

Final comments on October 13, 2016 Planning Commission agenda items, received October 12-13

Item 1, Telecommunications Facilities

From: Erica Garrison [mailto:Erica.Garrison@wallerlaw.com]

Sent: Thursday, October 13, 2016 12:29 PM

To: Planning Commissioners; Sloan, Doug (Planning); Logan, Carrie (Planning); O'Connell, Freddie (Council Member)

Subject: BL 2016-415 Letter to Metro Planning Commissioners - T-Mobile

Attached hereto is a letter submitted on behalf of our client, T-Mobile. We will bring hard copies for distribution at the meeting as well.

Thank you.

Erica Garrison

(attachment follows)



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October 13, 2016

HAND DELIVERED

Metropolitan Nashville/Davidson County Planning Department
800 Second Avenue South
Nashville, TN 37219

Re: BL 2016-415

Dear Planning Commissioners:

On behalf of our client, T-Mobile, we are writing to express our continued concerns with BL 2016-415, Item 1 on your agenda. This new telecommunications zoning bill presents serious concerns to the Industry and will, in our opinion, slow down the deployment of our infrastructure which will impact the services provided to our wireless customers. Being a smart 5 G City is, as we understand it, a goal for the City of Nashville, and we firmly believe that this bill will impede the progress we make towards that goal.

We sincerely thank the Planning Staff and the City for meeting with us to review our concerns and we believe the revisions, which the Planning Staff have made to the original bill, go a long way to making this a better, more appropriately scaled zoning bill. Nevertheless, we believe there are additional common sense revisions that can and should be made to the bill. Specifically, there are revisions that will make it consistent with state and federal law restrictions on what a zoning ordinance can restrict, as it relates to wireless towers. Moreover, there are also revisions that can be made to allow companies like T-Mobile to quickly deploy their small cell networks while not substantially inhibiting the City from preventing additional visual clutter and obstructions in the right of way. We believe this bill should continue to be reviewed and we hope that the Councilman, the City, and this Commission will continue to listen to our concerns and will commit to continuing to work with us to try to develop the best legislation possible to address the concerns with the ROW, while still putting policies in place that further our ability to become a "SMART" city.

The City's authority to zone is subject to state law and is restricted by the same. T.C.A. 13-24-305 provides some relatively explicit restrictions on what the zoning regulations can and cannot restrict. T.C.A. 13-24-305 says,

In regulating the placement of wireless telecommunications support structures, an authority may not:

- (1) Regulate the placement of an antenna or related equipment for an existing wireless telecommunications support structure; provided, however, that if the placement of an antenna on an existing wireless telecommunications support structure requires an extension, such placement may be regulated, if such extension would require the wireless telecommunications support structure to have lighting or if such extension exceeds the height limitation of the authority. If a co-location occurs, such co-location may not be considered an expansion, and the appropriate authority may not impose additional costs or operating restrictions on the applicant for such co-location, unless such support structure is owned by the authority;
- (2) Require the applicant to provide any sort of justification for radio frequency need; or
- (3) Act to prohibit or have the effect of prohibiting the provision of personal wireless services.

While there is little case law or regulatory guidance in the state concerning the interpretation of this provision, we believe the language in subsection (3) is relatively broad and clear, and will be construed against the City. To put it simply, we are concerned that the bill, as a whole, could have the effect of prohibiting the provision of personal wireless services in the City. Consequently, we think that the bill and its impact on the provision of wireless services, deserves additional attention and thought.

Additionally, we would specifically like to direct your attention to several important technical concerns with the bill, which we believe could be easily resolved, and which are, in our opinion worth considering:

- (1) Small cell deployment is absolutely necessary to ensure a “SMART” city. Consequently, small cell infrastructure should be a permitted use in all districts. Generally speaking, the revisions to the current legislation have certainly helped to make small cell deployment on existing structures easier. Nevertheless, we believe that additional revisions could be made to further facilitate this deployment while reasonably protecting the ROW. Specifically, we believe that Section 3 of the Ordinance, (C)(5)(a) should be further revised to indicate that any eligible structure, regardless of whether it has a wireless facility on it, that is already located within the sidewalk can be used by wireless providers for small cell deployment and would not need to be relocated. Likewise, we would suggest that any alternative structure in the sidewalk, which can be used for small cell deployment, should be allowed to remain in the sidewalk and should not trigger the requirements in the legislation.

