



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: May 19, 2020

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 5/13/20:

4% Reserve Fund	\$18,600,037*
Metro Self Insured Liability Claims	\$2,136,765
Judgments & Losses	\$2,670,728
Schools Self Insured Liability Claims	\$3,567,817
Self-Insured Property Loss Aggregate	\$8,051,353
Employee Blanket Bond Claims	\$713,591
Police Professional Liability Claims	\$2,062,436
Death Benefit	\$1,663,694

*This assumes unrealized estimated revenues in FY20 of \$5,079,525

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

– RESOLUTIONS –

RESOLUTION NO. RS2020-315 (MENDES) – This resolution authorizes the issuance of up to \$613,000,000 in interfund tax anticipation notes (TANs) by the Metropolitan Government. These TANs would be issued pursuant to state law for the purpose of meeting appropriations made for Fiscal Year 2021 in anticipation of the collection of taxes and revenues.

These notes would be issued pursuant to Tennessee Code Annotated § 9-21-101, *et seq.* Money within Metro’s various distinct funds is commingled and Metro has historically addressed temporary cash flow deficits by borrowing funds from the pooled cash account. This has the technical effect of one fund using money from another fund to pay for expenditures (until property tax receipts that fund each account are sufficient for the intended purpose).

In 2018, the Comptroller of the State of Tennessee advised that these transfers should be formalized by issuing interfund tax anticipation notes, as permitted under state law with the prior approval of the Comptroller’s office. The Council authorized TANs for FY20 in compliance with the Comptroller’s request pursuant to Resolution No. RS2019-1545. The pending resolution would continue this practice in order to formalize Metro’s regular practice of interfund borrowing.

The resolution identifies the following as “lending funds” for purposes of the TANs: Water & Sewerage Services Fund, Education Services Special Revenue Fund, Event and Marketing Fund, CBID Event and Marketing Fund, Farmers Market Non-Bonded Capital Project Fund, General Fund Reserve Fund, General Government Self Insurance Fund, Hotel Occupancy General Fund, Hotel Tourist Promotion Fund, Information Technology Services Fund, Injured on Duty Fund, Municipal Auditorium Fund, Office of Fleet Management Fund, Government Services Special Revenue Fund, School Self Insurance Fund, Solid Waste Operations Fund, Stormwater Operations Fund, and Surplus Property Auction Fund.

This resolution includes language that was not included in the TANs resolution from last year, which would grant authority to the Mayor to sell the notes to one or more financial institutions through a negotiated sale instead of through interfund borrowing if he determines that it is in Metro’s best interest to do so. The purpose of this language is to provide flexibility in light of the financial challenges resulting from the COVID-19 outbreak. The Mayor would have the authority to approve the interest rate and maturity date for the notes. Approval of the state director of local finance in the comptroller’s office would be required before such a sale could take place.

These notes must be repaid not later than June 30, 2021.

Fiscal Note: This resolution authorizes Metro to issue and sell \$613,000,000 of interfund tax anticipation notes for the purpose of meeting appropriations made for Fiscal Year 2021 in anticipation of the collection of taxes and revenues.

RESOLUTION NO. RS2020-316 (MENDES) – This resolution authorizes the issuance of up \$17 million in tax anticipation notes by the Metropolitan Government to provide funding for the current fiscal year.

State law allows for local governments to issue tax anticipation notes which may, with the approval of the comptroller, be established beyond the end date of the current fiscal year in the case of economic distress due to a natural disaster certified by the Federal Emergency Management Agency (FEMA). On April 2, 2020, President Trump declared a major disaster, certified by FEMA as Tennessee COVID-19 Pandemic. The General Fund Reserve Fund (4% Fund) is identified as the fund from which the money is to be borrowed.

Like Resolution No. RS2020-315, this resolution includes language authorizing the Mayor to sell the notes to one or more financial institutions as he may select through a negotiated sale instead of through interfund borrowing if he determines that it is in Metro's best interest to do so. The resolution specifically includes a reference to a financial institution or other entity designated by the Federal Reserve pursuant to the Municipal Liquidity Facility established by the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act"). Approval of the state director of local finance in the comptroller's office would be required before such a sale could take place.

