



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Mike Jameson, Director and Special Counsel
Mike Curl, Finance Manager
Metropolitan Council Office

COUNCIL MEETING DATE: September 5, 2017

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 8/30/17:

4% Reserve Fund	\$39,769,491*
Metro Self Insured Liability Claims	\$6,265,562
Judgments & Losses	\$3,684,536
Schools Self Insured Liability Claims	\$4,211,671
Self-Insured Property Loss Aggregate	\$6,352,009
Employee Blanket Bond Claims	\$658,049
Police Professional Liability Claims	\$2,411,284
Death Benefit	\$1,593,646

*This assumes unrealized estimated revenues in FY18 of \$30,647,211.

Note: No fiscal note is included for any legislation without significant financial impact.

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTION NO. RS2017-834 (ROBERTS) –

RESOLUTION NO. RS2017-835 (WITHERS) -

These resolutions would approve exemptions from the minimum distance requirements ordinarily required for obtaining a beer permit for The Original Corner Pub – The Nations, located at 1105 51st Avenue (RS2017-834) and for the Rosepepper Cantina, LLC located at 1907 Eastland Avenue (RS2017-835).

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

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing each to obtain a beer permit upon the adoption of a resolution by the Council. (See, Code Section 7.08.090.E.). Until recently, this Code section further required restaurants to have state on-premises liquor consumption licenses to obtain such exemption. However, Ordinance No. BL2016-454, which was passed on November 15, 2016, eliminated this requirement.

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

– ORDINANCES ON PUBLIC HEARING –

BILL NO. BL2017-784 (SWOPE) – This ordinance would establish a maximum permitted height for electric fences in those zoning districts where such fences are permitted. The ordinance would amend the zoning code provisions of section 17.12.40 of the Metro Code to allow electric fences to reach a maximum height of ten (10) feet, subject to the restrictions set forth in section 16.04.200.

This is a companion bill to ordinance no. BL2017-688, currently deferred, which would amend the building code (Title 16) to permit the construction and use of electric fences in non-residential zoning districts, and in certain additional zoning districts (AG, AR2a, RS20 thru RS80 and R20 thru R40) under certain conditions, including limits on the allowed electrical charge, a required perimeter fence or wall, warning signs, and locations restricted to storage areas only.

The current ordinance was withdrawn before the Planning Commission on August 24, 2017; and it is anticipated that the sponsor will withdraw the ordinance in favor of alternative legislation.

BILL NO. BL2017-859 (O'CONNELL) – Section 17.04.060 of the Metro Code provides definitions of general terms. Among the defined terms is “telecommunications facility” which essentially refers to a variety of devices and equipment which transmit signals used for communication. The current definition does not specify that such equipment is located above ground. The current ordinance would simply add “above ground” to the definition to clarify that buried or underground equipment is not included within the definition.

– RESOLUTIONS –

RESOLUTION NO. RS2017-822 (ROBERTS) – This resolution would approve an exemption for Bare Bones Butcher, located at 906 51st Avenue North, from the minimum distance requirements for obtaining a beer permit.

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

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing each to obtain a beer permit upon the adoption of a resolution by the Council. (See, Code Section 7.08.090.E). Until recently, this Code section further required restaurants to have state on-premises liquor consumption licenses to obtain such exemption. However, Ordinance No. BL2016-454, which was passed on November 15, 2016, eliminated this requirement.

The public hearing required per Section 7.08.090.E was held at the Council meeting of August 15, 2017; but a vote upon the Resolution was deferred.

RESOLUTION NO. RS2017-836 (HAGAR) – This resolution would authorize the Metropolitan Development and Housing Agency (MDHA) to enter an agreement accepting payments in lieu of taxes (PILOT) with respect to a multi-family housing project located at 1205 Robinson Road, known as Robinson Flats. This would be the sixth such PILOT program overall and the third for MDHA since 2016 when Ordinance Nos. BL2015-1281, BL2016-334 and BL2016-435 were enacted authorizing MDHA to negotiate and accept PILOT payments from operators of low income housing tax credit (LIHTC) properties, capped at \$2,500,000 annually.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs have previously been utilized by Metro to provide incentives through the Industrial Development Board (IDB) to large employers to create job opportunities. MDHA now has the authority to enter PILOTs to create affordable rental housing.