- (2) Section 3 of the bill should be further revised to ensure the siting requirements for small cells are similar to collocations, ensuring that the siting requirements are much less arduous than they would be for other towers.
- (3) Section 3 of the Ordinance, (C)(5) should be revised as follows to encourage the timely deployment of small cell technology:
 - a. Extend the number of days that a COW can be used. We believe that COWs should be able to be used for up to 30 days at a minimum. We think that there are strong safety and public policy justifications for this argument. COWs are only used when absolutely necessary and the provision of additional services, in an area that does not have an appropriate level of coverage due to a heavy increase in the usage or population, should be encouraged and allowed.
 - b. Reduce the distance limitations in subpart (b) below 500 feet to ensure that small cell technology can properly work given the topography and terrain of the city.
 - c. Increase the height limitation in subpart (d) to 50 feet high because the 30 foot height limitation will thwart collocation efforts.
 - d. Revise the requirement in subpart (b) which requires most telecommunications facilities to go below ground. This is inflexible and technically not feasible for all equipment to go underground.
- (4) The definitions in the bill, including the definitions for base station and eligible facility requests, should be revised to be consistent with the definitions used in federal law, avoiding unnecessary confusion and conflicts.

All in all, the bill has improved and we thank the Planning Staff and the Mayor's Office for working with us to revise the current language. Nevertheless, we believe that further communication is necessary prior to second reading to ensure that the final bill achieves the City's goal of preserving the ROW, while still facilitating the movement to a 5G SMART City. This is a highly technical field that is rapidly changing, and we firmly believe that by engaging the industry, and listening to our concerns, in an effort to understand how the bill will impact the deployment of wireless technology, the bill can be improved and modified to ensure that both of these goals are achieved.

waller

Metropolitan Nashville/Davidson County Planning Department
October 13, 2016
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We look forward to continued dialogue and working with the City to revise and finalize this legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erica", with a long horizontal flourish extending to the right.

Erica K. Garrison

(Three more letters follow)

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October 13, 2016

Chairman Greg Adkins and Members of the
Metropolitan Planning Commission
Planning Department
800 2nd Avenue South
Nashville, TN 37219-6300

Re: 2016Z-019TX-001; Substitute Ordinance BL-2016-415

Dear Chairman Adkins and Members of the Metropolitan Planning Commission:

Our firm represents Verizon Wireless and we would like to express our continued willingness to collaborate with the members of the Metro Council and Planning Commission staff in order to draft a reasonable ordinance to guide in the establishment of rules that regulate the siting and installation of telecommunications services to help provide service to this fast growing city. While the changes proposed to the Bill are appreciated, much more can be done to craft an ordinance which will meet the needs of both the city and providers while complying with applicable federal and state law. Verizon is opposed to the Bill in its current form.

In addition to the legal arguments against the proposed bill expressed by Mr. James Murphy in his letter to the Commission and by others in the industry, we object to several of the seemingly arbitrary regulations placed on the siting of new telecommunication facility support structures.

The first item is the spacing distances between a new telecommunication facility support structure and an existing facility support structure within the public right-of-way. The prior wording of the bill placed a 750 foot separation between new support structures and existing support structures which has since been reduced to 500 feet. This distance separation simply does not take into account the use of the current and potential future technologies which require small cell wireless antenna to be within closer to each other in an urban environment. Placing an

arbitrary distance requirement and allowing the existing network needs to govern the location of new facilities is overly burdensome and will have the unintended effect of prohibiting the provision of personal wireless services within urban areas by limiting opportunities for carriers to collocate on each other's facilities and to provide for the growth of the network in order to meet present and future demand. This limitation should be removed in its entirety.

