



## METRO COUNCIL OFFICE

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MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director  
Metropolitan Council Office

COUNCIL MEETING DATE: **July 7, 2015**

RE: **Analysis Report**

Unaudited Fund Balances as of 6/30/15:

4% Reserve Fund	\$13,283,776*
Metro Self Insured Liability Claims	\$3,217,394
Judgments & Losses	\$2,718,145
Schools Self Insured Liability Claims	\$2,439,713
Self-Insured Property Loss Aggregate	\$6,836,442
Employee Blanket Bond Claims	\$667,149
Police Professional Liability Claims	\$2,684,911
Death Benefit	\$980,529

\*Assumes unrealized estimated revenues in fiscal year 2015 of \$482,117.

**– BILLS ON PUBLIC HEARING AND SECOND READING –**

**ORDINANCE NO. BL2015-1053** (GILMORE) – This ordinance approves a lengthy amendment to the downtown code to update review processes, update maps, correct some typographical errors, and make changes to the urban design standards, specifically as it relates to building step-back provisions, parking and access, and height bonuses for the preservation of historic buildings outside of a historic overlay district.

This ordinance has been approved by the planning commission with an amendment. Ordinance No. BL2015-1152 is a companion to this ordinance.

**ORDINANCE NO. BL2015-1064** (S. DAVIS) – This ordinance amends the Metro zoning code to allow detached accessory dwelling units in the CL (commercial limited) zoning district as a use permitted with conditions. In June 2014, the council approved a zoning text change to allow detached accessory dwellings on lots within the R districts with certain conditions. The lot must not be within a historic overlay or urban design overlay and must have a single-family home on the lot. The lot must also have access to an improved alley or be in excess of 15,000 square feet in size. The property owner must own both the single family home and the detached accessory dwelling, and at least one of the two dwellings must be occupied by the owner. The living area for the detached dwelling is limited to 700 square feet, and the footprint of the structure is limited to 1,000 square feet.

This ordinance essentially expands the 2014 ordinance to include single family homes built on lots in the CL zoning district.

This ordinance has been referred the planning commission.

**ORDINANCE NO. BL2015-1098** (EVANS & BEDNE) – This ordinance amends the zoning code provisions pertaining to the minimum campus size requirements for elementary, middle, and high schools, and would allow schools to be located by right in the IWD zoning district. The code currently allows schools to be located in most of the zoning districts excluding the shopping center, office neighborhood, commercial neighborhood, and industrial zoning districts. The minimum campus size is currently based upon the type of school and number of students as follows:

<u>School Type</u>	<u>Minimum Campus Size</u>
Elementary (K–8)	5 acres + 1 acre/100 students
Middle (5–9)	10 acres + 1 acre/100 students
High (7–12)	15 acres + 1 acre/100 students

Public park space abutting the school site may be calculated to meet the minimum campus size, provided the metropolitan board of parks and recreation approves the site for shared use. The board of zoning appeals (BZA) can approve smaller lot sizes, provided the school does not offer extracurricular activities. In no event can the BZA permit a school on a lot less than two acres in size for a school with 75 or fewer students, or three acres for schools with more than 75 students plus an additional acre for every 100 students.

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**ORDINANCE NO. BL2015-1098**, continued

This ordinance would allow the BZA to permit new schools on smaller lots as a special exception as long as the total lot size is at least three acres and no athletic activities will take place on the property. Prior to granting a special exception for a reduced lot, the BZA is to obtain a recommendation from the planning department as to whether a school on the proposed site is consistent with the applicable land use policy for the area. The ordinance would also allow new schools to operate in a building that was previously used to house a church or school within the past five years, regardless of the lot size. This is to encourage the adaptive reuse of existing structures.

This ordinance has been approved by the planning commission.

**SUBSTITUTE ORDINANCE NO. BL2015-1120** (ALLEN, WESTERHOLM & OTHERS) – This ordinance amends the zoning code to create a detached accessory dwelling unit (DADU) overlay district. In June 2014, the council approved a zoning text change to allow detached accessory dwellings on lots within the R districts with certain conditions. This ordinance would create a new DADU overlay district that could be used on properties that are not in an R zoning district. The design standards listed in the zoning code for other DADUs would apply within this overlay district, which include the following:

- No more than one DADU is permitted on a single lot in conjunction with the principal structure.
- The DADU must be owned by the same person as the principal structure and one of the two dwellings must be owner-occupied.
- A DADU may only be located behind the principal structure.
- Driveway access must be from an alley if available.
- The living space of a DADU cannot exceed seven hundred square feet, and the building footprint cannot exceed 1,000 square feet.
- The DADU must maintain a proportional mass, size, and height to ensure it is not taller than the principal structure on the lot.
- The DADU must be of similar style, design, and material color as used for the principal structure, and must use similar architectural characteristics.
- A DADU in a historic overlay district must comply with the adopted regulations and guidelines of the applicable historic overlay.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2015-1121** (STEINE & HUNT) – This ordinance amends the zoning code to create a new use category for artisan manufacturing. In recent years, Nashville has seen an influx of local artisans making their products for direct sale to customers within their studio/manufacturing space. However, the current zoning code does not really contemplate this type of artisan manufacturing use, and it does not fit neatly within existing zoning categories. Further, artisans often work in shared space where multiple products are made under one roof. This ordinance would make artisan manufacturing a use permitted with conditions in the mixed use, commercial, downtown, and industrial zoning districts. The ordinance defines artisan manufacturing as the shared or individual use of hand-tools, mechanical tools and electronic (continued on next page)

**ORDINANCE NO. BL2015-1121**, continued

tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sale and distribution of such products.

Outdoor storage for artisan manufacturing would be required to be screened from street view or from view of a residence at ground level. Loading docks or service doors could not be oriented toward an abutting residential zoning district. The ordinance would allow up to two multifamily residential units as an accessory use to artisan manufacturing as long as there are no hazardous materials or uses located within an unsafe distance of the proposed residential use.

