



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Mike Jameson, Director and Special Counsel
Mike Curl, Finance Manager
Metropolitan Council Office

COUNCIL MEETING DATE: March 20, 2018

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 3/14/18:

4% Reserve Fund	\$25,012,904*
Metro Self Insured Liability Claims	\$5,447,074
Judgments & Losses	\$3,457,568
Schools Self Insured Liability Claims	\$4,487,547
Self-Insured Property Loss Aggregate	\$7,539,608
Employee Blanket Bond Claims	\$668,648
Police Professional Liability Claims	\$2,305,568
Death Benefit	\$1,298,075

*This assumes unrealized estimated revenues in FY18 of \$9,261,054.

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

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTION NO. RS2018-1081 (PULLEY) –

RESOLUTION NO. RS2018-1082 (S. DAVIS) – These two resolutions would approve exemptions from the minimum distance requirements for obtaining a beer permit for Freebirds World Burrito, located at 3800 Hillsboro Pike (RS2018-1081) and for Pearl Diver, located at 1800 Gallatin Avenue (RS2018-1082).

The Metro Code of Laws (MCL) prevents a beer permit from being issued to an 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. Facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code Section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing each to obtain a beer permit upon the adoption of a resolution by the Council. (See, Code Section 7.08.090(E)). As revised by Ordinance No. BL2016-454, this Code section no longer requires restaurants 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).

– RESOLUTIONS –

RESOLUTION NO. RS2018-1048 (VERCHER, GILMORE, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1049 (VERCHER, GILMORE, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1067 (VERCHER & RHOTEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1068 (HENDERSON, VERCHER, & RHOTEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1075 (HAYWOOD) – This resolution would confirm the reappointment of David McMurry to serve on the Board of Directors for the Convention Center Authority for a term expiring on January 21, 2022.

Under Tennessee Code Annotated §7-89-108, the Convention Center Authority is to be governed by a Board of Directors of not less than seven registered voters of the municipality, serving staggered terms. The directors are to serve without compensation, and cannot be an elected official or employee of the municipality. Such directors are appointed by the Mayor and confirmed by a resolution adopted by the Council.

The Board is to be composed of members who are diverse in professional and educational background, ethnicity, race, gender, and area of residency within the municipality. At least one of the directors must be female and at least one must be a minority.

RESOLUTION NO. RS2018-1077 (HAYWOOD & HURT) – This resolution would confirm the reappointment of Emmett Wynn to serve on the Board of Directors for the Sports Authority for a term expiring February 17, 2024.

Under Tennessee Code Annotated §7-67-108, the Sports Authority is to be governed by a board of no more than thirteen directors serving staggered terms. The directors are to serve without compensation and cannot be an elected official or employee of the municipality. Such directors are to be appointed by the Mayor and confirmed by a resolution adopted by the Council.

Nine of the directors are to be selected based upon residency, with at least one residing in each of the metropolitan public school districts. (Mr. Wynn resides in the 3rd school district.) The remaining four are to be selected with one residing in each of the four state senatorial districts. At least one of the directors must be female and at least one must be a minority.

RESOLUTION NO. RS2018-1083 (VERCHER & WITHERS) – This resolution would approve a Memorandum of Understanding (MOU) between the Metropolitan Development and Housing Agency (MDHA) and the Mayor’s Office with respect to the assignment of AmeriCorps Volunteers in Service to America supporting the Nashville Promise Zone (NPZ). The term of the NPZ is ten (10) years, from June 6, 2016 through June 5, 2026.

In 2016, MDHA applied for and received a Promise Zone distinction. The goals of the NPZ are to (1) create jobs, (2) spur economic activity, (3) expand educational opportunities, (4) reduce violent crime, (5) increase access to quality affordable housing, and (6) improve community infrastructure. The benefits of a Promise Zone distinction include a federal liaison, preferences for certain competitive federal programs, and the opportunity to engage AmeriCorps Volunteers in Service to America (VISTAs) to support Promise Zone efforts. MDHA has also entered into an agreement with Corporation for National and Community Service (CNCS) in which CNCS will provide AmeriCorps VISTA members to perform volunteer services related to MDHA’s Promise Zone application. The term of the agreement with CNCS is for a period of one (1) year and may be renewed annually throughout the 10-year NPZ designation.

The MOU would establish a collaborative partnership between MDHA and the Mayor’s Office in reference to the assignment of the AmeriCorps VISTA member(s). The obligations of the parties are also governed by an agreement between CNCS and MDHA, as well as applicable federal laws and regulations.

Fiscal Note: MDHA would be responsible for paying member mileage reimbursement, professional development, the project participation fee, and in-kind assistance -- all expected to total less than \$5,000 annually. In addition, a site supervisor would be required to provide day-to-day supervision of the activities of the VISTA members.

RESOLUTION NO. RS2018-1084 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1085 (VERCHER) – This resolution would authorize a short-term extension to the liquidity facility agreement related to the Metro Government’s water and sewer commercial paper program.

On August 18, 2015, the Metro Council adopted Resolution No. RS2015-1604. Pursuant to that resolution, the Metropolitan Government has issued and has outstanding water and sewer revenue bond anticipation notes in the form of commercial paper. Metro entered into a Letter of

Credit and Reimbursement Agreement with the Bank of Tokyo-Mitsubishi UFJ, Ltd. The Letter of Credit and Reimbursement Agreement are set to expire April 13, 2018. While Metro has determined to implement a new water and sewer commercial paper program through a requests-for-proposals process, that process will not allow for implementation of the new program by April 13, 2018.

