



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: **March 21, 2017**

RE: **Analysis and Fiscal Notes**

Unaudited Fund Balances as of 3/15/17:

4% Reserve Fund	\$32,237,877*
Metro Self Insured Liability Claims	\$4,981,182
Judgments & Losses	\$3,017,674
Schools Self Insured Liability Claims	\$3,765,934
Self-Insured Property Loss Aggregate	\$6,913,607
Employee Blanket Bond Claims	\$665,058
Police Professional Liability Claims	\$2,440,957
Death Benefit	\$1,389,132

*This assumes unrealized estimated revenues in Fiscal Year 2017 of \$13,965,266.

Note: No fiscal note is included for any legislation without significant financial impact.

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTION NO. RS2017-590 (O'CONNELL) – This resolution would approve an exemption for City House Corporation, located at 1222 Fourth Avenue North, from the minimum distance requirements for obtaining a beer permit.

The Metro Code of Laws prevents a beer permit from being issued to an establishment located within 100 feet of a church, 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)). (Until recently, this section further required restaurants to have state on-premises liquor consumption licenses to obtain such exemption. However, Ordinance No. BL2016-454, which was passed November 15, 2016, eliminated this requirement.)

Of note, the Tennessee General Assembly is currently considering legislation that would amend Tenn. Code Ann. §57-5-113 to require beer boards to issue permits to any holder of a state on-site liquor consumption license, thereby eliminating distance requirements set forth in the Metro Code.

A public hearing must be held by the Council prior to voting on resolutions brought under Section 7.08.090(E).

– RESOLUTIONS –

RESOLUTION NO. RS2017-591 (COOPER) – This resolution would appropriate additional funds to the Board of Fair Commissioners and Administrative Department above the levels previously approved for the FY17 operational budget.

\$3,623,000 would be appropriated from the undesignated fund balance of the General Fund of the General Services District for additional funding for the following administrative purposes:

- \$2,500,000 - Summer Youth Employment
- \$500,000 - Housing Incentive Pilot
- \$317,000 - Facility Rental
- \$261,000 - MDHA VASH Pilot Program
- \$45,000 - Affordable Housing Development

In addition, \$274,000 would be appropriated for the Board of Fair Commissioners in recognition of revenue above the amount budgeted for the year. This appropriation would be used to pay for additional overtime, utilities, temporary service, advertising & promotion, and repairs & maintenance.

Fiscal Note: According to a policy approved by the Council in 1989 and by OMB in 2005, the minimum fund balance percentage should be no lower than 5% of the total operating budget. The Finance Department has projected this percentage would still be at 6.5% for the GSD General Fund after this supplemental appropriation.

RESOLUTION NO. RS2017-592 (COOPER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-593 (PARDUE & COOPER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-594 (SYRACUSE, COOPER, & HENDERSON) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-595 (SYRACUSE, COOPER, & HENDERSON) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-596 (SYRACUSE, COOPER, & HENDERSON) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-597 (SYRACUSE, COOPER, & HENDERSON) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-598 (ALLEN, COOPER, & HENDERSON) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-599 (O'CONNELL, COOPER, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-600 (COOPER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-601 (COOPER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-602 (COOPER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-603 (COOPER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-604 (GILMORE & COOPER) - Resolution No. RS2016-1408 approved an intergovernmental agreement between the Tennessee Department of Health and the Metro Board of Health to provide child fatality review services in cases involving Sudden Death of the Young (SDY) investigated by the Medical Examiner's Office. The Metro Health Department was to be responsible for reviewing all sudden death cases of children under the age of 19 for the purpose of understanding what happened and how to prevent future child deaths.

Under the agreement, the Health Department is required to submit quarterly reports to the state. Metro was to be compensated up to \$28,000 for these services for the total 43 month term of the contract. The agreement was approved March 17, 2015.

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RESOLUTION NO. RS2017-604, continued

The resolution under consideration would approve the first amendment to this agreement. This would replace the current language in four sections, as follows:

- Section A.5.a would be clarified to state that the requirement to review SDY cases within 90 days from notification from the Child Fatality Review (CFR) state office would only apply if necessary documents have been received;
- Section A.5.d would require the submission of records for review by the state CFR office to be either through U.S. Mail, Secure Portal, or via secure email; and
- Section A.6 would now require the submission of all progress reports to be sent via email or U.S. Mail.

In addition to these changes, the requirements for deliverables in Section A.7. would be amended as follows:

- The review of deaths of children meeting SDY criteria would be required no later than 90 days after death notification only if necessary documents have been received. The requirement to use an electronic format would also be eliminated;
- The format for data input into the National Child Death Database would be required to be through the Secure National Child Death Database instead of a generic electronic format;
- The submission of names of deaths meeting clinical review criteria would be required to be via secure email or Secure Portal instead of a generic electronic format;
- The submission of all records for SDY cases meeting clinical review team criteria could be sent by Secure Portal in addition to the present method of sending by mail; and
- The submission of progress reports could now be sent in PDF format in addition to using MS Word.

