



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director and Special Counsel
Hannah Zeitlin, Assistant Legal Counsel
Maria Caulder, Finance Manager
Metropolitan Council Office

COUNCIL MEETING DATE: March 17, 2020

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 3/11/20:

4% Reserve Fund	\$18,600,037*
Metro Self Insured Liability Claims	\$2,418,572
Judgments & Losses	\$2,535,019
Schools Self Insured Liability Claims	\$2,828,003
Self-Insured Property Loss Aggregate	\$7,552,335
Employee Blanket Bond Claims	\$707,488
Police Professional Liability Claims	\$2,095,189
Death Benefit	\$1,659,903

*This assumes unrealized estimated revenues in FY20 of \$8,931,481.

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

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTION NO. RS2020-235 (HAGAR) – This resolution approves an exemption for Burger & Company, located at 700 Hadley 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).

– RESOLUTIONS –

RESOLUTION NO. RS2020-212 (MENDES & WELSCH) – This resolution deauthorizes the issuance of \$60,815,772 in general obligation bonds. The Council approved Resolution No. RS2018-1391 in September 2018 authorizing the sale of general obligation bonds in an amount not to exceed \$775,000,000 to retire outstanding commercial paper from multiple capital spending plans. Commercial paper is a form of short-term financing for capital projects until the long-term bonds are sold, typically once every several years. This enables Metro to better time the market regarding the issuance of long-term debt and to minimize issuance costs. Metro has separate commercial paper programs for the general government debt and Metro Water Services debt.

The 2018 bonds were sold at a \$60,815,772 premium, meaning the price investors paid was higher than the par amount in order to receive a higher rate of return over the life of the bonds. This resulted in additional cash flow above the par amount of the bonds for Metro at bond closing. Consequently, Metro issued less par amount of bonds to retire the commercial paper used to fund the related capital projects. This deauthorization will have the effect of reducing the par amount of Metro's total outstanding indebtedness by \$60,815,772.

Fiscal Note: The purpose of this resolution is to decrease the amount of authorized bonding authority by \$60,815,772, reflecting the premium at which the bonds authorized by RS2018-1391 were sold.

RESOLUTION NO. RS2020-213 (MENDES, WELSCH, & YOUNG) – This resolution authorizes the issuance of up to \$154,000,000 in general obligation bonds to provide funding for various projects contained in the Mayor proposed capital spending plan. The last capital spending plan was approved in October 2018 for a total authorized spending amount of \$351,100,000. This resolution would provide \$72,000,000 for the General Government, \$72,000,000 for Metro Nashville Public Schools, and a contingency of \$10,000,000.

The capital spending plan filed by the administration includes the information required by the recently-adopted Ordinance No. BL2019-77, which requires disclosure of full cost itemizations prior to submission of capital expenditure authorization legislation to the Council.

Approval of this initial resolution would allow the Metropolitan Government to use its commercial paper program to provide short-term financing to commence construction prior to the sale of the long-term bonds.

A list of the capital projects to be funded through this spending plan, including the estimated cost for each of the projects, is attached to this analysis. Each of these capital projects is properly listed within the Capital Improvements Budget.

Fiscal Note: This resolution would authorize issuance of up to \$154,000,000 in general obligation bonds to provide funding for the Mayor's proposed capital spending plan.

RESOLUTION NOS. RS2020-214 & RS2020-215 (MENDES) – These two resolutions authorize the issuance of water and sewer revenue bonds to provide long-term financing for improvements to the water and sewer system, and to authorize additional capital spending for new projects. Substitute Resolution RS2010-1442 authorized the issuance from time to time of Metro Water and Sewer (MWS) revenue bonds after adoption of a supplemental Council resolution. This authority has been used four times since then. The first supplemental resolution was used in 2010 to authorize four bond issues, collectively known as the Series 2010 bonds. The second supplemental resolution was approved in 2011 to amend certain provisions of the bond resolution. The third supplemental resolution was approved in 2013 to authorize new Series 2013 revenue bonds, and the fourth supplement was approved in 2017 to issue the Series 2017 Bonds with an aggregate principal amount not to exceed \$300,000,000.

Resolution No. RS2020-215 would be the fifth supplemental resolution for the purpose of issuing bonds on parity with the 2010, 2013, and 2017 bonds to provide funds to retire outstanding water and sewer commercial paper bond anticipation notes. MWS has reached its commercial paper capacity and needs to issue the long-term debt to retire the commercial paper so that new projects can be funded with new commercial paper.

Resolution No. RS2020-214 approves an initial resolution providing for the issuance of up to \$500 million in water and sewer revenue bonds.

Resolution No. RS2020-215 supplements Substitute Resolution No. RS2010-1442 to authorize the issuance of Series 2020 A and B water/sewer revenue bonds in an amount not to exceed \$330,000,000 to retire outstanding commercial paper and refund approximately \$57,000,000 of outstanding Series 2010 bonds. The purpose of the Series 2020B refunding bonds is to achieve a net present value debt savings of approximately \$7,100,000. The final maturity date of the 2020B refunding bonds will not exceed the final maturity of the 2010 bonds (2027), and is not a balloon indebtedness. The plan of financing is consistent with Metro's debt policy approved by the Council. The Series 2020A bonds will have a final maturity date of July 1, 2049.

