



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: June 5, 2018

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 5/30/18:

4% Reserve Fund	\$5,253,804*
Metro Self Insured Liability Claims	\$5,251,682
Judgments & Losses	\$2,518,687
Schools Self Insured Liability Claims	\$4,487,806
Self-Insured Property Loss Aggregate	\$8,010,426
Employee Blanket Bond Claims	\$675,673
Police Professional Liability Claims	\$2,274,400
Death Benefit	\$1,301,755

*This assumes unrealized estimated revenues in FY18 of \$3,967,802, and includes the appropriation in Resolution No. RS2018-1226 of \$500,000.

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

– ORDINANCES ON PUBLIC HEARING –

BILL NO. BL2018-1184 (VERCHER) – This ordinance is the operating budget of the Metropolitan Government for Fiscal Year 2019. The budget filed by the Mayor provides for the following proposed funding:

• General Services District General Fund	\$969,201,000
• General Services District Schools Fund	\$884,299,700
• General Services District General Debt Service Fund	\$131,705,100
• General Services District Schools Debt Service Fund	\$102,223,600
TOTAL GENERAL SERVICES DISTRICT BUDGET	\$2,087,429,400
• Urban Services District General Fund	\$123,013,900
• Urban Services District General Debt Service Fund	\$19,657,300
TOTAL URBAN SERVICES DISTRICT BUDGET	\$142,671,200
TOTAL OPERATING BUDGET	\$2,230,100,600¹

The substitute budget adopted by the Council for Fiscal Year 2018 totaled \$2,209,690,100. The mayor's proposed budget for Fiscal Year 2019 represents an overall increase of \$20,410,500 (0.92%).

The budget would appropriate a total of \$9,400,000 from the unreserved fund balances of the primary budgetary funds (compared to a total of \$75,249,600 in FY18). These amounts are as follows:

• General Services District General Fund	\$8,350,000
• Schools Debt Service Fund	\$550,000
• Urban Services District General Fund	\$500,000

¹ The budget ordinance shows a total operating budget of \$2,231,700,200, which is in error. In addition to adding the total of the six primary operating budget funds to determine a grand total for the budget, it is also necessary to identify transfers between any two of these funds. The totals of such transfers should be subtracted from the grand total. Otherwise, the same dollars are counted twice.

The budget total shown in the ordinance properly backed out the usual transfers, such as the transfer from Schools to the GSD General Fund for legal fees. However, there was an inadvertent omission of a new transfer for FY19. It should be noted that the total appropriations for each fund are not affected by this error. The only impact is upon the determination of the grand total.

Metro's established policy is to maintain a fund balance equal to or greater than 5% for each of the six budgetary funds, the GSD General Fund, USD General Fund, and General Purpose School Operations Fund, as well as the three related primary debt service funds. However, Metro has fallen below these fund balance minimums. The proposed operating budget does not restore the balances to the minimums per Metro policy. Only the Schools Debt Service Fund is projected to reach this level.

The mayor's proposed budget is projected to result in the following fund balance percentages by June 30, 2019:

- General Services District General Fund 4.0%
- General Services District Debt Service Fund 3.5%
- General Services District Schools Operations Fund 3.4%
- Schools Debt Service Fund 5.1%
- Urban Services District General Fund 4.0%
- Urban Services District Debt Service Fund 2.3%

The current property tax rate for the GSD is \$2.755 per \$100 of assessed value. The current rate for the USD is \$0.400, resulting in a combined rate of \$3.155. These rates would remain unchanged for FY19.

Metro faces an estimated \$34 million revenue shortfall in FY19, consisting of \$26 million in property tax revenues and \$8 million for BEP and all other revenue sources. In addition, supplemental appropriations in FY18 have reduced fund balances by \$20.6 million,

The proposed budget would include an increase of \$7,071,100 (GSD) and \$1,449,900 (USD) for pay plan improvements. The Civil Service Commission and the Council approved a three-year pay plan, beginning in FY18. (See, Resolution nos. RS2017-717 and -719). This plan called for all employees to receive a 3% across-the-board COLA increase, along with incremental increases for eligible employees and 3% increases for open-range employees. However, due to the revenue shortfalls, this is not included within the proposed operating budget.

While the proposed budget does not include across-the-board COLA increases, increments would still be given to eligible employees on their scheduled increment dates, along with 2.5% for open-range employees. As always, department heads retain the discretion to determine the actual raises to be given to each open-range employee. The purpose of this additional open-range funding is to provide the equivalent of a step increment for open-range employees who are otherwise ineligible for increments.

No increases in employee health insurance costs are projected. In addition, \$2.2 million is included in the budget for pensioner health benefit increases due to the anticipated increase in the number of pensioners.

Revenue growth in FY19 is projected to be \$87.8 million, including \$25 million for local option sales tax and \$15 million for property taxes. This growth would be partially offset by an anticipated decrease in grants and contributions of \$3.6 million. The proposed public property sale of \$38 million and securing an on-street parking vendor for outsourced parking services would account for an additional \$51.4 million.

This projected revenue growth would be offset by a reduction in the available fund balances of \$65.8 million, giving a balance of \$22 million available in net resources. The proposed budget would allocate this for the following uses:

- Metro employees and pensioners \$10.7 million
- Schools \$5 million
- General Hospital \$11.1 million
- Debt service (principal and interest) \$11.7 million
- Targeted departmental savings (\$11.5 million)
- Other savings (\$5 million)

It should be noted that the \$11.5 million in targeted departmental savings would be allocated by the Finance Department only after the budget is approved. It is expected that this would be similar to the savings targets provided to each department during the second half of this fiscal year.

