



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: October 20, 2020

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 10/14/20:

4% Reserve Fund	\$52,453,395*
Metro Self Insured Liability Claims	\$2,815,340
Judgments & Losses	\$3,542,827
Schools Self Insured Liability Claims	\$3,322,779
Self-Insured Property Loss Aggregate	\$3,785,993
Employee Blanket Bond Claims	\$703,327
Police Professional Liability Claims	\$2,065,546
Death Benefit	\$1,666,203

*This assumes unrealized estimated revenues in FY21 of \$34,404,470

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

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTIONS NO. RS2020-520 & RS2020-583 THROUGH RS2020-585 – These resolutions approve exemptions from the minimum distance requirements for obtaining a beer permit for the following establishments:

- **Resolution No. RS2020-520 (SLEDGE)** – DADS CBS, LLC dba Good Time Charlies located at 1529 4th Avenue South.
- **Resolution No. RS2020-583 (HANCOCK)** – Blue Crab Shack Atl., LLC located at 620 Gallatin Pike N.
- **Resolution No. RS2020-584 (TOOMBS)** – Legins’s House of Seafood located at 4228 Ashland City Highway.
- **Resolution No. RS2020-585 (LEE)** – Pork Belly Topsy Pig located at 2000 A Oak Trail Drive.

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. RS2020-518 (GLOVER) – This resolution proposes three amendments to the Metropolitan Charter. This resolution would set a special election to approve the Charter amendments on December 5, 2020. T.C.A. § 2-3-204(a) requires that elections on questions submitted to the people be held not less than 75 nor more than 90 days after the Election Commission is directed to hold the election. The Election Commission voted to tentatively place the petition-led Charter amendment on the ballot for December 15, 2020 (instead of December 5), pending determination by the court. However, if adopted, this resolution could not be placed on the December 15, 2020 ballot as we are less than 75 days from December 15.

Pursuant to Section 19.01 of the Metropolitan Charter, the Council may only adopt two resolutions during the term that submit Charter amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the Council and the resolution itself must be adopted by 27 affirmative votes to become effective. The Council adopted its first Charter amendment resolution of the term at the September 15, 2020 Council meeting.

The proposed Charter amendments are as follows:

- The first amendment amends Section 6.07 to provide that to the extent permitted by Tennessee law, the property tax rate adopted by the Council may not increase more than 12% over a two year period without approval of the voters at a referendum election. The Department of Law issued a legal opinion on September 28, 2020 regarding the petition-led Charter amendment opining that property tax limitations in the Charter violate state law since the county legislative body has the exclusive responsibility for setting the tax levy and there is no provision in state law authorizing a limitation to the taxing authority of the Metropolitan Council. Thus, a state law change would likely be needed before this amendment could become effective.
- The second amendment would provide that, to the extent permitted by Tennessee law, an executive order issued by the Mayor declaring a state of emergency and/or an emergency health order issued by the Metropolitan Director of Health expires after 30 days unless an extension is approved by a resolution of the Metropolitan Council receiving 30 affirmative votes. Such extensions would be limited in duration to fourteen days per extension.
- The third amendment would provide that Charter amendments may be submitted by petition no more often than once per calendar year instead of once in each two years.

The Charter Revision Commission recommended disapproval of these Charter amendments at their September 11 meeting.

RESOLUTION NO. RS2020-527 (HALL) – This resolution appropriates a total of \$1,500,000 from the COVID-19 Pandemic Fund to two organizations – Jefferson Street United Merchants Partnership (JUMP) and Street Works, for COVID-19-related community outreach, testing, and care.

The Council approved and accepted a Coronavirus Relief Fund (CRF) grant from the U.S. Department of the Treasury in an amount not to exceed \$121,122,775 via Resolution No. RS2020-318, as amended.

The resolution would appropriate \$750,000 of the CRF funds to JUMP for community outreach for those impacted by the COVID-19 pandemic and \$750,000 of the CRF funds to Street Works for community outreach, testing, and care for those impacted by the COVID-19 pandemic. The resolution specifies that the appropriations to the nonprofit organizations listed in Section 1 are hereby designated as part of the plan for disbursement of CRF grant funds required by Resolution No. RS2020-318.

Resolution No. RS2020-318, as amended, which was approved by the Council on May 19, 2020, requires approval by resolution of a plan for disbursement of CRF grant funds. As a result of this requirement, the budget ordinance for Fiscal Year 2021 (Substitute Ordinance No. BL2020-286) established a COVID-19 Financial oversight Committee ("the Committee"). The Committee includes six members appointed by the Mayor, and three councilmembers appointed by the Vice Mayor. The purpose of the Committee is to "collect, consider, and recommend appropriate uses of all federal and state funds provided to the Metropolitan Government specifically for COVID-19 relief and recovery, including but not limited to, federal CARES Act funds."

The Council has appropriated a total of \$94,300,000 thus far through the Committee process. The appropriations included in this resolution have not received a recommendation from the Committee.