Fiscal Note: This resolution authorizes Metro to issue and sell \$17,000,000 of interfund tax anticipation notes for the purpose of meeting appropriations made for Fiscal Year 2020 in anticipation of the collection of taxes and revenues.

RESOLUTION NO. RS2020-317 (MENDES) – This resolution extends the Metropolitan Government's general obligation commercial paper program (CP program) and authorizes the amendment of the terms of the credit facility related to the extension. Commercial paper is a form of short-term borrowing that is used to finance capital projects until long-term bonds are issued, typically once every several years. The proceeds from commercial paper is used only for providing for the interim financing of capital projects for which bonds have been authorized by an initial bond resolution, for the payment of prior notes, and the payment of the principal of outstanding commercial paper.

The Council approved RS2017-687 on May 16, 2017, which authorized a CP program in a maximum principal amount of \$375 million. The program is set to expire on July 2, 2020. While MUFG Union Bank, N.A. and JPMorgan Chase Bank, National Association were designated as the liquidity banks for the CP program, MUFG has determined that it is unwilling to continue to extend liquidity to the CP program beyond July 2, 2020. JPMorgan Chase Bank is willing to extend the CP program for the full principal amount of \$375 million for an additional year, ending July 2, 2021.

This resolution approves an extension of the program for one year, as well as approves an amendment to the revolving credit agreement and a restated liquidity facility fee letter. The liquidity facility fee is being increased from 38 basis points (0.0038) to 70 basis points (0.0070).

RESOLUTION NO. RS2020-318 (MENDES, HANCOCK, & STYLES) – This resolution approves mayoral conditional approval and acceptance of a local government Coronavirus relief fund grant from the U.S. Department of the Treasury to the Metropolitan Government to respond to the public health emergency caused by the Coronavirus pandemic.

As a city with a population over 500,000, Nashville is eligible to receive direct allocation from the U.S. Department of the Treasury related to coronavirus. Metro has been awarded a grant not to exceed \$121,122,775 with no required cash match. The grant funds can be used for unbudgeted expenditures related to preparation for, prevention of, and response to the coronavirus pandemic incurred through December 30, 2020. There is no known funding after that date.

RESOLUTION NO. RS2020-319 (MENDES) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-320 (MENDES, HAGAR, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-321 (MENDES & PULLEY) – This resolution approves a contract between the Nashville Fire Department and the Tennessee Department of Mental Health and Substance Abuse Services, authorizing the State to pay the Metropolitan Government for emergency transportation services for patients at the Middle Tennessee Mental Health Institute. Under the contract, the state agrees to pay for ambulance services under the Medicare part B fee schedule or, if a service is not covered, at the lowest negotiated rate.

This agreement enables the state to continue paying Metro for the services provided. The term of the agreement begins July 1, 2020 and ends June 30, 2021. This is a recurring contract approved each year.

Fiscal Note: The State will pay the Metropolitan Government for uninsured patients transported from the facility at the rates established by the Medicare Part B fee schedule. The total amount paid under the contract is not to exceed \$22,000 for FY21 -- the same cap for FY20.

RESOLUTION NO. RS2020-322 (MENDES, PULLEY, & HANCOCK) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-323 (MENDES, PULLEY, & HANCOCK) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-324 (MENDES, HENDERSON, & OTHERS) – This resolution accepts the terms of a cooperative purchasing master agreement for refuse and recycling replacement parts. The master agreement is between the City of Tucson, Arizona and Toter, Inc. Metro currently has a contract with Rehrig Pacific to provide refuse and recycling carts, but Toter, Inc. had the contract for many years. Since there are still Toter carts in circulation, Metro is in need of a contract to obtain replacement parts for the existing carts.

