



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: April 2, 2019

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 3/27/19:

4% Reserve Fund	\$18,423,425*
Metro Self Insured Liability Claims	\$4,041,558
Judgments & Losses	\$2,683,254
Schools Self Insured Liability Claims	\$4,263,447
Self-Insured Property Loss Aggregate	\$7,639,584
Employee Blanket Bond Claims	\$684,703
Police Professional Liability Claims	\$2,199,342
Death Benefit	\$1,525,877

*This assumes unrealized estimated revenues in FY19 of \$7,733,711.

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

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTIONS NO. RS2019-1652 AND RS2019-1653 –

These resolutions would approve exemptions from the minimum distance requirements for obtaining a beer permit for two establishments, listed below.

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

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

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

These establishments and locations are as follows:

- **Resolution No. RS2019-1652 (MURPHY)** — This resolution would approve an exemption for Castrillo's located at 3501 Park Avenue.
- **Resolution No. RS2019-1653 (DOWELL)** — This resolution would approve an exemption for Exo-Tikka Indian Cuisine located at 5385 Mt. View Road.

– ORDINANCES ON PUBLIC HEARING –

BILL NO. BL2018-1416 (HENDERSON, A. DAVIS, & OTHERS) – This ordinance would amend the Metropolitan Code regarding tree density, removal, and replacement requirements.

The purpose of this ordinance would be to set standards for landscaping, buffering, and tree requirements. Section 17.24.010 of the current Code would be slightly modified to clarify that the chapter includes “tree requirements” and to otherwise add minor grammatical changes. The current provisions in Section 17.24.020 regarding landscape plans would be amended to require that plans and specifications be prepared by, or under the direction of, and bear the seal of a professional landscape architect registered in Tennessee.

Under section 17.24.090 as revised by the ordinance, any tree with a diameter at breast height (DBH) of twenty-four inches (24”) or more would be required to be surveyed, located and depicted on a final site plan.

The current required tree density factor on each property is 14 units per acre, using protected or replacement trees, or a combination of both. This ordinance would increase the required tree density units from 14 to 20 units, although requirements for single and two-family residential would remain unchanged. However, the ordinance would remove a current provision reducing the tree density unit requirement for single- and two-family lots down to 7 units if their width is less than 25% of the average length.

The required tree density units are currently calculated using gross acreage of the property, but certain exceptions apply. The current exception for the portion of the land area currently or proposed to be covered by buildings would be amended to specify that this applies only to buildings that meet sustainable design protocols established in Sec. 16.36.050 of the Metro Code. Further, the exception for semi-trailer and tractor-trailer service areas, drive aisles, and parking and loading areas would be removed.

This proposal is scheduled for hearing before the Planning Commission on March 28, 2019, where it is expected to be deferred until April 25, 2019. It is therefore anticipated that this ordinance will be deferred to the first meeting in May, pursuant to Rule 21 of the Council Rules of Procedure.

BILL NO. BL2019-1540 (BLALOCK & BEDNE) – This ordinance would amend the Metropolitan Code of Laws to create the “corridor design overlay district”.

This ordinance would establish a new overlay district within MCL Chapter 17.36 called a corridor design overlay (CDO) district. This overlay would provide design standards for signage, landscaping and materials in commercial, office, and mixed-use developments along corridors to allow for aesthetic improvements, derived from standards of base zoning districts. A CDO overlay

district would be available in any part of the county where standards varying from base zoning standards are needed.

Signage standards would apply to any new signs, but not panel changes to existing signs. Landscaping standards would apply to new parking lots and the expansion of an existing parking lot by 10 spaces or more, but not existing parking lots or resurfacing or restriping of existing lots. Building material standards would apply to additions of greater than fifty percent of the existing building's square footage and to new buildings.

Properties in the corridor design overlay would be subject to variations regarding signage, perimeter screening requirements including trees for every 30 feet of frontage, and building materials, including Primary Facade regulations requiring at least 75% brick, brick veneer, stone, cast stone, and/or architecturally treated concrete masonry units. Permitted land uses would be those permitted by the underlying zoning districts where the overlay is applied.

