



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: July 16, 2019

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 7/10/19:

4% Reserve Fund	\$44,904,092*
Metro Self Insured Liability Claims	\$3,394,300
Judgments & Losses	\$2,237,322
Schools Self Insured Liability Claims	\$4,229,131
Self-Insured Property Loss Aggregate	\$5,480,712
Employee Blanket Bond Claims	\$694,231
Police Professional Liability Claims	\$2,175,835
Death Benefit	\$1,535,694

*This assumes unrealized estimated revenues in FY20 of \$33,482,048.

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

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTION NO. RS2019-1812 (S. DAVIS) – This resolution would approve an exemption for Eastwood Pub, LLC, located at 714 Gallatin Avenue, from the minimum distance requirements for obtaining a beer permit.

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

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

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

– ORDINANCES ON PUBLIC HEARING –

BILL NO. BL2019-1645 (MENDES, COOPER, & OTHERS) – This ordinance would approve Amendment No. 6 to the Arts Center Redevelopment Plan, Amendment No. 1 to the Bordeaux Redevelopment Plan, Amendment No. 1 to the Cayce Place Redevelopment Plan, Amendment No. 1 to the Central State Redevelopment Plan, Amendment No. 2 to the Jefferson Street Redevelopment Plan, Amendment No. 6 to the Phillips-Jackson Redevelopment Plan, Amendment No. 8 to the Rutledge Hill Redevelopment Plan, and Amendment No. 1 to the Skyline Redevelopment Plan.

This ordinance would add a new section to each of the eight (8) Redevelopment Plans (Plans) listed above. These Plans are administered by the Metropolitan Development and Housing Agency (MDHA). This new section would be entitled “2019 Plan Amendments” and would effectuate three principle changes. First, this new section would require that the portion of tax increment funds that may be used to pay the indebtedness could not be greater than seventy-five percent (75%), except that MDHA could increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA. Further, this would still be subject to the requirements of Chapter 5.06 of the Metro Code of Laws entitled “Tax Increment Financing”.

Second, the new section would require a periodic assessment of the activities and improvements eligible for tax increment financing (TIF) under the plan. An assessment could be requested by either the Council or the tax increment agency. Assessments could be requested no earlier than seven (7) years after the adoption of the plan, or the previous assessment, and would be required to be completed within ten (10) years after the adoption of the plan or the previous assessment. The assessment would include a review of the impact and goals of the Plan, and MDHA and the Council would have to agree on the eligible activities or improvements. Council’s agreement would be indicated by the adoption of a resolution approved by twenty-one (21) members. It would constitute a New Loan Termination Event if (a) the first assessment is not completed by June 30, 2022 or (b) any subsequent assessment is not completed within ten (10) years after the previous assessment. If a New Loan Termination Event occurs, MDHA would be prohibited from approving any additional bonds or indebtedness to be paid by TIF under the Plan. A New Loan Termination Event would not terminate the Plan, nor would it impact any TIF approved prior to the Event.

Third, the section would clarify that the Council or MDHA may initiate a Plan amendment, subject to the approval of the other. (Currently, only MDHA initiates such amendments.) If the Council initiates the amendment, the approval of MDHA must be obtained before the third reading of the ordinance adopting the amendment.

This ordinance would also make certain housekeeping changes, including language clarifying in the Rutledge Hill Redevelopment Plan from the amendment adopted pursuant to BL2014-699 which inadvertently identified the “Tax Increment” section of the plan as “Section G” instead of “Section H”. Additionally, several Redevelopment Plans authorize tax increment financing related to the Plan to be used to carry out “other adopted and approved redevelopment plans”, potentially

outside of the designated Plan area. This ordinance would remove that language from the various Plans.

– RESOLUTIONS –

RESOLUTION NO. RS2019-1800 (VERCHER, SYRACUSE, & OTHERS) – This resolution would authorize the Director of Public Property, or a designee, to exercise an option agreement between the Metropolitan Government for the purchase of a parcel of real property owned by Thomas Bros. Grass, LLC (Thomas Bros.) for use in Metro’s parks and greenways system.

Thomas Bros. owns approximately 106.8 acres of property located in Bells Bend. Buy Sod USA, LLC (Buy Sod) currently leases the property from Thomas Bros. and also maintains an option to purchase the property. Thomas Bros. and Buy Sod have agreed that Buy Sod will convey its right under the option to purchase the property to Metro.

Section 2.24.250.F of the Metro Code authorizes the director of public property to negotiate the purchase of property and to obtain options to sell property at a fixed price from owners, subject to the approval of the Council by resolution.

Section 2.24.225 of the Metro Code, as amended in 2018, provides that for transactions involving the sale, purchase, lease, sublease, or other disposition of real property that require approval of the Council, legislation may not be considered in the absence of an appraisal report that includes current and prospective values (reflecting any anticipated changes in entitlements). A copy of the appraisal was submitted to Council members through the Council office on July 2, 2019, and a summary of the appraisal is attached to this analysis.

An amendment has been previously proposed to require additional Council approval prior to exercise of the purchase option and to extend the option deadline from July 31, 2019 to December 31, 2019.

The proposed option has been approved by the Planning Commission.

Fiscal Note: The option to purchase held by Buy Sod for the Thomas property is in the amount of \$1,602,000. Buy Sod has agreed to convey its option rights to Metro for \$150,000.

RESOLUTION NO. RS2019-1813 (VERCHER & PULLEY) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1814 (VERCHER, PULLEY, & ALLEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1815 (PULLEY) – This resolution would approve an agreement between the University of South Carolina (USC) and the Metropolitan Board of Health to provide clinical experience opportunities for students in its Masters of Public Health program.

The term of the agreement would be for five (5) years, commencing upon approval of the agreement by all required parties and filing it with the Metropolitan Clerk. Either party may terminate the agreement upon 90 days' written notice. USC would be required to provide assurance that the students are covered by health and professional liability insurance, and USC agrees to assume responsibility for its students participating in the program.

Fiscal Note: The students would receive no compensation of any kind from the Metropolitan Government and would not be considered Metro employees.

RESOLUTION NO. RS2019-1816 (PULLEY) – This resolution would approve a dental provider service agreement between the Metropolitan Board of Health and DENTAQUEST USA Insurance Company, Inc. (DentaQuest).

Pursuant to this agreement, the Metropolitan Public Health Department would become an in-network provider with TennCare EPSDT Dental Services – an early periodic screening, diagnosis, and treatment program. The term of the agreement would be one (1) year, which would automatically renew for four (4) additional one (1) year terms. DentaQuest could terminate the agreement upon thirty (30) days prior written notice without cause. Metro could terminate the agreement upon sixty (60) days prior written notice without cause.

Fiscal Note: The resolution does not specify specific compensation rates. The Metropolitan Government would just be paid according to the prevailing TennCare rates in effect at the time of service.

RESOLUTION NO. RS2019-1817 (VERCHER & PULLEY) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1818 (VERCHER & PULLEY) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1820 (VERCHER, PULLEY, & SWOPE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1821 (VERCHER) – This resolution would authorize the Department of Law to settle a property damage claim of Ramiro Mandujano against the Metropolitan Government in the amount of \$18,601.06.

On March 14, 2019, a Public Works employee was driving a Public Works vehicle on I-24 West when the vehicle in front of him stopped suddenly. The employee could not stop on the wet roadway and struck the rear of Mr. Mandujano's vehicle, pushing him into the car in front of him. A personal injury claim is pending.

Mr. Mandujano's vehicle sustained major front and rear end damage. The vehicle was deemed a total loss by State Farm Insurance.

The Department of Law submits that the Public Works employee was following too closely and recommends settlement of this claim for \$18,601.06.

Disciplinary action against the employee consisted of a three-day suspension.

Fiscal Note: This \$18,601.06 settlement, along with the settlement per Resolution No. RS2019-1822, would be the first and second payments from the Self-Insured Liability Fund in FY20 for a cumulative total of \$44,301.06. The fund balance would be \$3,394,300 after these payments.

RESOLUTION NO. RS2019-1822 (VERCHER) – This resolution would authorize the Department of Law to settle the property damage claim of Zachary Stone against the Metropolitan Government in the amount of \$25,700.00.

On February 6, 2019, water overflowed from the laundry standpipe in the basement of Mr. Stone's home. Approximately 1,000 gallons of water entered the home and subsequently had to be removed. A combination sewer/storm drain in the alley behind the home overflowed during excessive rainfall in the month of February. Mr. Stone's property is located at the lowest point above ground level before the Metro manhole.

Mr. Stone reported a loss of \$32,058.07, including remediation of the plumbing, repairs to the home, damage to the home furnishings and personal items, and lost wages. Mr. Stone has agreed to accept a settlement of \$25,700.00, pending Council approval.

The Department of Law recommends settlement of this claim for \$25,700.00.

Fiscal Note: This \$25,700 settlement, along with the settlement per Resolution No. RS2019-1821, would be the first and second payments from the Self-Insured Liability Fund in FY20 for a cumulative total of \$44,301.06. The fund balance would be \$3,394,300 after these payments.

