



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Mike Jameson, Director and Special Counsel
Mike Curl, Finance Manager
Metropolitan Council Office

COUNCIL MEETING DATE: July 3, 2018

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 6/27/18:

4% Reserve Fund	\$5,253,804*
Metro Self Insured Liability Claims	\$4,983,315
Judgments & Losses	\$2,449,268
Schools Self Insured Liability Claims	\$4,484,396
Self-Insured Property Loss Aggregate	\$8,025,911
Employee Blanket Bond Claims	\$676,977
Police Professional Liability Claims	\$2,278,789
Death Benefit	\$1,304,267

*This assumes unrealized estimated revenues in FY18 of \$1,970,430.

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

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTIONS NO. RS2018-1266 AND RS2018-1267 - These resolutions would approve exemptions for two establishments, listed below, from the minimum distance requirements for obtaining a beer permit.

The Metro Code of Laws (MCL) prevents a beer permit from being issued to an 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. 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 each to obtain a beer permit upon the adoption of a resolution by the Council. (See, Code Section 7.08.090(E)). As revised by Ordinance No. BL2016-454, this Code section no longer requires restaurants 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).

These establishments and locations are as follows:

- **Resolution RS2018-1266** (K. JOHNSON) — This resolution would approve an exemption for Los Churrascos, located at 2500 Murfreesboro Pike.
- **Resolution RS2018-1267** (S. DAVIS) — This resolution would approve an exemption for Pelican and Pig, located at 1010 Gallatin Avenue.

– ORDINANCES ON PUBLIC HEARING –

BILL NO. BL2018-1183 (FREEMAN) – This ordinance would add a distance requirement between “automobile repair” as well as “automobile sales, used” uses currently permitted with conditions in the Land Use Development Standards.

This ordinance would add the condition that uses of “automobile repair” and “automobile sales, used” be located at least 1,320 linear feet (one quarter mile) from the property line of another property upon which another “automobile repair” establishment, “automobile sales, used” establishment, or “automobile services” establishment is located.

It is anticipated that the sponsor will defer public hearing of this ordinance.

BILL NO. BL2018-1197 (COOPER & ALLEN) – This ordinance would approve the plans for a solid waste processing facility at 4649 Ashland City Highway. The facility consists of an organics processing facility or anaerobic digestion facility which processes food waste.

Resource Capture, Inc., located at 3524 Murphy Road, has submitted an application and plans for a processing facility to the Division of Solid Waste Management of the Tennessee Department of Environment and Conservation (TDEC). This application was forwarded to the Department of Public Works.

The location of the proposed facility is zoned AR2A and is not within the 100-year floodplain. This facility would accept up to 30 tons of food waste per day for handling, processing, and/or storage. The maximum storage capacity of the facility would be no more than 30 cubic yards.

The criteria to be considered by the Council for this proposal include the following:

1. the type of waste to be disposed of,
2. the method of disposal to be used,
3. the projected impact on surrounding areas from the noise and odor created.
4. the project impact on property values on surrounding areas,
5. the adequacy of existing roads and bridges to carry the projected increased traffic,
6. the economic impact on the country, city, or both,
7. the compatibility with existing development or zoning plans, and
8. any other factor which may affect the public health, safety, or welfare.

Per Ordinance No. BL2017-646, the Council must approve all solid waste processing facilities and similar facilities prior to their construction. A public hearing of the proposal will be held per the provisions of Tennessee Code Annotated Section 68-211-704, whereupon final approval must be voted upon within thirty (30) days.

It is anticipated that the sponsor will introduce a Substitute to delete the “construction and demolition” references in the caption.

– RESOLUTIONS –

RESOLUTION NO. RS2018-1252 (A. DAVIS) – This resolution would approve an exemption for Nine Tail, located at 1601-A Riverside Drive, from the minimum distance requirements for obtaining a beer permit.

The Metro Code of Laws (MCL) prevents a beer permit from being issued to an 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. 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 each to obtain a beer permit upon the adoption of a resolution by the Council. (See, Code Section 7.08.090(E)). As revised by Ordinance No. BL2016-454, this Code section no longer requires restaurants to have state on-premises liquor consumption licenses in order to obtain such exemption.

A public hearing required to be held by the Council prior to voting on resolutions brought under Section 7.08.090(E) was previously conducted June 19, 2018.

RESOLUTION NO. RS2018-1253 (VERCHER) – This resolution would amend Resolution No. RS2015-1417 to extend the duration of the water and sewer extendable commercial paper program of the Metropolitan Government.

Resolution No. RS2015-1417 authorized the issuance and sale of revenue bond anticipation notes not to exceed \$100 million in the form of extendable commercial paper. There is no bank line of credit for this \$100 million, which means Metro does not have to pay an annual capacity fee. The commercial paper issued under this resolution has a maximum maturity date of 90 days. Metro has the option of extending this maturity to a maximum of 270 days, but would pay a higher interest rate if extended. If payment of the principal and interest on the 90-day commercial paper is not made on the date of maturity, the maturity date would automatically extend to 270 days. Morgan Stanley is the dealer for this portion of the commercial paper program, and is paid an annual fee of 0.1% multiplied by the principal amount of commercial paper outstanding.

RS2015-1417 authorized the issuance of up to \$100 million in the form of water and sewer revenue extendable commercial paper notes, provided that such notes finally mature no later than December 31, 2020. The resolution under consideration would extend the final maturation date to July 10, 2021.

Fiscal Note: There would be an annual dealer fee paid to Morgan Stanley, amounting to 0.1% of the amount of commercial paper that is actually issued. If the entire \$100 million in extendable notes authorized by this resolution were to be issued, this fee would be \$100,000.

RESOLUTION NO. RS2018-1254 (VERCHER) – This resolution would authorize and provide for the issuance and sale of water and sewer revenue bond anticipation notes, in the form of commercial paper, in an amount not to exceed \$200,000,000 at any one time. Commercial paper is a form of interim financing that allows Metro to issue short-term debt prior to the issuance of revenue bonds to finance water and sewer capital projects. Metro has utilized a commercial paper program since 2003.

The resolution approves the necessary dealer agreement, as well as the issuance and payment of an agency agreement, and a revolving credit agreement. Metro's financial adviser is Hilltop Securities, Inc. The credit facility is State Street Bank and Trust Company.

The revolving line of credit ensures there will be adequate funds to pay the principal on the commercial paper notes when they mature. The commercial paper notes are to mature in no more than 270 days, but may be extended for two additional two year periods. The term of the letter of credit would extend through July 10, 2021.

The resolution approves an initial offering memorandum, which furnishes information about the water/sewer commercial paper program to prospective purchasers. The resolution also approves an issuing and paying agent agreement with U.S. Bank and a dealer agreement with Morgan Stanley & Co., LLC. The issuing and paying agent is responsible for collecting the funds and paying the principal and interest on the notes. The dealer's responsibility is to find buyers for the commercial paper issued by Metro.

Fiscal Note: State Street Bank and Trust Company would be paid a facility fee rate, based upon credit rating, for providing the \$200 million line of credit.

U.S. Bank would receive "reasonable compensation for all services rendered", but the exact amount of what should be a rather nominal fee is not identified in the agreement.

There would be an annual dealer fee paid to Morgan Stanley which, according to the revised Dealer Agreement, would amount to five basis points or 0.05% of the amount of commercial paper actually issued in each calendar quarter. The fees would be capped at a maximum of \$100,000 per year.

RESOLUTION NO. RS2018-1268 (VERCHER) – This resolution would authorize the Department of Law to settle the property damage claim of Bellsouth Telecommunications, LLC dba AT&T (AT&T) against the Metropolitan Government in the amount of \$100,000.

On July 6, 2017 at approximately 5:05 pm, a Metropolitan Water Services crew allegedly struck and extensively damaged a fiber optic cable near the intersection of 14th Avenue North and Buchanan Street.

AT&T has reported property damage in the amount of \$132,810.92. Under Tennessee Code Annotated §29-20-403, a governmental entity's liability insurance coverage for property damage need not exceed \$100,000; and under §29-20-311, judgments against a governmental entity cannot exceed the minimum coverage. .

The Department of Law recommends settlement of this claim for \$100,000.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$100,000.

RESOLUTION NO. RS2018-1269 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Christina Flowers against the Metropolitan Government in the amount of \$25,000.