RESOLUTION NOS. RS2020-586, and RS2020-588 through RS2020-597 - See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-587 (SUARA, TOOMBS & OTHERS) – This resolution amends a Barnes Fund grant contract approved by Resolution No. RS2020-239 to appropriate \$805,000 additional Barnes Fund dollars to Woodbine Community Organization, Inc. (WCO), for the express purpose of constructing and rehabilitating affordable or workforce housing. Resolution No. RS2020-239 approved a grant contract between Metro and WCO, and appropriated \$1,195,000 from the Barnes Fund for Affordable Housing to WCO. The parties desire to amend the grant contract by increasing the grant funds to WCO by \$805,000, resulting a total grant of \$2,000,000.

This is for a multifamily affordable housing development on Murfreesboro Pike that will consist of 88 one bedroom units and 236 two or more bedroom units. The total project budget is \$68,240,000. The units must remain affordable for 20 years after the date of completion.

RESOLUTION NO. RS2020-598 (RUTHERFORD, STYLES & OTHERS) – This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Metro Department of Public Works for the acceptance of traffic signal improvements in connection with construction at the I-24 Eastbound Exit Ramp at State Route 254 (Old Hickory Boulevard). This is a standard agreement with the state in which TDOT pays all of the costs associated with the construction and installation of the signalization improvements, and Metro agrees to pay for the maintenance and operating costs after the installation.

State law allows for intergovernmental agreements to be approved by resolution.

This has been approved by the Planning Commission.

Fiscal Note: The Tennessee Department of Transportation will pay for the installation of the traffic signal improvements and Metro Department of Public Works will pay for the maintenance and operation costs. The estimated cost is \$533 annually.

RESOLUTION NO. RS2020-599 (TAYLOR, MURPHY & NASH) – This resolution amends Ordinance No. BL2020-167 to authorize the Metropolitan Government to accept an additional fire hydrant, sanitary sewer manhole and easements now located at 1600 State Street and 300 Bar B Que Aly. Ordinance No. BL2020-167, approved on March 9, 2020, authorized the abandonment of approximately 110 linear feet of existing eight inch water main, approximately 486 linear feet of existing eight inch sanitary sewer main, approximately 185 linear feet of existing 10 inch sanitary sewer main, approximately 70 linear feet of existing 12 inch sanitary sewer main, three sanitary sewer manholes and easements, including those retained by Substitute Council Bill No. BL2019-35 for Alley Number 337, and the acceptance of approximately 114 linear feet of new eight inch water main and relocation if required, approximately 479 linear feet of new 10 inch sanitary sewer main, five sanitary sewer manholes and easements, for 10 properties located on Patterson Street, State Street and McMillin Street. The 10 properties are now two properties located at 1600 State Street and 300 Bar B Que Aly. Ordinance No. BL2020-167 provides that amendments to the legislation shall be approved by resolution.

This resolution has been approved by the Planning Commission.

– ORDINANCES ON SECOND READING –

SUBSTITUTE BILL NO. BL2020-197 (VERCHER) -- This ordinance declares a 120-day moratorium upon the issuance of building and grading permits for multi-family developments on property within portions of the Antioch area of Nashville and Davidson County.

The moratorium on building and grading permits is to allow the Planning Department to conduct a study of the Antioch area to determine whether existing and planned infrastructure and public facilities are sufficient to meet the projected density resulting from multi-family development. This study is to include an assessment of the capacity to deliver public services to the area, including but not limited to, public safety facilities, roadways, sidewalks, stormwater, and school capacity. It will also make recommendations to the Council regarding modifications to the community plans and policies to address any deficiencies noted and any necessary zoning changes.

This ordinance does not yet identify the specific areas where the moratorium would be imposed.

The planning commission is scheduled to consider this proposal at its November meeting. This ordinance would thus need to be advertised for a public hearing subsequent to November if it is to proceed.

SUBSTITUTE BILL NO. BL2020-224 (TAYLOR, HAUSSER, & OTHERS) – This ordinance, as substituted and amended, amends Chapter 11.22 of the Metropolitan Code to require landlords to provide notice to tenants prior to the sale of the leased property. The ordinance would create a new requirement that landlords provide a minimum of 30 days’ written notice to tenants prior to listing the property. The landlord would also be required to notify tenants within five days of a binding sale agreement of the closing date and the anticipated date by which a tenant would need to vacate, if applicable, which would be no less than 30 days from the date of notice of the closing date.

Pursuant to the amendment, this provision would not apply to properties with 100 rental units or more or when a written rental agreement addresses the required notice to the tenant prior to the sale of the leased premises. The provision would become effective January 1, 2021.

This is similar to Bill No. BL2020-149, adopted at the April 21 meeting, which requires landlords to provide at least 90 days’ written notice to tenants before increasing the tenant’s rent.

BILL NO. BL2020-424 (MURPHY, SLEDGE, & OTHERS) – This ordinance requires public notice regarding applications for Stormwater Management Committee (SWMC) variances. The application would be required to give 21 days’ notice to property owners within one thousand feet of the subject property before the SWMC could take an action on the variance request. The application would be responsible for the costs associated with preparation and mailing of the notice. The application would also be required to post public notice signs on the subject property

no less than 21 days prior to the SWMC meeting. The signs would be posted along each 300 feet of public street frontage.

There will likely be an amendment offered by the sponsor at the request of Metro Water Services to reduce the number of required days' notice to 10 days and make the effective date of the ordinance January 1, 2021.