RESOLUTION NO. RS2019-1823 (VERCHER & SYRACUSE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1824 (VERCHER & SYRACUSE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1825 (VERCHER, ROBERTS, & SWOPE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1826 (ROBERTS & SWOPE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1827 (VERCHER, ROBERTS, & SWOPE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1828 (SYRACUSE & BEDNE) – This resolution would declare certain parcels of real property as surplus and approve the disposition of those parcels.

Section 2.24.250.G of the Metropolitan Code of Laws authorizes the Director of Public Property, following approval by the Metropolitan Council, to sell parcels acquired by Metro through a delinquent tax-sale process established by Tennessee Code Annotated § 67-5-2501.

This resolution would declare as surplus a parcel located at 0 Crealewood Drive in Council District 15.

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

This proposal has been approved by the Planning Commission.

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

RESOLUTIONS NO. RS2019-1829 AND RS2019-1830 – These resolutions would authorize the construction, installation, and maintenance of aerial encroachments at two separate locations:

- **RS2019-1829** (O'CONNELL & BEDNE) would authorize Pilcher Building Partners, LP to construct, install, and maintain one projecting sign and one sign on the existing awning at 144 2nd Avenue North.

- **RS2019-1830** (O'CONNELL & BEDNE) would authorize 4Pant, LLC to construct, install, and maintain a double-faced, illuminated, projecting sign at 210 4th Avenue North.

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 signs and to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party. 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 encroachment 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. RS2019-1832 (VERCHER) – This resolution would seek the recall of Mr. Tom Lawless from the Metropolitan Board of Zoning Appeals (BZA).

Pursuant to Metropolitan Charter Sec. 11.109, “any appointive member of any board or commission” established by the Metro Charter or by ordinance can be removed from office by a three-fourths vote of the entire membership of the Council.

Rule 45 of the Council Rules of Procedure requires a recall or removal pursuant to Metro Charter Sec. 11.109 to follow certain procedures. A resolution stating the reasons or grounds for removal must be filed with the Clerk. This resolution is then forwarded by the Clerk to the member sought to be removed. The resolution must be deferred for one meeting and referred to the Rules, Confirmations, and Public Elections Committee. The person sought to be removed may appear at such meeting but is not required to appear. The Rules Committee must make a recommendation to the Council and cannot recommend a deferral of the resolution. The person sought to be removed, or a designated representative, may address the Council prior to a vote on the resolution to remove them. If the person resigns prior to a vote on the resolution, no vote may be taken on the resolution. Finally, a vote on a resolution removal must be taken by a roll call.

The resolution under consideration would seek the recall of Mr. Tom Lawless from the Metropolitan Board of Zoning Appeals, but the basis for removal is unrelated to Mr. Lawless's service on the board. (In the period since the recent disputed appointment of Mr. Lawless, the

BZA has not yet convened.) The grounds for removal, as stated in the resolution, “consist of the untimely and improper exercise of presumptive appointment processes under Section 11.101.1 of the Metropolitan Charter.” Section 11.101.1 of the Metropolitan Charter states that should the Mayor appoint a member within sixty (60) days of the expiration of the term, and the Metropolitan Council “fail[s] to act on the appointment within sixty (60) days of receipt of the letter of appointment from the mayor”, that person is conclusively presumed to be approved by the Council.

Although the letter appointing Mr. Lawless was dated April 23, 2019, the Clerk delivered the Mayor’s appointment letter to Council on May 9, 2019 (in order to combine the letter with other appointment letters in a single delivery). The Council Office has been advised that the Mayor’s Office and Metro Legal Department conclude that Mr. Lawless’s appointment was presumed approved as of June 22, 2019. However, sixty (60) days from the delivery of the letter on May 9, 2019 would have been July 8, 2019.

– ORDINANCES ON SECOND READING –

BILL NO. BL2018-1320 (MENDES & ELROD) – This ordinance would approve the eighth amendment to the Rutledge Hill Redevelopment Plan. The Rutledge Hill Redevelopment Plan was initially approved by Ordinance Number 80-133, and subsequently amended by the adoption of Ordinance Nos. 86-1131, 87-1695, 91-1520, 97-755, 97-754, BL2005-875, BL2013-377, and BL2014-699.

This ordinance would clarify language from the amendment adopted pursuant to BL2014-699 which inadvertently identified the “Tax Increment” section of the plan as “Section G” instead of “Section H”. The 2014 amendment also inadvertently authorized tax increment financing related to the Rutledge Hill Redevelopment Plan to be used to carry out “other adopted and approved redevelopment plans”, potentially outside of the designated Rutledge Hill area. This ordinance would remove that language.

Additionally, this ordinance would add a new Section C.3 to the Rutledge Hill Plan to authorize proceeds from land sold by the Metropolitan Development and Housing Agency (MDHA) to be placed in a revolving fund for further purchase of land for resale and redevelopment in the project area, public improvements and facilities in the project area, and implementation of the redevelopment plan. The revolving fund would be held and managed by MDHA. At the close of the project, all funds remaining would be deposited into the General Fund.

The Tax Increment Section of the Rutledge Hill Plan would be further amended to add language to require that, for all new Tax Increment Financing (TIF) loans under the Rutledge Hill Plan, debt service taxes and schools taxes would be retained by the Metropolitan Government, or if received by MDHA, be paid to Metro before any incremental tax revenues are used to pay the principal and interest on a TIF loan. The debt service taxes to be retained by or paid to Metro for each TIF loan would be determined by multiplying the total taxes from all parcels generating incremental tax revenues pledged to secure the TIF loan by the debt service tax percentage applicable as of the date of the closing of the TIF loan. The amount of school taxes to be retained by or paid to Metro for each TIF loan would be determined by multiplying the total taxes from all parcels generating incremental tax revenues pledged to secure the TIF loan by the schools taxes percentage applicable as of the date of the closing of the TIF loan. This would apply to all TIF loans authorized by MDHA under the Rutledge Hill Redevelopment Plan after the effective date of this ordinance.

State law authorizes redevelopment plans to be approved either by the housing authority or the local governing body, but no express provision addresses subsequent amendments thereto. (Tenn. Code Ann. § 13-20-203(a)(1)). Previous versions of the Rutledge Hill Plan provide that modifications may be proposed by MDHA “with the subsequent approval of the Metropolitan Council.”

This ordinance was originally introduced September 4, 2018 but deferred in deference to comprehensive review of tax increment financing by the TIF Study and Formulating Committee.

Fiscal Note: The property tax receipts available to be used for TIF loans would now have the same restrictions as proposed per Ordinance No. BL2018-1319, which is currently on third reading. Only the property tax receipts credited to the GSD General Fund and USD General Fund could be used for TIF loan payments. The tax receipts credited to the Schools Operating Fund and the three debt service funds would be retained by Metro and could not be used for TIF loans.

For comparison purposes, the total property taxes budgeted for FY19 for each of the six general budgetary funds are as follows:

- *GSD General Fund \$451,063,800*
- *GSD Debt Services Fund \$95,402,400 (non-eligible for TIF)*
- *MNPS General Fund \$40,473,300 (proposed to become non-eligible for TIF)*
- *MNPS Debt Services Fund \$322,381,100 (non-eligible for TIF)*
- *USD General Fund \$109,098,200*
- *USD Debt Services Fund \$17,848,700 (non-eligible for TIF)*

BILL NO. BL2018-1328 (MENDES, COOPER, & HENDERSON) – This ordinance would amend Title 5 of the Metropolitan Code of Laws (MCL) regarding tax increment financing (TIF) development and redevelopment plans.

The ordinance would amend MCL Sec. 5.06.010 to revise the definition of “Plan” to add transit-oriented development plans. A new section would be added as Sec. 5.06.070 to require that the tax increment agency prepare an analysis for all plans approved or amended after November 1, 2018. The analysis would demonstrate the incremental tax revenue to be generated by any proposed TIF loan program in the plan and would be required to include the methodology and assumptions used in the financial forecasts and projections supporting the TIF loan program.

The analysis would also include, by year for the duration of the plan, at least the following:

- The methodology used to determine the incremental tax revenue that would be generated by the plan;
- The assumptions that would be used in that determination;
- the total amount of proposed TIF loans;
- the incremental tax revenue to be generated; and
- the amount if any of incremental tax revenue to be returned or provided to the Metropolitan Government.

The ordinance would further require the tax increment agency to obtain a determination or opinion in accordance with the attestation standards from an independent certified public accounting firm that the assumptions in the tax increment agency's analysis provide a reasonable basis for the tax increment agency's forecast or projection, given the hypothetical assumptions supporting its analysis demonstrating the amount of incremental tax revenue to be generated.

This ordinance was originally introduced September 18, 2018 but deferred in deference to comprehensive review of tax increment financing by the TIF Study and Formulating Committee.

Fiscal Note: Under the proposed analysis and reporting requirements proposed in this ordinance, it would be necessary to provide a determination or opinion in accordance with the attestation standards from an independent certified public accounting (CPA) firm that the assumptions provide a reasonable basis for the forecast or projection, given the proposed hypothetical assumptions. This CPA analysis must demonstrate that the proposed amount of incremental tax revenue to be generated is achievable.

