



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: July 21, 2020

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 7/15/20:

4% Reserve Fund	\$51,347,141*
Metro Self Insured Liability Claims	\$1,448,494
Judgments & Losses	\$2,590,689
Schools Self Insured Liability Claims	\$3,332,742
Self-Insured Property Loss Aggregate	\$8,214,956
Employee Blanket Bond Claims	\$712,261
Police Professional Liability Claims	\$2,063,250
Death Benefit	\$1,664,350

*This assumes unrealized estimated revenues in FY21 of \$36,572,300

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

– RESOLUTIONS –

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.

RESOLUTION NO. RS2020-401 (HENDERSON & MENDES) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-439 (MENDES, TOOMBS, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-440 (MENDES & TOOMBS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-441 (MENDES, TOOMBS, & OTHERS) – This resolution approves the Green Invest Agreement between the Tennessee Valley Authority (TVA), Nashville Electric Service (NES), and the Metropolitan Government for the purchase of renewable energy.

This agreement follows the adoption of Metro Code of Laws Section 2.32.080, which sets forth renewable energy portfolio standards to power Metro General Government operations. This agreement does not obligate Metro to purchase renewable energy, but will act as a vehicle for parties to investigate the option for entering into one or more future “Tranche Amendments” to purchase renewable energy from new renewable generation resources, or to construct such resources at the request of Metro.

The term of the Green Invest Agreement is twenty years from the effective date, but will automatically extend for one year on each anniversary of the effective date. The agreement cannot be terminated while a Tranche Amendment is in effect, but can be terminated by any party upon 90 days’ written notice at any time that no Tranche Amendment is in effect and no obligations under any Tranche Amendment are unfulfilled. An example of a Tranche Amendment is attached to the resolution as Exhibit B. The Performance Assurance Agreement amends Section 6 of the Green Invest Agreement.

This resolution approves the Green Invest Agreement for the potential purchase of renewable energy. It also authorizes the Finance Director to execute Tranche Amendments for the purchase of renewable energy. It further approves the Performance Assurance Agreement between TVA and Metro. Any future amendments to the agreements may be approved by resolution.

RESOLUTION NO. RS2020-442 (SLEDGE, MENDES, & OTHERS) – This resolution approves an amendment to Substitute Resolution No. RS2017-910 pertaining to the construction of the Major League Soccer stadium at the Fairgrounds Nashville, and approves an amendment to the ground lease between the Board of Fair Commissioners and Nashville Soccer Holdings Development LLC for construction of a mixed-use development at the fairgrounds. On November 7, 2017, the Council adopted Substitute Resolution No. RS2017-910 approving the issuance of public facility revenue improvement bonds by the Metro Sports Authority, and authorizing the pledge of certain revenues of the Metropolitan Government as security for the bonds for the construction of a new Major League Soccer stadium at the fairgrounds. The rent to be paid by the MLS team is to cover the annual debt service requirements, but the team gets a rent offset for the combined amount of ticket taxes and sales taxes generated at the stadium. Substitute Resolution No. RS2017-910 included a provision whereby Metro guaranteed that it would make up any shortfall in the ticket tax and sales tax redirect revenues for the first ten years of the stadium lease agreement. The guarantee was that the combined ticket tax and sales taxes generated at the stadium would be at least \$4,000,000 per year for years one through five of the stadium lease agreement, and at least \$3,000,000 per year for years six through ten. In the event such revenues

fall short of those amounts in a given year, Metro agreed to make up the difference from its non-tax revenues.

As a result of negotiations between Mayor Cooper and the MLS Team, the Team has agreed to forego the Metro guarantee and assume the responsibility for covering the debt service on the stadium in the event the sales tax and ticket tax revenues fall short of the projections. This resolution amends Substitute Resolution No. RS2017-910 to delete the Metro guarantee language.

On September 4, 2018, the Council approved Ordinance No. BL2018-1291, as amended, approving the execution and delivery of a ground lease between Metro, by and through the Board of Fair Commissioners, and Nashville Soccer Holdings Development LLC for the construction of a mixed-use development on a ten acre portion of the fairgrounds. The ordinance was amended on third reading to add a condition making the Team's failure to play MLS games at the stadium for 24 consecutive months an event of default under the mixed-use development ground lease. This condition needs to be removed in order to facilitate financing for the mixed-use development.

As part of the Term Sheet dated February 12, 2020, between Nashville Soccer Holdings and Mayor Cooper's administration, the administration agreed to support the removal of this condition. This resolution removes the condition regarding continuous play at the stadium. In addition, this resolution replaces the ground lease exhibit to reflect a shift in the boundaries for Parcel 8(c) at the request of the administration.

The lease revision has been approved by the Board of Fair Commissioners.

RESOLUTION NO. RS2020-443 (ALLEN, TOOMBS, & OTHERS) – This resolution approves a grant in the amount of \$2,000,000 from the Barnes Fund for Affordable Housing to New Level CDC for the construction of an affordable housing townhome development at 302 Williams Avenue. New Level CDC was selected to receive this funding as part of the request for applications issued by the Housing Trust Fund Commission on September 6, 2019. These funds will be used to construct 51 new affordable housing units.

The grant contract requires New Level CDC to provide a management plan to Metro for program oversight, which includes certification of the rents, utility allowances, and tenant incomes. New Level CDC is also required to provide Metro with an annual certification that all of the Barnes Fund rental requirements are being met for 20 years.

T.C.A. § 7-3-314 permits local governments to provide financial assistance to non-profit organizations in accordance with local regulations and guidelines. And section 5.04.070 of the Metropolitan Code provides that the Council may appropriate funds by resolution for the financial aid of nonprofit organizations.

Fiscal Note: This resolution would reduce the Barnes Fund balance by \$2,000,000.

RESOLUTION NO. RS2020-444 (TAYLOR, MENDES, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-445 (MENDES & TOOMBS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-446 (MENDES, TOOMBS, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-447 (MENDES & TOOMBS) – This ordinance authorizes the Department of Law to compromise and settle the claim brought by Lorraine Bottoms against the Metropolitan Government for the amount of \$31,000 to be paid from the self-insured liability fund. On November 14, 2018, Ms. Bottoms was stopped at a traffic light at the intersection of Charlotte Pike and 17th Avenue North when her vehicle was rear-ended by a Metro Nashville Police Department patrol car. The police officer driving the patrol car claims that Ms. Bottoms was approaching a yellow traffic light and instead of proceeding through the light, she came to a complete stop. The officer was unable to stop in time due to wet road conditions.

Ms. Bottoms was treated at the Nashville General Hospital emergency room for back pain and a headache. She was diagnosed with acute back pain, contusion of the left thigh, and a strain of the thoracic spine. Ms. Bottoms sought follow up treatment with a doctor for pain and was prescribed physical therapy. She attended approximately 28 physical therapy sessions. Ms. Bottoms incurred \$21,834.50 in medical expenses and \$5,363.00 in lost wages.

The Department of Law recommends settling this case for \$31,000 since the police officer would likely be found at fault for failing to maintain a proper distance. The police officer involved in this accident received disciplinary action consisting of a written reprimand.

Fiscal Note: This \$31,000 settlement would be the 6th payment from the Self-Insured Liability Fund in FY21 for a cumulative total of \$579,000. The fund balance would be \$1,448,494 after this payment.

RESOLUTION NO. RS2020-448 (MENDES, TOOMBS, & PULLEY) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-449 (HENDERSON) – This resolution approves an intergovernmental agreement between the Metropolitan Government and the federal government (the Federal Emergency Management Agency (FEMA), the Department of Homeland Security, and the Federal Insurance and Mitigation Administration) regarding the sharing of personally identifiable information. Specifically, this resolution approves an Information Sharing Access Agreement whereby FEMA agrees to share certain personally identifiable information collected from National Flood Insurance Program (NFIP) policy holders with Metro for the purpose of reviewing NFIP policy and/or claims information for daily floodplain management and hazard mitigation activities.

The information to be shared through this agreement includes property addresses, dates of loss, building characteristics, coverages, premiums, and claims amounts paid. Metro agrees to only make the information available to authorized Metro personnel to review NFIP policy and claims information for properties located within Davidson County. This information sharing agreement will become effective upon the signature of both parties and will remain in effect for three years. Either party may terminate this agreement upon written notice to the other party.

Fiscal Note: There would be no cost to Metro for this agreement.

RESOLUTION NO. RS2020-450 (DRUFFEL, MENDES, & OTHERS) – This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation and the Metropolitan Department of Public Works for the reimbursement of railroad crossing safety improvements at Post Road. This work would involve new signal poles, mast arms, signal heads, traffic signs, and railroad crossing signage.