Second, Verizon opposes the proposed arbitrary volumetric limitations set forth in the definition section of 17.04.060 for "Small Cell Facility". To restrict the size of an antenna within an enclosure to no more than three (3) cubic feet simply ignores existing antenna that are currently deployed and ignores what antenna may be developed in the future. The limitation of seventeen (17) cubic feet on primary equipment enclosures is also arbitrary and does not take into account existing technology. There are numerous installations of small cell facilities within the downtown area that do not meet this requirement and have been deployed that go unnoticed. The typical installation is approximately six (6) cubic feet for the antenna and the 28 cubic feet for ground space. This size limitation proposed is arbitrary.

Finally, Verizon opposes the height limitation set forth in Section 5(d). Many of Verizon's installations are at or above the thirty foot restriction set out in the proposed ordinance. The industry in its meeting with the Planning staff recommended a 50 foot limitation in order to provide a necessary buffer to allow the placement heights to work with the existing network. A blanket 30 height limit may be fine in cities that have no existing small cell wireless networks but will have an effect of prohibiting the provision of wireless services in the downtown and urban areas.

Tennessee Code Ann. §13-24-305 limits local jurisdictions in the regulation of wireless telecommunications support structures. Most importantly, the statute states "an authority may not: (3) Act to prohibit or have the effect of prohibiting the provision of personal wireless services."

The Planning Staff expressed concerns that are occurring in the downtown area and that this bill will help remedy those issues. Yet, this ordinance is for the entire county. Deployments downtown will vary greatly in the downtown core than they might in a suburban setting. While we thank the Councilman and the Planning Staff for the changes they have made to this point, we hope to continue to work with the Council and Planning Staff to draft a bill that will meet all party's needs.

The Bill in its current form will hurt the expansion of cellular and broadband service in that is needed in Nashville.

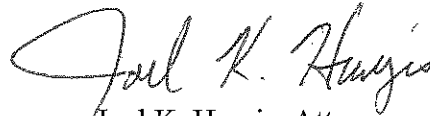
Chairman Greg Adkins and Members of the Metropolitan Planning Commission

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Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC



Joel K. Hargis, Attorney

Tennessee Code Annotated

Title 13: Public Planning and Housing

Chapter 24: Zoning Classifications

Part 3: Utility Location

TCA 13-24-305: Limits on regulation of wireless telecommunications support structures.

In regulating the placement of a wireless telecommunications support structure, an authority may not:

(1) Regulate the placement of an antenna or related equipment for an existing wireless telecommunications support structure; provided, however, that, if the placement of an antenna on an existing wireless telecommunications support structure requires an extension, such placement may be regulated, if such extension would require the wireless telecommunications support structure to have lighting or if such extension exceeds the height limitation of the authority. If a co-location occurs, such co-location may not be considered an expansion, and the appropriate authority may not impose additional costs or operating restrictions on the applicant for such co-location, unless such support structure is owned by the authority;

(2) Require the applicant to provide any sort of justification for radio frequency need; or

(3) Act to prohibit or have the effect of prohibiting the provision of personal wireless services.

History: [Acts 2005, ch. 373, § 1.]

James L. Murphy III

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October 13, 2016

VIA HAND DELIVERY AND EMAIL TO

doug.sloan@nashville.gov

Chairman Greg Adkins and Members of the
Metropolitan Planning Commission
Metropolitan Nashville/Davidson County
Planning Department
800 Second Avenue South
Nashville, TN 37219-6300

RE: Text Amendment 2016Z-019TX-001-Text Change Regarding
Telecommunications Facilities-Substitute Ordinance No. BL-2016-415 (the
"Telecommunications Ordinance")

Dear Chairman Adkins and Commissioners:

I represent Access Fiber Group, Inc. ("AFG") a telecommunications utility holding a Certificate of Public Convenience and Necessity ("CCN") issued by the Tennessee Regulatory Authority ("TRA") in Docket No. 08-00044. AFG is authorized under its CCN to provide competing local telecommunications services within the State of Tennessee. AFG also has been granted a franchise to construct, operate and maintain a telecommunications system within Metropolitan Nashville and Davidson County under Title 6, Chapter 26 of the Metropolitan Code of Laws pursuant to Ordinance No BL2009-607. AFG respectfully objects to the contemplated Telecommunications Ordinance because it is inconsistent with both federal and state law as discussed in more detail below.