This ordinance also makes modifications to the existing definitions for rehearsal hall, theatre, commercial amusement (indoor), and cultural center, and designates them as a special exception use in the industrial zoning districts. In addition, the ordinance removes the requirement that a cultural center be owned by a nonprofit organization, and adds criteria applicable to the use in the IR and IG zoning districts.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2015-1139** (BEDNE, BANKS & OTHERS) – This ordinance amends the Metro zoning code to require all new residential development to reserve at least 14% of the units for affordable and/or workforce housing, and requires the planning department to establish a policy to implement this requirement. The planning department would have 180 days to develop the program, but the ordinance requiring the 14% set aside for affordable housing would take effect immediately. It is unclear how this requirement would be implemented during the 180 day period.

This ordinance relies on the existing code definition for “affordable housing”, which is housing that is affordable to households earning 80% or less than the average median income for Davidson County as established by the U.S. Department of Housing and Urban Development. The ordinance adds a new definition for “workforce housing”, meaning housing that is affordable to households making more than 80% but no more than 120% of the average median income.

The ordinance states that the purpose of the bill is as follows:

- To increase the supply of affordable housing and workforce housing.
- To provide housing opportunities that meet the affordability needs of households needing affordable housing and workforce housing.
- To disperse housing opportunities throughout Davidson County for households needing affordable housing and workforce housing.
- To promote social and economic integration in safe and stable neighborhoods.
- To promote the creation and maintenance of suitable residential areas that are safe, attractive and stable.
- To protect property values.
- To implement the housing goals and policies contained in the general plan for Nashville and Davidson County.

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**ORDINANCE NO. BL2015-1139**, continued

In preparing the new policy, this ordinance requires the planning department to consider the following:

- Whether there should be a minimum project size that is required to provide affordable housing and/or workforce housing.
- Whether any residentially-zoned land or proposed projects should be “grandfathered” in.
- The income eligibility and target population.
- Whether there should be a limit on the period of time that the units should remain affordable housing and/or workforce housing, and/or the conditions under which such units may be sold or re-sold, and who is entitled to the increased equity.
- Whether developers should be offered density bonuses or the waiver of certain fees to assist in recuperating the cost of providing the affordable housing and/or workforce housing.
- Whether developers should be offered a “cash in lieu of building” option, with any such payments being deposited in the Barnes Fund for Affordable Housing.
- Whether there should be reduced requirements for new high rise residential construction made primarily with steel and concrete.

The planning commission disapproved the bill as submitted but recommended approval of a substitute that does the following:

- Modifies the definitions of affordable and workforce housing to be consistent with a recently-enacted state law;
- Clarifies that the list of issues to be addressed with the follow-up ordinance is not exclusive;
- Provides an option for off-site construction to be addressed as part of the planning department’s market feasibility study and additional community conversation
- Makes the 14% affordable housing requirement a goal to be achieved through the new policy as opposed to a mandate that takes effect immediately; and
- Clarifies that the process for consideration of the follow-up zoning code change will be consistent with the process for all other zoning code changes.

**ORDINANCE NO. BL2015-1140** (GLOVER) – This ordinance amends the Metro zoning code to increase the distance requirements for the mailing of board of zoning appeals (BZA) public hearing notices from 300 feet to 600 feet. This is a follow-up to Ordinance No. BL2015-1100 approved in May that shifted the responsibility for the posting of BZA public hearing signs from the codes department to the applicant.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2015-1152** (GILMORE) – This ordinance is a companion to Ordinance No. BL2015-1053 providing revisions to the downtown code. This companion ordinance would remove the existing provisions in the zoning code regarding the transfer of development rights in the downtown area since the provisions are not consistent with the downtown code. A separate bill on first reading (BL2015-1255) would re-write the transfer of development rights provisions to apply in other parts of the city.

This ordinance has been approved by the planning commission.

– RESOLUTIONS –

**RESOLUTION NO. RS2015-1544** (PRIDEMORE) – This resolution approves an annual grant in the amount of \$65,500 from the state arts commission to the Metro arts commission for operating support. There is a required local match in the amount of \$65,500 to be provided from the Metro arts commission budget. The funds will be used for general operating support of the arts commission for art programs, research, and community engagement. The term of the grant is through June 30, 2016.

**RESOLUTION NO. RS2015-1545** (PRIDEMORE) – This resolution approves a grant in the amount of \$4,000 from the Community Foundation of Middle Tennessee to the Metropolitan arts commission to make newly-commissioned music, sound, or literary works inspired by public art in neighborhoods via ExploreNashvilleArt.com. There is no required local match for this grant.

**RESOLUTION NO. RS2015-1546** (PRIDEMORE & BAKER) – This resolution approves a grant in the amount of \$474,948 from the state department of finance and administration to the district attorney to provide services to Hispanic victims of crimes, families that have experienced child homicide, and child sexual and physical abuse victims. These funds will be used to provide coordinators to help such victims navigate the criminal justice system, since they often find the system to be difficult as a result of their language limitations, maturity, and psychological barriers associated with victimization. This is a continuation of the victim’s assistance program grant that has been in place for many years. There is a required local match of \$118,737.

**RESOLUTION NO. RS2015-1547** (PRIDEMORE & BAKER) – This resolution approves an agreement between the United States Government and the Metropolitan Government to allow the fire department to bill Medicare for ambulance services. This agreement, which is in the form of a binding online application and certification, is required in order for Medicare to reimburse Metro for providing ambulance services to Medicare patients. The resolution also includes an attachment letter in which Metro agrees to pay back any money that is overpaid by Medicare.