These bonds will be sold through a negotiated sale. The lead underwriter on the bonds will be J.P. Morgan Securities LLC, with Morgan Stanley & Co. LLC, Loop Capital Markets, Raymond James & Associates, LLC, and Siebert Williamson Shank & Co, LLC as the other underwriters.

Only revenues generated by water and sewer customers are used to pay the obligations on these bonds. The bonds do not constitute a debt of the Metropolitan Government that would compel the use of sales or property tax revenues. The revenue pledge will be subordinate to the prior pledges of the water and sewer revenues for other outstanding bonds.

Fiscal Note: RS2020-215 will authorize the issuance of Series 2020 water/sewer revenue bonds up to \$330M and retiring the outstanding Commercial Paper due to the prevailing long-term interest rates are at historic lows and Metro has no additional Commercial Paper capacity. Refunding the Series 2010A Bonds will result in debt service savings for the water and sewer

system. This will also include the cost of issuing said bonds to be determined upon the execution of the Bond Purchase Agreement.

RESOLUTION NO. RS2020-236 (HENDERSON) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-237 (MENDES) – This resolution approves the refinancing of ten existing tax increment financing (TIF) loans to achieve cost savings for Metro. TIF is an economic development tool that has been used by the Metropolitan Development and Housing Agency (MDHA) for many years to spur future development in blighted areas. MDHA has the authority under state law to make TIF loans to developers for properties within the various redevelopment districts. The future property tax revenue is pledged to pay the debt service for the loan, the proceeds of which are used to cover a portion of the costs of the private development, typically for infrastructure. The concept behind TIF loans is that the improvements funded with TIF attract additional private development, which has been demonstrated to increase the city's tax base.

The ten loans to be refinanced are for multiple projects downtown, including several hotels and the Nashville Sounds ballpark. The loans all have varying maturities. Without refinancing, the loans will all be paid off by FY32, but the annual payments required decline sharply starting in FY24. Under the proposed refinancing, the ten loans will be consolidated into four new loans with Regions Capital Advantage, Inc. (Regions). The new loans will have level debt service at a significantly lower interest rate (approximately 1.9%), with a final maturity date in FY30. Regions was selected by MDHA through a competitive process.

The refinancing is expected to save Metro approximately \$18,100,000 for fiscal year 2020, which can be used to partially fill Metro's revenue deficit resulting from the decision not to proceed with the metered parking privatization and the stalled sale of the district energy system. This TIF loan refinancing was anticipated at the time the Director of Finance made his presentation to the Council regarding the administration's response to the Tennessee Comptroller's concerns about the FY20 budget. At that time, the savings to Metro was projected to be \$10,800,000. The higher savings in FY20 is the result of having an interest only payment for the first year of the restructuring and a lower than projected interest rate on the loans. The savings going forward would be approximately \$11,600,000 in FY21 and \$6,600,000 in FY22.

Of the total savings of approximately \$18,100,000, an estimated \$11,584,000 is projected to accrue to Metro's general fund, and \$6,516,000 to the Metro Nashville Public Schools fund.

Section 5.06.030B of the Metro Code requires Council authorization of TIF loan refinancing by a resolution receiving 21 affirmative votes. The Comptroller and the state Commissioner of the Department of Economic and Community Development have determined that this refinancing is in the best interest of the state as required by T.C.A. § 9-21-104.

If approved by the Council, it is anticipated that the closing on the loans will take place at the end of March.

Metro's baseline TIF expense for FY20 in the operating budget is \$30,770,000. It has been determined that the actual TIF expense in FY20 will be about \$4,000,000 lower than what was budgeted, meaning Metro will realize this \$4,000,000 savings regardless of the refinancing.

Fiscal Note: The refinancing would reduce Metro's expenditures in the FY2020 Operating Budget by approximately \$18,100,000.

RESOLUTION NO. RS2020-238 (MENDES) – This resolution authorizes the Metropolitan Development and Housing Agency (MDHA) to enter into an agreement to accept payments in lieu of taxes (PILOT) for a multi-family housing project on Murfreesboro Pike known as Hobson. In 2016, Ordinance Nos. BL2015-1281, BL2016-334 and BL2016-435 authorized MDHA to negotiate and accept PILOT payments from operators of low income housing tax credit (LIHTC) properties, capped at \$2,500,000 annually. If approved, this would be the seventeenth such PILOT program overall, and the first for MDHA in 2020, totaling \$569,163 in tax abatements this year.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs were historically used by Metro to provide incentives through the Industrial Development Board (IDB) to large employers to create job opportunities. But Tenn. Code Ann. § 13-20-104 was amended several years ago to give MDHA the authority to enter PILOTs to create affordable rental housing subject to Council approval.

MDHA developed their PILOT program to provide additional financial incentives to developers considering construction or rehabilitation of affordable housing units through a federally funded LIHTC program. Subsidized LIHTC developments serve those at or below 60% of the average median income (AMI) for the Nashville area, which translates to an income cap of \$33,600 for individuals and \$48,000 for families of four in 2019. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

The maximum term for the PILOT payments under this program is 10 years. The PILOT agreement would only be available for additional tax liability over and above the pre-development assessed value of the property. The program is available for both existing and new developments, based on financial need. The PILOT lease is to be terminated if the property sits vacant for two years.