BILL NO. BL2020-454 (VANREECE, BRADFORD, & OTHERS) – This ordinance amends the Metropolitan Code of Laws to prohibit bullying in all Metro Government services, activities, programs, and facilities. Bullying, including cyberbullying, would be prohibited by any person, volunteers, or staff. Retaliation against a person who reports bullying would also be prohibited. All Metro agencies and departments that provide services, activities, programs, and facilities to the public would be required to establish a clear policy for reporting, addressing, and preventing bullying. The policy must include a requirement for annual training for all staff on the policy and bullying prevention practices.

This ordinance would not apply to Metro Nashville Public Schools, which is already required to adopt a policy prohibiting harassment, intimidation, bullying, and cyber-bullying under state law.

BILL NO. BL2020-455 (SYRACUSE) – This ordinance amends Section 7.08.030 of the Metro Code to create a new type of beer permit for curbside / delivery. In response to the COVID-19 pandemic, the Metro Beer Permit Board (“Beer Board”) created an emergency regulation that allowed for curbside / delivery of beer of not more than 8% alcohol by volume. The Beer Board has requested that the new type of permit be permanently adopted by the Council.

This ordinance adds a new subsection to Section 7.08.030 to establish a retailer’s curbside / delivery permit. This permit would apply when beer sold is not to be consumed by the purchaser upon or near the premises of such seller and the purchaser has the option to take possession of the beer curbside or have the beer delivered to a location other than the retailer’s premises. Retailers holding curbside / delivery permits would be required to maintain records of all off-premises sales and deliveries in accordance with T.C.A. § 57-6-103(a). The ordinance also grants the Beer Board the authority to revoke or suspend a curbside / delivery permit or impose a civil penalty on any beer retailer who fails to remit timely any wholesale taxes.

BILL NO. BL2020-456 (ALLEN) – This ordinance amends Chapter 11.22 of the Metro Code to require landlords to provide notice to tenants prior to termination of tenancy and nonrenewal of a lease. This ordinance mirrors two of the protections of the state law under the Uniform Residential Landlord Tenant Act. First, it provides that a week-to-week tenancy can be terminated upon ten days written notice. Second, it provides that a month-to-month tenancy can be terminated upon 30 days written notice. Both of these are taken from state law (Tenn. Code Ann. § 66-28-512).

This ordinance further provides that, in the absence of a written rental agreement that requires 60 days or more written notice of intent not to renew a lease, a landlord would be required to provide at least 90 days notice prior to the end of the lease of an intention not to renew a lease. It would apply to leases of one year or greater.

This ordinance would apply to all residential landlord-tenant relationships, even if ownership is transferred. A violation of these provisions would result in a fifty dollar fine per rental unit.

The Council Office would note that, while state law provides the time period that must be followed to terminate a week-to-week and month-to-month tenancy, it does not explicitly authorize local governments to collect a fifty dollar fine in connection with a violation of these provisions.

BILL NO. BL2020-457 (ROSENBERG, O'CONNELL & OTHERS) – This ordinance amends Section 13.08.080 of the Metropolitan Code to restrict Metro from entering into agreements or contracts to acquire surveillance footage or data captured by technology owned by a person or business without the direct consent of that person or business, and to clarify that the existing prohibition on the operation of license plate scanning equipment pertains to the scanning of license plates within the public rights-of-way. Section 13.08.080 was enacted by Ordinance No. BL2017-646 to limit the use of "surveillance technology" beginning on July 1, 2017. Approval by the Council is required before any department, board, or commission, or any individual acting on their behalf, installs unmanned surveillance technology on any public right of way. Additionally, Council approval can be granted only upon determination that the benefits to citizens and residents of Nashville outweighed the costs; that the proposal will safeguard civil liberties; and that, in the judgment of the Council, no alternative with a lesser economic cost or impact upon civil rights would be as effective.

Section 13.08.080 lists 14 different types of equipment under the "surveillance technology" definition. In addition to typical devices (e.g., closed-circuit television cameras), the list includes technologies including as x-ray vans, biometric software and databases, mobile DNA capture technology, and through-the-wall radar or similar imaging technology.

This ordinance amends subsection C. of Section 13.08.080 to prohibit Metro from acquiring or entering into an agreement to acquire surveillance footage or data captured by technology owned by a person or business without the direct consent of that person or business absent a judicial warrant or order to the contrary. This ordinance also amends subsection G. of this section to clarify that it is unlawful to operate any license plate scanner, regardless of the physical location of the scanning equipment, for the purpose of scanning license plates within the public rights-of-way. The existing Code section arguably would only apply to equipment that is physically installed in the right-of-way, and not when equipment is housed offsite.

BILL NO. BL2020-458 (CASH & WITHERS) – This ordinance adopts a more recent edition of several standard building and fire codes. Copies of the new editions of the standard codes are on

file with the Codes Department. Metro is required by state law to keep our codes current within seven years of the latest published edition of the model codes. Metro is currently operating under the 2012 edition of the fire, life safety, building, residential, gas/mechanical, and plumbing codes, and the 2008 version of the energy code. The various building and fire codes are typically adopted at the same time to avoid conflicts between the codes. The Codes Department has notified the various construction trade associations of Metro's intention to adopt the 2018 codes. The adoption of the 2018 codes has been discussed at multiple stakeholder meetings over the last two years.

