



## 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: August 7, 2018

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 8/1/18:

4% Reserve Fund	\$42,535,405*
Metro Self Insured Liability Claims	\$4,532,674
Judgments & Losses	\$2,140,918
Schools Self Insured Liability Claims	\$4,595,940
Self-Insured Property Loss Aggregate	\$5,486,907
Employee Blanket Bond Claims	\$677,864
Police Professional Liability Claims	\$2,244,411
Death Benefit	\$1,306,053

\*This assumes unrealized estimated revenues in FY19 of \$31,887,701.

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

– RESOLUTIONS ON PUBLIC HEARING –

**RESOLUTION NO. RS2018-1315 THROUGH RS2018-1318** – This resolution would approve exemptions for four establishments, listed below, from the minimum distance requirements for obtaining a beer permit.

The Metro Code of Laws (MCL) prevents a beer permit from being issued to any establishment located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

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

These establishments and locations are as follows:

- **Resolution RS2018-1315** (S. DAVIS) — This resolution would approve an exemption for East Nashville Beer Works, located at 320 E. Trinity Ln.
- **Resolution RS2018-1316** (VERCHER) — This resolution would approve an exemption for Goha Ethiopian Restaurant, located at 2413 Shumate Lane.
- **Resolution RS2018-1317** (ROBERTS) — This resolution would approve an exemption for Harding House Brewing Co., located at 904 51st Ave. N.
- **Resolution RS2018-1318** (KINDALL) — This resolution would approve an exemption for Minerva Cocktail Bar, located at 1002 Buchanan Street.

– ORDINANCES ON PUBLIC HEARING –

**BILL NO. BL2018-1279** (MENDES & SYRACUSE) – This ordinance would amend the definitions of “alternative financial services” and “financial institution” in Title 17 of the Metropolitan Code of Laws. This ordinance would also clarify that no more than one alternative financial services establishment may be located upon a single parcel.

The definition of “alternative financial services” would be amended to exclude an “industrial loan and thrift company” defined under state law to refer to businesses engaged in making loans and imposing interest rates and loan charges authorized under Title 45, Chapter 5 of the Tennessee Code Annotated and providing only the services authorized under that chapter. An “industrial loan and thrift company” would be included in the definition of “financial institution.”

The ordinance further amends the definition of “alternative financial institutions” to include any entity offering financial services that is *not* determined to be a “financial institution.” In other words, institutions could no longer claim to be in an unregulated “gray zone” not fitting either definition.

Additionally, the ordinance would address concerns arising from current distance requirements whereby “alternative financial institutions” must be 1,320 feet apart *measured from property line to property line*. Because that requirement would theoretically allow multiple alternative financial institutions to be located within a single parcel, the proposed text change would simply prohibit more than one such institution on any single parcel.

**BILL NO. BL2018-1280** (HASTINGS) – This ordinance would approve the plans for a non-hazardous liquid waste processing facility at 2832 Whites Creek Pike. This consists of parts of two (2) large parcels of land, including 0 Whites Creek Pike. The proposed facility would accept non-hazardous liquid waste to be recycled into various products.

Onsite Environmental, located at 1421 Baptist World Center Drive, has submitted an application and plans for a processing facility to the Division of Solid Waste Management of the Tennessee Department of Environment and Conservation (TDEC). This application was forwarded to the Department of Public Works. The location of the proposed facility is zoned SP-Industrial and is not within the 100-year floodplain. The facility would accept no more than 195,000 gallons of non-hazardous liquids per day.

Pursuant to Tenn. Code Ann. § 68-211-704(b), the criteria to be considered by the Council in evaluating this proposal include the following:

1. the type of waste to be disposed of;
2. the method of disposal to be used;
3. the projected impact on surrounding areas from the noise and odor created;
4. the projected impact on property values on surrounding areas;
5. the adequacy of existing roads and bridges to carry the projected increased traffic;

6. the economic impact on the country, city, or both;
7. the compatibility with existing development or zoning plans; and
8. any other factor which may affect the public health, safety, or welfare.

Per Ordinance No. BL2016-484, the Council must approve all solid waste processing facilities and similar facilities prior to their construction. The provisions of Tennessee Code Annotated § 68-211-704 requires a public hearing and that final approval must be voted upon within thirty (30) days of the public hearing.

– RESOLUTIONS –

**RESOLUTION NO. RS2018-1314** (ROSENBERG, BLALOCK, & HENDERSON) – This resolution, as substituted, would propose six amendments to the Metropolitan Charter.

The Council, pursuant Metro Charter Sec. 19.01, may only adopt two resolutions during the term of the Council that submit amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the Council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective. The Council has not yet used exercised their ability to place Charter amendments on the ballot this term.

Metro Charter Sec. 19.01 requires that a resolution to amend the Charter must prescribe a date not less than eighty (80) days subsequent to the date of its filing for the holding of a referendum election to vote to ratify or reject the proposed amendments. The resolution provides that the date for holding the referendum election on the proposed Charter amendments is to be November 6, 2018.

The three proposed amendments to the Metro Charter are as follows:

- The first proposed amendment would revise the line of succession for the office of mayor, providing that the vice mayor would serve until the vacancy was filled as provided in section 15.03. The ordinance would clarify that, in the event the vice mayor is unable or unwilling to serve as mayor, the Council would nominate and elect a successor, selected by winning a majority of votes, defined as “one vote more than half of all the members to which the council is entitled with the exception of any seat which is vacant.” The successor would also be required to be legally qualified to hold office per Section 15.01 of the Metro Charter and would not be eligible to file a nominating petition for the subsequent election for mayor or vice mayor. The amendment would also substitute gender neutral references for masculine-only pronouns.
- The second proposed amendment would require a special election for mayor when more than twelve (12) months remain in the unexpired term, for vice mayor when more than twenty-four (24) months remain in the unexpired term, and for district council member when more than six (6) months remain in the expired term, and clarify that no special election for councilmember-at-large be held. Run-off elections would be conducted 5 weeks after the first special election.
- The third proposed amendment would establish instant runoff voting as the mechanism for filling a vacancy in the office of vice mayor or a district council member. (Section I of this amendment presupposes adoption of the second amendment, summarized above.) Compared to f traditional runoff elections, under instant runoff voting, voters would rank candidates in order of preference. A candidate receiving a majority of first-preferences for that office would win the election. If no candidate received such a majority, the

lowest-scoring candidate would be eliminated and his or her votes redistributed to remaining non-eliminated candidates based upon the eliminated candidate's voters' order of preference. This would continue until one candidate received a majority of the votes. This amendment could be implemented with or without the adoption of the second proposed amendment.

The Metro Legal Department, citing a 2017 letter from the Coordinator of Elections, submits that instant runoff voting is inconsistent with current state law provisions in Tenn. Code Ann. § 2-5-208(b), 2-7-133(b), and 2-8-101.

- The fourth proposed amendment would require oaths of office for mayor, vice mayor, and members of council to include an oath to uphold the Charter of the Metropolitan Government of Nashville. Currently, such oaths reference only support of the Tennessee Constitution and the Constitution of the United States.
- The fifth proposed amendment would change the term limits for the offices of councilman and councilman at-large from two (2) terms to three (3) terms. It would also change “councilman” to “councilmember.”
- The sixth proposed amendment would update the Metropolitan Charter with general neutral references in place of masculine-only pronouns. References to “he” would be changed to “he or she,” “his” would be changed to “his or her,” “him” would be changed to “him or her,” “councilman” would be changed to “councilmember,” and “policemen” would be changed to “police officers.” Minor typographical errors would also be corrected.

*Fiscal Note: The proposed "instant runoff" amendment has the potential of avoiding the cost of an additional election date. For this to happen, the runoff for the vice mayor or district council member position would need to be the only item on the ballot. If some other item is also on the ballot, the inclusion of these runoffs would not result in any additional costs.*

*The Election Commission has made a general estimate that a district election to fill a vacant council seat would cost approximately \$90,000. A county-wide election to fill the office of vice mayor would cost approximately \$750,000. These are general estimates only. Actual costs would depend on the number of locations, number of early voting days, etc.*

**RESOLUTION NO. RS2018-1319** (KINDALL & VERCHER) – This resolution would appropriate Community Development Block Grant (CDBG) funds for sidewalk improvements in North Nashville. CDBG funds are designated by federal law to be used for affordable housing activities and for neighborhood community improvement projects.

A total of \$551,051.45 in CDBG funding was previously allocated in the 2016-2017 and 2017-2018 Annual Updates to the Consolidated Action Plan for infrastructure improvements in Tier II Priority Areas. North Nashville was designated as a Tier II Priority Area. The Metropolitan Development and Housing Agency (MDHA), in collaboration with Metro Public Works, has identified residential areas in North Nashville – located on the north side of Formosa Street between 21st and 23rd Avenue North – in need of sidewalks. The project would include new stormwater infrastructure and sidewalks.

Plans for these improvements are available for review at the offices of MDHA.