MDHA developed their PILOT program to provide additional financial incentives to developers considering construction or rehabilitation of affordable housing units through a federally funded LIHTC program. Subsidized low income housing tax credit developments serve those at or below 60% of the average median income (AMI) for the Nashville area, which translates to an income cap of \$28,140 for an individual and \$40,140 for a family of four. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

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

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

ECG Old Hickory, L.P. owns land located at 1205 Robinson Road. The owner has proposed that an apartment project consisting of approximately 209 units restricted to seniors aged 62 and above, known as Robinson Flats, be constructed on this site and operated as a LIHTC property. The application for this project, as well as the associated PILOT agreement, have been approved by the MDHA Board of Commissioners.

The Planning Commission issued an approval recommendation on May 30, 2017 advising that the project is consistent with the NashvilleNext general plan and the community character policy for the area (T4 Community Center). The Planning commission further confirmed that only one (1) other PILOT agreement is in effect within this project's census tract.

However, the approval by the Planning Commission applied four conditions:

1. Provide pedestrian improvements consistent with the Major and Collector Street Plan along the entire project frontage along Robinson Road.
2. Provide a sidewalk connection to the existing sidewalk south of the project along Robinson Road.
3. A subdivision concept plan meeting all requirements of the Subdivision Regulations must be submitted for the single-family lots. Changes to the layout may be required pending review and approval.
4. A pedestrian connection shall be provided from the single-family lots to the multi-family portion of the development.

Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$13,124 in lieu of property taxes, which would increase annually by 10% in year 2 and each subsequent year for the remainder of the 10-year period.

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

The final assessed value of this project would not be known until completion. However, the construction costs are expected to be approximately \$27,971,829. For purposes of this analysis, this number can be used as a reasonable estimate of the final project value.

Over the 10-year life of this PILOT agreement, a total of \$2,873,335 would be abated, though Metro would still receive \$209,161 in new property taxes from this project. The following table shows the details of this PILOT.

Real Property Tax (New)						
	Year	Total Value	Standard Tax	Still Pay	Abatement	Abatement %
	1	\$27,971,829	\$308,250	\$13,124	\$295,126	95.7%
	2	\$27,971,829	\$308,250	\$14,436	\$293,814	95.3%
	3	\$27,971,829	\$308,250	\$15,880	\$292,370	94.8%
	4	\$27,971,829	\$308,250	\$17,468	\$290,782	94.3%
	5	\$27,971,829	\$308,250	\$19,215	\$289,035	93.8%
	6	\$27,971,829	\$308,250	\$21,136	\$287,114	93.1%
	7	\$27,971,829	\$308,250	\$23,250	\$285,000	92.5%
	8	\$27,971,829	\$308,250	\$25,575	\$282,675	91.7%
	9	\$27,971,829	\$308,250	\$28,132	\$280,118	90.9%
	10	\$27,971,829	\$308,250	\$30,945	\$277,305	90.0%
	Totals		\$3,082,496	\$209,161	\$2,873,335	

RESOLUTION NO. RS2017-837 (VERCHER) – This resolution would approve an interlocal agreement between the Metropolitan Government and the Industrial Development Board (IDB) for administrative, financial and legal services. The Metropolitan Government initially took over these services for the IDB at the Board's request in 2009 following resignation of the IDB's longstanding legal counsel. The IDB did not otherwise maintain a staff to administer its business or financial transactions or provide legal counsel. The initial agreement was approved per Resolution No. RS2009-697.

The interlocal agreement that would be approved by this resolution would authorize Metro to continue providing these services, as has been requested by the IDB.

Pursuant to this contract, Metro will continue providing the following services for the IDB:

- The Director of the Mayor's Office of Economic and Community Development or his designee will handle administrative matters as directed by the Board and will act as Executive Director of the IDB.
- The Director of Finance will maintain accounts and funds for the IDB, and will handle all other financial matters as directed by the Board.