The Bank of Tokyo has agreed to extend the Letter of Credit and Reimbursement Agreement for up to 90 days, with an agreement for payment of a facility fee and Bank Counsel fee related to the extension.

The resolution under consideration would approve the 90-day extension of the Letter of Credit and Reimbursement Agreement and authorize the Mayor, Metropolitan Clerk, Director of Finance, Metropolitan Treasurer and the other officers and employees of Metro to do any and all things, and to execute and deliver any and all documents, necessary or advisable to effectuate the purposes of this resolution.

Fiscal Note: The facility fee for the extension would be 50 basis points per annum, prorated to the amount of time it is in force. A basis point is equivalent to one-hundredth of one percent (0.01%). Therefore, 50 basis points would equate to 0.5% per annum. A Bank Counsel fee of \$5,000 would also be due at the closing of the extension.

RESOLUTION NO. RS2018-1086 (VERCHER) – This resolution would authorize the Department of Law to settle the property damage claim of Paul Gontarek as Successor Administrator C.T.A. of the Estate of William C. Link against the Metropolitan Government in the amount of \$300,000.

On March 19, 2003, the Davidson County Probate Court appointed John Clemmons as the Administrator of the Estate of William C. Link. Mr. Clemmons filed an inventory for the estate on July 1, 2003. Mr. Clemmons repeatedly missed deadlines and failed to file accountings related to the estate. The Probate Court Clerk's Office sent out repeated notices and citations to Mr. Clemmons. In February 2008, in response to a notice and citation from the Clerk's Office, Mr. Clemmons filed a motion for fees and requested that a Show Cause order not be issued. The Court approved his fee request and, in June 2006, a note indicates that the case was put on "hold" at the request of Mr. Clemmons. The Link Estate was never removed from the "hold list"; no additional notices or citations were issued; and no accounting was filed until June 17, 2013. The Court approved fee requests from Mr. Clemmons and others from 2007 through 2012. On April 10, 2013, the Court removed Mr. Clemmons as administrator and appointed Mr. Gontarek as Successor Administrator C.T.A. (a person appointed by the court to carry out the provisions of a will).

Mr. Clemmons eventually pled guilty to stealing \$771,009 from the Link Estate, which was intended to fund a Special Needs Trust for Mr. Link's daughter who is unable to care for herself. Mr. Clemmons was able to use his familiarity with the Probate Court and the Court Clerk's

Office to manipulate the process. The bond amount in this case was set at \$375,000, even though there was over one million dollars in assets in the Link Estate. Due to the doctrine of judicial immunity, the Probate Court is immune from suit. However, the Probate Court Clerk's Office is not shielded from liability under this doctrine.

Mr. Gontarek, as successor administrator, is seeking compensation due to the mismanagement of the Estate of William C. Link at the hands of John Clemmons. The Estate has agreed to accept a total of \$300,000 in full settlement of this case.

The Department of Law recommends settlement of this claim for \$300,000.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$300,000.

RESOLUTION NO. RS2018-1087 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Sherre Bishop against the Metropolitan Government in the amount of \$14,492.71.

On April 15, 2017, a 911 call was placed from a residence where a 90 year old woman, the step-mother of Ms. Bishop, was suffering breathing problems. The 911 dispatcher mistakenly provided the ambulance with the wrong address. A new dispatch to the correct address was placed approximately 15 minutes after the initial 911 call. When Emergency Medical Services arrived, they found Ms. Bishop's stepmother had died.

The dispatcher was a new employee. She was re-trained as a result of this incident and placed on a performance improvement plan, but no disciplinary action was taken at the time. However, four months later, the dispatcher made a similar error. She was to be placed on a one-day suspension for that incident, but chose to resign instead.

Ms. Bishop has agreed to accept a total of \$14,492.71 in full settlement of this case. The Department of Law recommends settlement of this claim.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$14,492.71.

RESOLUTION NO. RS2018-1088 (VERCHER, MENDES, & OTHERS) – This resolution would declare surplus eleven (11) parcels of real property and convey these properties to certain nonprofit organizations. This resolution would also authorize grants not exceeding \$10,760,423.39 from the Barnes Fund for Affordable Housing to certain nonprofit organizations.

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

On August 23, 2017, the Metropolitan Housing Trust Fund Commission issued a request for applications to qualified nonprofit organizations to participate in nonprofit housing development grant program. Woodbine Community Organization, Our Place Nashville, and Living Development Concepts were selected through this process.

The parcels to be granted are as follows:

Woodbine Community Organization

- 2952 High Rigger Drive (District 29)
- 1016 43rd Avenue North (District 21)
- 919 43rd Avenue North (District 21)
- 1612 Dr. DB Todd Jr Boulevard (District 21)
- 2018 14th Avenue North (District 2)
- 167 Welworth Street (District 10)
- 3308 Chesapeake Circle (District 3)
- 1440 Mohawk Trail (District 9)
- 517 Castlegate Drive (District 29)

Our Place Nashville

- 1618 Dr. DB Todd Jr Boulevard (District 21)

Living Development Concepts

- 2205 11th Avenue North (District 2)

The Metropolitan Housing Trust Fund Commission would be authorized by this resolution to enter into grant contracts with these three organizations for the express purpose of constructing affordable and workforce housing on these eleven properties. In the event any of these properties are not utilized by the Barnes Fund Affordable Housing Program after five (5) years from the date of the passage of this resolution, the property would revert back to the Division of Public Property unless otherwise previously conveyed.

