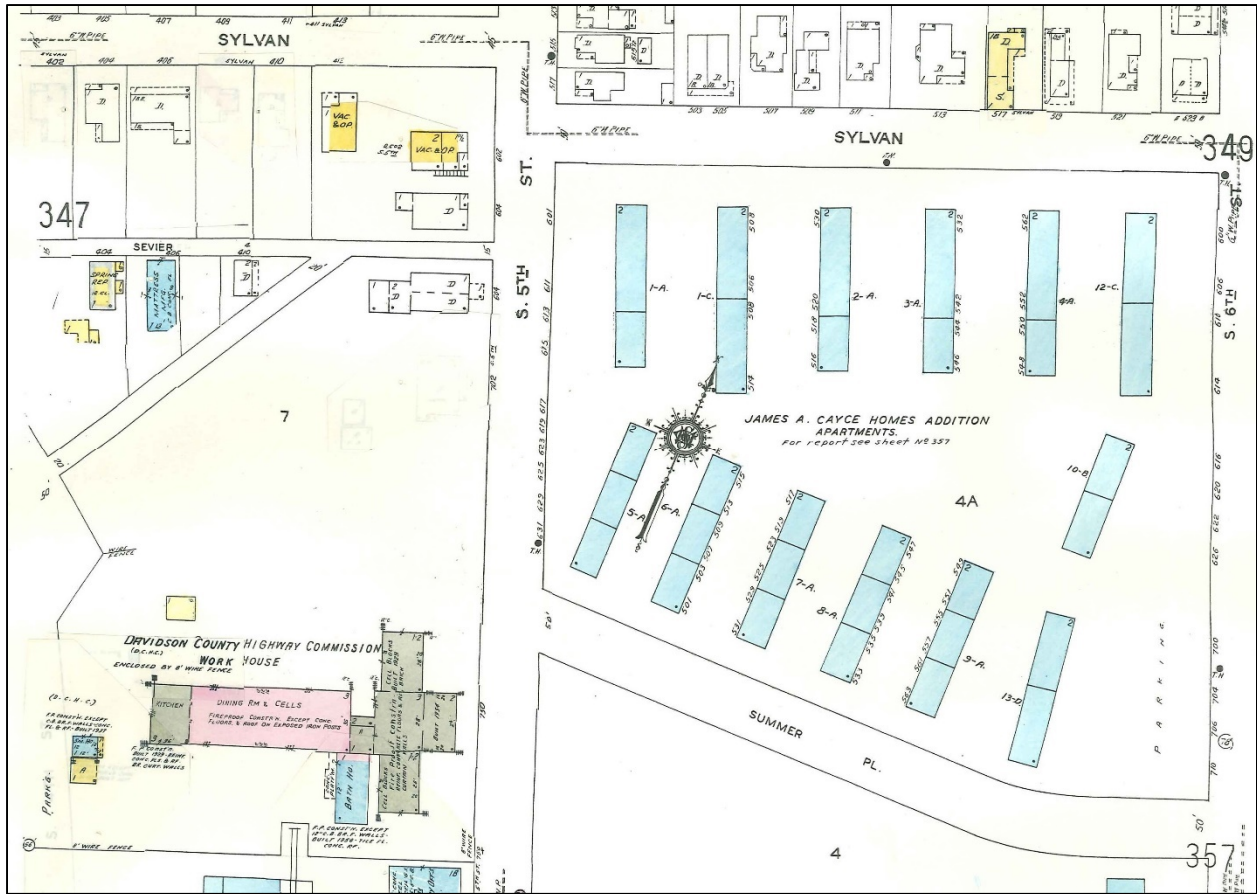


Figure 4: 1957 Sanborn Fire Insurance Map, Volume 3, Sheet 348. Image shows original segment of Summer Place, original route of Sylvan Street, and location of Davidson County Highway Commission Work House. Source: Metropolitan Historical Commission

In 1962, the City of Nashville approved the closure of the original segment of Sylvan Street and several alleys in the area between the Work House and Shelby Avenue as part of the development of the CWA Plaza Apartments.³ A 1963 newspaper article about the development, which was built on plots north and south of Shelby Avenue, indicated that the southern boundary for the apartment complex was a new street “as yet unnamed.”⁴

³ Bill No. O62-279 amended the official street name map of the City of Nashville by closing, vacating, and abandoning portions of numerous roads and alleys, including Sevier Street, South 4th Street, Sylvan Street, Alley #268, Alley #269, and Alley #269 ½, in accordance with the East Nashville Urban Renewal Project. Mayor Ben West approved the ordinance on April 18, 1962. Ordinance No. O62-279, Metropolitan Clerk’s Office.