MDHA is required by state law to file an annual report with the Council, Assessor of Property, and State Board of Equalization identifying the values of the properties subject to PILOTs, the date and term for each PILOT, the amount of PILOT payments made, and a calculation of the taxes that would otherwise be owed.

The owner of the property, WCO Hobson LP, plans to construct 324 units to be rented to persons at or below 60% AMI. The amount of the PILOT payment to Metro will be \$18,368 in the first year, and the first year amount of the abatement will be approximately \$569,100. The owner will be required to pay a monitoring and reporting fee to MDHA not to exceed 5% of the in lieu of tax payment.

The resolution states that the difference between the amount to be paid and the amount of the property taxes that would otherwise be due the first year after the completion of the project are estimated to be \$569,163 based upon a project valuation of \$18,622,230. However, the project valuation was inadvertently discounted by MDHA. The correct valuation is \$46,555,576. An amendment will be filed to correct this amount in the resolution. The \$569,163 abatement value in the resolution is correct since it was based upon the higher amount.

Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$18,368 in lieu of property taxes, with a 3% annual increase through the remainder of the 10-year period.

In addition to the PILOT payments, the developer would be required to pay a monitoring and reporting fee to MDHA. This fee would be set by MDHA not to exceed five percent (5%) of the amount of the PILOT payment due each year.

The final assessed value of this project will not be known until completion. However, the value of the project when completed is estimated to be \$46,555,576. For purposes of this analysis, this number will be used as a reasonable estimate of the final project value.

Over the 10-year life of this PILOT agreement, a total of \$5,664,746 would be abated, although Metro would still receive \$210,568 in property taxes from this project, as depicted in the following table:

Real Property Tax (New)						
	Year	Total Value	Standard Tax	Still Pay	Abatement	Abatement %
	1	\$46,555,576	\$587,531	\$18,368	\$569,163	96.9%
	2	\$46,555,576	\$587,531	\$18,919	\$568,612	96.8%
	3	\$46,555,576	\$587,531	\$19,487	\$568,044	96.7%
	4	\$46,555,576	\$587,531	\$20,071	\$567,460	96.6%
	5	\$46,555,576	\$587,531	\$20,673	\$566,858	96.5%
	6	\$46,555,576	\$587,531	\$21,294	\$566,237	96.4%
	7	\$46,555,576	\$587,531	\$21,932	\$565,599	96.3%
	8	\$46,555,576	\$587,531	\$22,590	\$564,941	96.2%
	9	\$46,555,576	\$587,531	\$23,268	\$564,263	96.0%
	10	\$46,555,576	\$587,531	\$23,966	\$563,565	95.9%
Totals			\$5,875,314	\$210,568	\$5,664,746	96.4%

After the property tax abatement from this project, \$1,930,837 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2020.

RESOLUTION NO. RS2020-239 (SLEDGE, MENDES, & OTHERS) – This resolution declares nine parcels of property owned by Metro to be surplus and authorizes the conveyance of these properties to Affordable Housing Resources, Inc. This resolution also authorizes \$5,000,000 in grants from the Barnes Fund for Affordable Housing to certain nonprofit organizations. Tenn. Code Ann. §7-3-314(e) permits Metro to convey by resolution any real property acquired pursuant to a delinquent tax sale by grant to a non-profit organization for the purpose of constructing affordable or workforce housing. This section also specifies that no property may be granted prior to the expiration of the statutory redemption period. This section also requires that all such property be used to construct affordable and workforce housing for residents in the county.

On September 6, 2019, the Metropolitan Housing Trust Fund Commission issued a request for applications to qualified nonprofit organizations to participate in nonprofit housing development grant program. Affordable Housing Solutions, Inc. was awarded the grant for the nine properties through this process. The parcels to be granted are as follows:

2337 23rd Avenue N.	District 2
1534B 14th Avenue N.	District 2
709 Douglas Avenue	District 5
900 S. 12th Street	District 6
17 Perkins Street	District 17
1750 24th Avenue N.	District 21
1617 Underwood Street	District 21
1507B 14th Avenue N.	District 21
0 Batavia Street	District 21

The Metropolitan Housing Trust Fund Commission would be authorized by this resolution to enter into grant contracts with Affordable Housing Solutions, Inc. for the express purpose of constructing affordable and workforce housing on these nine properties. In the event any of these properties are not utilized by the Barnes Fund Affordable Housing Program after five years from the date of the passage of this resolution, ownership of the property would revert back to the Metro unless otherwise previously conveyed.

In addition to the grants of real property, monetary grants from the Barnes Fund totaling \$5,000,000 would be made to seven nonprofit organizations. Tenn. Code Ann. §7-3-314 permits local governments to provide financial assistance to non-profit organizations in accordance with local regulations and guidelines. Further, section 5.04.070 of the Metropolitan Code of Laws provides that the Council may appropriate funds by resolution for the financial aid of non-profit organizations. This resolution would appropriate these monetary grants as follows:

- \$1,195,000 - Woodbine Community Organization
- \$2,000,000 - Our Place Nashville
- \$229,000 - Living Development Concepts

\$50,000 - Westminster Home Connection
\$1,270,500 - Habitat for Humanity
\$143,345 - Be A Helping Hand Foundation
\$108,000 - Affordable Housing Resources

Per state law and section 5.04.070 of the Metro Code, adoption of this resolution requires 21 affirmative votes.

Fiscal Note: This would reduce the balance of the Barnes Fund by \$5,000,000.