T.C.A. § 12-3-1205(b) authorizes local governments to participate in cooperative purchasing agreements with governmental entities outside of the state as long as the goods or services were competitively procured by the other governmental entity. T.C.A. § 12-3-1205(b) further provides that local governments may participate in a master agreement by adopting a resolution accepting the terms of the master agreement.

RESOLUTION NO. RS2020-325 (MENDES) – This resolution authorizes the Department of Law to compromise and settle the personal injury claims of Nadia Bruce and Brian Rawlings against the Metropolitan Government in the amount of \$90,000. On June 13, 2017, Nadia Bruce tripped while walking on the sidewalk on Eleventh Street in Old Hickory at dusk. Mrs. Bruce testified that she tripped on a dilapidated portion of the sidewalk that was raised three inches above grade and was partially obscured by grass growing on the sidewalk. Other residents in the area have testified that they also tripped on the sidewalk in the area, with one testifying that she contacted Public Works about the sidewalk prior to Mrs. Bruce's fall. Public Works has no record of any complaints and has since corrected the sidewalk condition.

Mrs. Bruce suffered large abrasions to her left hand and knee, a labral tear in her left shoulder, and potentially exacerbated preexisting back and neck injuries. She had multiple surgeries to correct these injuries and still has pain and limited mobility in her left arm. Her medical bills are estimated at approximately \$45,000.

The Department of Law recommends settling her claim for the amount of her medical bills plus approximately \$45,000 for pain and suffering and her husband's loss of consortium claim for a total settlement of \$90,000. This amount is to be paid out of the self-insured liability fund.

Fiscal Note: This \$90,000 settlement would be the 27th payment from the Self-Insured Liability Fund in FY20 for a cumulative total of \$1,284,853. The fund balance would be \$2,136,765 after this payment.

RESOLUTION NO. RS2020-326 (MENDES, HENDERSON, & ALLEN) – This resolution approves three amendments to three agreements between the Metropolitan Government and the Tennessee Department of Environment and Conservation (TDEC), concerning maintenance of closed solid waste disposal facilities.

State law requires all owners of closed landfills to either put up a performance bond or execute a contract agreeing to pay a penal sum if the site is not adequately maintained. (T.C.A. §68-212-108). The Metropolitan Government has entered into contracts with TDEC in lieu of a performance bond as assurance of financial responsibility for these solid waste facility maintenance duties. State law further provides that the amount guaranteed by the performance bond or agreement may be altered over time. Reduced amounts would ostensibly coincide with the similarly decreasing levels of contamination, costs of removal, and/or amounts of potential property damage with each passing year.

Metro owns the Due West Superfund Site, the Bordeaux Sanitary Landfill, and the Thermal Ash Monofill, Phases II and III, all of which are closed solid waste disposal facilities, maintained pursuant to separate agreements between Metro and TDEC, pursuant to BL2010-719. That ordinance provides that amendments to these three agreements may be approved by resolution.

The resolution decreases the total penal sum figure in all three agreements as follows:

- Due West Superfund site – decrease from \$984,432.26 to \$935,341.91
- Bordeaux Sanitary Landfill – decrease from \$2,675,724.23 to \$2,334,760.51
- Thermal Ash Landfill – decrease from \$896,300.37 to \$864,410.95

Pursuant to BL2010-719, amendments to these agreements may be approved by a resolution of Council receiving 21 votes.

Fiscal Note: These amounts would only be paid if Metro failed to maintain the sites adequately.

– ORDINANCES ON SECOND READING –

BILL NO. BL2020-147 (MURPHY) – This ordinance, as amended, amends Chapter 2.196 of the Metro Code regarding lobbyist registration and disclosure. Various changes would be made to update the ordinance to resemble the state law governing lobbyists who conduct business at the state level. This includes updating definitions, creating a category of “volunteer lobbyists”, and adding specific complaint procedures.

The annual filing fee for lobbyists would be increased from \$50 to \$100. Persons who do not receive any compensation for services, other than reimbursement of actual expenses for more than ten days per calendar year, would be categorized as volunteer lobbyists. These volunteer lobbyists would be required to register with the Metro Clerk but do not have to pay the annual filing fee.