RESOLUTION NO. RS2016-605 (GILMORE) – This resolution would approve a contract between the Metropolitan Board of Health and Alive Hospice, Inc. to provide licensed medical professionals to distribute antibiotics, vaccines, and antivirals (mass prophylaxis) through a Worksite POD (Point Of Dispensing) in the event of a public health emergency.

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RESOLUTION NO. RS2017-605, continued

The Health Department would be responsible for obtaining the mass prophylaxes from the state and delivering them to the Worksite POD during a public health emergency. Alive Hospice, Inc. would be responsible for distributing the prophylaxes.

This contract would be for a term of five (5) years but may be extended for two additional one-year terms. The company would not receive any form of compensation for providing these services.

The Council has approved similar agreements with other area hospitals and institutions for this purpose.

RESOLUTION NO. RS2017-606 (GILMORE) - This resolution would approve a clinical affiliation agreement between the Metropolitan Board of Health and Lipscomb University to provide clinical experience for their students in their graduate nursing program. The Health Department would provide clinical training experiences as part of the nursing students' public health training. Students would receive no compensation and would not be considered employees of Metro. There would be no cost to Metro for participating in this program.

The school is required to provide assurances that the students are covered by health and professional liability insurance, and the school has agreed to assume responsibility for its students participating in the program.

The term of the agreement would be from January 1, 2017 through December 31, 2021. The agreement may be terminated by either party upon 90 days' written notice.

RESOLUTION NO. RS2017-607 and RS2017-608 (GILMORE) – Medical records and other health information are protected from disclosure under federal legislation known as the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Often, entities in possession of confidential health information need to disclose it to other business associates to effectively provide health care and related services. HIPAA authorizes “business associate agreements” that allow such disclosures while securing protections for the health information. The resolutions under consideration would approve business associate agreements between the Metropolitan Board of Health and Centerstone Community Health Centers of Tennessee (RS2017-607) and the Mental Health Cooperative (RS2017-608).

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RESOLUTION NO. RS2017-607 and RS2017-608, continued

In broad terms, the agreements give these agencies the authority to use protected health information to perform their obligations under separate agreements with Metro, ensure the proper management and administration of the health information, and authorize disclosure of information that is either required by law or used solely for the purposes for which it is revealed.

The agreements are a result of the Public Investment Plan (PIP) the Health Department has with these agencies and other non-governmental entities. These agencies will be providing encounter data for individuals discharged from DCSSO and referred to the community for services they provide. The data would be used in conjunction with encounter data from other community providers to track migration across systems and develop recommendations regarding system-level coordination of care.

The agreements would begin when filed in the office of the Metropolitan Clerk. They would continue until all of the protected health information in their possession is destroyed or returned to Metro.

RESOLUTION NO. RS2017-609 (COOPER & MURPHY) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-610 (COOPER & MURPHY) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-611 (COOPER) – This resolution would authorize the Department of Law to settle the personal injury claim of Ms. Wilma Jean Braden against the Metropolitan Government in the amount of \$21,000.

On September 19, 2016, an employee of the Public Works Department was driving a Metro vehicle at the intersection of 4th Avenue and Lafayette Street when he made an improper lane change, striking Ms. Braden's vehicle. Ms. Braden has already received a payment of \$2,625.67 for the damage to her vehicle.

Ms. Braden sought treatment for neck strain, whiplash, and back and shoulder strain as a result of the accident. Ms. Braden has agreed to accept a total of \$21,000 in full settlement of this case, based upon \$9,919.07 for medical expenses and \$11,080.93 for pain and suffering.

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RESOLUTION NO. RS2017-611, continued

The Department of Law recommends settlement of this claim for \$21,000.

Disciplinary action against the employee consisted of a suspension for one day.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$21,000.

RESOLUTION NO. RS2017-612 (COOPER) – This resolution would authorize the Department of Law to settle the personal injury claim of Brett A. Clanton, and a subrogation claim of State Farm Mutual Automobile Insurance Company, against the Metropolitan Government in the combined amount of \$55,000.

On May 24, 2014, an officer was driving a Metro Police vehicle on Dickerson Pike. He attempted to make a U-turn following a traffic stop. Mr. Clanton was traveling in the far left lane from the right shoulder where the officer was stopped. The officer had his blue lights activated, but not his siren, when he attempted to make the U-turn. The officer failed to see Mr. Clanton and struck his vehicle.

Mr. Clanton sought treatment for pain in his right shoulder, upper back, both knees, and a persistent headache. He was diagnosed with a concussion, cervical strain and shoulder strain. He alleges that persisting pain forced him to quit his job (although tax returns for 2011 and 2012 depicted earnings of less than \$5,000 each year). Mr. Clanton has agreed to accept a total of \$55,000 in full settlement of this case, based upon \$23,772.52 in medical bills, \$27,727.48 for pain and suffering and lost wages, and \$3,500 to State Farm for their subrogation claim.

The Department of Law recommends settlement of this claim for \$55,000. If this case proceeds to trial, the Metropolitan Government will almost certainly be found negligent.

Disciplinary action against the employee consisted of a one-day suspension for negligence in operation of a Police vehicle.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$55,000.

RESOLUTION NO. RS2017-613 (COOPER) – This resolution would authorize the Department of Law to settle the personal injury claim of Mr. Darryl Grider against the Metropolitan Government in the amount of \$25,000.