A proposed corridor design overlay district application would be reviewed by the Planning Commission and considered by Council by ordinance. Final site plan applications would be submitted to the Zoning Administrator who would have the authority to grant modifications to the design standards of the overlay not exceeding twenty percent of any signage standard, landscaping requirement, or dimensional requirement relating to building materials. Changes to the geographical boundary of a corridor design overlay district would be considered by Council.

This proposal has been approved by the Planning Commission.

– RESOLUTIONS –

RESOLUTION NO. RS2019-1617 (ROSENBERG & COOPER) – 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 previously exercised their ability to place Charter amendments on the ballot once this term, through Resolution No. RS2018-1314.

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. Under state law, the resolution as adopted by Council must be filed with the Election Commission 75 days before the election. (Tenn. Code Ann. § 2-3-204(b)) (“Resolutions...requiring the holding of elections on questions submitted to the people which are to be held with the regular November election...shall be filed with the county election commission not less than seventy-five (75) days prior to such election.”) (See also Tenn. Op. Att’y Gen. No. 08-171, Nov. 5, 2008, construing T.C.A. § 2-3-204). The resolution provides that the date for holding the referendum election on the proposed Charter amendments is to be August 1, 2019.

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

- Amendment A would allow for ranked choice voting in elections for mayor, vice-mayor, councilmember-at-large, and district councilmember. A new Section 15.11 would be added to the Metro Charter to govern ranked choice voting, which would allow voters to rank candidates in order of preference. A candidate who receives a majority of first-preference votes for a given office would win the election. If no candidate receives a majority, the lowest-scoring candidate would be eliminated and the votes would be redistributed to remaining, non-eliminated candidates based on the eliminated candidate’s voters’ order of preference. This would continue until one candidate received a majority of the votes. For councilmembers-at-large, votes would be redistributed until all vacancies are filled. A new Section 15.12 would be added to govern runoff elections. If ranked choice voting became repugnant to state law, this amendment would provide for a reversion to the current system of electing mayor, vice-mayor, councilmember-at-large and district councilmember.
- Amendment B would eliminate runoff elections after special elections for vice mayor and district councilmember and instead institute ranked choice voting for these offices. A candidate who received a majority of first-preference votes for the office would win. If no candidate receives a majority, the lowest-scoring candidate would be eliminated and the votes would be redistributed to remaining, non-eliminated candidates based upon the eliminated candidate’s voters’ order of preference. This would continue until one candidate receives a majority of the votes.

- Amendment C would require certain additional information to be included with the annual operating budget. Currently, the Charter requires estimates of fund balances, revenues, and proposed expenditures. This amendment would require additional disclosures of the total debt of the Metropolitan Government, to be stated cumulatively and per capita, and the annual percentage increase or decrease of such debt. The annual operating budget would also be required to include performance and efficiency measures for departments, boards, commissions, and agencies funded by the Metropolitan Government. The Director of Finance would have discretion to determine the appropriate measurements, as well as the discretion to omit departments, boards, commissions and agencies whose functions are not conducive to quantifiable measurements.

Housekeeping amendments to these currently proposed Charter amendments are anticipated from the sponsors. Additional Charter amendments are likewise anticipated.

RESOLUTION NO. RS2019-1654 (VERCHER) – This resolution would approve a sole source contract between the Metropolitan Government and Pictometry International Corp. to provide digital orthophoto and oblique images, maintenance, upgrades, and software support used to access, view and analyze aerial images used for various applications by the Metropolitan Government.

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

This contract would become effective upon execution of all required parties and filing in the Metropolitan Clerk's Office and would end sixty (60) months from the date of filing.

Fiscal Note: The estimated value of the contract is \$1,027,265.00. This would be paid from ASR Assessment Account (Business Unit #16102000).

RESOLUTION NO. RS2019-1655 (VERCHER, WITHERS, & SLEDGE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1656 (VERCHER & SYRACUSE) – This resolution would approve Amendment One to a participation agreement between the Metropolitan Government and Capitol View Joint Venture (Capitol View) concerning the construction of public park improvements and the donation of a parcel of property.

Ordinance No. BL2018-1216, adopted July 3, 2018, approved a participation agreement between Metro and Capitol View to construct public park improvements and donate a parcel of property. The Tennessee Department of Environment and Conservation (TDEC) awarded a \$100,000 grant to the Metropolitan Department of Parks and Recreation (with a required cash match of \$100,000) to develop Capitol View Park, which was approved by Resolution No. RS2019--1553 on January 15, 2019. Because Capitol View will be performing the improvements funded by the TDEC grant, the grant proceeds are being directed toward Capitol View, necessitating an amendment to the participation agreement.