*Fiscal Note: The resolution would authorize the appropriation of up to \$255,000 of the 2016 CDBG funds and up to \$296,051.45 of the 2017 CDBG funds, for a total of \$551,051.45.*

**RESOLUTION NO. RS2018-1320** (O'CONNELL, VERCHER, & WITHERS) – This resolution would authorize the Metropolitan Development and Housing Agency (MDHA) to enter into an agreement to accept payments in lieu of taxes (PILOT) for a multi-family housing project known as Sycamores Terrace Retirement Community, located at 1427 Lebanon Pike. In 2016, Ordinance Nos. BL2015-1281, BL2016-334 and BL2016-435 authorized MDHA to negotiate and accept PILOT payments from operators of low income housing tax credit (LIHTC) properties, capped at \$2,500,000 annually. If approved, this would be the twelfth such PILOT program overall, and the sixth for MDHA in 2018, totaling \$1,387,527 in tax abatements this year.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs have previously been utilized by Metro to provide incentives through the Industrial Development Board (IDB) to large employers to create job opportunities. Under Tenn. Code Ann. § 13-20-104, MDHA now has the authority to enter PILOTs to create affordable rental housing.

MDHA developed their PILOT program to provide additional financial incentives to developers considering construction or rehabilitation of affordable housing units through a federally funded Low Income Housing Tax Credit (LIHTC) program. Subsidized LIHTC developments serve those at or below 60% of the average median income (AMI) for the Nashville area, which translates to an income cap of \$31,500 for individuals and \$44,940 for families of four in 2018. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

The maximum term for the PILOT payments under this program is 10 years. The PILOT agreement would only be available for additional tax liability over and above the pre-development assessed value of the property. The program is available for both existing and new developments, based on financial need. The PILOT lease is to be terminated if the property sits vacant for two years.

MDHA is required to file an annual report with the Council, Assessor of Property, and State Board of Equalization identifying the values of the properties subject to PILOTs, the date and term for each PILOT, the amount of PILOT payments made, and a calculation of the taxes that would otherwise be owed.

Lebanon Road Senior Living LP plans to acquire land located at 1427 Lebanon Pike and build an apartment project consisting of approximately 128 units to serve low-income senior residents and to operate as an LIHTC property. The application for this project, as well as the associated PILOT agreement, have been approved by the MDHA Board of Commissioners.

The Planning Commission recommended approval of this project on June 26, 2018, advising that the project is consistent with T3 Suburban Neighborhood Evolving and the Nashville Next general plan.

*Fiscal Note: Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$101,445 in lieu of property taxes, with a 5% annual increase through the remainder of the 10-year period.*

*In addition to the PILOT payments, the developer would be required to pay a monitoring and reporting fee to MDHA. This fee would be set by MDHA not to exceed five percent (5%) of the amount of the PILOT payment due each year.*

*The final assessed value of this project will not be known until completion. However, the value of the project when completed is estimated at \$13,448,725. For purposes of this analysis, this number can be used as a reasonable estimate of the final project value.*

*Over the 10-year life of this PILOT agreement, a total of \$421,262 would be abated, although Metro would still receive \$1,275,967 in new property taxes from this project, as depicted in the following table:*

<b>Real Property Tax (New)</b>						
	<u>Year</u>	<u>Total Value</u>	<u>Standard Tax</u>	<u>Still Pay</u>	<u>Abatement</u>	<u>Abatement %</u>
	1	\$13,448,725	\$169,723	\$101,445	\$68,278	40.2%
	2	\$13,448,725	\$169,723	\$106,517	\$63,206	37.2%
	3	\$13,448,725	\$169,723	\$111,843	\$57,880	34.1%
	4	\$13,448,725	\$169,723	\$117,436	\$52,287	30.8%
	5	\$13,448,725	\$169,723	\$123,307	\$46,416	27.3%
	6	\$13,448,725	\$169,723	\$129,473	\$40,250	23.7%
	7	\$13,448,725	\$169,723	\$135,946	\$33,777	19.9%
	8	\$13,448,725	\$169,723	\$142,744	\$26,979	15.9%
	9	\$13,448,725	\$169,723	\$149,881	\$19,842	11.7%
	10	\$13,448,725	\$169,723	\$157,375	\$12,348	7.3%
	<b>Totals</b>		<b>\$1,697,229</b>	<b>\$1,275,967</b>	<b>\$421,262</b>	<b>24.8%</b>

*After the property tax abatement from this project, \$1,112,473 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2018.*

**RESOLUTION NO. RS2018-1321** (VERCHER, BEDNE, & ELROD) – This resolution would declare surplus certain parcels of real property and approve the disposition of those parcels.

Metro Code of Laws Sec. 2.24.050.G authorizes the Director of Public Property, following approval by the Metro Council, to sell parcels acquired by Metro through a delinquent tax-sale process established by Tennessee Code Annotated § 67-5-2501. The Council can authorize disposition of more than one property as part of the same resolution.

This resolution would declare the following 23 parcels surplus:

- 0 Sunnyview Drive (District 1)
- 0 Woodfolk Avenue (District 2)
- 1107 McFerrin Avenue (District 5)
- 0 Ward Street (District 5)
- 0 Jewel Street (District 5)
- 893 Granada Avenue (District 5)
- 0 Brunswick Drive (District 8)
- 59 Lincoln Street (District 17)
- 1053 2nd Ave S (District 17)
- 1615 10th Avenue North (District 19)
- 605 12th Avenue North (District 19)
- 1717 Delta Avenue (District 21)
- 0 9th Avenue North (District 21)
- 1712 9th Avenue North (District 21)
- 1714 9th Avenue North (District 21)
- 0 17th Avenue North (District 21)
- 0 Dr. Walter S. Davis Blvd. (District 21)
- 0 Buchanan Street (District 21)
- 3500 Delaware Avenue (District 21)
- 3502 Delaware Avenue (District 21)
- 3504 Delaware Avenue (District 21)
- 0 Idaho Avenue (District 24)
- 0 Castleman Drive (District 25)

The proceeds from the sale of these parcels would be credited to the General Fund of the district from whose operating budget the last department, commission, board or agency using the property is financed.

These proposals have been approved by the Planning Commission.

*Fiscal Note: The price for the sale of these properties has not yet been determined. However, per section 2.24.250.G of the Metro Code, the price must be no less than the Metro Tax Assessor's appraised value, or the highest offer from an adjacent tract owner if no adjacent owner will offer the appraised value.*

**RESOLUTION NO. RS2018-1322** (PRIDEMORE, VERCHER, & OTHERS) – This resolution would authorize the Director of Public Property to exercise an option agreement for the purchase of a flood-prone property for Metro Water Services.

Pursuant to an option agreement, the property would be acquired for its fair market value. 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 property to be acquired is 484 Canton Pass in Council District 9.

This proposed purchase has been approved by the Planning Commission.

*Fiscal Note: The fair market value has been determined to be \$312,500.*

**RESOLUTION NO. RS2018-1323** (O'CONNELL, BEDNE, & OTHERS) – This resolution would approve the first amendment to a parking agreement between the Metropolitan Traffic and Parking Commission (Metro) and 511 Union Nashville, LLC (511) which originally provided for the use of 100 parking spaces for a fee in the Library Parking Garage.

Ordinance No. BL2015-1294 approved a parking agreement between Metro and 511. That agreement was set to expire September 30, 2027. The rental rate is an amount equal to the monthly garage parking rate charged to the general public. The rights under this agreement may be transferred to any future purchaser of the 511 Union Street building without further approval from Metro in the event the building is sold. 511 Union Nashville agreed to hold the Metropolitan Government harmless for any damage or loss of personal property caused by its negligence, and was required to maintain \$1 million in insurance naming Metro as additional insured. That agreement was set to expire September 30, 2027.

This resolution would amend that agreement to extend the term by 3 years, 3 months through December 31, 2030. This additional term would enable 511 to provide long term parking for prospective tenants interested in the building.

*Fiscal Note: There would be no change to the financial terms of this agreement. This amendment would simply extend the expiration date from September 30, 2027 to December 31, 2030.*

**RESOLUTION NO. RS2018-1324** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of John Baites against the Metropolitan Government in the amount of \$20,000.

On April 27, 2018, a Metropolitan police officer in an unmarked police vehicle was responding to a call with lights and siren activated on Cahal Avenue. Mr. Baites was slowing his vehicle to turn onto Neldia Court from Cahal Avenue when he heard the siren and saw the lights of the police vehicle approaching from the rear. The officer failed to yield to Mr. Baites's vehicle, striking it in the rear. Mr. Baites's vehicle then collided with a utility pole.

Mr. Baites sought treatment for back and head pain. He was diagnosed with muscle strain to the lumbar spine. He has agreed to accept a total of \$20,000 in full settlement of this case, based upon \$13,755.58 for reimbursement of his medical expenses plus \$6,224.42 for pain and suffering.

The Department of Law recommends settlement of this claim for \$20,000. Mr. Baites' property damage claim, including vehicle rental, was previously settled with Farm Bureau Insurance for \$11,294.65.

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

*Fiscal Note: This \$20,000 settlement, along with the settlements per Resolution Nos. RS2018-1325, -1326, and -1327, would be the fourth through seventh payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$312,500. The fund balance would be \$4,532,674 after these payments.*

**RESOLUTION NO. RS2018-1325** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Paul Lacey against the Metropolitan Government in the amount of \$17,500.