Certificated utilities such as AFG that provide telecommunications services pursuant to a CCN issued by the TRA are authorized by Tenn. Code Ann. § 65-21-201 to locate their facilities within the public highways and streets of cities and towns. Tenn. Code Ann. § 65-21-201 provides as follows:

Any person or corporation organized for the purpose of transmitting intelligence by magnetic telegraph or telephone, or other system of transmitting intelligence the equivalent thereof, which may be invented or discovered, may construct, operate, and maintain such telegraph, telephone, or other lines necessary for the speedy transmission of intelligence, along and over the public highways and streets of cities and towns, or across and under the waters, and over any lands or public works belonging to this state, and on and over the lands of private individuals, and upon, along, and parallel to any of the railroads, and on and over the bridges, trestles, or structures of such railroads.

Emphasis added.

The Tennessee Supreme Court in *Brannan v. American Telephone and Telegraph Company*, 210 Tenn. 697, 362 S.W.2d 236, 239 (1962), concluded that the language of Tenn. Code Ann. § 65-21-201 was very broad and authorized the construction of microwave towers as well as telephone cables strung on towers or poles. In *American Telephone and Telegraph Company v. Proffitt*, 903 S.W.2d 309, 311-13 (Tenn. Ct. App. 1995), the Tennessee Court of Appeals held that the right to construct and maintain communication lines “on and over the lands” was expansive enough to include the laying of an underground fiber optic cable in the land as well as on its surface.

Tenn. Code Ann. § 65-21-202 imposes a limitation on the location of telecommunications facilities within the public highways and streets of cities and towns. Tenn. Code Ann. § 65-21-202 provides as follows:

The ordinary use of such public highways, streets, works, railroads, bridges, trestles, or structures shall not be thereby obstructed, nor the navigation of such waters impeded, and just damages shall be paid to the owners of such lands, railroads, and turnpikes, by reason of the occupation of the lands, railroads, and turnpikes by the telegraph or telephone corporations.

This statute prohibits the location of telecommunications facilities within the public streets that obstruct the ordinary use of the public street by others. *Cumberland Telephone Company v. United Electric Railway*, 93 Tenn. 492, 29 S. W. 104, 104-5 (1894). The Tennessee Court of Appeals in *Southern Bell Telephone & Telegraph Co. v. City of Nashville*, 35 Tenn.App. 207, 243 S.W.2d 617, 619-20 (1951), held that any police power regulations of telecommunications facilities within the public streets cannot be discriminatory or unreasonable. In adopting police power regulations “the city may not pass an ordinance which ignores the State’s own regulatory acts, or deny rights granted by the State or grant rights denied by the State and thus in effect nullify the State law.” *State ex rel. Beasley v. Mayor & Aldermen of Town of Fayetteville*, 196 Tenn. 407, 268 S.W.2d 330, 334 (1954). Therefore, the Metropolitan Government may only adopt nondiscriminatory regulations of telecommunications facilities within the public streets that are rationally related to preventing such telecommunications facilities from obstructing the ordinary use of the public street by others.

The Telecommunications Ordinance attempts to impose unreasonable regulations on the location of wireless telecommunications facilities in the public right-of-way that are not in any way related to the prevention of obstructions to the ordinary use of the public street by others. For example, that language of the proposed amended Section 17.16.080C.1.c. found in Section 3 of the Telecommunications Ordinance provides that the applicant seeking to locate a telecommunications facility in the public right-of-way must identify the intended user(s) of the facility, and Section 17.16.080C.1.d. requires that the applicant must demonstrate that through location, construction or stealthing that the facility will have a minimum visual impact upon the appearance of adjacent properties and the views and vistas from adjacent residential neighborhoods and pedestrian environment, while retaining viable opportunities for future collocation. Any denial of the location of a wireless telecommunications facilities in the public right-of-way that does not obstruct the ordinary use of the public street by others on the grounds that the applicant failed to provide the names of the intended user of the facility, or on the grounds

that the facility would have a visual impact upon the appearance of adjacent properties or upon the views and vistas from adjacent residential neighborhoods and pedestrian environment, would deny the telecommunications provider the right to locate in the public streets granted pursuant to Tenn. Code Ann. §§ 65-21-201 and 65-21-202.