The analysis and reporting requirements would be the responsibility of the "tax increment agency". Currently, the projections for incremental revenues to be generated by any particular project are developed by the agency. There would be increased costs generated by the requirement to contract with a CPA firm to confirm these projections. However, the ordinance is silent on the mechanism that would be used to pay these costs.

BILL NO. BL2019-1524 (VERCHER & HALL) – This ordinance would amend the definition of “qualified company” and “qualified project” and amend the eligibility criteria for economic and community incentive grants.

Chapter 2.210 of the Metropolitan Code of Laws authorizes the Industrial Development Board to provide economic and community incentive grants to qualified companies for qualified projects. The ordinance under consideration would amend the definition of “qualified company” and “qualified project” to limit the eligible companies and projects to those which have not applied for or received any other publicly funded incentive grant or tax relief benefit offered by or through the Metropolitan Government or the State of Tennessee. This would include payment-in-lieu-of-taxes (PILOT), tax increment financing (TIF), or participation agreements providing publicly funded incentives. In addition, the project proposal required by MCL Section 2.210.030 would be required to address whether the applicant has applied for or received other publicly funded incentive grants or tax relief.

Fiscal Note: This ordinance would only affect the eligibility of specific companies and projects. Separate legislation would still be required for the approval of incentive grants for any specific future companies and projects.

BILL NO. BL2019-1630 (MENDES, COOPER, & OTHERS) – This ordinance would amend Sections 5.06.050 and 5.06.060 of the Metropolitan Code of Laws regarding Tax Increment Financing (TIF) plans.

Sections 5.06.050 and 5.06.060 of the MCL were added to the Code pursuant to Ordinance No. BL2016-157. Section 5.06.050 currently requires that the debt service portion of TIF loans to developers remains with Metro before being used for the payment of principal and interest on the

TIF loans. Section 5.06.060 currently requires that the proceeds from the sales of land sold by MDHA as part of redevelopment plans are to be used solely within that district and not for any other purpose without approval by a resolution by the Council receiving twenty-one votes.

Pursuant to the ordinance under consideration, Section 5.06.050 would be amended to require that the portion of incremental tax revenues that may be used to pay a TIF loan may not exceed seventy-five percent (75%). This percentage could be increased or decreased by written policy of the tax increment agency.

Section 5.06.060 would be amended to require that a TIF plan must comply with Section 5.06.050. Further, the section would set forth a mandatory periodic assessment of the activities and improvements eligible for TIF under the plan. An assessment could be requested by either the Council or the tax increment agency. Assessments could be requested no earlier than seven (7) years after the adoption of the plan, or the previous assessment, and would be required to be completed within ten (10) years after the adoption of the plan or the previous assessment. The assessment would include a review of the impact and goals of the plan, and the Council and the tax increment agency must agree on the eligible activities or improvements. Council's agreement would be indicated by the adoption of a resolution. If the assessment is not completed timely, the tax increment agency would be prohibited from approving any additional bonds or indebtedness. Finally, this section would authorize either the Council or the tax increment agency to modify, change, or amend a plan, subject to the approval of the other. If the Council initiates the change, approval of the tax increment agency would be required prior to third reading of the ordinance adopting the modification, change, or amendment.

BILL NO. BL2019-1632 (O'CONNELL) – This ordinance would delete Section 11.12.090 of the Metropolitan Code of Laws, relative to aggressive panhandling.

Currently, Section 11.12.090 regulates aggressive panhandling. "Aggressive panhandling" is defined to include approaching or speaking to a person in a way that threatens imminent bodily injury, persisting in panhandling to a person after receiving a negative response, blocking the passage of a solicited person, rendering service to a vehicle without prior consent of the owner, operator, or occupant and thereafter asking for payment for the service; or engaging in conduct intended to intimidate, compel, or force a donation. This current section prohibits aggressive panhandling, limits where panhandling generally can be located, and restricts panhandling to daylight hours only.

The ordinance under consideration would delete Section 11.12.090 in its entirety, thereby eliminating the limitations on aggressive panhandling and panhandling in general.

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. BL2019-1633 (ALLEN) – This ordinance, as substituted, would amend Chapters 17.08 and 17.16 of the Metropolitan Code of Laws regarding “Short term rental property – Owner-Occupied” and “Short term rental property – Not Owner-Occupied”. The ordinance would add a variety of provisions recently mandated or allowed by the Tennessee General Assembly under Tenn. Code Ann. §13-7-604, et seq. Additionally, the ordinance would exclude STRP – Not Owner-Occupied as a use permitted with conditions within RM zoning districts.

Currently, Chapter 17.16 of the Metro Code requires STRP applicants to affirm that operating a proposed STRP would not violate various types of residents’ agreements (e.g., HOA bylaws, condominium agreements, etc.) The proposed ordinance would add co-op agreements, lease agreements, and easements to this list. Pursuant to new state law under Tenn. Code Ann. §13-7-604(c), the ordinance would further require that all complainants be notified that false complaints made against an STRP provider are punishable as perjury. Further, the ordinance would clarify that upon three (3) violations of generally applicable provisions of the Metropolitan Code of Laws, the permit to operate an STRP may be revoked if no appeal rights remain, as provided under Tenn. Code Ann. §13-7-604. Outdated language regarding prior waiting periods would be removed.

Tenn. Code Ann. §13-7-603(a) requires mandatory grandfathering for properties used as a STRP prior to the enactment of prohibitive or restrictive ordinance. (Here, BL2017-608). Section 11 of the proposed ordinance recites this provision, adding that BL2019-1633 would also authorize grandfathering for properties depending on the zoning district. A delayed effective date of May 31, 2020 would be imposed.

The substitute ordinance adopted at the July 2, 2019 meeting provides housekeeping changes to the current ordinance to properly number the sections. References to the \$50 fee have been deleted (which has been increased to \$313 pursuant to BL2019-1627, adopted at the June 18, 2019 meeting). The effective date of Sections 1 through 6 of the ordinance would have a delayed effective date, extended from October 1, 2019 to May 31, 2020.

The substitute ordinance also contains more substantive provisions, including additional requirements and milestones for RM-zoned properties for Not Owner-Occupied STRPs. A new Section 17.16.070.U.2.c. would provide that RM-zoned properties could receive an STRP permit

even after the effective date of the ordinance, provided it meet all other requirements of Subsection U and the following:

- File an affidavit of intent to apply for an STRP permit, and application for a building permit in conjunction with the intended STRP use, by January 1, 2020;
- Obtain and pay for the building permit by July 1, 2020;
- Obtain and pay for the Use and Occupancy permit/letter by January 1, 2022;
- Apply for the STRP permits within thirty (30) calendar days of the issuance date of the Use and Occupancy permit/letter; and
- Obtain and pay for the STRP permits applied for in conjunction with the above building permit.

Provisions would also be added that state that for property zoned RM for which a Not Owner-Occupied STRP permit was previously issued on or before May 31, 2020, a new owner could apply for and be issued a STRP permit (but only if the previously issued permit was in good standing at the time of purchase or acquisition). The Council office is unaware of similar instances in which the transfer or assignment of an annual permit is provided for in perpetuity under the zoning code.

Finally, as substituted, permits for Not Owner-Occupied STRPs in RM districts, upon revocation, would not be eligible for reapplication by current or subsequent owners.

It is anticipated that amendments will be submitted by the sponsor and other members.

BILL NO. BL2019-1643 (HALL) – This ordinance, as substituted, would require that all existing culverts, inlets, storm drains, and ditches within the T2- Rural Neighborhood Policy and T3- Suburban Neighborhood Policy be upgraded, retrofitted, and/or constructed to the specifications of the Stormwater Management Manual Standards. This would be required to be completed by January 1, 2025.

Fiscal Note: The costs to implement the improvements proposed by this amendment have not yet been determined by Water Services but are anticipated to range from tens of millions to possibly hundreds of millions of dollars due to the expansive size of the proposed Stormwater project.

BILL NO. BL2019-1730 (WEINER) – This ordinance would require a public hearing after the introduction of a substitute operating budget which proposes an increased property tax levy.

This ordinance would amend the procedure for the operating budget. If a substitute budget were introduced that included a proposal to increase the property tax levy over what is proposed in the Mayor's operating budget, this ordinance would require an additional public hearing be held at Council.

If approved, this could affect the normal timeline for consideration of the operating budget ordinance. Generally, the substitute budget proposed by the Budget and Finance Committee Chair is not offered until the third reading of the budget ordinance. Earlier submission is impractical until the conclusion of department hearings, Council work sessions, and public hearing. For the FY20 budget, the Chair's substitute was introduced at the June 18, 2019 meeting. If an additional properly-noticed public hearing had been required after that date, it may have been difficult to conduct such hearing and adopt the budget ordinance before the June 30 deadline imposed by the Metropolitan Charter. Additionally, with a required public hearing, competing substitutes could thwart the Chair's substitute simply by prior filing.

BILL NO. BL2019-1731 (A. DAVIS) – This ordinance would amend Chapters 4.12 and 4.20 of the Metropolitan Code of Laws regarding procurement.