**RESOLUTION NO. RS2015-1548** (PRIDEMORE & GILMORE) – This resolution approves a grant in the amount of \$815,700 from the state department of health to the Metro board of health for the emergency management program. These funds are used for the operation of our emergency preparedness program to prepare for, respond to, and recover from public health threats in accordance with the centers for disease control (CDC) standards. The term of the grant is from July 1, 2015 through June 30, 2016. There is a required local match of \$81,200.

**RESOLUTION NO. RS2015-1549** (PRIDEMORE & GILMORE) – This resolution approves a grant in the amount of \$801,400 from the state department of health to the Metro health department to provide TENNderCare community outreach services for enrolled children. These funds will be used to pay the salaries of health department employees implementing the community outreach plan for early periodic screening, diagnosis, and treatment of children. The term of this grant is from July 1, 2015 through June 30, 2016.

**RESOLUTION NO. RS2015-1550** (PRIDEMORE & GILMORE) – This resolution approves an amendment to a grant from the state department of health to the Metropolitan board of health for sexually transmitted disease services and HIV/AIDS prevention and surveillance. This is an annual federal pass-through grant that pays the salaries of the health department employees that provide these services. These funds are to be used for HIV prevention, active surveillance of HIV/AIDS cases, diagnostic and treatment services, and disease intervention services. This amendment decreases the amount of the grant by \$113,900 for a new grant total of \$1,002,100.

The term of this grant is from January 1, 2015 through December 31, 2015.

**RESOLUTION NO. RS2015-1551** (PRIDEMORE & GILMORE) – This resolution approves an amendment to a grant from the Greater Nashville Regional Council to the Metropolitan social services commission for meal delivery services. This grant is a combination of federal and state funds used to provide nutritious meals to eligible senior citizens through meal delivery services and congregate meal sites. This amendment increases the amount of the grant by \$16,000 for a new grant total of \$932,558. There is also a \$1,777.78 increase in the local match, for a new match total of \$88,369.78 provided through the social services commission's operating budget.

**RESOLUTION NO. RS2015-1552** (PRIDEMORE & GILMORE) – This resolution approves an amendment to a grant from the U.S. department of health and human services to the Metro board of health to enhance access to community-based care for low income individuals and families with HIV. This grant funds a number of medical and support services for HIV patients under the Ryan White HIV/AIDS Treatment Extension Act of 2009. This amendment increases the amount of the grant by \$952,299 for a new grant total of \$4,682,114. The grant is for a term of March 1, 2015, through February 28, 2016.

**RESOLUTION NO. RS2015-1553** (PRIDEMORE & GILMORE) – This resolution approves an amendment to a grant from the state department of health to the Metro health department for operation of the Women, Infants and Children (WIC) and commodity supplemental food programs. The funds from this federal pass-through grant are used to pay the salaries and benefits of the health department employees administering the programs. This amendment increases the amount of the grant by \$138,000 from \$20,595,200 to \$20,733,200.

**RESOLUTION NO. RS2015-1554** (GILMORE) – This resolution approves a clinical affiliation agreement between the Metropolitan board of health and Marian University at St. Thomas Health to provide clinical experience to nursing students. Marian University is an Indianapolis-based school that has partnered with St. Thomas Health to provide an accelerated nursing program. The health department will provide these clinical training experiences as part of the nursing students' public health training. Students will not receive any compensation and there is no cost to the Metropolitan Government for participating in this program.

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**RESOLUTION NO. RS2015-1554**, continued

The term of the agreement is for five years, but may be terminated by either party upon 90 days written notice. The school is required to provide assurance that the students are covered by health and professional liability insurance, and the school agrees to assume responsibility for all of its students participating in the program.

**RESOLUTION NO. RS2015-1555** (GILMORE) – This resolution approves an agreement between the Early Learning Center and the Metro board of health to provide staff, students, and parents of Early Learning Center with nutritional and physical information regarding diabetes prevention. This agreement is for implementation of the Gold Sneaker program, which is a program designed to encourage child care providers to implement recommended amounts of physical activity each day, to address portion control, and to limit the amount of high calorie and high fat foods. The program consists of a nutrition education course for the childcare employees and parents, as well as in-class instruction for children. The program also provides an opportunity for teachers and families to participate in free exercise classes at area community centers. This program is funded through a federal grant.

**RESOLUTION NO. RS2015-1556** (PRIDEMORE & BENNETT) – This resolution approves an amendment to a grant from the Conservancy for the Parthenon and Centennial Park to the Metro parks department to support the implementation of the Centennial Park master plan. This master plan, which was approved by the parks board in 2011, provides for increased parking, a reflecting pool near the Parthenon, areas for dogs, new water features, and a winter garden. The original amount of the grant was \$300,000. The Conservancy has awarded an additional \$560,000 to be paid to Metro parks in monthly amounts of \$50,000.

**RESOLUTION NO. RS2015-1557** (PRIDEMORE & BENNETT) – This resolution approves a grant in the amount of \$89,500 from the Nashville Public Library Foundation to the public library for the T.O.T.A.L. (Totally Outstanding Teen Advocates for the Library) program. The T.O.T.A.L. program consists of a leadership team of five youth implementing a program to promote the benefits of the public library system to other teens. This program has been operating through the public library since 2007. The term of this grant is through June 30, 2016.

**RESOLUTION NO. RS2015-1558** (PRIDEMORE & BENNETT) – This resolution approves a grant in the amount of \$37,300 from the Nashville Public Library Foundation to the public library to fund a part-time position to initiate partnerships with local colleges and universities to recruit volunteers for use throughout the library system. The purpose of this position is to help offset staff reductions in the library system through the use of college students as volunteers. In fiscal year 2014, 767 individuals provided 35,211 volunteer hours in the libraries. The documentation attached to the grant does not have the number of volunteer hours for fiscal year 2015. The term of the grant is through June 30, 2016.