In addition to the grants of real property, monetary grants from the Barnes Fund totaling \$10,760,423.39 would be made to thirteen (13) nonprofit organizations. Tenn. Code Ann. §7-3-314 permits local governments to provide financial assistance to non-profit organizations in accordance with local regulations and guidelines.

Further, section 5.04.070 of the Metropolitan Code of Laws provides that the Council may appropriate funds by resolution for the financial aid of non-profit organizations. This resolution would distribute these additional monetary grants as follows:

- \$2,000,000 - Woodbine Community Organization
- \$1,084,925 - Our Place Nashville
- \$111,033 - Living Development Concepts
- \$2,000,000 - Urban Housing Solutions
- \$2,000,000 - Dismas, Inc.
- \$155,000 - Westminster Home Connection
- \$387,643.50 - Mending Hearts
- \$108,000 - Project Return
- \$69,690 - Fifteenth Avenue Baptist CDC
- \$1,067,000 - Habitat for Humanity of Greater Nashville
- \$1,000,000 - Crossroads Campus
- \$250,000 - The Housing Fund
- \$527,131.89 - Rebuilding Together Nashville

Per state law and section 5.04.070 of the Metro Code, adoption of this resolution requires twenty-one affirmative votes.

Fiscal Note: This would reduce the balance of the Barnes Fund by \$10,760,423.39.

RESOLUTION NO. RS2018-1089 (VERCHER, MENDES, & OTHERS) – This resolution would approve an amendment to a grant agreement between Rebuilding Together Nashville and the Metropolitan Government.

On April 19, 2017, the Metro Council adopted Resolution No. RS2017-646, which authorized, among other things, a grant from the Barnes Fund in the amount of \$142,532.30 to Rebuilding Together Nashville for the rehabilitation of affordable housing units. That resolution was amended pursuant to Resolution No. RS2017-726 to distribute the grant funds in two phases instead of the originally contracted three phases. The original grant agreement called for an affordability requirement to encumber the property and run with the land over a 20-year term.

The resolution currently under consideration would require that properties receiving grant funds would be subject to a Deed of Trust and a Cost Recapture Agreement imposing certain affordability requirements to encumber the property and run with the land over a 5-year term in the form of a 5-year, forgivable lien.

Fiscal Note: No changes are being made to the financial terms of these grants.

RESOLUTION NO. RS2018-1090 (SYRACUSE, VERCHER, & OTHERS) – This resolution would authorize the Director of Public Property, or his designee, to exercise option agreements for the purchase of four (4) flood-prone properties, for Metro Water Services.

The properties would each be acquired for their 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 addresses and purchase price of these properties are as follows:

- 2683 Miami Avenue (District 15) - \$14,100
- 2413 Pennington Bend Road (District 15) - \$17,800
- 2445 Pennington Bend Road (District 15) - \$20,400
- 2447 Pennington Bend Road (District 15) - \$11,200

These proposed purchases have been approved by the Planning Commission.

Fiscal Note: The total purchase price for the options on these four (4) properties is \$63,500. The cost of acquisition for these properties would be paid from the FY17 Capital Projects Fund.

RESOLUTION NO. RS2018-1091 (VERCHER) – This resolution would authorize the mayor to submit Amendment Five and technical corrections to the Action Plan for Community Development Block Grant (CDBG) Disaster Recovery funds to complete recovery efforts resulting from the May 2010 flood.

Immediately following the flood, the Metropolitan Government and the Metro Development and Housing Agency (MDHA) sought to reallocate approximately \$6 million in previously awarded CDBG funds to assist homeowners affected by the flood. MDHA also entered into an agreement with Metro to spend an additional \$5 million in anticipation of federal funds. In February 2011, the US Department of Housing and Urban Development (HUD) made \$10,731,831 in funds from the 2010 federal supplemental appropriations act available to Metro for disaster recovery. Subsequently, HUD released an additional \$22,357,982 of CDBG disaster recovery funds to Metro in August 2011, which was adopted in the first amendment. This brought the total allocation to \$33,089,813. Three additional amendments were added to the CDBG in 2011 (RS2011-1671), 2013 (RS2013-711), and 2014 (RS2014-1193), which provided further clarification of the proposed activities in the CDBG and reallocated funds from activities that had been canceled or closed due to other existing activities.

This resolution would approve the fifth amendment to the CDBG relocating funds totaling \$703,404.15 from planning, infrastructure, and recovery projects to housing activities. The total allocation of \$33,089,813 would remain the same.

A public comment period for this amendment was open between December 12, 2017 and January 4, 2018, and a public hearing was held Thursday, December 21, 2017 at the Bordeaux Library following public notice. (No public comments were submitted.)

Fiscal Note: The resolution under consideration would reprogram remaining CDBG funds to existing activities still underway. MDHA prepared Amendment Five and Technical Corrections to the Action Plan to reallocate \$703,464.13 in CDBG-R funds from planning, infrastructure, and recovery projects to certain housing activities, and technical corrections in the amount of \$89,341.49 to reconcile final activity budgets at project completion.

RESOLUTION NO. RS2018-1092 (COOPER, VERCHER, & ELROD) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1093 (VERCHER, ELROD, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1094 (VERCHER, BEDNE, & OTHERS) – This resolution is one of three that would authorize the Department of Water and Sewerage Services to enter into a Utility Relocation Contract with the Tennessee Department of Transportation (TDOT) to allow construction of State Project No. 19028-2245-14, SR-11 (Nolensville Pike) from North of Mill Creek to near SR-254 (Old Hickory Boulevard), attached as Exhibit 1 to the resolution.