On October 8, 2015, at approximately 5:18 pm, a Metro police officer was driving a marked police vehicle on I-40 eastbound in the downtown loop with his emergency equipment activated. The officer was traveling on the right shoulder of the interstate due to stopped traffic. As his vehicle neared the Second and Fourth Avenue entrance on-ramp, another vehicle came up the entrance ramp and stopped in his path. The officer swerved to the left and struck the rear of Ms. Flowers' vehicle, which was stopped in the outer lane of travel on the interstate.

Ms. Flowers sought treatment for sprained ligaments in her cervical spine and a minor contusion to her scalp. Ms. Flowers has agreed to accept a total of \$25,000 in full settlement of this case, based upon \$17,019.30 for reimbursement of her medical expenses, \$500 for lost wages, and \$7,480.70 for pain and suffering.

The Department of Law recommends settlement of this claim for \$25,000.

Disciplinary action against the employee consisted of a six-day suspension.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$25,000.

RESOLUTION NO. RS2018-1270 (PULLEY, VERCHER, & OTHERS) – This resolution would authorize the execution of an option agreement for the purchase of a flood-prone property at 3811 Dartmouth Avenue consisting of approximately 0.39 acres. Section 2.24.250.F of the Metro Code allows the Director of Public Property Administration to negotiate the purchase of such property, subject to approval of the Metro Council by resolution.

This was approved by the Planning Commission on June 12, 2018.

Fiscal Note: The purchase price would be four hundred ninety-four thousand dollars (\$494,000).

RESOLUTION NO. RS2018-1271 (VERCHER & ROBERTS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1272 (PULLEY, VERCHER, & RHOTEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1273 (WITHERS, VERCHER, & RHOTEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1274 (VERCHER & RHOTEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1275 (VERCHER & RHOTEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1276 (VERCHER & WITHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1277 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1278 (O'CONNELL, BEDNE, & ELROD) –

RESOLUTION NO. RS2018-1279 (O'CONNELL, BEDNE, & ELROD) –

RESOLUTION NO. RS2018-1280 (KINDALL, BEDNE, & ELROD) –

These resolutions would authorize the construction, installation, and maintenance of aerial encroachments by Chang Ki Jo & Grace, d/b/a BAAM Burger, at 223 4th Avenue North (RS2018-1278), by 4 Pant, LLC at 210 4th Avenue North (RS2018-1279), and by West End Smiles PLC at 1800 West End Avenue (RS2018-1280).

In each instance, 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.

Plans 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.

Each sign's construction must be carefully guarded and completed promptly so as to cause the least inconvenience to the public.

These proposals have been approved by the Planning Commission.

RESOLUTION NO. RS2018-1281 (VERCHER) – This resolution would authorize a grant to the Community Foundation of Middle Tennessee, Inc. for the purpose of conducting a well-being survey of the residents of Nashville, to be conducted through University of Illinois at Chicago Survey Research Lab . The Metropolitan Public Health Department would appropriate \$50,000 to fund the grant. Pursuant to Tennessee Code Annotated §7-3-314, Metro is authorized to provide financial assistance to nonprofit organizations. Sec. 5.04.070 of the Metro Code of Laws provides that the Council may, by resolution, appropriate these funds.

RESOLUTION NO. RS2018-1282 (HAYWOOD) – This resolution would approve the election of six hundred twenty (620) Notaries Public in accordance with state law. Per Rule 27 of the Metro Council Rules of Procedure, the Davidson County Clerk has advised that each of the applicants meets the qualifications for the office.

RESOLUTION NO. RS2018-1283 (HAYWOOD) – This resolution would confirm the election of Quin E. Segall to the Board of Directors of the Industrial Development Board (IDB) of the Metropolitan Government, as determined at the June 19, 2018 Council meeting. The term of one existing IDB member had previously expired.

Two persons were nominated for consideration at the June 19, 2018 Council meeting to fill this vacancy, including Ms. Segall. An election was conducted pursuant to the Rules of Procedure of the Council, resulting in the election of Ms. Segall.

This resolution is now being submitted to add the name of the elected member to the IDB. Ms. Segall will serve for a term expiring on August 23, 2021.

– ORDINANCES ON SECOND READING –

BILL NO. BL2018-1157 (SYRACUSE & M. JOHNSON) – This ordinance, as substituted, would amend Chapter 15.64 and Section 17.28.040 of the Metropolitan Code of Laws to establish and preserve a fifty foot (50') floodway buffer along the Cumberland River. (Under the Metro Code, a “floodway” consists of the portion of a stream channel, as well as the portion of the flat or lowland area adjoining it, required for the passage or conveyance of a 100-year flood discharge.)

This ordinance would create a fifty foot (50') buffer measured from the floodway along the Cumberland River. No new residential structure could be built within this buffer. Development within the floodway buffer could continue to the same extent as development within the floodway, as determined by Sec. 15.64.170 of the Metro Code.

A substitute ordinance approved at the June 5, 2018 Council meeting deleted language regarding variances. Because Chapter 15 of the Metro Code notes that variances can only be granted from regulations, it has been determined that the language explicitly prohibiting variances was unnecessary.

BILL NO. BL2018-1189 (S. DAVIS & HURT) – This ordinance would amend the Procurement Non-Discrimination Program (the Program) in Chapter 4.46 of the Procurement Code.

Under the current Metro Code of Laws Sec. 4.46.080, Bidders for Metro contracts are required to make certain “good faith efforts” in the procurement process, such as include Minority and Women Owned Business Enterprises (MWBEs) in the procurement process, not discriminate or deny opportunities based on race, ethnicity or gender, and keep records of solicitations, advertisements, and other relevant papers required by the Non-Discrimination Program or Sec. 4.12.180. Bidders are also required to demonstrate these good faith efforts by actions such as attending informational meetings to update vendors or subcontractors on opportunities, dividing contracts into segments that could be performed by a MWBE, providing a non-discriminatory work site, soliciting specific individual MWBEs, and providing reasonable assistance to MWBEs in need of equipment, supplies, bonding, letters of credit and/or insurance, among other actions.

This ordinance proposes a new Sec. 4.46.080, which would require evidence of good faith, including a detailed description of techniques used to obtain the maximum participation of MWBEs. This includes the following:

- Segmenting the totality of the work into two or more smaller portions where feasible and can be accomplished in accordance with common and accepted industry practices relating to the utilization of sub-contractors;
- Attending pre-solicitation, pre-bid and other conferences and forums that allow interested minority and women owned firms to market their goods and services;
- Sending letters/emails and other direct communication to minority and women owned firms;

- Advertising in publications in general circulation, as well as those directed to specific trades or marketed to small businesses, and those owned by racial minorities and women;
- Providing reasonable assistance with bonding, insurance and technical matters;
- Cooperating with Metro Government in administration and monitoring of compliance with its non-discrimination policies;
- Allowing minority sub-contractors to participate in any upgrade, change order or contract extension associated with the original sub-contracting agreement;
- Reaching out only to firms that have expertise in the business segment that is required for the bid;
- Paying sub-contractors within net 15 -30 days of work completed; and
- Good Faith effort contacts shall be made at least 10 business days prior to the bid closing.

Current Metro Code of Laws Sec. 4.46.100 contains sanctions and penalties for non-compliance with the Program. The Office of Minority and Women Business Assistance (BAO) recommends appropriate mechanisms to enforce the Program to the Purchasing Agent. Failure of a Bidder or Participant to comply with the Program can be grounds for suspension or debarment by the Purchasing Agent. The Purchasing Agent is directed to consider certain factors when determining appropriate sanctions for a Bidder or Participant.

The proposed new Sec. 4.46.100 would move enforcement of the Program to the BAO and require that adequate staff be provided to perform the functions of the BAO. Failure of a Bidder or Participant to comply with the Program would subject the party to sanction, such as cancellation of the contract, rejection of future bids, and debarment. The BAO would be authorized to reject any bid without MWBE participation, unless the Bidder could provide evidence of non-availability of a MWBE within the Nashville MSA. The BAO and/or the Purchasing Agent would be required to contact each MWBE identified on the Bidder's submission to ensure the MWBE contractor has experience in the appropriate subject matter or industry and has engaged in a good faith discussion with the Bidder. Finally, Purchasing would be required to allow MWBEs use of third party financing vehicles, such as joint/shared purchase orders for the contract awarded or project undertaken.

