



## METRO COUNCIL OFFICE

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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 6, 2018

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 10/31/18:

4% Reserve Fund	\$32,427,425*
Metro Self Insured Liability Claims	\$4,750,400
Judgments & Losses	\$2,702,958
Schools Self Insured Liability Claims	\$4,835,318
Self-Insured Property Loss Aggregate	\$7,034,398
Employee Blanket Bond Claims	\$673,735
Police Professional Liability Claims	\$2,216,678
Death Benefit	\$1,512,034

\*This assumes unrealized estimated revenues in FY19 of \$29,226,261, and includes the appropriation in Resolution No. RS2018-1395 of \$360,000.

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

**– ORDINANCES ON PUBLIC HEARING –**

**BILL NO. BL2018-1288** (WITHERS) – This ordinance would replace the introductory sentence in Metro Code of Laws 17.20.030. The current introductory sentence states that required parking spaces are established in the Table associated with this section. This ordinance would add a sentence to require that each parking space be made available for use primarily to occupants, tenants and/or residents of the related land use. This is intended to prevent the disposition of parking space areas by owners immediately after compliance with minimum parking standards.

This legislation has not yet received a recommendation from the Metro Planning Commission. Rule 21 of the Council Rules of Procedure provides that no action shall be taken by the Council on second reading and no public hearing shall be held by the Council until the recommendation of the Planning Commission has been submitted to the Metropolitan Clerk or at least thirty (30) days has elapsed from the date of referral to the Planning Commission following first reading without a recommendation.

**BILL NO. BL2018-1371** (BEDNE) – This ordinance would amend the Metro Code of Laws regarding kennels.

The ordinance would add the following to the definition of “kennel/stable”: “A kennel is an establishment for the breeding of dogs and subject to the license and fee requirements of Chapter 8.04 administered by the Board of Health.”

Further, the ordinance would require the minimum lot size of a kennel to be ten (10) acres.

This legislation has not yet received a recommendation from the Metro Planning Commission. It is anticipated that the sponsor will defer this ordinance, per the requirements of Rule 21 of the Council Rules of Procedure.

**BILL NO. BL2018-1372** (O’CONNELL, VERCHER, & BEDNE) – This ordinance would authorize the acquisition of property from the state of Tennessee, located at 88 Hermitage Avenue, by the Metropolitan Government on behalf of Metropolitan Nashville Public Schools for purposes of constructing a new high school – the relocated Nashville School of the Arts. The Tennessee Historical Commission has determined that this property is eligible for listing in the National Register of Historic Places. Upon acquisition, it is the intention of MNPS to demolish the existing structure on the site in order to construct the new high school.

This has been approved by the Planning Commission.

*Fiscal Note: Metro would acquire the property for a price not to exceed \$11,300,000. The appraised value of this property is \$11,850,000.*

– RESOLUTIONS –

**RESOLUTION NO. RS2018-1395** (GLOVER) – This resolution would appropriate \$360,000 from the General Fund Reserve Fund (4% Fund) to the Nashville Fire Department for personal protective equipment.

Per Section 6.14 of the Metro Charter, the 4% Fund may only be used for the purchase of equipment and repairs to buildings. By Ordinance No. 086-1534 and Metro Code Section 5.04.015.F, allocations from the General Fund Reserve Fund must each be supported by an information sheet. The resolution provides in part: “The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund.”

This resolution was deferred indefinitely by the sponsor at the September 18, 2018 Council meeting and has now been reinstated onto the agenda at the sponsor’s written request, per Rule 23 of the Council Rules of Procedure.

*Fiscal Note: The balance in the General Fund Reserve Fund prior to the appropriation in this resolution is \$32,787,425. This includes projected unrealized revenue for FY19 in the amount of \$29,226,261. After this appropriation of \$360,000, the projected remaining balance would be \$32,427,425.*

**RESOLUTION NO. RS2018-1430** (WITHERS) – This non-binding resolution would request the Civil Service Commission (CSC) to amend the pay plan for Metro Council members and the Vice Mayor. Pursuant to Metro Charter Section 12.10, the CSC is responsible for the creation and administration of all pay plans and it must make recommendations to the Metropolitan Council before changes are effectuated.

The current salaries for all Council members and for the Vice Mayor are \$15,000 and \$17,000 per year respectively. Resolution Nos. RS2017-717 and RS2018-1247 revised the pay plans to increase the salary of each Council member to \$23,100, and the salary of the Vice Mayor to \$25,230, representing increases of 54% and 48.4% respectively, and totaling \$332,230 in additional annual salary expenses. (The pay plan adopted under RS2018-1247 also rescinded cost-of-living increases anticipated in the prior fiscal year, but otherwise kept in place these pay increases for Council Members and Vice Mayor.)

Due to restrictions against raising pay levels during the current term per Metro Charter Sec. 18.05, the presently scheduled raises will not take effect until the start of the 2019-2023 Council term.

*Fiscal Note: The increased annual salary costs per the currently scheduled FY20 pay plan would be \$332,230. In addition to the direct salary costs, FICA fringe costs would increase by \$25,415.60 (assuming no change in the rates).*

*The scheduled salary and fringe increases are not included in the current operating budget. It would be necessary to request a budget modification for FY20 to pay these additional costs. If the raises are rescinded as requested by this resolution, no budget modification would be required.*

**RESOLUTION NO. RS2018-1446** (VERCHER, BEDNE, & O'CONNELL) – This resolution would authorize the execution of an option agreement for the purchase of a flood-prone property located at 0 Union Street in Old Hickory, consisting of approximately 0.17 acres. Section 2.24.250.F of the Metro Code of Laws allows the Director of Public Property Administration to negotiate the purchase of such property, subject to approval of the Metro Council by resolution. The purchase price would be eighty-five thousand dollars (\$85,000).

