



## 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: December 4, 2018

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 11/28/18:

4% Reserve Fund	\$32,787,425*
Metro Self Insured Liability Claims	\$4,492,832
Judgments & Losses	\$2,705,791
Schools Self Insured Liability Claims	\$4,675,826
Self-Insured Property Loss Aggregate	\$7,081,506
Employee Blanket Bond Claims	\$674,696
Police Professional Liability Claims	\$2,219,939
Death Benefit	\$1,514,258

\*This assumes unrealized estimated revenues in FY19 of \$27,484,426.

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, as amended, 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, unless otherwise specified in a shared parking arrangement approved pursuant to MCL Sec. 17.20.100. This ordinance is intended to prevent the disposition of parking space areas by owners immediately after compliance with minimum parking standards required for development.

This proposal has been approved by the Planning Commission.

**BILL NO. BL2018-1371** (BEDNE) – This ordinance would amend the Metro Code of Laws regarding kennels. The “kennel/stable” land use is currently allowed in three zoning districts, AG, CS, and CL, pursuant to Metro Code of Laws Sec. 17.08.030.

The ordinance would add the following language 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 kennels to have a minimum lot size of ten (10) acres.

It is anticipated that the sponsor intends to defer this ordinance.

**BILL NO. BL2018-1372** (O’CONNELL, VERCHER, & BEDNE) – This ordinance, as amended, would authorize the acquisition of certain property, located at 88 Hermitage Avenue, from the State of Tennessee on behalf of Metropolitan Nashville Public Schools (MNPS) 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 create a new high school on the site.

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.*

**BILL NO. BL2018-1403** (SYRACUSE) – This ordinance would amend Metro Code of Laws Sec. 17.28.103 regarding underground utilities. Currently, there is an exemption to the underground utility requirements for “utility equipment utilized for street lighting purposes.” This ordinance

would clarify that this exemption applies only to “utility equipment utilized *exclusively* for street lighting purposes.”

**– RESOLUTIONS –**

**RESOLUTION NO. RS2018-1497** (VERCHER) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1498** (VERCHER & FREEMAN) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1499** (VERCHER & FREEMAN) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1500** (VERCHER & GILMORE) – This resolution would approve an intergovernmental agreement between the Tennessee Department of Health and the Metropolitan Board of Health to provide Child Fatality Review Services in the Sudden Death of the Young (SDY) in children under age 19 investigated by the Medical Examiner's Office. A similar agreement was approved in 2015 (RS2015-1408). This agreement is intended to supersede a similar agreement approved earlier this year (RS2018-1405).

Section 10.104(8) of the Metropolitan Charter provides that the Board of Health has the duty to contract for such services as will further the programs and policies of the Board, subject to confirmation by resolution of Council.

Under the agreement, the Metro Health Department would be responsible for reviewing sudden death cases of children under the age of 19 (excluding homicides, suicides, overdoses, poisonings, and vehicle accidents) to gain a better understanding of what happened, how to prevent future child deaths, and how to decrease the rate of child deaths in Tennessee. The Metro Health Department would be required to submit progress reports to the State every six (6) months. The term of the contract would begin September 30, 2018 and end September 29, 2022. Further, a Business Associate Agreement and Service Level Agreement between the Tennessee Department of Health and Metro is part of the agreement and included in the attachments to the agreement.

*Fiscal Note: Metro would be compensated up to \$28,000 for these services during the term of the contract, which would be \$3,500 per submitted progress report.*

**RESOLUTION NO. RS2018-1501** (VERCHER & GILMORE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1502** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Donna Farmer against the Metropolitan Government in the amount of \$15,000.

On August 25, 2013, Ms. Farmer was walking on the sidewalk in front of the Music City Center with two family members. She attempted to cross Fifth Avenue South near the crosswalk. At the time, Fifth Avenue South between Demonbreun and Koreans Veterans Boulevard was closed to vehicle traffic and lacked a final paving topcoat due to construction related to the Omni Hotel and Country Music Hall of Fame expansion. The crosswalk was open to pedestrians, though no markings had been applied to the street because of the lack of the paving topcoat. Ms. Farmer tripped on a raised portion of the concrete gutter when she attempted to step up onto the sidewalk. She fell and suffered two torn ligaments and fractured two bones near her right elbow. The entire sidewalk and curb ramp had a one to two inch concrete lip because of the absence of the paving topcoat on the street. Ms. Farmer asserts that the concrete lip caused her fall.