It should be noted that the Metro Legal Department has expressed concerns that this ordinance may contain unconstitutional race and gender based preferences and is inconsistent with the current framework of the Procurement Non-Discrimination Program. Second reading was previously deferred by the sponsor, and an amendment is recommended to address multiple concerns. Additionally, the Metropolitan Government is awaiting the results of a disparity study by Griffin & Strong, P.C., previously commissioned to examine the procurement practices of the Metropolitan Government. That study is expected to be completed within the next thirty (30) days.

It is anticipated that the sponsor will indefinitely defer this ordinance.

Fiscal Note: The Office of Minority and Women Business Assistance (BAO) presently has a full-time staff of six employees within the Finance Department Procurement Division. If this ordinance is approved, the Finance Department does not believe it would be possible for the current BAO to administer the new provisions with their current staffing and operational budget. Although they believe an increase would be required, the amount has not yet been determined.

BILL NO. BL2018-1190 (O'CONNELL, ALLEN, & SYRACUSE) – This ordinance would amend Chapter 12.44 of the Metropolitan Code of Laws to provide free parking at public parking meters in Davidson County for environmentally friendly vehicles and for vehicle owners that purchase carbon offsets.

The ordinance would redefine “clean technology vehicle” by removing the current definition and instead define electric vehicles, hybrid vehicles, and flexible-fuel vehicles as different types of clean technology vehicles. In addition, the stickers -- issued both for free metered parking for clean technology vehicles and for owners that purchase carbon offsets -- would be valid for three years instead of one year. The \$10 fee associated with these stickers would also be collected every three years, instead of one year.

This ordinance would also remove references in the Code to the “sunset provision.” This program was originally set to sunset pursuant to the chapter on June 30, 2013, but was extended by Resolution No. RS2013-743.

An amendment from the sponsor is anticipated regarding the carbon offsets provision in section 12.44.080.

Fiscal Note: Changing the term of the \$10 permit fee to three years rather than one would not have a significant financial impact. Only 140 permits were issued in 2017 by the County Clerk.

BILL NO. BL2018-1200 (HASTINGS & O'CONNELL) – This ordinance would amend Chapter 6.28 of the Metropolitan Code of Laws regarding hotels, motels, and roominghouses. Section 17.04.060 of the Metro Code defines “hotel” as any commercial establishment whose principal use provides that such structure is occupied by transients for lodging or sleeping purposes, and accepts on-site reservations for accommodations. “Motels” are included within this definition. Under section 16.24.030, a “roominghouse” is defined as a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

If adopted, the ordinance would require hotels, motels, and roominghouses which accept cash payment to accept at least one (1) other form of payment, such as credit card, debit card, or check payments. The ordinance would also require that, upon payment by a guest for accommodations, a receipt reflecting such payment must be provided to the guest and maintained by the establishment as a record.

BILL NO. BL2018-1201 (SHULMAN) – This ordinance would amend Chapter 8.12 of the Metro Code of Laws regarding animal control regulations.

Metro Code Sec. 8.12.030 prohibits cruelty to animals. Under current law, pregnant animals, nursing females, or animals less than six months old are not permitted to be outdoors during periods of inclement weather unless accompanied by a custodian, keeper, or handler. Inclement weather is defined in part as a heat index of ninety-five (95) degrees Fahrenheit or above, as determined by the National Weather Service. Additionally, pets are not allowed to be tethered during periods of extreme weather, including a heat index of ninety-five (95) degrees Fahrenheit or above, as determined by the National Weather Service.

This ordinance would amend these provisions to apply when there is a heat index of eighty-five (85) degrees Fahrenheit or above, as determined by the National Weather Service.

Fiscal Note: Metro Animal Care and Control (MACC) currently has nine (9) Animal Control Officer positions and thirteen (13) kennel staff. MACC estimates that lowering the heat index restriction to 85 degrees, while still maintaining all other activities, will require additional staffing consisting of a minimum of two (2) additional Animal Control Officers, three (3) additional kennel staff positions, one (1) clerical staff position, and three (3) additional trucks. The cost for the additional staff and equipment would be approximately \$530,715.

BILL NO. BL2018-1202 (ELROD) – This ordinance, as substituted, would regulate dockless bicycle and scooter operators and establish a permitting system for these operators.

A pilot program would be created to authorize operators to operate a dockless bicycle or scooter system within Metro Nashville. The application would include a \$500 application fee, images and descriptions of the bicycle and mobile application, size of the fleet at launch and any planned fleet expansions, service area launch and planned expansions, a plan for educating users on proper parking, a plan for providing an equitable share service, and a plan for complying with the ordinance and its requirements. Applications would also be required to include a certificate of insurance evidencing a minimum of one million dollars in automobile insurance and two million dollars in commercial general liability insurance.

After meeting all application requirements, operators would also be required to submit a program administrative fee of thirty-five (\$35) dollars per bicycle or scooter, a performance bond of eighty dollars (\$80) per bicycle or scooter with a cap of \$100,000, and five (5) account logins for Metro oversight. One (\$1) dollar from each program administrative fee and one percent (1%) of all other fee revenue would be earmarked to create and improve bike lanes, dividers, curbside parking stalls, and other biking and bike parking infrastructure.

Metro would be prohibited from limiting the number of permitted operators. Permits issued under the pilot program would be issued for one (1) year and could be renewed after reapplication.

Operators who operated without a permit after June 15, 2018 would be barred from obtaining a permit for one year from the effective date of the ordinance.

All bicycles, electric bicycles, and electric scooters would be required to follow standards set forth within state and federal law, including the Code of Federal Regulations, the Tennessee Code Annotated, and definitions from the National Highway Traffic Safety Administration. Operators would be required to provide mechanisms whereby users can notify the operator of any safety concerns. Bicycles, electric bicycles, and scooters would be affixed with language requiring helmet use, yielding to pedestrians, and compliance with rules of the road. It would also be required to affix information that the bicycle or scooter could not be operated on a sidewalk within a business district, audible signals must be given before overtaking and passing pedestrians, and that a 24-hour service phone number and a unique identifier. Operators would be responsible for regularly educating users on applicable laws relating to operating a bicycle or scooter. All bicycles and scooters would be required to include on-board GPS for locating and retrieving the bicycle or scooter. All bikes would need to be regularly inspected, maintained, and replaced as necessary.

Operators would be required to inform users on property use and parking of bicycles and scooters. Permits issued would be valid only for operations within the public right-of-way within Metro. Additional zones could be established upon coordination with appropriate departments, agencies, and/or property owners. The Department of Public Works would be authorized to remove a bicycle or scooter parked in any one location for more than two (2) days. Bicycles and scooters would be required to be parked upright and could not impede the right of way or access to the right of way. Permitted operators would be required to provide contact information for relocation requests of bicycles and scooters.

Bicycles and scooters could not be operated on a sidewalk within a business district. Users would be required to yield to pedestrians and give audible signals before overtaking and passing pedestrians. Operators would be required to comply with any restrictions developed by Metro regarding where bicycles and scooters could be deployed, parked, and operated. Only one rider could operate a bicycle or scooter, unless equipped with seating for additional users. Bicycles or scooters could only be operated by persons over the age of eighteen. A violation of this ordinance by a user would result in a fine of twenty-five (\$25) dollars.

Permitted operators would be required to have a staffed operations center within the boundaries of Metro, and a 24-hour customer service phone number for reports of safety concerns, complaints, and questions. The operators would also be required to maintain a Nashville-specific website or social media platform that includes information on Metro's regulation of dockless bicycles and scooters. Metro would be provided with a direct contact number for staff capable of rebalancing or relocating bicycles or scooters. Any inoperable or unsafe bicycle or scooter would be required to be removed from the right-of-way within 24 hours of notice and any inoperable or unsafe bicycle or scooter would need to be repaired before being placed back onto the right-of-way or into revenue service. Metro would be authorized to take any appropriate steps to compel operators to comply with the ordinance, including cancellation of a permit.

Operators would be required to share data with Metro on topics including point location, location, duration, and distance of trips, type of bicycle or scooter, and demographics of the users.