This resolution was deferred by rule at the October 16, 2018 Council meeting following deferral by the Planning, Zoning, and Historical Committee.

This was approved by the Planning Commission on September 20, 2018.

*Fiscal Note: The fee simple acquisition option form specifying a price of \$85,000 is included within the resolution.*

**RESOLUTION NO. RS2018-1455** (HALL & HASTINGS) – This resolution would approve the issuance of up to \$25,000,000 in GSD general obligation bonds to provide funding for various projects as listed in Exhibit A attached to the resolution. \$15,000,000 of the bond proceeds would be used for projects exclusively in Council District 1. The remaining \$10,000,000 would be used for stormwater, road, and sidewalk projects in districts containing racially and ethnically concentrated areas of poverty (R/ECAPs) as designated by the United States Department of Housing and Urban Development.

Pursuant to Rule 28 of the Council Rules of Procedure, Exhibit A is intended as a recitation of the total amount to be financed through general obligation bonds, the purposes of each amount, and for each purpose, the portion of the total allocated for that purpose. Such resolutions are the first step in the process toward the ultimate sale of bonds by public bid to provide necessary financing for 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.

It should be noted that at least some of the proposed projects in Exhibit A are not contained in the current Capital Improvements Budget (CIB) as adopted by the Council per Ordinance No. BL2018-1196 on June 12, 2018. According to Section 6.13 of the Metro Charter, the Council cannot authorize an expenditure for a capital project unless it is included in its previous CIB.

*Fiscal Note: The proposed bond sale cannot proceed since it does not comply with the requirements per the Metro Charter. Therefore, there will be no fiscal impact.*

**RESOLUTION NO. RS2018-1459** (RHOTEN) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1460** (WEINER & RHOTEN) – This resolution would approve an amendment to the Economic Impact Plan for the Bellevue Mall Development Area.

The Economic Impact Plan was originally approved by the Metro Council in 2008 pursuant to Resolution No. RS2007-78. Development essentially remained dormant thereafter, presumably as a result of the economic downturn. But the Plan was later amended by the Council per Resolution No. RS2015-1586 following engagement of a new developer and an increase in the tax increment financing amount. Following the issuance of bonds and pursuant to Ordinance No. BL2017-690, the new developer, Bellevue Redevelopment Associates, L.P., agreed to convey to Metro a parcel lying outside of the plan area, retaining in exchange a parcel formerly within the plan area to be used as part of the redevelopment of the former Bellevue Mall. Metro also provided additional consideration of \$2,226,000 to the developer. The conveyed parcel was intended for use as a community center and hockey facility.

This resolution would amend the Economic Impact Plan to clarify the boundaries of the plan area to reflect the exchange of parcels previously agreed to in BL2017-690 and to replace the Plan's Exhibit A with an updated map. (The plan area footprint requires modification because the initial platting was not consistent with the parcel numbers and, after the institution of the economic impact plan, the plan area was re-platted and parcel numbers were modified.) References to the Economic Impact Plan would be removed from Exhibits B and C. The assessed value of the property would be affirmed as \$7,163,040.

This resolution would not alter the financing of the project in any respect. As a result, it would not constitute a new tax increment financing project in contravention of the agreed moratorium that prompted deferral of Ordinance No. BL2018-1319.

*Fiscal Note: The financial terms per Ordinance No. BL2017-690 are not being changed. This resolution simply updates the maps and plan areas.*

**RESOLUTION NO. RS2018-1461** (RHOTEN & FREEMAN) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1462** (RHOTEN & FREEMAN) – This resolution would approve a sole source contract between the Metropolitan Government and Benchmark Analytics to provide Benchmark Management System, First Sign Early Intervention, and C.A.R.E. Case Action

Response Engine software licensing, project management, training and support to the Metropolitan Nashville Police Department.

Metro Code of Laws Section 4.12.060 requires all sole-source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution. Sole source contracts may be awarded under the Metro procurement code when it is determined by the Purchasing Agent in writing that there is only one source for the supply or services rendered. (An executed sole source justification form is attached to the Resolution.)

The term of this contract would begin upon approval by all required parties, and the filing of the contract in the Metro Clerk's Office; and it would end after thirty-six (36) months. The contract could be extended by a letter signed by the Purchasing Agent on a year by year basis for a maximum of two additional years.

*Fiscal Note: The estimated value of the contract is \$455,000.*

**RESOLUTION NO. RS2018-1463** (RHOTEN & FREEMAN) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1464** (RHOTEN & FREEMAN) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1465** (RHOTEN, SYRACUSE, & GILMORE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1466** (WITHERS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1467** (RHOTEN & GILMORE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1468** (RHOTEN & GILMORE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1469** (RHOTEN & GILMORE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1470** (RHOTEN) – This resolution would authorize the Department of Law to settle the personal injury claim of Rick Sandler against the Metropolitan Government in the amount of \$24,500.

On November 22, 2017, Mr. Sandler was traveling eastbound on Graybar Lane approaching the intersection of Lealand Lane. A Metro refuse truck was also traveling eastbound on Graybar Lane and made a left turn onto Lealand Lane. The Metro refuse truck stopped and began backing up, striking Mr. Sandler's vehicle. Mr. Sandler's vehicle was deemed a total loss, and a settlement of \$7,070.47 was previously paid to his insurance company.

On November 24, 2017, Mr. Sandler sought treatment for head, neck, back, hip, and leg pain. He was diagnosed with back and neck strains and continued treatment at a chiropractor. He has agreed to accept a total of \$24,500 in full settlement of this case, based upon \$16,267.47 for reimbursement of his medical expenses, plus \$8,232.53 for pain and suffering.

The Department of Law recommends settlement of this claim for \$24,500.

