



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: November 21, 2017

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 11/15/17:

4% Reserve Fund	\$39,816,604*
Metro Self Insured Liability Claims	\$5,995,655
Judgments & Losses	\$3,547,469
Schools Self Insured Liability Claims	\$4,354,352
Self-Insured Property Loss Aggregate	\$6,927,426
Employee Blanket Bond Claims	\$664,591
Police Professional Liability Claims	\$2,339,628
Death Benefit	\$1,495,856

*This assumes unrealized estimated revenues in FY18 of \$28,163,203.

Note: No fiscal note is included for any legislation without significant financial impact or for which the preceding Analysis sets forth the financial impact.

– RESOLUTIONS –

RESOLUTION NO. RS2017-946 (VERCHER & ROBERTS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-963 (VERCHER) – This resolution would approve the issuance of up to \$133,215,000 in GSD general obligation bonds to provide funding for various projects contained in the Mayor's mid-year Capital Spending Plan. Pursuant to Rule 28 of the Council Rules of Procedure, Exhibit A attached to the resolution is a recitation of the total amount to be financed, the purposes of each amount, and for each purpose, the portion of the total allocated for that purpose. This is the first step in the process toward the ultimate sale of the bonds by public bid to provide necessary financing for the listed projects.

Approval of this initial resolution would allow the Metropolitan Government to use its commercial paper program to provide short term financing to commence construction prior to the sale of the long term bonds.

A detailed list of the capital projects to be funded through this spending plan, including the estimated cost for the projects, is attached to the resolution. Each of these capital projects is properly listed within the Capital Improvements Budget (adopted as amended by Ordinance No. BL2017-736 by the Council on June 13, 2017).

Exhibit A shows that the GSD total is \$123,211,000 with a self-funding total of \$10,000,000 for a total of \$133,211,000. However, the general obligation bond is issued for \$133,215,000 pursuant to a recommendation from bond counsel that the bonds be issued in increments of \$5,000. The self-funded \$10,000,000 for Stormwater projects would be used to repay the debt service.

RESOLUTION NO. RS2017-964 (VERCHER) – This Resolution would correct a technical defect in the current Capital Improvements Budget (CIB) and Program 2017-2018 through 2022-2023. This CIB includes Water and Sewer Project No. 09WS0025 (Stormwater - Capital Construction / Remedial Maintenance) which has been submitted for approval to the Planning Commission. However, the tax district for this project is incorrectly shown as the "USD". The resolution under consideration would amend this to show the "GSD" as the tax district. No other changes would be made.

Pursuant to Section 6.13 of the Metro Charter, the Mayor may submit amendments to the CIB at any time during the year, accompanied by the recommendation of the Planning Commission. This resolution was approved by the Planning Commission on November 9, 2017. But such amendments to the CIB must be approved by a two-thirds vote of the Council.

RESOLUTION NO. RS2017-965 (VERCHER, MENDES, & OTHERS) – This resolution would declare as surplus fourteen (14) parcels of real property and convey these properties to Affordable Housing Resources and Be A Helping Hand Foundation for the express purpose of constructing affordable and workforce housing.

Tennessee Code Annotated § 7-3-314(e) permits Metro to convey by resolution any real property acquired pursuant to a delinquent tax sale by grant to a non-profit organization for the purpose of constructing affordable or workforce housing. This section also specifies that no property may be granted prior to the expiration of the statutory redemption period. This section also requires that all such property be used to construct affordable and workforce housing for residents in the county.

On April 11, 2017, the Metropolitan Housing Trust Fund Commission issued a request for application to qualified non-profit organizations to participate in the non-profit housing development grant program. Affordable Housing Resources and Be a Helping Hand Foundation were selected through this process.

The parcels to be granted are as follows:

Be a Helping Hand Foundation

- A. 1240 Thomas Street (District 17)
- B. 12 Decatur Street (District 19)

Affordable Housing Resources

- C. 612 Bixler Avenue (District 9)
- D. 1704 17th Avenue North (District 21)
- E. 1704 12th Avenue North (District 21)
- F. 1540 12th Avenue North (District 21)
- G. 1620 12th Avenue North (District 21)
- H. 811 Lena Street (District 21)
- I. 1524B 23rd Avenue North (District 21)
- J. 2525 Santi Avenue (District 21)
- K. 141 Elmhurst (District 5)
- L. 751 22nd Avenue North (District 21)
- M. 3107 Albion Street (District 21)
- N. 734 Madison Boulevard (District 7)

It should be pointed out that the recitals in this resolution refer to thirteen parcels. However, the actual number of parcels that would be granted is fourteen.