Nashville's building code standards are based upon the International Building Code (IBC), the International Residential Code (IRC), and the International Energy Conservation Code (IECC), each of which are updated on a periodic basis. Although these model codes have been upgraded several times in the past decade, the Council Office has been advised that Nashville's residential building code still adheres to certain 2009 standards, specifically as it relates to insulation requirements. The current ordinance proposes adoption of the 2018 editions of the IBC, IRC, and IECC, which are estimated to require 30% less energy use compared to 2009 standards. An analysis prepared by Pacific Northwest National Laboratory on behalf of the U.S. Department of Energy indicates that upgrading Nashville's current residential energy code to the 2018 IECC standards will provide a net life-cycle cost benefit of \$8,034 per single-family dwelling unit.

Metro typically also adopts some amendments to the standard codes that are local in nature, which are included as part of this ordinance. The local amendments are basically in keeping with prior code adoptions to make the code consistent with state law and Metro's appeal processes.

BILL NO. BL2020-459 (VERCHER, STYLES & HANCOCK) – This ordinance amends Section 16.28.190 of the Metropolitan Code to require the Codes Department to provide notice to district councilmembers regarding applications for permits to demolish historic structures. The ordinance would require notice by email to the district councilmember representing the district in which the historic structure is located within two business days after the application for the demolition permit has been filed.

BILL NO. BL2020-461 (TOOMBS, RUTHERFORD & OTHERS) – This ordinance creates the new positions of Chief Diversity Equity and Inclusion Officer and Workforce Diversity Manager 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 these two positions, which were funded in the Fiscal Year 2021 substitute budget ordinance approved by the Council. A job description for each is attached to the ordinance.

Although the Director of Finance recently implemented a hiring freeze for Metro, these positions are expressly exempt from the hiring freeze.

BILL NO. BL2020-462 (SYRACUSE, VANREECE & NASH) – This ordinance approves a second amendment to an agreement between the Metropolitan Government and Plaza 2750, LLC, (Plaza) concerning the acquisition of real property for use as the site of a new public library in Donelson. The original agreement was approved by BL2018-1161 and amended by BL2018-1378. This amendment adds landscaping work to the public infrastructure work to be completed by Plaza.

BILL NO. BL2020-463 (PARKER, MURPHY & OTHERS) – This ordinance amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming a portion of Sharpe Ave. between McFerrin Ave. westward to the CSX railroad as "West Sharpe Ave." There are currently two disconnected sections of roadway named Sharpe Avenue that could cause confusion for emergency services.

This ordinance has been referred to the ECD Board, the Planning Commission, and the Historical Commission. This ordinance will need to be deferred pursuant to Section 13.08.015 of the Metro Code if the Historical Commission analysis has not been submitted to the Council prior to the second reading vote.

BILL NO. BL2020-464 (HURT, O'CONNELL & OTHERS) – This ordinance, as amended, amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming a portion of 10th Circle N between Rosa L. Parks Blvd and Dr. Martin L King Jr. Blvd to "Rev Kelly M Smith Way." Rev. Kelly Miller Smith was a clergyman and civil rights activist in Nashville. Rev. Smith served as pastor of First Baptist Church, Capitol Hill, from 1951 until his death in 1984. He also served as president of the Nashville chapter of the NAACP, and as Assistant Dean of Vanderbilt University's Divinity School from 1969 until his death.

This ordinance has been referred to the ECD Board, the Planning Commission, and the Historical Commission. This ordinance will need to be deferred pursuant to Section 13.08.015 of the Metro Code if the Historical Commission analysis has not been submitted to the Council prior to the second reading vote.

BILL NO. BL2020-465 (TAYLOR, MURPHY & OTHERS) – This ordinance abandons an unimproved, unnumbered alley from 14th Ave N to Alley #540, between Buchanan Street and Clay Street. This abandonment has been requested by Centric Architecture, applicant. Metro Public Works has determined there is no future need for this alley for Metro purposes. Future amendments to this ordinance may be approved by resolution.

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

BILL NO. BL2020-466 (LEE, MURPHY & NASH) – This ordinance authorizes the acquisition of permanent and temporary easements for the Granny Wright Lane Stormwater Improvement Project for two properties located at 2335 and 2337 Granny Wright Lane. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

BILL NO. BL2020-467 (BRADFORD, MURPHY & NASH) – This ordinance authorizes the acquisition of permanent and temporary easements for the Kipling Drive Stormwater Improvement Project for 13 properties located along Goodbar Drive, Aladdin Drive, and Kipling Drive. Future amendments to this ordinance may be approved by resolution.

This ordinance has been approved by the Planning Commission.

BILL NO. BL2020-468 (ROBERTS, MURPHY & NASH) – This ordinance authorizes the acceptance of approximately 1,340 linear feet of new eight inch water main, 714 linear feet of new eight inch sanitary sewer main, 312 linear feet of new eight inch sanitary sewer main, four fire hydrant assemblies, five sanitary sewer manholes, and easements for property located at 110 Tune Airport Drive. Future amendments to this legislation may be approved by resolution.

This ordinance has been approved by the planning commission.

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

BILL NO. BL2020-469 (MURPHY & NASH) – This ordinance authorizes the acceptance of approximately 138 linear feet of new eight inch sanitary sewer main (DIP), approximately 252 linear feet of new eight inch sanitary sewer main (PVC), two sanitary sewer manholes and easements, for three unnumbered properties located on Clovercroft Road in Williamson County, also known as Twin Valley Farm. Future amendments to this legislation may be approved by resolution.

