



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: January 21, 2020

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 1/15/20:

4% Reserve Fund	\$34,701,337*
Metro Self Insured Liability Claims	\$3,088,305
Judgments & Losses	\$5,081,534
Schools Self Insured Liability Claims	\$3,108,954
Self-Insured Property Loss Aggregate	\$7,528,664
Employee Blanket Bond Claims	\$705,711
Police Professional Liability Claims	\$2,164,491
Death Benefit	\$1,655,546

*This assumes unrealized estimated revenues in FY20 of \$12,055,349.

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

– RESOLUTIONS –

RESOLUTION NO. RS2020-144 (BENEDICT)– This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Tiny Room, LLC located at 1106 Chester Ave.

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). A public hearing for this resolution was held at the January 7 meeting.

RESOLUTION NO. RS2020-149 (MENDES, PULLEY, & HANCOCK) – This resolution appropriates \$587,900 from the general fund of the general services district to the Davidson County Sheriff's Office (DSCO) to house up to 100 federal prisoners. It is anticipated that the housing of the additional federal prisoners will result in \$1,104,100 in new revenue, for a net revenue gain to the general fund of \$516,200. This is part of the plan approved by the Tennessee comptroller to address an anticipated revenue shortfall in the budget for fiscal year 2020 as a result of the stalled parking concession agreement and sale of the district energy system.

DSCO houses persons in federal custody pursuant to a 1996 intergovernmental agreement (IGA) between Davidson County and the U.S. Marshal's Service approved by Ordinance No. O96-567. The IGA set forth a per diem rate, but provided that the per diem rate could be renegotiated upon written request of the "Local Government." The agreement designates Davidson County as the Local Government. The Council Office had been advised that a change in the per diem rate will need to be made in order to realize the additional revenue. However, during the Budget and Finance Committee meeting on January 6, 2020, a representative from the Sheriff's Office indicated that the revenue projection was based upon the current per diem rate.

The Council Office has been further advised that the additional federal prisoners to be housed will not include persons detained for violations of federal immigration laws.

Fiscal Note: The resolution would appropriate \$587,900 GSD General Fund balance to DSCO and will be funded by the anticipated revenue from the reimbursement of housing the inmates from the U.S. Marshall's Office of \$1,104,100, resulting in a net revenue gain of \$516,200 to the GSD General Fund.

RESOLUTION NO. RS2020-157 (MENDES, HENDERSON, & HURT) – This resolution modifies the existing master list of architectural and engineering firms to add six firms. Section 2.08.040 of the Metro Code authorizes the mayor to enter professional services contracts with firms listed on a master list of architecture and engineering firms on a project-by-project basis. All government contracts for architect and engineering services must be with firms included on the master list. This requirement does not apply to subcontractors, however. A The master list was last amended by Resolution No. RS2019-1559 in March 2019.

The specific firms to be added are as follows:

Alfred Benesch & Company of Nashville, TN
Orcutt Winslow of Nashville, TN
The Corradino Group, Inc. of Brentwood, TN
Volkert, Inc. of Nashville, TN
WSP USA, Inc. of Nashville, TN
Wood Environment and Infrastructure Solutions, Inc. of Nashville, TN

This resolution simply adds the firms to the master list so that they will be eligible to bid on Metro projects. It does not mean that contracts will be awarded to the firms.

RESOLUTION NO. RS2020-162 (MENDES & HANCOCK) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-163 (MENDES) – This resolution authorizes the department of law to settle the personal injury claim of John Hongsermeier against the Metropolitan Government for the amount of \$15,000 to be paid out of the self-insured liability fund. This claim is the result of a fall during a concert at Municipal Auditorium on August 12, 2018. Mr. Hongsermeier was attending the concert and allegedly leaned on a rail for support when the railing broke causing him to fall backwards off the riser six feet down to the floor. It is unclear whether the railing was in a state of disrepair prior to the concert. Mr. Hongsermeier was transported to Centennial Medical Center complaining of pain in his head, shoulder, ribs, and hip. He had three follow-up medical visits to address continued pain, incurring medical bills totaling \$19,033.94.

The department of law recommends settling this claim for \$15,000. Live Nation, the promoter of concert, has agreed to contribute an additional \$15,000 toward the settlement. A court would likely find Metro to be partially liable for the accident since the railing was under Metro's control. No

witnesses have been identified, so it would be virtually impossible to allocate fault to Mr. Hongsermeier.

Fiscal Note: This \$15,000.00 settlement would be the seventeenth payment from the Self-Insured Liability Fund in FY20 for a cumulative total of \$896,047. The fund balance would be \$3,088,305 after this payment.

RESOLUTION NO. RS2020-164 (MENDES & ROBERTS) – This resolution approves a sole source contract with Civic Engineering and Information Technologies, Inc. to provide software maintenance consisting of Enterprise Land Management, ePermits, Electronic Plans Review, Queue Management, Contractor/Licensing Management, Geographic Information Systems, Cityworks PLL software and related customizations and interfaces. Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

This resolution approves a five year contract with Civic Engineering and Information Technologies, Inc.

Fiscal Note: The total value over the life of this contract is \$3,600,000 and would be paid from the ITS Enterprise Application account (Fund 51137, Business Unit #14521011).

RESOLUTION NO. RS2019-165 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-166 (MENDES, HURT, & HANCOCK) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-167 (MENDES, HURT, & HANCOCK) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-168 (MENDES, HAGAR, & HANCOCK) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-169 (MENDES, HAGAR, & HANCOCK) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-170 (O'CONNELL, MURPHY, & HENDERSON) - This resolution authorizes Boom Sign and Lighting, Inc. to construct, install, and maintain an aerial encroachment at 535 5th Avenue South. The encroachment consists of a blade sign measuring 15 feet by 2 feet.

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.

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.

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

This proposal has been approved by the Planning Commission.

RESOLUTION NO. RS2020-171 (MENDES) – This resolution authorizes the department of law to settle the personal injury claim of Ulonga Lott Carter against the Metropolitan Government for the amount of \$13,000 to be paid out of the self-insured liability fund. On March 20, 2019, a Metro Water Services employee driving a Metro truck was attempting to change turn lanes when he sideswiped a vehicle driven by Ms. Carter. Ms. Carter sought treatment at Southern Hills Medical Center complaining of back pain. She subsequently consulted a physician with Advanced Physician Group about the pain. Her medical bills total \$9,899.68.

The department of law recommends settling this claim for \$13,000. Metro would be found to be fault since the Water Services employee made an improper turn.

Fiscal Note: This \$13,000.00 settlement would be the eighteenth payment from the Self-Insured Liability Fund in FY20 for a cumulative total of \$896,047. The fund balance would be \$3,088,305 after this payment.