This resolution would approve two changes. First, the completion date would be extended from December 31, 2018, to June 30, 2019. Second, the payment from Metro to Capitol View would be increased from \$2,500,000 to \$2,600,000, reflecting the \$100,000 grant from TDEC.

Fiscal Note: There are no additional costs to Metro since the \$100,000 increase in the participation agreement to reimburse Capitol View is derived from the TDEC Local Parks and Recreation Grant Fund received and approved by Resolution No. RS2019-1553.

RESOLUTION NO. RS2019-1657 (WEINER & BEDNE) – This resolution would approve agreements between the Metropolitan Government and Harpeth Valley Utility District (HVUD) for water and sewer lines related to utility services at the Ford Ice Center in Bellevue.

The agreements would allow Metro to connect to existing HVUD water lines for water service to the Bellevue Community Center and Preds Ice Center. Metro would install the lines, meters, meter boxes, fitting valves, and appurtenances (“public facilities”) pursuant to plans previously approved by HVUD. Metro would perform all work, with no cost to HVUD. Metro would further pay HVUD ten percent (10%) of the fair market value of this construction to cover HVUD’s inspection, overhead, and administrative costs. Metro has contracted with Civil Constructors for this work, in the amount of \$192,477.23. The amount of the administrative fee to be paid to HVUD would be \$19,247.72.

Metro would convey the public facilities to HVUD pursuant to this agreement. However, Metro would agree to repair any breaks, leaks, or defects for one (1) year. Metro would further pay certain privilege fees and installation costs. The total amount of the contract would be \$57,884.72, which includes the ten (10%) administrative fee of \$19,247.72. The amounts paid under this contract would be nonrefundable.

A memorandum of understanding is attached to the contract as Exhibit E and provides that HVUD will provide water service to the Bellevue Community Center & Preds Ice Center. However, Metro would not be entitled to water or sewer service until final approval of the public and private water and sewer line and appurtenance construction has been made by HVUD.

Fiscal Note: Metro will pay \$57,884.72 to Harpeth Valley Utility District for the water and sewer service connection fees related to the construction of the hockey facility at the Ford Ice Center in Bellevue.

RESOLUTION NO. RS2019-1658 (VERCHER & BEDNE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1659 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Marymoore Akpamgbo against the Metropolitan Government in the amount of \$5,589.56.

Ms. Akpamgbo was a passenger in the vehicle driven by Victoria Ezeocha (subject to a settlement in Resolution No. RS2019-1660). She was in the middle row of seats when a vehicle driven by a Metro Water Services employee rear-ended the vehicle. The vehicle driven by Ms. Ezeocha sustained rear end damage, which was settled for \$4,070.82 with the vehicle's owner.

Ms. Akpamgbo sought treatment for neck and chest pain. An x-ray revealed cervical strain and blunt chest trauma. She has agreed to accept a total of \$5,589.56 in full settlement of this case, based upon \$5,089.56 for reimbursement of her medical expenses plus \$500 for pain and suffering.

The Department of Law recommends settlement of this claim for \$5,589.56.

Disciplinary action against the employee consisted of a written reprimand.

Fiscal Note: This \$5,589.56 settlement, along with the settlement per Resolution No. RS2019-1660, would be the thirtieth and thirty-first payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,282,014.00. The fund balance would be \$4,041,558 after these payments.

RESOLUTION NO. RS2019-1660 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Victoria Ezeocha against the Metropolitan Government in the amount of \$10,000.

On April 10, 2018, Ms. Ezeocha was driving on I-24 East in the left lane when traffic came to a complete stop in front of her. When she applied her brakes, a vehicle driven by a Metro Water Services employee rear-ended her. The vehicle driven by Ms. Ezeocha sustained rear end damage, which was settled for \$4,070.82 with the vehicle's owner.

She sought treatment for nausea, headache, and neck and back pain. CT scans were ordered and she was diagnosed with a closed head injury and back and cervical strain. She has agreed

to accept a total of \$10,000 in full settlement of this case, based upon \$9,517.53 for reimbursement of her medical expenses plus \$482.47 for pain and suffering.