RESOLUTION NO. RS2020-240 (ALLEN) – This resolution extends the Housing Incentive Pilot Program (HIPP). Chapter 2.213 authorizes a grant program to assist the funding of new affordable housing developments. This program has been in place since 2016, with its initial sunset period set for December 31, 2019 unless extended by a resolution of Council. At the December 17, 2019 meeting, the Council adopted RS2019-141 which extended the HIPP for 90 days. This resolution extends the HIPP until March 31, 2023.

RESOLUTION NO. RS2020-241 (ALLEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-242 (MENDES & WELSCH) – This resolution amends seven grant contracts for constructing affordable housing between the Metropolitan Housing Trust Fund Commission and certain non-profit organizations, listed below.

RS2018-1088 approved grant contracts to 13 nonprofits, which appropriated the following amounts from the Barnes Fund for Affordable Housing to the corresponding organizations:

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

The original terms of the grant contracts were from the date of execution until completion of the project, but not for longer than 24 months. The resolution under consideration extends the grant contracts for seven of the 13 organizations, as follows:

- Crossroads Campus — extended up to 36 months from execution
- Fifteenth Avenue Baptist CDC — extended up to 32 months from execution
- Living Development Concepts — extended up to 26 months from execution
- Westminster Home Connection — extended up to 36 months from execution
- Our Place Nashville — extended up to 34 months from execution
- Woodbine Community Organization — extended up to 34 months from execution
- Dismas House — extended up to 30 months from execution

No other contracts or terms are amended by this resolution.

Fiscal Note: This resolution will extend the term of these contracts but will not affect the balance of the Barnes Fund.

RESOLUTION NO. RS2020-243 (MENDES & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-244 (MENDES) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-245 (MENDES, HAGAR, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-246 (MENDES, HAGAR, & HANCOCK) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-247 (WELSCH) – This resolution approves a data sharing agreement between the Metro Board of Health and the Tennessee Department of Health (“TDH”) to share drug overdose data for program planning and public health intervention.

State law allows the Metropolitan Government to approve intergovernmental agreements by resolution. (Tenn. Code Ann. § 12-9-104(b).) And section 10.104(8) of the Metropolitan Charter provides that the Board of Health has the duty to contract “for such services as will further the program and policies of the Board,” subject to confirmation by resolution of Council.

Under the agreement, TDH would make available to Metro, at minimum, the patient name and address, diagnostic codes associated with the overdose, the reporting healthcare facility, and dates of services. Metro would use this data only for its surveillance and public health duties,

including responding to public health emergencies. Steps would be taken to keep this highly sensitive and confidential information private, including limiting employee access and requiring express written permission and coordination with the TDH prior to sharing the information with the public, even in the aggregate.

The term of the agreement begins April 1, 2019 and extends for a period of three years. There is no cost to either party for the performance of services under this agreement.

A similar agreement was entered into between the Metro Board of Health and TDH through RS2019-10 for data related to opioid drug overdoses.

Fiscal Note: There would be no cost to the Metropolitan Board of Health for the performance of services under this agreement.

RESOLUTION NO. RS2020-248 (MENDES, BRADFORD, & OTHERS) – This resolution approves a Partners in Protection Shelter Program participation agreement between the Metro Board of Health and Boehringer Ingelheim Animal Health USA, Inc. To purchase discounted animal vaccines and medicines for shelter animals.

Pursuant to the agreement, Metro Animal Care & Control would receive “Tier 1 Discount Percentages”. This includes between 25% and 65% off of certain vaccine prices and between 6% and 25% off of other types of medication for animals. The pricing is attached to the resolution. The term of this agreement is February 11, 2020 through January 31, 2021.

Fiscal Note: This participation agreement provides discounts to Metro Animal Care & Control on vaccine purchases ranging between 6% and 25% with no minimum purchase required.

RESOLUTION NO. RS2020-249 (MENDES, BRADFORD, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-250 (O’CONNELL, MURPHY, & HENDERSON) - This resolution authorizes Medhat Gad *dba* M & S Market to construct, install, and maintain an aerial encroachment at 203 2nd Avenue North. The encroachment consists of a double-faced sign.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party. The applicant must also hold the Metropolitan Government harmless from all claims connected with the installation.

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.

Plans for the 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.

The sign's construction must be carefully guarded and must be completed promptly, so as to cause the least inconvenience to the public.

This proposal has been approved by the Planning Commission.

– ORDINANCES ON SECOND READING –

BILL NO. BL2019-109 (O’CONNELL, HENDERSON, & ALLEN) – This ordinance amends Chapter 12.62 of the Metropolitan Code regarding shared urban mobility devices (SUMDs). In July 2019, the Council enacted Substitute Ordinance No. BL2019-1658, as amended, to terminate SUMD permits then in existence and allow the companies to continue operating at 50% capacity while a request for proposals (RFP) process was in progress. The ordinance directed the Metropolitan Transportation Licensing Commission (MTLC) to conduct the RFP process. The RFP was to select up to three companies to operate a fleet of SUMDs in Nashville, and the RFP process was to be completed within 100 days from the effective date of BL2019-1658. The MTLC was to evaluate the RFP responses 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 10:00 PM on weekdays, and after 11:00 PM on weekends and holidays.