– ORDINANCES ON SECOND READING –

BILL NO. BL2019-50 (MURPHY) – This ordinance authorizes the Director of Public Property Administration to transfer to Bonnie Small, Administrator of the Estate of Sylvia Rose Barish, via quitclaim deeds, any remaining interest the Metropolitan Government may have in certain parcels of property located at 264 White Bridge Pike, 262 White Bridge Pike and 5540 Oakmont Circle.

These three parcels were conveyed to Sylvia Barish by deeds from Metro on August 23, 1978. However, deeds to these properties were not recorded in the Register of Deeds Office and cannot be located by the heirs of Sylvia Barish. These quitclaim deeds were requested by the Administrator of the Estate of Sylvia Barish to replace the 1978 deeds to clarify ownership of the parcels.

BILL NO. BL2019-109 (O’CONNELL, HENDERSON, & ALLEN) – This ordinance amends Chapter 12.62 of the Metropolitan Code regarding shared urban mobility devices (SUMDs). In July 2019, the Council enacted Substitute Ordinance No. BL2019-1658, as amended, to terminate SUMD permits then in existence and allow the companies to continue operating at 50% capacity while a request for proposals (RFP) process was in progress. The ordinance directed the Metropolitan Transportation Licensing Commission (MTLC) to conduct the RFP process. The RFP was to select up to three companies to operate a fleet of SUMDs in Nashville, and the RFP process was to be completed within 100 days from the effective date of BL2019-1658. The MTLC was to evaluate the RFP responses in the following areas:

1. Equipment and Safety
2. Commitment to ensuring rider compliance with State and Local laws, including, but limited to DUI laws and rider age requirements.
3. Commitment to promoting proper and safe use of SUMDs, including the use of helmets.
4. Use of staffing, technology and other means to limit or prohibit use of SUMDs in restricted areas, including but not limited to, sidewalks.
5. Staffing to adequately and timely address issues with parking of SUMDs on public rights of-way, public sidewalks, and private property, the re-balancing of units during hours of operation, and issues with accessibility, especially those relevant to the Americans with Disabilities Act (ADA).
6. Response times to address issues with SUMDs.
7. Plans to coordinate and cooperate with the Metropolitan Government concerning special events.
8. Inclement weather plans.
9. Use of technology to limit operation of SUMD’s while impaired, especially after 10:00 PM on weekdays, and after 11:00 PM on weekends and holidays.

Substitute BL2019-1658 further directed the MTLC to enact temporary regulations to govern until the operator(s) are selected pursuant to the RFP. These regulations included use of technology to create no ride and slow zones, nighttime operation restrictions, safety education, signage, a complaint hotline, and a 30 minute response times for ADA related issues or complaints.

On November 12, 2019, the MTLC submitted a notice the Council that RFP timeline mandated by BL2019-1658 could not be met, and requested the Council's cooperation regarding an extension of time to complete the process, which resulted in the filing of this ordinance.

This ordinance deletes the substance of Chapter 12.62 and replaces with new provisions. The ordinance retains the 50% fleet size reduction currently in place and establishes a new RFP process. The process is to be completed within 120 days after enactment of this ordinance. Unlike BL2019-1658, this ordinance does not include a limitation on the number of potential operators. Each selected operator would be allowed a maximum of 500 units in its fleet, which could be increased by the MTLC. The MTLC is to evaluate potential operators in the following areas:

1. Commitment to participate in regular stakeholder meetings.
2. Commitment to address safety and security concerns.
3. Commitment to partner with Metro on an ongoing basis to address needs and concerns including geographic coverage, affordability, and technology.
4. Commitment to ensure rider compliance with applicable laws, including DUI laws and minimum rider age requirements.
5. Commitment to safety, including use of helmets and safety education.
6. Use of staffing, technology, and other means to prohibit use in restricted areas, including sidewalks.
7. Ability to adequately address improper parking, ADA issues, and to rebalance SUMDs evenly throughout the city.
8. Plans for special event coordination with Metro.
9. The ability to conform to adaptive and outcome-based, and risk-weighted regulations.
10. Willingness and ability to provide pricing and availability options for lower income persons.
11. Proposals for addressing sustainability and environmental concerns.
12. Ability to provide Metro with real time data.

This ordinance further authorizes the MTLC to set the SUMD regulations and to establish fees going forward necessary to carry out and enforce the ordinance without further Council action.

The sponsor of the bill may offer an amendment that would reinstate a limitation on the number of operators, remove the maximum limitation on the number of scooters within an operator's fleet, and make some changes to the data sharing requirements.

BILL NO. BL2020-114 (HANCOCK & STYLES) – This ordinance would amend Chapter 10.56 of the Metro Code to limit the idling of motor vehicles. The only restrictions in the Code currently regarding vehicle idling prohibit a running motor vehicle from being left unattended unless the vehicle is on private residential property and is equipped with a remote start device that prohibits operation of the vehicle while unattended. This ordinance would establish restrictions for motor vehicle idling while the vehicle is attended.

Pursuant to this ordinance, it would be unlawful to allow a stopped or parked motor vehicle to remain idling for more than three minutes, or for longer than one minute if the vehicle is within a school zone. The prohibition would not apply in the following circumstances:

1. When a vehicle is stopped for an official traffic control device or signal, for traffic conditions over which the driver has no control, including but not limited to a line of traffic, railroad crossing, construction zone, or at the direction of a law enforcement officer.
2. When necessary for safety or an emergency.
3. When necessary for vehicle maintenance.
4. When necessary to accomplish work for which the vehicle was designed other than transporting passengers (such as a paper shredder truck) or to operate equipment.

There is also an exemption in the ordinance for emergency vehicles and for school buses actively engaged in picking up or dropping off students. The ordinance would also allow school buses to remain idling for up to 20 minutes in a given 60 minute period if the temperature is below 40 Degrees Fahrenheit.

Violators of this ordinance would be subject to a fifty dollar fine.

Metro General Services has had a no idling policy for Metro vehicles with limited exceptions since 2014.

BILL NO. BL2020-115 (GLOVER) – This ordinance would amend Chapter 10.64 of the Metro Code to require a security plan prior to obtaining a building permit for a parking structure constructed near a stadium, arena, or racetrack. Under this ordinance, no parking structure, as defined by the zoning administrator, could be constructed within 100 feet of a stadium, arena, or racetrack that accommodates or will accommodate 1,000 people or more unless a security plan prepared by a professional sports/entertainment facility security consultant is approved by the fire marshal and the department of codes administration. The security plan must, at a minimum, include mitigation mechanisms to protect spectators from attacks associated with explosives contained inside motor vehicles located on or within the parking structure.

While there are no laws pertaining to the parking of vehicles in close proximity to a stadium, arena, or racetrack, the Council Office has been advised that the various professional sports leagues have best practices associated with parking vehicles to make the facilities less vulnerable to an attack.