Ms. Farmer sought treatment for torn ligaments and a fracture to two bones near her right elbow. She required two surgeries and was unable to use her right arm for an extended period. She also required two rounds of physical therapy after surgery and continues to have reduced capabilities with her right arm. She has agreed to accept a total of \$15,000 in full settlement of this case. (The Metropolitan Government asserted fault against two other entities – Brassfield & Gorrie and Civil Constructors – and Ms. Farmer now appears to have resolved her claims against these entities.)

The Department of Law recommends settlement of this claim for \$15,000. It is anticipated that Ms. Farmer could be awarded between \$75,000 and \$200,000 if the case were to proceed to trial.

*Fiscal Note: This \$15,000 settlement would be the eighteenth payment from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,004,552.87. The fund balance would be \$4,492,832 after this payment.*

**RESOLUTION NO. RS2018-1503** (O'CONNELL) – This resolution would authorize the Metropolitan Government to enter into an agreement with the City of La Vergne, Tennessee for easement acquisition assistance within Rutherford County for the Hurricane Creek Pipe Improvement Project.

Metro and La Vergne have previously entered into an agreement, set to expire in 2024, wherein the parties agreed that Metro's wastewater transportation and treatment system would accept and treat wastewater flows from La Vergne's wastewater collection system. La Vergne has exceeded the East Hurricane Creek Maximum Rate on numerous occasions, which resulted in the East Hurricane Creek Corrective Action Plan in October 2013. La Vergne recognized in that plan that many of the problems were due to the age and condition of existing wastewater infrastructure. Metro is currently constructing the Annual Rehabilitation FY2016 - South Hurricane Creek Project to resolve some of these issues. Metro will also construct the Hurricane Creek Pipe Improvements to abate trunk sewer infiltration and inflows by replacing the infrastructure and

upgrading the trunk sewer capacity. This project will require the acquisition of property rights in both Davidson County and La Vergne.

The resolution under consideration would approve a contract for easement acquisition related to the Hurricane Creek Pipe Improvement Project. Pursuant to the terms of the contract, La Vergne would seek to condemn real property under the power of eminent domain in Rutherford County for and on behalf of Metro. Upon being awarded possession of the property, La Vergne would transfer its interest to Metro. La Vergne would convey its interest in the property to Metro at the conclusion of the condemnation process. Metro would identify the required property for the project, obtain appraisals and reimburse La Vergne for costs associated with the performance of the contract, including title searches and examinations, appraisals, studies/reports, court costs, filing fees, discretionary costs and attorneys' fees.

*Fiscal Note: Funding for the South Hurricane Creek Project, Metro Water Services No. 16-SC-0009, has already been approved. The agreement in this resolution would commit Metro to reimburse La Vergne for their costs, along with the fair-market value of any property taken by La Vergne on behalf of Metro. The amounts have not yet been determined, but have been approved as part of the overall project budget in Fund 47410.*

**RESOLUTION NO. RS2018-1504** (O'CONNELL & BEDNE) -

**RESOLUTION NO. RS2018-1505** (O'CONNELL & BEDNE) –

**RESOLUTION NO. RS2018-1506** (O'CONNELL & BEDNE) -

These resolutions would each authorize the construction, installation, and maintenance of aerial encroachments – each consisting of projecting signs -- at three separate locations: 501 5th Avenue South (RS2018-1504), 215 1st Avenue South (RS2018-1505), and 120 2nd Avenue North (RS2018-1506).

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

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

The plans for each encroachment must be submitted to the Director of Public Works for approval, along with all work and materials; and each installation, when completed, must be approved by the Director.

Construction of the signs must be carefully guarded and must be completed promptly, so as to cause the least inconvenience to the public.

The Planning Commission has approved these proposals.

**– ORDINANCES ON SECOND READING –**

**BILL NO. BL2018-1320** (MENDES) – This ordinance would approve the eighth amendment to the Rutledge Hill Redevelopment Plan. The Rutledge Hill Redevelopment Plan was initially approved by Ordinance Number 80-133, and subsequently amended by the adoption of Ordinance Nos. 86-1131, 87-1695, 91-1520, 97-755, 97-754, BL2005-875, BL2013-377, and BL2014-699.