The language of the proposed amended Section 17.16.080C.5.a. prohibits the location of telecommunications support structures and above-ground transmission equipment in the sidewalk area, without regard to whether the location of such telecommunications facilities would obstruct the ordinary use of the sidewalk by others. Similarly, Section 17.16.080C.5.b. mandates that new support telecommunications structures must be separated at least 500 feet from an existing telecommunications support structures, Section 17.16.080C.5.c. requires that all transmission equipment, excluding antennas, must be located underground to the extent possible, without regard to whether the location of such telecommunications facilities would obstruct the ordinary use of the public street by others and Section 17.16.080C.5.d. limits the height of telecommunications support structures. Further, Section 17.16.080C.5.c. requires that telecommunications facilities must meet the design requirements of the Planning Department and where applicable, the Historic Zoning Commission, but does not provide any guidance on the scope of the design requirements. All of the above-cited provisions of the Telecommunications Ordinance would purport to permit the Metropolitan Government to deny the location of a telecommunications facility that would not obstruct the ordinary use of the public street by others. Clearly, any denial of the location of a telecommunications facility in the public right-of-way that does not obstruct the ordinary use of the public street by others on the basis of failure to comply with the requirements of 17.16.080C.5. would deny the telecommunications provider the right to locate in the public streets granted pursuant to Tenn. Code Ann. §§ 65-21-201 and 65-21-202.

The Telecommunications Ordinance also discriminates against certain telecommunications providers such as AFG, which is not permitted under Tenn. Code Ann. §§ 65-21-201 and 65-21-202. The definition of a “Telecommunications Facility” as found in Section 1 is limited to facilities that generate or transmit nonionizing electromagnetic radiation or light operating to produce a signal used for communication. That definition would include companies such as AFG that utilize equipment that generates or transmits nonionizing electromagnetic radiation used for communications (radio signals) and equipment that generates or transmits light operating to produce a signal used for communications (fiber optic systems), but would also include Google Fiber and many other companies that install fiber optic lines within the public street. That definition would exclude from regulation any telecommunications facilities located in the public right-of-way that utilize copper wire to transmit signals for communications (such as AT&T) or coaxial cable to transmit signals for communications (such as Comcast). There is no rational basis for claiming that support structures for copper wires and coaxial cables have any less potential for obstructing the ordinary use of the public street by others than the support structures for radio signal transmission or fiber optic lines. For that reason, the discrimination between telecommunications facilities found in the Telecommunications Ordinance would violate the rights granted to telecommunications providers by Tenn. Code Ann. §§ 65-21-201 and 65-21-202.

The Telecommunications Ordinance would also violate federal law to the extent it prohibits or has the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service. 47 U.S.C. § 253(a) provides that “(n)o State or local statute or

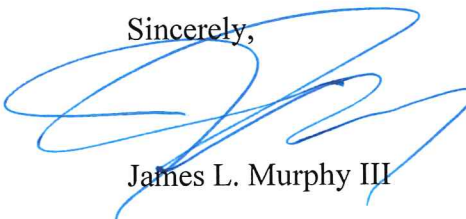
regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service. 47 U.S.C. § 253(c), which provides a safe harbor for certain local government regulations regarding the use of the public right of way, provides that nothing in 47 U.S.C. § 253 “affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.” (Emphasis added). As discussed above, the Telecommunications Ordinance discriminates against telecommunications utilities seeking to locate support structures for radio signal transmission or to support fiber optic lines in the public right of way. Thus the safe harbor provision of 47 U.S.C. § 253(c) would not apply to the Telecommunications Ordinance since it fails to regulate the use of the public right of way in a nondiscriminatory basis.