Substitute BL2019-1658 further directed the MTLC to enact temporary regulations to govern until the operator(s) are selected pursuant to the RFP. These regulations included use of technology to create no ride and slow zones, nighttime operation restrictions, safety education, signage, a complaint hotline, and a 30 minute response times for ADA related issues or complaints.

On November 12, 2019, the MTLC submitted a notice the Council that RFP timeline mandated by BL2019-1658 could not be met, and requested the Council’s cooperation regarding an extension of time to complete the process, which resulted in the filing of this ordinance.

This ordinance deletes the substance of Chapter 12.62 and replaces with new provisions. The ordinance retains the 50% fleet size reduction currently in place and establishes a new RFP process. The process is to be completed within 120 days after enactment of this ordinance. Unlike BL2019-1658, this ordinance does not include a limitation on the number of potential operators. Each selected operator would be allowed a maximum of 500 units in its fleet, which could be increased by the MTLC. The MTLC is to evaluate potential operators in the following areas:

1. Commitment to participate in regular stakeholder meetings.

2. Commitment to address safety and security concerns.
3. Commitment to partner with Metro on an ongoing basis to address needs and concerns including geographic coverage, affordability, and technology.
4. Commitment to ensure rider compliance with applicable laws, including DUI laws and minimum rider age requirements.
5. Commitment to safety, including use of helmets and safety education.
6. Use of staffing, technology, and other means to prohibit use in restricted areas, including sidewalks.
7. Ability to adequately and address improper parking, ADA issues, and to rebalance SUMDs evenly throughout the city.
8. Plans for special event coordination with Metro.
9. The ability to conform to adaptive and outcome-based, and risk-weighted regulations.
10. Willingness and ability to provide pricing and availability options for lower income persons.
11. Proposals for addressing sustainability and environmental concerns.
12. Ability to provide Metro with real time data.

This ordinance further authorizes the MTLC to set the SUMD regulations and to establish fees going forward necessary to carry out and enforce the ordinance without further Council action.

BILL NO. BL2020-193 (WITHERS, MURPHY, & OTHERS) – This ordinance amends the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Tillman Lane right-of-way and easement from Riverside Drive to the Railroad right-of-way.

The abandonment has been requested by Baird Blake with Blake Realty Investments, property owner applicant.

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

Fiscal Note: This ordinance has no cost to Metro. In the opinion of Public Works, abandoned right of way has no market value when the Department has agreed that the abandoning of said right of way is considered acceptable.

BILL NO. BL2020-196 (PULLEY) – This ordinance recodifies Title 9, adding in certain provisions that were inadvertently left out of Ordinance No. BL2019-1631.

BL2019-1631 consolidated various noise provisions present throughout the Metropolitan Code of Laws into one centralized location. However, some sections were inadvertently left out or deleted from the ordinance. The ordinance under consideration would add those provisions inadvertently left out of BL2019-1631, but otherwise in effect on August 20, 2019 — the date that BL2019-1631 was adopted. The ordinance also makes other minor typographical corrections.

BILL NO. BL2020-198 (O'CONNELL, MENDES, & OTHERS) – This ordinance approves and authorizes the Director of Public Property Administration, or his designee, to accept a donation of real property at 128 Lifeway Plaza and 1008 Dr. Martin Luther King Jr. Boulevard for use as part of the parks system.

This property is donated by Capitol View Joint Venture. The Board of Parks and Recreation recommends acceptance of the donation of property.

Fiscal Note: The total appraised value of these parcels as shown on the Assessor or Property's website is \$213,800.

BILL NO. BL2020-199 (MENDES, MURPHY, & HENDERSON) – This ordinance amends a prior ordinance, BL2017-1000, to include three additional tracts. BL2017-1000 authorized Metro to acquire by negotiation or condemnation easements listed on Exhibit 1 to the bill, for use in public projects. These easements are needed for the West Hamilton Avenue Sidewalk Improvements, between Haynes Park Drive and Harold Prewett Drive.

Fiscal Note: According to the Department of Public Works, the cost of the easement acquisition, damages, closings, and appraisals is \$41,800 for the additional three tracts, for a total of \$60,000 for all tracts.

BILL NO. BL2020-200 (MURPHY, MENDES, & OTHERS) – This ordinance authorizes the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects of the Metropolitan Government, initially for purposes of the Bowling Avenue Sidewalk Improvements between Forrest Park Avenue and Woodlawn Drive.

This has been approved by the Planning Commission.

Fiscal Note: According to the Department of Public Works, the cost of the easement acquisition, damages, closings, and appraisals is \$21,880 for this legislation.

BILL NO. BL2020-201 (PULLEY, MURPHY, & OTHERS) – This ordinance authorizes Green Hills Mall TRG, LLC to install, construct, and maintain underground encroachments in the right-of-way located at 2130 Abbott Martin Road. These would consist of a cable rail structure encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

BILL NO. BL2020-202 (HAGAR, WELSCH, & STYLES) – This ordinance approves an agreement between the Metro Parks and Recreation Department (“Parks”) and Belmont University to allow occupational therapy students the opportunity to participate in experiential learning.

Under the terms of the agreement, Belmont would assure that students comply with necessary laws, codes of ethics, and regulations. Belmont would further assure that students possess appropriate health and professional liability insurance. In exchange, Parks would provide students with training and experiential learning. The term of this agreement is five years. No party agrees to indemnify the other.