- The Director of Law will provide general legal counsel to the Board as needed.

The term of this agreement would be from the date this resolution is approved by the Council through June 30, 2022. This agreement may be terminated by either party upon 90 days written notice.

Fiscal Note: The Board and the Director of Law would negotiate and agree to compensation for legal services from time to time as needed. Any compensation agreement would be attached as an exhibit to this agreement and filed with the Metropolitan Clerk. Any such compensation agreement would be approved by the parties prior to incurring any expense.

RESOLUTION NO. RS2017-838 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-839 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Bary Mankarious against the Metropolitan Government in the amount of \$17,000.

On October 4, 2016, Mr. Mankarious was stopped for traffic on Murfreesboro Pike when his vehicle was struck in the rear by a Metro Police Officer who was deemed to be following too closely. Mr. Mankarious was transported to Vanderbilt Medical Center where a CT scan confirmed a cervical strain. Over the ensuing two months, Mr. Mankarious was treated with physical therapy.

The property damage claim for the total loss of his vehicle has already been settled. This resolution would only approve payment for his personal injury. Mr. Mankarious has agreed to accept a total of \$17,000 in full settlement of this case, based upon \$12,936.56 for reimbursement of his medical expenses, plus \$4,063.44 for pain and suffering.

The Department of Law recommends settlement of this claim for \$17,000. If this case proceeds to trial, the Metropolitan Government will almost certainly be found negligent.

Disciplinary action against the MNPD officer consisted of a 2-day suspension.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$17,000.

RESOLUTION NO. RS2017-840 (KINDALL, VERCHER, & OTHERS) – This resolution would approve a renewal of an intergovernmental agreement between Tennessee State University (TSU) and the Metropolitan Nashville Police Department for the use of off-duty police officers during various campus events. This is a recurring agreement that was last adopted in 2016 per Resolution No. RS2016-325. As previously, all officers will be assigned exclusively through the

Metro Police Secondary Employment Unit and will be compensated at the standard extra-duty hourly rates. TSU is responsible for paying for the officers' time in advance, unless prior arrangements are made.

The term of the agreement would be for one (1) year, commencing upon execution. This agreement would renew automatically for additional one-year terms, unless notice of termination is given by TSU.

State law allows the Metropolitan Government to enter into intergovernmental agreements with other government entities with approval of the Council by resolution.

Fiscal Note: The rates charged by the Police Department in agreements of this type are designed solely to recover their costs. As such, the agreement being approved by this resolution would be revenue-neutral.

RESOLUTION NO. RS2017-841 (VERCHER, GILMORE, & ROBERTS) – This resolution would approve a contract between the Tennessee Department of Mental Health and Substance Abuse Services and the Metro Nashville Fire Department for the payment of emergency transportation services for patients at the Middle Tennessee Mental Health Institute (MTMHI). Under the contract, the state would pay for ambulance services under the Medicare Part B Fee Schedule or, if a service is not covered by this schedule, then at the lowest negotiated rate.

This agreement is simply to enable the state to be able to continue paying Metro for the services provided. This is a renewal of the contract approved last year per Resolution No. RS2016-323.

Fiscal Note: The state would pay Metro for uninsured patients transported from the facility at the rates established by the Medicare Part B fee schedule. The amount to be paid under the contract is not to exceed \$22,000 for Fiscal Year 2018.

RESOLUTION NO. RS2017-842 (ROBERTS) – This resolution would approve an intergovernmental agreement between the Federal Bureau of Investigation (FBI) and the Metropolitan Government for participation in the West Tennessee Violent Crime Task Force (WTVCTF). The task force is directed and coordinated by the FBI for the purpose of prosecuting criminal enterprise groups responsible for drug trafficking, money laundering, alien smuggling, crimes of violence, as well as apprehending dangerous fugitives where there is a federal investigative interest.