**RESOLUTION NO. RS2015-1559** (PRIDEMORE & BENNETT) – This resolution approves a grant in the amount of \$100,000 from the Nashville Public Library Foundation to the public library to provide staffing for the special collections division. These grant funds are used to pay the salaries of two full-time positions responsible for coordinating digital projects in the special collections division, assisting researchers and the general public in the use of special collections, and to process non-book collections. The term of the grant is from July 1, 2015 through June 30, 2016.

**RESOLUTION NO. RS2015-1560** (DOMINY, PRIDEMORE & OTHERS) – This resolution authorizes the director of public property administration to acquire five properties to be used in the parks greenway system. The purchase prices are based upon a fair market value determination. The Metro code allows for the acquisition of property through the exercise of a negotiated option to sell at a fixed price, which is subject to approval of the council by resolution. The properties to be acquired and the purchase price are as follows:

<u>Address</u>	<u>Acreage</u>	<u>Purchase Price</u>
Preston Road, unnumbered	3.56	\$17,800
2364 Antioch Pike	0.92	\$80,000
Hite Street, unnumbered	0.50	\$2,650
2359 Antioch Pike	0.21	\$4,200
2403 Antioch Pike	0.18	\$1,200

These acquisitions have been approved by the parks board and the planning commission.

**RESOLUTION NO. RS2015-1561** (PRIDEMORE, A. DAVIS & HUNT) – This resolution authorizes the acquisition of a 0.16-acre parcel of property located on Cherry Street for use as part of a stormwater project. The purchase price for the property is \$3,000. The Metro code allows for the acquisition of property through the exercise of a negotiated option to sell at a fixed price, which is subject to approval of the council by resolution. This resolution has been approved by the planning commission.

**RESOLUTION NO. RS2015-1562** (MOORE, A. DAVIS & HUNT) – This resolution amends Ordinance No. BL2015-1059 to correct a typographical error regarding the name of the street for which easement rights are to be abandoned. The prior ordinance incorrectly listed 50<sup>th</sup> Avenue North instead of Monte Street. Ordinance No. BL2015-1059 allows amendments to be approved by resolution.

**RESOLUTION NO. RS2015-1563** (GILMORE) – This resolution authorizes Second Avenue Museum, LLC to install and maintain an aerial sign encroachment at 119 Third Avenue South for the Johnny Cash Museum. The encroachment will consist of a 13-foot tall projection sign extending out three feet over the sidewalk. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the planning commission.

**RESOLUTION NO. RS2015-1564** (MATTHEWS & WESTERHOLM) – This resolution sets a public hearing for the proposed creation of the Bordeaux and Cayce Place redevelopment plans. The public hearing on the redevelopment plans is to take place at the July 21, 2015 regular council meeting. An analysis of the plans will be provided when Ordinance Nos. BL2015-1273 and BL2015-1274 approving the plans are on second reading.

**RESOLUTION NO. RS2015-1565** (PRIDEMORE) – This resolution authorizes the department of law to settle the personal injury claim of Brittany Kilburn against the Metropolitan Government for the amount of \$270,988.70. On June 26, 2013, a Metro police officer ran a red light on Central Pike at the Canyon Ridge Apartments and struck Ms. Kilburn's vehicle. The officer did not have his emergency equipment activated at the time. He was trying to log into his computer and diverted his attention from the roadway when he ran the red light. Ms. Kilburn sustained a broken shoulder requiring surgery and several months of physical therapy. Her medical bills to date total approximately \$82,000, and she will require another surgery in the future. She also missed 113 days of work, resulting in lost wages of more than \$25,000.

The department of law recommends settling this claim for \$277,988.70 given the significant injury to Ms. Kilburn and the clear fault of the officer in causing the injury. The police officer involved received disciplinary action consisting of a four day suspension. This settlement is to be paid out of the self-insured liability fund.

**RESOLUTION NO. RS2015-1566** (PRIDEMORE) – This resolution authorizes the department of law to settle the claims of Jackie Gilbert Cross, Jr. against two Metro police officers for the amount of \$50,000. The claims are related to a police investigation that wrongfully implicated Mr. Cross. In February 2011, the police department was conducting a criminal sting operation targeting the illegal manufacturing and distribution of methamphetamine, commonly referred to as "meth". State law limits the amount of pseudoephedrine individuals can purchase since pseudoephedrine is a key ingredient in the cooking of meth. In order to get around these limitations, meth cooks will often hire individuals referred to by police as "smurfs" to purchase the pseudoephedrine for the cooker. The police department was investigating a woman for running a meth cook group who was actively using smurfs.

On February 13, 2011, Mr. Cross went to a Walmart to purchase pseudoephedrine to relieve his cold systems. His purchase, which was entered into a statewide database by the Walmart pharmacy staff as required by state law, happened to be within 15 minutes of five other purchasers who were acting as smurfs. The target of the police investigation had hired five homeless individuals to purchase pseudoephedrine at this particular Walmart. Based upon the close proximity in time and some statements made by the target of the investigation, Mr. Cross's name was incorrectly listed in the case summary and later mistakenly copied into another document, which resulted in the issuance of an indictment against Mr. Cross in November 2011. Mr. Cross was indicted without prior notice. Upon being notified by his employer that he had been indicted, Mr. Cross went to the criminal justice center where he was arrested, booked, and spent one and a half days in jail. While these criminal charges were ultimately dismissed, Mr. Cross claims he was fired from his job as a Metro public schools maintenance worker as a result of the charges.

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**RESOLUTION NO. RS2015-1566**, continued

Mr. Cross filed a federal lawsuit against the police officers that were involved in this incident alleging a number of claims including false arrest, malicious prosecution, defamation, negligence, and placing the plaintiff in a false light. The court granted the officers' summary judgment motion, which resulted in a dismissal of the plaintiff's claims. However, the federal court's ruling would still allow the false light claims to be brought in state court. The plaintiff appealed the dismissal of the claims, and the 6<sup>th</sup> Circuit Court of Appeals ordered the parties to mediate the case.