On March 8, 2016, an employee of the Public Works Department was driving a dump truck west on Hart Lane when he attempted to merge into the left lane. He failed to yield, hitting Mr. Grider's vehicle on the right side. Mr. Grider has already received \$3,175 in payment for the total loss of his vehicle.

Mr. Grider sought treatment for a cervical strain, an abrasion to his left arm, and a chest wall contusion. Mr. Grider has agreed to accept a total of \$25,000 in full settlement of this case, based upon \$18,688.35 for medical expenses and \$6,311.65 for pain and suffering.

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

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

RESOLUTION NO. RS2017-614 (SLEDGE, ELROD, & ALLEN) - This resolution would authorize Layman Recording to construct and install an aerial encroachment at 1128 3rd Avenue South. The encroachment consists of a double-sided, projecting sign.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction, installation, operation, and maintenance of the sign, and hold the Metropolitan Government harmless from all claims. The applicant is further required to post a certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party. Plans and specifications must be provided to the Public Works Director for approval before work is begun, and all work and materials must be approved by Public Works.

Section 13.16.030(A) of the Metropolitan Code of Laws allows the Council to grant encroachments, permits, and privileges for aerial cables, canopies, etc., over or across public rights-of-way by resolution.

This proposal has been approved by the Planning Commission.

RESOLUTION NO. RS2017-616 (GLOVER) - This resolution would adopt a new policy requiring a limit on the amount of debt service funds appropriated for the amortization of general service and urban service bonds in the annual operating budget. This limit would be in relation to the total annual operating budget.

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RESOLUTION NO. RS2017-616, continued

Although there are numerous special purpose funds within Metro for enterprise operations, internal service fees, *etc.*, the annual operating budget is generally considered to consist of six primary budgetary funds. These include the General Services District General Operations Fund, the Urban Services District General Operations Fund, and the Metro Nashville Public Schools General Operations Fund. Each of these three funds has a corresponding debt service fund.

There has never been an established Council policy limiting the percentage of the operating budget that can consist of the total of the three debt service funds. The resolution under consideration would establish a new policy prohibiting the total of these three debt service funds from exceeding 10.0% of the total appropriated expenditures for the fiscal year.

For example, the approved operating budget for FY17 is \$2,087,320,200. Of this amount, \$210,069,000 consisted of the total of the three relevant debt service funds, equaling 10.1% of the overall total. The remaining \$1,877,251,200 was the sum of the three primary operating funds, 89.9% of the total. If this policy had been in place and enforced, a reduction of the debt service funds by 0.1% would have been required for FY17.

Fiscal Note: This policy would have the effect of limiting the amount of possible capital expenditures in the future. By capping this percentage, more of the available dollars in the total operating budget in a particular fiscal year would be available for operational expenses instead of capital. The dollar amount of this limitation would depend on the total budget each year.

It should be noted that the Council already has authority to review or modify all proposed expenditures by the Administration. This authority exists as part of the Council's consideration and approval of the Capital Improvements Budget, Capital Spending Plan, Operations Budget, and Tax Levy each fiscal year. If the Council desires to limit any portion of the budget, it may do so.

It should also be noted that if the amount of debt service funds were ever insufficient to cover Metro's existing debt service obligations, our bond ratings would likely be adversely impacted.

Finally, it should be noted that this Council cannot impose absolute restrictions on future Councils. Adopted policies can always be modified or deleted by future Council action.

– ORDINANCES ON SECOND READING –

BILL NO. BL2017-581 (SHULMAN) – In 2006, an amendment to the Charter of the Metropolitan Government was approved by referendum which established a new and independent Department of Audit, directed by the newly-created Metropolitan Auditor and generally overseen by a Metropolitan Audit Committee. Section 2.24.300 of the Metro Code of Laws (MCL) describes the functions and authority of the independent Metropolitan Auditor. The Metropolitan Auditor shall conduct “financial, performance, and other audit services” per Government Auditing Standards as established by the United States Government Accountability Office.

The ordinance under consideration would add a new Paragraph H to this section of the MCL. This new subsection would empower the Metropolitan Auditor to conduct an independent investigation of any department, board, and/or commission of Metro. In addition, the Metropolitan Auditor would be empowered to audit the performance of contracts by entities that contract with Metro.

In performing these audits, the authority being granted would include the ability to review, research, and conduct interviews as well as having access to any and all necessary documentation. If any entity under such audit refuses to cooperate, the Metropolitan Auditor would be required to report this to the Audit Committee as well as to the Budget and Finance Committee “for further action”.

What constitutes “further action” is not explicitly defined within this section of the MCL. It would be up to the Audit Committee and/or Budget and Finance Committee to determine what recourse to pursue.

An amendment is anticipated to clarify that only boards and commissions created under Metropolitan Government authority are subject to the new provision. Additionally, the amendment may also synchronize the current ordinance with BL2016-159 (addressing similar Auditor powers) which was indefinitely deferred in March, 2016.