The proposed budget provides a \$5 million increase (+0.6% over FY18) for Metro Schools, for a total operating budget of \$884,299,700. The Schools debt service budget would increase by \$9.4 million for a new total of \$103,823,200 (+10.0 % over FY18).

The Hospital Authority would receive a subsidy of \$46.1 million in the proposed budget for General Hospital. \$3.5 million would be appropriated in the budget for the contract with Signature for the management of the Bordeaux Nursing Home; and \$2 million would be appropriated for the contract with Anthem Care to manage the Knowles Assisted Living Facility.

There would also be increases for public safety. The Fire Department would receive an increase of \$2,870,800 (GSD + USD). The Police Department would receive an increase of \$6,579,200.

The Public Works Department would receive funding for additional services in newly annexed USD areas.

The FY19 budget would also include funding for youth-related initiatives and organizations providing community support. These include the following:

- Coordinated Pre-K Initiative \$400,000
- Youth Violence Initiatives \$250,000
- Black Chamber \$25,000
- Hispanic Chamber \$25,000

- Latino Chamber \$25,000
- LGBT Chamber \$25,000

The Barnes Fund for Affordable Housing would receive \$10 million as part of the continuing commitment for affordable housing and to help the homeless, subject to the sale of public property. This commitment would also include \$450,000 for the Housing Incentive Pilot Program.

Money is included in the proposed budget for opening the Smith Springs Community Center, Madison Community Center, and the Family Justice Center.

A substitute budget is anticipated that would increase GSD property taxes by \$0.50 per \$100 of assessed value. The proceeds from this increase would be used to restore the 3% across-the-board COLA pay plan for all employees, reverse the planned appropriation of unreserved fund balances, increase fund balances closer to the 5% of the operating budget as per Metro policy, provide full funding for schools, and eliminate the planned sale of surplus Metro property and outsourcing of Metro on-street parking services.

If approved, this would be the second year of the promised pay plan. In addition, the property tax should also allow the third year of the pay plan increase for FY20, but this would be subject to verification during preparation of the budget next year.

As the next order of business following adoption of the operating budget ordinance, the Urban Council must meet to approve a separate resolution to approve the property tax rate as proposed for the Urban Services District.

Per Rules 15 and 34 of the Metro Council Rules of Procedure, the budget ordinance is amendable on third reading. Per section 6.06 of the Metro Charter, the Council must adopt a substitute operating budget no later than June 30. Otherwise, the budget as originally submitted by the Mayor is adopted.

BILL NO. BL2018-1196 (VERCHER & BEDNE) – This ordinance would adopt the Capital Improvements Budget (CIB) for fiscal year 2018-2019 through 2023-2024. A listing of the CIB new projects for FY19, as well as removed and redirected projects -- organized by district -- was distributed to Council members on May 15, 2018. The CIB is a planning document and does not in itself appropriate any money. All capital projects must be provided for in this document before a capital improvement can be approved by the Council, except in the case of a public emergency.

The Charter requires the Council to adopt the CIB no later than June 15 of each year. The Council will hold an adjourned meeting on June 12, 2018, in order to approve the CIB on third reading prior to this June 15 Charter deadline.

The CIB is amendable on third and final reading.

Once adopted, any future amendments to the CIB would need to be approved by the Planning Commission, recommended by the Mayor, and then adopted by resolution of the Council receiving at least twenty-seven (27) affirmative votes.

– RESOLUTIONS –

RESOLUTION NO. RS2018-1180 (ROSENBERG) – This resolution would propose three 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 August 2, 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 by clarifying that the President Pro Tempore of the Metro Council would serve as mayor in the event the Vice Mayor is unable or unwilling to serve and that the Deputy President Pro Tempore would serve as Mayor if the President Pro Tempore is unable or unwilling to serve. Further, this 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.
- The second 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. Instead of traditional runoff elections, 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. As drafted, the structure of this amendment would require that the first amendment be adopted.
- The third amendment would establish the positions of President Pro Tempore and Deputy President Pro Tempore of the Metro Council within the Charter. (Currently, these positions exist only as designations within the Council's Rules of Procedure.) It would also revise the line of succession for the Office of Vice Mayor by clarifying that the President Pro Tempore would serve in the absence of the Vice Mayor and that the

Deputy President Pro Tempore would serve in the absence of the President Pro Tempore.

RESOLUTION NO. RS2018-1186 (BLALOCK) – This resolution would approve an exemption for La Cocina Dominica, located at 4407 Nolensville Pike, from the minimum distance requirements for obtaining a beer permit.

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.

Pursuant to Section 7.08.090(E), a public hearing was held by the Council on May 15, 2018.

RESOLUTION NO. RS2018-1223 (SLEDGE, ALLEN, & OTHERS) – Ordinance No. BL2016-342 created a mechanism for grants to be appropriated to qualifying developers that construct and convert market-based rental units into affordable or workforce rental units. This mechanism is codified in Chapter 2.213 of the Metro Code of Laws.

On December 23, 2017, the Metropolitan Housing Trust Fund Commission issued a request for applications to qualified organizations to participate in the Housing Incentives Pilot Program. The Metropolitan Housing Trust Fund Commission made recommendations to the Housing Trust Fund Commission, which have been accepted.

This resolution would authorize the Metropolitan Housing Trust Fund Commission to enter into a grant contract with three organizations for the amounts specified below. This resolution would appropriate \$248,453 from the Housing Incentives Pilot Program to fund grants to three development and ownership organizations as follows:

- ECG Belcourt, LLC - \$40,188
- Ellis Real Estate Partners - \$12,852
- Pine Street Flats, LLC - \$195,413

Fiscal Note: This would reduce the balance of the Barnes Fund by \$248,453.