⁴ “Apartment Project on Two Plots,” *Nashville Banner*, January 15, 1963, Tuesday, page 16. Newspapers.com, accessed May 13, 2020. The Communications Workers of America, Local 3808, sponsored the 166-unit apartment complex.

The section of CWA Plaza Apartments located on the north side of Summer Place was recorded in 1964, but the plat does not show any of the surrounding streets or indicate whether the road was called Sylvan Street or Summer Place at that time (Fig. 5).⁵

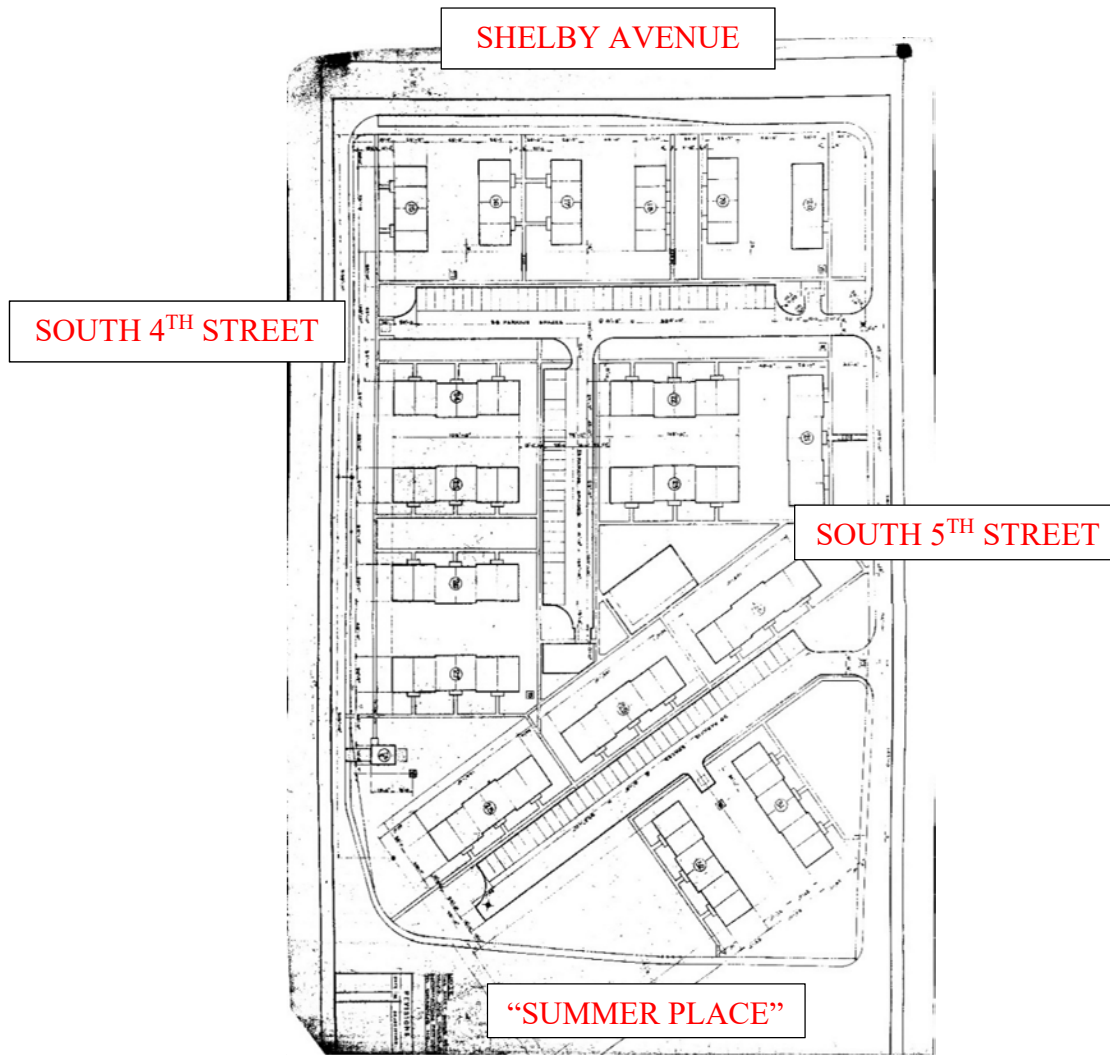


Figure 5: *CWA Apartments*, February 2, 1964.
Source: Register’s Office Davidson County, Online Portal.