Specific complaint procedures would be added. Complaints would be filed with the Clerk. The Department of Law would review and evaluate the complaint and make a recommendation to the Board of Conduct. The Board of Conduct would further evaluate the complaint and make a recommendation for what action, if any, would be taken against the person who is the subject of the complaint. Available penalties would include a suspension from registration as a lobbyist for up to two years, or referral to the district attorney or department of law for further action. Violations of the chapter would be punishable by a fine of up to \$50 per day, per violation.

The current lobbyist registration ordinance was first adopted in 1991 and has not been significantly updated since.

Fiscal Note: There are currently 240 lobbyist registrations listed on the Metro Clerk’s website. At the current \$50 rate, that equates to \$12,000 in revenue. If the rate is increased to \$100 and there are the same level of registrations going forward, the revenue would increase to \$24,000.

BILL NO. BL2020-224 (TAYLOR, SUARA, & OTHERS) – This ordinance amends Chapter 11.22 of the Metropolitan Code to require landlords to provide notice to tenants prior to a sale of the property. The ordinance would create a new requirement that landlords provide a minimum of 90 days’ written notice to tenants prior to closing on a sale of the leased premises.

This is similar to Bill No. BL2020-149, adopted at the April 21 meeting, which requires landlords to provide at least 90 days’ written notice to tenants before increasing the tenant’s rent.

BILL NO. BL2020-227 (WITHERS, MENDES, & OTHERS) – This ordinance authorizes the grant of permanent and temporary construction easements to Piedmont Natural Gas Co. on property owned by the Metropolitan Government. The easements would be across a portion of Shelby Park located at 2009 Sevier Street. The easement would be used for the purposes of installing a new natural gas line and above ground improvements to upgrade and improve service to the area.

Piedmont has agreed to pay \$225,000 as compensation for this easement, reflecting fair market compensation for the easements.

Fiscal Note: Metro will receive \$225,000 for the conveyance of these easements which represents the fair market value of the easements.

BILL NOS. BL2020-230 & BL2020-232 – These two ordinances amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government by abandoning portions of Metro rights-of-way that are no longer needed by Metro. Metro will retain all utility easements within the rights-of-way to be abandoned. Future amendments to the ordinances may be approved by resolution. These ordinances have been approved by the planning commission and the traffic and parking commission.

BILL NO. BL2020-230 (PARKER, MURPHY, & OTHERS) – This ordinance abandons a portion of Alley #312 from N. 9th Street to Alley #278, between N. 9th Street and Neil Avenue. This closure has been requested by Rick Wells.

BILL NO. BL2020-232 (O’CONNELL, MURPHY, & HENDERSON) – This ordinance abandons a portion of Alley #146 from Lafayette Street northwestward to Elm Street, between 4th Ave. S. and 5th Ave. S. This closure has been requested by Barge Design Solutions.

Fiscal Note: These ordinances have no cost to Metro. In the opinion of the 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. BL2020-235 (MENDES, HENDERSON, & OTHERS) – This ordinance amends Sections 2.62.040 and Metropolitan Code Section 12.56.170 to increase special event and parade permit fees. These fees were last increased in 2016. The current special event permit fees consist of a \$230 application fee plus a \$100 administrative fee for events within the Right-of-Way Permit High Impact Area (“HIA”) (as defined in Metropolitan Code Section 13.20.030.D.1), and a \$50 administrative fee for events outside of the HIA. For parades, there is currently a \$100 administrative fee for events within the HIA, and a \$50 administrative fee for events outside of the HIA.

This ordinance adopts new fee schedules based upon anticipated attendance.