Disciplinary action against the employee consisted of a written reprimand.

*Fiscal Note: This \$24,500 settlement would be the fifteenth payment from the Self-Insured Liability Fund in FY19 for a cumulative total of \$785,775. The fund balance would be \$4,750,400 after this payment.*

**RESOLUTION NO. RS2018-1471** (RHOTEN, O'CONNELL, & ALLEN) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1472** (RHOTEN, O'CONNELL, & ALLEN) – See attached grant summary spreadsheet.

**RESOLUTIONS NO. RS2018-1473 through RS2018-1475**

These resolutions would amend existing agreements pertaining to the performance of municipal functions between the Metropolitan Government and the cities of Belle Meade (RS2018-1473), Forest Hills (RS2018-1474), and Oak Hill (RS2018-1475), previously approved by Resolution No. RS2013-693. (RS2013-693 approved agreements with these satellite cities, as well as with Berry Hill.)

Pursuant to Metro Charter Sec. 18.15, the Metropolitan Government is obligated to furnish satellite cities with governmental services comparable to the services provided in other parts of the General Services District. Currently, these satellite cities provide their own roadway and infrastructure maintenance – a service otherwise provided by the Metropolitan Government to areas within the General Services District. These agreements effectively allow the Metropolitan

Government to forego maintenance obligations in exchange for certain negotiated payments. Metro is authorized to approve cooperative agreements with other political subdivision of the state by resolution, pursuant to Tenn. Code Ann. § 12-9-101, *et seq.*

All three resolutions would extend the term of each agreement to 15 years, beginning upon filing with the Metro Clerk. The terms would extend automatically for successive terms of five years each, unless either party provides written notice of termination at least 180 days prior to the expiration of the then-current term.

*Fiscal Note: Beginning on August 1, 2019, the Metro Government would issue an annual “Roadway Cost Payment” to Belle Meade, Forest Hills, and Oak Hill. The amounts to be paid through 2021 are noted below. Beginning in 2022, the payment would be increased or decreased annually to the same extent as the U.S. Consumer Price Index of All Urban Consumers (or an equivalent substitute if such index is no longer available).*

*All three satellite cities would agree to use all sums received from Metro under this amendment exclusively for capital expenses associated with the maintenance of public roadways and associated infrastructure within their borders.*

*The amounts that would be paid, which reflect a consistent rate per centerline mile, are as follows:*

**Belle Meade (RS2018-1473)** (M. JOHNSON, RHOTEN, & O’CONNELL)

2019 — \$193,617  
2020 — \$253,191  
2021 — \$297,872

**Forest Hills (RS2018-1474)** (HENDERSON, RHOTEN, & O’CONNELL)

2019 — \$325,000  
2020 — \$425,000  
2021 — \$500,000

**Oak Hill (RS2018-1475)** (HENDERSON, RHOTEN, & O’CONNELL)

2019 — \$311,170  
2020 — \$406,725  
2021 — \$478,500

**RESOLUTION NO. RS2018-1476** (LEE) – This resolution would confirm the previous appointment of seven (7) members to the Tax Increment Financing (TIF) Study and Formulating Committee.

Ordinance No. BL2018-1315, adopted September 18, 2018, established a TIF Study and Formulating Committee. Pursuant to that ordinance, the committee is to consist of seven (7)

members, with two (2) nominated by the chief executive officer of the Metropolitan Development and Housing Agency (MDHA), two (2) nominated by Mayor David Briley, and three (3) elected by the Metropolitan Council.

MDHA has nominated Mr. Charles Robert Bone and Mr. Bert Mathews, Mayor Briley has nominated Mr. Brian Kelsey and Ms. Talia Lomax-O'dneal, and the Council has elected Dr. Paulette Coleman, Councilman At-Large Bob Mendes, and Mr. Richard Warren. The Council approved each nominee at its meeting of October 16, 2018 pursuant to the elections and confirmation process. This resolution would formally approve these members as required by the terms of BL2018-1315.

**RESOLUTION NO. RS2018-1477** (LEE) – This resolution would approve the election of five hundred eighty-seven (587) Notaries Public in accordance with state law. Per Rule 27 of the Metro Council Rules of Procedure, the Davidson County Clerk has advised that each of the applicants meets the qualifications for the office.

**– ORDINANCES ON SECOND READING –**

**BILL NO. BL2018-1334** (HENDERSON) – This ordinance would amend the ticket tax for the Major League Soccer Stadium in Title 5 of the Metropolitan Code of Laws.

Substitute Ordinance No. BL2018-1289, as amended, was adopted September 5, 2018 and authorized the levy of a privilege tax upon the attendance of events at the municipal soccer stadium. Under this ordinance, the ticket tax at the MLS stadium is scheduled as follows:

- \$1.75 for years 1-5;
- \$2.25 for years 6-7;
- \$2.50 for years 8-9;
- \$2.75 for years 10-14; and
- \$3.00 for years 15 and after.

One dollar seventy-five cents (\$1.75) of the ticket tax is to be dedicated to the payment of debt service on bonds for the construction of the soccer stadium. Any amount collected above \$1.75, after the fifth year, is to be deposited into a reserve account maintained by the metropolitan finance department for long-term capital expenditures at the stadium.

The ordinance under consideration would change the ticket tax for the Major League Soccer Stadium to set the tax at ten percent (10%) of the price of the ticket. State law authorizes local governments to enact a privilege tax in an amount not to exceed ten percent (10%) of the consideration charged to attend the event. Fifty percent (50%) of the ticket tax would be dedicated to the payment of debt service, while the remaining fifty percent (50%) would be deposited into a reserve account maintained by the metropolitan finance department to be used for long-term capital expenditures at the stadium.