RESOLUTION NO. RS2018-1224 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1225 (VERCHER, ALLEN, & O'CONNELL) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1226 (VERCHER & MURPHY) – This resolution would appropriate \$500,000 from the General Fund Reserve Fund (4% Fund) to the Metropolitan Public Works Department for a salt bin.

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

Fiscal Note: The balance in the General Fund Reserve Fund prior to the appropriation in this resolution is \$5,753,804. This includes projected unrealized revenue for FY18 in the amount of \$3,967,802. After this appropriation of \$500,000, the projected remaining balance would be \$5,253,804.

RESOLUTION NO. RS2018-1227 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Megan Bookout against the Metropolitan Government in the amount of \$7,500.

On November 14, 2017, four vehicles were involved in an accident caused by an officer of the Metropolitan Nashville Police Department. One police vehicle struck another police vehicle which was pushed into the rear of another vehicle causing that vehicle to strike Ms. Bookout's stopped vehicle. Ms. Bookout's vehicle sustained damage to the rear and that property damage claim was previously settled for \$364.48.

Ms. Bookout sought treatment for neck and lower back pain. She was diagnosed with cervical and back strain and sought chiropractic treatment. Ms. Bookout has agreed to accept a total of \$7,500 in full settlement of this case, based upon \$5,562.64 for reimbursement of her medical expenses plus \$1,937.36 for pain and suffering.

The Department of Law recommends settlement of this claim for \$7,500.

Disciplinary action against the employee consisted of a suspension of two (2) days.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$7,500.

RESOLUTION NO. RS2018-1228 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Kemonte Buford against the Metropolitan Government in the amount of \$20,000.

On February 9, 2014, Mr. Buford was a passenger in a vehicle traveling westbound on Elm Hill Pike. His vehicle entered the intersection of Elm Hill and McGavock Pike facing a flashing yellow light. At the same time, a Metro police officer was initiating a left turn from McGavock Pike onto Elm Hill Pike from a flashing red light. The officer's police cruiser struck Mr. Buford's vehicle in the intersection and that vehicle was totaled.

Mr. Buford sought treatment for cervical strain, right shoulder strain and thoracic back strain. He has agreed to accept a total of \$20,000 in full settlement of this case, based upon \$11,808 for reimbursement of his medical expenses plus \$8,192 for pain and suffering.

Negligence operation of a motor vehicle by a Metro employee acting within the course and scope of their employment can result in the negligence being imputed to Metro. (See Tenn. Code Ann. § 29-20-202.) The Department of Law recommends settlement of this claim for \$20,000.

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

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$20,000.

RESOLUTION NO. RS2018-1229 (VERCHER) – This resolution would authorize the Department of Law to settle the property claim of Zakia Smith against the Metropolitan Government in the amount of \$15,548.62.

A sewage backup occurred inside Ms. Smith's home, leading to the discovery that the sewer service line was sloping in the wrong direction. The interior of Ms. Smith's home was severely damaged from the sewage backup. All water pipes in the house, the bathroom sink and drain system, the galvanized water lines, the wall behind the kitchen cabinets, and the rubber boot on the roof were replaced. The flood under the toilet and the wall behind the tub were repaired. The clogged sewer service line was replaced and rerouted away from the home in March 2018. Grass seed, fertilizer, and top soil were ordered for the yard to restore it to its original condition in March 2018.

Ms. Smith has agreed to accept a total of \$15,548.62 in full settlement of this case, based upon reimbursement for \$15,323.62 for handyman services and \$225 for lawn care services.

The Department of Law recommends settlement of this claim for \$15,548.62.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$15,548.62.

RESOLUTION NO. RS2018-1230 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1231 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1232 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1233 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1234 (GILMORE) – This resolution would approve a professional provider agreement between the Metropolitan Board of Health and BlueCross BlueShield of Tennessee, Inc. (BCBST).

Pursuant to this agreement, the Metro Public Health Department would become an in-network provider with BCBST members, meaning Public Health could provide healthcare services to individuals eligible to receive covered services under a BCBST benefit plan. Public Health would agree to participate in BCBST's Blue Network P and Blue Network S.

The term of this agreement is three (3) years, with the option to renew for successive periods of one (1) year, up to a total term of five (5) years. Neither party could terminate the agreement without cause during the initial three (3) year term of the agreement, but either party could terminate without cause upon 120 days written notice after the first three (3) years.

Fiscal Note: The Metro Public Health Department does not anticipate any personnel impacts from the proposed agreement. They estimate the additional revenue generated would be approximately \$20,000 per year.

RESOLUTION NO. RS2018-1235 (VERCHER & RHOTEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1236 (VERCHER, RHOTEN, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1237 (VERCHER & WITHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1238 (DOWELL, BEDNE, & OTHERS) – This resolution would amend a participation agreement between the Metropolitan Department of Public Works and Century Farms LLC for construction of access roads connecting Cane Ridge Road and Old Franklin Road to the I-24 Interchange at Hickory Hollow Parkway.

Resolution No. RS2017-776 approved an intergovernmental agreement with TDOT where Metro agreed to cover 100% of the cost of the Preliminary Engineering phases of NEPA and Design at \$65,000 and \$1,940,000, respectively; right-of-way cost at \$1,000; and TDOT agreed to cover 100% of the estimated cost of construction at \$20,880,000. Ordinance No. BL2017-746, approved a participation agreement between Metro and Century Farms, LLC, for the shared cost of design and local roads that will connect to the interchange project at \$24,000,000, where Century Farms will pay \$12,000,000 and Metro will pay \$12,000,000. Pursuant to BL2017-746, an amendment to the ordinance could be approved by resolution.