Under the proposed ordinance, the definition of “responsible bidder or offeror” would be amended to include a provision that any bidder or offeror found by a court or regulatory agency to have committed a violation of a federal or state law or regulation regarding employment practices or safety standards within five (5) years prior to submission of a bid would be disqualified as a responsible bidder or offeror.

Further, invitations to bid prescribed under Section 4.12.030 would require bidders to submit an affidavit certifying that the bidder is and would remain in compliance with the provisions of Chapter 4.12 of the Procurement Code and the contents of the bid as submitted. Failure to remain in compliance would constitute a material breach of its contract with the Metropolitan Government. The affidavit would be submitted with the bidder's bid.

The factors considered in evaluating competitive sealed proposals would be amended to allow consideration of criteria establishing a “Qualified Workforce”. Qualified Workforce would be defined as a workforce that participates in utilization of federally registered apprenticeship programs; utilizes MC3 training curriculum (a construction-based apprenticeship program); employs an OSHA 10- and OSHA 30-certified workforce; employs OSHA 100-certified individuals; and provides health benefits and workers' compensation coverage for the workforce. These criteria would not be mandated in the competitive sealed proposal but could be taken into consideration.

Finally, the ordinance would add a new section to Chapter 4.20, which governs the procurement of construction contracts. This provision would require any person who enters a contractual agreement with the Metropolitan Government for any public works of improvements to submit information to the purchasing agent or relevant Metro agency. The required information would include the employer's utilization of federally registered apprenticeship programs and MC3 training curriculum; the number of OSHA 10-certified, OSHA 30-certified, and OSHA 100-certified individuals on project; and the percentage of employees on project covered by health benefits and workers' compensation offered by the employer.

BILL NO. BL2019-1732 (ROBERTS & SWOPE) – This ordinance would reorganize Section 7.08.090.A.1 of the Metropolitan Code of Laws pertaining to beer permits. No substantive revisions to the section are intended.

Currently, MCL Section 7.08.090.A.1, contains location restrictions for the issuance of a beer permit. This same subsection contains the multiple exceptions to the location restrictions adopted through multiple separate ordinances. With the gradual accumulation of multiple exceptions (each beginning “Provided, however...”), the subsection has lost clarity.

This ordinance would simply reorganize this subsection to make it more readable, segregating one large paragraph into distinct subsections. It would further relocate an internal definition of “Metropolitan arena” into the definitions section of MCL Chapter 7.08 and would remove an outdated grandfathering provision intended for earlier deletion.

BILL NO. BL2019-1733 (HALL) – This ordinance would amend Chapter 10.20 of the Metropolitan Code of Laws relative to landfill creation and expansion.

On May 2, 2017, the Council adopted Ordinance No. BL2016-484, which authorized use of “the Jackson Law” for the local approval of the construction of private landfills. This state statute, codified in Tennessee Code Annotated § 68-211-701 *et seq.*, authorizes local governments to adopt these local approval mechanisms. In considering such approvals, T.C.A. §. 68-211-704 contains eight (8) specific criteria that must be considered in evaluating new construction for solid waste disposal by landfilling or solid waste processing by landfilling.

The ordinance under consideration would simply mirror these eight (8) Jackson Law criteria, adopting them into the Metropolitan Code of Laws.

BILL NO. BL2019-1734 (HENDERSON, BEDNE, & O’CONNELL) – This ordinance would approve an amendment to an existing sewer contract to authorize the grant of a permanent easement to Harpeth Valley Utilities District (HVUD) of Davidson and Williamson Counties, Tennessee, on certain property owned by the Metropolitan Government.

The amendment would abandon and accept sanitary sewer main, but otherwise keep the remaining terms of the original agreement in effect.

The ordinance would further approve an agreement for the dedication of a public utilities’ easement.

BILL NO. BL2019-1735 (VERCHER) – This ordinance would establish a Public Stormwater Quality Project Fund.

The Metropolitan Government holds a National Pollutant Discharge Elimination System (“NPDES”) Municipal Separate Storm Sewer System permit. This permit is issued by the State of Tennessee. Metro’s stormwater regulations, as required by the permit, require developers to meet certain water quality standards. However, some existing site conditions preclude otherwise developable sites from complying with these water quality standards. These conditions include size, topography, current or previous uses, and other characteristics. The permit authorizes Metro to accept a payment of a fee into a Public Stormwater Quality Project Fund for use in implementation of stormwater quality projects by development projects that cannot fully comply with the water quality standards.

The ordinance under consideration would implement a Public Stormwater Quality Project Fund (“Fund”) to receive payments from development projects discussed above. The payments collected by the Fund would be used exclusively for the implementation of stormwater projects designed to reduce pollutants in and the quantity of stormwater runoff in Metro. The ordinance would approve the Metropolitan Department of Water and Sewerage Services’ regulations which (a) set criteria for determining whether a development project can meet applicable standards and thus be eligible for payment into the Fund, and (b) provide a means for calculating the applicable payment into the Fund.

Future amendments to this ordinance could be approved by resolution.

BILL NO. BL2019-1736 (SLEDGE, BEDNE, & ALLEN) – This ordinance would abandon existing water mains and fire hydrant assemblies, accept new water mains and fire hydrant assemblies, and acquire easements through negotiation, condemnation and acceptance for the 12th Avenue South Water Main Improvement Project Phases 2 & 3 for various properties between Belmont Boulevard and 12th Avenue South along 12th Avenue South, Kirkwood Avenue, Sherbourne Avenue, 9th Avenue South, Craig Avenue, Lealand Lane, and Gale Lane.

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

BILL NO. BL2019-1737 (BEDNE) – This ordinance would abandon existing public sanitary and combination sewer mains, combination sewer manholes/inlets, and easements and accept new sanitary sewer and combination sewer mains, sanitary sewer manholes, combination sewer manholes/inlets, and easements for five properties located on Broadway, Lyle Avenue and 20th Avenue South.

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

BILL NO. BL2019-1738 (BEDNE) – This ordinance would abandon existing public water and sanitary sewer main, manholes, and easements and accept new water main, fire hydrant assemblies, sanitary sewer manhole and easements, for 24 properties located along 33rd Avenue North, 35th Avenue North, Trevor Street, and Delaware Avenue, known as Sky Nashville.

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

BILL NO. BL2019-1739 (DOWELL & BEDNE) – This ordinance would authorize the acquisition of permanent and temporary easements through negotiations, condemnation, and acceptance, for the Century Farms development Water Pump Station for properties located at 5348 Cane Ridge Road and Cane Ridge Road.

This has been approved by the Planning Commission.

BILL NO. BL2019-1740 (LEE) – This ordinance would re-adopt the Metropolitan Code prepared by the Municipal Code Corporation (MCC) to include supplemental and replacement pages for ordinances enacted on or before January 16, 2019.

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

– ORDINANCES ON THIRD READING –

BILL NO. BL2018-1319 (MENDES, VERCHER, & OTHERS) – This ordinance, as amended, would amend Chapter 5.06 of the Metropolitan Code of Laws regarding tax increment financing (TIF).

This ordinance would amend section 5.06.010 to create definitions of “schools taxes” and “schools taxes percentage”. “School taxes” would mean (a) for properties located in the General Services District, that portion of property taxes designated to be distributed to the General Services District Schools Fund, and (b) for property in the Urban Services District, that portion of property taxes distributed to the General Services District Schools Fund. “Schools taxes percentages” would mean the percentage of taxes obtained by dividing the schools taxes for the applicable year by the total taxes for the applicable year.

This ordinance would then amend Section 5.06.050 by adding a subsection requiring that schools taxes be retained by Metro (or, if received by a tax increment agency pursuant to TIF, paid to Metro) before any incremental tax revenues could be used to pay the principal and interest on TIF loans. The amount of school taxes to be retained by or paid to Metro for each TIF loan would be determined by multiplying the total taxes from all parcels generating incremental tax revenues pledged to secure the TIF loan by the schools taxes percentage applicable as of the date of the closing of the TIF loan. This would apply to all TIF loans authorized by a tax increment agency after the effective date of this ordinance.

This ordinance bears resemblances to Ordinance no. BL2016-157, adopted by the Council in 2016, which similarly retained all “debt service taxes” from the incremental tax revenues otherwise available to tax increment agencies.

Fiscal Note: Metro operates with six primary funds in the annual operating budget. These are the GSD Operating Fund, the USD Operating Fund, and the Schools Operating. In addition to these three, there is a corresponding Debt Service Fund for each.

As part of the operating budget each year, a determination is made as to how much of the property tax revenues collected by Metro are to be credited to each of these six funds. The budget ordinance each year includes tables that show this division of the property tax revenues.

One of the funding mechanisms used by MDHA for new developments is Tax Increment Financing (TIF). A determination is made as to the incremental increase in the value of a property that results from the development. This increased value results in a corresponding increase in the total amount of property taxes that would be generated by the development. These increases are credited to these same six primary funds along with all other property tax revenues.

Under the initial rules, MDHA had the authority to collect all the increased property taxes from all six funds to pay for the loan used to finance the development. This was changed in 2016. For all new TIF loans, the property tax amounts allocated to the three debt service funds were kept by

Metro and could not be used by MDHA for loan payments. Only the property taxes allocated to the three primary operating funds could be used for this purpose.