Permitted operators' fleets would be limited to 400 bicycles or scooters during the first three months of the pilot, 800 bicycles or scooters beginning at the third month of the pilot, and 1,500 bicycles or scooters beginning at the sixth month of the pilot. After the sixth month, permitted operators could expand beyond 1,500, assuming they fulfill the other requirements contained in this chapter and in the permit. Operators could increase their fleet on a monthly basis if their provided data demonstrates their fleet is being used above the average utilization threshold. Any permitted vendors operating systems with more than 1,000 bicycles/scooters would be required to include Nashville Promise Zones in 20% or more of their service area. Service areas of operators could not exceed 340 bicycles per square mile.

Operators would be required to plan to provide equitable access in neighborhoods and communities where users are underserved by mobility and transportation options. This includes providing pricing options for low-income residents, providing discount programs for low income individuals, developing plans that do not require smartphones, providing cash payment options, and providing adaptive bicycles and scooters for operation by people with disabilities.

Metro would be required to establish an application process and guidelines for lock-to-bicycle and/or scooter share systems to operate in Davidson County, similar to these regulations.

Metro would further be required to conduct a study no later than January 1, 2020 to determine if revenue generated by fees are sufficient to cover permitting, administration, compliance and enforcement, determine the impact of dockless bicycles and scooters, and recommend changes to the ordinance, or other Metro ordinances, policies, or practices.

A second Substitute incorporating additional input from stakeholders is anticipated by the sponsor.

Fiscal Note: This pilot program would require an application fee of \$500 for each operator as well as a program administrative fee of forty dollars (\$40) per bicycle, electric bicycle, or scooter. The results of this pilot would determine if a modification to the fee structure in the future is appropriate.

The ordinance further provides: "If Metro or any Metro department or office incurs any costs as a result of addressing or abating any a permittee operator's violation of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of the costs, the permitted operator shall reimburse Metro for such costs within thirty days."

BILL NO. BL2018-1203 (ROSENBERG) – This ordinance, as substituted, would amend Metro Code of Laws Title 12 by defining scooter and removing certain other requirements.

This ordinance would add a definition for “non-motorized scooters,” defined as a device with front and rear wheels with a footboard between, steered by a handlebar and propelled without the aid of a motor or other propulsion device. All instances of “scooter” would be replaced with “non-motorized scooter.”

Under current Metro law, operators of scooters, in-line skates, and roller skates must wear an approved helmet, as well as wrist guards, elbow pads, and kneepads. This ordinance would remove those requirements delete a prohibition that operators refrain from listening to “a portable radio, compact disc (CD) or tape player” while operating scooters, roller skates, or in-line skates in the roadway.

It should be noted that the new definition for “non-motorized scooters” would mean that the regulations in Chapter 12.58 would not apply to motorized scooters. Ordinance No. BL2018-1202, currently on second reading, would regulate dockless bicycle and scooter operators and imposes regulations for bicycles, electric bicycles, and electric scooters subject to that permit program. However, other motorized scooters would not be subject to Metro law.

An amendment by the sponsor is anticipated to correct a minor typographical error.

BILL NO. BL2018-1205 (GLOVER) – This ordinance would prohibit the Metropolitan Government from approving or otherwise entering into the sale, lease, transfer or conveyance of approximately ten (10) acres adjacent to the proposed Major League Soccer (MLS) stadium for the purposes of private development.

Substitute Resolution No. RS2017-910, as amended, expressed the desire and intent of the Metropolitan Government and MLS Team to authorize a lease of +/- 10 acres for private development on a portion of the Nashville Fairgrounds site. However, no lease agreement was actually effectuated by this resolution. Pursuant to RS2017-910, any lease agreement for the private development of this property would be subject to approval by the Metropolitan Council and is also conditioned upon Council approval of the Specific Plan (SP) zoning designation.

BILL NO. BL2018-1209 (VERCHER & RHOTEN) – This ordinance would grant the Purchasing Agent the authority to extend the term of the Metropolitan Government’s contract with Nelson Byrd Woltz, LLC for the Centennial Park Master Plan Design and Engineering Services.

This contract was the result of competitive procurement and was awarded in 2013 for a term of sixty (60) months. The current contract was set to expire in May 2018. This ordinance would authorize the Purchasing Agent to extend the contract for an additional sixty (60) months if the Purchasing Agent determines such extension is in the best interests of Metro.

This ordinance also provides that any amendment to the contract could be approved by resolution of Council receiving at least twenty-one (21) affirmative votes.

Fiscal Note: Section 3.2.1 of the initial five-year contract estimated the value to be \$4 million. The summary from the Purchasing Agent states the value of the proposed five-year extension would be \$6 million, for a total of \$10 million.

BILL NO. BL2018-1246 (VERCHER & WITHERS) – This ordinance authorizes the Mayor to submit the 2018-2023 Consolidated Plan for Housing and Community Development programs for the Metropolitan Government to the U.S. Department of Housing and Urban Development (HUD). This five-year Consolidated Plan was prepared by the Metropolitan Development and Housing Agency (MDHA) and is to be administered by MDHA. The Council most recently approved a consolidated plan in 2013 for the years 2013-2018 (per Ordinance No. BL2013-383).

HUD requires local governments seeking federal funding under the Community Development Block Grant program (CDBG), the HOME investment partnerships program, the Emergency Shelter Grant program (ESG), and the Housing Opportunities for Persons With AIDS (HOPWA) program to submit a consolidated plan for housing and community development.

This plan includes a Needs Assessment, a Housing Market Analysis, and a Strategic Plan that establishes priorities for addressing housing and community development needs. In addition, the Action Plan for 2018 provides for expenditure of CDBG, HOME, ESG, and HOPWA funds to address the Consolidated Plan's priorities.

Funding for the programs in the 2018 Action Plan would be used for the following purposes:

- CDBG - Administration and Planning, Economic Development, Housing, Public Improvements, and Public Services
- HOME - Homebuyer assistance, Multifamily rental new construction, New construction for ownership
- HOPWA - Permanent housing in facilities, Permanent housing placement, Short-term or transitional housing facilities, STRMU, and Supportive services
- ESG - Financial assistance, Overnight shelter, Rapid re-housing (rental assistance), Rental assistance services, and Transitional housing.

Funding for these programs could not be allocated for any property acquisition for which the power of eminent domain is utilized by MDHA, which is restricted under federal law.

Fiscal Note: The 2018 Action Plan includes the following funding levels:

CDBG

Allocation - \$5,095,429

Program Income - \$250,000

The actual expenditure of CDBG funds would be submitted to the Council for approval by resolution at the time the projects are identified. CDBG funds are not to be used for capital improvement projects.

HOME

Allocation - \$2,581,408

Program Income - \$305,000

The twenty-five percent (25%) local match for the HOME Investment Partnerships Program will be provided by non-federal funds utilized for HOME projects as well as the value of donated land or improvements associated with HOME-funded projects, or by other eligible methods as provided in the HOME regulations

HOPWA

Allocation - \$1,216,011

This ordinance expressly provides that none of these funds would be used for any property acquisition involving the use of eminent domain.

ESG

Allocation - \$417,516

Local matching funds are required under the ESG program to be provided by the local non-profits that participate in the program as sub-grantees.

BILL NO. BL2018-1247 (HENDERSON) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for the Old Hickory Boulevard Sidewalk Improvements between Highway 100 and Devon Valley Drive.

This has been approved by the Planning Commission.

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY18 Capital Projects Fund.

BILL NO. BL2018-1248 (HAYWOOD) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for the Vailview Drive Sidewalk Improvements between Richmond Hill Drive and Parkwood Park.

This has been approved by the Planning Commission.

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY17 Capital Projects Fund.

BILL NO. BL2018-1249 (ROBERTS, BEDNE, & ELROD) – This ordinance would abandon and accept sewer and water mains, sanitary manholes, and easements for property located at 685 and 693 Vernon Avenue.

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

BILL NO. BL2018-1250 (KINDALL, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of 25th Avenue North right-of-way and easement.

This abandonment has been requested by Catalyst Design Group, applicant.

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

BILL NO. BL2018-1251 (KINDALL, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley Number 931 right-of-way and easement.

This abandonment has been requested by Catalyst Design Group, applicant.

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

BILL NO. BL2018-1252 (HUEZO, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by changing the name of a portion of McGavock Pike to “Knight Valley Drive”.

The request for the name change has been submitted by Metro Public Works, applicant.