The total cost of the project is estimated to be \$62,786.06. Metro will be responsible for 10% of the cost, or \$6,278.61, and TDOT will be responsible for 90%, or \$56,507.45.

Fiscal Note: TDOT would pay 90% of the project costs (\$56,507.45) and Metro would pay 10% (\$6,278.61).

RESOLUTION NO. RS2020-451 (EVANS, HAGAR, & OTHERS) – This resolution approves Supplement One to an intergovernmental agreement between the Tennessee Department of Transportation and the Metropolitan Department of Public Works for the reimbursement of railroad crossing safety improvements at Andrew Jackson Parkway.

The project was originally approved by Resolution No. RS2020-204 with an estimated project cost of \$48,010, with Metro responsible for 10%, or \$4,801, and TDOT responsible for 90%, or \$43,209. However, the total project cost is higher than anticipated. The revised project estimate

is \$74,366.51. Under the supplement, Metro will be responsible for 10% of the costs, or \$7,436.66, and TDOT will be responsible for 90%, or \$66,929.91.

Fiscal Note: TDOT would pay 90% of the project costs (\$66,929.91) and Metro would pay 10% (\$7,436.66).

– 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.

A second substitute is anticipated from the sponsor.

Fiscal Note: There are currently 260 lobbyist registrations listed on the Metro Clerk’s website. At the current \$50 rate, that equates to \$13,000 in revenue. If the rate is increased to \$100 and there are the same level of registrations going forward, the revenue would increase to \$26,000.

The Metropolitan Clerk has indicated that the additional duties assigned by this bill to the Clerk’s Office could pose staffing challenges for her office. At this point, it is not possible to accurately predict what that impact will be since we do not know how many, if any, lobbyist complaints will be filed and how many hearings will be held by the Board of Ethical Conduct. The Council Office met with the Metropolitan Clerk and representatives from the Mayor’s Office and the Finance Department to talk through the fiscal impact. It was agreed that the increased revenue to be generated from the lobbyist registration fees could be appropriated to the Clerk’s Office during

Fiscal Year 2021 for overtime costs in the event this bill does require additional staff time. There was also discussion about the possibility of adding a new staff position for Fiscal Year 2022 if the evidence for the second half of Fiscal Year 2021 supports the need for such a position.

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. BL2020-322 (HURT, TOOMBS, & OTHERS) – This ordinance amends Chapter 2.44 of the Metropolitan Code to prohibit the Metropolitan Nashville Police Department (MNP) from hiring police officers who were previously fired or were under investigation by another law enforcement agency for serious misconduct or use of force. The ordinance defines "serious misconduct" as improper or illegal actions taken by a police officer in connection with such officer's official duties that could result in a miscarriage of justice or discrimination, including, but not limited to, a conviction of a felony, fabrication of evidence, repeated use of excessive force, acceptance of a bribe, or the commission of fraud.

The ordinance would prohibit MNP from hiring any person as a police officer who was previously employed as a police officer by another law enforcement agency and who:

1. was dismissed for malfeasance or other serious misconduct calling into question such person's fitness to serve as a police officer;
2. resigned or retired from such officer's position while under investigation for such malfeasance or other serious misconduct; or
3. has a documented employment history evidencing any of the following:
 - a. Discrimination based on race, national origin, gender or sexual orientation;
 - b. Excessive force;
 - c. Racial bias; or
 - d. Dishonesty related to the reporting, investigation, or prosecution of a crime or the misconduct of another officer.

The ordinance would not apply to any police officer who is exonerated of each allegation of misconduct against such officer.

The Council Office would note that it is questionable whether the Council has the authority to legislate police hiring practices. Generally, the Metro Charter provides that when "...any power is vested by the Charter in a specific officer, board, commission...the same shall be deemed to have exclusive jurisdiction within the particular field." (Sec 2.01(36)). Section 3.06 of the Charter provides that the Metro Council is authorized, by ordinance, to provide for the organization, conduct, and operations of all departments, boards, commissions, offices and agencies of the metropolitan government, when the same has not been provided for by this Charter (emphasis added).

Section 8.203 of the Metro Charter states that the "department of metropolitan police shall be under the general management and control of a director thereof, who is designated the chief of police." Section 8.203 further provides that the police chief can "make regulations, with the approval of the mayor and in conformity with applicable ordinances, concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment for their training" (emphasis added).

Further, and more importantly, Sections 12.01, 12.06, and 12.07 of the Charter grants the Civil Service Commission the authority to adopt rules necessary to establish "...a personnel policy and administration under which entry into the service shall be on the basis of open competition and service shall be on the basis of merit, efficiency and fitness. The civil service commission, sometimes called commission, shall be responsible for developing and fostering the effectiveness of this personnel policy in the metropolitan government." The only court decision the Council Office is aware interpreting these Charter provisions is a Chancery Court case from 2006, *Teamsters Local 327 v. Metropolitan Government*, 06-1325-IV. In this case, the court ruled that the Charter vests authority over personnel matters in the Civil Service Commission, and that this constitutes a clear delegation of personnel powers to the executive branch of government.

BILL NO. BL2020-323 (SLEDGE, BENEDICT, & OTHERS) – This ordinance amends Chapter 2.44 of the Metropolitan Code to incorporate certain limitations on police use of force into Metro Nashville Police Department's (MNP) policy. This ordinance is based upon the Police Use of Force Project and 8 Can't Wait, which have identified eight key areas of meaningful protection against police violence: a use of force continuum, a required warning before shooting, a requirement to exhaust all other means before shooting; required de-escalation, ban on chokeholds and strangleholds, restricted shooting at moving vehicles, duty to intervene, and required comprehensive reporting.

The current version of the MNP Department Manual does address some of these five areas, including a prohibition on "neck restraint" in Section 11.10.020 and a prohibition against discharging a firearm at or from a moving vehicle, unless necessary to protect the life of the employee or others, in Section 11.10.150.

This ordinance would require the chief of police to incorporate the following policies regarding use of force in any regulation concerning the conduct of officers:

1. Officers shall use de-escalation tactics such as verbal warnings and advisements before resorting to force.
2. Officers shall not use any form of chokehold nor stranglehold.
3. Any officer who is present and observes another officer utilizing force when it is not reasonably necessary shall intervene to impede the use of unreasonable force.
4. Officers shall report any use of force against civilians when any civilian is injured, complains of injury in the presence of officers, or complains of pain continuing beyond the use of physical force.

As noted in the analysis for other police-related legislation on second reading, it is questionable whether the Council has the legal authority under the Metro Charter to require the Chief of Police to modify departmental policies. The question is whether the "in conformity with applicable ordinances" provision noted above allows the Council to require certain operation policies for MNP. The Council Office is unaware of any court decision interpreting this Charter provision.

BILL NO. BL2020-324 (MURPHY & ALLEN) – This ordinance amends Section 7.16.110 of the Metropolitan Code to revise the measurement method for retail liquor establishments for the minimum distance requirements needed to obtain a certificate of compliance. 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 provide that in determining distance from any schoolground or college campus, the distance would be measured from the nearest location of such schoolground or college campus to the center of the main entrance of the proposed retail liquor store following the usual and customary path of pedestrian travel. However, if such schoolground or college campus is surrounded by a fence, the distance would be measured from the center of the nearest gate or door of the fence.

BILL NO. BL2020-329 (BENEDICT) – This ordinance amends Chapter 2.44 of the Metropolitan Code to prohibit the use of chemical weapons such as tear gas by law enforcement officers in the course of policing activities within the area of the Metropolitan Government. This ordinance is modeled in part after H. R. 7221 sponsored by Representatives Ocasio-Cortez, García, Takano, and Jayapal, which is pending in the U.S. House of Representatives.

The ordinance defines “chemical weapon” as a toxic chemical and its precursors, including tear gas, or a munition/device specifically designed to cause death or other harm through toxic properties, which would be released as a result of the employment of such munition or device. Pepper spray would not be considered a banned chemical weapon.

As noted in the analysis for other police-related legislation on second reading, it is questionable whether the Council has the legal authority under the Metro Charter to require the Chief of Police to modify departmental policies. The question is whether the “in conformity with applicable ordinances” provision noted above allows the Council to require certain operation policies for MNPD. The Council Office is unaware of any court decision interpreting this Charter provision.

The sponsor has indicated she intends to withdraw this ordinance.

BILL NO. BL2020-330 (HURT) This ordinance amends Chapter 2.44 of the Metropolitan Code pertaining to police officer civic engagement. The purpose of this ordinance is to facilitate better police-citizen relations by shifting from a post engagement protocol to a pre-engagement protocol. The ordinance would provide the public with the right to ask a police officer if his/her body camera

is recording, and would require the officer to respond accordingly. Specifically, the ordinance provides that any person approached by a Metropolitan police officer wearing a body camera shall have the right to first ask, "Officer, is Your Video On?" The police officer must respond, "The video is on. How may I serve you?"