This ordinance would clarify language from the amendment adopted pursuant to BL2014-699 which inadvertently identified the “Tax Increment” section of the plan as “Section G” instead of “Section H”. The 2014 amendment also inadvertently authorized tax increment financing related to the Rutledge Hill Redevelopment Plan to be used to carry out “other adopted and approved redevelopment plans”, potentially outside of the designated Rutledge Hill area. This ordinance would remove that language.

Additionally, this ordinance would add a new Section C.3 to the Rutledge Hill Plan to authorize proceeds from land sold by the Metropolitan Development and Housing Agency (MDHA) to be placed in a revolving fund for further purchase of land for resale and redevelopment in the project area, public improvements and facilities in the project area, and implementation of the redevelopment plan. The revolving fund would be held and managed by MDHA. At the close of the project, all funds remaining would be deposited into the General Fund.

The Tax Increment Section of the Rutledge Hill Plan would be further amended to add language to require that, for all new Tax Increment Financing (TIF) loans under the Rutledge Hill Plan, debt service taxes and schools taxes would be retained by the Metropolitan Government, or if received by MDHA, be paid to Metro before any incremental tax revenues are used to pay the principal and interest on a TIF loan. The debt service taxes to be retained by or paid to Metro for each TIF loan would be determined by multiplying the total taxes from all parcels generating incremental tax revenues pledged to secure the TIF loan by the debt service tax percentage applicable as of the date of the closing of the TIF loan. The amount of school taxes to be retained by or paid to Metro for each TIF loan would be determined by multiplying the total taxes from all parcels generating incremental tax revenues pledged to secure the TIF loan by the schools taxes percentage applicable as of the date of the closing of the TIF loan. This would apply to all TIF loans authorized by MDHA under the Rutledge Hill Redevelopment Plan after the effective date of this ordinance.

State law authorizes redevelopment plans to be approved either by the housing authority or the local governing body, but no express provision addresses subsequent amendments thereto. (Tenn. Code Ann. § 13-20-203(a)(1)). Previous versions of the Rutledge Hill Plan provide that modifications may be proposed by MDHA “with the subsequent approval of the Metropolitan Council.”

It is anticipated that the sponsor will defer this ordinance.



*Fiscal Note: The property tax receipts available to be used for TIF loans would now have the same restrictions as proposed per Ordinance No. BL2018-1319, which was deferred on October 2, 2018 to July 2, 2019. Only the property tax receipts credited to the GSD General Fund and USD General Fund could be used for TIF loan payments. The tax receipts credited to the Schools Operating Fund and the three debt service funds would be retained by Metro and could not be used for TIF loans.*

*For comparison purposes, the total property taxes budgeted for FY19 for each of the six general budgetary funds are as follows:*

- *GSD General Fund                   \$451,063,800*
- *GSD Debt Services Fund       \$95,402,400 (non-eligible for TIF)*
- *MNPS General Fund             \$40,473,300 (proposed to become non-eligible for TIF)*
- *MNPS Debt Services Fund     \$322,381,100 (non-eligible for TIF)*
- *USD General Fund                \$109,098,200*
- *USD Debt Services Fund        \$17,848,700 (non-eligible for TIF)*

**BILL NO. BL2018-1388** (MURPHY, BEDNE, & O'CONNELL) – This ordinance would abandon existing sanitary sewer main and easements and accept new sanitary sewer main, sanitary sewer manholes and easements for property located at 3964 Woodlawn Drive.

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

**BILL NO. BL2018-1404** (RHOTEN & O'CONNELL) – This ordinance would amend Sections 6.80.550 and 12.08.150 of the Metro Code of Laws to remove certain storage fees for recovered stolen vehicles.

Effective June 30, 2019, if a vehicle stored by a towing or wrecker service licensed under Chapter 6.80 of the Metro Code or an impound lot designated or maintained by the Metropolitan Nashville Police Department (MNPd) or the Metropolitan Government is determined to be stolen, the owner could have storage fees for the vehicle waived. Individuals requesting the waiver would need to present both a police report or other official documentation from the MNPd confirming that the vehicle was stolen and an affidavit signed by the owner, authorized operator or lien holder attesting that the storage fees are not eligible for coverage under any applicable insurance policy.