Fiscal Note: The total cost of the utility relocation is estimated to be \$3,959,370. The Department of Water and Sewerage Services would pay a deposit to TDOT of \$1,864,931.90.

\$1,662,116 of this deposit would be to pay the costs of betterment that would be expected to result to Metro's facilities from this project. The remaining \$201,815.90 would represent the pro-rata share above the capped maximum reimbursement of \$1,750,000 for the actual cost of the utility work for relocation of utility facilities located on public highway right-of-way.

RESOLUTION NO. RS2018-1095 (VERCHER, BEDNE, & OTHERS) – This resolution is one of three that would authorize the Department of Water and Sewerage Services to enter into a Utility Easement Contract with the Tennessee Department of Transportation (TDOT) to allow construction of State Project No. 19028-2245-14, SR-11 (Nolensville Pike) from North of Mill Creek to near SR-254 (Old Hickory Boulevard), attached as Exhibit 1 to the resolution.

Fiscal Note: Due to the planned construction of this TDOT project, the Department of Water and Sewerage Services would be required to acquire replacement easements for their facilities. The abandonment and acceptance of sewer main and easements for these projects was authorized by Ordinance No. BL2018-1059.

\$96,100 would be paid by TDOT to Metro as reimbursement for the estimated cost of acquiring these replacement easements.

RESOLUTION NO. RS2018-1096 (VERCHER, ELROD, & OTHERS) – This resolution would approve three amendments to three agreements between the Metropolitan Government and the Tennessee Department of Environment and Conservation (TDEC), concerning maintenance of closed solid waste disposal facilities.

State law requires all owners of closed landfills either to put up a performance bond or execute a contract agreeing to pay a penal sum if the site is not adequately maintained. (Tenn. Code Ann. §68-212-108). The Metropolitan Government has entered into contracts with TDEC in lieu of a performance bond as assurance of financial responsibility for these solid waste facility maintenance duties. State law further provides that the amount guaranteed by the performance bond or agreement may be altered over time. Reduced amounts would ostensibly coincide with the similarly decreasing levels of contamination, costs of removal, and/or amounts of potential property damage with each passing year.

Metro owns the Due West Superfund Site, the Bordeaux Sanitary Landfill, and the Thermal Ash Monofill, Phases II and III, all of which are closed solid waste disposal facilities, maintained pursuant to separate agreements between Metro and TDEC, pursuant to BL2010-719. That ordinance provides that amendments to these three agreements may be approved by resolution.

The resolution under consideration would decrease the total penal sum figure in all three agreements as follows:

- Bordeaux Sanitary Landfill - decrease from \$3,303,409.46 to \$2,989,218.52
- Due West Superfund Site - decrease from \$1,071,322.16 to \$1,026,452.67
- Thermal Ash Landfill - decrease from \$951,252.60 to \$922,262.05

Fiscal Note: These amounts would only be paid if Metro failed to maintain the sites adequately.

RESOLUTION NO. RS2018-1097 (VERCHER, BEDNE, & WITHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1098 (DOWELL, BEDNE, & ELROD) – This resolution would approve an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Department of Public Works, for the acceptance of traffic signals in connection with construction at the interchange at I-24, Exit 60 at Hickory Hollow Parkway. The Metropolitan Government is authorized to approve an agreement with TDOT by resolution. (Tenn. Code Ann. §12-9-104.)

This project has been approved by the Planning Commission.

Fiscal Note: Metro would not be responsible for any of the costs of this project. Metro would only be responsible for the ongoing maintenance costs of the new signals.

RESOLUTION NO. RS2018-1099 (BEDNE & ELROD) – This resolution would approve an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Department of Public Works for the acceptance of traffic signal improvements in connection with construction at the I-24 Interchange at Old Hickory Boulevard, Exit 62, Eastbound Ramp (Ramp Queue Project). State law allows intergovernmental agreements between governmental entities to be approved by resolution. (Tenn. Code Ann. §12-9-104).

This project has been approved by the Planning Commission.

Fiscal Note: Metro would not be responsible for any of the costs of this project. Metro would only be responsible for the ongoing maintenance costs of the new signals.

RESOLUTION NO. RS2018-1100 (VERCHER, BEDNE, & OTHERS) – This resolution is one of three that would authorize the Department of Water and Sewerage Services to enter into a Utility Relocation Contract No. 8755 with the Tennessee Department of Transportation (TDOT) to allow construction of State Project No. 19028-2245-14, SR-11 (Nolensville Pike) from North of Mill Creek to near SR-254 (Old Hickory Boulevard), attached as Exhibit 1 to the resolution.

Fiscal Note: The total cost of the utility relocation is estimated to be \$761,165. 65% of this cost represents the pro-rata share to which Metro is entitled to reimbursement for relocation of utility facilities located on private utility right-of way. The remaining 35% represents the pro-rata share for relocation of utility facilities located on public highway right-of-way.

Since no betterment is expected to result to Metro's facilities from this project, 100% of the cost would be paid by TDOT to reimburse the Department of Water and Sewerage Services for their actual costs for this work.

RESOLUTION NO. RS2018-1101 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1102 (VERCHER) – This resolution would accept a donation of a Polaris all-terrain vehicle equipped with a medical bed, from Music City, Inc. to the Nashville Fire Department. Music City, Inc. is the charitable foundation of the Nashville Convention Center & Visitors Corporation. This is the second proposed donation of an all-terrain vehicle from Music City, Inc. to the Nashville Fire Department in as many years. (See, Resolution No. RS2017-894).