As noted in the analysis for other police-related legislation on second reading, it is questionable whether the Council has the legal authority under the Metro Charter to establish MNPD policies. The question is whether the "in conformity with applicable ordinances" provision noted above allows the Council to require certain operation policies for MNPD. The Council Office is unaware of any court decision interpreting this Charter provision.

BILL NO. BL2020-331 (HURT) This ordinance amends Chapter 2.44 of the Metropolitan Code to require police officers to receive annual implicit bias training. The ordinance provides that every Metropolitan police officer who has any engagement with the public shall receive implicit bias training at least once per year using curriculum developed by the Metropolitan Human Relations Commission.

As noted in the analysis for other police-related legislation on second reading, it is questionable whether the Council has the legal authority under the Metro Charter to establish MNPD policies. The question is whether the "in conformity with applicable ordinances" provision noted above allows the Council to require certain training and operation policies for MNPD. The Council Office is unaware of any court decision interpreting this Charter provision.

Fiscal Note: MNPD currently provides training on implicit bias. MNPD is unable to determine monetary value that would cost to develop and implement the training curriculum by Metropolitan Human Relations Commission. MNPD is seeking to include new training curriculum to their existing training program.

BILL NO. BL2020-333 (BENEDICT & MENDES) This ordinance amends Title 12 of the Metropolitan Code to prohibit personal delivery devices, also known as autonomous delivery robots, within the Metropolitan Government rights-of-way. Public Chapter 685, signed by Governor Lee on June 15, 2020, allows personal delivery devices powered by electric motors to operate on sidewalks and within crosswalks. The state statute defines "personal delivery devices" as a device that:

1. Is solely powered by an electric motor;
2. Is operated primarily on sidewalks and crosswalks;
3. Is intended primarily for the transport of property on public rights-of-way; and
4. Is capable of navigating with or without the active control or monitoring of a natural person.

Public Chapter 685 provides that personal delivery devices may be prohibited by local ordinance if the local government determines that such prohibition is necessary in the interest of public safety. This ordinance first makes a finding that allowing these personal delivery devices within the public rights-of-way could cause accessibility issues for disabled and elderly persons. Second,

the ordinance expressly prohibits personal delivery devices within the Metropolitan Government public rights-of-way.

BILL NO. BL2020-335 (PULLEY & STYLES) This ordinance amends Chapter 2.08 of the Metro Code to make a violation of a mayoral executive order during a civil emergency a Class C misdemeanor. T.C.A. § 38-9-104 and Sections 2.08.070 and 2.08.080 of the Metro Code authorize the mayor, after proclamation of a civil emergency, to issue orders as deemed necessary in the interest of the public safety and welfare. T.C.A. § 38-9-105 provides that municipalities may provide by ordinance that any person violating the provisions of orders issued by the mayor during a proclaimed civil emergency commits a Class C misdemeanor.

While preparing for the issuance of a recent civil emergency curfew order, the Department of Law realized that the Metro Council never specifically designated such a violation as a Class C misdemeanor. Thus, the Governor issued an executive order for a curfew during the same time period, the violation of which is a misdemeanor. The Council Office is of the understanding that no one was arrested and issued a misdemeanor citation for violation of the curfew alone.

This ordinance simply provides that any person violating the provisions of orders issued by the mayor during a civil emergency commits a Class C misdemeanor.

BILL NO. BL2020-337 (MENDES, SLEDGE, & TOOMBS) – This ordinance approves Amendment 1 to a contract for program management services between Metro and Gobbell Hays Partners, Inc. Gobbell Hays entered into a contract with Metro in 2015 to provide a wide range of administrative, management, technical, and/or inspection services to the Department of General Services and other Metro departments, agencies, commissions, and boards. Gobbell Hays has served as the project manager for the various recent improvements to the Fairgrounds Nashville.

This ordinance approves an extension of the contract for another 28 months until December 26, 2022. Section 4.12.160(A) of the Metropolitan Code limits the term of contracts for services to 60 months, unless otherwise authorized by the Council. Given the involvement Gobbell Hays has had in the Fairgrounds projects, replacing the firm would likely result in additional costs to the Metropolitan Government and potential project delays.

Fiscal Note: The amended contract term is 88 months. The amendment will not change the contract life value and is paid from Fund #30276, Business Unit #6430100.

BILL NO. BL2020-338 (TAYLOR) – This ordinance provides the honorary street name designation of “Pastor Percy J. Clark Way” for a portion of Herman Street. Pastor Clark served Mt. Calvary Missionary Baptist Church as its pastor for 38 years. Pastor Clark was also a renowned gospel singer who traveled the country singing gospel music.

Section 13.08.025 of the Metro Code provides a procedure for the use of honorary street signs whereby the Council, by ordinance, can authorize and direct the Department of Public Works to install two 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. This ordinance would not officially rename the designated street. Therefore, there would be no change of official street address for any residents or businesses on Herman Street.

Fiscal Note: Pursuant to M.C.L. Section 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. The sign for the honorary designation for Pastor Percy J. Clark Way would be the second in 2020. The historic cost for one of these honorary signs has been between \$80 and \$90. If a sign is mounted on a separate post, this would add approximately \$22 to the cost. The total cost would depend upon the number of signs necessary for the number of intersections in the street being so designated

BILL NO. BL2020-339 (GAMBLE, MENDES, & OTHERS) – This ordinance authorizes the acceptance or acquisition of easements for the construction, operation, maintenance, repair, replacement and inspection of a proposed streambank stabilization project along Whites Creek south of Old Hickory Boulevard. Metro has received confirmation of funding from the Emergency Watershed Protection (EWP) program from the Natural Resource Conservation Service, a division of the United States Department of Agriculture, to survey, design, and construct this streambank stabilization project. A 12-inch sanitary sewer main line parallels the creek along this section of the bank and is at risk of being compromised if erosion continues. Completion of this project will remove a source of sediment loss into the creek.

This ordinance 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. Donated easements do not have a market value according to the Department of Water Services.

BILL NO. BL2020-340 (WELSCH, MURPHY, & HENDERSON) – This ordinance authorizes the acceptance of permanent and temporary easements for the Dumas Drive Stormwater Improvement Project for two properties located at 3329 and 3331 Dumas Drive.

This ordinance 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. Donated easements do not have a market value according to the Department of Water Services.

BILL NO. BL2020-341 (MUPHY, HENDERSON, & HAGAR) – This ordinance authorizes the acquisition and acceptance of permanent and temporary easements for the Big Horn Drive Stormwater Improvement Project for three properties located at 4881, 4885 and 4889 Big Horn Drive.

This ordinance 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. BL2020-342 (RUTHERFORD, MURPHY, & HENDERSON) – This ordinance accepts 1,036 linear feet of new 8-inch water main, 193 linear feet of new 4-inch main, 921 linear feet of sanitary sewer main, two fire hydrant assemblies, eight sanitary sewer manholes, and easements for properties located at 6424 and 6434 Pettus Road, also known as Southpoint Ph3.

This ordinance 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. Donated easements do not have a market value according to the Department of Water Services.

BILL NO. BL2020-343 (MURPHY & HENDERSON) – This ordinance abandons 480 linear feet of existing 8-inch sanitary sewer main, two sanitary sewer manholes, and easements, and accepts 498 linear feet of new 12-inch water main, 46 linear feet of new 6-inch water main, 716 linear feet of new 8-inch sewer main, 238 linear feet of new 8-inch PVC sanitary sewer main, two fire hydrant assemblies, seven sanitary sewer manholes, and easements for property located at 3864 Logistics Way.

This ordinance 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. BL2020-344 (GAMBLE, MURPHY, & HENDERSON) – This ordinance abandons 783 linear feet of existing 2-inch water main and easements, and accepts 881 linear feet of new 8-inch water main, 445 linear feet of new 2-inch sanitary sewer force main, and easements for property located at Lowes Lane (unnumbered).

This ordinance 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. BL2020-345 (SLEDGE, MURPHY, & HENDERSON) – This ordinance accepts a sanitary sewer manhole for property located at 2080 12th Avenue South.

This ordinance 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. Donated easements do not have a market value according to the Department of Water Services.

BILL NO. BL2020-346 (PARKER, MURPHY, & HENDERSON) – This ordinance abandons 523 linear feet of existing 8-inch sanitary sewer main, two sanitary sewer manholes, and easements, raises two existing sanitary sewer manholes, and accepts 631 linear feet of new 8-inch sanitary sewer main, eight sanitary sewer manholes, and easements for property located at 905 Elvira Avenue.