Under state law, towing firms are entitled to a lien upon all vehicles that lawfully come into their possession and are retained in their possession until “all reasonable charges” due are paid. (Tenn. Code Ann. § 66-19-103). The proposed ordinance would not prohibit the assessment of towing fees or fees for required notices by towing firms. But elimination of storage fees should presumably be predicated upon the determination that such a charge is not “reasonable” when a vehicle is stolen.

*Fiscal Note: Wrecker and towing service fees were last increased in January per Ordinance No. BL2017-984. This was in recognition of the increased costs of operations experienced by the companies providing these services. These new rate schedules still allowed companies to charge owners fees related to services provided regarding stolen vehicles.*

*Storage fees for tow-in lots under the jurisdiction of the MNPd are currently waived for owners of stolen vehicles. However, fees are currently charged for vehicles at private towing and impound lots. The ordinance under consideration would waive fees at both Metropolitan Government lots and private lots, beginning on June 30, 2019.*

*The waived fees would have no financial impact on Metro, as fees are currently waived at lots under the jurisdiction of the MNPd. This ordinance may impact the revenues of private towing and wrecker companies.*

**BILL NO. BL2018-1405** (SLEDGE) – This ordinance would amend the Metro Code of Laws regarding beer and alcoholic beverages, beer permit requirements and types, purchase limitation, and location restrictions for obtaining beer permits.

This would add definitions for “Manufacturer” and “Manufacturer beer permit”. “Manufacturer” would be defined as “any person who manufactures beer on its premises.” “Manufacturer beer permit” would be defined as “a permit issued by the metropolitan beer permit board to a beer Manufacturer.” This ordinance would amend the definitions of “Authorized wholesaler,” “Wholesale beer permit,” and “Wholesaler”, excluding references to manufacturers and brewers.

Further, this ordinance would require a valid annual permit from the Metropolitan Beer Permit Board for the manufacture of beer – not just the sale of beer as currently required – within the jurisdiction of Metro. Manufacturer’s permits would be issued to beer manufacturers “engaged in the manufacturing and storage of beer.” Further, currently no permit holder, except an authorized wholesaler, may sell or store beer within Metro, unless such beer has been purchased directly from an authorized wholesaler. This ordinance would allow an exception for “an authorized manufacturer” to sell or store beer, alongside the exception for an authorized wholesaler.

Currently, Section 7.08.090.E.3 authorizes the holders of “both” a validly issued Brewer’s Notice from the United States Alcohol and Tobacco Tax and Trade Bureau (TTB) and a validly issued on sale permit to be exempt from the minimum distance requirements for off-sale permits in Sec. 7.08.090.A upon a public hearing and adoption of a resolution receiving 21 votes from the Metro Council. This ordinance would retain the requirement of a Brewer’s Notice and remove the requirement that the holder have a validly issued on-sale permit to qualify for an exception to minimum distance requirements. In addition, the holder could request an exemption for any permit, not only the off-sale permit, set forth in MCL Sec. 7.08.090.A.

This ordinance would further add a new Subsection 7.08.090.E.7 to authorize any holder of a validly issued Wholesaler Basic Permit from the TTB to be exempt from the minimum distance requirements set forth in Sec. 7.08.090.A upon a public hearing and adoption of a resolution receiving 21 votes from the Metro Council.

The proposed changes within this ordinance have been reviewed by the Beer Permit Board without objection.

**BILL NO. BL2018-1406** (O'CONNELL) – This ordinance would amend Section 10.20.110.A of the Metropolitan Code regarding placement of garbage containers.

Currently, Sec. 10.20.110.A. of the Metropolitan Code requires that garbage containers “be stored at a location at the rear or side of the premises or at a location approved by the Director so as to not be visible from a public street.” This ordinance would remove the requirement that a garbage container not be visible from a public street.

This ordinance was prompted by the increasing difficulty of requiring trash carts to be hidden in increasingly dense residential areas, including zero lot line developments and corner lots. This ordinance would not offset screening and location requirements under Section 17.24.060 for dumpsters and other trash receptacles for structures other than single- and two-family residences.

**BILL NO. BL2018-1407** (O'CONNELL) – This ordinance would add the requirement that construction of certain types of structures, specifically listed in the existing Metro Code of Laws, in the floodway would need to be consistent with the Stormwater Management Manual.