Since many of the provisions of the Telecommunications Ordinance are not rationally related to preventing telecommunications facilities from obstructing the ordinary use of the public street by others, and discriminate against telecommunications provider utilizing radio signals and fiber optic lines, the Telecommunications Ordinance conflicts with Tenn. Code Ann. §§ 65-21-201 and 65-21-202 and federal law and would be found to be invalid if challenged in court. Therefore the Telecommunications Ordinance should not be approved and should be rewritten to eliminate the conflicts with Tenn. Code Ann. §§ 65-21-201 and 65-21-202 and with federal law.

AFG continually has expressed its willingness to work with the Metropolitan Government to educate elected representatives and staff on emerging technologies and to collaborate on the drafting of reasonable means of administering the siting, construction and installation of telecommunications facilities and equipment in the public right-of-way. AFG appreciates the opportunity to provide its telecommunications services to the residents, businesses and visitors to Nashville and seeks to continue to do without arbitrary or ill-conceived regulation or impediment.

Thank you for your consideration of this important matter, and please contact me with any questions.

Sincerely,



James L. Murphy III

JLM/jlm

cc: Councilman Freddie O'Connell (via email)
Ann Brooks, AFG (via email)



Kathy Sager
External & Legislative Affairs

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October 13, 2016 (Via Hand-delivery and E-mail)

Chairman Greg Adkins
Metropolitan Planning Commission
800 2nd Avenue South
Nashville TN 37219-3300

Dear Chairman Atkins:

Pursuant to the Rules and Procedures of the Metropolitan Planning Commission, including Rules VI.F. and G., and VII.B.7.a.i, AT&T is requesting that AT&T Director Tim Johnson be allowed to speak for five minutes on behalf of our organization regarding Item No. 2016Z-019TX-001 (BL2016-415 – Telecommunication Facilities).

AT&T appreciates and thanks the Planning Commission, Staff, Councilman O'Connell and others for allowing representatives of the communications industry to provide you with our written comments and proposed changes to Ordinance No. BL2016-415. Although we acknowledge that the Planning Commission made some of the industry proposed changes in the Substitute Ordinance released this past Friday, October 7, 2016, there are still major concerns and issues with the ordinance.

As a major communications provider in Metro Nashville and Davidson County, AT&T wants to work closely with the Planning Commission and Metro Council in order to ensure that the Metro Council and Planning Commission's goals are met. AT&T also wants to ensure that we can provide our customers – Nashville and Davidson County residents, businesses and visitors – with the best wireless service, including reliable coverage. To do that, we have to utilize the best network facilities and latest technology available. As noted, there are several major areas of concern in the substitute ordinance that would prevent us and other communications providers from doing so.

AT&T's numerous remaining concerns with the proposed substitute ordinance include, but are not limited to, the following areas:

1. There are several legal issues under both State and Federal law. For example, to the extent that the Ordinance has the effect of excluding wireless providers from having the ability to install or build the necessary facilities to provide service then the ordinance could be viewed as discriminatory. The limitation in Section 3.5.b. on small cell facilities to an arbitrary distance cap of 500 feet from another provider's location could exclude providers, especially in areas where there are no collocation options. AT&T agrees that collocation is desirable for several reasons, but the arbitrary distance cap could prevent providers from deploying service. There are express statutory limits



on local government regulation of wireless support structures. See Tenn. Code Ann. §§ 13-24-304 and 305.