On November 4, 2017, a Metropolitan police officer was traveling west on West Heiman Street. Mr. Lacey was a passenger in a vehicle traveling south on Ed Temple Boulevard. The officer struck the vehicle in which Mr. Lacey was a passenger. He struck his head on the dashboard and his left knee and hip on the center console of the vehicle.

Mr. Lacey sought treatment for neck, back, shoulder, and mouth pain. He was diagnosed with neck, shoulder, back, and lumbar sprains as well as high and left knee contusions. He has agreed to accept a total of \$17,500 in full settlement of this case, based upon \$9,926.11 for reimbursement of his medical expenses plus \$7,573.89 for pain and suffering. A property damage claim from the vehicle's owner remains pending.

The Department of Law recommends settlement of this personal injury claim for \$17,500.

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

*Fiscal Note: This \$17,500 settlement, along with the settlements per Resolution Nos. RS2018-1324, -1326, and -1327, would be the fourth through seventh payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$312,500. The fund balance would be \$4,532,674 after these payments.*

**RESOLUTION NO. RS2018-1326** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Latonya Flenoy against the Metropolitan Government in the amount of \$20,000.

On December 15, 2017, Ms. Flenoy was stopped in the turn lane at a red light on Cleveland Street, waiting to make a left turn onto the Ellington Parkway entrance ramp. An employee of Metro Public Works made a left turn onto Cleveland Street from the Ellington Parkway exit ramp and struck the front of Ms. Flenoy's vehicle. Ms. Flenoy's vehicle sustained damage to the front bumper, fender, and wheel. Her property damage claim was previously settled for \$1,376.74.

Ms. Flenoy sought treatment for back, shoulder, and wrist pain. She was diagnosed with neck pain, lower back pain, and ligament sprain of the cervical and lumbar spine. She has agreed to accept a total of \$20,000 in full settlement of this case, based upon \$13,946.68 for reimbursement of her medical expenses plus \$6,053.32 for pain and suffering.

The Department of Law recommends settlement of this claim for \$20,000.

No disciplinary action was taken against the Public Works employee.

*Fiscal Note: This \$20,000 settlement, along with the settlements per Resolution Nos. RS2018-1324, -1325, and -1327, would be the fourth through seventh payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$312,500. The fund balance would be \$4,532,674 after these payments.*

**RESOLUTION NO. RS2018-1327** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Terri White against the Metropolitan Government in the amount of \$100,000.

On February 10, 2015, a Metro Action Commission (MAC) school bus stopped at a red light on a hill at the intersection of Dellway Villa Road and Dickerson Road. The MAC bus rolled into a bus owned and operated by Grayline, a private company. There were children on both buses at the time of the accident. Ms. White was a MAC bus monitor on the bus at the time of the accident.

Ms. White was transported by ambulance and sought treatment for left ankle and shoulder pain. She was diagnosed with an Achilles tear and underwent surgery and physical therapy to repair her ankle. After about one year of physical therapy, the orthopedic surgeon concluded that she has reached maximum medical improvement. Her medical costs totaled \$72,088.44. She testified that she continues to feel pain in her foot that negatively impacts her daily activities and enjoyment of life. Ms. White has agreed to accept a total of \$100,000 in full settlement of this case.

The Metropolitan Government could be found liable if this case goes to trial because the driver of the MAC bus was acting within the course and scope of his employment. The Tennessee Governmental Tort Liability Act places a cap on such claims at \$100,000. The Department of Law recommends settlement of this claim for \$100,000. (Grayline would separately settle Ms. White's claim for \$7,500, for a total combined amount of \$107,500.)

*Fiscal Note: This \$100,000 settlement, along with the settlements per Resolution Nos. RS2018-1324, -1325, and -1326, would be the fourth through seventh payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$312,500. The fund balance would be \$4,532,674 after these payments.*

**RESOLUTION NO. RS2018-1328** (VERCHER & SLEDGE) – This resolution would authorize the issuance of general obligation bonds in an aggregate principal amount not to exceed fifty million dollars (\$50,000,000). Twenty five million dollars (\$25,000,000) would be authorized for purposes of providing improvements, demolition, and/or acquisition of fairgrounds buildings and facilities. Twenty five million dollars (\$25,000,000) would be authorized for purposes of providing infrastructure related to the proposed Major League Soccer (MLS) stadium. Tennessee Code Annotated § 9-21-205 requires the governing body of the local government to adopt a resolution determining to issue the general obligation bonds.

The Council's authorization of the issuance of general obligation bonds was among the conditions imposed before the Sports Authority could issue or sell any bonds for the construction of the proposed stadium, as set forth in Resolution No. RS2017-910 (adopted November 7, 2017).

This resolution was submitted on conjunction with three (3) ordinances, each of which likewise addresses the proposed MLS stadium (BL2018-1289, -1290, and -1291) and each of which is scheduled for first reading August 7, 2018. It is anticipated that this resolution will be deferred in order to track with the other stadium-related legislation.

*Fiscal Note: The principal amount of the bonds would not exceed \$50,000,000.*

**RESOLUTION NO. RS2018-1329 THROUGH RS2018-1333**

These resolutions would each appropriate \$200,000 from various departments to certain nonprofit organizations as Community Partnership Fund grants.

State law provides that the Metropolitan Government may appropriate funds to nonprofit organizations in accordance with the guidelines of the Metropolitan Government. (Tenn. Code Ann. § 7-3-314.) Metro Code of Laws Sec. 5.04.070 provides that the Council may, by Resolution, appropriate funds for the financial aid of nonprofit organizations. These nonprofit organizations were selected pursuant to criteria set forth by the Mayor's Office and Finance Department. The resolution further authorizes the Metropolitan Government to enter into grant contracts with the listed nonprofit organizations. These contracts will specify the terms and conditions under which the grant funds are to be spent.

**RESOLUTION NO. RS2018-1329** (VERCHER) – The Juvenile Court would appropriate at total of \$200,000 to the following four (4) nonprofits:

- \$50,000 to Oasis Center of Nashville for the REAL Program
- \$50,000 to Stars Nashville for the YODA Program
- \$50,000 to Meharry Medical College, RWJF Center for Health Policy, for the Aggressors, Victims, Bystanders (AVB) Program
- \$50,000 to Meharry Medical College, Division of Public Health Practice for the Epic Girl Program

*Fiscal Note: \$200,000 for this purpose was included in the FY19 operational budget of the Juvenile Court.*

**RESOLUTION NO. RS2018-1330** (VERCHER) – The Office of Family Safety would appropriate a total of \$200,000 to the following four (4) nonprofits:

- \$50,000 to Prevent Child Abuse Tennessee, Domestic Violence Public Awareness Campaign
- \$50,000 to Tennessee Coalition to End Domestic and Sexual Violence, Domestic Violence High Risk Civil Legal Advocacy/Representation
- \$50,000 to The Mary Parrish Center, Domestic Violence Transitional Housing
- \$50,000 to Morning Star Sanctuary, Domestic Violence Crisis Shelter

*Fiscal Note: \$200,000 for this purpose was included in the FY19 operational budget of the Office of Family Safety.*

**RESOLUTION NO. RS2018-1331** (VERCHER) – The Nashville Public Library would appropriate a total of \$200,000 to the following ten (10) nonprofits:

- \$20,000 to Bridges for the Deaf and Hard of Hearing
- \$20,000 to Nations Ministry Center
- \$20,000 to Book'em
- \$20,000 to McNeilly Center for Children

- \$20,000 to St. Luke's Community House
- \$20,000 to Nashville Public Library Foundation
- \$20,000 to Project Transformation TN
- \$20,000 to East Nashville Hope Exchange
- \$20,000 to Nashville Adult Literacy Council
- \$20,000 to Moves and Grooves

*Fiscal Note: \$200,000 for this purpose was included in the FY19 operational budget of the Nashville Public Library.*

**RESOLUTION NO. RS2018-1332** (VERCHER) – The Public Health Department would appropriate a total of \$200,000 to the following four (4) nonprofits:

- \$50,000 to Trevecca Nazarene University
- \$50,000 to Conexion Americas
- \$50,000 to Walk Bike Nashville
- \$50,000 to The Family Center

*Fiscal Note: \$200,000 for this purpose was included in the FY19 operational budget of the Public Health Department.*

**RESOLUTION NO. RS2018-1333** (VERCHER) – Metropolitan Social Services would appropriate a total of \$200,000 to the following five (5) nonprofits:

- \$40,000 to Safe Haven Family Shelter
- \$40,000 to Catholic Charities of Tennessee
- \$40,000 to NeedLink Nashville
- \$40,000 to The Arc of Davidson County & Greater Nashville
- \$40,000 to Operation Stand Down Tennessee

*Fiscal Note: \$200,000 for this purpose was included in the FY19 operational budget of the Social Services Department.*

**RESOLUTION NO. RS2018-1334** (VERCHER) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1335** (VERCHER & ROBERTS) – This resolution would approve the annual interlocal agreement for services performed by Metro for the Emergency Communications District (ECD) relative to the operation of the Enhanced-911 service during Fiscal Year 2019. The contract specifies the services to be provided by the Metro Emergency Communications Center, the Department of Public Works, and the Department of General Services.