This ordinance has been approved by the planning commission.

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

– ORDINANCES ON THIRD READING –

BILL NO. BL2020-405 (SLEDGE) – This ordinance amends the Metropolitan Code relative to special screening requirements. It creates a new subsection to regulate below grade (deep well) refuse collection and recycling systems. When used as an alternative to traditional dumpsters or other trash receptacles, these below grade systems would be required to be screened by a decorative wall, solid fence, or year-round landscaping. The height of the wall, fence, or landscaping would be required to be equal to or greater than the height of the equipment being screened.

BILL NO. BL2020-449 (SUARA & HENDERSON) – This ordinance amends Chapter 2.08 of the Metropolitan Code to eliminate the master list of architects and engineers. Section 2.08.040 of the Code requires the Metropolitan Government to enter into professional services contracts for architectural or engineering services with only those firms that appear on the master list of architectural/engineering firms. Under Section 4.08.080 of the Metro Procurement Code, contracts for architectural and engineering services are not selected based on competitive sealed bids, but rather are to be awarded on the basis of recognized competence and integrity. This is the same process used for selecting contracts for “legal services, medical services, accounting services, fiscal agents, financial advisors or advisory services, educations consults...and similar services by professional persons or groups of high ethical standards.” However, the master list requirement is a unique provision that applies to only architectural and engineering firms. Thus, the master list can be a barrier to entry for firms who do not appear on the list.

Section 2.08.040 further provides that the mayor can execute and enter into professional services contracts with firms on the master list on a project-by-project basis and upon the recommendation of the capital improvements architecture/engineering review board, which is contrary to the normal procurement process for other services. For the foregoing reasons, the Procurement Standards Board recommended in 2019 that the master list of architectural/engineering firms be eliminated.

This ordinance deletes Section 2.08.040 in its entirety, which would eliminate the master list of architects and engineers, and would require such contracts to be procured in the same manner as all other professional services contracts.

BILL NO. BL2020-450 (SUARA, O’CONNELL & OTHERS) – This ordinance, as amended, amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by changing the name of 5th Avenue N., and Opry Place to “Rep. John Lewis Way N.” and by changing the name of 5th Avenue S. to “Rep. John Lewis Way S.” Representative John Lewis died on July 17, 2020 after battling cancer. He began his lifelong civil rights work while attending the American Baptist Theological Seminary and later at Fisk University in Nashville. He was a leader in the historic lunch counter sit-ins on 5th Avenue that led to Nashville becoming the first Southern city to begin the desegregation of public places. As a student, Congressman Lewis attended nonviolence workshops held at Clark

Memorial United Methodist Church by the Rev. James Lawson and Rev. Kelly Miller Smith. In 1961, Lewis was one of the 13 original “Freedom Riders.” He went on to serve as an Atlanta city councilman and as a member of the U.S. House of Representatives beginning in 1986.

In honor of Representative Lewis, this ordinance would make the following street name changes:

- By renaming 5th Ave. N. from Commerce St. to Jefferson St. as “Rep. John Lewis Way N.”
- By renaming Opry Place from Broadway to Commerce St. as “Rep. John Lewis Way N.”; and
- By renaming 5th Ave. S. from Broadway to Oak Street as “Rep. John Lewis Way S.”

Although this ordinance originally would have renamed the section of 5th Ave. N. through Germantown and Salemtown, it was amended on first reading to remove that portion given the impact upon a large number of residents.

This ordinance has been referred to the ECD Board and the Planning Commission. The required report from the Historical Commission is attached to the analysis.

This ordinance would be effective January 1, 2021.

BILL NO. BL2020-451 (PULLEY, MURPHY, & NASH) – This ordinance, as amended, amends Ordinance No. BL2018-1137 regarding the retention of easements and abandons Alley Number 1715 between Crestmoor Road and the southern property line of the Calvary Methodist Church at 3701 Hillsboro Pike. Pursuant to Ordinance No. BL2017-590, Council authorized the acquisition by negotiation or condemnation of property (the “Existing CVS Parcel”) at the southwest corner of the intersection of Hillsboro Pike and Crestmoor Road in connection with a project (the “Project”) to realign that intersection to improve traffic flow. The Project will entail the demolition of the CVS store on the Existing CVS Parcel and the construction of a new CVS store on the property at the northwest corner of the intersection. Council subsequently authorized the abandonment of the portion of Crestmoor to be taken out of service by the Project (BL2018-1137) and the sale of remnant property to CVS (BL2018-1136).

Tennessee CVS Pharmacy, L.L.C. has requested the closure and abandonment of a 170-foot long alley (#1715) between Crestmoor Road and the southern property line of the Calvary Methodist Church at 3701 Hillsboro Pike. This ordinance would approve the abandonment of the alley, and all easements within the alley, upon completion of the replacement alley. The ordinance also provides that in the event the new alley has not been constructed within two years after the effective date of this ordinance, then the abandonment will no longer be effective. A recently identified storm water line that crosses the alley would be abandoned upon the written certification by the Metro Water Services Director that the line has been appropriately relocated or that no further need for the line exists and relocation is unnecessary.