Fiscal Note: There would be no cost to Metro for this agreement.

BILL NO. BL2020-203 THROUGH BL2020-208 AND BL2020-222 (O’CONNELL, MURPHY, & OTHERS) – These ordinances authorize CVA, Inc. to install, construct, and maintain underground encroachments in the right-of-way located various locations. These would consist of intersection paving, tree wellbarrier, benches, lighting, bike racks, trash bins, planter boxes, handrails, underground electrical and receptacles, landscape and irrigation and various types of paving, encroaching the right-of-way.

The locations of these encroachments would be as follows:

- 500 11th Avenue North (BL2020-203)
- 1 Lifeway Plaza (BL2020-204)
- 530 11th Avenue North (BL2020-205)
- 406 11th Avenue North (BL2020-206)
- 500 11th Avenue North (BL2020-207)
- 515 11th Avenue North (BL2020-208)
- 1100 Dr. Martin Luther King Blvd (BL2020-222)

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

These proposals have been approved by the Planning Commission.

– ORDINANCES ON THIRD READING –

SUBSTITUTE BILL NO. BL2019-78 (SLEDGE) – This ordinance requires a minimum distance for a new Short Term Rental Property - Not Owner-Occupied from churches, schools, daycares, and parks. No new STRP permit could be located less than 100 feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground, unless, after a public hearing, a resolution receiving 21 affirmative votes is adopted by the Council. The distance would be measured in a straight line from the closest point of the property line for which the STRP is sought to parcel line of the property on which the religious institution, school or its playground, park, or licensed daycare center or its playground are located.

Public notification of the public hearing would be required in accordance with Chapter 17.40 of the Metro Code. Public notice would be mailed to all property owners within 600 feet of the unit seeking the exemption not later than 14 days prior to the date of the public hearing. The costs of notification would be paid by the applicant.

This proposed minimum distance requirement is similar to the issuance of a beer permit.

This ordinance has been approved by the Planning Commission.

BILL NO. BL2020-117 (SLEDGE & O'CONNELL) – This ordinance removes parking requirements for uses located on multimodal corridors, as designated in the major and collector street plan.

Under Section 17.20.030 of the Metro Code, certain land uses are required to provide minimum parking spaces. Section 17.20.040 provides for adjustments to the parking requirements. Existing parking requirements include no parking required for uses in the DTC district and reduced parking within the urban zoning overlay district. This ordinance would eliminate parking requirements for all uses located on multimodal corridors, as designated in the major and collector street plan. This would not prohibit the provision of parking spaces; it would simply eliminate the minimum parking spaces otherwise required by Section 17.20.030.

A substitute is anticipated from the Planning Department.

This ordinance has been approved by the Planning Commission.

BILL NO. BL2020-149 (TOOMBS, TAYLOR, & OTHERS) – This ordinance, as amended, amends Title 11 of the Metro Code to create a new Chapter 11.22 requiring landlords to provide at least 90 days' written notice to tenants before increasing the tenant's rent. If there is a written rental agreement, it may allow for 60 days or more written notice of an increase. The ordinance also provides that, after proper notice has been given, any increase in rent may not become effective prior to the completion of the term of the rental agreement. This notice requirement would

not apply to any housing funded through any program regulated by federal, state, or the metropolitan government. These provisions would apply to residential leases entered into on or after July 1, 2020.

Although the Uniform Residential Landlord and Tenant Act (URLTA) includes provisions governing rental agreements and the payment of rent, there is no express preemption in the URLTA that would prohibit the Council from requiring landlords to provide notice prior to a rent increase.

BILL NO. BL2020-151 (HAGAR) – This ordinance creates a Residential Accessory Structure Overlay District in Title 17 of the Metropolitan Code.

This would create an optional overlay that could be placed over residential areas to provide for design guidance and regulation of accessory structures in order to maintain and reinforce an established form or character. This ordinance creates the tool that can be used to address standards related to accessory structures, including the number of structures, location, size, height, and materials. The process to apply the overlay is the same process as a rezoning and is similar to the process for other overlays, such as contextual overlays and corridor design overlays.

This ordinance has been approved by the Planning Commission.

BILL NO. BL2020-185 (MENDES, HAGAR, & OTHERS) – This ordinance amends Chapter 5.10 of the Metropolitan Code to update the 1% for Public Art provisions. The 1% for Public Art program was enacted in June 2000 pursuant to Ordinance No. BL2000-250 for the purpose of dedicating 1% of the proceeds from the sale of all general obligation bonds to be used solely for public art projects. Since its inception, the 1% for Public Art program has funded more than 100 permanent public works of art found on Metro property and within Metro facilities throughout the county.

This ordinance updates the Code to reflect our current capital project financing practices. The 1% for Public Art program was established before Metro had a commercial paper program to fund capital projects on a short-term basis until long-term bonds are sold (typically every few years). This ordinance clarifies that the 1% for Public Art program includes projects funded through commercial paper as a result of the project's inclusion in an initial resolution determining to issue general obligation bonds. This ordinance also makes the funds available quarterly to fund projects instead of when bonds are sold. In addition to providing funds on a more frequent basis, this will help provide revenue for repair costs associated with existing public art projects. This ordinance still allows the funds to accumulate to be used for large public art projects.