Currently, Section 15.64.170.A. of the Metropolitan Code of Laws states that no new structures shall be constructed within the floodway. Section 15.64.170.B. allows for some limited exceptions to this prohibition for certain types of structures, provided that the structure is designed and engineered in such a manner as to have no adverse impact.

This ordinance would add a requirement to Subsection B that construction within the floodway must be consistent with the provisions of the Stormwater Management Manual.

The Council office would propose a minor technical amendment clarifying that Section 15.64.170(B) is not being deleted “in its entirety.”

**BILL NO. BL2018-1408** (VERCHER & SYRACUSE) – This ordinance would approve and authorize the Director of the Metro Department of Parks and Recreation to execute a license agreement with Global Music Rights (GMR) relating to the use at Metro facilities of musical compositions to which GMR controls the right to license. Similar agreements have previously been approved with Broadcast Music, Inc. (BL2003-1340) and SESAC, Inc. (BL2003-1339).

Pursuant to the terms of the license, Metro would be granted the non-exclusive right to perform public renditions of musical compositions owned by GMR. This license would be effective on January 1, 2019 for a term of one (1) year. The license would continue for additional one (1) year terms, unless terminated by either party.

*Fiscal Note: The annual fee for this non-exclusive license would be based on the population of Nashville. The base fee would be \$4,500 plus \$500 for each additional 100,000 over 500,000. Based on Nashville's current population, the annual fee would be \$5,500.*

**BILL NO. BL2018-1409** (O'CONNELL & BEDNE) - This ordinance would authorize Oliver McMillan Spectrum Emery, LLC to construct, install, and maintain aerial and underground encroachments at 601 Commerce Street. The encroachment would consist of five signs, six canopies, three balconies, seven landscaping grates, multiple bike racks, trash cans, hydraulic and lighted bollards, electrical vaults, score pattern pavement and inlaid brass lettering.

Oliver McMillan Spectrum Emery, 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 \$4 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. BL2018-1410** (KINDALL, BEDNE, & O'CONNELL) – This ordinance would authorize 204 Acklen, LLC to install, construct, and maintain underground encroachments in the right-of-way located at 204 Acklen Park Drive. These would consist of a portion of an ADA compliant sidewalk and an underground utility vault encroaching the right-of-way.

204 Acklen, 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.

This proposal has been approved by the Planning Commission.

**BILL NO. BL2018-1411** (KINDALL, BEDNE, & O'CONNELL) – This ordinance would authorize E3 Construction Services, LLC to install, construct, and maintain underground encroachments in the right-of-way located at 613 B 27th Avenue North. These would consist of an already constructed, segmental retaining wall encroaching the right-of-way.

E3 Construction Services, 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.

This proposal has been approved by the Planning Commission.

**BILL NO. BL2018-1412** (WITHERS, BEDNE, & O'CONNELL) – This ordinance would abandon existing water and sanitary sewer mains, a sanitary sewer manhole and easements and accept new water and sanitary sewer mains, sanitary sewer manholes, fire hydrants and easements for six properties located on South 6th Street and South 7th Street. The properties are as follows:

- 889 South 6th Street
- 887 South 6th Street
- 890 South 7th Street
- 891 South 6th Street
- 895 South 6th Street
- 899 South 6th Street

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

**– ORDINANCES ON THIRD READING –**

**BILL NO. BL2018-1283** (MURPHY, HENDERSON, & M. JOHNSON) – This ordinance, as amended, would amend Chapter 5.04 of the Metropolitan Code to restrict the use of proceeds from the sale of real property owned by the Metropolitan Government.

This ordinance would prohibit the use of proceeds from the sale of real property owned by the Metropolitan Government from being used for recurring costs of the Metropolitan Government or as a funding source for operating expenses in a proposed operating budget. It would further require the proceeds to be used exclusively for the payment of debt services or the purchase of other real property.

Pursuant to amendments added at the November 20, 2018 Council meeting, exemptions would apply for properties acquired through delinquent tax sales; and the ordinance would not take effect until July 1, 2019.