For a special event being held within the HIA:

Expected Attendees	Application Fee	Administration Fee
Less Than 100	\$250.00	\$100
100 - 299	\$500.00	\$100
300 - 499	\$1,100.00	\$100
500 or Greater	\$2,300.00	\$100

For events being held outside of the HIA:

Expected Attendees	Application Fee	Administration Fee
Less Than 100	\$100.00	\$50
100 - 299	\$250.00	\$50
300 - 499	\$500.00	\$50
500 or Greater	\$1,100.00	\$50

For a parade within the HIA:

Expected Attendees	Application Fee	Administration Fee
Less Than 100	\$200.00	\$100
100 - 299	\$400.00	\$100
300 - 499	\$800.00	\$100
500 or Greater	\$1,600.00	\$100

For a parade event being held outside of the HIA:

Expected Attendees	Application Fee	Administration Fee
Less Than 100	\$100.00	\$50
100 - 299	\$200.00	\$50
300 - 499	\$400.00	\$50
500 or Greater	\$800.00	\$50

BILL NO. BL2020-285 (STYLES, TOOMBS, & OTHERS) – This ordinance requires employees of essential businesses interfacing with the public to wear appropriate face coverings.

The Amended and Restated Order No. 3 of the Metropolitan Director of Health dated April 1, 2020, known as the “Safer at home Order” (the “Order”), requires all businesses not performing essential services to close their business facilities in order to help reduce the spread of COVID-19. Certain enumerated essential businesses are permitted to continue operating. The Order requires essential services to continue to adhere to the CDC’s guidance on social distancing and hand hygiene.

An April 3, 2020 CDC guidance recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain.

This ordinance requires, for as long as the Order is in place, all employees of businesses providing essential services as defined by the Order to wear cloth face coverings whenever these employees have face-to-face contact with the public. Workers at construction sites are also required to wear cloth face coverings when more than one worker is present.

The Metro Department of Health is empowered to enforce this ordinance, and fines are to be assessed against the business owner or management, not the individual employees.

BILL NO. BL2020-286 (MENDES) – This ordinance is the proposed operating budget for the Metropolitan Government for Fiscal Year 2021. The budget filed by the Mayor provides for the following proposed funding:

• General Services District General Fund	\$1,045,932,700
• General Services District Schools Fund	\$914,892,600
• General Services District General Debt Service Fund	\$213,492,000
• General Services District Schools Debt Service Fund	\$119,492,000
TOTAL GENERAL SERVICES DISTRICT BUDGET	\$2,293,809,300
• Urban Services District General Fund	\$138,357,200
• Urban Services District General Debt Service Fund	\$20,984,500
TOTAL URBAN SERVICES DISTRICT BUDGET	\$159,341,700
TOTAL OPERATING BUDGET	\$2,453,151,000

The Fiscal Year 2020 budget is \$2,331,618,000. The Mayor’s proposed budget represents an overall increase of \$121,533,000 (5.2%).

Prior to the March tornado and the COVID-19 pandemic, the Finance Department was projecting revenues for FY21 (assuming no tax increase) of \$2.4 billion. However, the impact of the disasters on FY21 revenues reduced this amount by approximately \$280.6 million.

The Department of Finance’s budget presentation states that Metro needs a minimum of \$115.9 million over and above last year’s operating budget for the following:

- Restore Cash and Fund Balances at Council / State levels - \$99.9 million
- General Government (health, safety and other required) - \$35 million
- Schools funded at state required “Maintenance of Effort” level - \$0.4 million
- Debt Service increase (after benefit of delayed bond issuance) - \$6.2 million
- Civil Service class study pay increase - \$2.2 million
- Costs for Employees Injured on Duty - \$10.7 million
- Employee health insurance increase - \$5.6 million

- Water rate increase - \$3 million
- District Energy System - \$0.6 million
- Savings opportunities identified - (\$47.7 million)
 - MTA/RTA to be covered by Federal Programs - (\$22.3 million)
 - MDHA Tax Increment Refinancing - (\$9.3 million)
 - Suspend Longevity for FY 2021 - (3.9 million)
 - Delay full implementation of Body Worn Cameras - (\$1.9 million)
 - Direct appropriation reductions - (\$2.7 million)
 - Community Partnership funding reductions - (\$1 million)
 - Eliminate Community Education Commission – (\$516,600)
 - Postpone Studies - (\$500,000)
 - Continue Travel Freeze - (\$422,900)

Factoring in last year’s budget total of \$2.332 billion, the \$115.9 million in new minimum funding needs, and the \$2.116 billion in available revenue, Metro needs \$332 million in new revenue for FY21.