BILL NO. BL2020-116 (HAGAR, PULLEY, & OTHERS) – This ordinance adds a new Section 13.27.010 to the Metro Code to require Metro to use the “dynamic symbol of access” when constructing or renovating Metro facilities. The Tennessee General Assembly passed the Dynamic Accessibility Act in 2019 to require the state commissioner of general services to promulgate rules for the purpose of designating a new dynamic symbol of access to be used for buildings owned or operated by the state on signage indicating access for persons with

disabilities. As shown below, the dynamic symbol of access depicts a person leaning forward with a sense of movement as opposed to the traditional disabled access sign showing a person sitting upright in a wheelchair.



This ordinance essentially adopts the Dynamic Accessibility Act at the local level to become effective on July 1, 2020. The director of the department of general services will be required to promulgate the necessary rules for the purpose of designating the dynamic symbol of access to be used for Metro buildings on signage indicating access and parking for persons with disabilities, and the director of the department of public works will be required promulgate the necessary rules for use of the symbol within the public rights-of-way maintained by Metro. The symbol must be accompanied by the adjective "Accessible," when appropriate for the signage, and must be used to designate every point of access for persons with disabilities for all new Metro buildings and property. For existing metropolitan government buildings, structures, real property, and rights-of-way, the new signage must conform to the requirements of this ordinance when:

1. the signage is replaced or repaired;
2. the area of an existing Metro building, structure, or real property containing signage is renovated; or
3. new parking areas are designated on Metro property or within the public right-of-way.

A concern was raised while the bill was pending at the state level that federal funding could be in jeopardy if the state changed the disabled access symbol. While that is very unlikely according to the state bill sponsors, the bill was amended to include language prohibiting implementation of the bill if the state receives documentation from a federal agency that compliance with a provision of this law may jeopardize federal funding or grant money for the state. This ordinance includes similar language pertaining to the threat of a loss of federal funding for the Metropolitan Government. In such case, Metro would no longer have to comply with the ordinance.

Fiscal Note: This ordinance is cost neutral to Metro since the cost of the new sign will be the same as the cost of current signs and Metro will not be retrofitting existing signs.

BILL NO. BL2020-118 (HAGAR & HANCOCK) – This ordinance approves an agreement between the Metropolitan Department of Parks and Recreation and Memphis Basketball, LLC (Memphis Grizzlies) to allow Parks to participate in the youth basketball program operated by the Memphis Grizzlies. Memphis Basketball owns the Memphis Grizzlies, an NBA basketball team, and also owns and operates the "Junior Grizzlies" youth basketball program.

In addition to participation in league games, each participant would receive a ticket to a Memphis Grizzlies regular season home game, Junior Grizzlies apparel, and a basketball. Discounted tickets for parents, friends, and family members will also be made available. All coaches, administrators, and volunteers would be invited to a clinic hosted by a Grizzlies coach.

The only payment per this agreement would be \$40 per basketball participant, which is built into the registration fee. No other charges or fees are required for performance of the agreement. The agreement terminates June 30, 2020.

Similar agreements were approved in 2017 per Ordinance No. BL2017-987 and in 2018 per Ordinance No. BL2018-1379.

BILL NO. BL2020-119 (PORTERFIELD, MURPHY, & OTHERS) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by changing the name of Smith Springs Road between Smith Springs Road and Castlegate Drive to “Castlegate Drive”. This is very short offshoot of Smith Springs Road, which currently results in duplicate road names.

This has been approved by the Planning Commission and referred to the Emergency Communications Board. A recommendation from both, prior to third reading, is required under Section 13.08.015.D of the Metro Code of Laws (MCL).

In addition, pursuant to the requirements of Section 13.08.015.B. of the Metro Code, the Historical Commission has provided a report to the Council prior to third reading stating the historical significance, if any, associated with the existing street name. A copy of the report is attached to this analysis.

BILL NO. BL2020-120 (WELSCH, MURPHY, & OTHERS) – This ordinance amends the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley No. 1854 from Landers Avenue to Grandview Avenue, between Thompson Lane and McClain Avenue. Metro will retain all utility easements. This abandonment has been requested by Furniture Warehouse and Showrooms Inc, applicant.

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

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works, abandoned right of way has no market value when the Department has agreed that the abandoning of said right of way is considered acceptable.

BILL NO. BL2020-121 (MURPHY, HENDERSON, & O'CONNELL) – This ordinance amends official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Ensworth Way from Ensworth Avenue to Woodlawn Avenue. Metro will retain all utility easements. This abandonment has been requested by Coclosure Company, applicant. This has been approved by the Traffic and Parking Commission and the Planning Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works, abandoned right of way has no market value when the Department has agreed that the abandoning of said right of way is considered acceptable.

– ORDINANCES ON THIRD READING –

BILL NO. BL2019-85 (LEE, MURPHY, & HENDERSON) – This ordinance accepts new sanitary sewer main, sanitary sewer manholes, and easements for property located at 4119 Murfreesboro Pike.

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

Fiscal Note: This ordinance has no cost to Metro. Donated easements do not have a market value according to the Department of Water Services.

BILL NO. BL2019-110 (MURPHY) – This ordinance amends Section 13.08.015 of the Metropolitan Code pertaining to the procedure for renaming streets. Ordinance No. BL2010-789 amended Section 13.08.015 to require that street name changes be submitted to the Metropolitan historical commission for review prior to consideration by the council. The code currently requires the historical commission to review proposed street name changes and provide a report to the Council as to whether there is any historical significance associated with the existing street name. The historical commission is to provide the report at least one week prior to consideration of the ordinance on third reading.

This ordinance would require the report from the historical commission to be provided to the Council prior to consideration of the ordinance on second reading. No action could be taken by the Council on second reading until the report from the historical commission has been submitted to the Council or 60 days has passed from the date the ordinance was forwarded by the Metro Clerk to the historical commission.

BILL NO. BL2019-112 (SLEDGE, MURPHY, & OTHERS) – This ordinance amends the official Geographic Information Systems Street and Alley Centerline Layer by changing the name of Gray Street to “3rd Ave S”, extending from the end of 3rd Ave S at the railroad to 2nd Ave S.

This has been approved by the Planning Commission and will appear on the January 16 agenda of the Emergency Communications Board. A recommendation from both, prior to third reading, is required under Section 13.08.015.D of the Metro Code of Laws (MCL).

In addition, pursuant to the requirements of Section 13.08.015.B. of the Metro Code, the Historical Commission has provided a report to the Council prior to third reading stating the historical significance, if any, associated with the existing street name. A copy of the report is attached to this analysis.

BILL NO. BL2019-113 (ROSENBERG) – This ordinance readopts the Metropolitan Code prepared by Municipal Code Corporation to include ordinances enacted on or before August 21, 2019.