The Department of Law recommends settlement of this claim for \$10,000.

Disciplinary action against the employee consisted of a written reprimand.

Fiscal Note: This \$10,000 settlement, along with the settlement per Resolution No. RS2019-1659, would be the thirtieth and thirty-first payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,282,014.00. The fund balance would be \$4,041,558 after these payments.

RESOLUTION NO. RS2019-1661 (VERCHER) – This resolution would approve a sole source contract between the Metropolitan Government and Isaiah 58, Inc. D.B.A. Spring Back Recycling for the collection and recycling of mattresses, box springs, carpet and carpet pads.

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

This contract would become effective upon execution of all required parties and filing in the Metropolitan Clerk's Office and would end sixty (60) months from the date of filing.

Fiscal Note: The estimated value of the contract is \$1,500,000.00. This would be paid from the Solid Waste Operations (Fund #30501), PW WM Drop Off Recycle Centers account (Business Unit #42804510). The mattress recycling price for each unit is as follows: Year 1=\$8.50/unit, Year 2=\$9.25/unit, Year 3=\$10.00/unit, Year 4=\$10.30/unit and Year 5=\$10.60/unit.

RESOLUTION NO. RS2019-1662 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1663 (SWOPE & BEDNE) – This resolution would amend Ordinance No. BL2018-1059, approved February 21, 2018, which authorized the abandonment of existing sanitary sewer main and easement and acceptance of new sanitary sewer main and any associated easements for properties located at 5824 and 5832 Nolensville Pike.

This resolution would approve an amendment to add five properties to this list: 5833, 5837, 5841, 5843, and 5835 Nolensville Pike. It would also update the sketch in Exhibit 1 to the ordinance to reflect the additional parcels.

RESOLUTION NO. RS2019-1664 (VERCHER & SLEDGE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1665 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1666 (VERCHER) – See attached grant summary spreadsheet.

– ORDINANCES ON SECOND READING –

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

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

BILL NO. BL2019-1543 (O'CONNELL) – This ordinance would amend Metropolitan Code of Laws Section 11.12.090.B. to prohibit panhandling in certain locations.

Currently, Section 11.12.090.B prohibits panhandling when either the panhandler or person being solicited is located in, on, or at any of the following locations:

1. Any bus stop;
2. Any sidewalk cafe;
3. Any area within twenty-five feet (in any direction) of an ATM or entrance to a bank;
4. Any daycare or community education facility, as defined by MCL Sec. 17.04.060; or
5. Within ten feet of any point of entry or exist from any building open to the public, including commercial establishments.

The ordinance under consideration would add to this list a prohibition on panhandling within the DTC and CF districts on (i) Second Avenue North between Broadway and Church Street, (ii) Commerce Street between Second Avenue North and Third Avenue North, or (iii) Symphony Place between Third Avenue South and Fourth Avenue South, or (iv) the John Seigenthaler Pedestrian Street Bridge.

An amendment by the sponsor is anticipated which would add Broadway, from 1st Avenue to 6th Avenue, to the restricted areas.

BILL NO. BL2019-1544 (VERCHER, GILMORE, & ALLEN) – This ordinance would approve an affiliation agreement between Vanderbilt University and the Metropolitan Government of Nashville and Davidson County to provide student clinical instruction and training to nursing students through the Davidson County Drug Court. Students would receive no compensation and there would be no cost to the Metropolitan Government for providing this service. Vanderbilt University would be required to provide assurance that the students are covered by health and professional liability insurance and that they have received necessary vaccinations. Vanderbilt would assume responsibility for all of its students participating in the program.

The term of the agreement would be for five (5) years, commencing upon approval. Either party may terminate the agreement upon thirty (30) days' written notice.

Fiscal Note: Although the Metropolitan Government would be required to provide orientation to students for educational experiences, there would be no direct cost to Metro for providing this service.

BILL NO. BL2019-1545 (M. JOHNSON, VERCHER, & OTHERS) – This ordinance would authorize the Director of Public Property Administration to accept, execute, and record a quitclaim deed for a certain easement acquired by the state to complete a bridge rehabilitation project at Hillwood Boulevard bridge over a CSX Transportation railroad crossing and Richland Creek.