BILL NO. BL2020-186 (MENDES, SWOPE, & WELSCH) – This ordinance amends Section 5.12.140 of the Metro Code to extend the additional fifty cent per room hotel occupancy privilege tax used to support and promote large events. In August 2008, the Council approved a fifty cent

increase in the hotel occupancy tax pursuant to state enabling legislation (T.C.A. § 7-4-202), which by state law must be deposited in to the “Event and Marketing Fund” and can only be used for the direct promotion of tourism. Appropriations from the fund are administered by a committee through the Convention & Visitors Corporation (CVC). The state law requires that the five person committee be appointed by the mayor, and must be made up of representatives of the following groups: one person nominated by the hotel and lodging association; one person from the hospitality industry; one representative from a hotel corporation that operates a single hotel in a county with a metropolitan government with an excess of 2,900 rooms (Gaylord Opryland); two members of the public; one person who owns or operates a business within the central business improvement district; and a chair to be selected by the mayor. All expenditures from the fund are subject to the approval of the Metropolitan finance director.

At the time the initial state enabling legislation was adopted, the additional tax was to sunset six years after the date it was authorized. The general assembly extended the sunset date in 2014 for six years, and extended it again for another six years in 2019. This ordinance extends the tax for six years from May 21, 2020 in accordance with state law.

Since its inception, the fund has collected in excess of \$35 million, which has been used to promote 21 events, including the Music City Bowl, the CMA Music Festival, the Fourth of July Celebration, New Year’s Eve, the St. Jude Rock & Roll Marathon, the NFL Draft, and the NHL All-Star Game.

BILL NO. BL2020-189 (O’CONNELL & ALLEN) – This ordinance names certain facilities at the Howard Office Building in honor of Charlie Cardwell. Mr. Cardwell served as Metro’s Trustee from 1993 until his death in 2019. Prior to his service as Trustee, Mr. Cardwell served as Metro’s chief accountant, Metro Director of Finance, and state Commissioner of Revenue.

This ordinance names the garden breezeway between Howard Office Building and Nashville Children’s Theatre “Charlie Cardwell Garden” and names Room 1945 inside Howard Office Building “Charlie Cardwell Conference Room.” The ordinance also directs the department of general services to erect the appropriate signage.

BILL NO. BL2020-190 (ROSENBERG, MENDES, & HENDERSON) – This ordinance grants the Purchasing Agent the authority to extend the term of a current contract between the Metropolitan Government and Smith Seckman Reid, Inc. for project design and construction phase services for the Davidson Branch Pump Station and Equalization Facility pertaining to the Department of Water and Sewerage Services overflow abatement consent decree program.

This contract was competitively procured and awarded in 2015 for a term of 60 months. The Davidson Branch Pump Station and Equalization facility project was delayed due to availability of funding and is set to expire in a few months. This ordinance would authorize the Purchasing Agent

to extend the contract for up to five additional years if the Purchasing Agent determines such extension is in the best interests of Metro.

Fiscal Note: The initial contract was valued at \$1,999,194 and is paid from the account 47410 Fund, Business Unit #65490170. This amendment is not expected to change the value of that original contract.

BILL NO. BL2020-191 (VANREECE, MENDES, & OTHERS) – This ordinance approves a participation agreement between the Metropolitan Department of Water and Sewerage Services and Arty, LLC, to provide public water services improvements for a proposed development as well as other existing properties in the area. Pursuant to the agreement, Arty will contract and oversee the construction/installation of approximately 255 linear feet of eight inch water main near 1531 Royal Street to serve the Royal and Worth Development. Metro will inspect the construction and be responsible for ongoing operation and maintenance of the water main upon formal acceptance. Metro will pay either 50% of the actual project costs or \$47,400, whichever is less.

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

Fiscal Note: Metro agrees to pay the lesser of \$47,400 or 50% of the actual project costs to the project.

BILL NO. BL2020-192 (HENDERSON & MURPHY) – This ordinance accepts new sanitary sewer main and sanitary sewer manholes for three properties located at 1400, 1404, and 1408 Old Hickory Boulevard.

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

Fiscal Note: This ordinance has no cost to Metro. Donated easements do not have a market value according to Metro Water Services.

GRANTS LEGISLATION – MARCH 17, 2020

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2020-236	From: COORD To: Office of the Mayor	\$0	\$0	N/A	<p>This approves an application for a Digital Curb Challenge grant.</p> <p>If the application is approved, the grant would be used to participate in a curb space management pilot program.</p>
RS2020-241	From: Metropolitan Housing Trust Fund Commission To: Affordable Housing Resources	N/A	N/A	N/A	<p>This approves the first amendment to a grant approved by RS2019-1861.</p> <p>This amendment adds a property address that was inadvertently omitted from the caption of the grant contract. Grant proceeds are used for the express purpose of constructing affordable housing.</p>
RS2020-243	From: Metropolitan Development and Housing Agency To: Metropolitan Department of Social Services Homeless Impact Division	N/A	N/A	Extended to September 20, 2020	<p>This approves the second amendment to a subrecipient grant approved by RS2018-1522.</p> <p>This amendment extends the end date from March 31, 2020 to September 30, 2020. The grant proceeds are used to cover the costs of the Youth Homelessness Demonstration Program (YHDP) eligible planning activities.</p>