TDOT has reviewed the estimated construction cost and determined, due to inflation and the rising cost of construction materials, the current estimate to construct the interchange is \$38,000,000. TDOT has a funding cap of \$25,700,000, which includes a 90% federal match and 10% state match. TDOT has asked Metro to provide \$12,300,000. Metro will receive \$11,070,000 of federal funds from the Nashville Area Metropolitan Planning Organization. Metro and Century Farms have agreed to split the remaining cost of \$1,230,000. Century Farms has agreed to pay TDOT directly for their share, \$615,000.

The resolution under consideration would amend the participation agreement between Metro and Century Farms to reflect the increased estimated construction cost and Century Farm's agreement to pay TDOT directly for their share of the additional construction costs, \$615,000. A related resolution addressing Metro's agreement with TDOT, Resolution No. RS2018-1241, is also being considered on this agenda.

Fiscal Note: TDOT has asked Metro to provide \$12,300,000. Metro would receive \$11,070,000 of federal funds from the Nashville Area Metropolitan Planning Organization. Metro and Century Farms have agreed to split the remaining \$1,230,000. Century Farms would pay \$615,000 directly to TDOT for their share. Metro would pay the remaining \$615,000.

RESOLUTION NO. RS2018-1239 (BEDNE & ELROD) – This resolution would approve and authorize the execution and acceptance of an easement agreement with the State of Tennessee conveying easements for sidewalks, bus stops, traffic signalization, and drainage to the Metropolitan Government and the Metropolitan Transit Authority (MTA) for use in the Transit Signal Priority System Project along Murfreesboro Pike.

The State of Tennessee owns property along the Murfreesboro Pike corridor and easements are needed along this property for use in the Transit Signal Priority System Project. Pursuant to the easement agreement, the State would grant to Metro sidewalk, bus stop, and drainage easements. The State would also grant Metro a temporary construction easement for a period of three (3) years. MTA would be responsible for the maintenance of the bus stop and any improvements related to the bus stop located in the easement area. Metro would be responsible for the maintenance of the sidewalk.

Interlocal agreements with other governmental entities can be approved by resolution pursuant to Tenn. Code Ann. § 12-9-104.

Fiscal Note: Metro would pay a nominal amount of \$10 to the state for these easements.

RESOLUTION NO. RS2018-1240 (VERCHER & ELROD) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2018-1241 (DOWELL, VERCHER, & OTHERS) – This resolution would amend an intergovernmental agreement by and between the Tennessee Department of Transportation (TDOT) and the Metropolitan Department of Public Works. The Metropolitan Government is authorized to approve an intergovernmental agreement with TDOT by resolution. (Tenn. Code Ann. § 12-9-104.)

Resolution No. RS2017-776 approved an intergovernmental agreement with TDOT where Metro agreed to cover 100% of the cost of the Preliminary Engineering phases of NEPA and Design at \$65,000 and \$1,940,000, respectively; right-of-way cost at \$1,000; and TDOT agreed to cover 100% of the estimated cost of construction at \$20,880,000. Ordinance No. BL2017-746, approved a participation agreement between Metro and Century Farms, LLC, for the shared cost of design and local roads that will connect to the interchange project at \$24,000,000, where Century Farms will pay \$12,000,000 and Metro will pay \$12,000,000.

TDOT has reviewed the estimated construction cost and determined, due to inflation and the rising cost of construction materials, the current estimate to construct the interchange is \$38,000,000. TDOT has a funding cap of \$25,700,000, which includes a 90% federal match and 10% state match. TDOT has asked Metro to provide \$12,300,000. Metro will receive \$11,070,000 of federal funds from the Nashville Area Metropolitan Planning Organization. Metro

and Century Farms have agreed to split the remaining \$1,230,000. Century Farms will pay TDOT directly for their share, \$615,000.

The resolution under consideration would reflect Metro's responsibility to TDOT under these new terms. A related resolution addressing Century Farms' agreement, Resolution No. RS2018-1238, is also being considered on this agenda.

Fiscal Note: TDOT has asked Metro to provide \$12,300,000. Metro would receive \$11,070,000 of federal funds from the Nashville Area Metropolitan Planning Organization. Metro and Century Farms have agreed to split the remaining \$1,230,000. Century Farms would pay \$615,000 directly to TDOT for their share. Metro would pay the remaining \$615,000.

– ORDINANCES ON SECOND READING –

BILL NO. BL2018-1139 (SYRACUSE) – This ordinance 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. However, this ordinance and the related plan are centered around the RTA Donelson Station located at 2705 Donelson Pike can be adopted independent of the failed transit improvement program.

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 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, designated by MDHA, 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. Resolution No. RS2018-1109, adopted by Council March 20, 2018, scheduled the public hearing for April 17, 2018. The 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 to add provisions to the ordinance and/or underlying Plan that address:

- Clarification that a minimum of \$10 million of TIF financing would be dedicated to affordable housing, defined as 0%-60% AMI;
- Projects with residential components that apply for TIF financing would be required to allocate 10% of residential units to affordable housing, even if declared minimum amounts for affordable housing have been met;
- The minimum period of affordability for residential units would be 15 years or the duration of the TIF financing loan, whichever is greater;
- Amendments to the Plan could be initiated by either MDHA or the Metro Council (by ordinance), subject to the other’s approval; though no Plan changes would be permitted that would adversely affect not yet developed land sold or leased by MDHA except with consent of the owners or parties to the sales contract;
- Recently revised requirements within Metro Code of Laws §§ 5.06.020, 5.06.050 and 5.06.060 regarding economic development districts would 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;
- 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;
- Clarification that the "Review Process" portion of the Plan is intended to be temporary and could be replaced by the Metropolitan Council by Resolution;

- Clarification that no incremental tax revenues for property in the project area could be pledged as collateral for, or support payment of, a loan or other debt obligation related to a project outside the project area;
- Clarification that land uses are per the base zoning except for the conditional and prohibited uses stated in the Plan, with the more restrictive controls applying; and
- Various housekeeping revisions, changes to the Plan date, and various formatting changes, including clarification of the distance of 1,320 feet from either side of Lebanon Road.