Ordinance No. BL2018-1143, adopted May 1, 2018, authorized an agreement between the Tennessee Department of Transportation (TDOT), the City of Belle Meade, CSX Transportation, and the Metropolitan Department of Public Works for the bridge rehabilitation project at the Hillwood Boulevard bridge over a CSX Transportation railroad crossing and Richland Creek. In that agreement, Metro agreed to assume ownership and responsibility to maintain the highway project upon completion of construction. By inadvertence, a required easement for Tract 5 was conveyed to TDOT as grantee, rather than to Metro. To correct this error, TDOT wishes to execute a quitclaim deed for the purpose of conveying the easement acquired for this project to Metro.

The ordinance under consideration would authorize the Director of Public Property to accept, execute, and record this quitclaim deed from the State of Tennessee, acting by and through the Commissioner of Transportation.

BILL NO. BL2019-1546 (ROSENBERG, VERCHER, & OTHERS) – This ordinance would authorize the Director of Public Property Administration, or the Director's designee, to accept a donation of real property located at 0 Morton Mill for use as part of the parks system.

This property is owned by the Dorothy Cate & Thomas F. Frist Foundation and is suitable for a public park. The Board of Parks and Recreation recommends acceptance of the donation of the property. Section 11.1002 of the Metropolitan Charter authorizes the Board of Parks to recommend to Council the acceptance of any gift of lands offered for park or recreation purposes and useful for such purposes.

Fiscal Note: The total appraised value of this parcel as shown on the Assessor or Property's web site is \$212,100.

BILL NO. BL2019-1547 and BL2019-1548 (O'CONNELL & BEDNE) – These ordinances would authorize LC Sobro I, LLC to install, construct, and maintain underground (structural) encroachments in the right-of-way located at 723 2nd Avenue South (BL2019-1547) and at 700 3rd Avenue South (BL2019-1548). The encroachments would consist of bike racks, lighting, trees, bollards, trashcans, benches, irrigation and an NES vault encroaching the right-of-way.

In both instances, LC Sobro I, 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.

Both proposals have been approved by the Planning Commission.

BILL NO. BL2019-1549 (SYRACUSE, BEDNE, & O'CONNELL) – This ordinance would abandon existing water main and sanitary sewer mains, a fire hydrant, sanitary sewer manholes, and easements, and accept new water and sanitary sewer mains, sanitary sewer manholes, fire hydrants, and easements for property located at 2710 Old Lebanon Pike and 220 Cliffdale Road.

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

BILL NO. BL2019-1550 (ALLEN, BEDNE, & O'CONNELL) – This ordinance would abandon existing sanitary sewer and water mains, a sanitary sewer manhole, a fire hydrant assembly and easements, and accept new water and sanitary sewer mains, sanitary sewer manholes, fire hydrant assemblies and easements for property located along Belmont Boulevard, Bernard Avenue and Compton Avenue.

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

BILL NO. BL2019-1551 (SLEDGE, BEDNE, & O'CONNELL) – This ordinance would abandon existing sanitary sewer main and easements for property located at 1022 9th Avenue South.

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

BILL NO. BL2019-1552 (VANREECE, BEDNE, & O'CONNELL) – This ordinance would abandon an existing sanitary sewer main, a sanitary sewer manhole and easement, and accept a new sanitary sewer main, sanitary sewer manholes, an adjustment to an existing sanitary sewer manhole and easements for property located at 3711 Dickerson Pike.

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

BILL NO. BL2019-1553 (BEDNE & O'CONNELL) – This ordinance would abandon an existing sanitary sewer main, a sanitary sewer manhole and easements, and accept a new sanitary sewer main, sanitary sewer manholes and easements for property located at 2995 Sidco Drive.

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

BILL NO. BL2019-1554 (MURPHY, BEDNE, & O'CONNELL) – This ordinance would abandon an existing water main and easement and accept the relocation of a fire hydrant assembly and a new fire hydrant and easement for property located at 4101 Charlotte Avenue.

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

BILL NO. BL2019-1555 (ROBERTS, BEDNE, & O'CONNELL) – This ordinance would accept a new water main, fire hydrant assemblies and easements for property located at 833 Watts Circle.