The department of law recommends settling the case for the amount of \$50,000, which is less than Mr. Cross's damages that are easily quantifiable. Furthermore, settling the case will remove the possibility of a judgment against the officers and keep Metro from paying the plaintiff's attorney fees, which could be in excess of \$200,000. This settlement amount is to be paid out of the judgment and losses fund. No disciplinary action was taken against the officers.

**RESOLUTION NO. RS2015-1567** (HARMON) – This resolution approves the election of notaries public in accordance with state law.

**– BILLS ON SECOND READING –**

**ORDINANCE NO. BL2013-569** (BEDNE, TENPENNY & OTHERS) – This zoning text change amends the conditions applicable to various automobile related uses. In 2006, the council amended the zoning code to prohibit automotive uses such as automobile repair, service, and used car sales, as well as car washes and wrecker services, from being located in the commercial zoning districts (CS and CA). Car washes were a use permitted with conditions before the 2006 change to SP, while the other uses were permitted by right. The intent of the SP requirement was to give the council more control over the location of automotive-related uses. There were no set conditions included in the code applicable to these uses countywide.

In May 2013, the council enacted Ordinance No. BL2013-418, which basically repealed the SP requirement for automotive uses, added these uses as permitted with conditions, and added a number of specific conditions automotive uses would have to meet in order to obtain a use permit. The conditions for automobile repair; automobile sale, used; and vehicular sales and services, limited are currently as follows:

1. A physical separation between automobile display/parking areas and the right-of-way in the form of a wall or fence not to exceed 3 feet in height.
2. No chain link fencing could be erected within 25 feet of the right-of-way.
3. Service doors facing residential districts must be screened by a solid wall or opaque fence.
4. All buildings, vehicle storage, and repair must take place at least 25 feet from a residential district, and must be screened from residential districts.
5. Inoperable vehicles, outdoor storage, and auto repair activities must be located to the rear or side yard, and cannot be visible from the right-of-way.
6. No billboards or digital signs would be permitted on the property.

The conditions applicable to car washes include:

1. The same physical separation from the right-of-way as noted above.
2. Car wash structures must be at least 50 feet from a residential district.
3. All washing facilities must be within an enclosed structure, and must be separated from the adjacent property by a masonry wall between 6 and 8 feet in height.
4. Operating hours would be restricted to 8:00 a.m. to 10:00 p.m. if the facility is within 100 feet of a residential district.
5. No outdoor speakers would be allowed on the property.
6. No vehicles could be stored or offered for sale.
7. Billboards and digital signs would be prohibited.

This ordinance modifies some of the conditions for automotive uses and adds several new conditions. The primary changes are:

1. Increasing the distance requirement for automotive uses from residential property from 25 feet to 200 feet.
2. Prohibiting more than one car lot or auto repair shop from being located on the same block face.
3. Prohibiting car lots from being located within 1,000 feet of another car lot.
4. Prohibiting car washes from being located within 500 feet of another car wash.
5. Adding a requirement that a community meeting be held prior to submitting a use application to the codes department.

This ordinance must be deferred one meeting by rule since it has been deferred indefinitely more than 90 days.

**ORDINANCE NO. BL2015-1129** (BEDNE, JOHNSON & OTHERS) – This ordinance amends the Metro code to establish a codes offender school. This school, which would be similar to the traffic school, DUI school, and the animal offender school currently in existence, would be operated under the supervision of the codes department. This ordinance would give the environmental court the discretion to order a person found to be in violation of the property standards code to attend the codes offender school in addition to, or in lieu of, any monetary fine. The purpose of the school would be to provide education about the purpose of the property standards code and the impact of violations on the health, safety, and welfare of the community. Persons ordered to attend the school would be responsible for paying a fee up to \$90, which would be used to cover the expenses of the school. The ordinance would give the codes department the authority to select a nonprofit organization or organizations to operate the codes offender school subject to approval of the council by resolution.

The director of finance did not sign the ordinance as to availability of funds as a result of a lack of information regarding whether the costs of the program would be offset by the revenue generated from the class. However, a recent letter from assistant codes director Bill Penn states that the \$90 per attendee fee should be sufficient to cover the costs, especially if each class has 12 or more attendees.

**ORDINANCE NO. BL2015-1137** (STITES) – This ordinance renames Woodland Point Drive as “Woodland Pointe Drive” from Bell Road to the cul-de-sac. This change has been requested by the Woodland Pointe homeowners association so that the street name will match the name of the subdivision.

This ordinance has been approved by the planning commission and the ECD board.

**ORDINANCE NO. BL2015-1144** (TYGARD & ALLEN) – This ordinance amends the Metro code provisions pertaining to the regulation of short term rental properties (STRP) to allow lessees to operate a STRP with permission of the property owner. In February 2015, the council enacted Substitute Ordinance No. BL2014-951 to require STRP owners to obtain an annual permit from the codes department. BL2014-951 specifically provides that the owner of the property must be the one who actually applies for and obtains the STRP permit.

A number of STRP operators in Nashville, especially in the downtown area, are not the official owner of record for the property, but have a lease agreement that allows the property to be used as a STRP. This ordinance would allow lessees to submit written documentation evidencing the property owner’s permission for the lessee to operate a STRP on the property. This documentation could include a copy of the lease contract or a letter signed by the owner granting permission.

There is a proposed amendment to this ordinance to require the written document from the owner to be notarized.

