



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: May 7, 2019

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 5/1/19:

4% Reserve Fund	\$18,423,425*
Metro Self Insured Liability Claims	\$3,710,369
Judgments & Losses	\$2,547,607
Schools Self Insured Liability Claims	\$4,523,803
Self-Insured Property Loss Aggregate	\$8,169,249
Employee Blanket Bond Claims	\$691,382
Police Professional Liability Claims	\$2,166,780
Death Benefit	\$1,529,303

*This assumes unrealized estimated revenues in FY19 of \$5,055,000.

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

– 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 survey 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 was deferred at the Planning Commission to their June 13, 2019 meeting. Rule 21 of the Council Rules of Procedure requires the recommendation of the Planning Commission before action is taken by the Council on second reading or before public hearing unless thirty (30) days has elapsed from the date of referral to the Planning Commission following first reading. Therefore, this ordinance may be deferred to the first meeting in July.

BILL NO. BL2019-1606 (O’CONNELL, VERCHER, & BEDNE) – This ordinance would authorize the acquisition of certain property, located at 88 Hermitage Avenue, from the State of Tennessee on behalf of Metropolitan Nashville Public Schools (MNPS) for purposes of constructing a new high school – the relocated Nashville School of the Arts. The Tennessee Historical Commission has determined that this property is eligible for listing in the National Register of Historic Places. Upon acquisition, it is the intention of MNPS to create a new high school on the site.

Under Metro Charter section 2.24.240.I, ordinances authorizing acquisition of real estate to be used for construction of a new public school must be preceded by a public hearing prior to adoption on second reading, with advance notice provided to the general public, to the district member of council in whose district the property is located, and to all members of the Metropolitan Board of Public Education.

This ordinance is a successor ordinance to Ordinance No. BL2018-1372 which was withdrawn at the March 5, 2019 Council meeting.

This has been approved by the Planning Commission.

Fiscal Note: Metro would acquire the property for a price not to exceed \$11,300,000. The appraised value of this property is \$11,850,000.

– RESOLUTIONS –

RESOLUTION NO. RS2019-1617 (ROSENBERG & COOPER) – This resolution, as amended, would propose four 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 May 7, 2019 Council meeting is the last regular meeting date at which a Charter amendment resolution may be approved in order to comply with the above-referenced deadlines.

Originally, this resolution proposed five amendments to the Metropolitan Charter as follows:

- Amendment A, as amended, 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, as determined by a regulatory agency or court, this amendment would provide for a reversion to the current system of electing mayor, vice-mayor, councilmember-at-large and district councilmember, further relying on the current system to determine run-off candidates. Amendment A was disapproved by the Charter Revision Commission (3-2) and approved by the Council at the April 16, 2019 regular meeting.
- Amendment B was withdrawn by the sponsor at the April 16, 2019 Council meeting. As amended, it 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 B was disapproved by the Charter Revision Commission (3-2).

- Amendment C, as amended, 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 principal amount of debt of the Metropolitan Government then outstanding, with a comparison of that amount to the previous calendar year (stated in dollars and as a percentage), together with a calculation of debt per capita based upon the population of the Metropolitan Government. The annual operating budget would also be required to include performance and efficiency measures for departments, boards, commissions, and agencies that receive appropriations from 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. Amendment C was approved with amendments by the Charter Revision Commission (5-0) and approved as amended by the Council at the April 16, 2019 regular meeting.
- Amendment D, as originally submitted, would require the eight (8) appointed members of the Planning Commission to be appointed from seven (7) planning districts, with at least one (1) member appointed from each district. Each planning district would consist of five (5) council districts. The mayor would appoint a member from a planning district upon the vacancy of an existing member's seat until all seven (7) districts are represented. These districts could subsequently be altered in a plan for redistricting councilmanic districts adopted pursuant to Section 18.06 of the Metropolitan Charter. An amendment to this Amendment D was introduced at the April 16, 2019 Council meeting and approved. As amended, Amendment D would eliminate creation of planning districts and instead require at least three (3) of the eight (8) appointed Planning Commission members to be residents of the area outside the urban services district as it existed when the Charter was first adopted. Both the original version of Amendment D and the amended version were disapproved by the Charter Revision Commission (5-0). The amended version of Amendment D awaits Council consideration.
- Amendment E would remove existing language from the Charter which provides that a vacancy upon the Metropolitan Board of Education is filled by the remaining members of the Board. Tenn. Code Ann. 49-2-201(a)(1) governs the procedure for filling a vacancy on a county board of education. This requires the relevant local legislative body to select an individual to fill such a vacancy. This amendment would make the language in the Charter consistent with the requirements of state law. Amendment E was approved by the Charter Revision Commission (5-0) and awaits Council consideration.

RESOLUTION NO. RS2019-1685 (VERCHER & GILMORE) – This resolution would authorize the Industrial Development Board of the Metropolitan Government (IDB) to negotiate and accept payments in lieu of ad valorem taxes for the benefit of OliverMcMillan Spectrum Emery, LLC (OMSE). OMSE will construct a development at the corner of Broadway and Fifth Avenue North, to be known as Fifth + Broadway. An approximately 54,783 square foot portion of this development is intended to be used for a museum celebrating African American music to be operated and managed by the African American History Foundation of Nashville.

State law permits local governments to delegate authority to industrial development boards to enter into payment-in-lieu-of-taxes (PILOT) agreements, provided the payments are in furtherance of the public purpose of the board. PILOT agreements essentially provide tax abatements for real and/or personal property taxes the company would otherwise be required to pay to the Metropolitan Government. PILOT agreements have previously been utilized by Metro to provide incentives through the IDB to large employers to create job opportunities and are subject to approval by the Council. Here, the PILOT agreement is being utilized to support the public interest endeavors of the museum.

Under state law, properties owned by the IDB are exempt from all taxation in Tennessee (TCA § 7-53-305). Here, the IDB will own the museum portion at 5th and Broad once conveyed at closing. State law further authorizes the Council to delegate to the IDB the authority to negotiate and accept from its lessees payments in lieu of taxes. Here, the negotiated amount of the payments is zero percent (0%) of the standard tax owed (the amount of ad valorem real property tax that OMSE would otherwise be required to pay if it owned the property.)