<p>RS2020-244</p>	<p>From: Boulevard Bolt, Inc.</p> <p>To: Metropolitan Department of Social Services</p>	<p>\$5,600</p>	<p>\$0</p>	<p>N/A</p>	<p>The proceeds from this grant will be used to benefit the How's Nashville program to aid homelessness.</p>
<p>RS2020-245</p>	<p>From: Tennessee Arts Commission</p> <p>To: Metropolitan Arts Commission</p>	<p>\$49,380</p>	<p>\$0</p>	<p>N/A</p>	<p>This approves an application for an Arts Build Communities Grant.</p> <p>If the application is approved, the grant proceeds will be used to conduct community arts projects in Davidson County.</p>
<p>RS2020-246</p>	<p>From: Americans for the Arts</p> <p>To: Metropolitan Arts Commission</p>	<p>Not to exceed \$17,500</p>	<p>\$6,500</p>	<p>January 2020 through September 2020</p>	<p>The grant proceeds will be used to provide financial and technical assistance to help establish the Diversity in Arts Leadership Internship Program (DIAL) for undergraduate interns.</p>
<p>RS2020-249</p>	<p>From: Friends of Metro Animal Care & Control</p> <p>To: Metropolitan Board of Health</p>	<p>Not to exceed \$10,000</p>	<p>\$0</p>	<p>N/A</p>	<p>The proceeds from this grant will be used to provide funding for shelter animals in need of emergency medical care.</p>

EXHIBIT A

FY 2019-20 CAPITAL SPENDING PLAN

Total - \$154,000,000

GENERAL GOVERNMENT - \$72 MILLION /
MNPS - \$72 MILLION / CONTINGENCY - \$10 MILLION

<u>Agency / Department</u>	<u>CIB Project ID</u>	<u>Allocation</u>	<u>Not to Exceed</u> (Plus Contingency)
GENERAL SERVICES			\$27,380,000
- Sheriff's Headquarters	19GS0017	\$17,200,000	
- CJC Closeout	10FI0001	5,800,000	
- Fleet - Replacement	20GS0003	3,110,000	
- Major Maintenance	20GS0002	1,270,000	
HEALTH DEPARTMENT			1,000,000
- Replace Woodbine Clinic (Planning)	19GS0008	1,000,000	
FINANCE			2,500,000
- R12 - Assessment and Phase 2.1	20FI0001	2,500,000	
FIRE DEPARTMENT			1,250,000
- Replace Fire Station #2 & #25 (Planning)	16FD0001	1,250,000	
PUBLIC WORKS			13,950,000
- Traffic Management	02TP002	1,250,000	
- Paving Program	06PW0011	6,000,000	
- Sidewalk Program	06PW0019	4,000,000	
- Roadways / ROW Improve / Maint.	02PW020	2,200,000	
- Solid Waste - Equipment	16PW0003	500,000	
POLICE DEPARTMENT			13,620,000
- Replace 2 Helicopters	18PD0004	12,000,000	
- Mounted Patrol Barn (Planning / Constr)	20PD0003	1,620,000	
PARKS DEPARTMENT			7,700,000
- Davidson St Along Cumberland River	19PR0001	2,900,000	
- Sevier Mansion / Related Buildings	19PR0039	4,800,000	
METRO TRANSIT AUTHORITY			4,600,000
- MTA Grant Matches	15MT0001	3,000,000	
- RTA Grant Matches	15MT0006	1,600,000	

EXHIBIT A

FY 2019-20 CAPITAL SPENDING PLAN

Total - \$154,000,000

GENERAL GOVERNMENT - \$72 MILLION /
MNPS - \$72 MILLION / CONTINGENCY - \$10 MILLION

<u>Agency / Department</u>	<u>CIB Project ID</u>	<u>Allocation</u>	<u>Not to Exceed</u>
			(Plus Contingency)
METRO SCHOOLS			72,000,000
<u>DESIGN / CONSTRUCTION PROJECTS</u>			
~ Goodlettsville Elem - Replacement	04BE0014	22,860,000	
~ Lakeview Elem (Design)	04BE0023	2,400,000	
~ Pearl-Cohn High - Track & Stadium	19BE0009	1,240,000	
 <u>DISTRICT-WIDE PROJECTS</u>			
~ Office of School Improvemt Projects	18BE0015	500,000	
~ Central Services - Furniture & Equip	18BE0011	100,000	
~ School Safety and Security	16BE0029	200,000	
~ Bus and Fleet Vehicle Replacement	03BE0005	4,800,000	
~ Tech-Facility Infrastrctr Improvement	17BE0001	6,900,000	
~ ADA Compliance	13BE0041	500,000	
~ Emergency Construction / Contingcy	14BE0042	1,500,000	
 <u>MISC. DEFERRED MAINTENANCE DISTRICT-WIDE PROJECTS</u>			
~ Electrical Upgrades	18BE0019	7,430,000	
~ HVAC Upgrades	18BE0019	20,700,000	
~ Roof Repair / Replacement	18BE0019	1,000,000	
~ Exterior Building Improvements	18BE0019	700,000	
~ Interior Building Improvements	18BE0019	500,000	
~ Plumbing Upgrades	18BE0019	400,000	
~ Environmental Remediation	18BE0019	200,000	
~ Building Energy Upgrades	18BE0019	70,000	
 CONTINGENCY / 1% FOR THE ARTS			
- GSD Contingency		5,000,000	
- MNPS Contingency		5,000,000	