The Metropolitan Housing Trust Fund Commission would be authorized by this resolution to enter into grant contracts with these two organizations for the express purpose of constructing affordable and workforce housing on these fourteen properties. In the event any of these properties are not utilized by the Barnes Fund Affordable Housing Program after five (5) years

from the date of the passage of this resolution, the property would revert back to the Division of Public Property unless otherwise previously conveyed.

In addition to the grants of real property, monetary grants from the Barnes Fund totaling \$4,553,245.30 would be made to nine (9) non-profit organizations. Section 7-3-314 of the TCA permits local governments to provide financial assistance to non-profit organizations in accordance with local regulations and guidelines. And section 5.04.070 of the Metropolitan Code of Laws provides that the Council may appropriate funds by resolution for the financial aid of non-profit organizations. Therefore, the Resolution would distribute these additional monetary grants as follows:

- \$1,204,364.00 - Woodbine Community Organization;
- \$775,182.30 - Mending Hearts;
- \$739,709.00 - Dismas, Inc.;
- \$428,110.00 - Be a Helping Hand Foundation;
- \$410,000.00 - Affordable Housing Resources;
- \$380,000.00 - New Level CDC;
- \$352,880.00 - Habitat for Humanity of Greater Nashville;
- \$163,000.00 - Project Return; and
- \$100,000.00 - Mary Parrish

RESOLUTION NO. RS2017-966 (VERCHER) – This resolution would authorize the Mayor to employ the law firm of Lief Cabraser Heimann & Bernstein, LLP to investigate and potentially pursue claims against manufacturers and distributors of prescription opioids that have wrongfully caused drug addiction in Davidson County and resulting economic harm to the Metro Government. The economic impact of opioid addiction includes drug addiction treatment, emergency room visits, law enforcement response, incarceration, child abuse and neglect, and the cost for removing children from parental custody, as well as medical treatment for prenatal opioid exposure.

The law firm would investigate whether the Metropolitan Government should pursue litigation to seek reimbursement for such economic harms. The firm would then provide an opinion letter to the Metro Director of Law recommending whether to bring a lawsuit or potentially join an existing class action lawsuit. The law firm would bear all necessary costs of litigation, but would be reimbursed from any gross recoveries as a result of litigation. The law firm would be contracted on a "contingency fee" basis, meaning Metro would not pay attorney fees during the litigation process. Instead, the law firm would only be paid if they recover a favorable verdict or reach a settlement.

The law firm's contingency fee would vary based upon (1) the net recovery of the litigation or settlement and (2) whether the defendant opioid manufacturer or distributor has already admitted to or been found by a judicial proceeding to have wrongfully caused persons to become addicted to prescription opioids.

The contingency fees would be as follows:

For a net recovery of less than \$2,500,000:

- if a defendant had already admitted wrongful actions, the firm would be reimbursed:
 - a. Three percent (3%) of the amount recovered if the case settles prior to litigation being filed
 - b. Fifteen percent (15%) of the amount recovered if the case settles prior to trial or after a jury verdict, final judgment, and collections have concluded
- if a defendant had not previously admitted or been found to guilty of wrongful actions, the firm would be reimbursed:
 - a. Five percent (5%) of the amount recovered if the case settles prior to litigation being filed
 - b. Twenty percent (20%) of the amount recovered if the case settles prior to trial or after a jury verdict, final judgment, and collections have concluded

For a net recovery of greater than \$2,500,000:

- if a defendant had already admitted wrongful actions, the firm would be reimbursed:
 - a. Three percent (3%) of the amount recovered if the case settles prior to litigation being filed
 - b. Twelve percent (12%) of the amount recovered if the case settles prior to trial or after a jury verdict, final judgment, and collections have concluded
- if a defendant had not previously admitted or been found to guilty of wrongful actions, the firm would be reimbursed:
 - a. Five percent (5%) of the amount recovered if the case settles prior to litigation being filed
 - b. Fifteen percent (15%) of the amount recovered if the case settles prior to trial or after a jury verdict, final judgment, and collections have concluded

The Metro Charter Sec. 8.607 provides that the Council may, by resolution, authorize the Mayor to employ special legal counsel and pay a reasonable compensation. Any monetary recovery from the proposed litigation would be deposited into the General Fund of the General Services District.