The ordinance now under consideration would increase this fund restriction to include the Schools Operating Fund along with the three debt service funds. If this is approved, only the property taxes allocated to the GSD General Fund and the USD General Fund could be used for TIF loan payments.

For FY19, 14.8% of the property tax revenues are to be allocated to the debt service funds. Under the current rules, this leaves the remaining 85.2% of new TIF development property tax revenues that can be used to pay for the loans. The amount that is to be allocated to Schools is 31.1%. Removing this as well as the property tax payments allocated to the three debt service funds would only leave 54.1% of the new TIF development property tax revenues that could be used to pay for the loans.

The amount of total property taxes that would be paid to Metro would remain the same. The net impact would be to keep the additional 31.1% for the Schools Operating Fund instead of including this amount in the pool that could be used by MDHA for TIF loans.

BILL NO. BL2018-1416 (HENDERSON, SLEDGE, & OTHERS) – This ordinance, as substituted and amended, would amend the Metropolitan Code regarding tree density, retention, removal, and replacement requirements.

The ordinance was introduced in response to losses to Nashville's tree volume and tree canopy. A 2018 analysis conducted for the Metropolitan Water Services Department revealed that within the 8-year period from 2008 to 2016, Davidson County experienced a 13% reduction in tree canopy, losing approximately 918 acres of trees. In 2015, NashvilleNext (the General Plan for the Metropolitan Government) established goals for the protection and improvement of Nashville's tree canopy, citing various benefits of a viable canopy -- including enhancement of air and water quality, temperature moderation, provision of wildlife habitat, aesthetic improvement, and livability.

To address tree loss concerns, this ordinance as originally filed proposed six (6) principal revisions to Chapter 17.24 of the Metro Code regarding standards for landscaping, buffering, and tree requirements:

- (1) The tree density required per acre of land under the Code is measured in "tree density units" (TDUs). A single TDU roughly equates to two, 2-inch caliper trees. Under the original ordinance, the number of TDUs required per acre would be increased from 14 to 20 for (a) multi-family, (b) non-residential, and (c) 1- and 2-family residential subdivision developments. (Section 17.24.100.B);
- (2) When calculating the land area or acreage of a particular lot to which TDU requirements apply, the current Code excludes the land currently or proposed to be covered by

buildings. The original ordinance would continue to allow such exclusions, but only if the building meets sustainable design protocols. (Sec. 17.24.100.B.3.a);

- (3) The current Code further excludes semi- and tractor-trailer service areas, drive aisles, and parking/loading areas from the acreage calculations to which TDU requirements apply. The original ordinance would eliminate such exclusions. (Sec. 17.24.100.B.3.d)
- (4) A provision reducing tree density requirements by half for narrow, rectangularly shaped residential lots (i.e., lots with widths <25% of the average depth) would be eliminated. (Sec. 17.24.100.B.2.b(iii));
- (5) Landscape plans submitted with applications for final site plan approval would be required to bear the seal of a professional landscape architect. (Section 17.24.020.A); and
- (6) Trees with a diameter of 24” inches or more would be required to be survey located and depicted on final site plans. (Sec. 17.24.090).

Other minor modifications within the original ordinance included (a) clarification that Chapter 17.24 addressed “tree requirements” rather than mere landscaping, (b) minor grammatical and typographical corrections, and (c) clarification that various requirements applied to property owners, not just developers.

The current Code provides an option for property owners or developers who cannot meet prescribed TDU requirements on their site. Specifically, under MCL Sec. 17.40.480, if a site lacks adequate yard space to accommodate the required number of trees, or if the nature of the site would not otherwise allow for tree growth, the owner or developer has the option of paying a “tree bank” fee equal to the amount required to provide the required density. The accumulated funds are then to be dedicated toward planting and maintaining public trees. (The current tree bank fee is \$725 per TDU or \$362.50 per tree.) This provision remains intact in the original ordinance and in the Substitute.

The original ordinance was introduced before the Council on first reading on November 20, 2018, whereupon it was referred to the Planning Commission for review. Public hearing was conducted at the January 10, 2019 Planning Commission meeting, whereupon the ordinance was deferred on three occasions. During the deferral periods, the Planning Department conducted multiple stakeholder meetings with landscape architects, members of the development community, members of the tree advocacy community, and Council members. The Metro Council likewise deferred the original ordinance on four occasions, eventually adopting a Substitute on June 4, 2019. The Planning Commission conducted an additional public hearing on the ordinance as substituted on June 13, 2019, whereupon the Substitute was approved.

As substituted and amended, the ordinance now addresses three additional Chapters of the Metro Code – Chapters 17.04, 17.20, and 17.40 -- covering a broader range of tree protections and density requirements but also reducing or eliminating various provisions in the original ordinance. In comparison to the provisions proposed in the original ordinance, the Substitute does the following:

- 1) The number of tree density units (TDUs) required per acre would be increased from 14 to 22 (instead of 20), but only for multi-family and non-residential developments. The TDU requirement for 1- and 2-family residential would be maintained at 14. (Section 17.24.100.B);
- 2) The exclusion of land covered by buildings from gross acreage calculations would be retained in the Code, with no requirement that the buildings meet sustainable design protocols. (Sec. 17.24.100.B.3.a);
- 3) The exclusion from gross acreage calculations of semi- and tractor-trailer service areas, drive aisles, and parking/loading areas would be eliminated, as originally proposed. (Sec. 17.24.100.B.3.d);
- 4) The provision reducing tree density requirements by half for narrow, rectangularly shaped residential lots (i.e., lots with widths <25% of the average depth) would be retained rather than eliminated. (Sec. 17.24.100.B.2.b(iii));
- 5) Landscape plans submitted with applications for final site plan approval would be required to bear the seal of a professional landscape architect, but only for developments with 5,000 sq. ft. or more of permanent structures. (Section 17.24.020.A);
- 6) Trees with a diameter of 24” inches or more, or which qualify as “heritage” trees, would be required to be survey located and depicted on final site plans, as originally proposed. (Sec. 17.24.090); and
- 7) The definition of “retained tree” would exclude those species listed on the Tennessee Invasive Exotic Plant List, and would include only healthy trees in fair or better condition;
- 8) The current replacement tree schedule would be bifurcated to provide separate schedules for (a) canopy trees and (b) understory and columnar trees; and
- 9) Single-trunk replacement trees must meet certain dimensions and consist of species listed in the Urban Forestry Recommended and Prohibited Tree and Shrub List.

Of these provisions, the revisions regarding (1) the increase in TDU requirements, and (2) the exclusion of land covered by buildings (the “footprint exemption”) generated the most discussion at stakeholder meetings. These and other provisions are discussed in further depth below.

Increased TDU requirements

Municipalities establish and measure tree density requirements through a variety of methods. Therefore, comparing Nashville’s tree density requirements to other cities is difficult. But a survey of legislation in other cities indicates Nashville’s current requirement of 14 TDUs per acre is comparatively less than surrounding or comparable cities. Franklin, Tennessee for example requires a TDU of 26. A national average of 21 TDUs was estimated by tree advocates during stakeholder meetings.

The current Substitute proposes an increase to 22 TDUs, though only in multi-family and non-residential. (The Planning Department acknowledges that this approach will not, on its own, result in achieving the tree canopy goals for any particular transect, as set forth within the 2016 Metropolitan Nashville Urban Forestry and Landscape Master Plan. But the potential for future legislation remains in order to address concerns incrementally.)

Exclusion of land covered by buildings from acreage calculations

With respect to the provision exempting the footprint of buildings from acreage calculations, a survey of nearby and/or comparable cities – including Franklin, TN; Atlanta, GA; Charlotte, NC; Savannah, GA; Jacksonville, FL; Austin, TX; Seattle, WA; San Antonio, TX; and Indianapolis, IN – indicates that the majority do not allow for the exemption of building footprints from acreage calculations. However, in response to proposals to fully delete 100% of such exemptions in this ordinance, members of the development and landscape architect communities noted a prohibitively significant increase in tree density requirements and related costs. Conversely, tree advocates maintained that a 100% footprint exemption incentivized developers to maximize building footprints – thereby reducing tree density requirements by reducing the eligible acreage.

In stakeholder meetings, compromise proposals were submitted to reduce, rather than eliminate, the building footprint exemption by various percentages.

Tree density requirements reduced by 50% for narrow rectangular lots

At least one provision within the original ordinance drew little to no commentary during stakeholder meetings. The current Code reduces tree density requirements by half (from 14 to 7 TDUs) for certain narrow, rectangularly shaped residential lots.

If the width of an individual single or two-family lot is less than twenty-five percent of the average lot depth, the lot shall attain a tree density factor of at least seven units per acre using retained or replacement trees, or both.

The Council office has been unable to locate any comparable city that similarly reduces tree requirements or exempts lots based upon shape or configuration rather than dimension. Additionally, it is unclear in this exemption whether the term “width” refers to frontage width, average width, or maximum width. As a result, the application of this exemption to irregularly shaped lots is unclear, and enforcement by the Codes Department has proven difficult. Nevertheless, applying an “average” width interpretation, the Metro I.T. Department has determined that -- of the approximately 104,400 rectangularly shaped one- and two-family residential lots in Davidson County -- only 5,319 lots (5.1%) meet the condition whereby the width is less than 25% of the depth.