The abutting property owners have consented to the abandonment of Alley #1715 conditioned upon the new alley being constructed within two years.

This ordinance has been referred to the planning commission as a mandatory referral. A recommendation from the planning commission is expected prior to third reading.

Future amendments to this ordinance may be approved by resolution.

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.

BILL NO. BL2020-452 (PARKER, TOOMBS & OTHERS) – This ordinance approves a participation agreement between Metro, through Metro Water Services, and High View Flats, LLC (“HVF”), and authorizes the transfer to HVF of a small portion of property located at 700 E. Trinity Lane. HVF is constructing 75 single family cottages and two multi-family buildings with 88 total units located at East Trinity Lane, unnumbered and 841 Cherokee Avenue. Metro owns property controlled by MWS directly adjacent to the project used for storing and maintenance of three water reservoirs, which is surrounded by fencing. HVF needs to cross Metro’s property in order to access their development site.

Pursuant to the participation agreement attached to the ordinance, Metro has agreed to transfer approximately 1772 sq. feet of Metro’s parcel to HVF, and in exchange, HVF, at its own expense, will provide Metro approximately 80 feet of new fencing for Metro’s property and install four new security cameras to monitor the tank site. The approximate value of Metro’s property to be conveyed to HVF is \$19,386 and Metro will be receiving approximately \$39,388 of improvements in exchange for the transfer of property. HVF must replace any MWS fence removed or damaged by the development of their property to accommodate the new property line. Any disturbed land must also be returned to its preconstruction condition through grading and over-seeding. HVF must complete these Metro property improvements prior to the issuance by Metro of use and occupancy permits related to the development project. Metro will be responsible for all ongoing operation and maintenance of the newly installed fence and security cameras.

Fiscal Note: Metro will receive improvements with an approximate value of \$39,388 for the conveyance of the small portion of the property at 700 E. Trinity Lane to High View Flats, LLC. The approximate value of property is \$19,386.

BILL NO. BL2020-453 (ROBERTS, MURPHY & NASH) – This ordinance authorizes the acceptance of approximately 107 linear feet of new 8 inch sanitary sewer main, one sanitary sewer manhole, and associated easements for property located at 5800 Centennial Boulevard. Future amendments to this legislation may be approved by resolution.

This ordinance has been approved by the planning commission.

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

GRANTS LEGISLATION – OCTOBER 20, 2020

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2020-586	From: Regions Foundation of Tennessee To: Office of the Mayor	Not to exceed \$250,000	\$0	October 1, 2020 through June 30, 2021	The grant proceeds will be used to support the Metropolitan Barnes Housing Trust Fund for affordable housing
RS2020-588	From: Center for Tech and Civic Life To: Davidson County Election Commission	Not to exceed \$475,915	\$0	June 15, 2020 through December 31, 2020	The grant proceeds will be used to provide planning and operationalizing of a safe and secure election administration in Davidson County in 2020.
RS2020-589	From: Living Cities To: Finance Department - Procurement Division	N/A	N/A	Extend to October 30, 2020	This approves the first amendment to a grant approved by RS2020-152. The amendment would extend the grant term from June 30, 2020 to October 30, 2020. The grant proceeds are used to support the city's work with the City Accelerator's Retake: Inclusive Procurement Cohort program to improve the participation of minority and women-owned businesses in the Metropolitan Government's procurement process.

<p>RS2020-590</p>	<p>From: U. S. Department of Health and Human Services</p> <p>To: Metropolitan Action Commission</p>	<p>Not to exceed \$682,702</p>	<p>\$0</p>	<p>July 1, 2020 Through June 30, 2021</p>	<p>This approves amendment four to a previously approved grant.</p> <p>This resolution would appropriate the additional funds for cost of living and quality improvement increases. Grant proceeds are used to support the Head Start/Early Head Start Program by funding a comprehensive child development program for disadvantaged children.</p>
<p>RS2020-591</p>	<p>From: U. S. Department of Health and Human Services</p> <p>To: Metropolitan Action Commission</p>	<p>Increase by \$1,305,029</p>	<p>Reduce by \$600,000</p>	<p>Extend to June 30, 2021</p>	<p>This approves amendments two, three, and four to a previously approved grant. The amendment reduces the cash match requirement from \$3,621,175 to \$3,021,175; increases the grant amount from \$14,484,699 to \$15,789,728; and extends the end date of the grant from June 30, 2020 to June 30, 2021.</p> <p>The grant proceeds are used to support the Head Start Program by funding a comprehensive child development program for disadvantaged children.</p>
<p>RS2020-592</p>	<p>From: Metropolitan Development and Housing Authority</p> <p>To: Metropolitan Action Commission</p>	<p>Not to exceed \$908,321.75</p>	<p>\$0</p>	<p>October 1, 2020 through September 30, 2021</p>	<p>The proceeds of this subrecipient grant will be used to address rent and mortgage assistance for up to three months for eligible households resulting from the COVID-19 pandemic.</p>