OMSE intends to lease property from the IDB for a negotiated basic rent payment of \$1.00. (It is standard practice in IDB leases for rent payments from lessees to be nominal.) In turn, OMSE intends to sublease a portion of the property to the Metropolitan Government for purposes of completing the museum. (See, Ordinance No. BL2019-1605, scheduled for second reading on May 7, 2019). Because it is the intent that the museum portion be subleased to Metro with all sublease obligations assumed by the museum under the management agreement, the payment of 0% of the taxes owed is deemed appropriate during the term of the sublease). If the sublease were to be terminated, but the lease between IDB and OMSE was not, then the PILOT becomes 100% of the standard tax. OSME would then make PILOT payments as if they owned the property outright.

As required by the Metro Code, OMSE would be required to manage a diversified business enterprise (DBE) program with a goal of 20% of the project's hard construction costs spent with DBE firms. The company would be required to provide quarterly reports to the Council regarding DBE participation. The company would also be required to use Metro's workforce development program to ensure reasonable efforts are made to use Davidson County residents in the construction of the project.

This Resolution was previously deferred to track with subsequent related ordinances regarding (1) a sublease between OMSE and the Metropolitan Government (BL2019-1605) and (2) a

development and management agreement between IDB, the Metropolitan Government, and the museum foundation (BL2019-1604). (The Lease Agreement attached to the resolution further references Exhibit A, a description of the leased property, and Exhibit C, an analysis of the costs and benefits of payment-in-lieu of Tax provisions, as “to be inserted”. Though Metro is not a party to the Lease Agreement, the leased property description (Exhibit A) consists of the property description included in the proposed quitclaim deed. This deed, as well as the Cost/Benefit analysis (Exhibit C) provided by the museum, are attached at the end of this Analysis.

Fiscal Note: This resolution would provide a 100% real property tax abatement for twenty (20) years. OMSE would pay an annual rent for the property of \$1.00. The rental agreement includes an option to purchase this property for \$100.00.

RESOLUTION NO. RS2019-1696 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1697 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1698 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1699 (GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1700 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1701 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1702 (GILMORE) – This resolution would approve a contract between the Metropolitan Board of Health and the University of Tennessee College of Social Work to participate in a review of the Organizational Resiliency Assessment.

Under this agreement, the school would approve study protocol, provide a written script, provide electronic and/or written access to the assessment for use by Metro Public Health Department (MPHD) staff, and store the data collected, among other duties. The school would maintain ownership of all data collected from MPHD staff. MPHD would provide at least one staff member to participate in review of the assessment, promote and distribute the assessment to MPHD staff,

and provide written feedback on the strengths and areas of needed improvement, among other duties. The parties would collaborate on expectations for use of data, the assessment itself, and review of the data.

The term of this contract would begin upon filing with the Metro Clerk and end after twelve (12) months.

Fiscal Note: There would be no cost to MPHD under this contract.

RESOLUTION NO. RS2019-1703 (GILMORE) – This resolution would approve an agreement between the Metro Board of Health and the U.S. Food and Drug Administration for participation in a long term food, feed, and cosmetic information sharing agreement.

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

This confidentiality agreement would facilitate the exchange of non-public food (which includes human and pet food and animal feed) and cosmetic regulatory, public health, and safety information. The term would be five (5) years, ending on June 30, 2024.

A prior five-year agreement was approved through Resolution No. RS2018-1494. The term of that agreement began on July 1, 2014.

Fiscal Note: There would be no cost to the Board of Health for participating in the proposed agreement.

RESOLUTION NO. RS2019-1704 (VERCHER, SYRACUSE, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1705 (VERCHER & SYRACUSE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1706 (VERCHER, SYRACUSE, & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1707 (VERCHER, SYRACUSE, & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1708 (VERCHER, SYRACUSE, & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1709 (VERCHER, SYRACUSE, & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1710 (VERCHER, ROBERTS, & O’CONNELL) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1711 (VERCHER & ROBERTS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1712 (VERCHER & ROBERTS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1713 (VERCHER & ROBERTS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1714 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1715 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Risa Dinberg against the Metropolitan Government in the amount of \$175,000.

On March 22, 2015, Ms. Dinberg was walking on the sidewalk on Broadway near First Avenue when tripped on the sidewalk and fell, injuring her right knee, shoulder, and arm. She said that, at the time, she did not notice the condition of the sidewalk, which she has since testified was in a state of disrepair and uneven. Public Works had not received any reports concerning the condition of the sidewalk before Ms. Dinberg’s fall and received no reports as a result of her fall. The state of the sidewalk was discovered by Public Works in July 2015, as reflected in a work order dated July 15, 2015. The sidewalk was repaired in August 2015. Although the Metropolitan Government had no actual notice of the sidewalks condition, the court will likely find that Metro had constructive notice of the defective condition because the advanced state of deterioration likely resulted from improper maintenance, and the defect occurred in a heavily trafficked area.

Ms. Dinberg sought treatment for a shoulder fracture and dislocation, resulting from the fall, which required surgery to place a metal plate in her shoulder. She may further require physical therapy or steroid injections in the future. She has agreed to accept a total of \$175,000 in full settlement of this case, based upon \$74,105.81 for reimbursement of her medical expenses plus \$100,894.19 for pain and suffering.

The Department of Law recommends settlement of this claim for \$175,000.

Fiscal Note: This \$175,000 settlement would be the thirty-third payment from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,485,556.08. The fund balance would be \$3,710,369 after this payment.

RESOLUTION NO. RS2019-1716 THROUGH RS2019-1718—

These resolutions would authorize the construction, installation, and maintenance of aerial encroachments at three separate locations:

- **RS2019-1716** (O'CONNELL & BEDNE) would authorize The Budge, LLC DBA Music City Chicken Company to install a projecting sign measuring 4 feet, 8.5 inches by 4 feet, 2 inches at 109 2nd Avenue North;
- **RS2019-1717** (BEDNE) would authorize Tootsie's Entertainment, LLC dba Tootsie's Orchid Lounge Nashville, to install two double-faced, illuminated, projecting signs measuring 4 feet, inches by 10 feet, 4 inches at 422 Broadway;
- **RS2019-1718** (O'CONNELL & BEDNE) would authorize NashRev, LLC to install a double-faced, illuminated, projecting sign measuring 2 feet, 20 inches wide, 7 feet tall at 2032 West End Avenue.