On June 26, 2018, the Historical Commission provided a report of the significance of this proposed name change, as required under section 13.08.015 of the Metro Code. A copy of the Commission's report is attached.

This was approved by the Planning Commission on June 14, 2018 and the Emergency Communications District on June 21, 2018. A recommendation from both, prior to third reading, is required under Metro Code Section 13.08.015.D of the Metro Code.

Fiscal Note: Public Works has estimated the signage costs for this name change would be approximately \$461.04.

– ORDINANCES ON THIRD READING –

BILL NO. BL2018-1198 (VERCHER) – This ordinance would approve a partnership agreement between the Cities for Financial Empowerment Fund, Inc. (CFE Fund), and the Metropolitan Government.

The partnership agreement would require Metro to provide technical assistance to two of the CFE Fund's Financial Empowerment Center grantee partners in planning for and/or launching the Financial Empowerment Center model. This work would entail at least six one hour technical assistance phone calls; one day of in-person meetings for fundraising, partnership development, and general technical assistance; one site visit focused on Financial Empowerment Center operations; and hosting newly-hired counselors for one day of counseling sessions to observe and shadow. Metro would be responsible for a six-month overview of activities, a brief review to the designated Financial Empowerment Center grantee partners regarding their operations with suggested recommendations, and a final report which includes all activities, insights on the partnership, and a financial overview of how the stipend was spent.

The term of this agreement would begin February 1, 2018 and continue until October 31, 2018. The agreement could be terminated by either party after thirty (30) days' written notice.

Fiscal Note: The total compensation for this agreement would not exceed \$10,000.

BILL NO. BL2018-1199 (O'CONNELL, M. JOHNSON, & OTHERS) – This ordinance would dissolve the Metropolitan Homelessness Commission and create a Nashville Davidson County Continuum of Care Homelessness Planning Council to serve as a governing board for the Nashville Davidson County Continuum of Care (Continuum of Care).

This ordinance would repeal Ordinances No. BL2005-582, BL2011-917, and BL2014-777, which established and regulated the Metropolitan Homelessness Commission.

In addition, it would establish the Nashville-Davidson County Continuum of Care Homelessness Planning Council (Planning Council), which would be structured differently from the Metropolitan Homelessness Commission. This would be dependent on the establishment of the Continuum of Care pursuant to federal regulations, including 24 C.F.R. Part 578. The Planning Council would be composed of twenty-five voting members. Eight members would be appointed by the mayor; fourteen elected by the full membership of the Continuum of Care, five of which shall have lived homelessness experience; and three members would be either council members of the vice mayor, as selected by the vice mayor. The mayor could designate up to two advisors to assist the Planning Council in carrying out its duties. The advisors would be Metro employees and would not be eligible to vote. Initial Planning Council members would serve staggered terms, with voting members separated into three classes, with terms expiring one, two, and three years, respectively. Subsequent members would serve three year terms.

Planning Council members would be required to comply with attendance requirements set out in the Continuum of Care Charter. If a voting member fails to meet the attendance requirements, the Planning Council could, by a two-thirds vote, recommend that the mayor remove the member. 24 C.F.R. Part 578 requires that the Planning Council serve as an independent body and be empowered to make decisions and recommendations as the governance board of the Continuum of Care.

This ordinance would also provide that Metro Homelessness Commission staff be known as the Metro Homelessness Impact Division, which would be housed within Metro Social Services. The Metro Homelessness Impact Division would provide staff and resources to the Planning Council.

Two elements would be added to the duties and responsibilities of the Planning Council. First, to fulfill all requirements as to the governing of the Continuum of Care. Second, to hold regular meetings open to the public with published agendas.

The ordinance would take effect on July 3, 2018 if and only if the Continuum of Care has approved an amendment to its governance charter consistent with the terms of this ordinance.

Fiscal Note: Fiscal Note: There should be no immediate financial impact resulting from this change. The staffing and operational budget of the Metro Homelessness Commission would be transferred to the Metro Homeless Impact Division of Metro Social Services.

BILL NO. BL2018-1204 (ALLEN, SLEDGE, & MENDES) – This ordinance, as amended, would require the Metro Department of Codes (Codes) to maintain and publish online information regarding affordable housing.

This ordinance would require Codes to publish on Metro's Open Government website an ongoing compilation from which the following can be identified:

- The number and type of demolition permits issued for residential property during the preceding calendar quarter;
- The number and type of residential building permits issued for residential property during the preceding calendar quarter; and
- The number and type of residential occupancy permits issued for residential property during the preceding calendar quarter.
- For multi-family zoning districts, this data would be required to include the number of units demolished or constructed.

Data would be required to be entered not later than 45 days after the issuance of each permit.

Fiscal Note: The Codes Department believes this would have no impact upon their staffing or operational budget needs.

BILL NO. BL2018-1208 (WITHERS, ELROD, & O'CONNELL) – This ordinance would approve three license agreements between the Metropolitan Government and Verizon Wireless (Verizon) to install in-building radio-distribution devices (IBRDs) to enhance wireless reception on or within the Historic Courthouse, the Justice A.A. Birch Building, and the Nashville Public Library. Each location is subject to a separate license agreement. The IBRDs would amplify Verizon's wireless signal within these buildings, creating better reception for the wireless users in these buildings.

The term for each agreement is five (5) years, but each may be extended for an additional five (5) year term.

Amendments to this legislation could be passed by resolution.

Fiscal Note: There will be no cost to Metro for the installation or operation of these devices.

BILL NO. BL2018-1210 (VANREECE, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation or condemnation for use in public projects, initially for Dickerson Pike Sidewalk Improvements between Gordon Terrace and Dellway Drive.

This has been approved by the Planning Commission.

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY18 Capital Projects Fund.

BILL NO. BL2018-1211 (WITHERS, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for Eastland Avenue Sidewalk Improvements between North 16th Street and Setliff Place.

This has been approved by the Planning Commission.

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY17 Capital Projects Fund.

BILL NO. BL2018-1212 (VERCHER, BEDNE, & ELROD) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for Linbar Drive Sidewalk Improvements between Harding Place and Wallace Road.

This has been approved by the Planning Commission.

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY18 Capital Projects Fund.

BILL NO. BL2018-1213 (VERCHER, BEDNE, & ELROD) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for Tusculum Road Sidewalk Improvements between McMurray Drive and Nolensville Pike.

This has been approved by the Planning Commission.

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY17 Capital Projects Fund.

BILL NO. BL2018-1214 (VERCHER, BEDNE, & ELROD) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for Brick Church Pike Sidewalk Improvements between Masonwood Drive and Village Trail.

This has been approved by the Planning Commission.

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY17 Capital Projects Fund.

BILL NO. BL2018-1215 (VERCHER, BEDNE, & OTHERS) – This ordinance would authorize the Director of Public Property Administration to sell a portion of the right-of-way adjacent to 610 McGavock Pike.

A portion of the right-of-way adjacent to 610 McGavock Pike was acquired by deed for the construction of Metro Road Project 90-R-4. The Metro Department of Public Works has completed the construction contemplated under the project and this right-of-way has been declared surplus. This right-of-way is adjacent to a single property owner.

There has been a request to purchase this property and the ordinance would confirm that the property is surplus to highway needs and approve the requested conveyance. Neither Metro nor the State of Tennessee has any future use for this property for any public purpose.

This sale has been approved by the Planning Commission.

Fiscal Note: The fair market value of this property amount is \$102,750.

BILL NO. BL2018-1216 (O'CONNELL, VERCHER, & OTHERS) – This ordinance would approve an agreement between the Metropolitan Government and Capitol View Joint Venture (Capitol View).

The Metro Council approved Ordinance No. BL2016-149 in March 2016, approving a participation agreement between Metro and Capitol View. Pursuant to that agreement, Capitol View donated a 1.26-acre parcel to be used as a public park. That agreement contemplated that Metro would complete certain improvements to that property at its cost.

Pursuant to the participation agreement contained in this ordinance, Capitol View would complete certain improvements to the park property, including additional elements such as a greenway/bikeway. These plans would require approval by the Metro Department of Parks and Recreation. Metro would pay Capitol View \$2,500,000 in exchange for the completion of these improvements. Plans would be submitted to Metro on or before June 30, 2018. All work would be required to be completed by December 31, 2018. Upon completion, Capitol View would convey all improvements to Metro and an additional 0.4-acre parcel. Metro would be responsible for maintaining the hardscape components of the park property while Capitol View would be responsible for maintenance of the landscape components. Metro would agree to cooperate with Capitol View in seeking the repair of the East tunnel located on Gay Street by CSX.