The original ordinance eliminated this exemption. The Substitute restores it, based upon the sponsors’ general intent to address only multi-family and non-residential developments in this particular ordinance.

Other provisions within the ordinance as substituted

As noted, the ordinance as substituted proposes a broader realm of revisions to three other chapters of the Code. The new provisions include the following:

- 7) Offering TDU credits for street trees located outside of the Downtown Code (where such requirements already apply), subject to approval by the Urban Forester and Public Works Department, with continuing maintenance obligations.
- 8) Establishing a definition for “heritage trees” (essentially, larger, long-lived trees of certain species types) and incentivizing their retention by allocating greater TDU credits.
- 9) Adjusting TDU credits allocated for retained trees, incentivizing their retention by making retained trees worth more credits than comparable volumes of new trees.

The ordinance as substituted likewise provides various housekeeping clean-up measures, including (a) updates to various illustrations that had grown blurry and disproportionate; (b) updated definitions, including for the terms “protected tree” and “retained tree”; and (c) revised requirements for parking area landscaping and buffer yard requirements

The ordinance as substituted was approved by the Planning Commission at its June 13, 2019 meeting.

BILL NO. BL2019-1614 (O’CONNELL) – This ordinance would amend Section 17.32.050 of the Metropolitan Code of Laws regarding prohibited signs.

MCL Section 17.32.050.G.2 prohibits copy, graphics, or digital display signs that change messages by electronic or mechanical means, other than tri-face billboards, in the CA, CS, CF, CC, SCR, IWD, IR and IG zoning districts, unless certain distance requirements are followed. The ordinance under consideration would add a provision that the distance or spacing requirements would not apply to property zoned CF located adjacent to, and along the west side of, the combined interstate segment of Interstate 40 and Interstate 65 near downtown Nashville.

BILL NO. BL2019-1635 (SLEDGE) – This ordinance would increase the required distance from billboards located along a street and the nearest property line of a residentially zoned property not fronting that street.

Currently, no billboard located along a particular street can be located closer than 60 feet from the nearest property line of a residentially zoned property that does not front on said street. This ordinance would increase that distance from 60 feet to 200 feet.

BILL NO. BL2019-1636 (COOPER, BEDNE, & OTHERS) – This ordinance would amend Section 17.40.106 of the Metropolitan Code of Laws related to required action by the Metropolitan Historic Zoning Commission (MHZC) and the Metropolitan Historical Commission for Specific Plan (SP) districts and properties, respectively.

The ordinance under consideration would require the review of SP districts which include property listed, or eligible for listing, on the National Register to be reviewed by the Metropolitan Historical Commission (MHC) staff and to further require a written report from MHC staff to the Council regarding the effects of the proposed SP district on the historic properties.

BILL NO. BL2019-1637 (HALL) – This ordinance would amend Sec. 17.40.720 regarding distance provisions for public hearing notices issued by mail pursuant to Title 17 of the Metropolitan Code of Laws.

Currently, at least twenty-one days prior to a public hearing, property within certain distances of a subject property must receive notice of a public hearing by mail of the time, date, and place of the public hearing. The distance requirements require the following:

- For a rezoning from agricultural or residential to industrial zoning, notice must be given to properties within a distance of 1,000 feet;
- For a rezoning from agricultural or residential to institutional, mixed-use, office, commercial, or shopping center, notice must be given within a distance of 800 feet; and
- For all other rezoning, notice must be given to properties within 600 feet.

The ordinance under consideration would change the notice for all other from 600 feet to 1,000 feet. A substitute is anticipated that would provide a consistent distance of 1,000 feet in all instances.

BILL NO. BL2019-1655 (A. DAVIS, ALLEN, & OTHERS) – This ordinance would amend Section 2.210.030 of the Metropolitan Code of Laws, which requires a project proposal for recipients of a grant or Payment In Lieu of Taxes (PILOT) incentive for a project.

Section 2.210.030 currently requires economic and community development incentive grant agreements be approved by a vote of 21 members of the Metropolitan Council. These grant agreements must provide that the Metropolitan Government's financial obligations are subject to the annual appropriation of funds by the Council. In January 2018, this section was amended to require the submission of a project proposal that includes:

- (1) The type and number of jobs that would be created by the company, including whether the jobs are temporary or permanent, and how many identified jobs will be filled by Davidson County residents;
- (2) The establishment of a workforce plan disclosing whether temporary or staffing agencies, the Nashville Career Advancement Center, or other third parties would be used to identify, recruit, or refer job applicants, whether the individuals hired for the identified jobs would be employed by the company, subcontractors, or other third parties, and the wages and benefits offered for the identified jobs, along with comparisons to average wage levels for comparable jobs in Davidson County;

- (3) Whether the project would use apprentices from programs certified by the U.S. Department of Labor; and
- (4) The number and type, within the preceding seven (7) years, of OSHA or TOSHA violations, or employment or wage-related legal actions filed within federal or state courts against the company or any contractor or subcontractor of the company retained on the qualified project.

The Mayor's Office of Economic and Community Development (ECD) presents these proposals to the Council prior to the vote on the incentive and related agreement and the proposal is incorporated into the agreement. Companies receiving a grant or PILOT must further submit quarterly reports demonstrating compliance with the agreement to the ECD. Annually, the ECD is required to submit a report to Council relaying compliance data.

The ordinance under consideration would add clarifications and new requirements to this Section. The ordinance would clarify that the project proposal requirements apply to qualified companies, as well as to qualified projects. The project proposal would include the current requirement of reporting how many jobs will be filled by Davidson County residents, and further require the percentage of employees at the project expected to be relocated to Davidson County by the qualified company or qualified project. The reporting of the "average" wage would instead be changed to the "median" wage, as well as disclosure of wage information for salaried positions and hourly wage positions by "standard occupational classifications" (as opposed to each position as individually classified), as defined by the US Department of Labor Bureau of Labor Statistics Occupation Codes. The median wage would be required to be compared to the median annual wage available in Davidson County for the same occupation.

The ordinance would further clarify that all OSHA and TOSHA violations and employment or wage-related legal actions would be required to be reported, including any legal actions asserting claims under a variety of federal discrimination and employment-related legislation, including the Fair Labor Standards Act, the Family Medical Leave Act, Title VII of the Civil Rights Act of 1964, The Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act, or the Education Amendments Act of 1972. The reporting requirements in the current Code would further be re-worded to change all references to "or" and "and/or" to "and" – capturing a broader assortment of categories.

Finally, under the proposed ordinance, project proposals, quarterly reports, and annual reports would be required to be submitted on a form approved by resolution adopted by a majority of the Council membership.

BILL NO. BL2019-1658 (VERCHER, A. DAVIS, & PULLEY) – This ordinance, as substituted, would amend Chapter 12.62 of the Metropolitan Code of Laws regarding shared urban mobility devices (SUMDs).

The ordinance would delete all sections of Chapter 12.62 - Shared Urban Mobility Devices, except for the definitions section. A new Section 12.62.020 would be created, entitled "Termination of SUMD Permits".

The ordinance would immediately terminate existing SUMD permits, which would be replaced with a temporary permit. This temporary permit would permit the operator to maintain a fleet size of 50% of that which was authorized by their permit on July 1, 2019. This temporary permit would terminate upon the issuance of new permits pursuant to a request for proposals (RFP) process. The Metropolitan Transportation Licensing Commission (MTLC) would be directed to conduct an RFP process. The completion of the RFP process and the issuance of new permits would be required to occur within 100 days from the effective date of the ordinance.

The RFP would select up to three (3) operators to operate a fleet of SUMDs in Nashville. The selected operators would initially have fleets of at least 500 units and the MTLC would be authorized to determine the fleet size based on reasonable and objective criteria, such as "an operator's ability and willingness to achieve the goals of this chapter." Further, the RFP would be required to evaluate operators in the following areas:

1. Equipment and Safety
2. Commitment to ensuring rider compliance with State and Local laws, including, but limited to DUI laws and rider age requirements.
3. Commitment to promoting proper and safe use of SUMDs, including the use of helmets.
4. Use of staffing, technology and other means to limit or prohibit use of SUMDs in restricted areas, including but not limited to, sidewalks.
5. Staffing to adequately and timely address issues with parking of SUMDs on public rights-of-way, public sidewalks, and private property, the re-balancing of units during hours of operation, and issues with accessibility, especially those relevant to the Americans with Disabilities Act (ADA).
6. Response times to address issues with SUMDs.
7. Plans to coordinate and cooperate with the Metropolitan Government concerning special events.
8. Inclement weather plans.
9. Use of technology to limit operation of SUMD's while impaired, especially after 10 PM on weekdays, and after 11 PM on weekends and Holidays.