GRANTS LEGISLATION – JANUARY 21, 2020

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2020-162	From: Tennessee Department of Mental Health and Substance Abuse Services To: Metropolitan Government	Not to exceed \$60,000.00	\$0	October 1, 2019 through September 30, 2019	The proceeds of this grant are used to provide Tennessee Highway Safety Office Recovery Court Enhancements to existing recovery court programs and services to improve alcohol countermeasures.
RS2020-165	From: Tennessee Department of Health To: Metropolitan Board of Health	Not to exceed \$1,077,700.00	\$0	January 1, 2020 through December 31, 2020	The proceeds from this grant are used to provide HIV/STI Prevention, Surveillance, and PrEP Clinic services.
RS2020-166	From: Tennessee Department of Health To: Metropolitan Board of Health	Not to exceed \$318,600.00	\$0	July 1, 2020 through June 30, 2021	The proceeds from this grant are used to provide public health activities to enhance the health and well-being of women, infants, and families by improving community resources and service delivery systems available to them.
RS2020-167	From: Tennessee Department of Health To: Metropolitan Board of Health	Not to exceed \$127,500.00	\$0	April 1, 2020 through March 31, 2023	The proceeds from this grant are used to improve the health of the citizens of Davidson County through targeted strategies to prevent and control the use of tobacco.

<p>RS2020-168</p>	<p>From: Tennessee Department of Human Services</p> <p>To: Metropolitan Parks and Recreation Department</p>	<p>\$421,800.00</p>	<p>\$0</p>	<p>N/A</p>	<p>This approves an application for a Child and Adult Care Food Program (CACFP) grant.</p> <p>If the grant is awarded, the proceeds would be used to provide nutritious meals and snacks for children attending after school programs in six park locations.</p>
<p>RS2020-169</p>	<p>From: Tennessee State Library and Archives</p> <p>To: Nashville Public Library</p>	<p>Not to exceed \$2,500.00</p>	<p>\$0</p>	<p>October 1, 2019 through May 31, 2020</p>	<p>The proceeds from this grant are used to make improvements, as needed, to the archival processes, services, equipment, infrastructure, or practices to facilitate public access to records.</p>

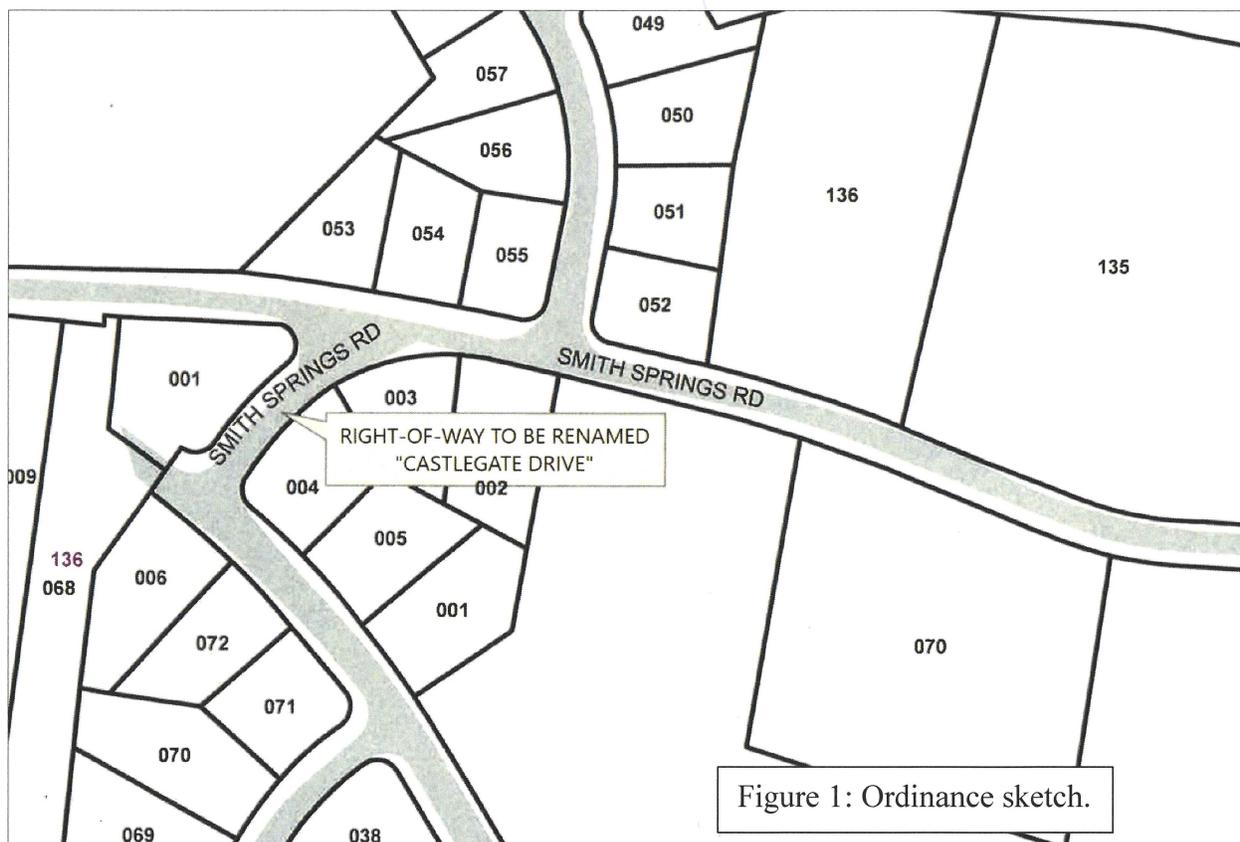
METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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: January 14, 2020
Re: BL2020-119

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming a portion of Smith Springs Road, between Smith Springs Road and Castlegate Drive, to “Castlegate Drive.” (Proposal Number 2019M-004SR-001).