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

BILL NO. BL2019-1556 (O'CONNELL & BEDNE) – This ordinance would abandon an existing water main and easement and accept a new water main and easement for property located at 900 Rosa L. Parks Boulevard.

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

BILL NO. BL2019-1557 (O'CONNELL & BEDNE) – This ordinance would abandon existing easement rights for former Alley #120, located at 821 Palmer Place.

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

BILL NO. BL2019-1558 (BEDNE, O'CONNELL, & HAGAR) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning portions of Alley Number 1863 right-of-way.

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

– ORDINANCES ON THIRD READING –

BILL NO. BL2019-1472 (BEDNE, SLEDGE, & COOPER) – This ordinance, as amended, would establish a matching requirement wherein, for every economic and community development incentive grant provided by the Metropolitan Government to qualified companies under Section 2.210.020 of the Metro Code, an appropriation of an equivalent amount must be made to the Barnes Fund for Affordable Housing (Barnes Fund).

Section 2.210.020 of the Metropolitan Code authorizes economic and community development incentive grants to qualified projects. The incentive is determined by multiplying the average number of new full time equivalent employees of the qualified company within the boundaries of the Metropolitan Government during the preceding year by an amount up to five hundred dollars (\$500).

This ordinance would require an appropriation equal to any economic and community development incentive grants appropriated pursuant to Sec. 2.210.020 of the Metro Code. Appropriations made to the Barnes Fund pursuant to this matching requirement would not be in lieu of other appropriations made by the Metropolitan Government, nor should the provision be construed as prohibiting other appropriations to the Barnes Fund.

Fiscal Note: The practical impact of this ordinance is that future economic and community development incentive grants would require commensurate funding to the Barnes Fund, essentially doubling the expense of ECD incentives to the Metropolitan Government.

Depending on the available fund balances at the time of future proposed ECD grant projects, the decision would need to be made if it would be feasible for Metro to enter into these projects and still maintain required fund balance percentages.

BILL NO. BL2019-1525 (VERCHER & HALL) – This ordinance would amend Section 4.12.010 of the Metropolitan Code of Laws regarding the definition of competitive bidding, in accordance with Tennessee State law.

Tennessee Code Annotated § 12-3-1212 enables local governmental entities with a full-time purchasing agent to increase the threshold over which public advertisement and sealed competitive bids or proposals are required for purchases to an amount not to exceed twenty-five thousand dollars (\$25,000).

MCL Sec. 4.12.010 sets forth requirements for purchases by the Metropolitan Government, ranging from oral and written quotations to competitive sealed bids, with different requirements based upon the dollar amount of the purchase. Under the current section, “competitive bidding” is defined as follows:

<u>Dollar Amount of Purchase</u>	<u>Requirements</u>
Up to \$999.99	One oral or written quotation required.
\$1,000.00 to \$3,999.99	A minimum of three verbal quotations required.
\$4,000.00 to \$9,999.99	A minimum of three written quotations required.
\$10,000.00 and above	Competitive sealed bids or request for proposals.

These thresholds have not been adjusted since 2002. In 2018, the Metropolitan Office of Internal Audit recommended that the threshold over which competitive bidding is required for purchases should be increased to the maximum amounts permitted by state law. The ordinance under consideration would eliminate oral quotations, adjust the various requirement thresholds, and otherwise amend the definition of “competitive bidding” to read as follows:

<u>Dollar Amount of Purchase</u>	<u>Requirements</u>
Up to \$2,499.99	A minimum of one written quotation required
\$2,500.00 to \$25,000.00	A minimum of three written quotations required
Above \$25,000.00	Competitive sealed bids or request for proposals

Fiscal Note: This ordinance would streamline the procurement process by reducing the number and type of quotations required for specific purchase dollar amounts and by increasing the threshold at which competitive bids are required. By reducing the number of required quotations, the chances of receiving the lowest possible cost are likewise reduced. This proposal would accept that possibility in exchange for reduced administrative costs and simplified processing.

BILL NO. BL2019-1528 (O’CONNELL, WEINER, & HURT) – This ordinance would approve a temporary “Special Event Zone” for specified areas of downtown Nashville, in conjunction with the 2019 National Football League (NFL) Draft scheduled for April 24 through April 28, 2019. Similar zones have previously been approved by the Council for the New Year’s Eve Celebration (BL2018-1386), CMA Fest (BL2018-1160), July 4th (BL2018-1206), and the NCAA Women’s Final Four (BL2014-687).