**ORDINANCE NO. BL2015-1145** (DOWELL & BAKER) – This ordinance amends the Metro code to adopt a more recent edition of several standard building and fire codes. Copies of the new editions of the standard codes are on file with the Metropolitan Clerk. Although these codes have been updated, Metro is still operating under the 2006 versions of the codes. Metro (continued on next page)

**ORDINANCE NO. BL2015-1145**, continued

is required by state law to keep our codes current within seven years of the latest published edition of the model codes. This ordinance adopts the 2012 edition of the fire, life safety, building, residential, energy, gas/mechanical, and plumbing codes.

The various building and fire codes are adopted at the same time to avoid conflicts between the codes. The new standard codes have been approved by the board of fire and building code appeals, the board of plumbing examiners and appeals, and the board of gas/mechanical examiners and appeals. The codes department has notified the various construction trade associations of Metro's intention to adopt the 2012 codes and has posted the ordinance on the department's website. All of the surrounding cities and counties are already using the 2012 editions of the codes, so it should not pose a challenge to builders and contractors.

Generally, Metro also adopts some amendments to the standard codes that are local in nature, which are included as part of this ordinance. According to the codes department director, this ordinance actually adopts fewer local amendments than in prior years in order for the codes to be more consistent with the model building and fire codes as published by the International Code Council, which means Metro's codes will be more consistent with other cities. The remaining local amendments are basically in keeping with prior code adoptions to make the code consistent with state law and Metro's appeal processes.

There is a proposed amendment for this ordinance submitted at the request of the codes department to address a couple of issues in the residential energy code as identified during the public comment period.

**ORDINANCE NO. BL2015-1148** (HOLLEMAN) – This ordinance abandons a portion of Redmon Street right-of-way located within the Redmon Street Condominium property to accommodate the Nashville Ballet's proposed development. Consent of the affected property owner is attached to the ordinance. All Metro easements are to be retained. This ordinance has been approved by the planning commission and the traffic and parking commission.

**ORDINANCE NO. BL2015-1211** (CLAIBORNE) – This ordinance amends the Metro code pertaining to the subsidized health insurance benefits for future members of council after they leave office. This is a refile of the same ordinance that failed to receive council approval in February 2013. The code currently allows all elected officials participating in the comprehensive health care plan to continue participation in the plan after they leave office. If the elected official has served eight years, he/she may continue to participate in the plan by paying the Metro subsidized rate paid by employees, which is 25% of the premium. However, if the elected official has served less than eight years, he/she must pay 100% of the premium in order to continue participation in the plan.

This ordinance would modify the percentage of premium payments members of council serving two terms would pay for the subsidized health insurance after they leave office. The purpose of this ordinance is to align the premium contribution rates paid by future councilmembers after (continued on next page)

**ORDINANCE NO. BL2015-1211**, continued

they leave office with the contribution rates that will be paid by retired Metropolitan Government employees who were hired after January 1, 2013, as provided in Ordinance No. BL2012-237 approved in October 2012. The premium payment responsibility would be as follows:

<u>Time of Service</u>	<u>Former Council Member Responsibility</u>	<u>Metro Responsibility</u>
8-15 years	75%	25%
15-16 years	50%	50%
16-17 years	45%	55%
17-18 years	40%	60%
18-19 years	35%	65%
19-20 years	30%	70%
20 or more years	25%	75%

The ordinance grandfathers in all current members of council and those former members of council that already participate in the health insurance plan. However, the ordinance provides grandfathered members of council with the option to participate in the health plan after they leave office at the higher contribution rates set forth above, instead of the 25% premium payment, if they so choose.

According to information provided by the department of human resources, the subsidized health insurance for former members of council costs Metro approximately \$290,000 per year. There are currently 34 former members of council receiving the subsidized Metro health insurance. Metro's actuary has determined that the present day value of this benefit is approximately \$9 million.

**ORDINANCE NO. BL2015-1212** (S. DAVIS) – This ordinance amends the Metropolitan Code to prohibit the sale of single container beers by off-sale beer permit holders within 100 feet of a facility that regularly provides food to homeless persons. The Metro code currently provides that certain acts by beer permit holders are prohibited, such as the sale of beer to minors, the sale to intoxicated persons, allowing criminal activity on the premises, and allowing intoxicated persons to loiter on the premises. This ordinance would expand the list of prohibited activities to prohibit retail permit holders from selling single cans or bottles of beer within 100 feet of a facility that provides food to homeless persons more than once per week, unless a special exemption from this prohibition is approved for the retailer by a resolution of the council receiving at least 21 affirmative votes.

**ORDINANCE NO. BL2015-1213** (PRIDEMORE & A. DAVIS) – This ordinance amends the Metropolitan Code pertaining to abandoned water/sewer connections, irrigation meter ownership, and tap fees. First, this ordinance would require property owners/developers to cap all unused water and sewer connections located within the right-of-way at the time the property is redeveloped. The purpose of this requirement is to ensure there is no infiltration from this old infrastructure into the public drinking water system. Second, the ordinance would make Metro water services the owner of irrigation water meters installed in the right-of-way to assure accurate flow measurement and billing. MWS already owns the domestic meters within the right-of-way used to measure the flow of water for human consumption.

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**ORDINANCE NO. BL2015-1213**, continued

Finally, this ordinance eliminates the exemption from the payment of tapping or connection fees for vacant lots previously connected to the sanitary sewer system for which service has been discontinued and where service is reconnected within one year. According to Metro water services, the intent is to eliminate the one year expiration on the tap fee exemption. However, the ordinance, as written, deletes the exemption in its entirety. Further, this ordinance does not include an effective date clause, which means, by Charter, the ordinance will not become effective until 20 days after its passage. There is a proposed amendment that will address these two issues.

**ORDINANCE NO. BL2015-1214** (HARMON) – This is a routine ordinance readopting the Metro code to include ordinances enacted on or before March 4, 2015.