The Department of Public Works would maintain an updated Master Street Address Guide, and the Department of General Services would provide five (5) fleet vehicles as well as the necessary associated vehicle maintenance. Metro would also agree to handle the procurement of goods and services upon request by the ECD. In addition, Metro would be responsible for training the Metro employees who would operate the system. Finally, Metro would agree to provide a facility to serve as a backup center for the primary Emergency Communications Center.

*Fiscal Note: The ECD would reimburse the Metropolitan Government in the amount of \$4,900 for the services provided by the Department of Public Works. The ECD would also reimburse the Department of General Services for the use of the five (5) fleet vehicles, plus the expenses of certain training costs, rental costs for the backup facility, telephone expenses, and equipment costs.*

**RESOLUTION NO. RS2018-1336** (VERCHER & ROBERTS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1337** (VERCHER & ROBERTS) – This resolution would approve a contract between the Metropolitan Government and Intergraph Corporation, doing business as Hexagon Safety and Infrastructure. This agreement would provide on-going support and maintenance for the integrated Advanced Records Management System (ARMS) InPursuit Records Management System.

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.) Metro Code of Laws (MCL) 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.

The contract term would begin upon approval of all required parties and filing in the Metro Clerk's Office and would end after sixty (60) months.

*Fiscal Note: The estimated total value of this contract over its five-year life would be \$1,331,992.12. The project cost for the first year would be \$171,000. In addition, the maintenance cost for the first year would be \$209,657.88.*

**RESOLUTION NO. RS2018-1338** (VERCHER, ROBERTS, & WITHERS) – This resolution would approve a contract between the Metropolitan Government and Infor, Inc. to provide maintenance and support of workforce time and attendance software for the Metropolitan Police Department (MNPd).

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.) Metro Code of Laws (MCL) 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.

This agreement would start July 1, 2018 and terminate June 30, 2021. The contract may be extended for up to two additional years, with the pricing to be negotiated at that time.

*Fiscal Note: The estimated value of the contract over the three-year term is \$385,500.33.*

**RESOLUTION NO. RS2018-1339** (ROBERTS) – This resolution would approve a clinical affiliation agreement between Volunteer State Community College and the Nashville Fire Department. The Nashville Fire Department would provide clinical training for students enrolled in the Emergency Medical Technician (EMT) Programs. Students would not receive any compensation.

The term of the agreement would be for five (5) years, commencing September 1, 2018 and ending August 31, 2023. Either party may terminate the agreement upon 90 days' written notice.

*Fiscal Note: There would be no cost to the Metropolitan Government for participating in this program.*

**RESOLUTION NO. RS2018-1340** (VERCHER & GILMORE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1341** (VERCHER & GILMORE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1342** (VERCHER & GILMORE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1343** (VERCHER & GILMORE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1344** (VERCHER & GILMORE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1345** (VERCHER, GILMORE, & ALLEN) – This resolution would approve amendment three to a contract with the Vanderbilt University School of Medicine for the Health Department's participation in the Tuberculosis Trials Consortium. Vanderbilt received a grant from the U.S. Centers for Disease Control and Prevention through the U.S. Veteran Affairs Medical Centers for this tuberculosis project. The Health Department's responsibilities under this contract are to provide space and equipment for the project, as well as consultation and support services.

The Health Department was to receive \$20,259 to reimburse the cost of its services. The initial term of this contract was set from October 1, 2014 through September 30, 2019. The first amendment, approved by RS2016-403, increased the amount by \$1,013 for a new total of \$21,272, effective October 1, 2015 through September 30, 2016. The second amendment, approved by RS2017-971, increased the amount of the contract by \$20,000 for the period October 1, 2016 through September 30, 2017.

*Fiscal Note: This resolution would approve the third amendment to increase the amount of the contract by \$26,590 for the period of October 1, 2017 through September 30, 2018. A new grant budget reflecting the increase would be added as Attachment 1.*

**RESOLUTION NO. RS2018-1346** (GILMORE) – This resolution would approve an agreement between Columbia State Community College and the Metropolitan Board of Health. The agreement would provide clinical experience for students enrolled in the veterinary technology program. Students would not receive any compensation.

The term of the agreement would be for five (5) years, commencing July 1, 2018 and ending June 30, 2023. Either party may terminate the agreement upon 90 days' written notice. The school would be required to provide assurance that the students are covered by health and professional liability insurance and the school agrees to assume responsibility for all of its students participating in the program.

*Fiscal Note: There would be no cost to the Metropolitan Government for participating in this program.*

**RESOLUTION NO. RS2018-1347** (GILMORE) – This resolution would approve an agreement between Vanderbilt University Medical Center, Department of Allied Health and the Metropolitan Board of Health. The agreement would provide clinical experience for students enrolled in the Dietetic Externship program. Students would not receive any compensation.

The term of the agreement would become effective upon execution and continue until February 28, 2023. Either party may terminate the agreement upon 30 days' written notice. The school would be required to provide assurance that the students are covered by health and

professional liability insurance and the school agrees to assume responsibility for all of its students participating in the program.

*Fiscal Note: There would be no cost to the Metropolitan Government for participating in this program.*

**RESOLUTION NO. RS2018-1348** (GILMORE) – This resolution would approve a contract between the Metro Board of Health and Family and the Nashville Academy of Medicine to provide access to the Charisma Salus database system for patient tracking and prescription tracking. This contract would facilitate the efforts of the Board of Health to link uninsured residents of Davidson County to community healthcare services that serve the uninsured, based upon their ability to pay using the Nashville Academy of Medicine database.

The term of the contract would begin July 1, 2018 and end June 30, 2019.

*Fiscal Note: Metro would pay a total administrative fee of \$3,800 for access to the database.*

**RESOLUTION NO. RS2018-1349** (GILMORE) – This resolution would approve an agreement between Middle Tennessee State University and the Metropolitan Board of Health. The agreement would provide clinical experience for students enrolled in the nursing program. Students would not receive any compensation.

The term of the agreement would be for five (5) years, commencing August 1, 2018 and ending July 31, 2023. Either party may terminate the agreement upon 90 days' written notice. The school would be required to provide assurance that the students are covered by health and professional liability insurance and the school agrees to assume responsibility for all of its students participating in the program.

*Fiscal Note: There would be no cost to the Metropolitan Government for participating in this program.*

**RESOLUTION NO. RS2018-1350** (GILMORE) – This resolution would approve an agreement between Centers for Medicare & Medicaid Services (CMS) and the Metro Board of Health.

Pursuant to Metro Charter Sec. 10.104, the Board of Health has the duty to contract for such services as will further the program and policies of the Board, subject to confirmation by resolution of the Council.

This agreement would authorize CMS to provide information about the full range of qualified health plan options and insurance affordability programs for which consumers are eligible, assist with applications for coverage in a qualified health plan through the federally-facilitated

exchanges and for insurance affordability programs, and help to facilitate enrollment in qualified health plans and insurance affordability programs. The agreement would become effective upon the signature of both parties and end two years from the effective date, or could be terminated by either party upon thirty (30) days' written notice.

*Fiscal Note: This legislation is not expected to have any significant impact on Metro's revenues or expenses.*

**RESOLUTION NO. RS2018-1351** (WITHERS) – This resolution would approve an interlocal agreement for the area designated by the Governor of Tennessee as the new Local Workforce Development Area and authorize the Mayor to enter into, authorize, and execute agreements as required by the State of Tennessee under the Workforce Innovation and Opportunity Act. The Nashville Career Advancement Center (NCAC) was created through Ordinance No. BL2001-697 and pursuant to authority provided in the Workforce Innovation and Opportunity Act of 1998. This Act was subsequently replaced by the Workforce Innovation and Opportunity Act of 2014. The NCAC serves as the administrator of the Act on behalf of the Metropolitan Government.

The agreement would define the duties, responsibilities, and liabilities between the local elected officials (such as county mayors and county executives) of the thirteen (13) counties comprising the Northern Middle Tennessee Local Workforce Development Area (NMTLWDA) Consortium of Mayors. The thirteen counties in the NMTLWDA are Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson. The term of the agreement would be two (2) years from the date of signature.

The NMTLWDA will replace Workforce Development Area Nine, which comprised four counties. The NCAC informed the Council Office that they intend to submit a memorandum to the Council to provide greater detail regarding their role in the NMTLWDA.

**RESOLUTION NO. RS2018-1352** (VERCHER) – This resolution would approve a contract between the Metropolitan Government and Kronos, Inc. to provide time and attendance and advanced scheduling software hosting, equipment and technical support.

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.) Metro Code of Laws (MCL) 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.

This term of this agreement would commence upon filing in the Metropolitan Clerk's office and continue for a period of twenty four (24) months. The contract may be extended for up to three additional years.

*Fiscal Note: The estimated value of the contract over the two-year term is \$10,000,000.*

**RESOLUTION NO. RS2018-1353** (VERCHER & WITHERS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1354** (VERCHER & WITHERS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1355** (VERCHER & ELROD) – See attached grant summary spreadsheet.

– ORDINANCES ON SECOND READING –

**BILL NO. BL2018-1142** (MURPHY) – This ordinance would amend section 5.04.015 which addresses appropriations from the general fund reserve fund (the four percent fund). If adopted, the ordinance would require that, if a Four Percent (4%) Fund Request seeks funds to be used exclusively within a single council district, written notice of such request must be given to the Council member representing that district at least one (1) week before the resolution appropriating the funds is filed with the Metropolitan Clerk.