The subject segment of Smith Springs Road was recorded as “Relocated Smith Springs Rd” in the 1972 plat for *Castlegate*, owned and developed by K & W, Inc. (Figure 1, Figure 2).¹ The creation of J. Percy Priest Dam and Reservoir from 1963-1968 altered the routes of several roads

¹ *Castlegate*, Section I, recorded in Plat Book 4460, Page 115, on October 10, 1972, RODC.

in the area, including Anderson Road and another portion of Smith Springs Road to the east, so there may have been a plan to relocate additional segments of Smith Springs Road that was never completed.² The 1979 plat for *Priest Lake Park*, located across from *Castlegate* on the north side of Smith Springs Road, shows the same segment of road labeled as “Relocated Smith Springs Rd.”³

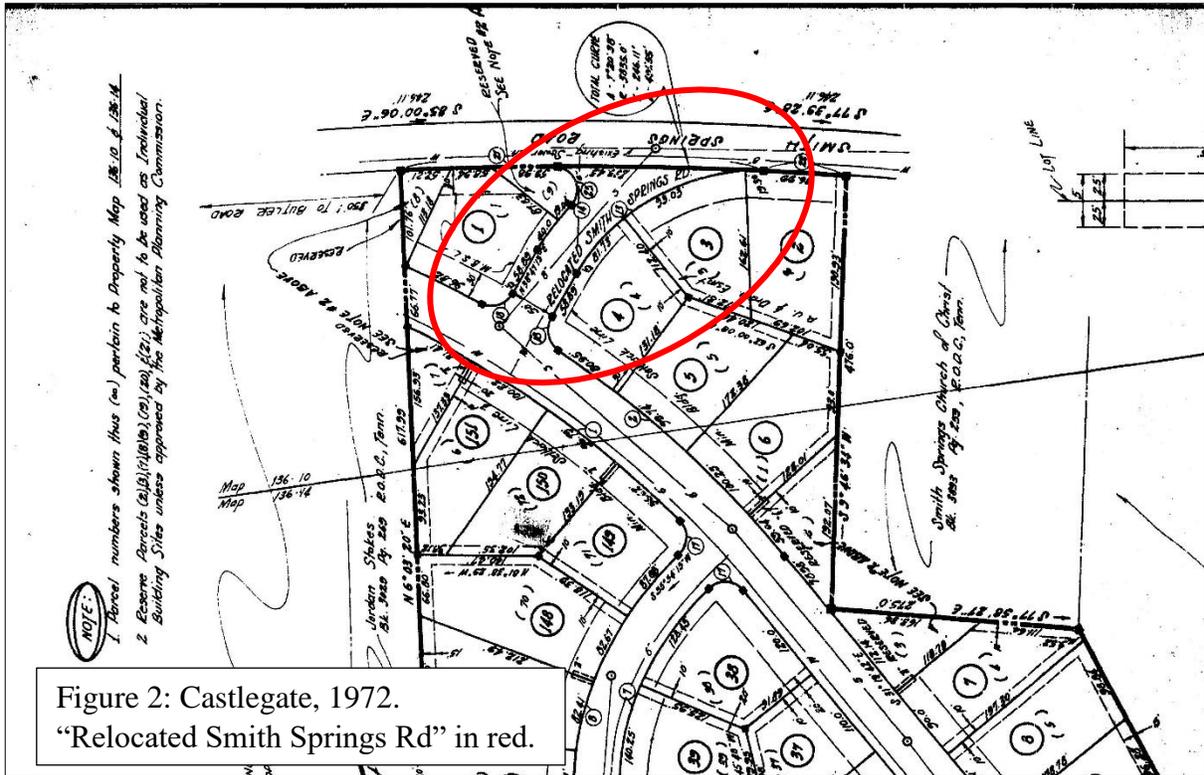


Figure 2: Castlegate, 1972.
“Relocated Smith Springs Rd” in red.

According to Metro Nashville Public Works, the department accepted the subject segment of Smith Springs Road for maintenance on September 15th, 1977.⁴

Local historian Ridley Wills II provides the following information about Smith Springs Road in his book *Nashville Streets and Their Stories*:

Smith Springs Road begins at Murfreesboro Pike near the Nashville International Airport. The road runs east through the Smith Springs community to terminate at Percy Priest Lake near Smith Springs Park. Early in the twentieth century, several men in the Smith Springs community began worshipping each Lord’s Day in an old lodge adjacent to the school on Old Anderson Road near Smith’s Spring. On

² Construction of the J. Percy Priest Dam and Reservoir began on June 2, 1963. Percy Priest Dam was dedicated on June 29, 1968. “Percy Priest Lake,” Historical Marker No. 206, The Historical Commission of Metropolitan Nashville and Davidson County. Erected 2019.

³ *Priest Lake Park*, Section Seven-B, recorded in Plat Book 5200, Page 175, on June 26, 1979, RODC.

⁴ Email correspondence, 9 January 2020.

November 21, 1907, Ms. Nancy Moore deeded an acre of land, located at the corner of Smith Springs Road and Old Anderson Road, to Tom M. Hill, John Lane, and C. W. Brewer. The land included the spring, which supplied water during the dry summer months to people for miles around. They built a one-room frame church building on this land. The community, the Smith Springs Church of Christ, and Smith Springs Road were all named for the spring. Earlier the road was called Dry Branch Road.⁵

The Trustees of Smith Springs Church of Christ purchased property at 2783 Smith Springs Road in 1965.⁶ The Trustees then sold the property acquired from Ms. Moore to the United States of America in 1966.⁷ The 1966 deed describes the property as “Tract No. 1018” of the J. Percy Priest Dam and Reservoir project. Staff has compared maps from before and after the creation of the reservoir and it appears that the spring property is now part of Percy Priest Lake.

⁵ Ridley Wills II, *Nashville Streets and Their Stories* (Franklin, Tenn.: Plumblin Media, 2012), 140. See also Deed Book 350, Page 466, recorded November 21, 1907, RODC.

⁶ Matt Paul Hilger and wife, Louise Hilger, to Smith Springs Church of Christ/Trustees, recorded in Deed Book 3893, Page 259, on May 21, 1965, RODC.

⁷ Smith Springs Church of Christ/Trustees to United States of America, recorded in Deed Book 3997, Page 198, on March 16, 1966, RODC.



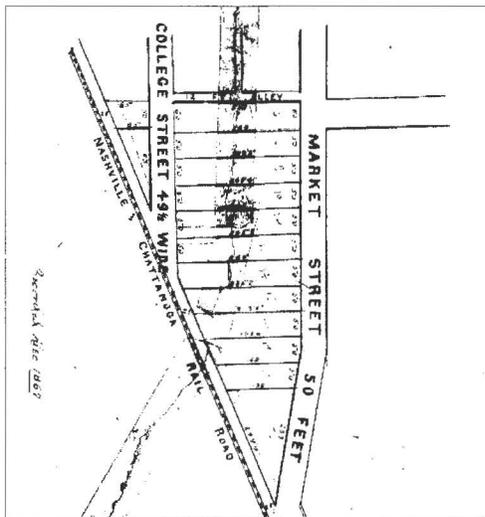
METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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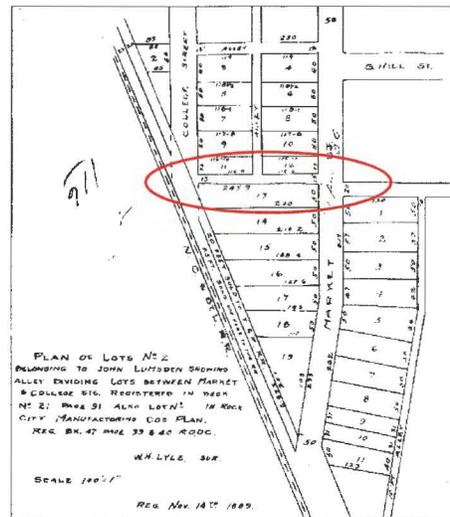
To: Metropolitan Council
From: Metropolitan Historical Commission, Staff
Date: December 18, 2019
Re: BL2019-112

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 Gray Street to “3rd Avenue South.” (Proposal Number 2019M-003SR-001).