2. The definition of a “small cell facility” in Section 1 is unreasonably restrictive based upon volume size for both antenna and equipment enclosures and should be deleted. If technology is such that a four (4) cubic foot antenna is the best technology to propagate the cell signal to the broadest area possible and limit the use of a second location then it should be allowed. Also, having two different volumetric design limits (antenna and equipment) is arbitrary and is discriminatory to small cell equipment use.
3. The requirement in Section 3.5.c. that for new or relocated telecommunications facilities all transmission equipment, excluding antennas, must be placed underground, even with the qualifier to the extent possible, is unreasonable. Economic and technical considerations should specifically be included. There should be greater flexibility to consider the impact that placing equipment underground has on the function and use of the equipment (possible loss in signal strength).
4. Technological and business decisions made by wireless service providers as to the type of technology to be deployed and where it is most appropriate to do so should not be subject to review. For example, in Section 1, the definition of “antenna” allows Metro Information Technology Services (ITS) to approve antenna elements. Likewise, see the supplemental review by Metro ITS in Section 6.B.1.
5. All permit fees must be reasonable and direct cost based. The requirement in Section 6.B that applicants may be required, in addition to a permit fee, to pay “all the costs” of any additional reviews, including by a third party hired by Metro is unreasonable and could be a barrier to entry thus bringing into question the lawfulness of such fees and charges.
6. Finally, there were a number of other suggestions made by representatives of the communications industry that would substantially improve the ordinance and should be reconsidered for inclusion rather than being rejected without explanation. For example, allowing multiple locations to be submitted and approved in one request (batch approval of like locations) would significantly improve efficiency in both time and cost for both Metro and the service providers.

In sum, the substitute ordinance still needs substantial revision. To allow time to resolve these concerns, AT&T is also requesting that this ordinance be delayed to allow the Industry to meet again with the Planning Commission to resolve some of these issues.



Thank you for your time and attention to this critical matter. AT&T looks forward to providing additional information to you at the meeting at 4:00 pm today.

Sincerely, yours,

A handwritten signature in cursive script that reads "Kathy Sager".

Kathy Sager
Regional Director
AT&T External and Legislative Affairs

cc: Doug Sloan
Carrie Logan
Mark Sturtevant
Councilman Freddie O'Connell

1160283

Item 2, Proposed USD Expansion of Services

From: Debbie Massey [mailto:debbie@madisonrivergatechamber.com]

Sent: Thursday, October 13, 2016 11:28 AM

To: Sloan, Doug (Planning)

Subject: USD for Madison Districts #3,7,8,9,10

On Behalf of the Chamber, I would like to express my concerns about adding USD services to more of 37115 and the small businesses and residents that it will affect. The extra taxes are one concern, minimal or not, Small Businesses and some folks live paycheck to paycheck and even though you don't consider \$200 -\$400 a year a burden, it may very well be. Our property owners will just pass the burden along to the renters, so they will be affected as well. We have only \$60,000 AMI – Our seniors are struggling with upkeep of the home and that money should stay with them.

We do not need more government in our lives. We are now going to have to take garbage to the curb – As I said before, Madison has many of seniors just barely able to keep their home, barely able to stay independent. They have private garbage collectors they have had for years, that come to the door for service or will take off something extra for them if need be. You can't replace that kind of Loyalty, either way. The elderly cannot walk their trash bins to the curb either. I keep hearing the Council lady Van Reece say she is trying to protect J. E. McMurtry's interest and help him in the hiring process of Metro – He is not the only private contractor that will be losing business nor should she pull favors – this country was founded on small business, most without government help and if the government could stay out of the way, small business can thrive.

The Mayor is already thankfully dedicated to connecting sidewalks- Street lights – who knows if and when we will get them.

This also opens us up to Public Housing and Liquor stores – none of which Madison needs any of. Please consider this in your decision – not everyone is for this USD addition. .

Thank you for your time, Debbie

***Debbie Massey, Executive Director
Madison-Rivergate Area Chamber of Commerce
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Madison, TN 37115
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president@madisonrivergatechamber.com
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Celebrating 63 years.

From: Darlene Foster [mailto:darlenefoster1@gmail.com]
Sent: Thursday, October 13, 2016 8:30 AM
To: Planning Commissioners
Subject: GSD vs. USD

Planning Commission Members:

I am a property owner / resident in district 8 of Madison. I want to go on record as being vehemently opposed to annexing Madison (or at least this part) to be included in the Urban Services District.

I didn't even know this was going before the council, until someone sent me an article after it had happened...and I am not alone in not knowing about this. Affected property owners were NOT adequately notified.

Had this been any other matter affecting our property (zoning, overlay, etc.) property owners would have received a letter. But this was apparently only discussed with a very small portion of the area's residents.