The MTLC would be directed to immediately enact emergency regulations to govern the temporary permit period. The regulations would be required to include, at minimum the following:

1. Use of technology where reasonable and practicable to create no ride and slow zones, where operation of SUMDs or where speeds in excess of 8 miles per hour, is not permitted, in the following locations:
 - a. Slow zone - Broadway between 7th Ave and the Cumberland River;
 - b. Slow zone - 2nd Avenue between Broadway and Union Street;
 - c. No ride zone - Any Metropolitan greenways; and
 - d. No ride zone - Within any Metropolitan Parks, except on paved streets located within the same.

2. Prohibition of the operation of SUMDs after 10 PM on weekdays and 11 PM on weekends and Metro holidays, unless the operator institutes an impaired user function, as a prerequisite to riding the SUMD after these hours.
3. Two full time operator employees per 100 SUMDs dedicated to re-balancing fleets, address clustering and sidewalk blockage issues, respond to private property owner complaints, and ensure maximum effective utilization of Metro-provided SUMD corrals and overall fleet safety and reliability.
4. Reasonable helmet promotional activities and increased education activity to be conducted by all permitted operators, with the same to be reported to the MTCL on a quarterly basis and to the Metropolitan Council annually.
5. Signage indicating that SUMDs not be operated on sidewalks in areas where the MTLC determines sidewalk use is prohibited. Each permitted operator would be required to reimburse the Metropolitan Government for the cost of the signage on a pro-rata basis, up to a maximum of \$10,000 per company per year. This signage would be installed by the MTLC or the Department of Public Works.
6. The establishment of an accessibility complaint “hotline”, to be funded on a pro rata basis by all SUMD operators, that would have a required 30-minute response time to all accessibility or ADA related issues or complaints.
7. A 120-minute response time to all non-accessibility or ADA related complaints associated with SUMDs.
8. A right, after notice and hearing, for the MTLC to suspend a permit or reduce fleet size, based upon willful failure to comply with MTLC rules and regulation.

BILL NO. BL2019-1659 (HENDERSON, O’CONNELL, & ALLEN) – This ordinance, as substituted, would amend the Metropolitan Code of Laws regarding the provision of sidewalks.

The ordinance under consideration would amend Section 17.20.120, which contains the requirements to provide a sidewalk under certain conditions. New language would be added regarding the purpose and intent of the sidewalk ordinance. The prior usage of the “assessed” value of a property as the basis for triggering the sidewalk regulations would be replaced with references to the “current appraised” value of a property. Further, there would be a presumption that the current appraised value of all structures on a lot is established by the Office of the Metropolitan Tax Assessor.

A provision authorizing waiver requests for all development types would be added. The Zoning Administrator would be authorized to waive, in whole or in part, the sidewalk requirements upon request of a property owner or its agent under the following circumstances:

- Where there is hardship, such as an existing substandard sidewalk, insufficient right-of-way, historic wall(s), or trees, the Zoning Administrator could approve an alternative design or eliminate the sidewalk requirement if a new sidewalk “would not further the goal of extending or completing a sidewalk. Consultation with the Executive Director of the

Planning Department, Director of Public Works, and the Director of Water Services, or a designee, would be required prior to a final determination.

- The Zoning Administrator could allow an applicant to make an in-lieu contribution for all or a portion of the street frontages in unique situations. The contribution in-lieu of construction would be capped at no more than two percent of the total construction value of the permit. Consultation with the Executive Director of the Planning Department, Director of Public Works, and the Director of Water Services, or a designee, would be required prior to a final determination
- Properties eligible for public incentives for affordable housing could be granted a waiver by the Zoning Administrator, or a reduction to of the sidewalk requirements to only key locations could be given, if recommended by the Executive Director of the Planning Department, or a designee.
- Where reconstruction is required due to circumstances beyond the control of the property owner, such as natural disaster, fire, or accident.
- For properties within Historic Zoning Overlay Districts, the Executive Director of the Metro Historical Commission could recommend a waiver if new sidewalks would be detrimental to the historic nature of the street.
- If a greenway exists, or is reasonably expected to constructed within six (6) years, which would provide connectivity and upon the recommendation of the Executive Director of the Planning Department, the Zoning Administrator could grant a waiver.
- For properties on a corner lot zoned R or RS where sidewalks may be inappropriate, the Zoning Administrator could permit alternative requirements, based on street frontage and classification of fronting streets. Consultation with the Executive Director of the Planning Department, Director of Public Works, and the Director of Water Services, or a designee, would be required prior to a final determination.

Notice to the district councilmember of a waiver request would be required to be delivered to the Council Office. A building permit could not be issued until at least six business days after notice was sent to the Council Office.

The contributions to Pedestrian Benefit Zones would largely remain intact, however a limitation would be added that no contribution could be more than three percent (3%) of the total construction value of the permit.

The ordinance would further make housekeeping changes, such as changes to grammar and clarifications of wording within Sec. 17.20.120.

Section 17.20.125 would be amended to add that the Board of Zoning Appeals could not accept an application until the Zoning Administrator has made a determination on the requirement.

Finally, the effective date for the ordinance as substituted would be September 1, 2019.

BILL NO. BL2019-1706 (MURPHY, SLEDGE, & OTHERS) – This ordinance would amend the Metropolitan Code of Laws to ban the use of action devices on Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses.

This ordinance would create a new Section 8.12.120 of the Metropolitan Code of Laws to prohibit action devices on horses. An “action device” would be defined as a “boot, collar, chain, roller, or other device” placed on the leg of a horse which “rotates around the leg or slides up and down the leg” or “touches or strikes the hoof, coronet band, fetlock joint, or pastern of the horse.” A trainer, exhibitor, owner, rider, or participant would be prohibited from using an action device at a horse show, horse exhibition, or horse sale or auction that is attached to the limb of a Tennessee Walking Horse, Racking Horse, or Spotted Saddle Horse and is not strictly protective or therapeutic in nature. A violation of this provision would be a \$50 fine and each violation would constitute a separate offense.

A potential amendment by the sponsor is anticipated.

Fiscal Note: Under the provisions of Title 8 of the Metropolitan Code of Laws, it would be the responsibility of the Metro Animal Care and Control (MACC) within the Health Department to enforce these new restrictions in its current form. MACC’s current Animal Control Officers have no training or experience in evaluating the condition of horses as listed in this ordinance.

The Health Department has not been able to estimate the additional costs and staffing that would be required to enforce the currently proposed regulations per this ordinance. However, it is believed the costs would be significant and require a supplemental appropriation to their operating budget.

BILL NO. BL2019-1708 (VERCHER, BEDNE, & OTHERS) – This ordinance would grant a franchise to Zayo Group, LLC (Zayo) to construct, operate, and maintain a telecommunications system within Metropolitan Nashville and Davidson County.

This franchise would be granted pursuant to Chapter 6.26 of the Metropolitan Code of Laws – Franchises for Fiber Optic Communications Services. Pursuant to the provisions of this Chapter, Zayo would have a fifteen (15) year franchise and would be required to pay a fee of 5% of gross revenues each year as a reasonable estimate of Metro’s costs associated with owning, maintaining, and managing the public right-of-way used by the company. The grant of the franchise would not be deemed to constitute approval for any new utility poles, and compliance with the Americans with Disabilities Act would be an explicit requirement in all matters involving the rights-of-way.

Fiscal Note: Metro would collect a franchise fee of \$16,818 per year until Metro performs a new study of its cost related to ownership, management, and maintenance of the public right of way and how they should be assigned to organizations with facilities therein.

BILL NO. BL2019-1709 (SYRACUSE, O'CONNELL, & BEDNE) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Renee Drive right-of-way. The abandonment has been requested by Kelly and Lana Bellar, applicant.

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

BILL NO. BL2019-1710 (SLEDGE, O'CONNELL, & BEDNE) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley #1838 right-of-way. The abandonment has been requested by Cruzen Street Properties, applicant.

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

BILL NO. BL2019-1711 (O'CONNELL & BEDNE) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Ash Grove Drive right-of-way. The abandonment has been requested by Hickory Valley Condominium, applicant.

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

BILL NO. BL2019-1712 (ALLEN, O'CONNELL, & BEDNE) – This ordinance would abandon existing sanitary sewer main, a sanitary sewer manhole and easements and accept new sanitary sewer main, sanitary sewer manholes and easements, for six properties located on Compton Avenue, Belmont Boulevard and Delmar Avenue.

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

BILL NO. BL2019-1713 (HALL, O'CONNELL, & BEDNE) – This ordinance would authorize the Metropolitan Government to negotiate and accept permanent and temporary easements for the West Hamilton Road Stormwater Improvement Project for 10 properties located along Home Haven Drive, Kings Lane and Hallmark Road.

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

BILL NO. BL2019-1714 (KINDALL, O'CONNELL, & BEDNE) – This ordinance would abandon existing public water mains and a fire hydrant assembly and accept a new public water main and a fire hydrant assembly for property located at 2501 Clifton Avenue.

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

BILL NO. BL2019-1715 (HAYWOOD, O'CONNELL, & BEDNE) – This ordinance would authorize the Metropolitan Government to negotiate and accept permanent and temporary easements for the Green Lane Stormwater Improvement Project for five properties located on Green Lane and Whites Creek Pike.

This has been approved by the Planning Commission.