This ordinance 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. BL2020-347 (SYRACUSE, MURPHY, & HENDERSON) – This ordinance abandons 319 linear feet of existing 6-inch water main and easements, and accepts 582 linear feet of new 8-inch water main and easements for property located at 100 Blue Hills Drive.

This ordinance 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. BL2020-348 (HAGAR, MURPHY, & HENDERSON) – This ordinance abandons 236 linear feet of existing 15-inch sanitary sewer main and easements, and accepts 646 linear feet of 6-inch water main, 287 linear feet of new 15-inch sanitary sewer main, two fire hydrant assemblies, nine sanitary sewer manholes, and easements for property located at 616 Hadley Village Boulevard.

This ordinance 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. BL2020-349 (MURPHY & HENDERSON) – This ordinance abandons 1,049 linear feet of existing 8-inch sanitary sewer main, 282 linear feet of existing 10-inch sanitary sewer main, nine sanitary sewer manholes, and easements, and accepts 1,049 linear feet of new 15-inch sanitary sewer main, 282 linear feet of 16-inch sanitary sewer main, nine sanitary sewer manholes, and easements for six properties located on Murfreesboro Pike, Old Hickory Boulevard, and Logistics Way.

This ordinance 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. BL2020-350 (CASH, MURPHY, & HENDERSON) – This ordinance abandons 22 linear feet of existing 16-inch water main, 115 linear feet of existing 6-inch water main, and easements, and accepts 117 linear feet of new 8-inch water main, 17 linear feet of new 6-inch water main, one fire hydrant assembly, and easements for property located at 2100 Belmont Boulevard.

This ordinance 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. BL2020-351 (STYLES, MURPHY, & HENDERSON) – This abandons an existing 30-foot sanitary sewer easement rights for property located at 2901 Old Franklin Road. The abandonment has been requested by Catalyst Design Group, on behalf of the owner.

This ordinance 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 easements have no market value according to the Department of Water Services.

BILL NO. BL2020-352 (STYLES, MURPHY, & HENDERSON) – This ordinance abandons 153 linear feet of existing 8-inch sanitary sewer main, one existing sanitary sewer manhole, and easements, and accepts 1,222 linear feet of new 8-inch water main, 1,145 linear feet of new 8-inch sanitary sewer main, 158 linear feet of new 8-inch sanitary sewer main, four fire hydrant assemblies, nine sanitary sewer manholes, and easements for property located at Asheford Trace (unnumbered), also known as Treehaven Phase 5.

This ordinance 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. BL2020-353 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance abandons 222 linear feet of existing 15-inch sanitary sewer main and easements, and accepts 290 linear feet of new 18-inch sanitary sewer main, three sanitary sewer manholes, and easements for property located at 810 Division Street.

This ordinance 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. BL2020-354 (STYLES, MURPHY, & HENDERSON) – This ordinance accepts 350 linear feet of new 8-inch sewer main and sanitary sewer manholes for property located at Murfreesboro Pike (unnumbered).

This ordinance 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. Donated easements do not have a market value according to the Department of Water Services.

BILL NO. BL2020-355 (BENEDICT, MURPHY, & HENDERSON) – This ordinance abandons 79 linear feet of existing 8-inch water main and easements, and accepts 114 linear feet of new 8-inch water main and easements for property located at 200 Porter Village Circle.

This ordinance 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. BL2020-356 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance abandons 304 linear feet of existing 3-inch water main and easements, and accepts 304 linear feet of new 8-inch water main, a fire hydrant assembly, a sanitary sewer manhole, and easements for property located at 700 1st Avenue North.

This ordinance 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. BL2020-357 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance abandons 106 linear feet of existing 12-inch sanitary sewer main, a sanitary sewer manhole, and easements, and accepts 97 linear feet of new 12-inch sanitary sewer main, two sanitary sewer manholes, two fire hydrant assemblies, and easements for property located at 1221 Broadway.

This ordinance 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. BL2020-358 (WITHERS, MURPHY, & HENDERSON) – This ordinance abandons nine linear feet of existing public sanitary sewer main and easements, and accepts one sanitary sewer manhole and easement for property located at 700 South 12th Street.

This ordinance 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. BL2020-359 (SLEDGE, MURPHY, & HENDERSON) – This ordinance abandons 454 linear feet of existing 2-inch water main, 222 linear feet of existing 8-inch sanitary sewer main, and easements, and accepts 753 linear feet of new 8-inch water main, 419 linear feet of new 8-inch sanitary sewer main, two fire hydrant assemblies, four sanitary sewer manholes, and easements for properties located at 1 Buchi Court, 2600 Fessey Park Road, 708 Berry Road, and Berry Road (unnumbered).

This ordinance 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. BL2020-360 (WITHERS, MURPHY, & HENDERSON) – This ordinance abandons 310 linear feet of existing 6-inch water main, 37 linear feet of existing 12-inch sanitary sewer main, two fire hydrant assemblies, one sanitary sewer manhole, and easements, and accepts 650 linear feet of new 8-inch water main, 289 linear feet of new 8-inch sanitary sewer main, two fire hydrant assemblies, three sanitary sewer manholes, and easements for property located at 804 Dew Street.

This ordinance 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. BL2020-361 (ROSENBERG, MURPHY, & HENDERSON) – This ordinance abandons 358 linear feet of existing 8-inch sanitary sewer main, two sanitary sewer manholes, one fire hydrant assembly, and easements, and accepts 443 linear feet of new 8-inch sanitary sewer main, four sanitary sewer manholes, one fire hydrant assembly, and easements for property located at 7114 Charlotte Pike.

This ordinance 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. BL2020-377 (TAYLOR) – This ordinance amends Ordinance No. BL2020-234, as amended, to extend the time period for the waiver of certain building permit fees for the repair or rebuilding of property damaged as a result of the March 3, 2020 tornado. BL2020-234, as amended, was approved May 5, 2020, to waive building permit fees for property owners (or their authorized agents) who met the following conditions:

- The permits are obtained to repair damage to the owner's property caused by the March 3, 2020 tornado.
- The permits are obtained on or before June 3, 2020.

- The permits are issued to construct, alter, repair, enlarge, move or demolish any building or structure or part thereof or any appurtenances connected or attached thereto.
- The owner must provide evidence satisfactory to the Director of Codes Administration, or his designee, that the work is being performed as a result of damage sustained as a result of the March 3, 2020 tornado.
- Property owners who paid building permit fees prior to the adoption of the ordinance will be entitled to a refund if they provide evidence satisfactory to the Director of Codes Administration, or his designee, that the work is being performed as a result of damage sustained as a result of the March 3, 2020 tornado.
- Property owners or their agents had to sign an affidavit that the permit fees will not be reimbursed by insurance or other funding sources in order to receive the fee waiver.

Due to the COVID-19 pandemic, some tornado victims were unable to obtain their building permit prior to June 3, 2020. This ordinance would extend the time period until September 30, 2020.

Fiscal Note: As of June 30, 2020, 55 tornado-related building and demo permits were issued on or after March 3, 2020. The total permit fee amount waived was \$84,125.23.

– ORDINANCES ON THIRD READING –

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. BL2020-288 (HENDERSON, ALLEN, & BENEDICT) – This ordinance, as substituted, amends the sidewalk installation requirements in Section 17.20.120.C of the Metro Code for the purpose of establishing street tree requirements.

Section 17.20.120 of the Zoning Code establishes requirements for sidewalks to be constructed with certain types of development and based on certain locational criteria. Subsection 17.20.120.C establishes standards for installation of public sidewalks, including sidewalk design standards; the sidewalk dimensions and required elements must comply with the Major and Collector Street Plan (MCSP) sections or with adopted Public Works standards for local streets.

The ordinance under consideration specifies that when sidewalks are triggered in association with multi-family or nonresidential development located within a center identified in NashvilleNext, the developer is required to install street trees within the required grass strip/green zone (planting strip) or frontage zone component of the overall sidewalk. This proposal does not impact properties within the Downtown Code (DTC), as the DTC includes separate standards for street trees, nor does the proposal impact one or two-family residential development or multi-family or nonresidential development located outside of NashvilleNext centers.

All street trees required to be planted as a part of this proposal must meet a set of planting, installation and maintenance specifications for street trees, to be known as the Metro Nashville Street Tree Specifications. The Street Tree Specifications are currently being developed and refined with input from various Metro agencies including Water Services, Public Works, Urban Forestry, Planning, and Codes. These specifications and guidelines, once finalized, will be maintained by Metro Water Services, and will guide review of plans that incorporate street trees during the permit process.