Pursuant to Metro Code of Laws § 5.04.120.B, donations exceeding \$5,000 may be accepted and appropriated pursuant to resolution.

Fiscal Note: The equipment is valued at approximately \$19,728.

RESOLUTION NO. RS2018-1103 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1104 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1105 (VERCHER & HASTINGS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1106 (VERCHER & HASTINGS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1107 (HASTINGS & ALLEN) – This resolution would approve a contract between the Metropolitan Board of Health and Belmont University. The Health Department would provide clinical experience opportunities for the University's undergraduate and graduate nursing program students. The students would not be considered employees of Metro and would not receive any compensation.

The term of the agreement would be five (5) years, from July 1, 2018 through June 30, 2022, but could be terminated by either party upon 90 days' written notice. The University would be required to provide assurance that the students are covered by professional liability and health insurance. Metro would not be responsible for any accidents or job-related injury or illness incurred by any student as a result of their participation in this program. The University would also agree to assume responsibility for all students participating in the program.

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

RESOLUTION NO. RS2018-1108 (O'CONNELL & VERCHER) – This resolution would amend a contract between the Department of Public Works and the Nashville Downtown Partnership (NDP).

BL2017-709 approved a contract between Metro and the NDP for the management of the Church Street Garage and the Public Square Garage. Pursuant to that agreement, the NDP is paid \$5,250 per month for operation of the Church Street Garage and \$3,750 per month for

operation of the Public Square Garage. That ordinance provides that amendments to the contract can be made by resolution.

The resolution currently under consideration would add the Metro Howard Complex Parking Garage, including the Surface Parking lot located at 806 Second Avenue South to the parking facilities managed by the NDP. The NDP would receive a management fee of \$1,250 per month for the operation of the Howard Garage.

The ordinance would also delegate the bike share initiative, Nashville B-Cycle, and right-of-way landscaping maintenance to the NDP.

Fiscal Note: According to the initial terms of the contract, the NDP pays a partnership management fee of \$5,250 per month to Metro for operating the Library garage and \$3,750 per month for the Historic Courthouse garage. In addition, NDP is required to pay sixteen percent (16%) of all revenues from the Library garage to Metro.

The NDP guaranteed that the minimum amount of the payment to Metro from the Library garage would not be less than \$301,200. This amount could be reduced if Metro were to withdraw this garage from the terms of the contract or if the number of usable parking spaces at the garage were to be reduced.

The contract also addressed the use of any surplus revenues, defined as the gross profit of the Library garage less the payments to Metro, the NDP management fee for the Library garage, and the shuttle program expenses.

These surplus revenues are allocated equally between Metro and the NDP. The portion allocated to Metro can be used for any purpose. The portion allocated to the NDP is required to be used for projects or activities to improve the downtown area.

By adding the Howard Complex Garage to the contract, the NDP would be paid an additional \$1,250 per month.

RESOLUTION NO. RS2018-1109 (SYRACUSE) – This resolution would set a public hearing for the creation of the Donelson Transit-Oriented Redevelopment Plan.

Ordinance No. BL2018-1139, currently on first reading, would establish a transit-oriented redevelopment plan in Donelson along Lebanon Pike between Park Drive and Stewarts Ferry Pike. Tenn. Code Ann. §13-20-701, *et seq.* authorizes housing authorities, such as the Metropolitan Development and Housing Agency (MDHA), to implement transit-oriented redevelopment plans, provided a public hearing is conducted on any redevelopment plan prior to final approval being given by the Metropolitan Council. Such hearings must be preceded by published newspaper notices and written notices to property owners. At least five days prior to the public hearing, state law further requires that specific information be made available to the

public, including (a) an estimate of the cost of the project; (b) the sources of revenue to finance the project, including the estimated tax increment; (c) estimated amounts and final maturity dates of bonded or other indebtedness; and (d) an estimate of the impact of the tax increment financing upon all taxing agencies.

RESOLUTION NO. RS2018-1110 (ALLEN) – This resolution would amend the scope of the determinations to be rendered within the Report and Recommendations of the Special Committee, originally established to determine if there was a misuse of public money.

On February 6, 2018, the Metro Council adopted Resolution No. RS2018-1039. That resolution established a Special Committee to investigate the circumstances involving travel and other expenses, including overtime expenses, potentially related to former Mayor Megan Barry's admitted improprieties involving an employee of Metro to determine if there was misuse of public money.

On March 6, 2018, then-Mayor Barry and former Metropolitan Police Department Sgt. Rob Forrest both entered pleas of guilty to theft charges in Davidson County Criminal Court, ostensibly resolving the Special Committee's determination of whether a misuse of public money occurred.

The resolution under consideration would amend RS2018-1039 to clarify that the Special Committee will prepare a Report and Recommendations to the Council about its findings to include any recommendations for further action, as well as recommendations for additions or revisions to the Metropolitan Government Code of Laws, policies, or regulations.

RESOLUTION NO. RS2018-1111 (ALLEN) – This resolution would authorize the employment of Burch, Porter & Johnson, PLLC (BPJ) as Special Counsel to the Metropolitan Council and would further authorize compensation for services rendered.

The Council is authorized to conduct investigations pursuant to the Metro Charter Sec. 3.06. Sec. 8.607 of the Metro Charter provides that the Council may, by resolution, authorize the Vice Mayor to employ legal counsel who shall be paid compensation for services as the Council determines as reasonable. Resolution No. RS2018-1039 established a Special Committee to investigate the circumstances potentially related to former Mayor Megan Barry's admitted improprieties involving an employee of Metro to determine if there was improper use of public money and authorized the Special Committee to engage the services of outside legal professionals.