<p>RS2020-593</p>	<p>From: Tennessee Department of Agriculture</p> <p>To: Nashville Farmers' Market</p>	<p>Not to exceed \$250,000</p>	<p>\$0</p>	<p>October 1, 2020 through December 30, 2020</p>	<p>The proceeds from this Tennessee CARES Act Coronavirus Agricultural and Forestry Business Fund grant will be used to respond to COVID-19 business disruption and supply chain improvement initiatives.</p>
<p>RS2020-594</p>	<p>From: Tennessee Department of Health</p> <p>To: Metropolitan Board of Health</p>	<p>Increase by \$90,900</p>	<p>N/A</p>	<p>N/A</p>	<p>This approves the second amendment to a grant approved by RS2019-1700. The grant would be increased from \$151,500 to \$242,400.</p> <p>The grant proceeds are used to provide Chronic Disease Prevention and Management Services to reduce risks associated with prediabetes, type 2 diabetes, or heart disease and stroke.</p>
<p>RS2020-595</p>	<p>From: U.S. Department of Housing and Urban Development</p> <p>To: Metropolitan Social Services Department – Homelessness Commission</p>	<p>N/A</p>	<p>N/A</p>	<p>Extend to October 31, 2020</p>	<p>This approves an amendment one to a grant approved by RS2019-1791. The end date is extended from June 30, 2020 to October 31, 2020.</p> <p>The grant proceeds are used to contribute to the national effort to end homelessness.</p>

<p>RS2020-596</p>	<p>From: Tennessee Emergency Management Agency</p> <p>To: Office of Emergency Management</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>This approves the second amendment to a grant approved by RS2020-448. This would extend the date by which work must be completed from September 30, 2020 to September 30, 2021.</p> <p>The grant proceeds are used to provide resources to procure items, training and/or equipment for hazardous materials (hazmat) preparedness.</p>
<p>RS2020-597</p>	<p>From: Tennessee Department of Human Services</p> <p>To: Metropolitan Parks and Recreation Department</p>	<p>Not to exceed \$421,800</p>	<p>N/A</p>	<p>N/A</p>	<p>The grant proceeds will be used to provide nutritious meals and snacks for children attending after school programs in six park locations.</p>



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

To: Metropolitan Council
From: Metropolitan Historical Commission, Staff
Date: September 18, 2020
Re: Ordinance No. BL2020-450

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by changing the name of 5th Avenue N., and Opry Place to “Rep. John Lewis Way N.” and by changing the name of 5th Avenue S. to “Rep. John Lewis Way S.” (Proposal Number 2020M-004SR-001).

Originally named Summer Street, Fifth Avenue is one of the earliest thoroughfares in Nashville. Apart from the building of the northern interstate loop, its route has remained relatively unchanged for over 150 years. Although the expansion of the road outpaced the expansion of Nashville’s corporate limits, a majority of Summer Street was contained within the city limits by 1865; the city limits included the full length of Summer Street by 1905.

In April 1784, the General Assembly of the State of North Carolina established the Town of Nashville and set out a plan for designating the corporate limits:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the directors or trustees hereafter appointed, or a majority of them, shall, so soon as may be after the passing of this act, cause two hundred acres of land, situate on the south side of the Cumberland River, at a place called the Bluff, adjacent to the French Lick, in which said Lick shall not be included, to be laid off in lots of one acre each, with convenient street, lanes, and alleys, reserving four acres for the purpose of erecting public buildings, on which land, so laid off according to the directions of this act, is hereby constituted, erected, and established a town, and shall be known and called Nashville, in memory of the patriotic and brave General Nash.¹

¹ H. W. Crew, *History of Nashville, Tenn., With Full Outline ...* (Nashville: Publishing House of the Methodist Episcopal Church, South, 1890) (Nashville: Reproduced from the 1890 original in 1970 by Charles Elder) 110.

Through the act, Samuel Barton, Thomas Molloy, Daniel Smith, James Shaw, and Isaac Lindsay were appointed as directors, or trustees, of the town, and Samuel Burden was appointed its treasurer. The group directed the survey of the town's two hundred acres into lots of one acre each. Reserving four acres for public buildings, ownership of the remaining 165 lots was determined through the drawing of ballots. The fee paid by each new owner was earmarked for the purpose of building a courthouse, prison, and stocks on the public lots.

As one of the first roads in Nashville, Summer Street appears on the "Plan of Nashville, as the town was originally laid out by Thomas Molloy (1789)" (Fig. 1).² Thomas Molloy is credited with completing the first survey of lots in the new town in 1784. Reportedly, the original copy of the survey was lost, and Molloy completed another survey in 1789 for Hon. John Overton. On this map, Summer Street runs from Broad Street to Locust Alley/Line Street, about one block north of Gay Street. According to Morton B. Howell, a former mayor of Nashville and "accepted authority" on the city's history, natural features likely inspired several of the street names, but "Cherry and Summer were mere fancies."³