The public hearing was held on May 15, 2018. Planning Commission consideration was deferred at their May 24, 2018, meeting.

It is anticipated that the sponsor will offer a substitute ordinance.

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).

It is considered to be necessary to induce investment through available economic development tools. The activities of MDHA would make the area conducive to new private development, resulting in increased tax revenues for Metro. The \$30,000,000 (thirty million dollars) provided for by the plan would require approximately 30% (thirty percent) of the projected net new property tax revenues generated by the project area if development can be induced.

MDHA now plans to commit \$10,000,000 (ten million dollars) of tax increment financing to 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.

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. BL2018-1157 (SYRACUSE) – This ordinance would amend Chapter 15.64 and Section 17.28.040 of the Metropolitan Code of Laws to establish and preserve a fifty foot (50') floodway buffer along the Cumberland River. (Under the Metro Code, a “floodway” consists of the portion of a stream channel, as well as the portion of the flat or lowland area adjoining it, required for the passage or conveyance of a 100-year flood discharge.)

This ordinance would create a fifty foot (50') buffer measured from the floodway along the Cumberland River. No new residential structure could be built within this buffer and no variances could be granted from this requirement. Existing structures within the floodway buffer could be maintained and repaired, but not enlarged or expanded beyond their existing building footprint.

This ordinance is scheduled to be considered by the Planning Commission on May 24, 2018. Per Section 18.02 of the Metro Charter, ordinances revising or changing zoning regulations shall not be passed on second reading until the recommendation of the Planning Commission has been received or thirty (30) days have elapsed without such recommendation.

It is anticipated that the sponsor will offer a substitute ordinance.

BILL NO. BL2018-1172 (HURT, SYRACUSE, & VERCHER) – This ordinance would amend Section 5.12.130 of the Metropolitan Code of Laws regarding the Event and Marketing Fund. The additional language comes directly from the state statute that governs the Event and Marketing Fund, Tennessee Code Annotated § 7-4-202. These requirements were already present in state law and no new requirements are added by this ordinance.

An amendment added at the May 15 Council meeting replaces all references to the “Nashville Convention & Visitors Bureau” with the updated “Nashville Convention & Visitors Corporation.”

BILL NO. BL2018-1185 (VERCHER) – This ordinance would adopt the property tax levy for FY19. The Metropolitan Charter provides in Section 6.07 that the Council’s next order of business upon adopting the annual operating budget is to adopt a tax levy that fully funds that budget.

The property tax rate proposed by the Mayor is the same as the current tax rate, which is \$2.755 per \$100 of assessed value in the General Services District (GSD) and \$0.400 per \$100 of assessed value in the Urban Services District (USD), for a total tax rate of \$3.155 in the USD. This tax levy rate is projected to be sufficient to fully fund the FY19 operating budget.

An amendment to the Charter approved by the voters in 2006 provides that the tax rates cannot be increased above their 2006 levels unless approved by the voters at a referendum election. The 2006 property tax levy was \$4.040 in the GSD and \$0.650 in the USD for a total combined tax levy of \$4.690.

If the anticipated substitute budget ordinance with a \$0.50 property tax increase is ultimately adopted, it would be necessary to amend this ordinance to approve the revised property tax rates.

The tax levy is amendable on third reading.

BILL NO. BL2018-1186 (VERCHER, SYRACUSE, & OTHERS) – This ordinance establishes the property tax relief program for low-income elderly residents of the Metropolitan Government for FY19. This is essentially an extension of an existing tax relief program that has been in existence for many years.

Tennessee Code Annotated § 5-9-112 authorizes county legislative bodies to appropriate funds for the purpose of providing assistance to low-income elderly residents in the county on an annual basis, based on the particular needs of eligible recipients. The county legislative body is also authorized to develop guidelines for eligibility. Additionally, Tennessee Code Annotated § 67-5-702 provides that the general funds of the state shall be paid to certain low-income taxpayers sixty-five (65) years of age or older necessary to pay or reimburse such taxpayers for all or part of their local property taxes. For many years, Metro has provided a double match of the state funds for the program. \$3,900,000 has been included in the proposed FY19 operating budget in the Property Tax Relief Program Account.

This ordinance would direct the Metropolitan Trustee to disburse funds to eligible taxpayers and further authorizes the Trustee to establish rules and procedures for implementation of the program. All persons who qualify for the state property tax relief program and whose income does not exceed \$29,270 annually will qualify for this program. Because this budgetary appropriation is non-recurring, this program would expire on June 30, 2019.

Fiscal Note: The FY19 operating budget includes \$3,900,000 for the property tax relief program for the elderly, which is the same as the appropriation for FY18.

BILL NO. BL2018-1187 (VERCHER) – This ordinance would codify the fee schedule for operational permits issued by the Fire Marshal's Office. The Metropolitan Code of Laws Section 10.64.010 notes that the Metropolitan Government has adopted the 2012 International Fire Code, which authorizes an agency to issue operation permits and charge fees to offset the cost of providing inspections and other services.