Metro Nashville Public Works records do not contain information on when the street was officially named Summer Place, but Ordinance No. O64-175 indicates that the road was eventually to be called “Summer Place,” even if initially recorded as Sylvan Street. The 1964 ordinance amended “the official street name map of the City of Nashville, the predecessor of the Metropolitan Government of Nashville and Davidson County, by closing, vacating, and abandoning a portion of Alley 269 ½ (extension)” ... “from the southerly margin of Alley 269

⁵ *CWA Apartments*, Recorded February 2, 1964, Plat Book 3600, Page 41.

and in a southwardly direction to the northerly margin of proposed Summer Place.”⁶ A map attached to the bill marks the abandoned portion of Alley 269 ½ and shows it intersecting the unlabeled “proposed Summer Place” (Fig. 6).

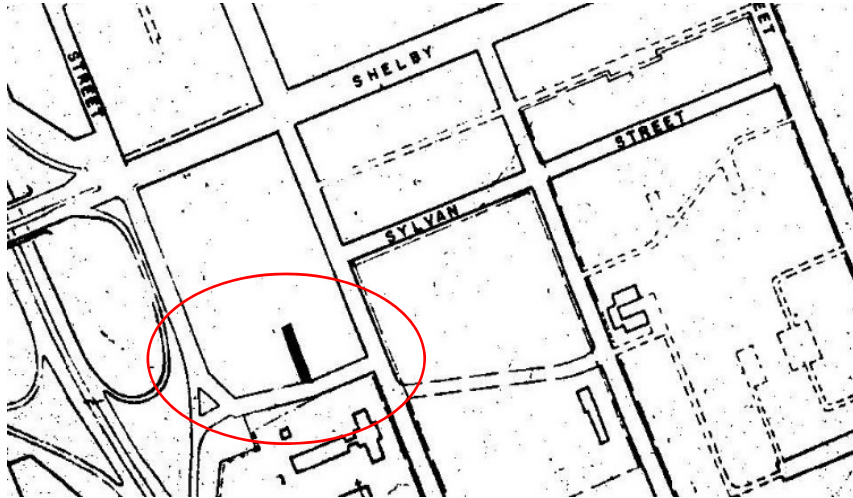


Figure 6: Attachment, Ordinance No. O64-175. Source: Metropolitan Clerk’s Office.

In summary, the portion of Summer Place proposed for renaming was constructed around 1962, but the record is unclear regarding when it was officially named Summer Place.

⁶ Mayor Beverly Briley approved the ordinance on February 6, 1964. Ordinance No, O64-175, Metropolitan Clerk’s Office.

Summary comparison of budget options for FY21

This chart shows the differences between the Mayor's proposed budget and the Chair's final Substitute. There is less than a 1% difference in how funds are appropriated.

<u>Issue</u>	<u>Mayor's Proposal</u>	<u>Chair's Substitute</u>
<u>EDUCATION</u>		
Amount for MNPS above "Maintenance of Effort" level	0	7,578,000
Raise MNPS minimum wage to \$15/hour	0	4,896,195
Targeted savings -- MNPS	0	0
GRAD program	500,000	1,000,000
Summer Youth employment (Opportunity Now)	1,449,400	2,000,000
Alignment Nashville	75,000	150,000
Nashville Public Education Foundation	137,500	137,500
Keep Community Education Commission	No	FB + Revenue
<u>COMMUNITY BUILDING</u>		
Full body cam implementation starting 1/1/21	No**	Yes (\$2.1 million)
Add Chief Diversity Officer & Workforce diversity mgr	No	Yes (\$230,000)
Open community centers on Saturday mornings	No	Yes (\$450,000)
Hold MNPD appropriation to FY20 level	No	Yes
Add to Juvenile Court Clerk for remote IT	0	85,000
** Mayor supports an amendment to add body cams		
<u>ECONOMIC DEVELOPMENT</u>		
TSU economic development grant	25,000	50,000
Small Business Incentive	100,000	150,000
Nashville Business Incubation Center	50,000	90,000
Entrepreneur Center	62,500	75,000
Nashville Civic Design Center	62,500	75,000
Black Chamber of Commerce	12,500	25,000
Latin American Chamber of Commerce	12,500	25,000
Nashville Area Hispanic Chamber of Commerce	12,500	25,000
LGBT Chamber of Commerce	12,500	25,000
Nashville Area Chamber of Commerce	175,000	175,000
Add to Planning Commission for SP enforcement	0	262,000
<u>CULTURAL/ARTS</u>		
Sister Cities	40,000	40,000
Metro Arts Commission	2,447,000	3,447,000
Adventure Science Museum	85,000	75,000
Andrew Jackson Foundation	62,500	0
<u>GENERAL GOVERNMENT (NOT MNPS)</u>		
Step increases for Metro employees	No	Yes
1% COLA for Metro employees	No	Yes
Targeted savings -- Metro	0	0
Rainy Day Fund	5,000,000	3,400,000
Increase GSD rate	1.000	1.033
Increase USD rate	0.000	0.033
Total increase	1.000	1.066