The subject segment of Gray Street began as a 15’ wide alley platted in 1889 by *John Lumsden’s Plan No. 2* (attached sketch; Fig. 2).¹ The plat was a subdivision of *John Lumsden Plan No. 1*, previously recorded in 1867 (Fig. 1).² The new plat (*Plan No. 2*) divided five of the original northern lots in half and created two new alleys within the plan, including the one that would eventually become Gray Street. At the time, 3rd Avenue South and 2nd Avenue South were known as College Street and Market Street, respectively, and were labeled as such on the 1867 and 1889 plats.³



Left, Figure 1:
*John Lumsden
Plan No. 1, 1867.*



Right, Figure 2:
*John Lumsden’s
Plan No. 2, 1889.
Alley in red.*

¹ *John Lumsden’s Plan No. 2*, recorded on November 1, 1889, in Plat Book 57, Page 116, R.O.D.C. Referred to in short as *John Lumsden’s Plan No. 2* in subsequent deeds, the original plat contains the following caption, “Plan of Lots No. 2. Belonging to John Lumsden showing alley dividing lots between Market & College Sts. Registered in Book No. 21, Page 91 Also Lot No. ___ in Rock City Manufacturing Co’s Plan, Reg. Bk. 47 Page 39 & 40 R.O.D.C.”

² *John Lumsden Plan No. 1*, recorded on December 1, 1867, in Plat Book 21, Page 91, R.O.D.C.

³ City Council passed the bill (Ordinance No. 90) renaming “certain streets lying on the west side of Cumberland river and running north and south” to consecutively numbered avenues at third and final reading on December 22, 1904; Mayor Albert S. Williams approved the ordinance on December 23, 1904.

In 1891, John Lumsden, H.B. Gray, and A.M. Hagan, owners of property adjacent to the newly-drawn alley, agreed to “give and dedicate to the public use the following described property.”

The said John Lumsden agrees to give a ten (10) foot strip off of the south side of lot No 12 in said addition, said strip extending along the north side of the alley, from Market St to the alley in the rear of lot No 12. The said A.M. Hagan agrees to give a ten (10) foot strip off of the south side of lot No 11 in said addition, said strip extending from College St to the alley in rear of said lot No 11 and along the northern line of the alley extending from Market to College Sts. The said H.B. Gray and A.M. Hagan agree to give a ten (10) foot strip off of the North side of lot No 13 in said addition, said strip extends from Market St, to College St on the line of the N & C & StL RR, and along the Southern line of the alley extending from Market to College Sts. The above described property is hereby given and dedicated to the public use **for the purpose of widening the alley** extending from Market to College Sts, **so that said alley can be used as a street and said property is hereby dedicated as a street and named Gray Street.**⁴

Harry Bascom “H.B.” Gray was the son of William Francis “W.F.” Gray of Madison, manufacturer of Gray’s Ointment, “a remedy of wide reputation, prepared first by his father, a prominent physician of Raleigh, N.C.”⁵ For decades, W.F. Gray & Co., operated at the corner of Broad and Summer (Fifth Avenue), and H.B. was associated with the business for many of those years.⁶ H.B. Gray, described as “formerly one of the most popular and successful business men of this city, taking an active part in all movements of public interest,” died in Hickory, Indian Territory, on March 14, 1907. He had been traveling in Mexico, Texas, and the territory for his health. H.B. Gray had two daughters, Viola and Consuello, with his wife, Lula Purdon Gray.⁷

It is not clear in the historical record when construction of Gray Street commenced, but it does appear on maps by 1908. The 1908 Hopkins Map notes “J. Lumsden’s Add. No. 1” across the platted area and attributes several groups of properties, on both sides of the railroad, to H.B. Gray (Fig. 3).⁸ At that time, Gray Street connected to Cass Avenue on the west side of the

⁴ “Jno. Lumsden et al To Dedication to the Public,” recorded November 6, 1891, in Deed Book 159, Page 150, R.O.D.C., emphasis by this author.

⁵ “Prominent in Business Life,” *Nashville Banner*, 16 September 1908, Wednesday, page 7. Dr. W.F. Gray died about 18 months after H.B. Gray. H.B.’s widow, Lula P. Gray, would later file suit in Chancery Court to recover H.B.’s interests in W.F. Gray & Co. and the Gray estate. “Long Litigation Brought to Close,” *Nashville Banner*, 4 July 1911, Tuesday, page 3.

⁶ “Prominent in Business Life.”

⁷ “Harry B. Gray,” *Nashville American*, 16 March 1907, Saturday, page 6. According to his will, published by the *Nashville American*, he claimed residency in Wapaunucka, I.T., at the time of its writing. “Harry B. Gray’s Will,” *Nashville American*, 4 May 1907, Saturday, page 12. Gray’s death occurred just a few months before Oklahoma’s 1907 statehood.

⁸ G.M. Hopkins, Atlas of the city of Nashville, Tennessee: from official records, private plans and actual surveys. Philadelphia: Hopkins, 1908. “Atlas of the City of Nashville 1908.”

<<http://digital.library.nashville.org/cdm/ref/collection/nr/id/997>> (accessed 16 December 2019).

railroad via an iron trestle bridge with a plank walk (Fig. 4).⁹ City Council approved the renaming of Cass Avenue to Gray Street in May 1908, after the map's publication.¹⁰