The resolution under consideration would authorize the hiring of BPJ to act as counsel to the Special Committee and Vice Mayor subject to conditions. The individual hourly rates for professional services provided by BPJ could not exceed \$395 and would not apply to travel time. BPJ would also be limited to spending 15 hours of billable time for this engagement,

unless the Special Committee expressly authorizes additional hours. BPJ would be required to undertake all necessary and standard precautions within the legal profession to prevent disclosure of information to those who may have a conflict of interest or who otherwise have contacts with the Metro Government. Invoices, statements, or billings for professional services would be submitted on a monthly basis to the Director of the Council Office and would be subject to approval by resolution of Council prior to payment.

The Council Office would note that, following pleas entered by then-Mayor Megan Barry and Sgt. Rob Forrest, BPJ has proposed that the services of their firm in this investigation be provided by a single member of the originally proposed team -- attorney Jennifer Hagerman. BPJ has further acknowledged their participation as co-counsel for plaintiffs in a personal injury lawsuit against the Metropolitan Government. However, the Council Office would not consider this claim to constitute a disqualifying conflict of interest.

RESOLUTION NO. RS2018-1112 (COOPER, GLOVER, & MENDES) – Substitute Resolution No. RS2018-1032, adopted February 6, 2018, appropriated \$17,141,000 for the benefit of the Hospital Authority and also established a strategic planning committee consisting of representatives of the Metro Council, the Metro Finance Department, the Metro Hospital Authority, and Nashville General Hospital.

On February 20, 2018, the Council adopted Resolution No. RS2018-1057, adding representatives from Meharry Medical College and Vanderbilt University Medical Center to the strategic planning committee.

This resolution would further expand the strategic planning committee to include a representative from Saint Thomas Health.

– ORDINANCES ON SECOND READING –

BILL NO. BL2018-1056 (ALLEN) – This ordinance would create a new section 6.28.030 of the Metropolitan Code of Laws to regulate online marketplaces that facilitate short term rental properties (STRPs). Online marketplaces in this context consist of internet-based digital platforms that provide marketing and compensation for operators of STRPs.

This legislation would define the terms “Online Marketplace” and “STRP Operator” and further establish standards for online marketplaces including requirements for listing STRPs. Online marketplaces would need to require a Metro permit number for each STRP-application prior to placing the property on the online marketplace site. The online listing would be required to expire at the same time as the STRP permit period and the permit would be required to be renewed prior to re-listing. Online marketplaces would further be required to remove a listing within 10 days after receipt of written notification from the Metropolitan Government that a STRP permit had been revoked, or that the STRP is operating without a permit.

The online marketplace would also be required to include a statement in its application information that operators and guests must abide by applicable zoning, noise, parking, trash, and public decency regulations and must also provide a link to the Metro Code of Laws and the website regarding permitting and operation of STRP.

The online marketplace would further be required to provide information regarding activity in the previous quarter by the 15th of the month following the end of each calendar quarter. The information would include:

- The total number of STRPs in each census tract listed on the online marketplace during the reporting period;
- By permit number, the number of days each STRP was rented during the reporting period and the rate at which the STRP was rented;
- Aggregated statistics regarding the total number of nights that STRPs on the platform were rented to guests;
- Aggregated statistics regarding the number of nights that STRPs on the online marketplace are booked for rental;
- Aggregated statistics regarding the STRP permit type for each listing; and
- The total amount of tax collected by the online marketplace (if any) and remitted to the city.

If enacted, this ordinance would take effect 60 days after passage.

The Council Office would note that the Tennessee General Assembly is currently considering legislation (HB 1020 / SB 1086) that may impact the ability of local governments to regulate short-term rental properties.

BILL NO. BL2018-1075 (MURPHY, BEDNE, & ELROD) – This ordinance would abandon existing sanitary sewer main and easements for property located at 4101 Ridgefield Drive.

Future amendments to this ordinance may be approved by resolution.

This has been approved by the Planning Commission.

BILL NO. BL2018-1111 (GLOVER) – This ordinance would amend the Metropolitan Code of Laws (MCL) to authorize the Board of Ethical Conduct to evaluate whether actions of government employees violated executive orders that regulate the standards of conduct of Metro employees.

The Code currently authorizes the Board of Ethical Conduct to evaluate alleged violations of the standards of conduct set forth in Section 2.222.020 of the MCL. The ordinance under consideration would expand that jurisdiction to include executive orders from the mayor.

Generally, executive orders are regarded as directives issued by the mayor that manage operations of the Metropolitan Government.

BILL NO. BL2018-1112 (VERCHER, BEDNE, & ROBERTS) – This ordinance would approve a lease agreement between Metro and Donelson Corporate Centre, L.P. for office space at 3055 Lebanon Road. This would be used to provide temporary office space for the Metro Nashville Police Department.

The Metro Nashville Police Department (MNPDP) currently occupies office space at the Donelson Corporate Centre through a separate sublease agreement. That sublease expires on May 22, 2018, but the new MNPDP headquarters will not be ready for move-in by that date. Completion of the new MNPDP headquarters was delayed due to building design changes. To avoid the higher expenses involved with moving twice, the Finance Department negotiated a lease with DCC for additional office space.