This ordinance was approved with a substitute by the Planning Commission at their May 28, 2020 meeting.

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. BL2020-321 (VERCHER) – This ordinance, as amended, amends Chapter 2.04 of the Metropolitan Code to require members of the Metropolitan Council to receive disaster preparedness/response training and active shooter training. The disaster preparedness and response training seminar would be conducted under the direction of the Metropolitan Office of Emergency Management at least once every four years. The Office of Emergency Management shall be responsible for selecting the training curriculum. Such training is to include steps councilmembers should take before, during, and after a disaster in order to help protect and serve their constituents.

The active shooter training seminar would be conducted under the direction of the Metropolitan Nashville Police Department at least once every four years, and the police department would be responsible for selecting the training curriculum.

Fiscal Note: The active shooter, disaster preparedness and response training seminar would be no cost to Metro.

BILL NO. BL2020-325 (WITHERS, MENDES, & OTHERS) – This ordinance approves a lease agreement between the Metropolitan Government and the Episcopal School of Nashville (the “School”) for property located at 1310 Ordway Place. This property is owned by Metro and formerly housed the Ross Head Start Center. The 24,278 square foot building is now vacant. The School will be leasing the property for the operation of a K-8 private school. The term of the lease is for five years commencing August 1, 2020, with the option to renew for two additional five year

periods. The School will pay rent in the amount of \$163,085 per year, payable in monthly installments of \$13,590. The rent for the first renewal period will increase to \$184,516 per year. The rent for the second renewal period would be based upon an appraised amount.

The School will receive a rent credit for all improvements it makes to the property. Such improvements must first be approved by Metro General Services. The School will be responsible for all utility and maintenance costs. The property is being leased in as-is condition. The lease agreement includes Metro's standard insurance and indemnification requirements.

An appraisal was performed for this property by Huber & Lamp Appraisal Group at Metro's request. The appraisal indicated a fair market value rent range of this property is between \$176,058 and \$211,762 per year, with a market rate conclusion of \$182,085 per year.

This lease agreement has been administratively approved by the planning commission. Future amendments to the lease may be approved by resolution.

Fiscal Note: The School will pay Metro rent in monthly installments off \$13,590 for the first year and will increase to \$15,376 for the first renewal period. The total payments for the first year will be \$163,085 and will increase to \$184,516 per year for the first renewal period. The rent for the second renewal period will be based upon an appraised amount.

BILL NO. BL2020-326 (SYRACUSE, MUPHY, & OTHERS) – This ordinance amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government by renaming a portion of Old Elm Hill Pike between McGavock Pike and Ermac Drive to “Sims Branch Way”. This request was submitted by Metro Public Works to prevent confusion for emergency services since there are currently two disconnected sections of roadway named Old Elm Hill Pike.

This ordinance has been approved by the planning commission and referred to the historic commission and ECD 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 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. BL2020-327 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes 900 Church Street, LLC, to install, construct, and maintain underground and aerial encroachments in the right-of-way at 900 Church Street. The encroachments consist of a planter wall sign, irrigation, column footings, concrete bandings, pavers and an aerial encroachment.

900 Church Street, LLC, 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.

GRANTS LEGISLATION – JULY 21, 2020

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2020-401	From: Flow, Inc., d/b/a Coord To: The Metropolitan Government	\$0	\$0	April 1, 2020 through December 1, 2020	This approves an in-kind grant to allow Metro to use Coord's technology tools and technical support at no charge in order to enable Metro to conduct a smart loading zone pilot program.
RS2020-439	From: Tennessee Department of Transportation To: Davidson County Sheriff's Office	Not to exceed \$179,800	\$0	July 1, 2020 through June 30, 2021	The grant proceeds will be used to provide statewide litter pickup and litter prevention education.
RS2020-440	From: State of Tennessee To: Metropolitan Government	\$10,000,000	\$0	N/A	This approves a direct appropriation grant from the State of Tennessee to provide funds for one-time expenses for information technology hardware upgrades, capital maintenance, utility system upgrades, road projects, public safety, and COVID-19 response, offsetting the loss of local revenues or supplementing local revenue.

RS2020-444	From: Tennessee Historical Commission To: Metropolitan Historical Commission	Not to exceed \$17,400	\$11,600	October 1, 2020 through September 30, 2021	The grant proceeds will be used to provide a conditions assessment and material analysis of four cast concrete structures in Centennial Park. The cash match for this project is being covered by the Centennial Park Conservancy.
RS2020-445	From: Two Sigma Investments, LP To: Metropolitan Arts Commission	N/A	N/A	July 1, 2020 through June 30, 2021	This approves a pro bono grant to provide data analysis of non-profit initiatives.
RS2020-446	From: Tennessee Arts Commission To: Metropolitan Arts Commission	Decrease by \$14,820	Decrease by \$14,820	N/A	<p>This approves amendment one to a grant approved by RS2020-274.</p> <p>This amendment reduces the amount of the grant from \$49,380 to \$34,560 and reduces the required cash match from \$49,380 to \$34,560. The grant proceeds are used for funding to non-profit organizations to nurture artists, arts organizations, and arts supporters in Davidson County.</p>
RS2020-448	From: Tennessee Emergency Management Agency To: Office of Emergency Management	Not to exceed \$50,000	\$12,500	October 1, 2019 through September 14, 2020	The grant proceeds will be used to provide resources to procure items, training and/or equipment for hazardous materials (hazmat) preparedness.

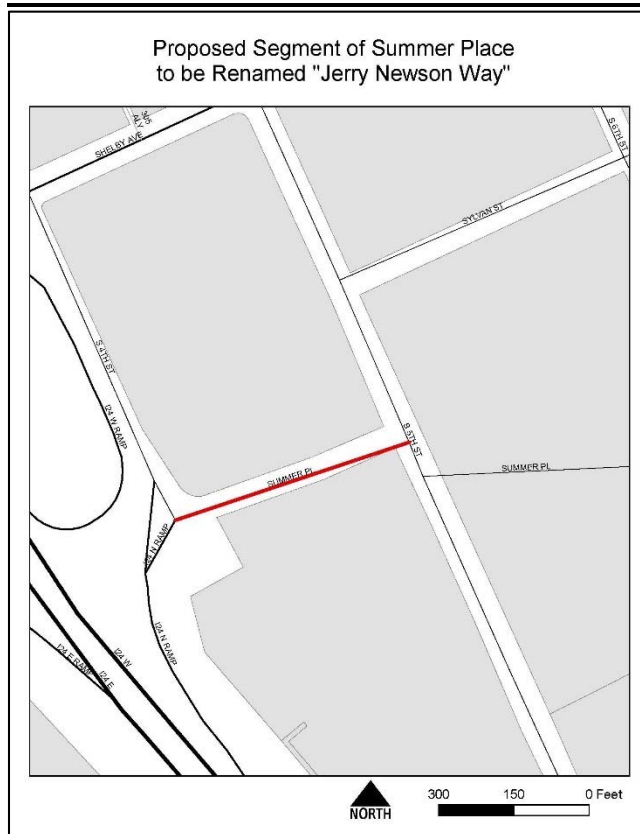
METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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.