Under section 5.14.020.A of the Metro Code and Tenn. Code Ann. Sec. 7-3-202, “municipal stadiums” consist of arenas used primarily for sporting events with a capacity of 30,000 or more financed by bonds issued by the metropolitan government. The new MLS stadium is anticipated to seat 30,500. With seating capacities of 20,000 and 8,500 respectively, Bridgestone arena and First Tennessee Park are not subject to ticket taxes. However, Nissan Stadium seats nearly 70,000 and currently collects a ticket tax of \$3.00. (From 2010 to 2012, the tax was \$2.00.) Ticket tax collections at Nissan total \$21,776,377 or 27% of all revenues.

*Fiscal Note: The original estimate of ticket tax revenues was based on the assumption there would be 17 home games and 2 additional MLS events. The base projection assumed that the stadium would be filled at an average of 87% of capacity for these events. For comparison, there was also an optimistic projection that the average attendance would be at 95% of capacity.*

*The currently approved ticket tax structure calls for a flat tax of \$1.75 in Years 1 through #5, \$2.25 in Years #6 and #7, \$2.50 in Years #8 and #9, \$2.75 in Years #10 through #14, and \$3.00*

thereafter. The 10% restriction would apply, meaning that the tax collected could be less if tickets are priced relatively low. Under this structure, the base assumption would equate to total ticket tax revenue of \$25,390,000 in the first 20 years. The optimistic assumption would equate to \$27,399,100 over the same period.

Ticket prices have not yet been determined for these MLS events. For comparison purposes, the following table shows the potential 20-year ticket tax revenues under the terms of the proposed ordinance for a 10% tax on ticket prices of \$10 through \$50:

<u>Ticket Price</u>	<u>Base Assumption (87% of capacity)</u>	<u>Optimistic Assumption (95% of capacity)</u>
\$10	\$10,156,000	\$10,959,640
\$20	\$20,312,000	\$21,919,280
\$30	\$30,468,000	\$32,878,920
\$40	\$40,624,000	\$43,838,560
\$50	\$50,780,000	\$54,798,200

With the increase in the ticket tax raising the overall price to attend a game, some depression of the overall attendance is possible, though it is unknown how significant this depression could be.

In all cases, 50% of the ticket tax revenue would be dedicated to pay the debt service for the bonds used to construct the stadium. The remaining 50% would be held in a reserve account for long-term capital expenditures at the stadium.

**BILL NO. BL2018-1373** (MURPHY, VERCHER, & BEDNE) – This ordinance would declare surplus and approve the disposition of a parcel owned by the Metropolitan Government located at 3800 Charlotte Avenue.

The Public Works Department has declared this certain parcel of property surplus and Metro has determined that this certain parcel of property is no longer needed for governmental purpose.

Section 2.24.250 of the Metropolitan Code of Laws requires the Director of Public Property Administration to make all surplus property available to Metro departments, boards, and commissions. If none require the property, the director of public property administration is authorized, with the approval of the Metro Council, to sell such property, with the proceeds to be deposited in the general fund. If the assessor of property values the property in excess of five hundred thousand dollars, the director of public property must first obtain an independent appraisal from a state certified real estate appraiser.

*Fiscal Note: The “as-is” assessed property value as of 6/29/18 was between \$8,800,000 and \$9,200,000. With MUL-A zoning, the value is between \$9,100,000 and \$9,500,000.*

**BILL NO. BL2018-1374** (PULLEY, VERCHER, & BEDNE) – This ordinance would declare surplus and approve the disposition of a parcel owned by the Metropolitan Government located at 2025 Richard Jones Road.

The Metropolitan Fire Department has declared this certain parcel of property surplus and Metro has determined that this certain parcel of property is no longer needed for governmental purpose.

Section 2.24.250 of the Metropolitan Code of Laws requires the Director of Public Property Administration to make all surplus property available to Metro departments, boards, and commissions. If none require the property, the director of public property administration is authorized, with the approval of the Metro Council, to sell such property, with the proceeds to be deposited in the general fund. If the assessor of property values the property in excess of five hundred thousand dollars, the director of public property must first obtain an independent appraisal from a state certified real estate appraiser.

*Fiscal Note: The assessed property value as of 5/23/18 is \$5,870,000.*

**BILL NO. BL2018-1375** (MENDES) – This ordinance would amend Section 2.206.010 of the Metropolitan Code to correct a grammatical error.

Section 2.26.010 currently provides that, as a matter of policy, all Metro Government departments, agencies, boards, and commissions should comply with the Metro Code. The last sentence of this section further provides that these Metro entities cannot exempt themselves from compliance (except by resolution); but the sentence is ambiguously worded.

“The metropolitan government nor any of its departments, agencies, boards or commissions shall have the authority to exempt itself from compliance, except by resolution requiring twenty-one votes of the metropolitan council for just cause.”

This ordinance would clarify the wording as follows:

“*Neither [t]he* metropolitan government nor any of its departments, agencies, boards or commissions shall have the authority to exempt itself from compliance, except by resolution requiring twenty-one votes of the metropolitan council for just cause.”

**BILL NO. BL2018-1376** (SYRACUSE) – This ordinance would amend Section 7.16.030 of the Metropolitan Code of Laws (MCL) regarding location restrictions for the sale of liquor.

Currently, MCL Sec. 7.16.030.A.2 restricts liquor stores to locations on or with principal access to major streets or roads as shown on the major street plan adopted by the Metropolitan

Planning Commission. (This restriction does not apply to artisan distilleries, as defined by MCL Sec. 17.06.040.)

This ordinance would allow liquor sales at retail locations on or with principal access to an arterial-boulevard, as shown on the major street plan. The arterial-boulevard access requirement would not apply to (a) a retail location on a collector-avenue or local street no more than 3,960 feet (3/4 of a mile) in length that intersects, at two or more locations, the same existing arterial boulevard, as depicted on the major street plan or (b) an artisan distillery as defined in MCL Sec. 17.06.040.