The written notice would require the information sheet currently required under section 5.04.015.F, or equivalent information.

**BILL NO. BL2018-1202** (ELROD) – This ordinance, as amended by a second substitute, would regulate operators of systems of shared urban mobility devices (SUMDs) and establish a permitting system for these operators.

A pilot program would be created to authorize operators to operate a SUMD within Metro Nashville. The application would include a \$500 application fee, images and descriptions of the SUMDs and mobile application, size of the fleet at launch and any planned fleet expansions, service area launch and planned expansions, a plan for educating users on proper parking, a plan for providing an equitable share service, and a plan for complying with the ordinance and its requirements. Operators would be required to obtain a certificate of public necessity and convenience by submitting an application to the Metropolitan Transportation Licensing Commission (MTLC). Applications would also be required to include a certificate of insurance evidencing a minimum of one million dollars in automobile insurance and two million dollars in commercial general liability insurance.

After meeting all application requirements, operators would also be required to submit a program administrative fee of thirty-five (\$35) dollars per SUMD to the MTLC, a performance bond of eighty dollars (\$80) per SUMD with a cap of \$100,000, and five (5) user account logins for Metro oversight.

Metro would be prohibited from limiting the number of permitted operators. A certificate of public necessity and convenience issued under the pilot program would be issued for one (1) year and could be renewed by the MTLC only after reapplication. Operators who operated without a permit after June 15, 2018 would be barred from obtaining a permit for one year from the effective date of the ordinance. The MTLC would be authorized to promulgate regulations to interpret and administer the program.

All bicycles, electric bicycles, and electric scooters would be required to follow standards set forth within state and federal law, including the Code of Federal Regulations, the Tennessee Code Annotated, and definitions from the National Highway Traffic Safety Administration. Scooters could have a top speed of less than 20 miles per hour when operated by a rider

weighing 170 pounds. The MTLC could adopt standards to address other types of urban mobility devices (UMDs) and choose to allow them. Operators would be required to provide mechanisms whereby users can notify the operator of any safety concerns.

SUMDs would be affixed with language requiring helmet use, yielding to pedestrians, and compliance with rules of the road. It would also be required to affix information that a SUMD could not be operated on a sidewalk within a business district, audible signals must be given before overtaking and passing pedestrians, and that a 24-hour service phone number and a unique identifier. Operators would be responsible for regularly educating users on applicable laws relating to operating a SUMD. All SUMDs would be required to include on-board GPS for locating and retrieving the SUMD. All SUMDs would need to be regularly inspected, maintained, and replaced as necessary. All certificate holders would be required to sign and record with the MTLC an indemnification agreement, in a form approved by the Metro Department of Law. The certificate holder would further be required to include a similar provision for users to release and waive all liability of the Metro Government. Certificate holders would submit monthly reports to the MTLC certifying under oath their compliance with the requirements of the ordinance. MTLC staff would have the right to inspect all SUMDs and records to verify accuracy of the reports. Any false certifications would result in revocation of the certificate of public convenience and necessity, after notice and a hearing before the MTLC.

Operators would be required to inform users on property use and parking of SUMDs. Permits issued would be valid only for operations within the public right-of-way within Metro. Additional zones could be established upon coordination with appropriate departments, agencies, and/or property owners. The Department of Public Works would be authorized to remove a SUMD parked in any one location for more than two (2) days. SUMDs would be required to be parked upright and could not impede the right of way or access to the right of way, consistent with certain other limitations. Permitted operators would be required to provide contact information for relocation requests of SUMDs.

SUMDs could not be operated on a sidewalk within a business district. The Traffic and Parking Commission may also designate specific areas as business districts. Users would be required to yield to pedestrians and give audible signals before overtaking and passing pedestrians. Operators would be required to comply with any restrictions developed by Metro regarding where SUMDs could be deployed, parked, and operated. Only one rider could operate a SUMD, unless equipped with seating for additional users. SUMDs could only be operated by persons over the age of eighteen. SUMDs that meet the definition of motorized vehicle could not be operated by a person without a driver's license. A violation of this ordinance by a user would result in a fine of twenty-five (\$25) dollars, assessed on the SUMD and paid by the owner of the SUMD.

Permitted operators would be required to have a staffed operations center within the boundaries of Metro, and a 24-hour customer service phone number for reports of safety concerns, complaints, and questions. The operators would also be required to maintain a Nashville-specific website or social media platform that includes information on Metro's regulation of

SUMDs. Any inoperable or unsafe SUMD would be required to be removed from the right-of-way within 2 hours of notice between 6am and 10pm on weekdays, excluding holidays, and within 10 hours of notification at all other times and any inoperable or unsafe SUMD would need to be repaired before being placed back onto the right-of-way or into revenue service. After notice and a hearing, the MTLC would be authorized to take any appropriate steps to compel operators to comply with the ordinance or applicable. MTLC staff is authorized to take any temporary action until a hearing is held.

Operators would be required to share real-time, anonymized data with Metro on topics including point location, type of SUMD, and fuel level. Operators would be required to provide data for each trip and parking compliance. Operators and users would be required to consent to the sharing of this data with Metro. Operators would be required to consent to distribute a customer survey, provided by Metro, to all users.

Permitted operators' fleets would be limited in number with separate limitations for each type or category of SUMD. Each type or category would be limited in number to 400 during the first three months of the pilot, 800 beginning at the third month of the pilot, and 1,200 beginning at the sixth month of the pilot. After the sixth month, permitted operators could expand beyond 1,200, assuming they fulfill the other requirements contained in this chapter and in the permit. Operators could increase their fleet on a monthly basis if their provided data demonstrates their fleet is being used above the average utilization threshold, as determined by the MTLC. Service areas of operators could not exceed 340 of each SUMD type per square mile. Any permitted operators with more than 1,000 SUMDs would be required to include Nashville Promise Zones in 20% or more of their service area.

Operators would be required to plan to provide equitable access in neighborhoods and communities where users are underserved by mobility and transportation options. This includes providing pricing options for low-income residents, providing discount programs for low income individuals, developing plans that do not require smartphones, providing cash payment options, and providing adaptive SUMDs for operation by people with disabilities.

The MTLC would further be required to conduct a study no later than July 1, 2020 to determine if revenue generated by fees are sufficient to cover permitting, administration, compliance and enforcement, determine the impact of SUMDs, and recommend changes to the ordinance, or other Metro ordinances, policies, or practices.

It is anticipated that several amendments will be offered by the sponsor which may include the following:

- Clarifies the definition of "business district";
- Eliminates references to segways (which are governed exclusively under state law);
- Requires submission of a written plan for equitable access upon application;
- Clarifies lighting requirements for electric bicycles and scooters;
- Requires signaling by users audible to pedestrians;

- Clarifies the specific departments within the Metropolitan Government responsible for various duties;
- Clarifies that fines assessed upon SUMD owners for ordinance violations are in addition to penalties for separate violations of Tennessee law or other Metro Code provisions;
- Establishes an implementation period for application program interface (API) keys and REST specifications through Metro ITS;
- Revises the number of SUMD devices allowed per operator per device; and
- Formalizes a sunset period.

*Fiscal Note: This pilot program would require an application fee of \$500 for each operator as well as a program administrative fee of forty dollars (\$35) per SUMD. The results of this pilot would determine if a modification to the fee structure in the future is appropriate.*

*The ordinance further provides: "If the Metropolitan Government or any department or agency thereof incurs any costs as a result of addressing or abating a permitted operator's violation of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of the costs, the permitted operator shall reimburse the Metropolitan Government for such costs within thirty (30) days."*

**BILL NO. BL2018-1281** (MURPHY & HENDERSON) – This ordinance 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 value 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 (3) work on property owned by Metro. Contractors would be required to demonstrate to the Department of Personnel a training program comparable to the program for Metro employees. Contractors could enter into contracts with the Department of Personnel to provide the training. Contractors would be required to train employees within 90 days of the effective date of the contract or of the employee's start date, if later.

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). In a 2015 opinion, the Tennessee Attorney General opined that "[t]he term 'contracting' under the Act encompasses 'all stages and activities of a construction project.' *Kyle v. Williams*, 98 S.W.3d

661, 666 (Tenn. 2003).” 2015 Tenn. AG LEXIS 70. Additionally, state law specifically prohibits municipalities from imposing additional requirements “upon the *state licensee* or its employees.” (TCA § 62-6-111(i)(2)(C)). To the extent state law applies only to “state licensees”, contractors engaged in work that doesn’t require state licensure -- or that doesn’t relate to construction undertakings -- would be unaffected.

*Fiscal Note: The Human Resources (HR) Department cannot currently provide an estimate of their additional costs if this program were to be implemented. However, they advise it would require significant additional resources, both financial and personnel.*

*HR could not currently support the training necessary for anyone other than Metro employees. The cost to provide this training for contractors cannot be quantified without knowing the total number of contractors who would require it from HR instead of providing the training themselves.*

*In addition, HR would not have the capacity to track the training for contractors. This responsibility might fall under Purchasing within the Finance Department since it would be a contractual requirement.*

**BILL NO. BL2018-1282** (MENDES, VERCHER, & PRIDEMORE) – This ordinance would amend Chapter 2.24 of the Metropolitan Code of Laws to add a new section regarding appraisals of real property prior to disposition of that property.