The fee schedule would be as follows:

- Pyrotechnic, Flame Effect, or Fireworks Display Permit - \$175 per show
- Tent(s) Permit - \$25
- Liquefied Petroleum Permit - \$25

- Special Events Permit (for events requiring fire inspectors, as determined by the Fire Marshal) - \$50 per hour based on the estimated duration of the event
- Mobile Food Vendor Propane Permit - \$25

This fee schedule could be amended by resolution adopted by the Council.

Fiscal Note: This ordinance simply codifies the fee schedule currently in effect with the Fire Marshal's Office.

BILL NO. BL2018-1188 (COOPER & VERCHER) – This ordinance would establish a committee system to review high-value real property transactions.

This ordinance would require Request for Quotation (RFQ) awards and leases, sales, and exchanges involving over \$2,000,000 of Metro-owned property to be evaluated by a committee and the Metropolitan Council. The Director of Public Property, with the Procurement Division and Department of Finance, would determine the need for an RFQ, lease, sale, or exchange of property and cause an evaluation committee to be created. The Director of Finance would determine whether the property meets the value threshold, in consultation with private appraisers and/or the Davidson County Assessor of Property.

The evaluation committee would be comprised of one member from the Metropolitan Planning Commission, the Metropolitan Historical Commission, and the Board of Parks and Recreation Department, as selected by the chairpersons of those commissions. The mayor would select one (1) licensed architect or landscape architect in good standing and in active practice for more than 10 years and one (1) business and finance professional in good standing with more than 10 years' experience. No architect or business professional selected for the committee could have an active business relationship with any of the applicants within 5 years prior to the award being made, nor could any architect or business professional have received a consulting fee, retainer, or payment from Metro within 5 years prior to the award being made. No employee of Metro could be a voting member of the evaluation committee, but the Director of Finance, or his or her designee, could serve as an ex-officio member to facilitate the committee's work.

The evaluation committee would submit a recommendation to the Metro Council regarding the appropriate recipients of the RFQ award, lease, sale, or exchange. The committee could make a recommendation of no recommendation. Upon a position recommendation, the Council could approve the transaction by ordinance or refer the recommendation to the Planning Commission, Historical Commission and/or Board of Parks and Recreation. The Council could not approve a transaction without recommended approval of the evaluation committee. The criteria used to evaluate an applicant's proposal would be determined by the evaluation committee and would include a specific valuation of the total financial compensation offered under each proposal, and the valuation of that total compensation shall be based on the fair market value and be clearly stated by the committee in its final recommendation to the Council. The evaluation committee's work would be required to be made public to the fullest extent permitted by law.

BILL NO. BL2018-1189 (S. DAVIS & HURT) – This ordinance would amend the Procurement Non-Discrimination Program (the Program) in Chapter 4.46 of the Procurement Code.

Under the current Metro Code of Laws Sec. 4.46.080, Bidders for Metro contracts are required to make certain “good faith efforts” in the procurement process, such as include Minority and Women Owned Business Enterprises (MWBEs) in the procurement process, not discriminate or deny opportunities based on race, ethnicity or gender, and keep records of solicitations, advertisements, and other relevant papers required by the Non-Discrimination Program or Sec. 4.12.180. Bidders are also required to demonstrate these good faith efforts by actions such as attending informational meetings to update vendors or subcontractors on opportunities, dividing contracts into segments that could be performed by a MWBE, providing a non-discriminatory work site, soliciting specific individual MWBEs, and providing reasonable assistance to MWBEs in need of equipment, supplies, bonding, letters of credit and/or insurance, among other actions.

This ordinance proposes a new Sec. 4.46.080, which would require evidence of good faith, including a detailed description of techniques used to obtain the maximum participation of MWBEs. This includes the following:

1. Segmenting the totality of the work into two or more smaller portions where feasible and can be accomplished in accordance with common and accepted industry practices relating to the utilization of sub-contractors;
2. Attending pre-solicitation, pre-bid and other conferences and forums that allow interested minority and women owned firms to market their goods and services;
3. Sending letters/emails and other direct communication to minority and women owned firms;
4. Advertising in publications in general circulation, as well as those directed to specific trades or marketed to small businesses, and those owned by racial minorities and women;
5. Providing reasonable assistance with bonding, insurance and technical matters;
6. Cooperating with Metro Government in administration and monitoring of compliance with its non-discrimination policies;
7. Allowing minority sub-contractors to participate in any upgrade, change order or contract extension associated with the original sub-contracting agreement;
8. Reaching out only to firms that have expertise in the business segment that is required for the bid;
9. Paying sub-contractors within net 15 -30 days of work completed; and
10. Good Faith effort contacts shall be made at least 10 business days prior to the bid closing.

Current Metro Code of Laws Sec. 4.46.100 contains sanctions and penalties for non-compliance with the Program. The Office of Minority and Women Business Assistance (BAO) recommends appropriate mechanisms to enforce the Program to the Purchasing Agent. Failure of a Bidder or Participant to comply with the Program can be grounds for suspension or debarment by the Purchasing Agent. The Purchasing Agent is directed to consider certain factors when determining appropriate sanctions for a Bidder or Participant.