**BILL NO. BL2018-1377** (O'CONNELL & BEDNE) – This ordinance would facilitate the relocation of the Molloy Street right of way located between 2nd Avenue South and 3rd Avenue South.

The ordinance would approve a Right of Way Relocation Agreement (Agreement) between CBR 217 2nd Avenue, LLC (CBR 217), CBR Ragland Parking Lot, LLC (CBR Ragland), and the Metropolitan Government. The Metropolitan Mayor would be authorized to execute and deliver the Agreement. The Mayor, Director of Finance, and other officers of the Metro Government would be authorized to take any actions required to comply with the terms of the Agreement.

Pursuant to the terms of the Agreement, Metro would agree to abandon the area on the southern portion of Molloy Street, described by Exhibits 4 and 5 attached to the ordinance. Upon the abandonment, Metro would retain a pedestrian zone easement and an easement for the underground district energy system lines and vault. The area on the northern portion of Molloy Street would be dedicated as right of way, described by Exhibits 2 and 3 attached to the ordinance. Both the abandonment and the dedication would occur only upon CBR 217 and/or CBR Ragland obtaining a building permit to redevelop the property to the north or south of Molloy Street within five years of the effective date of the ordinance. After the abandonment and dedication, CBR 217 would re-plat the North Molloy Property and CBR Ragland would replat the South Molloy Property.

CBR 217 and CBR Ragland would further agreed to realign Molloy Street between 2nd Avenue South and 3rd Avenue South. Upon completion of the realignment, CBR 217 would be authorized to use a portion of Molloy Street for a valet lane or lay-by lane, after obtaining any necessary permits from the Metro Public Works Department.

Future amendments to the Agreement or ordinance could be approved by resolution receiving twenty-one affirmative votes.

**BILL NO. BL2018-1378** (SYRACUSE & VERCHER) – This ordinance would approve an amendment to an agreement between the Metropolitan Government and Plaza 2750, LLC, (Plaza) concerning the acquisition of real property for use as the site of a new public library in Donelson.

This ordinance would approve an amendment to an agreement initially approved by the Council on May 15, 2018 pursuant to Ordinance No. BL2018-1161. The amendment would remove certain conditions regarding Plaza's obligations to close on the property, including those related to the proposed Transit-Oriented Redevelopment Plan and a requirement that Plaza and the Metropolitan Development and Housing Agency enter into a development agreement for a tax increment financing loan. The revised conditions would be required to occur within 90 days after the effective date of the amendment. Exhibit C would be replaced with the Revised Donelson Plaza Master Plan, dated August 22, 2018. This revised Exhibit C is attached to the ordinance. Plaza's completion deadline for public infrastructure would be extended from 210 days to 365 days.

*Fiscal Note: Metro's obligation toward the cost of designing and completing public infrastructure improvements would be increased from \$2,000,000 to \$3,250,000. This additional \$1,250,000 is included in Capital Fund #40017 for the new Donelson Library. No new bonds would need to be issued for this expenditure.*

**BILL NO. BL2018-1379** (SYRACUSE, SLEDGE, & GILMORE) – This ordinance would approve an agreement between the Metropolitan Department of Parks and Recreation (Parks) and Memphis Basketball, LLC (Memphis Basketball) to allow Parks to participate in the youth basketball program operated by Memphis Basketball. Memphis Basketball owns the Memphis Grizzlies, an NBA basketball team, and also owns and operates the "Junior Grizzlies" youth basketball program. A similar agreement was approved in 2017 per Ordinance No. BL2017-987.

In addition to participation in league games, each participant would receive a terrace-level ticket to a Memphis Grizzlies regular season home game. Each player would receive a Junior Grizzlies jersey and shorts, a rubber basketball, a drawstring bag, and a Certificate of Achievement. Discounted tickets for parents, friends, and family members may be offered to certain games. All coaches, administrators and volunteers would be invited to a clinic hosted by a Grizzlies coach.

The only payment per this agreement would be \$40 per basketball participant, built into the registration fee. No other charges or fees are required for performance of the agreement. This agreement would terminate June 30, 2019.

Future amendments to this agreement may be approved by a resolution receiving at least twenty-one (21) affirmative votes.

**BILL NO. BL2018-1380** (O'CONNELL & BEDNE) – This ordinance would authorize SWVP Nashville Hotel, LLC (SWVP) to install, construct, and maintain aerial and underground encroachments located in the right-of-way at 1000 Broadway. These would consist of ten movable planters, two bike racks, an overhead canopy, and a Nashville Electric Service vault under the sidewalk encroaching the right-of-way.

SWVP 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.

Pursuant to the ordinance, the Metropolitan Government would retain its right to regulate use of the street and to order the relocation of facilities at SWVP's expense if necessary. Plans for the encroachments must be submitted to the Director of Public Works for approval before work is begun; and all work and materials must be approved by the Director. Construction must be carefully guarded and completed promptly so as to cause the least public inconvenience.

This proposal has been approved by the Planning Commission.

**BILL NO. BL2018-1381** (O'CONNELL & BEDNE) – This ordinance would authorize LC Germantown, LLC to install, construct, and maintain underground encroachments in the right-of-way located at 1226 2nd Avenue North. These would consist of landscape lighting and irrigation encroaching the right-of-way.

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

Pursuant to the ordinance, the Metropolitan Government would retain its right to regulate use of the street and to order the relocation of facilities at LC Germantown's expense if necessary. Plans for the encroachments must be submitted to the Director of Public Works for approval before work is begun; and all work and materials must be approved by the Director. Construction must be carefully guarded and completed promptly so as to cause the least public inconvenience.