In June 2015, the Council approved Resolution No. RS2015-1512, which contained an agreement to allow this same law firm to investigate and pursue claims on a contingency fee basis against pharmaceutical companies that had illegally suppressed lower priced generic competition to the detriment of Metro's health insurance plan. That investigation is currently ongoing.

Fiscal Note: With this assistance from outside counsel, Metro may be more likely to prevail in claims against manufacturers and distributors of prescription opioids. However, it would be speculative to predict the potential amounts of the awards (minus contingency fees) from these cases.

RESOLUTION NO. RS2017-967 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of John Greene against the Metropolitan Government in the amount of \$60,000.

On April 16, 2015, an Assistant Chief with the Fire Department attempted to turn left onto Hermitage Avenue from Korean Veterans Boulevard. The Assistant Chief stated he thought a police officer was waiving cars in the turn lane to proceed through the intersection against a red light. Mr. Greene stopped at the intersection and was rear-ended by the Assistant Chief.

Mr. Greene was transported by ambulance to Southern Hills Hospital complaining of neck, left shoulder, and back pain. He was diagnosed with acute exacerbation of chronic low back pain and underwent physical therapy. Mr. Greene has agreed to accept a total of \$60,000 in full settlement of this case, based upon \$19,310 for reimbursement of his medical expenses plus \$40,690 for pain and suffering.

The Department of Law recommends settlement of this claim for \$60,000.

Disciplinary action against the employee consisted of a written reprimand.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$60,000.

RESOLUTION NO. RS2017-968 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Rodney Washington against the Metropolitan Government in the amount of \$25,500.

On November 27, 2016, Mr. Washington was a passenger in a golf cart being driven by a Metro Fairgrounds employee. The employee stopped the cart in order to pick up debris on the grounds. The employee failed to set the hand brake when he left the cart. The cart began to roll, jumped a curb, sent up an embankment, and flipped.

Mr. Washington was sitting in the middle row of the cart and would not have been able to step on the brake.

Mr. Washington sought treatment for back, joint, and neck pain. He was diagnosed with cervicalgia (intense localized pain in the cervical spine). Mr. Washington has agreed to accept a total of \$25,500 in full settlement of this case, based upon \$12,888.78 for reimbursement of his medical expenses plus \$12,611.22 for pain and suffering.

The Department of Law recommends settlement of this claim for \$25,500.

There was no disciplinary action against the employee based upon the discretion of the supervisor.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$25,500.

RESOLUTION NO. RS2017-969 (VERCHER & ALLEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-970 (GILMORE & VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-971 (ALLEN, VERCHER, & GILMORE) – Resolution No. RS2015-55 approved a contract between the Metropolitan Board of Health and the Vanderbilt University School of Medicine for the Health Department's participation in the Tuberculosis Trials Consortium.

Vanderbilt received a grant from the U.S. Centers for Disease Control and Prevention through the U.S. Veteran Affairs Medical Centers for this tuberculosis project. The Health Department's responsibilities under this contract are to provide space and equipment for the project, as well as consultation and support services.

The Health Department was to receive \$20,259 to reimburse the cost of its services. The term of this contract is from October 1, 2014 through September 30, 2019.

The resolution under consideration approves amendment two to this contract. This amendment would increase the amount of the contract by \$20,000 for the period October 1, 2016 to September 30, 2017. The amendment would also add Attachment 1, the grant budget for the \$20,000, to the contract agreement.

Fiscal Note: The amendment under consideration would increase the amount of the contract by \$20,000 for the period from October 1, 2016 through September 30, 2017. The budget attached to the resolution specifies that \$16,983.61 of this would be spent on salaries and fringes. The remaining \$3,016.39 would be allowed for indirect costs.

RESOLUTION NO. RS2017-972 (O'CONNELL & BEDNE)

RESOLUTION NO. RS2017-973 (O'CONNELL & BEDNE)

RESOLUTION NO. RS2017-974 (O'CONNELL & BEDNE)

RESOLUTION NO. RS2017-975 (O'CONNELL & BEDNE) - These four (4) resolutions would authorize the construction, installation and maintenance of aerial encroachments -- specifically, double-faced, illuminated, projecting signs -- at various locations: 209 3rd Ave South for L.A.A. Inc., d/b/a Sobro Wine and Spirits (RS2017-972); 400 Broadway for Whiskey Row Nashville, LLC (RS2017-973); 208 Broadway for RR Hospitality Nashville, LLC (RS2017-974); and 210 Broadway for RR Hospitality Nashville, LLC (RS2017-975).