Fiscal Note: The cost to Metro for the planned improvements to this property, making it suitable to serve as a public park, should be the same as originally planned. The only difference is that Capitol View would be paid to make the improvements instead of Metro performing the work directly.

BILL NO. BL2018-1217 (O'CONNELL, BEDNE, & ELROD) – This ordinance would authorize Ryman Hospitality Properties, Inc. (Ryman), to install, construct, and maintain aerial and underground encroachments in the right-of-way located at 300 Broadway. These would consist of a canopy and a handrail encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

BILL NO. BL2018-1218 (SLEDGE, BEDNE, & ELROD) – This ordinance would authorize Citiview I, LLC to install, construct, and maintain underground and structural encroachments in the right-of-way located at 2305 Kline Avenue. These would consist of a concrete retaining wall, with a maximum height of 42 inches, encroaching the right-of-way.

Citiview I, 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.

BILL NO. BL2018-1219 and BILL NO. BL2018-1220 (O'CONNELL, BEDNE, & ELROD) – These ordinances would authorize LC SoBro, LLC to install, construct, and maintain underground and structural encroachments in the right-of-way located at 706, 713, 717, 721 and 723 2nd Avenue South (BL2018-1219) and 702, 706, 710, 716 and 718 3rd Avenue South (BL2018-1220). These would consist of water meters, irrigation, site lighting and an NES vault encroaching the right-of-way.

LC SoBro, 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.

BILL NO. BL2018-1221 (RHOTEN, BEDNE, & ELROD) – This ordinance would abandon existing sanitary sewer main and easement and accept new sanitary sewer and water mains, fire hydrants, sanitary sewer manholes and easements, for six properties located on Lebanon Pike and Walcott Drive.

The properties are as follows:

- 2942 Lebanon Pike
- 0 Lebanon Pike
- 0 Lebanon Pike
- 0 Walcott
- 2946 Lebanon Pike
- 3000 Lebanon Pike

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

BILL NO. BL2018-1222 (RHOTEN, BEDNE, & ELROD) – This ordinance would abandon existing water main and easements and accept new water mains, fire hydrants and easements, for seven properties located on Hoggett Ford Road.

The properties are as follows:

- Four unnumbered parcels on Hoggett Ford Road
- 3739 Hoggett Ford Road
- 3605 Hoggett Ford Road

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

BILL NO. BL2018-1223 (BEDNE & ELROD) – This ordinance would abandon existing water main and easement and accept new water main, a fire hydrant and any easement for properties located at 3208 Long Boulevard and 203 Burns Avenue.

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

BILL NO. BL2018-1224 (BEDNE & ELROD) – This ordinance would abandon existing easement rights and remove abandoned pipe on properties located at 330 Cartwright Street and East Cedar Street (unnumbered).

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

BILL NO. BL2018-1225 (O'CONNELL, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley Number 235 right-of-way.

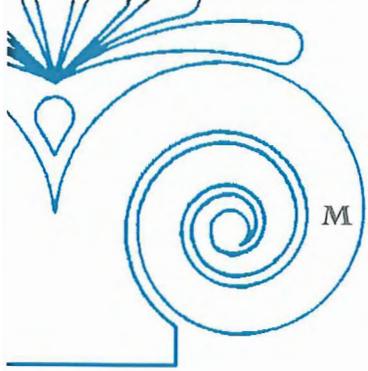
The abandonment has been requested by Catalyst Design Group, applicant.

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

GRANTS LEGISLATION – JULY 3, 2018

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2018-1271	From: State Farm To: Nashville Fire Department	Not to exceed \$25,000	\$0	There is a minimum five-year commitment for the program.	The grant proceeds would be used for the acquisition and training of accelerant detection canine team as part of the State Farm Arson Dog Program.
RS2018-1272	From: Friends of Green Hills Park To: Nashville Parks and Recreation Department	Not to exceed \$75,000	\$0	N/A	The grant proceeds would be used to fund the purchase of materials and labor to make various improvements to Green Hills Park.
RS2018-1273	From: Friends of Shelby Park & Bottoms To: Nashville Board of Parks and Recreation	Not to exceed \$2,500	\$0	N/A	The grant proceeds would be used for the construction and installation of fencing to protect the bee hives located at Cornelia Fort Airpark.

RS2018-1274	From: Tennessee State Library and Archives To: Nashville Public Library	Not to exceed \$51,900	\$0	July 1, 2018 through May 31, 2019	The grant proceeds would be used to target library materials to persons having difficulty using a library and to provide special services to children and young people.
RS2018-1275	From: Tennessee State Library and Archives To: Nashville Public Library	\$6,010	\$6,010	N/A	This resolution would approve an application for the Library Services and Technology Act Grant. If approved, the grant proceeds would be used to provide free digital literacy training for the citizens of Nashville.
RS2018-1276	From: Tennessee Department of Labor and Workforce Development To: Nashville Career Advancement Center	Increase by \$70,527	\$0	N/A	This is the first amendment to the grant approved by RS2018-1015. The grant amount would increase from \$23,509 to \$94,036 This grant would be used to support delivery of Supplemental Nutrition Assistance Program employment and training.
RS2018-1277	From: Northern Arizona University To: Office of Family Safety	Not to exceed \$46,500	\$0	March 1, 2018 through September 30, 2018	The subaward grant proceeds would be used to offset travel expenses of statewide attendees to the National Domestic Violence Fatality Review Initiative.



M E T R O P O L I T A N
H I S T O R I C A L
C O M M I S S I O N

To: Metropolitan Council
From: Metropolitan Historical Commission, Staff
Date: June 26, 2018
Re: BL2018-1252

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 a portion of McGavock Pike to “Knight Valley Drive.” (Proposal Number 2018M-002SR-001)

The subject portion of McGavock Pike, which runs from Murfreesboro Pike to Harding Place, includes a portion of the original route as well as a relocated segment. The current route has existed officially since 2014. For this report, unless otherwise specified, “subject portion” refers to the route prior to 1992, when a length of the road was closed through local legislation.

Background Information: The subject portion of McGavock Pike originally served as the southernmost segment of a collection of roads comprising a route that ran from Mill Creek northward into McSpadden’s Bend (later, Pennington Bend). The historic route was known by several names across multiple segments. Like many early roads, the various segments were named for adjacent property owners. The northernmost segment of this route passed by the property of David H. and Willie Harding McGavock. According to a report describing the 1200-acre plantation in 1855, the McGavocks had “been in possession of the property but four years [1851]” and since that time had “made about a mile of turnpike road.”¹ The McGavocks, “one of Nashville’s most prominent 19th century families,” built Two Rivers Mansion on this property in 1859.² “At its zenith in the 1880s, the McGavock estate, located in the Pennington Bend... was 1085-acres in size and contained over 50 structures.”³

Although unlabeled, the entire route appears on Wilbur F. Foster’s 1871 Map of Davidson County. The subject portion of McGavock Pike is just west of the “Tennessee Asylum for the Insane” (later, Central State Hospital) [Figure 1].⁴ The State of Tennessee purchased this property in 1848 and opened the hospital at this location in 1852. Decades later, Southgate’s

¹ Encore Interpretive Design, LLC, “Two Rivers Mansion Master Plan” (Nashville: Metropolitan Board of Parks and Recreation, 2016, accessed 19 June 2018:

<https://www.nashville.gov/Portals/0/SiteContent/HistoricalCommission/Plans%20and%20Structure%20Reports/2017%20TR%20MP%20Final%20reduced.pdf>, 38.

² Encore Interpretive Design, 4.

³ Encore Interpretive Design, 4.

⁴ 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 & Col, 1871. Map. <https://www.loc.gov/item/2006626025/>. Accessed 20 June 2018.

1900 Map of Davidson County identifies the subject portion of McGavock Pike as “Smiley Road.”⁵ North of Murfreesboro Pike, the route is called “Morgan Road.” North of Stones River Road (later, Couchville Pike) it is called “Shumate Road;” the next segment north is “McGavock Road.” With the exception of McGavock Road, the names of these road segments will change over time.