There are three portions of the premises that are to be leased by Metro. The term and rent of each is as follows:

- Suite 2103 would commence April 1, 2018 and expire April 15, 2019. The base rent would be \$8,132.58 per month
- Suite 2101 would commence May 23, 2018 and expire April 15, 2019. The base rent would be \$10,116.17 per month
- Suite 2300 would commence May 23, 2018 and expire July 31, 2018. The base rent would be \$41,300.33 per month

Additional rent would also be paid each month equal to Metro's percentage share of the operating expenses for each calendar year.

BL2018-1101 is a related bill, currently on third reading, that approves a sublease of office space on the third floor of the Donelson Corporate Centre building.

This agreement may be amended by Council resolution receiving at least twenty-one (21) affirmative votes.

Fiscal Note: The combined rental rate for all three suites would be \$59,549.08 per month in addition to Metro's share of the operating expenses.

BILL NO. BL2018-1113 (HURT, O'CONNELL, & OTHERS) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by changing the name of a portion of Charlotte Avenue to "Dr. M L King Jr. Boulevard".

If adopted, the change would apply to the portion of Charlotte Avenue running from its terminus at Third Avenue North to the overpass at Interstate 40 / George L. Davis Boulevard – a portion less than one (1) mile in length. The name change would not apply to the remainder of Charlotte Avenue or Charlotte Pike, a state route which continues approximately 12 miles to Highway 70.

This has been approved by the Planning Commission. The proposal is on the agenda of the March 15, 2018 meeting of the Emergency Communications Board. A recommendation from both, prior to third reading, is required under Section 13.08.015.D of the Metro Code of Laws (MCL).

Pursuant to the requirements of Section 13.08.015.B. of the MCL, the Metropolitan Historical Commission is required to provide a report to the Council prior to third reading stating the historical significance, if any, associated with the existing street name.

If adopted, this ordinance would not become effective until November 7, 2018 (thereby coinciding with anticipated letterhead changes required by a new gubernatorial administration.)

BILL NO. BL2018-1120 (HAGAR, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Hadley Road right-of-way.

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

– ORDINANCES ON THIRD READING –

BILL NO. BL2018-1101 (RHOTEN, VERCHER, & OTHERS) – This ordinance would authorize the Director of Public Property to enter into a Sublease Agreement and a Consent by Lessor to Sublease Agreement with Strive Collegiate Academy, Inc. (Strive) and Donelson Corporate Centre, L.P. (DCC) for temporary office space at 3055 Lebanon Pike.

The Metro Nashville Police Department (MNPd) currently occupies office space at the Donelson Corporate Centre through a separate sublease agreement. That sublease expires on May 22, 2018, but the new MNPd headquarters will not be ready for move-in by that date. (Completion of the new MNPd headquarters was delayed due to building design changes.) To avoid the higher expenses involved with moving twice, the Finance Department negotiated a sublease with Strive.

The term of this sublease would commence on the later of August 1, 2018 or on the date DCC executes the Master Landlord Consent to the Sublease Agreement (which has been executed and is attached to the ordinance as “Exhibit B”). The term would end on April 15, 2019. There would be no guaranteed right for Metro to renew the sublease. The base rental rate for this sublease would be \$41,300.33 per month. The overage rental rate would be \$58,823.53 per month. Metro would pay both the base rent and overage rent to Strive each month, for a total monthly rent of \$100,123.86.

This ordinance would also authorize the Director of Public Property to execute the Consent by Lessor to Sublease Agreement (also referred to as the “Master Landlord Consent”).

The sublease agreement contained in this ordinance pertains to office space on the third floor. BL2018-1112 is a related ordinance currently on second reading. That ordinance would approve a direct lease between Metro and the DCC for office space on the first floor.

This agreement may be amended by Council resolution receiving at least twenty-one (21) affirmative votes.

Fiscal Note: The base rental rate for this sublease would be \$41,300.33 per month. The overage rental rate would be \$58,823.53 per month. The total monthly rental rate would be the sum of the two, or \$100,123.86.

According to the Finance Department, this is a higher than market rental rate, but the purpose was to incentivize Strive to allow MNPd to use the space. Finance maintains that, even at this rate, this cost is lower than moving MNPd to another temporary location until the new headquarters are ready.

BILL NO. BL2018-1102 (VANREECE, VERCHER, & BEDNE) – This ordinance would declare a 5.46 acre parcel of real property located at 801 Old Due West Avenue surplus and authorize the Director of Public Property to convey that parcel to HTI Memorial Hospital Corporation for \$650,000.

Metro currently owns a 30.96-acre parcel of land at 801 Old Due West Avenue. This property is commonly known as the "Old Due West Landfill". Metro intends to divide this property into two tracts, Tract 1 with 5.46 acres and Tract 2 with the remaining 25.5 acres.

This ordinance would authorize the fee conveyance of Tract 1 to HTI Memorial Hospital Corporation, doing business as "TriStar Skyline Medical Center." Tract 1 would be sold together with all improvements and all rights and appurtenances pertaining to the land. The Deed would also contain a perpetual non-exclusive easement for stormwater drainage and a restriction the would prevent any building, improvement, tree, or landscaping located on Tract 1 from casting a shadow on the "Solar Property" located on the adjacent parcel, Tract 2.

Section 2.24.250.C of the Metropolitan Code of Laws allows the director of public property to sell surplus property with the approval of the Metro Council.

This has been approved by the Planning Commission.

Fiscal Note: The fair market sale price for this property has been determined to be \$650,000.