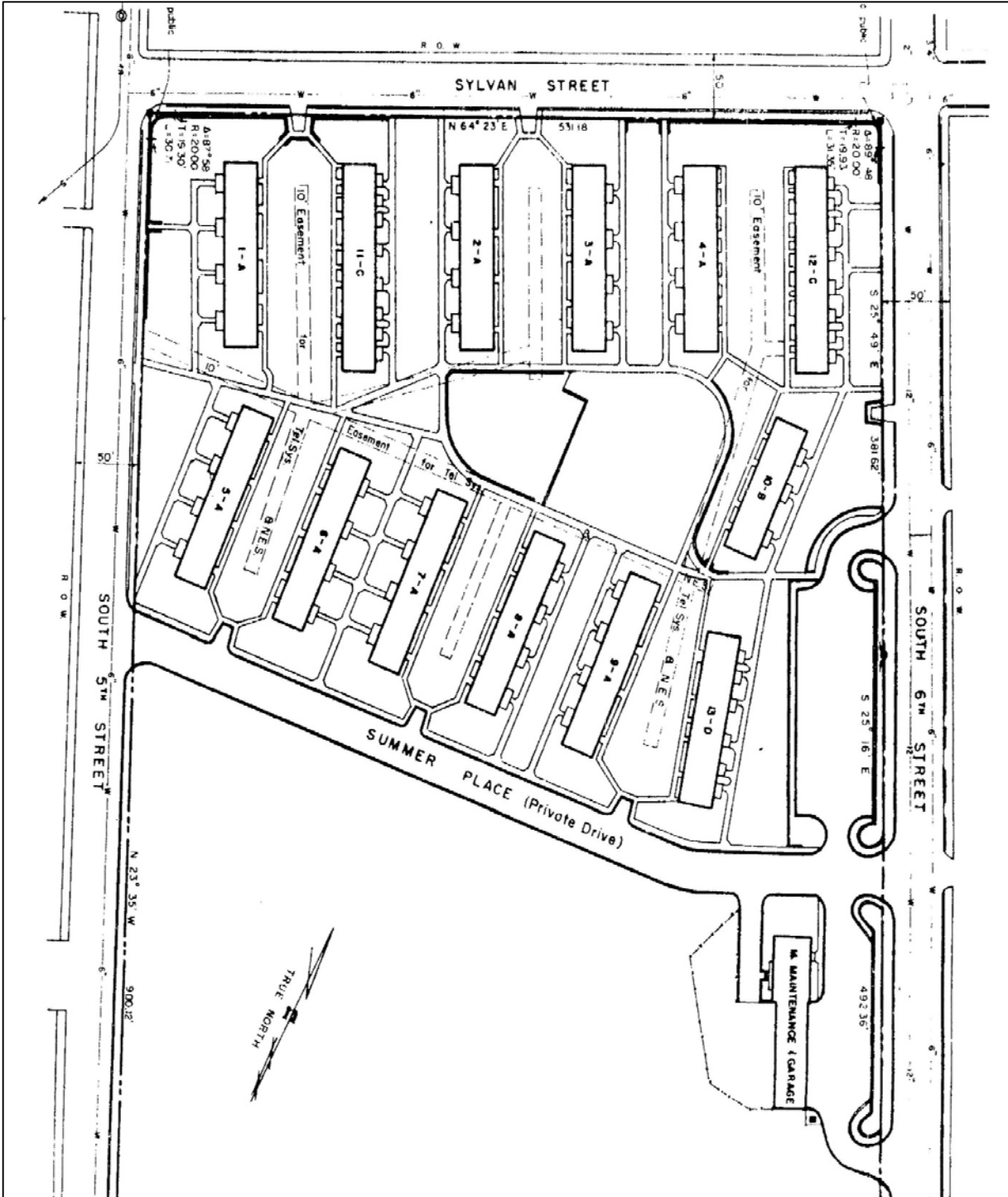


Figure 2: Street and Utility Easement Plat for James A. Cayce Homes No. 2, February 26, 1957. Source: Register’s Office Davidson County, Online Portal.

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

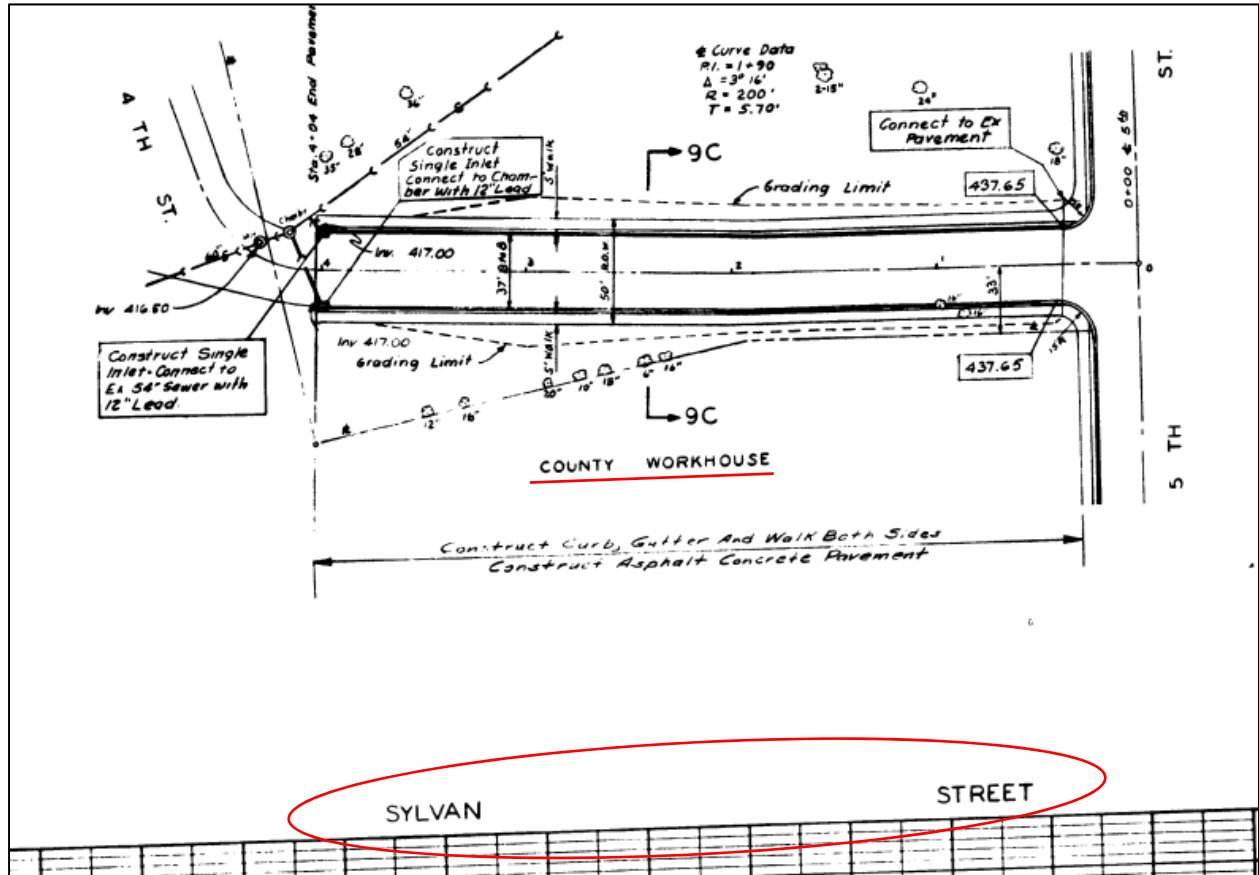


Figure 3: MDHA East Nashville, Contract T, 1962 Urban Renewal Plans, As Built Plans – Sylvan Street. Source: Metro Nashville Public Works.

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.