Figure 1: Map of Davidson County, 1871

In 1919, Davidson County officially accepted and mapped the subject portion and the other segments of the route that will eventually become known as “McGavock Pike.” 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 highways and roads.⁶

As mentioned earlier, segments of the thoroughfare, including “Smiley Road,” changed names between the maps of 1900 and 1919. **By 1919, likely due to its proximity to the “State Asylum” (later, Central State Hospital), the subject portion of McGavock Pike was known as “Asylum Lane” (or Road) from its southern terminus with Ezell Road until its intersection with Murfreesboro Road, also known as the Dixie Highway [Figure 2].**⁷ Continuing north, the route is identified as “Cole Road” until it changes to “Fanning College Road” at its intersection with Couchville Road. The route continues north past Dabbs Road onward to Elm Hill Road. At Elm Hill Road, the route makes a slight shift to the east and is identified as

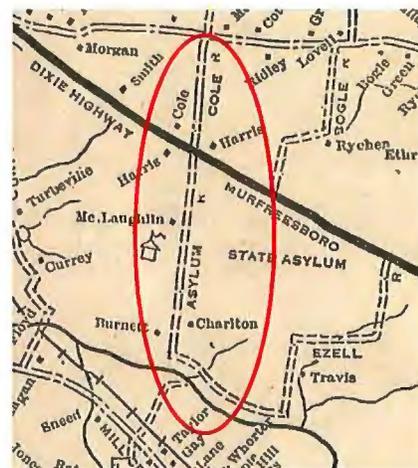


Figure 2: Map of Davidson County, c.1920.

⁵ W. B. Southgate and W.W. Southgate & Son. *Map of Davidson County, Tennessee*. [Nashville, Tenn.: W.W. Southgate & Son, 1900] Map. <https://www.loc.gov/item/2012593686/>. Accessed 20 June 2018. Code books published by the Davidson County Highway Commission use an alternate spelling, “Smyley.” The route appears, but is not labeled, south of Murfreesboro Pike on USGS topographic maps, including the following quadrangles: Nashville and Greenbrier, 1903; Hermitage, 1932; Lebanon, 1942; Antioch, 1952; Nashville, 1956; Nashville, 1959. <http://historicalmaps.arcgis.com/usgs/>.

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 Author unknown, *Map of Davidson County Tennessee*. c.1920. Tennessee State Library and Archives, accessed 11 June 2018: <http://teva.contentdm.oclc.org/cdm/ref/collection/p15138coll23/id/9708>.

“Merritt’s Lane” north to Lebanon Road. From Lebanon Road north, the route is identified as “McGavocks Lane.”

By January 1, 1936, the entire route, running about 13 miles in length, was known as McGavock Pike.⁸ Details noted in the 1936 Code book of the Davidson County Highway Commission indicate that the Davidson County Quarterly Court renamed the majority of the route in April 1927, as recorded in Minute Book P, Page 386. At that time, from Pennington Bend in the north to Murfreesboro Pike in the south, the court unified four segments of the route under the “McGavock Pike” name.⁹ **The court did not change the name of Asylum Road to McGavock Pike (the subject portion) until January 1931, as recorded in Minute Book R, Page 313.**¹⁰ With this action, the court also converted the 2-1/8 mile road from the district road system to the pike system. However, in April 1937, it appears the County Court returned the southernmost 0.80 miles of McGavock Pike (or about half the distance of the subject portion), running from Charlton’s Place on McGavock Pike to Ezell Road, to the district road system and changed its name to “State Asylum Road.”¹¹

By publication of the 1940 Code book, the segment of McGavock Pike from Couchville Pike to Murfreesboro Pike (the former Cole Road/Lane segment) was closed for Berry Field, which had opened in June 1937. Berry Field would later become the Nashville Municipal Airport and is now part of the Nashville International Airport. Over the next decade and more, construction of the Vultee Aircraft, Inc. factory and expansion of the airport through new runways and terminals required several adjustments to McGavock Pike and the road system between Elm Hill Pike and Murfreesboro Pike. This industrial development also spurred new residential development in the area. Property located south of the Nashville Municipal Airport property on Murfreesboro Pike was developed into *Airport Estates, A Subdivision of McLaughlin Farm*, recorded on November 27, 1946, in Plat Book 1130, Page 83, RODC [Figure 3]. The subject portion of McGavock Pike served as the eastern boundary, Forrester Drive served as the western boundary, and School Lane and Currey Road as the northern and southern boundaries, respectively. Streets platted within the development included Cummins Drive, Convair Circle, Portview Drive, and Parry Drive. These streets were recorded as district roads across several quarterly meetings of the County Court in April, July, and October 1949 and January 1950.¹²

⁸ Davidson County Highway Commission, *1936 Code*, 8. The County Court renamed Williamson’s Ferry Road and Maxey Lane, running from Pennington Bend to Gallatin Pike, to McGavock Pike in April 1934, per Minute Book T, Page 20.

⁹ The renamed segments included Cole Road, Fanning College Road, Merritt Lane, and McGavock Road.

¹⁰ Davidson County Highway Commission, *1936 Code*, 8.

¹¹ Davidson County Highway Commission, *1936 Code*, 8 and 12. Handwritten notations. The record is somewhat confusing regarding the name change. See also, Davidson County Quarterly Court Minute Book U, Page 274. Later, the County Court approved the “construction” of 4,300 feet of State Asylum Road, running from the end of McGavock Pike to Ezell Road, in January 1949, Minute Book Y, Page 482.

¹² Davidson County Highway Commission, *1943 Code*, 12. Handwritten notations.

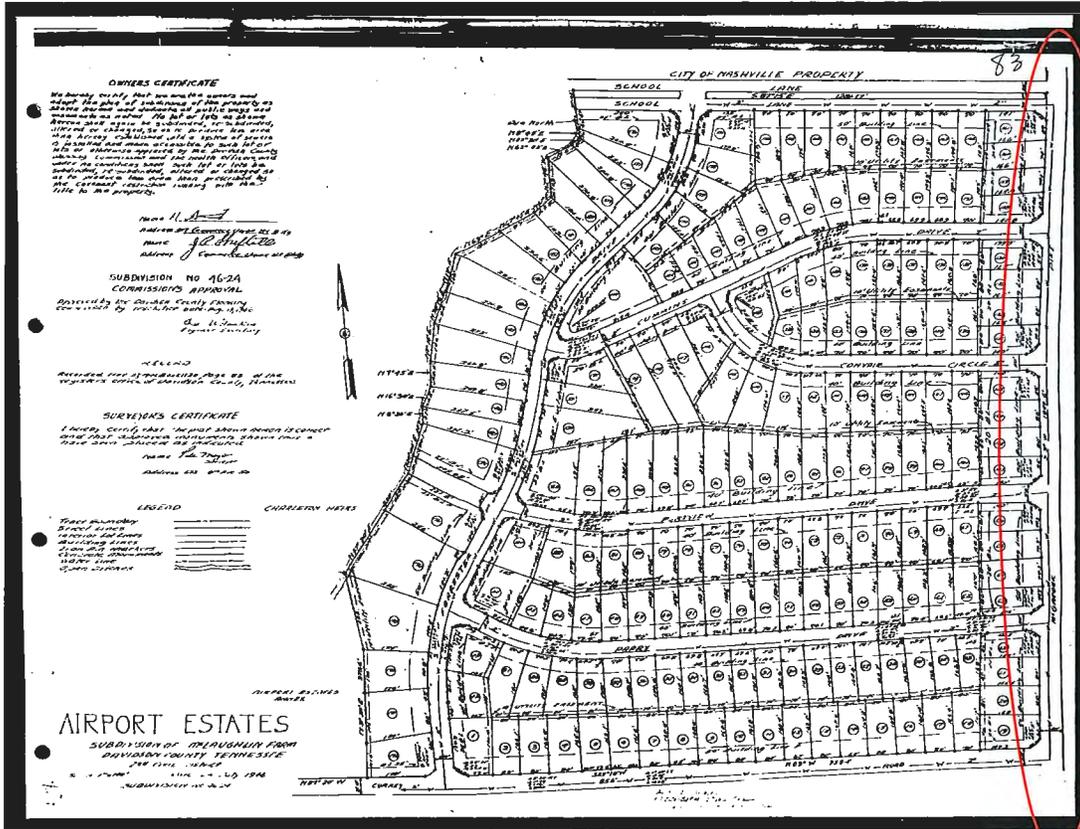


Figure 3: Airport Estates, 1946. McGavock Pike circled in red.