In each instance, the applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party. The applicant must also hold the Metropolitan Government harmless from all claims connected with the installation.

The Metropolitan Government retains the right to pass resolutions or ordinances regulating the use of surrounding streets in each case, including the right to construct and maintain utilities, and to order the relocation of facilities at the expense of the applicants. Metro further retains the right to repeal approval of the encroachments without liability.

Plans for the encroachments must be submitted to the Director of Public Works for approval, along with all work and materials; and the installations, when completed, must be approved by the Director.

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

These proposals have each been approved by the Planning Commission.

– ORDINANCES ON SECOND READING –

BILL NO. BL2017-688 (SWOPE) – As substituted, this ordinance would modify Section 16.04.200 of the Metro Code of Laws (MCL) concerning the construction and use of electric fences. Subsection A of this section currently prohibits electric fences in all zoning districts unless under the requirements of keeping domestic animals or wildlife on the property per Section 17.16.330 of the MCL and all necessary permits have been issued.

The ordinance under consideration would amend this to allow electric fences in AG, AR2a, RS80, RS40, RS30, RS20, R80, R40, R30, and R20 zoning districts, if the property satisfies all requirements of Section 17.16.330.B. of the MCL regarding the keeping of domestic animals/wildlife on the property and all necessary permits have been issued.

The ordinance would also allow electric fences in non-residential zoning districts, subject to the following standards:

- The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. This battery would be required to be charged primarily by a solar panel, but the panel could be augmented by a commercial trickle charger.
- The electric charge produced by the fence upon contact shall not exceed energizer characteristics as set forth in Paragraph 22.108 of the International Electrotechnical Commission (IEC), which is attached to the ordinance as an exhibit.
- Electric fences would be required to be completely surrounded by a non-electrical fence or wall not less than six feet (6') in height.
- Electric fences would be permitted on any non-residential outdoor storage area.
- Electric fences could not exceed the maximum height permitted by Title 17 of the MCL.
- Electric fences would be required to have warning signs at intervals of not less than thirty feet (30').
- A Knox Box or similar device used to hold access keys for emergency services personnel would be required in order to minimize damage and to allow access to the enclosed area.

On June 6, 2017, this ordinance was deferred indefinitely and was then placed onto the November 7, 2017 calendar by sponsor request. Because more than 90 days had elapsed since the indefinite deferral, Rule 23 of the Council Rules of Procedure required an automatic one-meeting deferral.

BILL NO. BL2017-912 (SHULMAN) – This ordinance would require the Metropolitan Social Services Commission (Social Services) to open a Metro-operated facility as a shelter from 7:00pm to 7:00am when temperatures in Nashville are projected to reach 32 degrees Fahrenheit or below during those hours. The facility would be operated by Metro staff or Metro contracted parties and would be required to hold at least one hundred and fifty (150) people.

Social Services currently participates in Nashville's Cold Weather Community Response Plan. This Plan was developed by nonprofit organizations and government to provide shelter for the homeless population during cold weather. The Plan defines three levels of response, Cold Weather, Extreme Weather (between 20 and 25 degrees), and Critical Weather (19 degrees or below). Currently, Social Services opens an overflow shelter of 75-90 beds at a Metro location when the temperature drops to 25 degrees. This is used to handle the overflow for people who cannot go to other shelters. \$25,000 was added to Social Services' FY18 budget to provide this overflow shelter.

Fiscal Note: The ordinance does not address paying for the ancillary services that would be required for operating these shelters. It would be necessary to arrange for food, bedding, security, transportation, and staffing.

The amount that would need to be added to Social Services' operational budget to provide this increased level of shelter services has not been identified. This would possibly cause Social Services to require a supplemental appropriation.

BILL NO. BL2017-948 (WITHERS) – This ordinance addresses the employment prospects of employees of the Nashville Career Advancement Center (NCAC) terminated due to layoffs.

Previously, NCAC engaged in direct provision of career services as a one-stop operator. However, the federal statute known as the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3101 *et seq.*, now requires that NCAC competitively select one-stop operators. WIOA further requires that the delivery of career services be provided either through one-stop operators or contracts with service providers. The State of Tennessee has determined that it is necessary for NCAC to competitively award the delivery of career services in order to comply with federal law. This will require NCAC to lay off employees whose former duties will be assumed by contractors selected through the competitive bidding process.