*Fiscal Note: The proposed restriction could have an effect on the FY19 operating budget approved by the Council in June. \$10,823,700 of the total revenue budgeted for the GSD General Fund, along with \$13,000,000 of the Schools Operations Fund, were budgeted to come from gains on real property sales that have not yet occurred, for a total of \$23,832,700 in recurring costs. \$15,000,000 budgeted for the Debt Services Fund would be unaffected by this proposed restriction.*

*An argument could be made that the \$23,823,700 in property sales referenced above is intended to increase the undesignated fund balance rather than funding any recurring costs in the budget. However, these revenue dollars are fungible and pooled together in the general funds rather than being collected for any specific purpose or function.*

**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. However, the arterial-boulevard access requirement would not apply to retail locations on collector-avenues or local streets no more than 3,960 feet (3/4 of a mile) in length that intersect, at two or more locations, the same existing arterial boulevard (The current exemption for artisan distilleries would continue to apply.)

It has been estimated by the Metro Planning Department that this amendment would enable few new retail locations for liquor sales -- perhaps as few as two (2) in Davidson County.

An amendment is anticipated from the sponsor, pending a rules suspension, adding further restrictions to the location exemptions.

**BILL NO. BL2018-1385** (HENDERSON) – This ordinance, as amended, would require that any individual or entity to which a permit is issued by Metro or any Metro department, agency, board, or commission, must act at all times in compliance with the terms, conditions and requirements of the permit until the permit terminates or expires. The ordinance would, in essence, adopt permit compliance as a law of general application.

If an individual or entity does not comply with the terms, conditions, or requirements of the permit, that permit may be revoked or suspended following any notice requirements and subject to existing rights to re-apply and recognized rights of appeal. Permits issued based on false, inaccurate, or misleading information from an applicant could further be revoked or suspended. Appellate decisions in Tennessee have recognized the Metropolitan Government's authority to rescind a permit issued in error, or where it was illegally issued, unauthorized, or violates or does not comply with zoning laws, or where it was issued under a mistake of fact. Revocation or suspension of a permit would be in addition to other penalties or enforcement measures authorized by relevant Metropolitan Code provisions governing the issuance of a particular permit.

**BILL NO. BL2018-1386** (O'CONNELL) – This ordinance, as amended, would approve a temporary "Special Event Zone" for specified areas of downtown Nashville, in conjunction with the 2018 New Year's Eve Celebration scheduled for December 30, 2018 through January 1, 2019. Similar zones have previously been approved by the Council for celebrations of the CMA Fest (BL2018-1160), July 4th (BL2018-1206), and the NCAA Women's Final Four (BL2014-687).

The boundaries of the Special Event Zone established under this ordinance would be Charlotte Avenue from 10th Circle North to 5th Avenue North, 5th Avenue North from Charlotte Avenue to Gay Street, Gay Street from 5th Avenue North to 3rd Avenue North, 3rd Avenue North from Gay Street to Jefferson Street, Jefferson Street from 3rd Avenue North to Rosa L. Parks Blvd., Rosa L. Parks Blvd. from Jefferson Street to 10th Circle North, 10th Circle North at Rosa L. Parks Boulevard to Charlotte Avenue.

Activity restrictions within the Special Event Zone would begin at nine o'clock (9:00) p.m. on Sunday December 30, 2018 and end at six o'clock (6:00) a.m. on Tuesday January 1, 2019.

Activities on public property or in the public right-of-way within the Special Event Zone are regulated as follows:

1. The sale of any food, beverages, goods, or merchandise would be prohibited, unless street vendors obtain a “Special Event Zone” permit from the Nashville Convention and Visitors Corporation (CVC) in order to sell within the geographic area listed above.
2. Alcoholic beverages provided, served, or sold from any temporary outdoor would be prohibited, except as authorized.
3. The sale or distribution of merchandise pertaining to the New Year’s Eve Celebration where it is apparent on its face that the merchandise is not licensed by the CVC, would be prohibited.
4. No tents or membrane structures of any kind would be permitted, except as authorized by the CVC or Metro for public safety purposes.
5. The construction, placement, occupation, or use of any temporary structure would be prohibited except those sanctioned and authorized by the CVC.
6. The distribution, promotional give-away activity, or provision of free products, services, or coupons by persons or entities that are not event sponsors officially sanctioned and authorized by the CVC would be prohibited, except within any Public Participation Area.
7. Vehicles would be allowed only as directed by Metropolitan Nashville Police.
8. No shared urban mobility devices, as defined by Metropolitan Code of Laws Section 12.62.010, would be permitted within the Special Event Zone.
9. No handguns, rifles, or firearms would be permitted. (Tennessee Code Annotated § 39-17-1359)
10. No knives, swords, or other fighting devices would be permitted.
11. No fireworks, firecrackers, or explosive devices of any type would be permitted.
12. The Special Event Zone would be a “no fly zone.” (Tenn. Comp. R. & Regs. 0400-02-02-.02)

This ordinance would establish at least one Public Participation Area within the Special Event Zone while the zone is in effect. This Area would allow for the reasonable expression by the public in a manner that is not disruptive to the 2018 New Year’s Eve Celebration, activities and events.