Part II of Chapter 2.24 addresses sales, purchases, leases, subleases, or other dispositions of Metropolitan Government real property which requires approval of the Metro Council. If the proposed ordinance is adopted, the Council would not consider legislation to authorize the disposition unless accompanied by an Appraisal Report that includes (a) a current value and (b) a prospective value reflecting any anticipated changes in entitlements upon the property, including changes in zoning classification, use restrictions, and/or deed restrictions. Restricted Appraisal Reports, Restricted Use Reports, or Summary Appraisal Reports (which generally provide lesser detail regarding the value or potential value of real property) would not satisfy this requirement.

**BILL NO. BL2018-1283** (MURPHY) – This ordinance 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 recurring 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.

*Fiscal Note: The proposed restriction could have an effect on the FY19 operating budget that was approved by the Council last month. \$10,823,700 of the total revenue budgeted for the GSD General Fund along with \$13,000,000 of the Schools Operations Fund come from the gain 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. BL2018-1284** (KINDALL, VERCHER, & OTHERS) – This ordinance would approve a participation agreement between the Department of Water and Sewerage Services and Regent Homes to improve public water services in Davidson County. Pursuant to the agreement, Regent Homes would oversee the abandonment of approximately 306 linear feet of existing two inch water main and the construction/installation of approximately 306 linear feet of six inch water main and 1 fire hydrant assembly at 3208 Long Boulevard and 203 Burns Avenue to serve the 3208 Long Boulevard and 203 Burns Avenue Development.

Future amendments to this legislation could be approved by Resolution. This has been approved by the Planning Commission.

*Fiscal Note: Metro would agree to pay the lesser of \$75,000 or fifty percent (50%) of the actual project costs to the project.*

**BILL NO. BL2018-1285** (O'CONNELL, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley Number 572 right-of-way.

The abandonment has been requested by Jackson Street Baptist Church, applicant. This has been approved by the Traffic and Parking Commission and the Planning Commission.

**BILL NO. BL2018-1286** (SYRACUSE, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Cliffdale Road right-of-way.

The abandonment has been requested by Plaza 2750, LLC, c/o Holladay Properties, applicant. This has been approved by the Traffic and Parking Commission and the Planning Commission.

**– ORDINANCES ON THIRD READING –**

**BILL NO. BL2018-1139** (SYRACUSE) – This ordinance, as amended, would establish a “transit-oriented redevelopment plan” in Donelson and, if adopted, would be the first implementation of a transit-oriented development district as authorized under recent state legislation.

In May 2017, the Tennessee General Assembly enacted legislation (Tenn. Code Ann. § 13-20-701, *et seq.*) authorizing transit-oriented redevelopment plans in areas where the absence of facilities for high capacity transit options are detrimental to public welfare. Under the state legislation, the local housing authority – in this instance, the Metropolitan Development & Housing Agency or MDHA – is authorized to implement transit-oriented redevelopment projects. In so doing, MDHA would be authorized to:

- Acquire transit-deficient areas and other properties necessary to reduce blight or to allow proper development of the property pursuant to a redevelopment plan;
- Clear acquired areas acquired, including the relocation of utilities, demolition of existing structures, and removal of environmental contaminants;
- Install or construct utilities, public infrastructure, and site improvements, including parks, open spaces, and playgrounds;
- Install or construct privately-owned affordable and workforce housing;
- Pay expenses for relocation, administrative costs, planning and engineering costs, energy efficiency costs, and legal expenses associated with carrying out a plan;
- Pay costs associated with meeting requirements of Leadership in Energy and Environmental Design (LEED), Green Globes, or other similar programs;
- Sell or lease acquired land for uses in accordance with the plan; and
- Borrow money upon its bonds or notes to finance and to carry out a plan.

Historically, MDHA has served to (1) implement the development and operation of low-income housing and (2) implement economic redevelopment districts. The establishment of transit-oriented development districts would establish a third “hybrid” role for MDHA wherein it implements both economic development and housing within transit corridors.

The plan proposed under the current ordinance is expressly intended to implement the concepts from *Let’s Move Nashville: Metro’s Transportation Solution*, initially released in October of 2017, which was rejected at a county-wide referendum election on May 1, 2018.

Under the new state enabling legislation, MDHA cannot initiate a transit-oriented redevelopment project until the governing body (Metro Council) or MDHA has approved a transit-oriented redevelopment plan. These proposed plans must provide a variety of details, including:

- local objectives regarding land use, improved traffic, public transportation, utilities, recreational facilities and other improvements;

- proposed land uses and building requirements; and
- proposed methods for temporarily relocating those living in such areas, and the means by which safe and sanitary dwellings will be provided to replace substandard dwellings to be cleared.

The ordinance under consideration proposes approval of the "Donelson Transit-Oriented Redevelopment Plan" (the "Plan") which encompasses an area located within 1,320 feet on either side of Lebanon Pike between Park Drive and Stewarts Ferry Pike. MDHA has examined the area and concluded that it lacks facilities for high capacity transit options, to the detriment of public health, safety, morals, and welfare. Facilities for high capacity transit are necessary, according to MDHA, to address traffic hazards and congestion and to improve traffic facilities. In addition to approving the Plan, the ordinance would formally establish that the area is "transit-deficient" as defined under state law; that this condition is detrimental to public safety, health, morals and welfare; and that that the area, or portions thereof, should be acquired by MDHA. Additionally, the use of TIF financing would be approved for activities specified under the Plan.

The Plan, attached as an exhibit to the ordinance, provides a description of the area and its boundaries, and describes the objectives of the Plan – namely: (a) to create a transit-oriented, mixed-use district surrounding the Donelson train station; (b) to enhance the pedestrian environment; and (c) to provide housing for a range of incomes, including affordable and workforce housing. The Plan adopts the development standards in the Downtown Donelson UDO first adopted in 2009. To achieve its objectives, the Plan describes the "main redevelopment actions" proposed for the project area which consist of a variety of goals addressing building design and orientation, construction materials, utility design, water quality techniques, multi-modal travel, pedestrian connections, and other design feature goals.

The state enabling legislation enables MDHA to extend tax increment financing (TIF) for properties within the boundaries of the proposed development plan each year. The proposed Plan specifically calls for use of TIF financing, backed by \$30,000,000 dollars of tax increment debt. Under state law, plans proposing use of TIF must disclose estimates of the cost of the project, sources of revenue to finance the project, the estimated tax increment, estimates of the amount and final maturity date of the bonded indebtedness, and an estimate of the impact of TIF financing on local taxing agencies. The proposed Plan includes the following measures:

- \$33,000,000 - The cumulative assessed value of all real estate within the Redevelopment District.
- \$300,000,000 - The projected future increase in the value of property developed under the Plan.
- \$30,000,000 - The tax increment backed debt provided for by the Plan. Thirty percent (30%) of the projected net new property tax revenues generated by the project area will be required to generate this amount of tax increment backed debt.

- \$10,000,000 – The portion of TIF financing committed by MDHA toward development of affordable and workforce housing units. (The remainder of the \$30,000,000 of tax increment backed debt would be used for infrastructure and economic development.)

The Plan states that the amount of bonds or other indebtedness backed by the tax increment will not exceed \$30,000,000; and the final maturity date on any bonded indebtedness backed by the tax increment would occur on or before December 31, 2048. Upon retirement of all bonds or other indebtedness, all property taxes resulting from the incremental development of the Project would be retained by the Metropolitan Government.

MDHA would be further authorized under state law to borrow money or accept contributions from the federal government to assist in undertaking redevelopment projects.

Under the proposed Plan, land use restrictions and design requirements would be implemented through a Design Review Committee, appointed by the mayor and approved by the council, that must approve all improvements affecting property exteriors that otherwise require building permits. Permitted uses would include residential, institutional, educational, office, medical, commercial, transportation, recreation and entertainment. Certain identified uses would be prohibited (*e.g.*, adult entertainment, *etc.*) while several others would be made conditional uses subject to Design Review Committee approval.

The Plan further proposes a review process administered by MDHA for any new development, redevelopment, or improvement otherwise requiring a building permit. Applicants are likewise required to abide by the existing UDO Final Site Plan and building permit processes through the Metro Planning Department.

Although state law assigns broad powers to housing authorities, MDHA would be specifically prohibited under the state legislation from using eminent domain to eliminate transit-deficient areas (though it may use eminent domain to acquire land for public facilities and infrastructure.) The Plan provides for the acquisition of properties necessary to install infrastructure and improvements essential to the implementation of the redevelopment plan. However, under certain conditions, property designated for acquisition can be exempted – essentially if the exemption will not adversely affect implementation of the redevelopment project.

Under the state enabling legislation, once property is acquired, MDHA would be authorized to make land within the project available to private enterprise and public agencies at “use value” in furtherance of the underlying redevelopment plan. To assure appropriate property use, MDHA would be obliged – upon sale or lease of land – to require its use to be for purposes designated within the plan, or to impose other conditions necessary to effectuate the plan. The proposed Plan provides that MDHA contracts, deeds and other conveyances would include conditions to ensure redevelopment of the area in accordance with the Plan.