Under Metro Code Sec. 4.48.090.B.2, it is a breach of ethical standards for a former employee, within one year of cessation of the employee's official responsibility, to knowingly act as principal or agent for anyone other than the Metro Government in connection with any contract in which the employee participated personally and substantially, where the Metro Government is a party or has a direct or substantial interest.

This ordinance would allow an employee of NCAC whose services are being terminated due to layoff to seek employment with a contractor of the Metro Government, irrespective of Metro Code Sec. 4.48.090.B.2, provided that (i) the employee had no official responsibility for the procurement solicitation or transaction which resulted in the selection of that contractor to provide services to Metro, and (ii) the employment of the former NCAC employee by the contractor will not otherwise violate state or federal law.

Any former NCAC employee who accepts employment with a contractor providing services to NCAC within one (1) year from the date of cessation of NCAC employment would be required to provide written notice to the Purchasing Agent and the Executive Director of NCAC before starting employment with the contractor.

BILL NO. BL2017-949 (MENDES & VERCHER) – Ordinance No. BL2017-726 amended Title 5 of the Metro Code of Laws (MCL) to codify a requirement for the Finance Department to maintain a written debt management policy.

Metro first issued a debt management policy in 2006. This was revised and accepted by the Council per Resolution No. RS2011-94 and approved by the state, but never codified. Although the policy was current, there was no specific requirement in place that mandated such policy be maintained in the future nor the content of such policy.

Ordinance No. BL2017-726 added certain specific requirements for this required debt management policy, as follows:

- The maximum amount of outstanding debt and debt service;
- Multiple metrics by which Metro's financial condition is monitored, measured, and evaluated;
- A discussion of available metrics for measuring the amount of debt as well as the reasons why the metrics in use are most appropriate;
- A discussion of available metrics for measuring debt service as well as the reasons why the metrics in use are most appropriate;
- A discussion of what factors regarding financial performance trends must be considered in determining the maximum outstanding amount of debt and debt service;
- A discussion of the purposes for which each debt category may be utilized;
- A strategy for managing Metro's net pension obligation;
- A discussion of what impact, if any, the net pension obligation has on the amount of debt by category;
- A strategy for managing Metro's unfunded Other Post-Employment Benefits (OPEB) obligation; and
- A discussion of what impact, if any, the unfunded OPEB obligation has on the amount of debt by category.

The Finance Department is now required, per Sec. 5.04.105 of the MCL, to maintain a debt management policy meeting the above criteria at all times. This policy is required to be posted on the publicly-accessible portion of Metro's website.

The ordinance now under consideration would adopt a new version of the debt management policy that complies with the additional requirements per BL2017-726, as well as the mandatory provisions of the State Funding Board statement on debt management. Among other provisions, the debt policy would include revisions addressing pension funding and Other Post-Employment

Benefits (OPEB) obligations. The Metropolitan Government would (1) affirm its belief that its pension plan is well-funded; (2) acknowledge the Metro Charter obligation that annual contributions are to be based on funding necessary to keep the plan actuarially sound (as determined by an independent actuary); and (3) attest that its OPEB obligations are 0% funded and that the required contribution for OPEB obligations is based on projected pay-as-you-go financing requirements in which contributions are made in amounts sufficient to cover benefits paid, administrative costs and inflation. Metro would further submit that (4) its treatment of OPEB obligations has not affected its ability to authorize debt, nor negatively influenced bond ratings. This would be regularly assessed.

As revised, the debt policy would further state that, for general obligation bonds, the primary consideration for determining debt capacity for new capital spending plans would be the impact of the resulting future debt service payments in relation to current, projected and proposed revenues over the term of future bonds and in relation to the retirement of other bonds. For revenue bonds, the primary consideration would be whether the underlying net revenue stream was sufficient to cover related principal and interest payments over the term of the bonds and in relation to the retirement of any related revenue bonds.

Metro is prohibited from issuing or incurring any debt in violation of this debt management policy unless approved in advance by Council resolution.

BILL NO. BL2017-952 (MENDES, VERCHER, & OTHERS) – This ordinance would amend Chapter 4.48 of the Metro Code of Laws (MCL) regarding public contracting and procurement ethics.