In order to fill the \$332 million budget gap, the mayor has proposed a property tax increase of \$1.00 in the GSD. The current property tax rate for the GSD is \$2.755 per \$100 of assessed value. The current rate for the USD is \$0.400, resulting in a combined rate of \$3.155. The Mayor has proposed increasing the property tax rate by \$1.00 per \$100 of assessed value, for a GSD rate (all of Davidson County) of \$3.755 and a USD rate of \$0.400, resulting in a combined rate of \$4.155.

The proposed budget does not provide any funding for pay plan improvements. As approved by the Civil Service Commission, employee salaries would be frozen at the FY20 levels.

As noted above, the mayor’s budget factors in \$47.7 million in savings opportunities. This essentially guarantees that the departments will be required to realize their same savings they were asked to identify in FY20 since that amount will have been reduced from their budget.

The proposed budget provides a \$400,000 increase for Metro Schools, which is the required minimum under the state “maintenance of effort” requirements. This would result in a total MNPS operating budget of \$914,892,600. This amount does not include an estimated \$26 million in federal relief MNPS is expected to receive.

The Hospital Authority would receive a subsidy of \$43.1 million in the proposed budget for General Hospital, which is the same amount as the FY20 subsidy. \$3.5 million would be appropriated in the budget for the contract with Signature for the management of the Bordeaux Nursing Home. Likewise, \$2 million would be appropriated for the contract with Anthem Care to manage the Knowles Assisted living Facility.

The FY21 would reduce the community support contributions by fifty percent. The amounts to appropriated are as follows:

- Summer Youth Employment Program \$1,449,400
- Community College GRAD Program \$500,000
- Misc. community agencies/services \$900,000

The Barnes Fund for Affordable Housing would receive an additional \$10 million as part of the continuing commitment for affordable housing and to help the homeless, which is partly funded by the local portion of the hotel/motel taxes generated by short-term rental properties.

Metro’s established policy is to maintain a fund balance equal to or greater than 5% for each of the six primary budgetary funds: the GSD General Fund, USD General Fund, General Purpose School Operations Fund, and the three related debt service funds. The impact of COVID-19 on Metro’s tax revenues is estimated to be a loss of \$192,400,000 for Fiscal Year 2020. This, along with the loss of nonrecurring revenue from the terminated DES sale and parking concession agreement, will leave all of our fund balances at dangerously low levels on June 30, 2020, especially for the GSD general fund, which is estimated to be a sparse \$1,200,000 (0.1%). Thus, approximately one-third of the proposed property tax increase under the Mayor’s budget for FY21 would be used to restore \$100,000,000 to Metro fund balances.

The Mayor’s proposed budget is projected to result in the following fund balance percentages by June 30, 2021, all but two of which would still be below Metro’s established 5% policy:

- General Services District General Fund 5.0%
- General Services District Debt Service Fund 3.7%
- General Services District Schools Operations Fund 4.0%
- Schools Debt Service Fund 4.4%
- Urban Services District General Fund 5.3%
- Urban Services District Debt Service Fund 3.7%

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

Per Rules 39 and 41 of the Metro Council Rules of Procedure, the budget ordinance is amendable on third reading. And pursuant to section 6.06 of the Metro Charter, the Council must adopt a substitute operating budget no later than June 30th. Otherwise, the budget as originally submitted by the Mayor becomes effective on July 1.

BILL NO. BL2020-287 (MENDES) – This ordinance would adopt the property tax levy for FY21. Section 6.07 of the Metro Charter provides that the Council’s next order of business upon adopting the annual operating budget is to adopt a tax levy that fully funds that budget.