In each instance, the resolution requires the applicants to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to provide a certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party (\$2 million for RS2019-1716 and RS2019-1717 and \$4 million for RS2019-1718). The applicants must also hold the Metropolitan Government harmless from all claims connected with the installation.

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

The plans for each encroachment must be submitted to the Director of Public Works for approval, along with all work and materials; and the installation, when completed, must be approved by the Director. Construction of the signs must be carefully guarded and must be completed promptly, so as to cause the least inconvenience to the public.

These proposals have been approved by the Planning Commission.

RESOLUTION NO. RS2019-1719 (LEE) – This resolution would approve the election of six hundred ninety-five (695) Notaries Public in accordance with state law. Per Rule 27 of the Metro Council Rules of Procedure, the Davidson County Clerk has advised that each of the applicants meets the qualifications for the office.

RESOLUTION NO. RS2019-1720 (ROSENBERG) – This resolution would propose one amendment to the Metropolitan Charter. The amendment proposed is identical to Amendment A as proposed in Resolution No. RS2019-1617, with the exception of minor re-numbering and housekeeping changes.

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. And if currently pending RS2019-1617 is approved, it would constitute the second resolution allowed per term and this resolution would therefore require withdrawal.

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 amendment is to be August 1, 2019. The May 7, 2019 Council meeting is the last regular meeting date at which a Charter amendment resolution may be approved in order to comply with the above-referenced deadlines.

This amendment, which is identical to amendment A proposed under RS2019-1617, 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, as determined by a regulatory agency or court, this amendment would provide for a reversion to the current system of electing mayor, vice-mayor, councilmember-at-large and district councilmember, further relying on the current system to determine run-off candidates. Amendment A was disapproved by the Charter Revision Commission (3-2) and approved by the Council at the April 16, 2019 regular meeting.

Because the Charter amendment proposed in this resolution is essentially identical to the Charter Amendment A in Resolution No. RS2019-1617, re-consideration by the Charter Revision Commission is not required.

– ORDINANCES ON SECOND READING –

BILL NO. BL2019-1518 (O'CONNELL) – This ordinance, as substituted, would make various amendments to Chapter 6.81 of the Metropolitan Code of Laws regarding Booting Services.

This ordinance would add a definition for “residential parking areas,” a phrase used twice in this Chapter, but currently undefined.

The regulations for obtaining a booting permit would be amended in several ways. There is currently a requirement that all employees of booting services obtain a permit from the Metropolitan Transportation Licensing Commission (MTLC). Under the current provision, applicants must be at least twenty-one years of age. This ordinance would lower the age to eighteen. The current provision allows employee permits to remain valid for two (2) years at a fee of \$150. The proposed ordinance would reduce the duration of permits to one (1) year, but at a fee of only \$50. In each instance, a fee of \$40 for a background check would still apply. This ordinance would also require all persons engaged in the act of booting to wear a uniform containing the name and/or logo of the booting company on either the left or right chest of the employee's shirt or jacket.

Booting services would be required to maintain a phone number staffed by a live operator 24 hours a day, 365 days per year. Additionally, if the immobilization device (sometimes called a “boot”) were to damage a vehicle, the service would be liable for the cost of repairs. Further, a booting service would be required to have a valid written contract with the owner of the property, the lessee, managing agent, or other person in control of the property on which the service engages in booting.

The maximum fee for boot removal would be increased from \$50 to \$75.

New requirements for booting services would be added. A service would be required to remove a boot within 15 minutes after full payment is received. A service would also be required to obtain a license in order to operate. (This is already implied in Chapter 6.81, but this amendment would make it an explicit requirement).

Existing signage requirements would further be required to be inspected for compliance by the MTLC.

Finally, the MTLC Director would be authorized to suspend, revoke, restrict, or refuse to renew licenses or permits for failure or refusal to comply with Chapter 6.81.

An amendment has previously been submitted which would require (1) arrival within the lesser of one hour of contact or within 10 minutes of the posted estimated arrival time to remove booting devices following payment; (2) inclusion of call center information and other such third parties within the require posting of contact information; and (3) the posting of such additional contact information on required signage.

Fiscal Note: Section 3 of the proposed changes to the MCL concerning booting services would change the permit fees for booting companies. Presently, these companies pay \$150 for a two-year permit. The new fee would be \$50 for a one-year permit. Since there are presently only three permitted booting companies operating in Nashville, the net change of \$50 per permit per two years would have no significant impact on the revenue of the TLC.

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.

Under First Amendment protections, municipal governments have no power to restrict speech because of its content. Government regulation of speech is considered content-based if the regulation applies based upon the topic addressed or the idea or message conveyed, or even if the restriction applies as a result of the content's function or purpose.

Following the U.S. Supreme Court's 2015 decision in *Reed v. Town of Gilbert*, anti-panhandling ordinances have more frequently been considered content-based speech restrictions by courts. Content-based restrictions are presumptively unconstitutional and may be justified under strict scrutiny only if the enacting government establishes that the restriction is narrowly tailored to serve compelling state interests. Cities identifying panhandling as a serious concern requiring legislative remedies often cite compelling interests such as pedestrian safety in support of such legislation.

BILL NO. BL2019-1598 (O'CONNELL, ROBERTS, & OTHERS) – This ordinance would amend the Metropolitan Code of Laws to establish a fleet schedule for low- or zero-emissions vehicles owned by the Metropolitan Government.