The proposed Sec. 4.46.100 would move enforcement of the Program from the Purchasing Agent to the BAO and require that adequate staff be provided to perform the functions of the BAO. Failure of a Bidder or Participant to comply with the Program would subject the party to sanction, such as cancellation of the contract, rejection of future bids, and debarment. The BAO would be authorized to reject any bid without MWBE participation, unless the Bidder could provide evidence of non-availability of a MWBE within the Nashville MSA. The BAO and/or the Purchasing Agent would be required to contact each MWBE identified on the Bidder's submission to ensure the MWBE contractor has experience in the appropriate subject matter or industry and has engaged in a good faith discussion with the Bidder. Finally, Purchasing would be required to allow MWBEs use of third party financing vehicles, such as joint/shared purchase orders for the contract awarded or project undertaken.

It should be noted that Metro Legal has concerns that this ordinance may contain unconstitutional race and gender based preferences and is inconsistent with the current framework of the Procurement Non-Discrimination Program.

Fiscal Note: The ordinance includes a provision that the Business Assistance Office (BAO) shall have the authority and power to enforce these provisions and shall be provided with adequate staff resources to perform all of the necessary functions. The BAO currently has a staff of 6 full-time employees within the Procurement Division of the Finance Department. This current staffing and operational budget should be sufficient to implement the requirements for this program.

BILL NO. BL2018-1190 (O'CONNELL, ALLEN, & SYRACUSE) – This ordinance would amend Chapter 12.44 of the Metropolitan Code of Laws to provide free parking at public parking meters in Davidson County for environmentally friendly vehicles and for vehicle owners that purchase carbon offsets.

The under consideration ordinance would redefine “clean technology vehicle” by removing the current definition and instead defines electric vehicles, hybrid vehicles, and flexible-fuel vehicles as different types of clean technology vehicles. The program would be extended from the current boundaries of the Downtown Central Business Improvement District and would instead apply county-wide.

In addition, the stickers issued both for free metered parking for clean technology vehicles and owners that purchase carbon offsets would be valid for three years, instead of one year under the current Metro Code. The \$10 fee associated with these stickers would also be collected every three years, instead of one year. This ordinance would also remove references to the “sunset provision” present in the Metro Code section governing this program. This program was originally set to sunset pursuant to the chapter on June 30, 2013, but was extended by Resolution No. RS2013-743.

Fiscal Note: There is likely to be some revenue reduction in changing the term of these stickers from one year to three. However, it is likely to be offset to some degree by greater acceptance due to the lower effective rate. A projection of the resulting net revenue change has not yet been made.

BILL NO. BL2018-1191 (O'CONNELL, BEDNE, & ELROD) – This ordinance would authorize Nashville Symphony Association to install, construct, and maintain underground and structural encroachments in the right-of-way located at 1 Symphony Place. These would consist of an entry canopy, below grade electrical vault and a patio dining area encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

BILL NO. BL2018-1192 (PULLEY, 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 Belmont Park Terrace Sidewalk Improvements, between Lone Oak Road and Arden Place.

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. BL2018-1193 (ROSENBERG, 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 Belle Forest Circle Sidewalk Improvements, between Highway 70 South and Old Hickory 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. BL2018-1194 (KINDALL, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain easements and property rights by negotiation or condemnation for use in public projects, initially for 23rd Avenue North Sidewalk Improvements, between Buchanan Street and Cass Street.

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.

– ORDINANCES ON THIRD READING –

BILL NO. BL2018-1171 (GLOVER, MENDES, & SWOPE) – This ordinance would amend Sec. 5.04.065 of the Metropolitan Code of Laws, recently established by Ordinance No. BL2018-1123. BL2018-1123 required memorialization and approval of internal agreements between departments, boards, commissions or agencies of the Metropolitan Government valued in excess of \$500,000.

The ordinance currently under consideration would clarify that multiple allocations of funds for a single project that have a cumulative value of \$500,000 would also require memorialization and approval by Council. This requirement would not apply if separate allocations for a single project are made more than twenty-four (24) months apart. The term “project” would be construed broadly to include all projects and parts of projects that are reasonably related.

BILL NO. BL2018-1174 (S. DAVIS, VERCHER & OTHERS) – This ordinance would approve an agreement between the Metropolitan Government and Monroe Development Partners LLC (Monroe) concerning the design of public infrastructure improvements for an area north of Jefferson Street and east of the Cumberland River, known as River North.

Work would include a pedestrian bridge, an internal road network for Phase I of the project, and design of the Jefferson Street and Cowan Street intersection. All work would be completed within 24 months of the date of the agreement. The estimated cost of the work is \$4,400,000. Pursuant to the participation agreement, Metro would agree to reimburse Monroe for this work.

Fiscal Note: Funds for this project were appropriated as part of the FY18 Capital Spending Plan per Resolution No. RS2017-963.

BILL NO. BL2018-1175 (DOWELL, VERCHER, & OTHERS) – This ordinance would approve two related agreements for properties related to a Metro Park project.

The first is an option agreement for Metro to purchase from Mary Sue Clark an approximately 64-acre tract located at 12900 Old Hickory Boulevard (the “Clark Tract”). The Clark Tract is largely surrounded by Metro Park property and would assist in development of the Metro Park property for public use. Metro would pay \$2,877,000 for the Clark Tract.

Second, this ordinance would approve an agreement to sell to Wirtgen America, Inc. an approximately 19-acre parcel of real property near the northwest corner of the Metro Park property (the “Wirtgen Tract”). Metro would grant Wirtgen an access easement and obtain a right-of-way easement across the Wirtgen Tract to allow the public to access the Metro Park property from Crossings Boulevard. Proceeds from the sale of the Wirtgen Tract would assist in offsetting the cost of acquiring the Clark Tract. Metro would receive \$1,064,000 from Wirtgen for the Wirtgen Tract.

This has been approved by the Planning Commission.

Fiscal Note: The net cost to Metro as a result of these two transactions would be \$1,813,000.