Current Information: The subject portion of McGavock Pike remained essentially the same for the next 45 years until a portion of the route was altered by Substitute Bill No. 092-195. The 1992 ordinance closed, abandoned, and vacated Helen Drive and State Asylum Road; portions of Currey Road, Parry Drive, Portview Drive, and Convair Circle; and a portion of McGavock Pike. It also rerouted portions of McGavock Pike and Currey Road. This measure, enacted on behalf of the Metropolitan Nashville Airport Authority, resulted in the demolition of numerous residential properties in order to relocate an airport runway. In August of 2014, Public Works accepted the relocated route of McGavock Pike, which shifted a segment of the road over to the west, slightly north of Convair Circle, more particularly described as “Beginning from a point approximately 1,700 feet northwest of Harding Place, then northward approximately 5,200 feet, connecting with a previously accepted portion of McGavock Pike.”¹³ The relocated route was dedicated by recording of plat Instrument Number 20140624-0054937, recorded June 24, 2014, RODC.¹⁴

Additional Information: The “new” or “duplicate” McGavock Pike located west of the subject portion was developed in two separate segments which were connected years later. The 1953 and 1954 plats for *Seven Oaks* included one segment of this “new” McGavock Pike located just

¹³ Correspondence Re: Consolidation Plat Metropolitan Airport Authority, Subdivision Number 2010S-056-001, Department of Public Works to Planning Department, 18 August 2014. Obtained by author via email 1 June 2018.

¹⁴ Ibid.

south of Murfreesboro Pike.¹⁵ The 1954 *Plan of Curreywood Acres* included another segment of McGavock Pike, located south of Currey Road.¹⁶ The portion of McGavock Pike measuring 0.99 mile, from Murfreesboro Pike to the Curreywood Subdivision, was accepted by the County Court in January 1953 (Minute Book AI, Page 520); School Lane had already been extended to meet the new McGavock Pike in October 1952 (Minute Book AI, Page 270). A decade later, the Metropolitan Board of Parks and Recreation purchased land for Seven Oaks Park in 1963 from C.H. and Margaret Waldron. The Board paid \$44,517 for approximately 76 acres, with the balance (70%) funded through the Federal Open Space land program.¹⁷ The 1957 Sanborn Map and the Antioch 1968 USGS topographic map (with 1983 edits) show the development of the complete segment of McGavock Pike running from Murfreesboro Pike, through Seven Oaks Park, to Bel Air Drive.

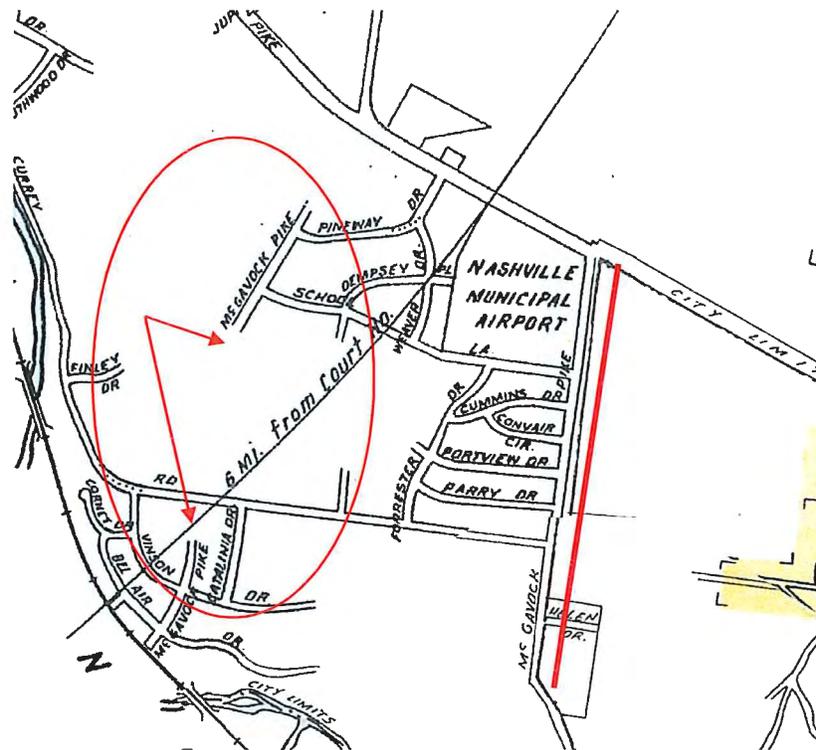


Figure 4: Sanborn Fire Insurance Map, 1957, Volume 9, Site Map. Red circle shows duplicate McGavock Pike branches, with arrows showing the “gap” between the two branches. Straight line indicates subject portion of McGavock Pike.

¹⁵ *Seven Oaks*, Section No. 2: Plat Book 2133, Page 36, recorded on March 19, 1953, RODC; Section No. 3: Plat Book 2083, Page 78, recorded on February 25, 1954, RODC.

¹⁶ *Plan of Curreywood Acres*, Section I: Plat Book 2133, Pages 109-110, recorded on August 11, 1954, RODC.

¹⁷ Leland R. Johnson, *The Parks of Nashville: A History of the Board of Parks and Recreation* (Nashville: Metropolitan Nashville and Davidson County Board of Parks and Recreation, 1986) 252, 168.

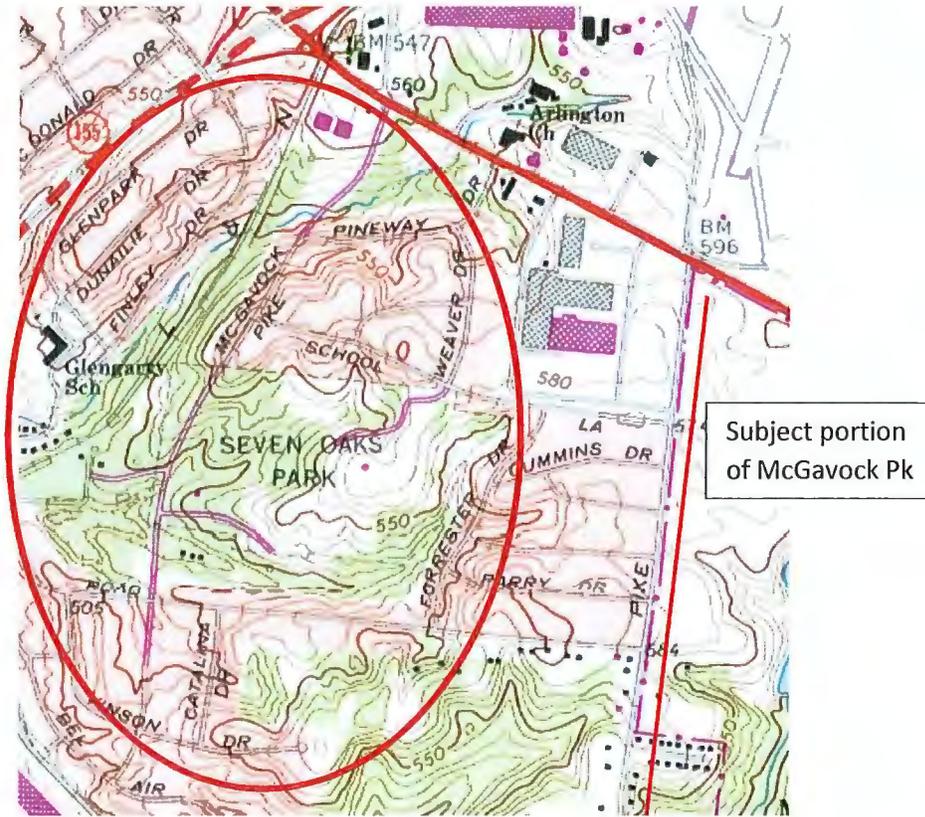


Figure 5: 1968 USGS Topographic Map with 1983 updates, Antioch Quadrangle. Red circle indicates completed McGavock Pike. Per the map, “Revisions shown in purple and woodland compiled from aerial photographs taken 1980 and other sources. This information not field checked. Map edited 1983.”