BILL NO. BL2017-585 (WEINER) – This ordinance would add additional requirements for the care of animals. Sections 8.12.030 and 8.20.040 of the Metro Code of Laws (MCL) would be modified to add the requirement to provide shelter for animals with protection from the “elements”. This term would now be defined as “weather conditions, including the following

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BILL NO. BL2017-585, continued

inclement weather conditions: freezing temperatures, a heat index of 95 degrees Fahrenheit (95° F) or above as determined by the National Weather Service, thunderstorms, or tornados.” A similar requirement would be added to Section 8.20.040 to protect confined animals from the elements.

Section 2 and 3 of the ordinance would apply the provisions of Code Section 8.12.030.C.6 (which provides that tethered dogs shall not be left outside in temperature extremes or inclement weather) to all dogs – regardless of whether they are tethered.

An amendment is anticipated by the sponsor that would limit certain protection requirements to pregnant or nursing animals and animals less than 6 months old, and to correct an erroneous reference in Section 4 of the ordinance to “Subsection B” of Section 8.20.040.

Fiscal Note: The final amount has not yet been determined, but the initial estimate by the Health Department is that approximately \$567,000 of additional capital and operational funding would be required to enforce these regulations county-wide. An amendment is anticipated that will address some concerns by the Health Department, affecting the financial impact.

BILL NO. BL2017-586 (WEINER) – Chapter 8.20 of the Metro Code of Laws (MCL) establishes various animal control regulations within the Urban Services District (USD). These include such items as license tag removal, treatment for persons bitten by a rabid dog, confinement of animals, animals running at large, etc.

This ordinance would remove all references to the USD in the various sections of this chapter so that the regulations would be uniformly applicable throughout Davidson County.

This ordinance should not be confused with BL2016-527, which was deferred indefinitely on January 3, 2017. That ordinance would have made several additional requirements concerning pen enclosures for dogs. The ordinance now under consideration would not add additional requirements to this chapter. It would simply make the existing requirements applicable county-wide.

An amendment is anticipated that would retain the USD limitation for certain sections within Chapter 8.20.

Fiscal Note: The additional staffing that would be required by Metro Animal Care and Control within the Health Department if this ordinance is approved is still under evaluation. An amendment is anticipated that will address some concerns by the Health Department, affecting the financial impact.

BILL NO. BL2017-588 (ELROD, COOPER, & OTHERS) – This ordinance would revise the stormwater fees charged for residential and non-residential properties in Davidson County. This would be the first change to the fee schedule since it was introduced in 2009.

Fiscal Note: If the new rates are approved, the new fee schedule is projected to increase revenue by approximately \$20.2 million, from the current \$14.4 million per year to \$34.6 million. This revenue is used to pay for expenses related to stormwater, including, salaries, equipment, maintenance, and direct project expenses.

All properties with less than 400 square feet of impervious area are would still pay no stormwater fee. Also, the current rate would remain unchanged for residences with 400 - 2,000 square feet or for non-residential properties with 400 - 6,000 square feet of impervious area. Condominiums would continue to pay the same rate per unit.

All other properties would see an increase in the stormwater fee. Stormwater fees would go up for approximately 85% of residences and 75% of businesses. The amount of the fee changes are as follows:

Property Type	Impervious Area (sq. ft.)	Current Rate	New Rate	Change
<i>Residential</i>	<i>400 - 2,000</i>	<i>\$1.50</i>	<i>\$1.50</i>	<i>\$0.00 (0%)</i>
<i>Residential</i>	<i>2,001 - 6,000</i>	<i>\$3.00</i>	<i>\$6.00</i>	<i>\$3.00 (100%)</i>
<i>Residential</i>	<i>More than 6,000</i>	<i>\$4.50</i>	<i>\$11.00</i>	<i>\$6.50 (144%)</i>
<i>Residential</i>	<i>Condominium unit</i>	<i>\$3.00</i>	<i>\$3.00</i>	<i>\$0.00 (0%)</i>
<i>Non-Residential</i>	<i>400 - 6,000</i>	<i>\$10.00</i>	<i>\$10.00</i>	<i>\$0.00 (0%)</i>
<i>Non-Residential</i>	<i>6,001 - 12,800</i>	<i>\$20.00</i>	<i>\$30.00</i>	<i>\$10.00 (50%)</i>
<i>Non-Residential</i>	<i>12,801 - 25,600</i>	<i>\$40.00</i>	<i>\$70.00</i>	<i>\$30.00 (75%)</i>
<i>Non-Residential</i>	<i>25,601 - 51,200</i>	<i>\$40.00</i>	<i>\$150.00</i>	<i>\$110.00 (275%)</i>
<i>Non-Residential</i>	<i>51,201 - 300,000</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$200.00 (200%)</i>
<i>Non-Residential</i>	<i>300,001 - 1,000,000</i>	<i>\$200.00</i>	<i>\$650.00</i>	<i>\$450.00 (225%)</i>
<i>Non-Residential</i>	<i>More than 1,000,000</i>	<i>\$400.00</i>	<i>\$1,300.00</i>	<i>\$900.00 (225%)</i>
<i>Non-Residential</i>	<i>Condominium unit</i>	<i>\$10.00</i>	<i>\$10.00</i>	<i>\$0.00 (0%)</i>

BILL NO. BL2016-590 (PULLEY, COOPER, & OTHERS) – This ordinance would authorize the acquisition of real property by negotiation or condemnation for intersection realignment and improvements at the intersection of Hillsboro Pike at Crestmoor Road. This addition would consist of parcels located at 3715 Hillsboro Pike and 3801 Hillsboro Pike. This was included in the FY17 Capital Improvements Budget (CIB) as Project No. 16PW0015.