This ordinance would direct the Metropolitan Department of General Services to establish a fleet electrification program to require all vehicles owned by the Metropolitan Government to be low- or zero-emission vehicles, subject to a timeline. The transition to a zero-emission fleet would be phased-in as follows:

- By 2025, 25% of the vehicles in the metropolitan government fleet would be low-or-zero-emission vehicles.
- By 2030, 25% of the vehicles in the metropolitan government fleet would be zero-emission vehicles with at least 50% of the vehicles in fleet low-or-zero-emission vehicles.
- By 2035, 50% of the vehicles in the metropolitan government fleet would be zero-emission vehicles with at least 75% of the vehicles in fleet low-or-zero-emission vehicles.
- By 2040, 75% of the vehicles in the metropolitan government fleet would be zero-emission vehicles with at least 90% of the vehicles in fleet low-or-zero-emission vehicles.
- By 2045, 90% of the vehicles in the metropolitan government fleet would be zero-emission vehicles with at least 100% of the vehicles in fleet low-or-zero-emission vehicles.
- By 2050, 100% of the vehicles in the metropolitan government fleet would be zero-emission vehicles.

The Department of General Services could adopt rules and regulations to implement this program. General Services would also be directed to develop a greenhouse gas emissions reduction plan for its fleet by January 1, 2022, to be updated every two years.

General Services could exempt vehicles, such as emergency response vehicles and other types of vehicles for which low- or zero-emission models are not feasible, from this program.

Fiscal Note: The capital costs to establish the proposed fleet of low- or zero-emissions vehicles, along with the required infrastructure to support such a fleet, as well as the impact upon ongoing operational costs compared to the costs of operating conventional vehicles, has not yet been determined by General Services.

BILL NO. BL2019-1599 (O'CONNELL, ROBERTS, & OTHERS) – This ordinance would require the Department of General Services to create sustainable or “green” building standards for buildings owned by the Metropolitan Government and amend Chapter 16.60 regarding sustainable building design standards for new and renovated Metropolitan buildings and facilities.

By January 1, 2020, General Services would be required to develop a strategic management plan for reducing energy and water use in metro-owned buildings. This would include timelines and cost estimates for implementing:

1. A retrofit program across 9% of metro-owned buildings by square footage between 2021 and 2024, with a goal of achieving 30% reductions in energy and greenhouse gas emissions.
2. A net-zero energy retrofit program across at least 12.5% of metro-owned building between 2026 and 2032.

Further, Chapter 16.60 of the Metro Code would be amended to require Metro to seek LEEDTM “Platinum” level certification, instead of the current LEEDTM “Silver”, as well as update references to the current year. This program currently applies to new construction and additions over 5,000 gross square feet or projects over \$2 million.

Fiscal Note: Pursuant to Metro Code section 16.60.110, the General Services Department submits an annual report to the Metropolitan Council detailing the environmental performance and operation of buildings that subscribe to LEED sustainable standards. Previous reports have consistently reflected operational cost savings. However, the costs to implement the currently proposed requirements, as well as the amount of savings that could result from the reduced energy and water use, has not yet been determined by General Services.

BILL NO. BL2019-1600 (O’CONNELL, ROBERTS, & OTHERS) – This ordinance would create a renewable energy portfolio standard program for the Metropolitan Government.

The program would begin in 2020, with total carbon-free energy usage standard of at least 53%. This portion would include no less than 20% from “tier one” renewable sources such as solar energy, wind energy, methane, geothermal, ocean, fuel cells charged from such sources, and raw or treated wastewater. Further, the carbon-free energy portion would consist of at least 2.5% from “tier two” renewable sources such as hydroelectric power or waste-to-energy, and at least 1% from solar energy. The carbon-free energy portion would gradually increase each year, ultimately meeting the goal of 100% carbon-free energy usage in 2041.

This ordinance would further encourage Metro to increase their share of ownership in community-based solar programs within Davidson County and any incentives offered by NES to increase renewable energy sources when available.

Fiscal Note: The costs to implement the proposed program as well as the amount of savings that could result from the increased renewable energy use have not yet been determined by General Services.

BILL NO. BL2019-1601 (ROSENBERG) – This ordinance would amend Section 4.12.230 of the Metropolitan Code of Laws relative to contracts for government relations and lobbying services.

Currently, this section governs contracts for government relations and/or lobbying services on behalf of Metro. This requires certain reports to be submitted to the Council, including a monthly

report on legislative goals when the Tennessee General Assembly is not in session, weekly legislative reports while the General Assembly is in session, and a report on the results of lobbying efforts taken on behalf of Metro and a summary of significant legislative action taken by the General Assembly within thirty days of the conclusion of a legislative session.

The Ordinance under consideration would prohibit Metro from entering into or extending a contract with an individual or entity that is also party of a contract that provides advice, counsel, or government relations or lobbying services in support of any measure that has the effect or goal of diverting public funds from the Metro Nashville Public School system. This would also require that all contracts entered into or extended for these purposes to include a clause that terminates the contract immediately if the contracted party enters into a contract to provide services in support of a measure that has the effect or goal of diverting public funds away from the Metro Nashville Public School system.

A minor amendment is anticipated from the sponsor regarding the immediacy of termination requirements.

BILL NO. BL2019-1602 (MENDES) – This ordinance would amend Section 5.04.110 of the Metropolitan Code of Laws regarding annual debt reports to the Metropolitan Council.

Currently, there is a requirement for a debt report to be submitted to the Metro Council no later than May 1 of each year. These reports include the total amount of outstanding general obligation and revenue bonds compared to the amount outstanding on June 3 of the previous year, the anticipated debt service requirements for the next fiscal year, and the gross and present value savings for any debt refunded since July 1 of the current fiscal year, among other requirements.

The ordinance under consideration would make several changes. “Debt” would be defined to include “obligations due under bond obligations and any other debt instruments, including without limitation promissory notes or commercial paper due within one year of issuance.” The ordinance would also add required information including:

- The total amount of debt, excluding revenue bonds, stated cumulatively and per capita, and the annual percentage increase or decrease of the total debt, excluding revenue bonds, from the prior fiscal year.
- The required summary of commercial paper activity would be replaced with a summary of “any debt due under debt instruments other than bond obligations for the previous twelve month period”. This information would be required to include the date of each debt instrument, the interest rate, maturity date, principal balance, and amount of interest owed.
- A summary of the total amount of capital spending that has been approved by the Council in any prior capital spending plan, but for which bonds have not yet been issued.

An amendment is anticipated from the sponsor.