The boundaries of the Special Event Zone established under this ordinance would be Interstate Drive heading south from James Robertson Parkway to Shelby Avenue; across Shelby Avenue to include 501 South 2nd Street Parking lot; Korean Veterans Blvd southwest to 4th Avenue South; north to Demonbreun; west to 6th Avenue South; north on 6th Avenue South to Broadway; west on Broadway to Rosa L Parks Blvd; 7th Avenue North from Broadway to Commerce Street; Commerce Street east to 2nd Avenue North; 2nd Avenue North to Union Street; Union Street west to 3rd Avenue North; west on 3rd Avenue North to James Robertson Parkway; east on James Robertson Parkway to Main Street.

Activity restrictions within the Special Event Zone would begin at midnight (12:00 a.m.) on Wednesday, April 24, 2019, and ending at eight o'clock (8:00) a.m. on Sunday, April 28, 2019.

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

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

This ordinance would establish at least one Public Participation Area within the Special Event Zone while the zone is in effect. This Area would allow for the reasonable expression by the public in a manner that is not disruptive to the 2019 NFL Draft and related activities and events.

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

BILL NO. BL2019-1542 (O'CONNELL) – This ordinance would authorize 151 Nashville LLC to install, construct, and maintain aerial and underground encroachments in the right-of-way located at 151 1st Avenue South. These would consist of a pedestrian bridge connection, planters, pop-up irrigation, bike racks, trashcans, and a planter wall encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

GRANTS LEGISLATION – APRIL 2, 2019

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2019-1655	<p>From: Metropolitan Housing Trust Fund Commission</p> <p>To: Affordable Housing Resources, Dismas, Inc., Be a Helping Hand Foundation, New Level CDC, and Woodbine Community Organization</p>	N/A	N/A	Extending the terms of five grant contracts.	This would approve amendments to five grant contracts, originally approved by RS2017-965. The term of each contract would be extended from 24 months. Affordable Housing Resources would be extended to 36 months; Dismas, Inc. to 31 months; Be a Helping Hand Foundation to 30 months; New Level CDC to 30 months; and Woodbine Community Organization to 28 months.
RS2019-1658	<p>From: Tennessee Emergency Management Agency</p> <p>To: Metro Department of Water and Sewerage Services</p>	Not to exceed \$297,307.50	\$42,472.50	December 15, 2017 through December 15, 2020.	The proceeds of this Hazard Mitigation Grant would be used for the acquisition and removal of two houses located in the Whites Creek floodway and floodplain in Davidson County.
RS2019-1662	<p>From: Tennessee Department of Environment and Conservation</p> <p>To: Metro Public Works Department</p>	Not to exceed \$50,000.00	\$50,000.00	March 1, 2019 through February 28, 2024	The grant proceeds would be used to support the implementation of the 2015-2025 Solid Waste and Materials Management Plan to increase materials management education and outreach to the public.

RS2019-1664	<p>From: Metropolitan Development and Housing Agency</p> <p>To: Metropolitan Department of Social Services</p>	Not to exceed \$124,000.00	\$0	January 1, 2019 through January 1, 2020	The proceeds of this subrecipient grant would be used for one-time payments of first month's rent and security/utility deposits on behalf of homeless persons obtaining housing through various campaigns.
RS2019-1665	<p>From: Tennessee Department of Health</p> <p>To: Metropolitan Board of Health</p>	Increase by \$28,500.00	N/A	N/A	<p>This first amendment to the grant approved by RS2017-703 would increase the amount of the grant from \$267,000.00 to \$295,500.00.</p> <p>The grant proceeds are used to provide the Tennessee Breast and Cervical Screening Program to offer individualized assistance to clients and to facilitate timely access to quality screening and diagnostics.</p>
RS2019-1666	<p>From: Tennessee Department of Health</p> <p>To: Metropolitan Board of Health</p>	Not to exceed \$1,944,100.00	\$0	July 1, 2019 through June 30, 2020	The grant proceeds would be used to provide the Community Health Access and Navigation in Tennessee (CHANT) Program to deliver comprehensive care coordination services to eligible families and children.