The parcel at 3715 Hillsboro Pike is currently occupied by a closed fast-food restaurant. The appraised value of the parcel is \$1,202,900. The parcel at 3801 Hillsboro Pike holds an active pharmacy and has an appraised value of \$3,905,200. However, it will be necessary to perform a new appraisal to determine the current fair market value of the two parcels.

Fiscal Note: The final price for this acquisition has not yet been determined, but it would be paid from Public Works' capital funds.

BILL NO. BL2017-617 (O'CONNELL & COOPER) – Ordinance No. BL2014-752 declared the old Ben West Library building located at 225 Polk Avenue to be surplus, and authorized the Director of Public Property Administration to sell the property in accordance with the standard procedures for the disposition of surplus property.

The 0.73-acre Ben West library property located at Eighth Avenue and Union Street was donated to the Carnegie Library of Nashville in 1902 by J. Craig McClanahan and his wife, Katherine B. McClanahan. The Carnegie Library of Nashville was a nonprofit corporation created to build a downtown library as a result of a \$100,000 donation from Andrew Carnegie. The property was deeded to the City of Nashville in 1959, and served as the site of the main public library until June, 2001. A small collection of books was kept in the basement of the building from mid-2003 through September, 2006 while it served as the temporary City Hall during the renovation of the courthouse. The building has not been in active use since 2006.

The 1902 deed includes a provision requiring the property to be used for a library. Specifically, the deed states that the right of title in the property will cease and the property will revert to the heirs of the grantor in the event Carnegie Library or its successors in ownership “fail to maintain perpetually upon said property a free public library for the use of the people of Nashville.” This reversion clause was triggered when the Metropolitan Government stopped using the building as a library upon the opening of the new main branch library downtown. The heirs' share reverted, and their ownership interest was confirmed through a quiet title action. However, the Metropolitan Government reached an agreement with the McClanahan heirs regarding the disposition of the property.

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BILL NO. BL2017-617, continued

The site was placed in a Historic Landmark Overlay District per Ordinance No. BL2015-1199 on August 4, 2015. It was also added to the Capital Mall Redevelopment District per Ordinance No. BL2004-424 on December 21, 2004. It is eligible to be on the National Registry, but is not listed.

The Metropolitan Development and Housing Agency (MDHA) issued a request for proposals (RFP) to developers to bid on the property for the purposes of redeveloping the site. The RFP included a requirement that the historically significant portions of the building be preserved as part of the redevelopment.

The Tennessee Education Association (TEA) originally had submitted a proposal for preservation of the building's historical elements and for restoration of the property as its headquarters. The property would also have been used for certain conferences, public functions, and school functions. The anticipated improvements to the property would have been approximately \$8,500,000.

The TEA proposal provided for payments to Metro totaling \$2,000,000. Ordinance No. BL2016-258 authorized the Director of Public Property Administration (MDHA) to execute the agreement and convey Metro's interest in this property to MDHA for further conveyance to TEA. But the TEA decided to terminate the agreement in accordance with its terms.

The ordinance now under consideration would authorize the Director of Public Property Administration to convey Metro's interest in this property to Hastings Architecture Associates, LLC ("Hastings") for use in connection with Hasting's business.

Exhibit E of the purchase and sale agreement would approve a license between Hastings and Metro for a period of ten (10) years. During this term, Metro would be licensed to use certain portions of the building known as the "Event Facilities" for one (1) day per calendar month. Each use must be scheduled with Hastings at least thirty (30) days in advance and is subject to the reasonable availability of the Event Facilities. Any unused occupancy period in a given month would not carry over to the following month.

Fiscal Note: A recently updated appraisal values the site at \$4.5 million dollars. Hastings would pay Two Million Dollars (\$2,000,000) to Metro in cash for the property, payable at closing. A deposit of Twenty-Five Thousand Dollars (\$25,000) would be paid within five (5) business days following the effective date.

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BILL NO. BL2017-617, continued

There would be no charge to Metro for the use of the Event Facilities as outlined in Exhibit E during the term of this agreement. The value of this public use has been estimated at \$500,000. However, Metro would be responsible to pay Hastings for any actual additional costs resulting from Metro's use of the Event Facilities.

If the sale to Hastings is completed, the property would be subject to ordinary property taxes. If the official appraisal is \$4.5 million, this would result in annual property tax payments of approximately \$81,300.

BILL NO. BL2017-618 (FREEMAN, ELROD, & ALLEN) – This ordinance would abandon existing easement rights for property located at 314 Rose Street, formerly Dortch Avenue, between I-440 and Rose Street. It has been determined by Metro Water Services that this easement is no longer needed.

Amendments to this legislation may be approved by resolution. This was approved by the Planning Commission on February 1, 2017.