As required under state law, the Plan provides for relocation assistance for individuals and businesses displaced by project actions or land acquisition, although the Plan aspires generally to “minimize the need for displacement or relocation of businesses or residents.”

In the event changes in the approved Plan become necessary or desired, the proposed Plan specifies that it may be modified, changed or amended “by MDHA”, with subsequent approval of the Metropolitan Council. In other words, the Metro Council could not *initiate* Plan amendments. Although this is typical of MDHA redevelopment districts, the state legislation enabling transit-oriented redevelopment plans does not prohibit the initiation of plan amendments by Council.

State law requires a public hearing on any redevelopment plan prior to final approval, preceded by a specific schedule for public notice. A public hearing was held on May 15, 2018.

Council members, including the lead sponsor, have been in extensive discussions with MDHA, the Mayor’s office, and other departments and agencies. As a result of those discussions, a substitute ordinance was adopted at the April 17 Council meeting, and an amendment was added at the June 5 meeting, to add provisions to the ordinance and/or underlying Plan that address:

- Clarification that a minimum of \$10 million, but not exceeding \$15 million, of TIF financing will be dedicated to affordable housing, defined as 0%-60% AMI;
- Projects with residential components that apply for TIF financing will be required to allocate 10% of residential units to affordable housing;
- The appropriate balance between affordable and workforce housing will be reassessed periodically (e.g., every 5 years) and submitted to Council for approval;
- The minimum period of affordability for residential units will co-extensive with the life of the TIF financing loan;
- Amendments to the Plan could be initiated by either MDHA or the Metro Council, subject to the other’s approval;
- Recently revised requirements within Metro Code of Laws §§ 5.06.020, 5.06.050 and 5.06.060 regarding economic development districts will be incorporated into the ordinance;
- Prior to approval of the next transit-oriented district, a unified process providing for a one-stop design review and zoning approval process would be implemented by and between MDHA and the Metro Planning Department; and
- Explicit reference would be made to the state legislation’s incentives for LEED design and similar programs, as well as its authorization for the installation of energy use capture and transmittal infrastructure, alternative power systems or alternate power projects that incorporate principles of urban sustainability, eco-efficiency, and global sustainable development;
- Require that MDHA establish annual goals for the development and preservation of fixed affordable housing units, as well as an annual scorecard listing all fixed affordable housing units within the Project Area;

- Require that MDHA and Planning Department determine a best practice service to the public for design review and processing of applications for development. The Council would be authorized to establish such process if none is approved after one year.

This ordinance is amendable on third reading. The Planning Commission approved this ordinance and Plan (dated April 10, 2018), as amended by Council, at the June 28, 2018 meeting by a vote of 7-2. MDHA did not consider the Plan as amended by Council at its July 10, 2018 board meeting. However, an amendment is anticipated by the sponsor reinstating the May 11, 2018 version of the Plan which was considered and approved by the MDHA board. If the amendment is adopted and the May 11, 2018 version of the Plan is incorporated, the substantive changes would include:

- Reinstatement of a previous provision whereby the Design Review Committee would be designated by the Executive Director of MDHA. This would replace a previously amended provision establishing the Committee through mayoral appointment;
- Revising previous provisions which allowed for replacement of the “review process” provisions by resolution of the Council. As amended, this section would allow such replacement through implementation of recommendations issued by MDHA and the Planning Department per the terms of a Memorandum of Understanding;
- Application by MDHA of tax increment financing for workforce housing (in addition to affordable housing), with the committed \$10-\$15 million limited to affordable housing; and
- Clarification that owner-occupied STRPs are a conditional use and non-owner occupied STRPs are a prohibited use.

*Fiscal Note: “Tax Increment Financing” (TIF) is a financing mechanism authorized by state law for redevelopment districts whereby the increased property tax revenue generated by a development is used to pay the debt service on loans for the construction of improvements related to the project.*

*The cumulative assessed value of all real estate within the proposed Donelson Transit-Oriented Redevelopment District is approximately \$33,000,000 (thirty-three million dollars). If this plan is approved, the projected value of the property developed in conjunction with the plan is estimated to be approximately \$300,000,000 (three hundred million dollars).*

*The activities of MDHA would be intended to make the area conducive to new private development, resulting in increased tax revenues for Metro. MDHA now plans to commit \$10,000,000 (ten million dollars) of tax increment financing for the development of affordable and workforce housing units. The remainder of the \$30,000,000 (thirty million dollars) of tax increment backed debt provided by this plan would be used to support infrastructure and economic development activities.*

*MDHA has projected that the \$30,000,000 (thirty million dollars) provided for by the plan would only require approximately 30% (thirty percent) of the projected new property tax revenues generated within the project area. These projections are based on the assumption that property*

*tax revenues for all existing properties would increase each year at a rate of 6% for the first 10 years and then 5 % for the 20 years after that. No basis has been given for this assumption.*

*The TODT would capture all new property tax revenue in the district, not just from properties with TIF loans. If the assumed growth rates cannot be achieved, the balance of the new property tax revenues from all properties within the TODT available to support other operating expenses of Metro would be reduced. It would be speculative to predict by how much.*

*The final maturity date on any bonded or other indebtedness backed by the tax increment from eligible properties shall be on or before December 31, 2048. Upon retirement of all bonds, loans, or other indebtedness incurred and payable from tax increment funds or at such time as moneys on deposit in the tax increment fund or funds are sufficient for this purpose, all property taxes resulting from the incremental development of the project shall be retained by Metro.*

**BILL NO. BL2018-1200** (HASTINGS & O'CONNELL) – This ordinance would amend Chapter 6.28 of the Metropolitan Code of Laws regarding hotels, motels, and roominghouses. Section 17.04.060 of the Metro Code defines “hotel” as any commercial establishment whose principal use provides that such structure is occupied by transients for lodging or sleeping purposes, and accepts on-site reservations for accommodations. “Motels” are included within this definition. Under section 16.24.030, a “roominghouse” is defined as a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

If adopted, the ordinance would require hotels, motels, and roominghouses which accept cash payment to accept at least one (1) other form of payment, such as credit card, debit card, or check payments. The ordinance would also require that, upon payment by a guest for accommodations, a receipt reflecting such payment must be provided to the guest and maintained by the establishment as a record. Section 6.28.010 of the Metro Code requires hotels and roominghouses to maintain a book or register listing the name and address of each guest, including the date of arrival and departure.

**BILL NO. BL2018-1246** (VERCHER & WITHERS) – This ordinance, as amended, authorizes the Mayor to submit the 2018-2023 Consolidated Plan for Housing and Community Development programs for the Metropolitan Government to the U.S. Department of Housing and Urban Development (HUD). This five-year Consolidated Plan was prepared by the Metropolitan Development and Housing Agency (MDHA) and is to be administered by MDHA. The Council most recently approved a consolidated plan in 2013 for the years 2013-2018 (per Ordinance No. BL2013-383).

HUD requires local governments seeking federal funding under the Community Development Block Grant program (CDBG), the HOME investment partnerships program, the Emergency

Shelter Grant program (ESG), and the Housing Opportunities for Persons With AIDS (HOPWA) program to submit a consolidated plan for housing and community development.

This plan includes a Needs Assessment, a Housing Market Analysis, and a Strategic Plan that establishes priorities for addressing housing and community development needs. In addition, the Action Plan for 2018 provides for expenditure of CDBG, HOME, ESG, and HOPWA funds to address the Consolidated Plan's priorities.

Funding for the programs in the 2018 Action Plan would be used for the following purposes:

- CDBG - Administration and Planning, Economic Development, Housing, Public Improvements, and Public Services
- HOME - Homebuyer assistance, Multifamily rental new construction, New construction for ownership
- HOPWA - Permanent housing in facilities, Permanent housing placement, Short-term or transitional housing facilities, STRMU, and Supportive services
- ESG - Financial assistance, Overnight shelter, Rapid re-housing (rental assistance), Rental assistance services, and Transitional housing.

Funding for these programs could not be allocated for any property acquisition for which the power of eminent domain is utilized by MDHA, which is restricted under federal law.

An amendment added at the July 17, 2018 meeting added a new section to note that Transit Oriented Development districts are not currently available as mechanisms, strategies, or initiatives for the development of affordable housing or implementation of community development.

*Fiscal Note: The 2018 Action Plan includes the following funding levels:*

#### *CDBG*

*Allocation - \$5,095,429*

*Program Income - \$250,000*

*The actual expenditure of CDBG funds would be submitted to the Council for approval by resolution at the time the projects are identified. CDBG funds are not to be used for capital improvement projects.*

#### *HOME*

*Allocation - \$2,581,408*

*Program Income - \$305,000*

*The twenty-five percent (25%) local match for the HOME Investment Partnerships Program will be provided by non-federal funds utilized for HOME projects as well as the value of donated*

*land or improvements associated with HOME-funded projects, or by other eligible methods as provided in the HOME regulations*

**HOPWA**

*Allocation - \$1,216,011*

*This ordinance expressly provides that none of these funds would be used for any property acquisition involving the use of eminent domain.*

**ESG**

*Allocation - \$417,516*

*Local matching funds are required under the ESG program to be provided by the local non-profits that participate in the program as sub-grantees.*

**BILL NO. BL2018-1255** (WITHERS) – This ordinance would amend the Metro Code relative to payroll deductions for benefits administered by the Metropolitan Employee Benefit Board (EBB).