This ordinance would create a new Section 4.48.115 of the MCL, providing that non-employees of the Metropolitan Government who provide services to Metro regarding feasibility, cost, design, implementation, or legislative assistance prior to the Council's approval (if required) of a public project would be prohibited from subsequent participation in the procurement process in connection with that project. In other words, private consultants and contractors who offer services assessing the initial cost, feasibility or adoption of a public project would effectively be prohibited from subsequently bidding on the actual project. The concern is that the objectivity of a consultant's advice may be questioned if the consultant has ulterior motives of generating future work. A violation of this prohibition would be a breach of ethical standards.

The current Code contains a similar provision in section 4.12.095.C which prohibits any person, firm or entity from contracting for privatizing a governmental service if they provided consulting services for Metro in the preceding year. The current ordinance would establish a broader provision regarding public projects and contracts.

These restrictions would be subject to a waiver by regulation or rulings of the Procurement Appeals Board, or by written determination of the Purchasing Agent that there is only one source for the supply, service, or goods, pursuant to Section 4.12.060 of the MCL (Sole Source Procurement).

The remedies for non-employees who breach ethical standards are found in Section 4.48.120 of the MCL. This section also allows the Procurement Appeals Board to impose any one or more of the following remedies:

1. Written warnings or reprimands;
2. Termination of transactions; and
3. Debarment or suspension from being a contractor or subcontractor under contracts with Metro.

In addition, Section 4.48.130 of the MCL provides that the value of anything transferred in breach of the ethical standards by a non-employee is recoverable by Metro.

BILL NO. BL2017-953 (WITHERS) – Chapter 6.64 of the Metro Code of Laws (MCL) regulates door-to-door commercial solicitation.

The ordinance under consideration would create a new Section 6.64.035 prohibiting door-to-door commercial solicitation after sunset or before sunrise.

Section 6.64.180 of the MCL lists penalties for violations of the requirements of this chapter. Penalties include the revocation, suspension, or denial of a permit or identification badge issued under Chapter 6.64, and/or a penalty of fifty dollars per day, per violation. Any violation of the new requirements of Section 6.64.035 would be subject to these same penalties.

BILL NO. BL2017-954 (BEDNE, ELROD, & OTHERS) – This ordinance would authorize Nashville Electric Service (NES) to install, construct, and maintain underground encroachments in the right-of-way located at 911 63rd Avenue North, 488 Myatt Drive, and 219 Stewarts Ferry Pike.

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

This proposal has been approved by the Planning Commission.

BILL NO. BL2017-955 (ROBERTS, BEDNE, & ELROD) – This ordinance would abandon existing sewer main and easements and accept new sanitary sewer and water mains, sanitary sewer manholes and any associated easements, for property located at 4908 Delaware Avenue.

Amendments to this ordinance may be approved by resolution.

This has been approved by the Planning Commission.

BILL NO. BL2017-956 (BEDNE & ELROD) – This ordinance would abandon existing water main and accept new water and sanitary sewer mains, sanitary sewer manholes, a fire hydrant and any associated easements, for properties located at 2998 Belwood Street and 215 31st Avenue North.

Amendments to this ordinance may be approved by resolution.

This has been approved by the Planning Commission.

BILL NO. BL2017-957 (O'CONNELL, BEDNE, & ELROD)) – This ordinance would abandon existing sewer main and easements and accept new water main, a fire hydrant, a sanitary sewer manhole, and any associated easements, for property located at 415 2nd Avenue North.

Amendments to this ordinance may be approved by resolution.

This has been approved by the Planning Commission.

BILL NO. BL2017-958 (MURPHY, BEDNE, ELROD) – This ordinance would abandon easement rights for a former 18-inch water main easement for 12 properties located along St. Francis Avenue, Park Circle, Acklen Park Drive, and Wrenwood Drive. 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 has been approved by the Planning Commission.

BILL NO. BL2017-959 (ROBERTS, BEDNE, & ELROD) – This ordinance would authorize HR Properties of Tennessee, GP to install, construct, and maintain underground encroachments in the right-of-way located at 5010 Illinois Avenue. These would consist of a wood deck, concrete walkway, stairs, and handrail encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

BILL NO. BL2017-960 (DOWELL, BEDNE, & OTHERS) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Cane Ridge Road right-of-way.

The abandonment has been requested by Perry Engineering, LLC, applicant.