BILL NO. BL2019-1603 (O'CONNELL) – This ordinance would approve a temporary “Special Event Zone” for the downtown area, in conjunction with the 2019 CMA Music Fest scheduled June 5 to 10, 2019.

The Special Event Zone established under this ordinance would consist of two areas. Area 1 would extend from First Avenue to Rosa L Parks Blvd, and from Korean Veterans Blvd to Commerce Street, with an extension from Commerce Street to Church Street along Second and First Avenues North. Area 2 would extend from the east side of the Woodland Street Bridge, to South 1st Street, to Interstate Drive, then to Shelby Avenue and Korean Veterans Boulevard, then north to Woodland Street.

Activity restrictions within the Special Event Zone would begin at six o'clock (6:00) a.m. on Wednesday, June 5, 2019, and end at midnight (12:00) on Monday, June 10, 2019.

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

1. The sale of any food, beverages, goods, or merchandise would be prohibited, unless street vendors obtain a “Special Event Zone” permit from the Nashville Convention and Visitors Corporation (CVC) in order to sell within the geographic area listed above.
2. Alcoholic beverages provided, served, or sold from any temporary outdoor would be prohibited, except as authorized.
3. The sale or distribution of merchandise pertaining to CMA Fest, where it is apparent on its face that the merchandise is not licensed by CMA, would be prohibited.
4. No tents or membrane structures of any kind would be permitted, except as authorized by CMA 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 CMA.
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 CMA 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, except exhibitions permitted by CMA.
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 CMA Fest, activities, and events.

Fiscal Note: This ordinance places restrictions on the activities that would be allowed to take place within the special event zone during the 2019 CMA Music Fest. However, no additional Metro personnel or overtime would be required just for the enforcement of these restrictions.

BILL NO. BL2019-1604 (O'CONNELL, VERCHER, & OTHERS) – This ordinance is a companion legislative piece to RS2019-1685 (authorizing PILOT payments for the Fifth + Broad development) and BL2019-1605 (approving a sublease to Metro of a portion of the Fifth + Broad development for museum uses). This ordinance would approve and authorize the execution of an Amended and Restated Agreement regarding the development and subsequent operation of the Museum of African American Music, Art and Culture (“Agreement”).

The Industrial Development Board (IDB) entered into an operational agreement with the African American History Foundation of Nashville, Inc. (“Foundation”) in December 2008, which was amended on February 21, 2017. OliverMcMillan Spectrum Emery (“OMSE”) intends to make approximately 56,421 square feet of its Fifth + Broadway development available for use as the National Museum of African American Music, which is to be funded by a previously approved grant of \$10,000,000 from Metro.

For the purpose of facilitating the use of grant funds at the museum, originally approved pursuant to Resolution No. RS2008-388, OMSE intends to convey the museum to the IDB. The IDB would then lease the museum to OMSE (pursuant to the lease attached as an exhibit to Resolution RS2019-1685), then OMSE would sublease the museum to the Metropolitan Government, subject to Ordinance No. BL2019-1605 (also on Second Reading).

This ordinance would allow Metro to become a party to the amended operational agreement referenced above. Metro would provide a location for and cause the acquisition and construction of the museum, funded in part with 2008 grant funds.

The Agreement would cover a variety of operational details of the Museum of African American Music, Art and Culture. The Foundation would be the exclusive developer of the museum and would be responsible for all costs of the museum which exceed the amount of the Metro grant. Metro would make the 2008 grant available in one or more installments to the IDB upon certification of the following:

1. That the grant will be used for expenditures or capital costs related to the museum on or before three (3) years from the date of deposit of the grant;
2. Within six (6) months from the date of deposit, the Foundation will have incurred substantial binding obligations to a third party to expend with respect to capital costs related to the museum at least five percent (5%) of the grant or such portion thereof; and
3. The work on the museum and the expenditure of the grant is expected to proceed with due diligence.

The term of this Agreement would commence upon adoption and extend until the termination of the lease between the IDB and OMSE, unless terminated earlier.

Fiscal Note: Utilization of the PILOT structure for this proposal per BL2019-1604 and BL2019-1605 will allow the use of the previously approved \$10 million grant to fund the Museum without any additional financial obligations by Metro.

BILL NO. BL2019-1605 (VERCHER, SYRACUSE, & GILMORE) – This ordinance would approve a sublease of a portion of property located at the corner of Broadway and Fifth Avenue North from OliverMcMillan Spectrum Emery, LLC (“OMSE”) to the Metropolitan Government to be used as a museum celebrating African American music. This ordinance is a companion legislative piece to RS2019-1685 and BL2019-1604, described above.

This sublease is specifically related to the National Museum of African American Music, which is to be built at the Fifth + Broad development and funded by grant funds from Metro. For the purpose of facilitating the use of grant funds at the museum, originally approved pursuant to Resolution No. RS2008-388, OMSE intends to convey the museum to the IDB. The IDB would then lease the museum to OMSE (attached as an exhibit to Resolution RS2019-1685), then OMSE would sublease the museum to the Metropolitan Government.

Pursuant to the agreement contained in Ordinance No. BL2019-1604, the African American History Foundation of Nashville, Inc. would assume the obligations of Metro under this sublease. Any Metro obligations under this sublease, including any financial obligations, would be performed by the African American History Foundation of Nashville, Inc.

The term of the sublease is twenty (20) years.

Fiscal Note: Utilization of the PILOT structure for this proposal per BL2019-1604 and BL2019-1605 will allow the use of the previously approved \$10 million grant to fund the Museum without any additional financial obligations by Metro.

BILL NO. BL2019-1607 (PULLEY & SYRACUSE) – This ordinance would relinquish the Metropolitan Government’s further interest in a parcel of real estate formerly comprising part of the Green Hills Branch Library and Archives.

The Metropolitan Government owned a building and parcel of real property at 0 Crestmoor Road, Nashville, Tennessee 37215. The library and archive functions formerly conducted on the site have been moved to other locations. The deed contains a reversionary clause providing that if the property ceases to be used as a branch library, the ownership is to revert to the grantors. The Mayor, or a designee, is authorized to execute any necessary documents to effect the conveyance of this property, including execution and delivery of a quitclaim deed.