Under current Metro Code Sec. 3.16.020(E), employee contributions for medical and dental care benefits are prepaid by payroll deduction thirty (30) days in advance of the coverage. The EBB has recommended that these employee contributions instead be collected concurrent with benefit coverage, consistent with standard industry practice. This ordinance would make that change.

*Fiscal Note: This proposal would only affect the timing of the payroll deductions. The amounts of the deductions would not be affected going forward.*

**BILL NO. BL2018-1256** (ALLEN, SWOPE, & OTHERS) – This ordinance would amend the Metropolitan Code of Laws to reinstate allowances for properties maintained in a natural state.

Last year, Ordinance No. BL2017-867 amended the Metro Code of Laws (MCL) to reinstate Chapter 10.28, Control of Excessive Vegetation, previously abolished by Ordinance No. BL2016-124. Prior to BL2016-124, MCL Sec.10.28.010 included provisions allowing for properties in a natural state if an intentional design for vegetative growth was on file with the Metropolitan Beautification Commission, provided there was a fifteen feet setback from the front property line and a ten feet setback from any adjacent residential property line.

This ordinance would re-authorize properties in a natural state if an intentional design for vegetative growth is on file with the Metropolitan Beautification Commission. No front or adjacent property line setback would be included.

This ordinance would also amend MCL Sec. 16.24.330.E by removing the reference to the setback requirement for properties in a natural state.

**BILL NO. BL2018-1257** (KINDALL, VERCHER, & OTHERS) – This ordinance would approve a lease agreement between the Metropolitan Government and the Christine P. Nall Living Trust (Trust) for the building located at 337/339 21st Avenue North to be used for an injury-on-duty medical clinic. This building contains approximately 4,814 square feet of space suitable for the operation of a medical clinic to treat employees injured by accident arising out of and in the course of employment.

The term of the lease would be five (5) years, beginning on October 1, 2018 and ending September 30, 2023. The lease could be extended for two additional five (5) year terms at the option of Metro.

Rent payments would be made monthly by Metro. Metro would be responsible for all utilities and janitorial services. Metro could terminate the lease agreement by delivering six (6) months advance written notice to the Trust.

Amendments to this lease agreement could be approved by Council resolution.

*Fiscal Note: The base rent would be \$24.23 per square foot and would increase three percent (3%) annually for the term of the lease. The monthly rent would be as follows:*

10/1/18 - 9/30/19	\$9,719.80
10/1/19 - 9/30/20	\$10,011.39
10/1/20 - 9/30/21	\$10,311.74
10/1/21 - 9/30/22	\$10,377.51
10/1/22 - 9/30/23	\$11,063.83

*If extended beyond the initial term, the rent would be as follows:*

10/1/23 - 9/30/24	\$11,267.91
10/1/24 - 9/30/25	\$11,605.94
10/1/25 - 9/30/26	\$11,954.12
10/1/26 - 9/30/27	\$12,312.74
10/1/27 - 9/30/28	\$12,682.13
10/1/28 - 9/30/29	\$13,062.59
10/1/29 - 9/30/30	\$13,454.47
10/1/30 - 9/30/31	\$13,858.10
10/1/31 - 9/30/32	\$14,273.84
10/1/32 - 9/30/33	\$14,702.06

**BILL NO. BL2018-1258** (ROBERTS, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for James Avenue Sidewalk Improvements between Robertson Avenue and Morrow Road.

This has been approved by the Planning Commission.

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

**BILL NO. BL2018-1259** (ALLEN, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for 25th Avenue South Sidewalk Improvements between West Linden Avenue and Blair Boulevard.

This has been approved by the Planning Commission.

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

**BILL NO. BL2018-1260** (A. DAVIS, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for Stratford Avenue Sidewalk Improvements between Gallatin Pike and Kennedy Avenue.

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. BL2018-1261** (ELROD, VERCHER, & BEDNE) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for Wauford Drive Sidewalk Improvements between West Longdale Drive and Danby Drive.

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. BL2018-1262** (VERCHER, BEDNE, & ELROD) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially for Hobson Pike Sidewalk Improvements between Antioch High School and Lakewalk Drive.

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. BL2018-1263** (O'CONNELL, BEDNE, & ELROD) – This ordinance would abandon existing combined sewer main and easements and accept new combined sewer main, combined sewer manholes and easements for property located at 10 11th Avenue South.

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

**BILL NO. RS2018-1264** (KINDALL, BEDNE, & ELROD) – This ordinance would authorize Pacific 35th & Peoria, LLC to construct, install, and maintain aerial and underground encroachments at 350 22nd Avenue North. The aerial encroachment would consist of building overhangs and the underground encroachments would consist of irrigation for trees and furnishing zone.

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

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 applicant. Metro further retains the right to repeal approval of the encroachment without liability.

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

The encroachments' construction must be carefully guarded and must be completed promptly, so as to cause the least inconvenience to the public.

This proposal has been approved by the Planning Commission.

**BILL NO. BL2018-1265** (O'CONNELL, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Ewing Avenue and Alley Number 197 right-of-way.

The abandonment has been requested by Metro Public Works, applicant.

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

**BILL NO. BL2018-1266** (HASTINGS, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley Number 1623 right-of-way.

The abandonment has been requested by Kevin Mann and Jason Fuller, applicant.

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

**BILL NO. BL2018-1267** (SYRACUSE, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Blue Hills Drive right-of-way.

The abandonment has been requested by Dale and Associates, applicant.

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

**GRANTS LEGISLATION – AUGUST 7, 2018**

<b>Legislative Number</b>	<b>Parties</b>	<b>Amount</b>	<b>Local Cash Match</b>	<b>Term</b>	<b>Purpose</b>
<b>RS2018-1334</b>	<b>From:</b> Oasis Center, Inc. <b>To:</b> Davidson County Juvenile Court	Not to exceed \$5,000.00	\$0	July 1, 2018 through June 30, 2019	The proceeds from this grant would be used for the implementation of the Wyman's Teen Outreach Program (TOP) as part of probation services to decrease risky behaviors and increase life skills among youth.
<b>RS2018-1336</b>	<b>From:</b> U.S. Department of Justice <b>To:</b> Metropolitan Nashville Police Department	\$487,362.00	\$0	October 1, 2016 through September 30, 2020	The proceeds from this 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>RS2018-1340</b>	<b>From:</b> Tennessee Department of Health <b>To:</b> Metropolitan Board of Health	Not to exceed \$637,040.00	\$0	July 1, 2018 through June 30, 2019	The proceeds from this grant would be used to promote the proper use of all recommended vaccines and respond to vaccine preventable diseases in collaboration with the CDC and other partners.

RS2018-1341	<b>From:</b> Tennessee Department of Health  <b>To:</b> Metropolitan Board of Health	Not to exceed \$725,200.00	\$0	July 1, 2018 through June 30, 2019	The proceeds from this grant would be used to provide an array of programs and direct patient care services to meet the public health needs of Tennessee's citizens.
RS2018-1342	<b>From:</b> Tennessee Department of Health  <b>To:</b> Metropolitan Board of Health	Not to exceed \$324,500.00	\$0	July 1, 2018 through June 30, 2019	The proceeds from this grant would be used for the Healthy Start Home Visiting Program to identify and provide comprehensive services to improve outcomes for eligible families who reside in at-risk communities.
RS2018-1343	<b>From:</b> Tennessee Department of Health  <b>To:</b> Metropolitan Board of Health	Decrease by \$11,086.00	N/A	N/A	This would approve the first amendment to the grant approved by RS2017-702 by decreasing the amount of the grant from \$4,030,120 to \$4,019,034, attaching an updated budget to reflect this decrease, and replacing section D.27, which would describe the State of Tennessee's interest in equipment or motor vehicles acquired with grant funds.
RS2018-1344	<b>From:</b> U.S. Environmental Protection Agency  <b>To:</b> Metropolitan Board of Health	Increase by \$228,008.00	N/A	N/A	This would approve Amendment B to a grant approved by RS2015-1355 by increasing the amount of the grant from \$1,437,072 to \$1,665,080.

<b>RS2018-1353</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	N/A	<p>This would approve the fourth amendment to a grant approved by RS2016-474 by deleting the attached grant budget and substituting a new grant budget to move funds from the administrative budget to the program budget.</p>
<b>RS2018-1354</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	N/A	<p>This would approve Amendment A to a grant approved by RS2017-852 by deleting the attached grant budget and substituting a new grant budget to move funds from the administrative budget to the program budget.</p>
<b>RS2018-1355</b>	<p><b>From:</b> Tennessee Department of Environment and Conservation</p> <p><b>To:</b> Metropolitan Public Works Department</p>	\$500,000.00	\$500,000.00	N/A	<p>This would approve an application for a Waste Reduction Grant.</p> <p>If approved, the proceeds from this grant would be used to purchase trucks for Nashville's curbside recycling expansion.</p>