**ORDINANCE NO. BL2015-1215** (BENNETT & A. DAVIS) – This ordinance abandons all utility easements for property located at 603 Tuckahoe Drive. In December 2014, the council authorized the acquisition of easements for properties located at 602, 603, and 605 Tuckahoe Drive and 114 Rhine Drive pursuant to Ordinance No. BL2014-929. It has been determined by Metro water services that the water/sewer utility easement is no longer needed for one of the properties. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2015-1216** (PRIDEMORE, A. DAVIS & HUNT) – This ordinance authorizes Metro water services to negotiate and accept permanent and temporary easements for properties located at 925 and 1001 Berwick Trail for a stormwater improvement project. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2015-1217** (PRIDEMORE, A. DAVIS & HUNT) – This ordinance authorizes Metro water services to negotiate and accept permanent and temporary easements for 10 properties located at 201, 210, 212, 214, 216, 218, 229, and 233 Duling Avenue, and at 106 and 306 Gallatin Pike for a stormwater improvement project. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.



**– BILLS ON THIRD READING –**

**ORDINANCE NO. BL2015-1127** (PRIDEMORE) – This ordinance authorizes the industrial development board of the Metropolitan Government (IDB) to negotiate and accept payments in lieu of ad valorem taxes for the benefit of American General Life Insurance Company. State law permits local governments to delegate the authority to industrial development boards to enter into payment-in-lieu-of-tax (PILOT) agreements provided the payments are in furtherance of the public purpose of the board. PILOT agreements essentially provide tax abatements for real and/or personal property taxes the company would otherwise be required to pay to the Metropolitan Government. PILOTs are a tool utilized by Metro to provide incentives to large employers to create more job opportunities, and are subject to approval by the council.

American General is a Texas-based insurance company that is a wholly-owned subsidiary of AIG. American General plans to relocate 750 business operations employees to a 3.65-acre site located at 340 Seven Springs Way on the Davidson County side of Brentwood. The building, which is currently under construction, will consist of 200,000 rentable square feet with American General operating 155,000 square feet of this space. The company expects to employ 950 people at this site within five years after beginning operations. The company's total investment at the site is estimated to be \$60 million.

This ordinance would provide a 50% real property tax abatement for three years, which could be extended by one year for each 100 new jobs created in a calendar year. It is unclear at this point what the total value of the abatement would be, as it will depend upon the assessment of the portion of the building AIG is occupying. Simply using a capital investment of \$60 million as a basis for calculation, the amount of the abatement would be approximately \$540,000 per year.

There are no performance milestones incorporated into the proposed PILOT agreement, and American General has not committed to maintaining or increasing the number of jobs at the corporate headquarters. The agreement also allows American General to assign its interest in the agreement to another company. As required by the Metro Code, American General will be required to manage a diversified business enterprise (DBE) program with a goal of 20% of the project's hard construction costs spent with DBE firms. The company would be required to provide quarterly reports to the council regarding the DBE participation. The company will also be required to use Metro's workforce development program to ensure reasonable efforts are made to use Davidson County residents in the construction of the project.

**ORDINANCE NO. BL2015-1138** (WESTERHOLM) – This ordinance abandons a portion of Alley Nos. 766 and 767 between Powers Avenue, Tillman Lane, and Porter Road. This alley closure has been requested by Littlejohn Engineering. The ordinance retains all existing utility easements. A petition evidencing the consent of the affected property owners is included as an attachment to the ordinance. This ordinance has been approved by the planning commission and the traffic and parking commission.

**ORDINANCE NO. BL2015-1143** (PRIDEMORE & DOWELL) – This ordinance authorizes the industrial development board of the Metropolitan Government (IDB) to negotiate and accept payments in lieu of ad valorem taxes for the benefit of Community Health Systems, Inc. (CHS). State law permits local governments to delegate the authority to industrial development boards to enter into payment-in-lieu-of-tax (PILOT) agreements provided the payments are in furtherance of the public purpose of the board. PILOT agreements essentially provide tax abatements for real and/or personal property taxes the company would otherwise be required to pay to the Metropolitan Government. PILOTs are a tool utilized by Metro to provide incentives to large employers to create more job opportunities, and are subject to approval by the council.

CHS and its affiliates own, lease, or operate 199 general acute care hospitals in 29 states with approximately 31,100 licensed beds. These hospitals offer a wide range of medical services in both inpatient and outpatient settings. CHS plans to locate approximately 2,000 back-office positions in a new building being developed by Oldacre McDonald at the intersection of Cane Ridge Road and Old Franklin Road in Antioch. The new building to be completed in 2017 is to contain approximately 240,000 square feet of office space. CHS anticipates making a capital investment of up to \$56 million at the site. CHS will be moving 600 employees from its current Williamson County office and will be adding 1,400 new employees in the area. The 35 acre site where the new building will be constructed currently generates approximately \$10,500 in property taxes for Metro annually.

Pursuant to this ordinance, the council is delegating the authority to the IDB to negotiate and accept payments in lieu of real property taxes for a 12 year period. CHS will pay 100% of the property taxes owed until the building is completed. After the occupancy date, CHS will receive a 100% real property tax abatement through 2019, a 60% abatement from 2020 through 2027, and a 25% abatement from January 1, 2028 through the twelfth anniversary of the occupancy date. CHS will pay 100% of the personal property taxes throughout the life of the PILOT agreement.

The value of the abatement will depend upon the assessed value of the building and property going forward. Using the current appraised value of the property plus a capital improvement of \$56 million would result in an abatement of \$1,011,600 per year for 2018 and 2019, \$607,000 per year for 2020 through 2027, and \$252,900 per year for the 11<sup>th</sup> and 12<sup>th</sup> year, for a total abatement of \$7,385,000 over the life of the agreement. CHS would still pay \$4,754,445 in new property taxes during that period. Metro would also continue to receive the base amount of property taxes of roughly \$10,500 per year.