I strongly feel this is an important enough matter that we should be allowed to vote on it rather than it being left up to the council. This is a big deal that affects people's homes, finances, and daily lives as well as affecting local small businesses. It's not right to sneak in a change like this without 100% notification. We should ALL be allowed to have a voice!

Today I saw (on Facebook, seen by accident) that there is an upcoming meeting about this for district 9. But that's not my district and I have dental work scheduled that day anyway. So, I just want to make it very clear that I DO already understand the differences between GSD and USD and am against the proposal!

I also want to say that the Tennessean states that most of us are already spending approx \$324 on trash pick up. This is not true for me. I currently only spend \$204 per year. And more importantly, I can stop paying that at any time I choose and haul off the trash myself. And I have seriously considered doing that as I've been trying to reduce my expenses. A single person doesn't always generate a lot of trash. I want to keep my freedom to make my own choices about who I hire or whether I hire anyone at all! I DO NOT want USD!

Sincerely,
Darlene Foster
216 Diane Drive
Madison, TN 37115

CC: Mayor's Office
Metro Council

From: Blake, Karen [mailto:kblake@bakerdonelson.com]
Sent: Thursday, October 13, 2016 8:22 AM
To: Planning Commissioners
Subject: Please don't raise our taxes in the Urban Svcs District
Importance: High

I'm writing to ask you to **OPPOSE** the tax rate increase in the Urban Services District.

With the increase in conventions (hotel/motel tax) and visitors to the city (sales tax), along with new buildings going up everywhere, surely the additional surge on the city should pay for itself (its clean up).

Karen Blake

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Nashville, TN 37219

Item 7, Glen Echo Subdivision Resub of Lot 25

From: Gina [<mailto:ginastand@gmail.com>]
Sent: Thursday, October 13, 2016 8:06 AM
To: Sloan, Doug (Planning); Napier, Patrick (Planning)
Subject: Case Number 2016S-171-001

Dear Members of Planning Committee

Re: Appeal Case Number 2016S-171-001
1732 Glen Echo Road
Map 117-15 Parcel 27
Zoning Classification: R10
Council District: 25

I purchased my home on Hillmont because I appreciate the beauty and diversity of the Green Hill's area. I realize that we are living in a surge of growth as Nashville is experiencing one of the fastest growing communities in the nation. I do not oppose growth and development. I do however have concerns that we are not approaching this moment with mindfulness. I think that if we continue tearing down old and replacing one home with 2, 4, or even 6 we will look back in 20 years and wonder how this could have happened to our beautiful community.

That being said, one of my primary concerns is the density of the structures along Glen Echo. In fact, the Staff report dated October 13, 2016 recognized that the proposed development "may be too intense for the site given the requirements for access along a collector street". I realized when purchasing my home that change was on the way. I looked at the zoning map of plot lines that have been in place since the 1940's. I purchased my home in **good faith that some level of similar density would be maintained.** Density of R-10 zoning is described as low to medium. There has been significant housing development in this area in recent years however, the planned subdivision of this property into 3 lots for the development of 6 homes will most certainly escalate the density along Glen Echo to a level greater than "medium"; especially when compared to older existing housing structures or more recently constructed as part of the development in the area.

I encourage you to demonstrate that we can have growth without destroying the charm that makes this community unique.

Please know that I am very opposed to any development on Glen Echo that takes a single family home and creates a mini subdivision out of it. This is a precedent that would allow for developers to do the same on the remaining areas of Glen Echo.

I strongly oppose this measure. I think that the Nashville Metro would be well suited to present to its constituents a long term development plan that has been mindfully thought out and places limits as well as opportunity for development and progress. I hope, in 20 years, we can look back and be proud of what Green Hills grew into and not regret the our development and growth decisions.

Thank you Patrick for your willingness to work with Patricia and I to educate us on the issues associated with this decision. I appreciate how hard you work everyday with the difficult and exciting issues of growth that face our city.

Kevin and Gina Standefer

1725 Hillmont Drive

615-479-6446