This agreement sets forth the duties and responsibilities of the parties regarding participation in the task force including information sharing, investigative methods, and undercover operations. Case assignments are opened, monitored and directed by the FBI supervisor. The head of each participating agency (including MNP) determines the resources to be dedicated to the WTVCTF program. Matters designated to be handled by the WTVCTF are investigated

exclusively by that agency and are not to be handled by non-WTVCTF personnel. The confidentiality of FBI informants and confidential sources is maintained, and all records and reports are to be prepared in compliance with FBI policy. The agreement establishes additional terms regarding information sharing, prosecutions (state or federal), investigative methods, undercover operations, deadly force and shooting incident policies as well as use of less-lethal devices, vehicle use, compensation, and equipment sharing.

The term of the agreement is for the duration of the task force's operations, but may be terminated by either party after providing at least thirty (30) days' written notice.

Fiscal Note: The agreement provides that the Metro Police Department will be reimbursed, to the extent federal funds are made available, for participating officers' overtime costs. Otherwise, parties to the WTVCTF bear their own costs in relation to the MOU.

RESOLUTION NO. RS2017-843 (VERCHER & RHOTEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-844 (VERCHER & RHOTEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-845 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-846 (VERCHER & GILMORE) – This resolution would approve a contract for services between the Tennessee Department of Health and the Metro Board of Health to provide the smoking cessation program, "Baby and Me Tobacco Free".

The term of the contract would be from September 1, 2017 through June 30, 2018.

Section 10.104(8) of the Metro Charter requires the Board of Health to contract for services that would further the program and policies of the Board. Contracts such as the one now under consideration must be confirmed by a resolution of the Council.

Fiscal Note: There would be no cost for this program.

RESOLUTION NO. RS2017-847 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-848 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-849 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-850 (O'CONNELL, ROBERTS, & GILMORE) – This resolution would approve Amendment #3 to extend the term of a contract with United Neighborhood Health Services, Inc. (UNHS) from June 30, 2017 to June 30, 2018. This contract is for UNHS to provide medical services at two or more clinics in or near downtown Nashville to homeless clients of the Health Department.

A contract with UNHS has been in place since 2005 to provide a portion of the medical services, including examinations, diagnosis, and treatment of medical conditions of homeless persons seen at the downtown clinic. UNHS is to provide primary medical services to at least 3,500 individuals, which is to include a 24 hour on-call system for emergencies. This contract also includes the provision of dental care for at least 500 patient visits and mental health services to at least 600 homeless clients. UNHS will be responsible for making transportation available to its homeless patients.

Fiscal Note: UNHS was compensated in the amount of \$355,200 for FY16 and FY17. This will remain unchanged for FY18. There are no changes being made to the terms and conditions of the contract other than the extension of the termination date.

RESOLUTION NO. RS2017-851 (VERCHER & WITHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-852 (VERCHER & WITHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2017-853 (ROSENBERG, VERCHER, & ELROD) – This resolution would approve a contract between the Tennessee Department of Transportation (TDOT) and the Metropolitan Government for the resurfacing of 5.58 miles on McCrory Lane, from State Route 100 to State Route 1 (Charlotte Pike). This is a standard contract with the state for road resurfacing authorized under the state-aid highway system program.

Fiscal Note: The total cost for the resurfacing is estimated to be \$1,134,000 with the state paying 89% of the costs (\$1,009,260) and Metro paying 11% (\$124,740).

RESOLUTION NO. RS2017-854 (SHULMAN) – This resolution would approve the election of five hundred fifty-one (551) Notaries Public in accordance with state law. Per Rule 27 of the Metro Council Rules of Procedure, the Davidson County Clerk has advised that each of the applicants meets the qualifications for the office.

– ORDINANCES ON SECOND READING –

BILL NO. BL2017-800 (HASTINGS) – This ordinance would modify Section 11.28.210 of the Metro Code of Laws (MCL) concerning juvenile curfews. This section currently restricts any person seventeen (17) years old or less from being in a public place or a private place without consent during curfew hours. The current juvenile curfew was originally adopted in 1999 per Ordinance No. BL99-1 and extended in 2005 per Resolution No. RS2005-689. At that time, the Metro Nashville Police Department (MNPd) reported the following number of citations for curfew violations:

2000: 310
2001: 63
2002: 235
2003: 261
2004: 757

In 2004, 1,232 males and 602 females were arrested for violations of the curfew and/or loitering ordinances.