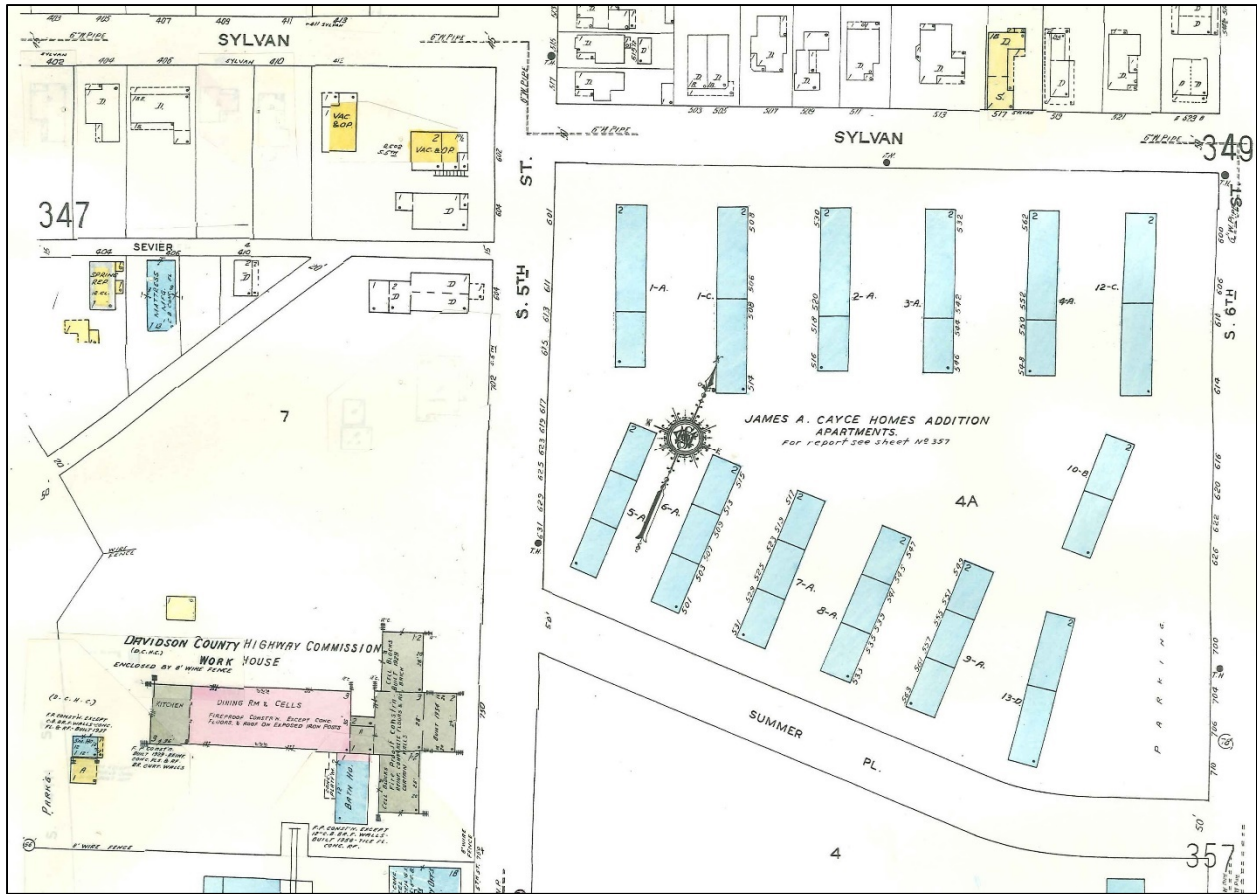


Figure 4: 1957 Sanborn Fire Insurance Map, Volume 3, Sheet 348. Image shows original segment of Summer Place, original route of Sylvan Street, and location of Davidson County Highway Commission Work House. Source: Metropolitan Historical Commission

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

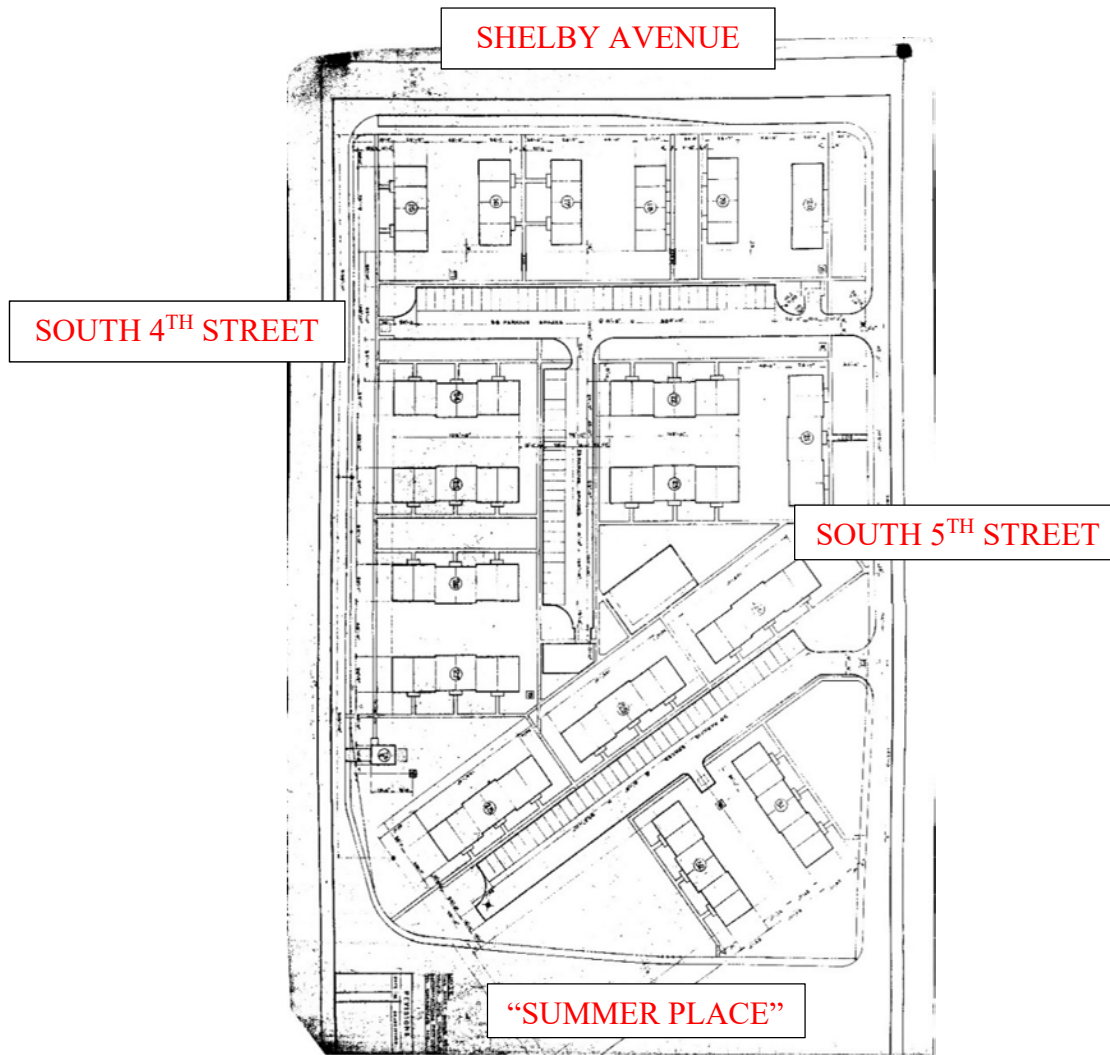


Figure 5: *CWA Apartments*, February 2, 1964.
Source: Register’s Office Davidson County, Online Portal.

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).

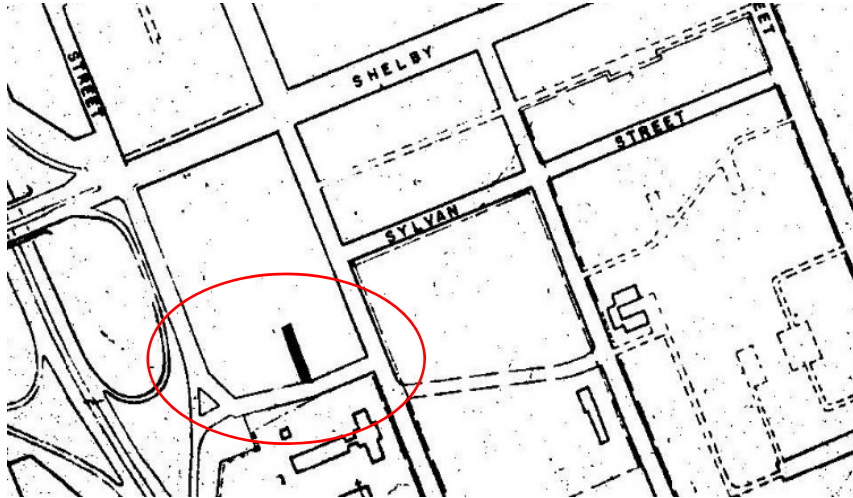


Figure 6: Attachment, Ordinance No. O64-175. Source: Metropolitan Clerk’s Office.

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.



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 15, 2020
Re: BL2020-326

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 Old Elm Hill Pike between McGavock Pike and Ermac Drive to “Sims Branch Way.” (Proposal Number 2020M-001SR-002).

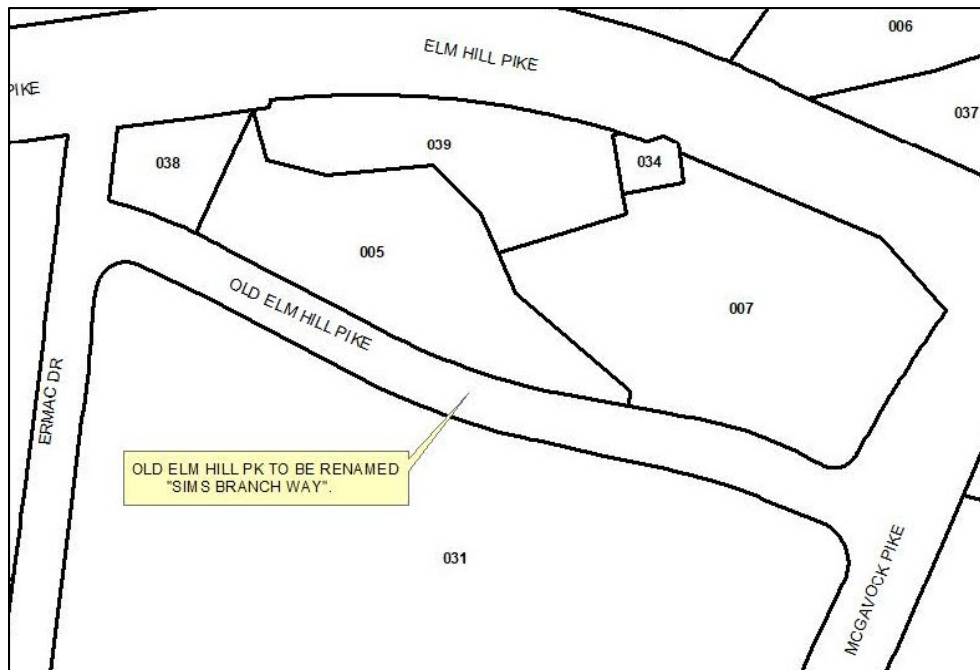


Figure 1: Sketch, Metro Public Works.