BILL NO. BL2017-619 (O'CONNELL, ELROD, & ALLEN) – This ordinance would abandon existing easement rights for property located at 1212 Hawkins Street, formerly known as Alley #428. These easement rights were originally retained by Council Ordinance No. O72-383. It has been determined by Metro Water Services that these easement rights are no longer needed.

Amendments to this legislation may be approved by resolution. This was approved by the Planning Commission on February 6, 2017.

BILL NO. BL2017-620 (ALLEN & ELROD) – This ordinance would abandon approximately 15 linear feet of existing eight-inch water main, approximately 303 linear feet of existing eight-inch sanitary sewer main and easements, and would accept approximately 19 linear feet of new eight-inch water main, approximately 411 linear feet of new eight-inch sanitary sewer main, three sanitary sewer manholes, a fire hydrant, and any associated easements for property located at 2014 Bernard Circle.

Amendments to this legislation may be approved by resolution. This was approved by the Planning Commission on February 6, 2017.

BILL NO. BL2017-621 (ALLEN & ELROD) – This ordinance would abandon approximately 518 linear feet of existing 16-inch water line and 997 linear feet of existing eight-inch water line and easements and would accept 504 linear feet of new 16-inch water line, 872 linear feet of new eight-inch water line, 5 fire hydrants, and any associated easements, for property located at 1 Terminal Drive.

Amendments to this legislation may be approved by resolution. This was approved by the Planning Commission on February 6, 2017.

BILL NO. BL2017-622 (PULLEY, ELROD, & ALLEN) – This ordinance would abandon approximately 165 linear feet of existing eight-inch water main and easement and accept approximately 27 linear feet of new eight-inch water main, a fire hydrant, and any associated easement, for properties located at 2126 Abbott Martin Road, and 3811 and 3813 Hillsboro Pike.

This was approved by the Planning Commission on February 1, 2017. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2017-623 (ROSENBERG, ELROD, & ALLEN) – This ordinance would abandon approximately 970 linear feet of existing four-inch water line and accept approximately 1,135 linear feet of new eight-inch water line, approximately 999 linear feet of new eight-inch sanitary sewer main, sanitary sewer manholes, two fire hydrants, and any associated easements, for properties located at 0 River Road and 5820 River Road.

This was approved by the Planning Commission on February 1, 2017. Future amendments to this ordinance may be approved by resolution.

BILL NO. BL2017-624 (SLEDGE, ELROD, & ALLEN) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by changing the name of a portion of Pillow Street to "Marshall Hollow Drive".

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

BILL NO. BL2017-625 (O'CONNELL, ELROD, & ALLEN) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley Number 421 right-of-way. Easements held by the Metropolitan Government would be retained.

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

BILL NO. BL2017-626 (ALLEN) – This ordinance is essentially a housekeeping update to a section of the Metropolitan Code of Laws. (MCL). Previous Ordinance No. BL2016-257, adopted September 20, 2016, revised Section 16.04.110 of the Code entitled “Noncompliance – Stop work order”. This section describes the procedure for issuing a stop-work order where work is performed contrary to the provision of the Code or in a dangerous or unsafe manner. Ordinance No. BL2016-257 added the improper operation of any short-term rental property (STRP) as being subject to stop-work orders. At that time, the operative section for STRP regulation was found under Section 6.28.030. (This section restricted any person or entity from operating a STRP without a permit.)

Subsequent Ordinance No. BL2016-492 (as substituted), enacted February 21, 2017, essentially transferred the provisions of Section 6.28.030 to Title 17 of the Code. The current ordinance would therefore update the reference in Section 16.04.110 by deleting the reference to “Chapter 6.28.030 Section C – section” and replacing it with “Section 17.16.250.E.”

The net effect of this change will be to retain the Director of Codes Administration’s authority to order the immediate cessation of an STRP operation if it is not operated in compliance with Codes.

– ORDINANCES ON THIRD READING –

BILL NO. BL2016-483 (MENDES, GILMORE, & OTHERS) – This ordinance would revise Section 2.44.115 of the Metro Code of Laws (MCL) which currently requires the Metro Nashville Police Department (MNPd) to submit quarterly and annual crime reports to the Metro Council.

The proposed changes would establish a new subsection requiring the MNPd to further submit an annual traffic stop report to the Council no later than March 30th of each year. These reports would provide the following:

- a. The total number of traffic stops;
- b. The percentage of stops resulting in:
 - (i) warrantless probable cause searches;
 - (ii) warrantless consent searches without probable cause; and
 - (iii) warrantless “pat down” searches; and
- c. The success rate of each type of search (wherein “success” is defined as a search resulting in seizure of incriminating evidence).

Each category would be reported within demographic categories, defined by sex, race, and ethnicity.

In furtherance of adding a new traffic stop report requirement, this ordinance would change the current Section title from “2.44.115 - Crime reports to be submitted to the metropolitan council” to “2.44.115 - Crime *and traffic* stop reports to be submitted to the metropolitan council” (Italics added.) Similarly, current references to a “Quarterly report” and “Annual report” would be changed to “Quarterly *crime* report” and “Annual *crime* report”, respectively, distinguishing the proposed traffic stop reports.