The property tax rate proposed by this ordinance is an increase of \$1.00 per \$100 of assessed value in the General Services District (GSD), which comprises the entire county. The tax rates would be \$3.755 per \$100 of assessed value in the GSD and \$0.400 per \$100 of assessed value in the Urban Services District (USD), for a total tax rate of \$4.155 in the USD. This tax levy rate is projected to be sufficient to fully fund the proposed FY21 operating budget.

The tax levy is amendable on third reading.

BILL NO. BL2020-289 (MENDES & HENDERSON) – This ordinance creates the new positions of Environmental Compliance Supervisor and Water Quality Supervisor within the Metropolitan Government. Section 12.10 of the Metropolitan Charter provides that newly created positions within the Metropolitan Government must be approved by ordinance.

The Civil Service Commission, upon the recommendation of the Director of Human Resources, has created the positions of Environmental Compliance Supervisor and Water Quality Supervisor. A job description for each is attached to the ordinance.

– 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. BL2020-223 (MURPHY) – This ordinance, as amended, amends section 7.16.110 of the Metro Code to provide a mechanism for retail liquor establishments to obtain an exemption from the minimum distance requirements for obtaining a certificate of compliance upon approval of the Council by resolution. Although retail liquor stores are primarily regulated under state law, T.C.A. § 57-3-208 requires liquor store applicants to obtain a certificate of compliance signed by the mayor stating that the applicant hasn't been convicted of a felony within the past ten years and that the store complies with local location restrictions. Section 7.16.110 of the Metro Code generally prohibits liquor stores from being located within 50 yards of a private residence or a branch of the Nashville Public Library on the same side of the street as the proposed retail store, within 100 yards of any place of worship, or within 200 yards of a school or college campus.

This ordinance would allow a waiver from these location restrictions upon approval of a Council resolution after a public hearing in the same manner that waivers of the beer permit distance requirements for restaurants are approved. In considering the resolution, the Council would take into consideration (a) the unique characteristics of the property at issue, (b) whether the granting of an exemption will be injurious to other property or improvements in the area, and (c) whether the granting of an exemption will be detrimental to the public welfare. Notice of the public hearing must be sent by mail to all property owners within 600 feet of the proposed liquor store seeking the exemption from the minimum distance requirements not later than 14 days prior to the scheduled public hearing on the resolution. Further, posting of a public notice sign meeting the general requirements of Section 17.40.730 of the Metropolitan Code must be posted on the property at least 14 days prior to the scheduled public hearing. The costs for the public notification requirements are to be paid by the applicant. The applicant would coordinate the scheduling of

the public hearing with the metropolitan clerk's office prior to the filing of the resolution and notify the district Councilmember within five days of submitting the request for a distance waiver.

The Council Office would note that while Metro has had a mechanism for providing a waiver of beer distance requirements for many years, court decisions have called into question whether allowing exceptions to a distance requirement could compromise enforcement of the distance requirements against future applicants. The Tennessee Court of Appeals has stated "discriminatory enforcement of a distance rule, once established, prohibits reliance upon the rule as a valid ground for the denial of a beer permit." *Boyd's Creek Enterprises, LLC v. Sevier Cty.*, 362 S.W.3d 600, 604 (Tenn. Ct. App. 2010).

SUBSTITUTE BILL NO. BL2020-236 (SLEDGE) – This substitute ordinance prohibits work related to a grading permit on Sundays and requires a sign be posted at grading project sites. The sign would include certain required information, in English and Spanish, such as the phone number for the applicant and a phone number to submit complaints.

These same requirements are already in effect for building permits.

BILL NO. BL2020-247 (MURPHY & HENDERSON) – This ordinance abandons existing public sanitary sewer main and easements and accepts new water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manholes and easements for property located at 4317 Harding Pike.

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. Abandoned and donated easements have no market value according to the Department of Water Services.

BILL NO. BL2020-278 (BENEDICT, MENDES, & OTHERS) – This ordinance approves a lease between Metro and City Road Chapel United Methodist Church for office space at 701 Gallatin Road S., Madison, Tennessee 37115.