This ordinance includes certain performance milestones that must be met in order to receive the full amount of the tax abatement each year. If the number of jobs is lower than the jobs target in a given year, CHS must make an additional in lieu of payment to Metro for that year that is twice the amount by which the jobs target exceeds the number of jobs. CHS will be required to provide the IDB with proof that the performance milestones have been met on an annual basis.

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**ORDINANCE NO. BL2015-1143**, continued

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

**ORDINANCE NO. BL2015-1146** (ALLEN, A. DAVIS & OTHERS) – This ordinance amends the Metropolitan Code to allow car sharing companies to park in parking meter zones upon making an annual payment to Metro, and to exempt car sharing services from the time limitations imposed on vehicles in residential parking permit areas. For purposes of this ordinance, car sharing means a fleet of passenger vehicles available for use by members on a fee-per-use basis. Car sharing vehicles must be parked in a legal parking spot within the free-floating zone as determined by the traffic and parking commission. The ordinance grants the authority to the public works department to issue annual free-floating car sharing permits to eligible companies. The public works department would also collect an annual fee set by the traffic and parking commission calculated in a manner designed to compensate Metro for the lost parking meter revenue. This amount would be adjusted annually based upon the actual meter use from the previous year. In the event the amount of the annual payment a car sharing company paid is less than its actual usage, the car sharing company would be required to reimburse Metro for the lost revenue. If the actual usage is less than the annual payment made, Metro would grant a credit for the following year.

A permit would be required for each car sharing vehicle. All such vehicles must be moved within 36 hours of being parked in any on-street parking space. Each vehicle must be equipped with GPS or other technology to accurately track the vehicle's actual parking meter use. A toll-free phone number must be prominently displayed on the vehicle for persons to complain if a vehicle is left longer than 36 hours. Once a call is made, the vehicle must be moved within three hours.

The traffic and parking commission would have the authority to determine the maximum number of car sharing permits that will be available. The car sharing service will be required to provide proof of insurance on an annual basis and must execute an indemnification form for the protection of Metro.

This ordinance also expressly exempts car sharing vehicles from parking restrictions in areas that have been designated by the traffic and parking commission for residential permit parking.

This ordinance has been approved by the traffic and parking commission.

**ORDINANCE NO. BL2015-1147** (BANKS, STEINE & OTHERS) – This ordinance would require the planning department to prepare an amendment to the Metro zoning code to require affordable and workforce housing units as part of residential developments. This ordinance is of the same subject matter as Ordinance No. BL2015-1139 scheduled for the July 7 public hearing. The planning department would be required to submit the proposed zoning code text change to (continued on next page)

**ORDINANCE NO. BL2015-1147**, continued

the council within 180 days. The ordinance gives the planning department some discretion in creating the new policy, but the ordinance states that the purpose of the bill shall be as follows:

- To increase the supply of affordable housing and workforce housing.
- To provide housing opportunities that meet the affordability needs of households needing affordable housing and workforce housing.
- To disperse housing opportunities throughout Davidson County for households needing affordable housing and workforce housing.
- To promote social and economic integration in safe and stable neighborhoods.
- To promote the creation and maintenance of suitable residential areas that are safe, attractive and stable.
- To protect property values.
- To implement the housing goals and policies contained in the general plan for Nashville and Davidson County.

In preparing the new policy, this ordinance requires the planning department to consider the following:

- The necessary percentage of units in all new residential development in Davidson County, including new construction, renovation of existing developments, and the conversion of rental property to owner occupied, that should be designated for affordable housing and/or workforce housing in order to achieve the intent and purpose of this ordinance.
- Whether there should be a minimum project size that is required to provide affordable housing and/or workforce housing.
- Whether any residentially-zoned land or proposed projects should be “grandfathered” in.
- The income eligibility and target population.
- Whether there should be a limit on the period of time that the units should remain affordable housing and/or workforce housing, and/or the conditions under which such units may be sold or re-sold, and who is entitled to the increased equity.
- Whether developers should be offered density bonuses or the waiver of certain fees to assist in recuperating the cost of providing the affordable housing and/or workforce housing.
- Whether developers should be offered a “cash in lieu of building” option, with any such payments being deposited in the Barnes Fund for Affordable Housing.
- Whether there should be reduced requirements for new high rise residential construction made primarily with steel and concrete.
- Whether an option should be provided to build the affordable and/or workforce housing units within a different development, up to one mile from or up to three miles along the same transit corridor as the development that triggers the affordable and/or workforce housing requirement.

**ORDINANCE NO. BL2015-1149** (GILMORE, A. DAVIS & HUNT) – This ordinance authorizes the abandonment and relocation of sewer main and the acceptance of a new manhole for nine properties located along George L. Davis Boulevard, 12<sup>th</sup> Avenue North, and Church Street. This ordinance is necessary for the construction of a new multifamily development on Church Street. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2015-1150** (MOORE, A. DAVIS & HUNT) – This ordinance abandons approximately 126 linear feet of an existing eight inch sewer main and easement for an unnumbered parcel property on Elliott Avenue. Metro water services no longer has a need for this portion of sewer line. This ordinance is necessary for the construction of the Broadstone 8<sup>th</sup> South development. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2015-1151** (PRIDEMORE & BAKER) – This ordinance authorizes the Metro police department to donate bulletproof vests to Armor of God Project, Inc., for refurbishment and distribution to under-funded law enforcement agencies. This donation consists of 87 tactical vests, 73 soft body armor vests, and 820 soft body armor ballistic panels. Metro police no longer use this equipment since the manufacturer’s warranty has expired. Armor of God Project is a nonprofit organization that has provided over 6,500 refurbished bulletproof vests to police departments that do not have adequate funding to purchase new vests.

The council office has confirmed from the police department that these vests will only be distributed to police officers within the United States.