On November 29, 2016, the MNPd voluntarily submitted the requested data for calendar year 2015, in the format requested in the proposed ordinance, as a supplement to the current MNPd annual report entitled “Motor Vehicle Stop Data Collection Analysis.” The MNPd has further indicated that the addition of these reporting requirements will not have a significant impact upon their personnel needs or operating budget.

BILL NO. BL2017-612 (COOPER, MENDES, & M. JOHNSON) – Chapter 2.24 of the Metro Code of Laws (MCL) currently requires an internet posting of a calendar listing the date, time, location, and agenda of all meetings of boards and commissions of the Metropolitan Government. Chapter 2.68 further requires each board and commission to develop a policy for

(continued on next page)

BILL NO. BL2017-612, continued

providing adequate notice of all meeting dates, times, locations, and agendas. They are further required to include a procedure for submitting this information for posting on the calendar required by Chapter 2.24.

In an effort to increase transparency and accessibility to relevant information, the current ordinance would add new Subsection 2.68.020.B which would require each Metro board and commission to develop a policy, approved by Metro IT Services, for providing minutes of proceedings in a consistent format as soon as practicable after meeting dates. Additionally, the policy must include procedures for submitting minutes and agendas in a searchable electronic format for posting onto the nashville.gov website of the submitting board or commission.

In addition to this change, the ordinance would also update existing references in the MCL to the "Department of Information Systems" to the "Department of Information Technology Services". These references are found in Section 2.24.146 and 2.68.020. Finally, the reference to Section 2.24.150 in Subsection 2.68.020.A would be updated to Section 2.24.146.

Fiscal Note: There should be minimal expense and effort for each department that supports the various boards and commissions to post minutes and agendas according to the new standardized format. Metro IT Services Director Keith Durbin has confirmed there should be no significant financial impact to ITS since the "nashville.gov" website is already designed to hold reports such as these. It should nevertheless be recognized that a large number of boards and commissions are relatively small, without staff, and operated by citizen volunteers.

BILL NO. BL2017-613 (ALLEN & ELROD) – This ordinance would abandon and accept water and sewer mains, sanitary sewer manholes, and any associated easements for properties located at 519 and 521 Chesterfield Avenue.

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

BILL NO. BL2017-614 (HASTINGS, ELROD, & ALLEN) – This ordinance would abandon existing water main, a fire hydrant, and easement and accept new fire hydrants for six properties located along 9th Avenue North.

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

BILL NO. BL2017-615 (O'CONNELL, ELROD, & ALLEN) – This ordinance would abandon existing sanitary sewer main and a manhole unit and accept new sanitary sewer main and manholes for property located at 1209 Hawkins Street.

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

BILL NO. BL2017-616 (KINDALL, ELROD, & ALLEN) – This ordinance, as substituted, would amend the official Geographic Information Systems Street and Alley Centerline Layer by changing the name of a portion of 16th Avenue North to "Bar-B-Que Alley".

This was approved by the Planning Commission and the Emergency Communications District. A recommendation from both, prior to third reading, is required under Section 13.08.015.D of the Metro Code of Laws (MCL). Additionally, the Metropolitan Historical Commission submitted a report, distributed March 14, 2017 regarding any historical significance to the current name.

GRANTS AND DONATIONS LEGISLATION - MARCH 21, 2017

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2017-592	<p>From: Bloomberg Associates Foundation</p> <p>To: Office of the Mayor</p>	\$0	\$0	The term is to continue until completion of the services provided by the consultant.	<p>This in-kind grant would be used to provide consultant and assessment assistance in the administration of various services and programs.</p> <p>The assistance would be in the areas of transportation, sustainability, municipal integrity, social services, urban planning, marketing & communications, cultural assets management, and media & digital strategies.</p> <p>The scope of services would include weekly phone calls, ad hoc consultations as necessary, approximately four annual site visits per discipline, 10-20 hours of staff time per discipline per week, and identifying & recruiting third-party support where needed.</p>

GRANTS AND DONATIONS LEGISLATION - MARCH 21, 2017

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2017-593	<p><u>From:</u> U.S. Department of Justice <u>To:</u> Metro Nashville Police Department</p>	\$169,287	\$21,600	N/A	<p>If this application is approved, the proceeds from this Technology Innovation for Public Safety (TIPS) grant would be used to identify targeted precincts where precipitous increases in crime have been reported and to develop a data communication plan/system to reduce crime in the targeted areas. The goal would be to reduce reported crime in the targeted areas by 10%.</p> <p>The grant proceeds would pay \$64,741 for increased overtime costs, \$25,440 for travel, \$65,000 for equipment, and \$14,106 for indirect costs. The resulting increased fringe benefit costs would be included as part of the overtime costs covered by the grant.</p> <p>The Police Department's required local match would be to pay \$21,600 for ArcGIS license upgrades for all eight (8) Precinct Cap Officers.</p>
RS2017-594	<p><u>From:</u> Friends of Two Rivers Mansion <u>To:</u> Metro Nashville Parks and Recreation Department</p>	Not to exceed \$652.45	\$0	N/A	<p>The grant proceeds would be used to cover the cost of hiring two (2) part-time workers for sixteen (16) hours each per week for two (2) weeks. These employees would conduct historic tours at Two Rivers Mansion during the 2017 Christmas season.</p> <p>The Parks Board approved acceptance of this grant on February 8, 2017.</p>