City Road Chapel United Methodist Church owns real property at 701 Gallatin Road. Metro has leased this property to provide office space for the Department of Social Services since 2016, pursuant to a prior lease approved by BL2016-181 and amended by RS2016-311.

Pursuant to the agreement, Metro will lease 2,460 square feet in the building. Metro will be responsible for furnishing the space and providing phone and internet connection. City Road Chapel United Methodist Church will provide heating, air conditioning, and electricity. Metro will

pay \$1,000 per month for each month of the lease term. The term of the agreement is 24 months, beginning after approval by Council.

This has been approved by the Planning Commission. Future amendments to the lease agreement may be approved by a resolution receiving 21 affirmative votes.

Fiscal Note: Metro will pay \$1,000 each month for 24 months according to the terms of this lease agreement.

BILL NO. BL2020-280 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes AEG-MGM Nashville, LLC to install, construct, and maintain underground and aerial encroachments in the right-of-way at 913 Church Street. The encroachments consist of an elevated sidewalk to the expansion joint of the Church Street bridge.

AEG-MGM Nashville, LLC has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$4 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. BL2020-281 (RUTHERFORD, MURPHY, & HENDERSON) – This ordinance accepts new public sanitary sewer main, sanitary sewer manholes and easements for property located north of Burkitt Place Drive and east of Nolensville Pike in Williamson County, also known as Burkitt Commons Phase 2.

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 the Department of Water Services.

BILL NO. BL2020-282 (BRADFORD, MURPHY, & HENDERSON) – This ordinance abandons existing public water main and easements for property located at 1 Terminal Drive.

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. Abandoned easements have no market value according to the Department of Water Services.

BILL NO. BL2020-283 (VANREECE, MURPHY, & HENDERSON) – This ordinance abandons existing public water main and accepts new public water main and fire hydrant assembly for property located at 600 Creative Way.

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. Abandoned and donated easements have no market value according to the Department of Water Services.

BILL NO. BL2020-284 (GAMBLE, MURPHY, & HENDERSON) – This ordinance authorizes the Metropolitan Government to negotiate and accept permanent and temporary easements for the Dalemere Drive Stormwater Improvement Project for five properties located at 1334, 1335, 1328, and 1338 Dalemere Drive and 4101 Dalemere Court.

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 the Department of Water Services.

GRANTS LEGISLATION – MAY 19, 2020

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2020-319	<p>From: Tennessee Department of Human Services</p> <p>To: Davidson County Juvenile Court</p>	Increase by \$943,574.94	Increase by \$486,084.64	Extend to June 30, 2021	<p>This approves the second amendment to a grant contract approved by RS2018-1190.</p> <p>This amendment increases the grant amount from \$2,032,183.86 to \$2,975,758.80. The end date of the grant is extended to June 30, 2021. The grant proceeds are used to establish and enforce federal and state mandated child support program guidelines for children born out of wedlock.</p>
RS2020-320	<p>From: National Endowment for the Arts</p> <p>To: Metropolitan Nashville Arts Commission</p>	\$50,000	\$0	N/A	<p>This approves an application for a Coronavirus Aid, Relief, and Economic Security (CARES) Act.</p> <p>If the grant is awarded, the proceeds will be used for operational support.</p>
RS2020-322	<p>From: U.S. Department of Homeland Security</p> <p>To: Office of Emergency Management</p>	\$999,825	\$249,975	N/A	<p>This approves an application for a Port Security Grant.</p> <p>If the grant is awarded, the proceeds will be used to protect maritime critical infrastructure, support overall port resilience and recovery capabilities.</p>

<p>RS2020-323</p>	<p>From: U.S. Department of Justice To: Metropolitan Nashville Police Department</p>	<p>\$93,787.50</p>	<p>\$93,787.50</p>	<p>N/A</p>	<p>This approves an application for a Bulletproof Vest Grant. If the grant is awarded, the proceeds will be used to purchase bullet proof vests for law enforcement personnel.</p>
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