This proposal has been approved by the Planning Commission.

**BILL NO. BL2018-1382** (O'CONNELL & BEDNE) – This ordinance would authorize Fountains Germantown Holdings, LLC to install, construct, and maintain underground encroachments in the right-of-way located at 1401 3rd Avenue North. These would consist of a portion of a planter wall and steps encroaching the right-of-way.

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

Pursuant to the ordinance, the Metropolitan Government would retain its right to regulate use of the street and to order the relocation of facilities at Fountains Germantown Holdings, LLC's expense if necessary. Plans for the encroachments must be submitted to the Director of Public Works for approval before work is begun; and all work and materials must be approved by the Director. Construction must be carefully guarded and completed promptly so as to cause the least public inconvenience.

This proposal has been approved by the Planning Commission.

**BILL NO. BL2018-1383** (O'CONNELL & BEDNE) – This ordinance would authorize Pizzuti Nashville Hotel Owner, LLC (Pizzuti) to install, construct, and maintain aerial and underground encroachments in the right-of-way located at 401 Korean Veterans Boulevard. These would consist of a flag pole, transformer vault, retaining wall, and LED lighting encroaching the right-of-way.

Pizzuti 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.

Pursuant to the ordinance, the Metropolitan Government would retain its right to regulate use of the street and to order the relocation of facilities at Pizzuti's expense if necessary. Plans for the encroachments must be submitted to the Director of Public Works for approval before work is begun; and all work and materials must be approved by the Director. Construction must be carefully guarded and completed promptly so as to cause the least public inconvenience.

This proposal has been approved by the Planning Commission.

**– ORDINANCES ON THIRD READING –**

**BILL NO. BL2018-1281** (MURPHY & HENDERSON) – This ordinance, as amended, would codify a sexual harassment awareness and prevention training program for Metropolitan Government employees and certain contractors of the Metropolitan Government.

Employees would be required to participate in this training within 90 days of beginning work and every four years during continuous employment with Metro. The training would be conducted under the direction of the Metropolitan Department of Personnel. Contractors having a contract with Metro for a period of over 12 months and/or valued at \$500,000 or more would be required to provide training to employees that (1) have direct and regular interactions with Metro employees, (2) have contact with the public such that the public may believe the contractor is an employee of Metro, and/or (3) work on property owned by Metro. Contractors would be required to execute an affidavit, in the form provided by the Purchasing Agent, attesting that the contractor has provided training or will provide training within ninety days of the effective date of the contract or the employee's start date if after the effective date of the contract.

Under state law, municipalities are prohibited from imposing requirements upon contractors licensed by the state beyond those regulations established under state law. (TCA § 62-6-11). However, the definition of "contractor" under this state provision is narrower than the definition offered under the Metro Code. The former is relegated to contractors engaged in a "construction undertaking" (TCA § 62-6-102) whereas, for purposes of Metro contracts, "contractors" include anyone that has a contract with Metro. (See, e.g., Metro Code Sec. 4.04.050).

*Fiscal Note: The Human Resources (HR) Department has advised they do not expect any significant additional costs if this ordinance is approved. No tracking or training for contractors would be conducted by HR since the affidavits would be initiated and executed by Purchasing. The cost of training employees under this ordinance would be the same as it is today under the executive order.*

*Purchasing has advised their only additional costs should come from investigating any violation of the affidavit attestation. HR has had only one such complaint filed in the last 5 years. With the low number of predicted investigations to be conducted initially, Purchasing would use the first year to collect data and determine the extent to which any violations of the attestation would occur. That information would be used to make budget improvement requests if needed in upcoming fiscal years.*

**BILL NO. BL2018-1316** (DOWELL) – This ordinance, as substituted, would amend Metro Code of Laws (MCL) Sec. 17.24.060 regarding special screening requirements for dumpsters and other trash receptacles.

MCL Sec. 17.24.060.A requires dumpsters and other trash receptacles for all structures, other than single or two-family residences, to be screened from public streets and properties zoned or

policied for residential use. Under this section, receptacles must be placed on a concrete pad and enclosed by an opaque fence or wall at least six (6) feet in height. Gates must be opaque unless the opening is oriented away from public streets or adjacent residential properties. Enclosures can be made of wood, masonry, or other permanent materials, with evergreen plants used in part.

This ordinance would keep the existing requirements and add certain design standards. Concrete pads would be required to be constructed from steel reinforced concrete and a minimum of eight inches (8") thick. Enclosures would be required to a minimum of one foot (1') higher than the height of the enclosed receptacle or six feet (6'), whichever is higher. Unless oriented away from public streets and residential properties, service access gates for the enclosures would be required to be of sufficient size to remove the receptacle, made from an opaque material, constructed with a latch to keep the gate closed with receptacle is not in use, and not open directly onto public streets or sidewalks. The enclosure could have an additional side door for accessing the receptacle, at least three feet (3') in width with no requirement to be secured.

Further, receptacles would be required to be located behind the building or structure which they service. If the receptacle could not be located behind the building or structure, the Department of Codes Administration would be authorized to determine the location. Receptacles would also need to be readily accessible to the Nashville Fire Department.

This ordinance would also designate the current grandfathering procedures as Subsection B. The other existing subsections of MCL Sec. 17.24.060 would not be amended.

**BILL NO. BL2018-1329** (WITHERS) – This ordinance would amend Metropolitan Code of Laws (MCL) Chapter 12.42 regarding the residential parking permit (RPP) program.