The MNPd has provided statistical data for 2016 detailing the total number of incidents involving juvenile victims and juvenile arrests. The data sheets are attached as an exhibit to this Analysis.

The juvenile curfew was re-adopted in its current form in 2011 per Ordinance No. BL2011-869. The juvenile curfew currently provides that it is unlawful for any person under the age of 18 to be on public property or private property without the consent of the owner between certain hours. From September 1 to May 31, curfew hours begin at 11:00 pm on Sunday through Thursday, and at 12:00 midnight on Friday and Saturday. Between June 1 and August 31, curfew hours begin at 12:00 midnight for every day of the week. For every day of the year, curfew hours currently end at 5:00 am.

The ordinance under consideration would change the curfew hours to 11:00 pm to 5:00 am for every day of the year.

It is anticipated that the sponsor will introduce amendments at second reading which alter the applicable curfew hours and clarify parental liability.

BILL NO. BL2017-835 (MURPHY) – Section 16.28.230 of the Metro Code of Laws (MCL) lists the requirements for posting building permits on the front of the premises before work begins. Such permit is required to be maintained in this position until a Certificate of Occupancy has been issued.

This ordinance would add a requirement for a project information sign at all project sites when the permit valuation is greater than \$2,500. This sign would be required to list a phone number

for the project applicant as well as a phone number to use for submitting a complaint to the Codes Department.

One double-sided 24" (vertical) x 36" (horizontal) sign would be required to be posted for every fifty (50) feet of site frontage. Such signs would be required to state the following;

"No work is allowed to be performed on this site between the hours of 12:00 midnight Saturday night and 12:00 midnight Sunday night, unless a special permit issued by the Director of Codes Administration is posted in a conspicuous place on these premises. No noise in excess of 70 Db(a) shall be emitted from construction equipment in or beside residential districts between 9:00 pm and 6:00 am."

An amendment by the sponsor is anticipated that will change the permit valuation from \$2,500 to \$5,000, exclude public infrastructure projects from the sign requirement, and limit to three (3) the total number of signs required per street frontage. For projects within or adjacent to residential zone districts, the amendment would further apply exemptions for permits obtained by homeowners/residents working on their own residence. Otherwise, no work would be allowed on Sundays absent a special permit, and no noise in excess of 70 Db(a) could be emitted from 9:00 pm to 6:00 am. For all other sites, excluding permits obtained by homeowners/residents, no work could be performed on Sunday absent a special permit issues by the director of codes administration.

BILL NO. BL2017-860 (COOPER & BEDNE) – Ordinance No. BL2013-420 created a small business economic development incentive grant program that included a provision to provide cash grants to businesses that invested in blighted areas. The program was modeled after state legislation that allows local governments to make grants directly to developers who invest in blighted property “to encourage the repair, rebuilding and renovations of existing facilities and structures in neighborhoods whose stability depends upon the elimination of blight and the upgrading of structural needs of a facility.” (Tenn. Code Ann. § 7-51-1901, *et seq.*)

These grants can only be used for the purpose of constructing or rehabilitating the exterior portions of commercial property located within a redevelopment district approved by the Council. The value of the property could not exceed \$1,000,000 at the time the grant application was made in order for a business to be eligible to receive the funds. The amount of the grant would be 10% of the documented investment of the business to fix up the property, up to a maximum grant amount of \$50,000. This grant program is managed by the Mayor’s Office of Economic and Community Development, with grants awarded on a first-come-first-served basis.

This grant program was added to the Metro Code as Section 2.212.030. Subsequently, Ordinance No. BL2016-147 made two changes to this section in an effort to expand their application. The original language specified that the grant funds for this purpose were to be used for the exterior portions of commercial property located within “a redevelopment district approved by the Metropolitan Council.” The new language deleted the reference to

redevelopment districts approved by the Council and replaced it with “blighted commercial property located within Eligible Census Tracts.”