This mandatory referral is scheduled before the Metropolitan Planning Commission on May 23, 2019.

A minor housekeeping substitute is anticipated to correct the mandatory referral Proposal number reference in the caption.

BILL NO. BL2019-1608 (ALLEN, BEDNE, & O'CONNELL) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning portions of Alley Number 952 and Alley Number 970 right-of-way.

This abandonment has been requested by Catalyst Design Group, applicant.

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

BILL NO. BL2019-1609 (BEDNE & O'CONNELL) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning Alley Number 1144 right-of-way and easement.

The abandonment has been requested by Darwin Shane Teeters, applicant.

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

BILL NO. BL2019-1610 (BEDNE & O'CONNELL) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Big Horn Drive right-of-way.

The abandonment has been requested by Ragan-Smith Associates, applicant, and Hermitage Rentals, owner.

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

– ORDINANCES ON THIRD READING –

BILL NO. BL2019-1526 (MURPHY) – This ordinance, as substituted, would amend Metropolitan Code of Laws Chapter 6.80 to require parking lots to display certain signage if towing occurs on the premises.

This ordinance would require signage at a private parking lot before towing can occur. This would require a permanently affixed sign measuring not less than 24-inches in height and 18-inches in width to be placed on all point of vehicular ingress to the lot. The sign would be required to include the name and a 24-hour phone number for the towing company or booting company. Signs would be required to be placed between 42 and 72 inches from the ground. Signage would be required to be inspected by Metro Transportation Licensing Commission (MTLC) staff for compliance.

Under the ordinance, no vehicle parked at a private parking lot would be subject to towing unless signage compliant with these requirements is in place. Owners and operators of unattended private parking lots from which a vehicle is properly towed could require vehicle owners to pay applicable towing fees and unpaid parking fines in order to have the vehicle returned. A maximum booting fee of \$75 would apply.

The ordinance would further allow for the towing of unauthorized vehicles from private property only upon approval of the owner of the private property or the agent or lessee of the owner. If an authorized vehicle is towed, the vehicle owner or operator would be entitled to a full refund of any towing feed paid, plus fifty dollars. Whether a vehicle was improperly towed would be a determination of the MTLC.

BILL NO. BL2019-1560 (VERCHER) – This ordinance would amend the workforce development program through the Mayor’s Office of Economic and Community development to include projects receiving any publicly financed economic development incentives provided by the Metropolitan Government.

Currently, Chapter 2.211 establishes a workforce development program through the Mayor’s Office of Economic and Community Development. This program provides job training and recruitment to Nashville residents for construction projects for which tax increment financing (TIF) or payments-in-lieu-of-tax (PILOT) agreements have been provided as incentives by the Metropolitan Government. It further establishes a goal of spending a minimum of twenty-percent of project costs with small, minority-owned, and women-owned business enterprises, referred to as diversified business enterprises (DBEs) by the private businesses receiving TIF and PILOT incentives. It also requires businesses receiving TIF and PILOT incentives to use the workforce development program to ensure reasonable efforts are made to hire residents of Davidson County.

The ordinance under consideration would expand the program from businesses receiving TIF and PILOT incentives to businesses receiving *any* publicly financed economic development incentives

provided by the metropolitan government. This would include, but not be limited to, TIF, PILOT agreements, as well as participation agreements, and economic and community development incentive grants authorized by MCL Chapter 2.210.

BILL NO. BL2019-1561 (BEDNE) – This ordinance would update Section 5.24.010 of the Metro Code of Laws by adopting the property identification maps for the Metropolitan Government as of January 1, 2019 as the official maps for the identification of real estate tax assessment purposes. This is a routine adoption made on an annual basis.

BILL NO. BL2019-1562 (BEDNE) – This ordinance would authorize the Metropolitan Government to negotiate and accept permanent and temporary easements for the Richmond Drive Stormwater Improvement Project for 14 properties located on Richmond Drive, Inglewood Court, and Haysboro Avenue.

This has been approved by the Planning Commission.

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined.

BILL NO. BL2019-1563 (SLEDGE & BEDNE) – This ordinance would accept a new fire hydrant assembly for property located at 603 D Hamilton Avenue.

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

BILL NO. BL2019-1564 (SLEDGE & BEDNE) – This ordinance would abandon a utility easement and accept new water main, a fire hydrant assembly and easement for property located at 1119 12th Avenue South.

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

BILL NO. BL2019-1565 (BEDNE) – This ordinance would abandon existing public sanitary sewer main, sanitary sewer manholes and easements and accept new public sanitary sewer main, sanitary sewer manholes and easements for four properties located on Spruce Street and 21st Avenue North.

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

BILL NO. BL2019-1566 (SWOPE & BEDNE) – This ordinance would authorize the acquisition of permanent and temporary easements through negotiations, condemnation, and acceptance for the Swiss Avenue Water Storage Infrastructure Improvement Project for property located at 1203 Pineview Lane.

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

Fiscal Note: The price to be paid for the easements and property rights has not yet been determined.

BILL NO. BL2019-1567 (HENDERSON & BEDNE) – This ordinance would abandon existing sanitary sewer main and easement for properties located at 3801 and 3909 Hobbs Road.

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

GRANTS LEGISLATION – MAY 7, 2019

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2019-1696	From: Office of the Mayor To: Nashville State Community College Foundation	Not to exceed \$40,000.00	N/A	May 7, 2019 through June 30, 2019	This is a grant from the Office of the Mayor to support the Nashville GRAD Program at Nashville State Community College.
RS2019-1697	From: U.S. Department of Health and Human Services To: Metropolitan Board of Health	Not to exceed \$1,070,000.00	\$0	April 1, 2019 through March 21, 2020	The grant proceeds would be used to provide a variety of services in reducing infant mortality for pregnant and parenting women.
RS2019-1698	From: The Safe Coalition To: Metropolitan Board of Health	Not to exceed \$5,000.00	\$0	October 1, 2018 through May 30, 2019	The grant proceeds would be used to provide funding for Metro Animal Care and Control's Safety Net Voucher program.
RS2019-1699	From: March of Dimes Foundation To: Metropolitan Board of Health	N/A	N/A	End date extended to June 30, 2019	This would approve amendment two to a grant approved by RS2018-1230. The term would be extended from March 31, 2019 to June 30, 2019. Grant proceeds are used to promote increasing preconception and interconception education for women of childbearing age in Davidson County.