The ordinance would change the current procedure in designating a proposed RPP area. The current code requires a Council member to submit a petition from residents within a proposed RPP area with a written recommendation to the chief traffic engineer for review by staff of the Traffic and Parking Commission. Instead, this ordinance would require the Council member to submit to the chief traffic engineer a petition with a written request for an assessment or study by staff of whether the proposed geographic area meets the factors outlined in MCL Sec. 12.42.030 for eligibility. After the assessment, the Council member would be required to conduct a publicly noticed community meeting for the proposed RPP area before submitting a recommendation to the Traffic and Parking Commission as to whether the proposal should be placed on the an agenda for a public hearing at the Traffic and Parking Commission.

The ordinance would also clarify that, while only persons who own or operate one or more motor vehicles and reside on property immediately adjacent to the RPP area are eligible for the residential parking permit, residents who reside on property immediately adjacent to the RPP can still apply for a visitor's permit from the Public Works department.

The ordinance would also amend the current provisions regarding visitor permits. Residents of dwelling units located immediately adjacent to a street, avenue, or other location within a RPP would be eligible to purchase two (2) visitor's permits per residential address, which would be valid for one calendar year. These annual visitor passes would not be transferable, but could be replaced if lost or stolen. Residents would further be allowed to purchase up to three (3) short-term visitor parking passes, which would be valid for fourteen (14) days and would be renewable, but not transferable. No permit holder could be issued more than three visitor permits at any time.

Additionally, MCL Sec. 12.42.100.A would be amended by changing the word "himself" to "themselves."

The Traffic and Parking Commission approved this proposal at their October 8, 2018 meeting.

**BILL NO. BL2018-1335** (VERCHER & FREEMAN) – This ordinance would approve an agreement between the Metropolitan Nashville Police Department (MNPD) and Airborne Public Safety Association, Inc. (APSA) for accreditation of MNPD's aviation unit.

This agreement would become effective upon execution by both parties. During the first six (6) months of the term, MNPD would complete the Accreditation Application and conduct a self-assessment of operations. An APSA Assessor would conduct an on-site assessment. The initial accreditation would be for a period of three (3) years, and MNPD could seek re-accreditation for an additional three (3) years. APSA may, upon request of MNPD, extend the agreement.

There are accreditation fees associated with this agreement. An initial application fee of 10% of the applicable accreditation fee would be submitted with the initial application. 40% of the total fee would be due with the submission of the self-assessment forms, with the remaining balance due after the initial site visit is completed.

Future amendments to this agreement could be approved by a resolution of the Council receiving twenty one affirmative votes.

*Fiscal Note: The Police Department's Aviation Unit operates six aircraft from one location, meaning the fee would be \$6,000 for their three-year accreditation.*

**BILL NO. BL2018-1336** (HAYWOOD, VERCHER, & OTHERS) – This ordinance would approve amendments to an intergovernmental license agreement between the Metropolitan Government and the State of Tennessee and an easement agreement between the Metropolitan Government and William G. Hitt, Trustee for the William G. Hitt GST-Exempt Trust, both pertaining to the Whites Creek Greenway.

Resolution No. RS2013-738 approved a license agreement between Metro and the State of Tennessee permitting the construction and use of a portion of the Whites Creek Greenway. Ordinance No. BL2004-242 approved a conservation easement between Metro and John E. Ingram, also permitting the construction and use of a portion of the Whites Creek Greenway, and the property subject to the easement has been conveyed to William G. Hitt, as Trustee for the William G. Hitt GST-Exempt Trust. The State of Tennessee plans to undertake improvements to the Clarksville Pike bridge over Whites Creek that necessitate minor changes to the location of the Whites Creek Greenway and related changes to the license agreement and conservation easement.

This ordinance would approve the required amendments to both the license agreement and conservation easement to reflect the changes to the location of the Whites Creek Greenway.

**BILL NO. BL2018-1337** (WITHERS, SYRACUSE, & BEDNE) – This ordinance would approve the First Amendment to an option agreement between the Metropolitan Government and the Tennessee Wildlife Resources Foundation, Inc. (TWRP) for a conservation easement on a portion of Metro-owned property located at 2009 Sevier Street.

Ordinance No. BL2015-34 approved an option agreement between Metro and TWRP for Metro to grant TWRP an option to obtain a conservation easement pursuant to the Tennessee Conservation Easement Act of 1981.

This ordinance would approve an amendment to extend the term of the option agreement from three (3) years to eight (8) years.

**BILL NO. BL2018-1338** (HENDERSON, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain easements and property rights by negotiation or condemnation for use in public projects, initially for Old Harding Pike Sidewalk Improvements between Hicks Road and Hwy 70 South.

This has been approved by the Planning Commission.

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

**BILL NO. BL2018-1339** (WEINER, BEDNE, & O'CONNELL) – This ordinance would abandon existing water mains, sanitary sewer main, one sanitary sewer manhole and any associated easements for various properties located on Charlotte Pike and Rodney Drive, as follows:

- 7113 Charlotte Pike
- 7115 Charlotte Pike

- 7123 Charlotte Pike
- 7125 Charlotte Pike
- 1025 Rodney Drive
- 1029 Rodney Drive
- 1033 Rodney Drive

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

**BILL NO. BL2018-1340** (KINDALL, BEDNE, & O'CONNELL) – This ordinance would abandon existing combined sewer main and accept new sewer mains and sewer manholes for property located at 109 29th Avenue North.

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

**BILL NO. BL2018-1341** (O'CONNELL & BEDNE) – This ordinance would abandon and remove existing sewer main and sewer manholes for properties located at Demonbreun Street (unnumbered) and 1219 McGavock Street.

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

**BILL NO. BL2018-1342** (SLEDGE, BEDNE, & OTHERS) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning portions of Alley Number 1805 right-of-way. This has been requested by Catalyst Design Group, applicant.