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

– ORDINANCES ON THIRD READING –

BILL NO. BL2017-903 (VERCHER) – This ordinance would add definitions to the Metropolitan Code for (1) “rope lighting” (consisting of small light bulbs linked together and encased in a PVC jacket, used primarily as decorative lighting) and (2) “string lighting” (a series of lights located along a coated wire).

The ordinance would then further amend Section 17.28.100 of the Metro Code by adding a new Subsection C.4 to prohibit the use of rope lighting in certain circumstances. Specifically, the ordinance would prohibit the use of rope lighting on any building, sign, or property with nonresidential zoning located adjacent to an arterial or collector street. This restriction would not apply, however, to properties zoned as DTC.

BILL NO. BL2017-939 (MENDES, VERCHER, & OTHERS) – On October 17, 2017, Mayor Megan Barry announced a proposed \$5.2 billion mass transit plan to be adopted by public referendum in May, 2018. The state enabling legislation allowing for transit improvement programs, known as the IMPROVE Act, provides as follows:

(1) A transit improvement program is adopted if it is passed by ordinance or resolution by majority vote of the local government’s legislative body.

Tenn. Code Ann. §67-4-3206(e)(1). The ordinance under consideration would add a new Section 2.04.060 to the Metro Code of Laws (MCL) to require that adoption of a transit improvement program be passed by ordinance, not resolution. More specifically, the ordinance would require that any transit improvement program, under the meaning of the IMPROVE Act or any successor statute, be approved by an ordinance adopted after three readings and a majority vote of all the members to which the Council is entitled (*i.e.*, the ordinary procedure for enacting ordinances under Metro Charter Sec. 3.05).

BILL NO. BL2017-940 (WEINER) – This ordinance would correct outdated references to Richland Village, the McKay Home, and the Municipal Children’s Home in the Metro Code of Laws (MCL).

Section 2.24.250 of the MCL addresses the disposition of surplus property by the Director of Public Property Administration. This section includes a restriction against the transfer of any home or facility for the care of children being treated as surplus real property without the approval by the Metro Council by resolution. The current language specifically refers to “Richland Village, the McKay Home, [and] the Municipal Children’s Home” within these restrictions. Although the latter facility is referenced in section 11.1102 of the Metro Charter, none of these three facilities currently exists. Richland Village for children closed in 2002 and was demolished in 2004. The Municipal Children’s Home was razed and is now the site of the Richland Creek Greenway.

The proposed ordinance would simply remove references to these three facilities within the Code. All other provisions within this section regarding surplus property disposition would remain intact.

BILL NO. BL2017-942 (SYRACUSE, VERCHER, & ELROD) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation or condemnation for use in public projects, initially for the Fairway Drive Sidewalk Improvements Project.

This has been approved by the Planning Commission.

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

BILL NO. BL2017-943 (VANREECE, VERCHER, & ELROD) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation or condemnation for use in public projects, initially for the Maplewood Trace Sidewalk Project.

This has been approved by the Planning Commission.

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

BILL NO. BL2017-944 (M. JOHNSON, VERCHER, & ELROD) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements, and property rights by negotiation or condemnation for use in public projects, initially for the Davidson Road Multi-Use Path Project.

This has been approved by the Planning Commission.

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

BILL NO. BL2017-947 (O'CONNELL) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Junior Gilliam Way and Alley Number 205 right-of-way and easement.

The abandonment has been requested by the State of Tennessee, applicant.

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

GRANTS AND DONATIONS LEGISLATION – NOVEMBER 21, 2017

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2017-946	<p>From: Tennessee Emergency Management Agency</p> <p>To: Office of Emergency Management</p>	\$173,154	\$0	N/A	If the grant application is approved, the grant proceeds would be used to fund costs related to homeland security preparedness activities.
RS2017-969	<p>From: Tennessee Department of Environment and Conservation</p> <p>To: Metro Public Works Department</p>	Not to exceed \$30,000	\$30,000	December 4, 2017 through December 3, 2022	The grant proceeds would be used to encourage the reuse, composting, and beneficial use of organics, as well as implement source reduction efforts, to decrease the disposal of these materials.
RS2017-970	<p>From: Greater Nashville Regional Council</p> <p>To: Metro Social Services Commission</p>	N/A	N/A	July 1, 2017 through June 30, 2018	<p>This is an amendment to a previously approved grant agreement to provide Nutrition Home and Community Based Services to eligible seniors.</p> <p>This amendment would not change the financial terms of this grant. It would simply replace Attachment 1 with a new Attachment to redefine the scope of work to be performed.</p>