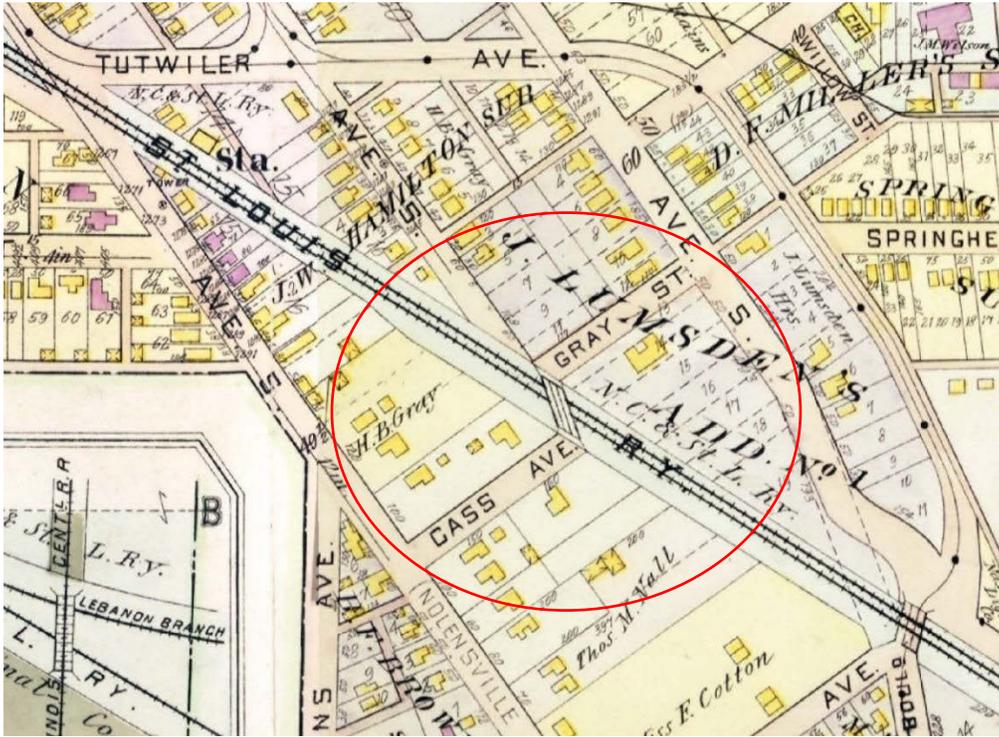


Figure 3: 1908 Hopkins Map. Cass Avenue and Gray Street in red.

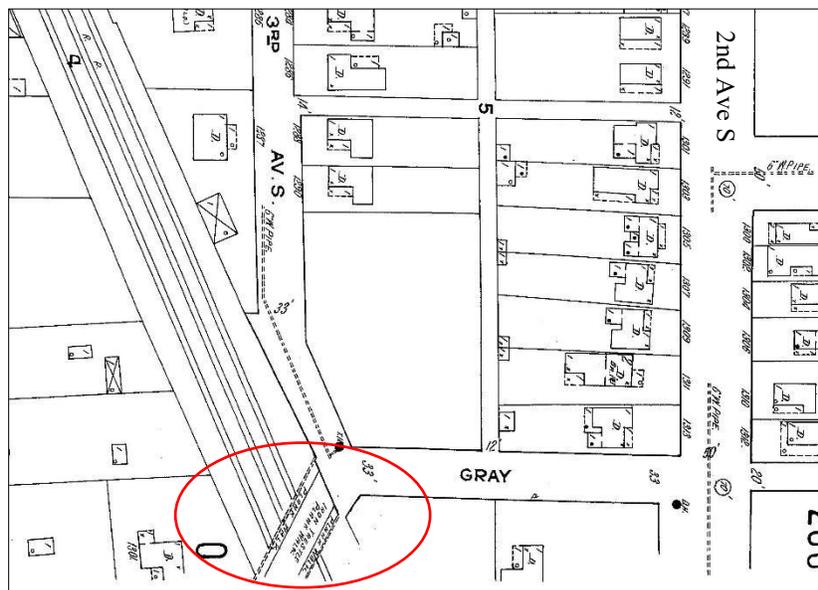
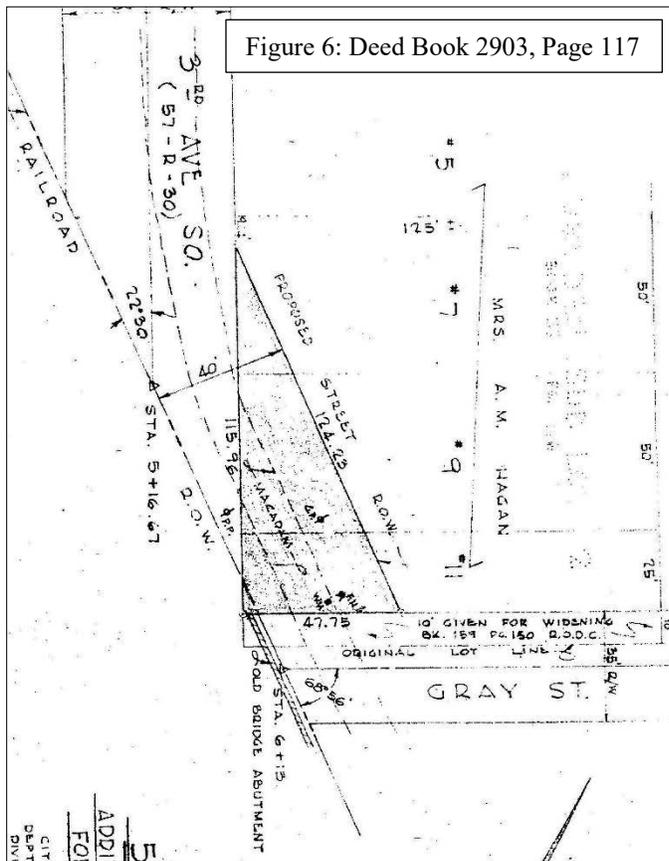
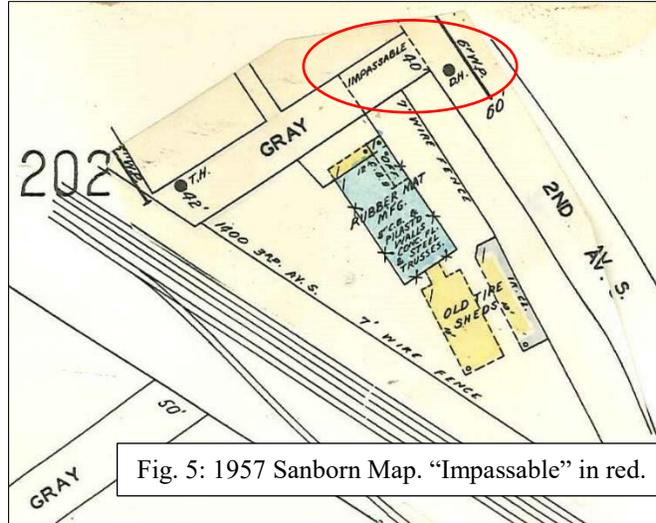


Figure 4: 1914 Sanborn fire insurance map of Nashville, Tennessee. Bridge in red.

⁹ 1914 Sanborn fire insurance map of Nashville, Tennessee, Sanborn Map Company, New York, New York. The bridge does not appear on the next round of map updates (1944-1951).

¹⁰ Ordinance No. 063, approved May 14, 1908, Minute Book 12, Page 244. Metro Council closed this road, from Fourth Ave east to the railroad, on April 7, 1981, by Ordinance No. 081-497, Minute Book 47, Page 225.