BILL NO. BL2019-1716 (HASTINGS, O'CONNELL, & BEDNE) – This ordinance would abandon existing sanitary sewer main, sanitary sewer manholes and easements and accept new sanitary sewer and water mains, sanitary sewer manholes, a fire hydrant assembly and easements for property located at 926 West Trinity Lane.

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

BILL NO. BL2019-1717 (O'CONNELL & BEDNE) – This ordinance would abandon an existing water main and accept a new water main, a fire hydrant assembly and sanitary sewer manholes for property located at 1500 Charlotte Avenue.

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

GRANTS LEGISLATION – JULY 16, 2019

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2019-1813	From: Tennessee Department of Health To: Metropolitan Board of Health	Not to exceed \$54,700.00	\$0	April 1, 2019 through March 31, 2020	The grant proceeds would be used to provide HIV/AIDS Core Medical Services and Early Intervention Services for those persons affected by HIV disease who do not have sufficient health care coverage or financial resources and are seeking such services.
RS2019-1814	From: Tennessee Department of Health To: Metropolitan Board of Health	Not to exceed \$20,000.00	\$0	June 1, 2019 through May 31, 2020	The grant proceeds would be used to purchase and plant trees in conjunction with the Root Nashville project to promote and support healthier living environments.
RS2019-1817	From: Tennessee Department of Health To: Metropolitan Board of Health	Not to exceed \$619,800.00	\$0	July 1, 2019 through June 30, 2022	The grant proceeds would be used to provide prenatal presumptive eligibility program enrollment assistance to pregnant women with TennCare and CoverKids applications.
RS2019-1818	From: U.S. Environmental Protection Agency To: Metropolitan Board of Health	Increase by \$278,747.00	N/A	N/A	This would approve Amendment D to a grant approved by RS2015-1355. The grant amount would increase from \$1,790,080 to \$2,068,827. Grant proceeds are used to fund an ongoing program to protect air quality to achieve established ambient air standards and protect human health.

<p>RS2019-1820</p>	<p>From: Tennessee Department of Health</p> <p>To: Metropolitan Board of Health</p>	<p>Increase by \$26,901.00</p>	<p>N/A</p>	<p>N/A</p>	<p>This would approve the second amendment to a grant approved by RS2017-702.</p> <p>The grant would be increased from \$4,019,034 to \$4,045,935. Grant proceeds are used to ensure federal preparedness funds are directed to Tennessee Regional and Metropolitan Emergency Preparedness programs to prepare for, respond to, and recover from public health threats.</p>
<p>RS2019-1823</p>	<p>From: Tennessee State Library and Archives</p> <p>To: Nashville Public Library</p>	<p>\$6,500</p>	<p>\$3,250</p>	<p>N/A</p>	<p>This would approve an application for a technology grant.</p> <p>If the grant is awarded, the proceeds would be used to fund the purchase of mobile barcode scanners and large format document scanners to provide remote card registration and checkout during community outreach programs.</p>
<p>RS2019-1824</p>	<p>From: Tennessee Arts Commission</p> <p>To: Metropolitan Arts Commission</p>	<p>Not to exceed \$72,400.00</p>	<p>\$72,400.00</p>	<p>July 1, 2019 through June 30, 2020</p>	<p>The grant proceeds would be used for general operating support to cover program and direct expenses related to well established Tennessee Arts organizations.</p>

RS2019-1825	<p>From: Tennessee Emergency Management Agency</p> <p>To: Office of Emergency Management</p>	\$188,350.00	\$188,350.00	N/A	<p>This would approve an application for an Emergency Management Performance Grant.</p> <p>If the grant is awarded, the proceeds would be used to subsidize the Emergency Management Program.</p>
RS2019-1826	<p>From: Tennessee Highland Rim Healthcare Coalition</p> <p>To: Nashville Fire Department</p>	N/A	N/A	Extend to July 31, 2019	<p>This would approve the first amendment to a grant approved by RS2019-1739.</p> <p>The grant term would be extended from June 30, 2019 to July 31, 2019. Grant proceeds are used to fund the purchase of a tent and enclosed trailer, both with HVAC, for large scale events.</p>
RS2019-1827	<p>From: U.S. Department of Justice</p> <p>To: Metropolitan Nashville Police Department</p>	\$287,455.00	\$0	N/A	<p>This would approve an application for a Project Safe Neighborhoods grant.</p> <p>If the grant is awarded, the proceeds would be used to reduce gun related violence in Nashville by implementing intense follow-up investigation and prosecution of subjects using firearms by utilizing National Integrated Ballistic Information Network (NIBIN) leads and the ATF E-trace program.</p>

**Appraisal Report Format of
Agricultural/Recreational Land located at
3999 Old Hickory Boulevard
Nashville, TN 37218**



As of:
January 23, 2019

Prepared For:

Tennessee Land Trust, LLC
P.O. Box 41027
Nashville, Tennessee 37204

Prepared By:

McGuigan & Associates, LLC
3207 West End Avenue, Suite 201
Nashville, Tennessee 37203

McGuigan & Associates

Real Estate Appraisers

January 29, 2019

Ms. Liz McLaurin
Tennessee Land Trust, LLC
P.O. Box 41027
Nashville, Tennessee 37204

RE: Appraisal of vacant agricultural/recreational land located at 3999 Old Hickory Boulevard, Nashville, TN 37218

Dear Ms. McLaurin:

In fulfillment of our agreement as outlined in the Letter of Engagement, McGuigan & Associates, LLC is pleased to transmit our appraisal presented in an Appraisal Report format developing an opinion of the Market Value of the Fee Simple estate in the above referenced real property as of the retrospective effective date of January 23, 2019 on an "As Is" basis. The opinion of value reported below is qualified by certain assumptions, limiting conditions, certifications, and definitions, which are set forth in the report.

The appraisal will be used by Tennessee Land Trust, LLC in connection with due diligence needs. It may not be distributed to or relied upon by other persons or entities without written permission of McGuigan & Associates, LLC. However, the Tennessee Land Trust, LLC may provide only complete, final copies of the appraisal report in its entirety to third parties who review reports. The appraisers are not required to give testimony or to appear in court by reason of this appraisal, unless prior arrangements have been made.

The following appraisal sets forth the most pertinent data gathered, the techniques employed and the reasoning leading to the opinion of value. The analysis, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the *Uniform Standards of Professional Appraisal Practice* (USPAP), the requirements of the *Code of Professional Ethics* and *Standards of Professional Appraisal Practice* of the Appraisal Institute, and McGuigan & Associates, LLC's appraisal standards.

Based on the analysis contained in the following report, the Market Value of the subject property is concluded as follows:

MARKET VALUE CONCLUSION

Appraisal Premise	Interest Appraised	Effective Date	Value Conclusion
As Is	Fee Simple	January 23, 2019	\$1,770,000

One Million Seven Hundred Seventy Thousand Dollars

The analysis contained in this appraisal is based upon assumptions and estimates that are subject to uncertainty and variation. These estimates are often based on data obtained in interviews with third parties, and such data are not always completely reliable. In addition, we make assumptions as to future behavior of consumers, and the general economy, which are highly uncertain. It is, however, inevitable that some assumptions will not materialize and that unanticipated events may occur which will cause actual achieved operating results to differ from the financial analyses contained in this report, and these differences may be material. Therefore, while our analysis was conscientiously prepared on the basis of our experience, and the data available, we make no warranty of any kind that the conclusions presented will, in fact, be achieved. Additionally, we have not been engaged to evaluate the effectiveness of management, and we are not responsible for future marketing efforts, and other management actions upon which actual results may depend.

We take no responsibility for any events, conditions, or circumstances affecting the market that exists subsequent to the effective date of this appraisal. This letter is invalid as an opinion of value if detached from the report, which contains the text, exhibits, and addenda.

It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis or if McGuigan & Associates, LLC can be of further service, please contact us.

Respectfully submitted,



Patrick McGuigan
Tennessee License #CG-610



Kevin McGuigan, MAI
Tennessee License #CG-3717

Summary of Salient Facts

Subject Property:	3999 Old Hickory Boulevard Nashville, TN 37218	
Location Description:	Located at the southwest intersection of Old Hickory Boulevard and the Cumberland River.	
Current Owner:	Thomas Bros Grass LLC	
Tax ID/APN:	102-00-0-005.00	
Property Type:	Agricultural/Recreational Land Property	
Report Type:	Appraisal Report Format	
Interest Appraised:	Fee Simple Interest	
Appraisal Date:	January 29, 2019	
Value Date:	January 23, 2019	
Inspection Date:	January 23, 2019	
Land Area:	106.80 acres or 4,652,208 square feet	
Highest & Best Use As Vacant:	The highest and best use of the subject site as vacant is for agricultural or recreational use.	
Zoning:	AR2a, Residential Agricultural District	
Legal Description:	Metes and bounds legal description available in the addenda.	
Value Descriptions:	A cost approach was not applicable for this appraisal. An income approach was not applicable for this appraisal. A complete sales approach was applied.	
Cost Approach Value:	N/A	
Income Approach Value:	N/A	
Sales Comparison Approach Value:	\$1,770,000	
Reconciliation:	Premise	Value
	As Is	\$1,770,000