<p>RS2019-1700</p>	<p>From: Tennessee Department of Health</p> <p>To: Metropolitan Board of Health</p>	<p>Not to exceed \$151,500.00</p>	<p>\$0</p>	<p>August 1, 2019 through June 30, 2023</p>	<p>The grant proceeds would be used to provide Chronic Disease Prevention and Management Services to reduce risks associated with prediabetes, type 2 diabetes, or heart disease and stroke.</p>
<p>RS2019-1701</p>	<p>From: Tennessee Department of Health</p> <p>To: Metropolitan Board of Health</p>	<p>Increase by \$405,600.00</p>	<p>N/A</p>	<p>End date extended to September 30, 2020</p>	<p>This would approve the first amendment to a grant approved by RS2018-1342. The grant amount would be increased from \$324,500 to \$730,100. The grant term end date would be extended from June 30, 2019 to September 30, 2020.</p> <p>The grant proceeds are used for the Healthy Start Home Visiting Program to identify and provide comprehensive services to improve outcomes for eligible families who reside in at-risk communities.</p>
<p>RS2019-1704</p>	<p>From: Tennessee Arts Commission</p> <p>To: Metropolitan Arts Commission</p>	<p>Not to exceed \$34,560.00</p>	<p>\$34,560.00</p>	<p>July 1, 2019 through June 30, 2020</p>	<p>The grant proceeds would be used for funding to non-profit organizations to nurture artist, arts organizations, and support development of Davidson County's cultural resources.</p>

RS2019-1705	<p>From: Friends of Two Rivers Mansion</p> <p>To: Metropolitan Nashville Parks and Recreation Department</p>	Not to exceed \$19,918.08	\$0	July 1, 2019 through June 30, 2020	The grant proceeds would be used to provide partial funding for one employee's salary for administrative support at Two Rivers Mansion.
RS2019-1706	<p>From: Friends of Two Rivers Mansion</p> <p>To: Metropolitan Nashville Parks and Recreation Department</p>	Not to exceed \$2,936.00	\$0	July 1, 2019 through June 30, 2020	The grant proceeds would be used to provide funding for two part-time employees to conduct historic tours at Two Rivers Mansion during June, July, and August 2019.
RS2019-1707	<p>From: Friends of Two Rivers Mansion</p> <p>To: Metropolitan Nashville Parks and Recreation Department</p>	Not to exceed \$489.33	\$0	July 1, 2019 through June 30, 2020	The grant proceeds would be used to provide funding for two part-time employees to conduct historic tours at Two Rivers Mansion during the 2019 Christmas season.
RS2019-1708	<p>From: Nashville Public Library</p> <p>To: Oasis Center, Inc.</p>	\$250,000	N/A	July 1, 2018 through June 30, 2019	This would appropriate funds to the Oasis Center to provide college access services for the Nashville Scholars Program.

RS2019-1709	From: Nashville Public Library To: Oasis Center, Inc.	\$50,000	N/A	July 1, 2018 through June 30, 2019	This would appropriate funds to the Oasis Center to provide services that help youth grow, thrive and create positive change in their lives and our community.
RS2019-1710	From: Nashville Convention and Visitors Corporation To: The Metropolitan Government	\$10,000.00	\$0	N/A	The grant proceeds would be used to help offset expenses incurred for emergency management for the 2019 National Football League Draft.
RS2019-1711	From: Tennessee Highway Safety Office To: Metropolitan Nashville Police Department	\$14,127.71	\$0	N/A	<p>This would approve an application for a Specialized Motorcycle Enforcement grant.</p> <p>If approved, the grant would be used to reduce the rate of fatal and serious injury motorcycle crashes on Tennessee roadways.</p>
RS2019-1712	From: Tennessee Highland Rim Healthcare Coalition To: Office of Emergency Management	Not to exceed \$10,000.00	\$0	N/A	The grant proceeds would be used to fund the purchase of emergency lighting for large scale events.

<p>RS2019-1713</p>	<p>From: Tennessee Highway Safety Office</p> <p>To: Metropolitan Nashville Police Department</p>	<p>\$410,561.96</p>	<p>\$0</p>	<p>N/A</p>	<p>This would approve an application for an Alcohol and Impaired Driving Enforcement grant.</p> <p>If approved, grant funds would be used for the continuance of the enhanced DUI enforcement initiative to reduce traffic fatalities attributed to impaired drivers through aggressive enforcement.</p>
<p>RS2019-1714</p>	<p>From: U.S. Department of Justice</p> <p>To: Metropolitan Nashville Police Department</p>	<p>\$67,681.22</p>	<p>\$67,681.22</p>	<p>N/A</p>	<p>This would approve an application for a Bulletproof Vest Grant.</p> <p>If approved, the grant proceeds would be used to purchase bullet proof vests for law enforcement personnel.</p>

QUITCLAIM DEED

Address New Owner as Follows:	Send Tax Bills To:	Map-Parcel No.
The Industrial Development Board of the Metropolitan Government of Nashville and Davidson County 100 Metro Courthouse Nashville, Tennessee 37201	(same)	Map 93-6-3A Parcel 6

This instrument prepared by: Robert R. Campbell, Jr., Esq., Waller Lansden Dortch & Davis, LLP,
511 Union Street, Suite 2700, Nashville, Tennessee 37219-1760
STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer is \$ _____.

Affiant

Subscribed and sworn to before me, this the _____ day of _____, 2019.