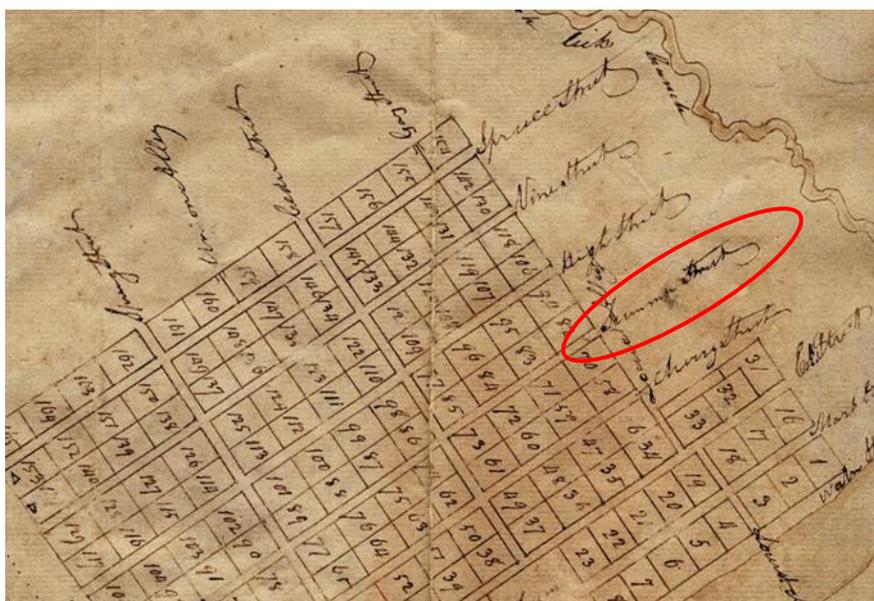


Figure 1: Plan of Nashville, as the town was originally laid out by Thomas Molloy (1789). Source: Tennessee State Library and Archives. Summer Street circled in red.

Nashville's corporate limits expanded to the south in 1824, to the north in 1830 and 1838, and again to the south in 1854.⁴ By 1860, Summer Street's northern terminus was Clay Street, at the

² "Plan of Nashville, as the town was originally laid out by Thomas Molloy (1789)," Tennessee State Library and Archives <<http://teva.contentdm.oclc.org/cdm/ref/collection/p15138coll23/id/9013>> Accessed 10 September 2020.

³ "Nashville Loses Useful Citizen," *The Nashville American*, 24 January 1909. Morton M. Howell, "First Streets of Nashville," *The Nashville American*, 18 February 1902.

⁴ City Planning and Zoning Commission, "Territorial Growth of City of Nashville Tennessee, 1784-1952," date unknown. R.B.C. Howell, "Map of Nashville, Tennessee [1903]," Tennessee

edge of property owned by Dr. D. T. McGavock, even though the corporation line would not reach Clay until after the city's boundaries expanded northward in 1865 (to just north of Monroe Street) and again in 1890.⁵ Also by 1860, Summer Street reached its final (and current) southern terminus at Oak Street at the edge of the Nashville City Cemetery.⁶

The final northern segment of Summer Street, running from Clay Street to Cass Street, was platted in 1887 by the *Subdivision of Lot No. 1, Cantwell's Subdivision of the Whiteside Tract*.⁷ In 1905, northward expansion of the corporation line included this last segment of Summer Street between Clay Street and Cass Street.⁸

The City of Nashville changed the name of Summer Street to Fifth Avenue by Ordinance #090, on December 22, 1904.⁹ This was part of an extensive campaign to create consistency with street names.

The City of Nashville changed the name of Fifth Avenue North, between Broadway and Commerce Street, to Opry Place by Ordinance #62-412 on September 18, 1962.¹⁰

Presently, Fifth Avenue North runs from I-65 to Commerce Street, Opry Place runs from Commerce Street to Broadway, and Fifth Avenue South runs from Broadway to Oak Street.

State Library and Archives

<<https://teva.contentdm.oclc.org/digital/collection/p15138coll23/id/9868/rec/1>> Accessed 10 September 2020. Nashville annexed South Nashville (incorporated November 18, 1851) on June 15, 1854.

⁵ "Territorial Growth" and "Map of Nashville." Haydon and Booth, "City of Nashville and Edgefield (1860),"

<<https://teva.contentdm.oclc.org/digital/collection/p15138coll23/id/249/rec/1>> Accessed 11 September 2020.

⁶ "City of Nashville and Edgefield."

⁷ *Subdivision of Lot No. 1, Cantwell's Subdivision of the Whiteside Tract*, Plat Book 57, page 73, recorded May 4, 1887. The Whiteside Tract was one of the lots created by the Subdivision of Dr. D.T. McGavock's lands recorded in Plat Book 57, page 10, on December 18, 1879. The eastern segment of Cass Street, running east of Darmstadt (Sixth Ave N) to meet up with Summer Street, was unbuilt by the 1889 publication of the Hopkins Atlas. G.M. Hopkins and Co., "Nashville. Plate 14 from G.M. Hopkins' Atlas of Nashville (1889),"

<<https://teva.contentdm.oclc.org/digital/collection/p15138coll23/id/9827/rec/55>> Accessed 11 September 2020.

⁸ "Territorial Growth" and "Map of Nashville."

⁹ Minute Book 11, page 390. G.M. Hopkins and Co., "Atlas of the City of Nashville, Tennessee: from official records, private plans and actual surveys [1908, Plate 23],"

<<https://teva.contentdm.oclc.org/digital/collection/p15138coll23/id/9779>> Accessed 11 September 2020, and Marshall and Bruce, Co., "Revised map of Nashville showing new ward boundaries [1915],"

<<https://teva.contentdm.oclc.org/digital/collection/p15138coll23/id/9993/rec/1>> Accessed 11 September 2020. These maps show the northern terminus of Fifth Avenue North at Cass Street.

¹⁰ Council Minute Book 35, page 149.