BILL NO. BL2018-1103 (O'CONNELL, BEDNE, & ELROD) – This ordinance would abandon existing sewer main and fire hydrants and accept new combination sewer mains, combination sewer manholes and fire hydrants for property located at 601 Commerce Street.

Future amendments to this ordinance may be approved by resolution.

This has been approved by the Planning Commission.

BILL NO. BL2018-1104 (O'CONNELL, BEDNE, & ELROD) – This ordinance would abandon existing water mains, sewer mains and easements and accept new water mains, sewer mains, sewer manholes, fire hydrants and any associated easements, for properties located along Commerce Street, Broadway, and Church Street.

Future amendments to this ordinance may be approved by resolution.

This has been approved by the Planning Commission.

BILL NO. BL2018-1105 (SLEDGE, BEDNE, & ELROD) – This ordinance would abandon existing water line and accept new water line and a fire hydrant for properties located at 161 and 165 Rains Avenue.

Future amendments to this ordinance may be approved by resolution.

This has been approved by the Planning Commission.

BILL NO. BL2018-1106 (ALLEN, BEDNE, & ELROD) – This ordinance would abandon existing water main and easements for property located at 2014 Bernard Circle.

Future amendments to this ordinance may be approved by resolution.

This has been approved by the Planning Commission.

BILL NO. BL2018-1107 (WEINER, BEDNE, & OTHERS) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Rodney Drive right-of-way.

The abandonment has been requested by Kimley-Horn.

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

BILL NO. BL2018-1108 (MURPHY, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Lenox Avenue right-of-way and easement.

The abandonment has been requested by Dale and Associates.

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

GRANTS AND DONATIONS LEGISLATION – MARCH 20, 2018

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2018-1048	From: Boulevard Bolt, Inc. To: Metropolitan Nashville Social Services Commission	\$8,000	\$0	N/A	The grant proceeds would be used to benefit the How's Nashville program to aid homelessness.
RS2018-1049	From: Dorothy Cate and Thomas F. Frist Foundation To: Metro Nashville Social Services Commission	\$10,000	\$0	N/A	The grant proceeds would be for the use and benefit of the Homelessness Commission in support of the How's Nashville Fund.
RS2018-1067	From: The Conservancy for the Parthenon and Centennial Park To: Metro Nashville Parks and Recreation Department	Not to exceed \$109,323.03	\$48,279.65	January 1, 2018 through December 31, 2018	<p>The proceeds from this Friends of Centennial Park and Parthenon Grant would be used to fund the full-time position of Ms. Sylvia Rapoport as President of "The Conservancy".</p> <p>This has been approved by the Metro Parks Board.</p>

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2018-1068	From: Friends of Warner Parks To: Metro Nashville Parks and Recreation Department	Not to exceed \$132,748	\$29,019.02	Begins January 1, 2018	The grant proceeds would be used to provide staffing for the Warner Parks Center, Nature Center support, and the S.W.E.A.T. Program for additional labor for summer maintenance.
RS2018-1084	From: Annie E. Casey Foundation To: Mayor's Office of Economic and Community Development	\$15,000	\$0	November 1, 2017 through October 31, 2018	The grant proceeds would be used to provide a culturally appropriate and significant community engagement plan and strategy for North Nashville's equitable economic development.
RS2018-1092	From: Tennessee Emergency Management Agency To: Metropolitan Water and Sewerage Services Department	\$496,506.60	\$55,167.40	N/A	This is an application for a Flood Mitigation Assistance Grant. If approved, the funds would be used to purchase and remove two houses that lie in a designated floodplain area.
RS2018-1093	From: Tennessee Emergency Management Agency To: Metropolitan Department of Water and Sewerage Services	\$382,392.75	\$54,627.75	N/A	This is an application for a Hazard Mitigation Grant. If approved, the funds would be used to purchase and remove two houses that lie in a designated floodplain area.

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2018-1097	From: Tennessee Historical Commission To: Metropolitan Nashville Historical Commission	Not to exceed \$5,000	\$3,333.33	April 1, 2018 through September 30, 2018	The grant proceeds would be used to send five representatives to the National Alliance of Preservation Commissions' Forum.
RS2018-1101	From: U.S. Department of Homeland Security To: Metropolitan Nashville Fire Department	\$477,555	\$47,755	N/A	This is an application for an Assistance to Firefighters Grant. If approved, the funds would be used to provide tactical rescue, hazmat monitoring equipment, and personal protective equipment for the Special Operations Division.
RS2018-1103	From: ExxonMobil Refining and Supply To: Metropolitan Nashville Fire Department	Not to exceed \$2,000	\$0	N/A	The grant proceeds would be used to provide assistance in purchasing or upgrading emergency response equipment.
RS2018-1104	From: Department of Safety and Homeland Security To: Metropolitan Nashville Police Department	\$399,999.64	\$0	October 1, 2016 through September 30, 2017	The grant proceeds would be used to undertake alcohol countermeasures highway safety projects to decrease the number of driving under the influence crashes.

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2018-1105	From: Greater Nashville Regional Council To: Metropolitan Social Services Commission	\$70,000	\$84,389	N/A	This is an application for a grant. If approved, the funds would be used to provide transportation services to eligible seniors and handicapped residents in Davidson County.
RS2018-1106	From: Greater Nashville Regional Council To: Metropolitan Social Services Commission	\$845,194	\$586,457	N/A	This is an application for a Nutrition Services Grant. If approved, the funds would be used to provide meals that meet RDA nutritional guidelines at congregate meal sites and meal delivery services to eligible seniors.