Despite the removal of the adjacent bridge, Gray Street appears to have changed very little in the years between publication of the 1914 and 1951 Sanborn Maps. However, on the 1957 Sanborn Map, for the first time the eastern end of the subject road was labeled as “Impassable,” indicating that access to Gray Street was limited to the 3rd Avenue end (Fig. 5).¹¹ Likewise, the June 1957 drawings for Public Works Project 57-R-24 note a similar portion of Gray Street as “unimproved,” suggesting that the street was not fully constructed, but the City had construction plans for all or part of it.¹²



In 1959, Flora McIver Hagan granted to the City of Nashville, “A tri-angular section of the southwesterly part of Lots Nos. 7, 9 and 11 of John Lumnsden’s [sic] Plan of Lots, No. 2, said plan being of record in Plan Book 57, Page 116 of the Register’s Office for said County.”¹³ Alfred Merritt “A.M.” Hagan, one of the previously-mentioned property owners who deeded land for Gray Street, had died in November 1937 leaving the property to his wife, Mrs. Hagan.¹⁴ According to the deed, “The above tri-angular tract of land is conveyed to the grantee for the purpose of same being used in widening and improving Gray Street and Third Avenue South, aforesaid. Same being for a public use and if same should ever cease to be used for such purposes then this deed shall be null and void and said land shall revert to the grantor and her heirs.”¹⁵ The accompanying plat, prepared by the Division of Engineering, Department of Public Works of the City of Nashville and

¹¹ 1957 Sanborn fire insurance map of Nashville, Tennessee, Sanborn Map Company, New York, New York.

¹² Drawing for 57-R-24 Project obtained by this author via email correspondence with Metro Nashville Public Works. The quality is extremely poor, so the drawing is not included in this report.

¹³ “Mrs. Flora M. Hagan to City of Nashville,” Deed Book 2903, Page 116, recorded April 28, 1959, R.O.D.C.

¹⁴ Ibid. See also, “Hagan,” Death Notices, *Nashville Banner*, 21 November 1937, Sunday, page 11.

¹⁵ Ibid.

dated April 3, 1959, notes the old bridge abutment, the original lot line for Lot 11, and the 10' of property given for the original widening of the alley (Figs. 6, 8).¹⁶ The angled right-of-way also appears on the 1914 Sanborn Map, suggesting that the road may have passed through the property informally for several years.

Today, Gray Street remains only partially complete. It runs from 3rd Avenue South eastward and terminates at 1400 3rd Avenue South. At this point, the grade drops and the remaining right-of-way to 2nd Avenue South is overgrown (Fig. 7).

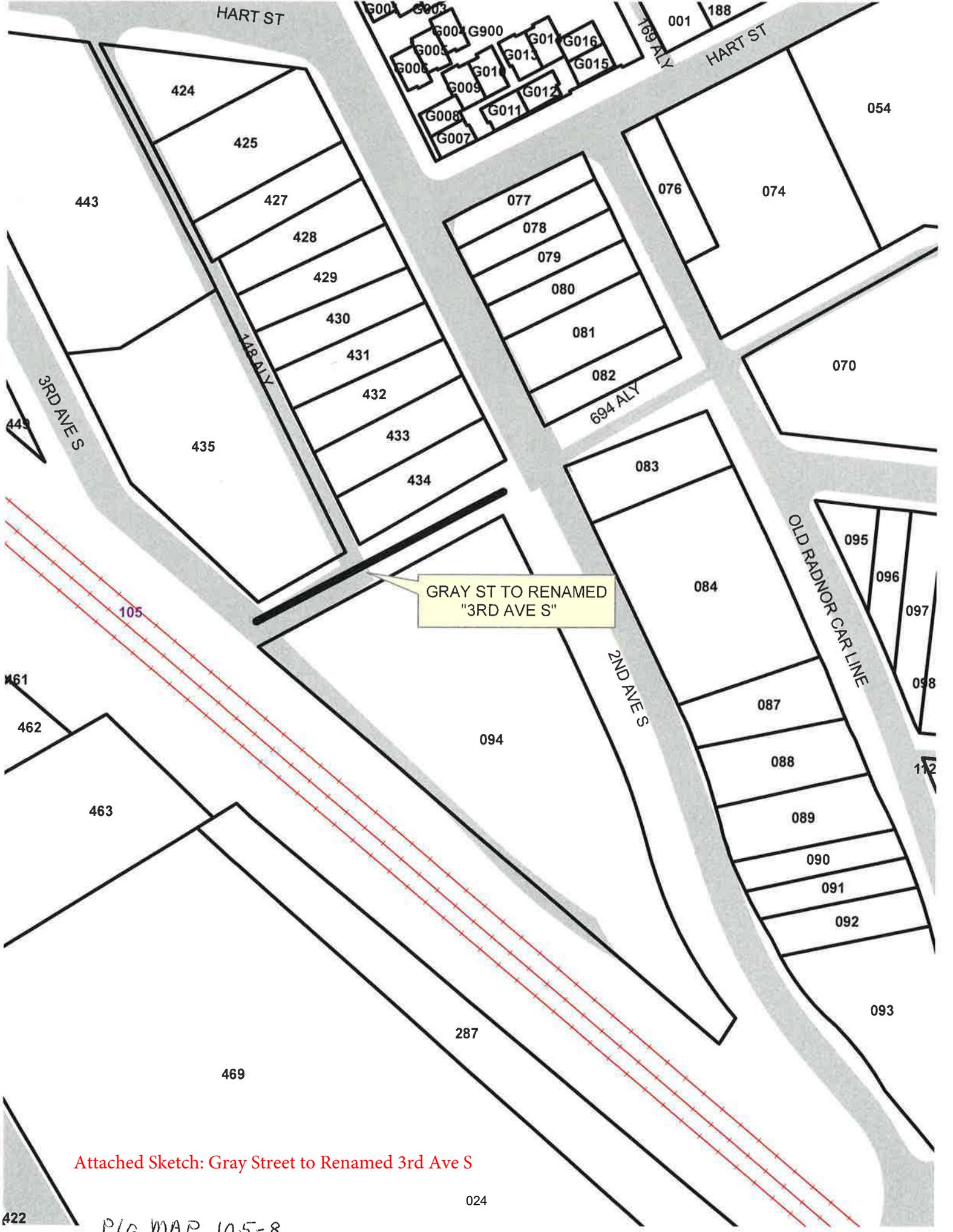


Figure 7: View to Gray Street from 2nd Ave South (photographer facing southwest, 12/17/2019).



Figure 8: West bridge abutment (photographer facing southwest, 12/17/2019).

¹⁶ Ibid, Public Works project 57-R-30: Additional R.O.W. for 3rd Ave So. The stone bridge abutments remain and are visible from the 3rd Avenue South/Gray Street intersection.



GRAY ST TO RENAMED
"3RD AVE S"

Attached Sketch: Gray Street to Renamed 3rd Ave S