GRANTS AND DONATIONS LEGISLATION - MARCH 21, 2017

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2017-595	<u>From:</u> Friends of Two Rivers Mansion <u>To:</u> Metro Nashville Parks and Recreation Department	Not to exceed \$38,447	\$0	N/A	The grant proceeds would be used to fund five hundred forty (540) linear feet of wooden fencing across the front of the Two Rivers Mansion property. This was accepted by the Metro Nashville Board of Parks and Recreation on February 7, 2017.
RS2017-596	<u>From:</u> Friends of Two Rivers Mansion <u>To:</u> Metro Nashville Parks and Recreation Department	\$3,914.67	\$0	N/A	The grant proceeds would be used to cover the cost of hiring two (2) part-time workers for sixteen (16) hours each per week for twelve (12) weeks. These employees would conduct historic tours at Two Rivers Mansion during the June, July, and August, 2017. The Parks Board approved acceptance of this grant on February 8, 2017.
RS2017-597	<u>From:</u> Friends of Two Rivers Mansion <u>To:</u> Metro Nashville Parks and Recreation Department	\$18,228	\$0	N/A	The grant proceeds would be used to pay for a 4' x 7' metal sign with a 1'6" x 4' removable rectangular hanging sign for the entrance to the Two Rivers Mansion. In addition, this would pay for two 24" x 24" x 9' tall stone columns to provide the support structure for the sign. This was accepted by the Metro Nashville Board of Parks and Recreation on February 7, 2017.
RS2017-598	<u>From:</u> Hillsboro-West End Neighborhood Association <u>To:</u> Metro Nashville Parks and Recreation Department	Not to exceed \$200,000	\$0	February 1, 2017 through January 31, 2018	The grant proceeds would be used to provide materials and labor for the restoration and repairs of the "Dragon" sculpture (formerly known as the "Sea Serpent") in the Fannie Mae Dees Park.

GRANTS AND DONATIONS LEGISLATION - MARCH 21, 2017

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2017-599	From: Live Nation To: Metro Nashville Parks and Recreation Department	Not to exceed \$15,000	\$0	N/A	The grant proceeds would be used for materials and labor in the construction and installation of security fencing at Ascend Amphitheater. The Parks Board approved acceptance of this grant on February 8, 2017.
RS2017-600	From: Tennessee Department of Human Services To: Metropolitan Action Commission	\$3,000	\$0	July 1, 2016 through June 30, 2017	This amendment would add \$3,000 to the existing grant, for a new total of \$25,050. This grant is used to support the Community Service Poverty Fund.
RS2017-601	From: U.S. Environmental Protection Agency (EPA) To: Metropolitan Board of Health	\$150,000	\$0	October 1, 2014 through September 30, 2018	The original grant was approved per Resolution No. RS2015-1355 on January 20, 2015 and appropriated \$107,416 to the budget of the Metro Board of Health. The first four amendments increased that amount by a net total of \$735,590, for a new total of \$843,006. The fifth amendment now under consideration would increase the grant proceeds by \$150,000 for a new total of \$993,006. There would be no change to the local cash match already included in the Health Department's budget.
RS2017-602	From: Association of Food and Drug Officials To: Metropolitan Board of Health	Not to exceed \$3,000	\$0	January 11, 2017 through December 29, 2017	The grant proceeds would be used to send two (2) staff members to training for auditing program standards of the Health Department in conjunction with the 2009 FDA Food Code.
RS2017-603	From: Association of Food and Drug Officials To: Metropolitan Board of Health	Not to exceed \$3,000	\$0	January 11, 2017 through December 29, 2017	The grant proceeds would be used to send four (4) food inspectors from the Health Department to the "FD312 Special Processes at Retail" course in Montgomery, Alabama.

GRANTS AND DONATIONS LEGISLATION - MARCH 21, 2017

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2017-609	<u>From:</u> Tennessee Department of Labor and Workforce Development <u>To:</u> Nashville Career Advancement Center (NCAC)	Not to exceed \$15,250	\$0	January 1, 2017 through September 30, 2017	These federal through state grant proceeds would be used to establish programs and services for the Supplemental Nutrition Assistance Program (SNAP). \$13,725 of the proceeds would be used for direct program costs. The remaining \$1,525 would be allowed for administrative costs.
RS2017-610	<u>From:</u> Tennessee Department of Labor and Workforce Development <u>To:</u> Nashville Career Advancement Center (NCAC)	\$0	\$0	April 1, 2016 through March 31, 2017	An original grant of \$24,100 was approved per Resolution no. RS2016-287 on July 5, 2016 to provide reemployment services and eligibility assessment services to unemployment insurance claimants. The purpose of this program is to help persons receiving unemployment insurance to find suitable employment as soon as possible. This amendment would not change any of the financial terms of the original grant. It would simply change the end date of the grant from December 31, 2016 to March 31, 2017.