Elm Hill Pike is one of the oldest thoroughfares in Davidson County. According to writer Ann Moss Betts, “It has been called ‘the mother of all the roads’ in Middle Tennessee, because it predated Lebanon, Murfreesboro, and the other major highways which now spread out from

Nashville.”¹ Local historian Leona Taylor Aiken claimed, “Elm Hill Road is the oldest road in Middle Tennessee. Pioneers came over it from Virginia and the Carolinas. Perhaps it was the longest road in the United States at that time, for it ran from Philadelphia, Pa., to Nashville and all merchandise was transported over it by wagon.”²

The road was not always called Elm Hill Pike. Passing through the Mud Tavern/Hite community easterly towards the Stones River, it has been called Lebanon Road (before the construction of Lebanon Turnpike) and Stones River Road. More recently, it was known as “Chicken” Road or Pike. Historical Commission staff did not determine when the road was first called “Chicken Pike,” but it is clear that by 1910, residents along the pike were tired of the “homely moniker.”³ In its accounting of the April 1910 quarterly session of the Davidson County Court, the *Nashville Banner* reported, “Squire [W.G.M.] Campbell submitted a petition from numerous citizens along [the pike] requesting that the court restore the name of the pike ‘Elm Hill.’ The petition recites that the name, ‘Chicken Pike,’ is not the right name, but that the general public has followed in the use or [of] the erroneous synonym. The petition was granted, and hereafter the ‘Chicken’ Pike will be known as the ‘Elm Hill Pike’ or ‘Elm Hill’ Road.”⁴ From this point forward, maps and newspapers, which had been varied in their use of the names Elm Hill and Chicken Pike, appear to consistently use the name “Elm Hill.”

In 1919, Davidson County officially included Elm Hill Road among the list of pikes comprising the county’s general road system.⁵ The county prepared the "General Road Map, Davidson County, Tenn.," in accordance with Senate Bill No. 494 of the Private Acts of the State of Tennessee passed by the Sixtieth General Assembly in 1917. The act aimed "to provide for a system of good public roads in counties having a population of not less than 149,000, not more than 190,000 inhabitants by the Federal Census of 1910." It also included requirements for counties "to create a Board of Highway Commissioners, to have charge of the building and repairing of all the highways of said counties," and to designate, classify, and map public county

¹ Ann Moss Betts, “Elm Hill Pike: The Mother of All Roads,” *The News Herald*, August 15, 1991.

² Leona Taylor Aiken, “Donelson Has History of Famous Names,” *The News Diary*, February 20, 1980. Aiken’s quotes closely resemble those provided in “Elm Hill Community Wants Better Roads,” *Nashville Tennessean*, February 27, 1921.

³ “Homely moniker” from Betts. For the scope of this project, Historical Commission staff did not research the complete history of the road, such as when it was first established. Although unlabeled, the road appears on Wilbur F. Foster's 1871 Map of Davidson County. Wilbur F. Foster and G.W. & C.B. Colton & Co. *Map of Davidson County Tennessee, from actual surveys made by order of the county court of Davidson County*. New York: G.W. & C.B. Colton & Co., 1871. Map. <https://www.loc.gov/item/2006626025/>. Accessed April 24, 2020.

⁴ “Occupies New Courtroom, April Term of Davidson County Court Transacts Lot of Business,” *Nashville Banner*, April 4, 1910. “Solons Meet in Courthouse,” *The Nashville American*, April 5, 1910.

⁵ Davidson County Highway Commission, *1936 Code*, 8. The 1936 Code Book provides additional details that were not included in the earlier 1931 Code Book, including this reference to the 1919 Map. The 1936 Code also corrects the length to 8.1 miles.

highways and roads.⁶ By 1931, the road's official history as Chicken Pike began to disappear. The 1931 Code book of the Davidson County Highway Commission reported that Elm Hill Pike, running 8.2 miles from Murfreesboro Road to Fuqua Road, was previously known as Elm Hill Road, with no reference to its term as Chicken Pike.⁷

The subject road segment, Old Elm Hill Pike, was created when the route of Elm Hill Pike was adjusted to accommodate the construction of nearby entrance/exit ramps for Briley Parkway. According to Metro Public Works staff, the State of Tennessee realigned and widened Elm Hill Pike as part of the Briley Parkway construction.⁸ Comparison of 1957 and 1968 topographic maps provides the best visual for understanding these changes (Figures 2 and 3).⁹ By 1968, as shown in Figure 3, Old Elm Hill Pike runs westerly from McGavock Pike, crosses Ermac Drive, and terminates near the Briley Parkway exit ramp.¹⁰ The new route of Elm Hill Pike is located about 150 feet north of the intersection of Old Elm Hill and Ermac Drive.

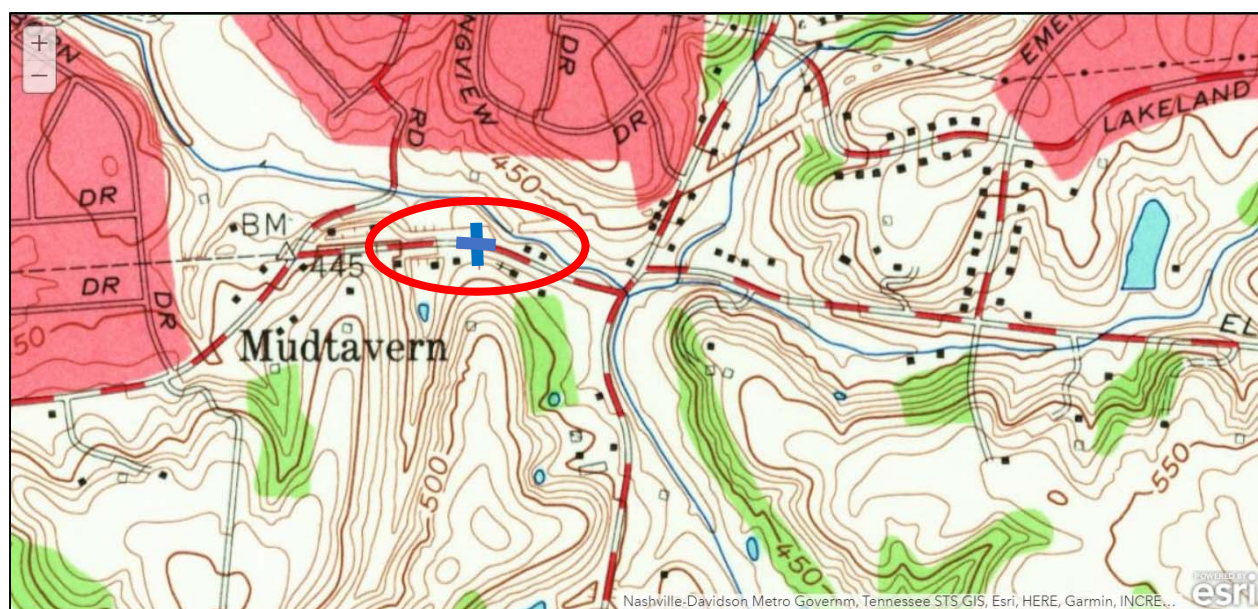


Figure 2: 1957 USGS Topographic Map. Intersection of present-day Old Elm Hill Pike and Ermac Drive marked with "+".

⁶ County Committee (Finley M. Dorris, Samuel G. Douglas, James R. Allen, and John Langham) and Engineers (Freeland, Roberts & Co.), *General Road Map, Davidson County, Tenn.* 1919. Metropolitan Government Archives. Tennessee, *Senate Bill No. 484, Private Acts* (1917), 441: 1375-1390.

⁷ Davidson County Highway Commission, *1931 Code*, 10.

⁸ Email correspondence, April 24, 2020.

⁹ USGS topographic maps, Nashville East quadrangles: 1957, 1968.

<http://historicalmaps.arcgis.com/usgs/>. Accessed April 27, 2020.

¹⁰ Ermac Drive platted by *The Highlands*, recorded May 1, 1959, Plat Book 2663, Page 127, RODC.



Figure 3: 1968 USGS Topographic Map. Intersection of present-day Old Elm Hill Pike and Ermac Drive marked with "+".
"New" Elm Hill Pike route visible just north of the intersection.