BILL NO. BL2018-1176 (O'CONNELL, BEDNE, & ELROD) – This ordinance would amend Ordinance No. BL2018-1079 to remove all references to Shaub Construction Company, Inc. and to instead authorize Magellan Property Management, LLC to install, construct, and maintain underground and structural encroachments in the right-of-way located at 205 Demonbreun Street.

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

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

BILL NO. BL2018-1177 (WITHERS, BEDNE, & ELROD) – This ordinance would abandon existing sanitary sewer and water mains and easements and accept new water main, a fire hydrant and easements for property located at 701 South 7th Street.

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

BILL NO. BL2018-1178 (O'CONNELL, BEDNE, & ELROD) – This ordinance would abandon existing easement rights, retained by Ordinance No. BL2016-131, for property located at 401 Korean Veterans Boulevard between 4th Avenue South and Alley #68. The abandonment has been requested by Barge Design Solutions, on behalf of the owner.

This has been approved by the Planning Commission.

BILL NO. BL2018-1179 (M. JOHNSON, BEDNE, & ELROD) – This ordinance would authorize the acquisition of certain permanent and temporary easements by negotiation for the Hickory Valley Road Stormwater Improvement Project for two (2) properties located at 6005 Hickory Valley Road and 418 West Hillwood Drive.

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

Fiscal Note: The final price for these easements has not yet been determined.

BILL NO. BL2018-1180 (SLEDGE, BEDNE, & ELROD) – This ordinance would abandon existing sewer mains and easements and accept new sanitary sewer main, sanitary sewer manholes and easements for properties located at 425 Chestnut Street, 1201 Brown Street, and 500 and 510 Houston Street.

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

BILL NO. BL2018-1181 (HAYWOOD) – This ordinance would readopt the Metropolitan Code prepared by Municipal Code Corporation (MCC) to include supplemental and replacement pages for ordinances enacted on or before January 29, 2018.

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

GRANTS LEGISLATION – JUNE 5, 2018

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2018-1224	<p>From: Tennessee Department of Children's Services</p> <p>To: Davidson County Juvenile Court</p>	Not to exceed \$868,666.00	\$0	July 1, 2018 through June 30, 2020	The grant proceeds would be used to provide community-based case management and probation services to children at high risk of state custody.
RS2018-1225	<p>From: Nashville Convention and Visitors Corporation</p> <p>To: Metropolitan Government of Nashville and Davidson County</p>	\$150,000.00	\$0	N/A	The grant proceeds would be used to help offset special event expenses to cover security and traffic control for the Nashville Predators Watch Parties, assistance with the Davis Cup, and CMA Music Fest.
RS2018-1230	<p>From: The March of Dimes Foundation</p> <p>To: Metropolitan Board of Health</p>	Not to exceed \$25,000.00	\$0	May 1, 2018 through March 31, 2019	The proceeds from this One Key Question Grant would be used to promote increasing preconception and interconception education for women of childbearing age in Davidson County.

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2018-1231	From: Tennessee Department of Health To: Metropolitan Board of Health	Not to exceed \$98,500.00	\$0	October 1, 2018 through September 30, 2019	The grant proceeds would be used to provide food safety services including restaurant inspections, foodborne illness complaints, investigations, and environmental health specialist network assessments.
RS2018-1232	From: U.S. Environmental Protection Agency To: Metropolitan Board of Health	Increase of \$52,917.00	N/A	N/A	This amendment A to the grant approved by RS2015-1355 would increase the amount of the grant from \$1,384,155 to \$1,437,072. The grant proceeds would be used to fund an ongoing program to protect air quality to achieve established ambient air standards and protect human health.
RS2018-1233	From: U.S. Environmental Protection Agency To: Metropolitan Board of Health	Increase of \$50,952.00	N/A	Extend end date to March 31, 2020	This fourth amendment to the grant approved by RS2015-1525 would increase the amount of the grant from \$388,809 to \$439,761. The amendment would also extend the end date to March 31, 2020. The grant proceeds would be used for the ongoing collection of data on ambient air concentrations of 2.5 fine particulate matter in Nashville.

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2018-1235	<p>From: Second Harvest Food Bank of Middle Tennessee</p> <p>To: Metropolitan Nashville Parks and Recreation Department</p>	Estimated \$20,000.00	\$0	N/A	The grant proceeds would be used to provide kitchen equipment for the Metro Parks After School Meals Program.
RS2018-1236	<p>From: Tennessee Department of Transportation</p> <p>To: Metropolitan Nashville Parks and Recreation Department</p>	N/A	N/A	N/A	This first amendment to the Transportation Alternatives Program (TAP) Grant approved by RS2017-990 would reduce the deadline to obtain a Notice to Proceed with Construction Phase by one year from July 1, 2020 to July 1, 2019.
RS2018-1237	<p>From: Tennessee Department of Labor and Workforce Development</p> <p>To: Nashville Career Advancement Center</p>	N/A	N/A	N/A	<p>This first amendment to the grant approved by RS2017-994 would replace the current Attachment A – Grant Budget with an updated Grant Budget. This would reduce the funds appropriated for a dislocated worker and move the funds for use in the Adult Program.</p> <p>The grant proceeds are used to establish career services for eligible adults, youth, and dislocated workers with barriers to employment, education, training, and support services to succeed in the labor market.</p>

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2018-1240	From: Tennessee Department of Environment and Conservation To: Metropolitan Nashville Public Works Department	N/A	N/A	Extend end date to October 31, 2018	This first amendment to a grant approved by RS2017-758 would extend the end date of the grant agreement from June 30, 2018, to October 31, 2018.