NOTARY PUBLIC

My Commission Expires: _____

FOR AND IN CONSIDERATION of Ten Dollars (\$10.00) and other good and valuable consideration, OliverMcMillan Spectrum Emery, LLC, a Delaware limited liability company (“Grantor”), by these presents, does hereby quitclaim and convey all its right, title and interest to The Industrial Development Board of the Metropolitan Government of Nashville and Davidson County, Tennessee, a public, not-for-profit corporation (“Grantee”), its successors and assigns, in the following described tract or parcel of land in Davidson County, Tennessee, to wit:

The Museum Unit of the Fifth + Broadway Retail Condominium described in the Declaration Establishing Fifth + Broadway Retail Condominium of record as Instrument No. 20181115-0112635, Register’s Office for Davidson County, Tennessee, together with the undivided percentage interest in the Common Elements appurtenant to said Unit as set forth in Exhibit E of the Declaration Establishing Fifth + Broadway Retail Condominium. The Fifth + Broadway Retail Condominium constitutes the Retail Unit in the

Fifth + Broadway Master Condominium, as established by the Declaration Establishing Fifth + Broadway Master Condominium, of record as Instrument No. 20181115-0112634, said Register's Office, as amended by First Amendment to Declaration Establishing Fifth + Broadway Master Declaration, of record as Instrument No. 20181121-0114644, said Register's Office. Reference is hereby made to the plat of Fifth + Broadway Master Condominium of record as Exhibit D to the Declaration Establishing Fifth + Broadway Master Condominium, as amended, for a more complete identification and description of the Retail Unit of Fifth + Broadway Master Condominium, and the plat of Fifth + Broadway Retail Condominium of record as Exhibit D to the Declaration Establishing Fifth + Broadway Retail Condominium, for a more complete identification and description of the Museum Unit.

Being part of the property conveyed to OliverMcMillan Spectrum Emery, LLC, a Delaware limited liability company, by deed from The Metropolitan Government of Nashville and Davidson County, Tennessee, of record as Instrument No. 20161110-0119299, said Register's Office.

This is property known as 115 Opry Place, Nashville, Tennessee 37219.

IN WITNESS WHEREOF, undersigned has hereunto set its hand on this the _____ day of _____, 2019.

OLIVERMcMILLAN SPECTRUM EMERY, LLC,
a Delaware limited liability company

By: OliverMcMillan/Brookfield Residential Nashville LLC,
a Delaware limited liability company,
its sole member

By: Brookfield Residential OM Holdings LLC,
a Delaware limited liability company,
its sole member

By: _____
Name: _____
Title: _____

CITY OF _____)
PROVINCE OF _____)

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged himself to be the _____ of Brookfield Residential OM Holdings LLC, a Delaware limited liability company, the sole member of OliverMcMillan/Brookfield Residential Nashville LLC, a Delaware limited liability company, the sole member of OliverMcMillan Spectrum Emery, LLC, the within named bargainer, a Delaware limited liability company, and that he as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as _____ of Brookfield Residential OM Holdings LLC, the sole member of OliverMcMillan/Brookfield Residential Nashville LLC, the sole member of the limited liability company.

Witness my hand and seal, at office in _____, this the _____ day of _____, 2019.

NOTARY PUBLIC

My Commission Expires: _____

OLIVERMcMILLAN SPECTRUM EMERY, LLC,
a Delaware limited liability company

By: OliverMcMillan/Brookfield Residential Nashville LLC,
a Delaware limited liability company,
its sole member

By: Brookfield Residential OM Holdings LLC,
a Delaware limited liability company,
its sole member

By: _____
Name: _____
Title: _____

CITY OF _____)
PROVINCE OF _____)

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged himself to be the _____ of Brookfield Residential OM Holdings LLC, a Delaware limited liability company, the sole member of OliverMcMillan/Brookfield Residential Nashville LLC, a Delaware limited liability company, the sole member of OliverMcMillan Spectrum Emery, LLC, the within named bargainor, a Delaware limited liability company, and that he as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as _____ of Brookfield Residential OM Holdings LLC, the sole member of OliverMcMillan/Brookfield Residential Nashville LLC, the sole member of the limited liability company.

Witness my hand and seal, at office in _____, this the _____ day of _____, 2019.

NOTARY PUBLIC

My Commission Expires: _____

Appendix C: Cost Benefit Analysis for PILOTs

Cost Versus Benefit Analysis for Payment In Lieu of Ad Valorem Tax									
Date		4/10/2019		Person Completing Form:		H. Beecher Hicks			
				Title:		President and CEO			
Lessor		Metro		Lessee		NMAAM			
Lease Term	Term Beginning Date	5/2020	Total Term Ending Date	5/2090					
Step 1		x	\$	=	\$ 1,700,000	x	2.0	=	\$ 3,400,000
	Number of New Jobs	40	Average Annual Company	\$42,500	Direct Income	See Note 1	Direct & Indirect Income		
Step 2	\$ 1,700,000	÷	\$ 41,978.00	=	40.5				
	Indirect Income		See Note 1		Number Indirect Jobs				
Step 3	\$ 3,400,000	x	0.097	=	\$ 329,800	x	0.6	=	\$ 197,880
	Direct & Indirect Income		See Note 1		New Total Annual State Tax	See Note 1	New Annual State Sales Tax	See Note 1	\$ 57,385 New Annual Local Sales Tax
Calculation Summary:									
					Additional comments and information about costs or benefits associated with the project may be attached.				
Total of New and Indirect Jobs	80.5		First Year PILOT Payment County:	\$0					
Total of Direct and Indirect Income	3,400,000		First Year PILOT Payment City:	\$0					
Total of New Annual State Sales Tax and New Annual Local Sales Tax	255,185		Total First Year PILOT:	\$0					
Market Value of Leased Real Property Improvements	32,000,000		<i>To be completed by Comptroller of Treasury</i>						
Market Value of Leased Machinery & Equipment	\$0		Tax Year	2001	Est Property Taxes	EqTR x Assessed Value			
Market Value of Leased Land	\$0		Co. Tax Rate	\$0.00	(New Local Sales tax plus PILOT) Less Estimated Property Tax	Eq TR = Total Rate x Appraisal Ratio			
Total Appraised Value:	\$0		City Tax Rate	\$0.00					
Total Assessed Value:	\$0		Other Rate(s)	\$0.00					
			Total Tax Rate	\$0.00					
			Legal Ratio	NA					
			Appraisal Ratio	1.0000					
			Eff Tax Rate	0.00%					
Note 1 Economic factors and multipliers provided by University of Tennessee for Business and Economic Research									