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

**BILL NO. BL2018-1343** (ALLEN, BEDNE, & OTHERS) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning portions of Bernard Avenue, Alley Number 439, and Alley Number 951 right-of-way. This has been requested by Catalyst Design Group, applicant.

Bernard Avenue is proposed to be relocated to intersect with Compton Avenue.

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

**BILL NO. BL2018-1344** (VANREECE, BEDNE & O'CONNELL) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by changing the name of Douglas Street and an Unnamed Right-of-Way to “Madison Station Boulevard”.

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

In addition, pursuant to the requirements of Section 13.08.015.B. of the MCL, the Historical Commission has provided a report to the Council, distributed October 29, 2018, regarding the historical significance, if any, associated with the existing street name.

**GRANTS LEGISLATION – NOVEMBER 6, 2018**

<b>Legislative Number</b>	<b>Parties</b>	<b>Amount</b>	<b>Local Cash Match</b>	<b>Term</b>	<b>Purpose</b>
<b>RS2018-1459</b>	<p><b>From:</b> Tennessee Department of Safety and Homeland Security</p> <p><b>To:</b> Metropolitan Government of Nashville and Davidson County Drug Court Program</p>	Not to exceed \$59,996.83	\$0	October 1, 2018 through September 30, 2019	The grant proceeds would be used to undertake Alcohol Countermeasures Highway Safety Projects to reduce the number of driving under the influence cases in Tennessee.
<b>RS2018-1461</b>	<p><b>From:</b> Tennessee Emergency Management Agency</p> <p><b>To:</b> The Metropolitan Government of Nashville and Davidson County</p>	\$294,451.00	\$0	N/A	<p>This would approve an application for a Homeland Security Grant.</p> <p>If approved, grant proceeds would be used to fund costs related to enhancing preventative capabilities for chemical, biological, radiological, nuclear, and improvised explosive device detection and response.</p>
<b>RS2018-1463</b>	<p><b>From:</b> Tennessee Department of Safety and Homeland Security</p> <p><b>To:</b> Metropolitan Nashville Police Department</p>	\$423,000.00	\$0	October 1, 2018 through September 30, 2019	The grant proceeds would be used for the continued enforcement of Tennessee's Driving Under the Influence Laws.

<b>RS2018-1464</b>	<p><b>From:</b> United States Department of Justice</p> <p><b>To:</b> Metropolitan Nashville Police Department</p>	Not to exceed \$495,317.00	\$0	October 1, 2017 through September 30, 2021	The proceeds from the Edward Byrne Memorial Justice Assistance Grant (JAG) would be used for technology upgrades, supplies for direct support to basic police, in-service, and specialized training.
<b>RS2018-1465</b>	<p><b>From:</b> Nashville Public Library Foundation</p> <p><b>To:</b> Metropolitan Nashville Public Library</p>	Not to exceed \$89,500.00	\$0	July 1, 2018 through June 30, 2019	The T.O.T.A.L. (Totally Outstanding Teen Advocates for the Library) Grant proceeds would be used to advocate for the library among their peers and the community at large, to plan and implement programs for teens, and to represent the library at community events, meetings, and institutions.
<b>RS2018-1466</b>	<p><b>From:</b> Tennessee Department of Labor and Workforce Development</p> <p><b>To:</b> Nashville Career Advancement Center</p>	N/A	N/A	Extend end date to November 14, 2018	<p>This would approve Amendment Two to a grant approved by RS2017-892.</p> <p>The amendment extends the end date of the grant agreement.</p>

<p><b>RS2018-1467</b></p>	<p><b>From:</b> Tennessee Department of Health</p> <p><b>To:</b> Metropolitan Board of Health</p>	<p>Not to exceed \$14,150,400.00</p>	<p>\$0</p>	<p>October 1, 2018 through September 30, 2021</p>	<p>The grant proceeds would be used to provide supplemental foods, nutrition education, and breastfeeding promotion to eligible persons to promote good health.</p>
<p><b>RS2018-1468</b></p>	<p><b>From:</b> Friends of Metro Animal Care &amp; Control</p> <p><b>To:</b> Metropolitan Board of Health</p>	<p>Not to exceed \$800.00</p>	<p>\$0</p>	<p>N/A</p>	<p>The grant proceeds would be used to start a community microchip fund for animals that are adopted at the shelter.</p>
<p><b>RS2018-1469</b></p>	<p><b>From:</b> Greater Nashville Regional Council</p> <p><b>To:</b> Metropolitan Social Services Commission</p>	<p>Increased by \$70,113.00</p>	<p>\$0</p>	<p>N/A</p>	<p>This would approve the first amendment to a grant approved by RS2018-1369.</p> <p>The grant would be increased from \$894,525.00 to \$964,638. Grant proceeds are used to provide meals that meet RDA nutritional guidelines and transportation services to eligible seniors and handicapped residents.</p>

<p><b>RS2018-1471</b></p>	<p><b>From:</b> Tennessee Department of Environment and Conservation</p> <p><b>To:</b> Metropolitan Public Works Department</p>	<p>\$2,358,250.00</p>	<p>\$2,358,250.00</p>	<p>N/A</p>	<p>This would approve an application for a curbside recycling grant.</p> <p>If approved, grant proceeds would be used to fund the purchase of curbside recycling trucks.</p>
<p><b>RS2018-1472</b></p>	<p><b>From:</b> Tennessee Department of Environment and Conservation</p> <p><b>To:</b> Metropolitan Public Works Department</p>	<p>\$50,000.00</p>	<p>\$50,000.00</p>	<p>N/A</p>	<p>This would approve an application for a Recycling Education and Outreach grant.</p> <p>If approved, fund proceeds would be used to focus on getting the word out to hard to reach residents through a broader public relations campaign regarding every other week recycling and to fight contamination using tools that the Recycling Partnership has developed.</p>