An amendment added at the November 20 meeting clarifies that Tennessee State Parks Department rules and regulations would continue to govern conduct on state park property.

*Fiscal Note: This ordinance would place restrictions on the activities that would be allowed to take place within the special event zone during the New Year's Eve Celebration. However, no additional Metro personnel or overtime would be required solely for the enforcement of these restrictions.*

**BILL NO. BL2018-1387** (LEE) – This ordinance would readopt the Metropolitan Code prepared by Municipal Code Corporation (MCC) to include supplemental and replacement pages for ordinances enacted on or before September 5, 2018.



Per their contract with the Metropolitan Government, the MCC provides Metro Code updates four (4) times annually. This ordinance is a routine re-adoption to ensure the Metro Code remains up to date.

**BILL NO. BL2018-1389** (O'CONNELL & BEDNE) – This ordinance would abandon existing easements rights located at Omohundro Place (unnumbered).

Easement rights that were retained by the warranty deed between the Metropolitan Government of Nashville and Davidson County and Fitzpatrick Family Members, LLC, for public water mains located at Omohundro Place (unnumbered) are no longer needed. The abandonment has been requested by Music City Pick-A-Part Partnership, owner.

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

**BILL NO. BL2018-1390** (O'CONNELL & BEDNE) – This ordinance would abandon existing easement rights located between Division Street and an unnamed alley adjacent to Interstate 40, formerly known as an unnamed alley parallel to Eighth Avenue South.

Easement rights that were retained by Council Bill No.O82-974, for any existing utilities and an un-named alley are no longer needed. The abandonment has been requested by Tim Reynolds, owner.

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

**BILL NO. BL2018-1391** (BEDNE & O'CONNELL) – This ordinance would abandon existing sanitary sewer main and accept new sanitary sewer main, sanitary sewer manholes and easements for properties located at 100 and 104 Fern Avenue.

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

**BILL NO. BL2018-1392** (BEDNE, O'CONNELL, & KINDALL) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley Number 940 right-of-way and easement. The abandonment has been requested by Catalyst Design Group, applicant.

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

**GRANTS LEGISLATION – DECEMBER 4, 2018**

<b>Legislative Number</b>	<b>Parties</b>	<b>Amount</b>	<b>Local Cash Match</b>	<b>Term</b>	<b>Purpose</b>
<b>RS2018-1497</b>	<p><b>From:</b> Tennessee Department of Mental Health and Substance Abuse Services</p> <p><b>To:</b> Davidson County General Sessions Court</p>	Not to exceed \$10,000.00	\$0	December 15, 2018 through June 30, 2019	The grant proceeds would be used to provide collection of recipient data through the Tennessee Certified Recovery Court Program to assist the State in meeting federal reporting requirements.
<b>RS2018-1498</b>	<p><b>From:</b> Tennessee Administrative Office of the Courts</p> <p><b>To:</b> Davidson County General Sessions Music City Community Court, Division VIII</p>	Not to exceed \$150,307.65	\$0	October 1, 2018 through June 30, 2020	The grant proceeds would be used to implement a community court to combine the power of the community and the justice system to address local public safety concerns.
<b>RS2018-1499</b>	<p><b>From:</b> Tennessee Emergency Management Agency</p> <p><b>To:</b> Office of Emergency Management</p>	Not to exceed \$188,350.00	\$188,350.00	October 1, 2017 through September 30, 2019	The grant proceeds would be used to subsidize the Emergency Management Program.

<b>RS2018-1501</b>	<b>From:</b> Dorothy Cate and Thomas F. Frist Foundation  <b>To:</b> Metropolitan Nashville Social Services Commission, Metro Homeless Impact Division	\$10,000.00	\$0	N/A	The grant proceeds would be used to benefit the How's Nashville Program.
--------------------	--	-------------	-----	-----	--