Under the current Code language, an “Eligible Census Tract” is defined as those “where at least 65% of households are at or below 80% AMI [average median income].” This paragraph goes on to require the Mayor’s Office of Economic and Community Development to maintain, on file and open for inspection, a list and map of eligible census tracts, to be updated annually.

The ordinance under consideration would modify the eligibility requirements for the blighted property grant program as well as establish an historic preservation grant program. Section 2.212.030 of the Metro Code of Laws (MCL) currently lists the details of the blighted property grant program. This section currently requires the construction or rehabilitation investment to exceed \$100,000. As noted, the amount of the grant is currently defined at 10% of the documented investment, up to a maximum grant amount of \$50,000.

Under the pending ordinance, this section would be amended to require the investment to exceed \$10,000. The grant amount available would be up to 50% of the documented investment, with the maximum grant amount remaining at \$50,000.

Section 2.215.020 would be added to the MCL to define a new program for "Historic Preservation Grants". These grants would be administered through the Office of Economic and Community Development. Grants would be awarded to property owners who make improvements to the exterior of historically significant structures for the purpose of preserving the historic character of the structures.

Such grants would be used for the rehabilitation of the exterior portions of historically significant structures within eligible census tracts, defined as those “where at least 65% of households are at or below 80% AMI” (the same definition as the blighted property grant program). These grants would require a minimum expenditure by the property owner of \$5,000. The grant amount could not exceed the greater of 50% of the cost of improvements to the exterior or \$50,000.

Fiscal Note: Funding for the new historic preservation grants would be made from funds appropriated for that purpose. For FY18, one hundred fifty thousand dollars (\$150,000) was appropriated for "Historic Preservation". This would be used as the funding source for the grants during FY18. Any unused portion of these funds would not carry over into FY19.

Although the criteria for awarding blighted property grants would be changed, the maximum grant amount for any project would remain \$50,000. The total appropriated for this purpose would remain unchanged.

BILL NO. BL2017-861 (VANREECE, PRIDEMORE, & COOPER) – This ordinance would add guidelines to the Metro Code of Laws (MCL) for the Metro Nashville Arts Commission's sole source procurement of public art projects, products, and services.

The existing language in Section 4.12.060 would be split into separate paragraphs -- A. and C. A new Paragraph B would be added to enable the Arts Commission to determine that there is only one source for a public art project, product, or service. When this occurs, the Arts Commission would be required to transmit a written sole source justification to the Purchasing Agent for review and approval. This must include the factual basis for the conclusion there is only one source for the product, project, or service.

BILL NO. BL2017-862 (ALLEN & ELROD) – This ordinance would authorize the installation, construction, and maintenance of aerial and underground encroachments in the right-of-way located at 2111 Belcourt Avenue. These would consist of a canopy and closure slab within the Alley #802 right-of-way and three (3) bicycle racks in the right-of-way of 2111 Belcourt Avenue.

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

This proposal has been approved by the Planning Commission.

An anticipated amendment will correct the applicant's name, currently listed as "Elmington Capital Group, LLC", to "ECG Belcourt, LLC".

SUBSTITUTE BILL NO. BL2017-863 (O'CONNELL, ALLEN, & ELROD) – This ordinance would authorize LMV M Tower Holdings, LLC c/o Lennar Multifamily Communities, LLC, to install, construct, and maintain underground and aerial encroachments in the right-of-way located at 818 19th Avenue South. These would consist of awnings and irrigation lines and raised planters encroaching the right-of-way.

LMV M Tower Holdings, LLC c/o Lennar Multifamily Communities, LLC has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

This proposal has been approved by the Planning Commission.

BILL NO. BL2017-864 (O'CONNELL, ALLEN, & ELROD) – This ordinance would authorize Simpson Housing LLLP and Affiliates to install, construct, and maintain underground encroachments in the right-of-way located at 111 17th Avenue South. These would consist of underground electric for lighting, electrical outlets, and underground irrigation lines for street trees encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

– ORDINANCES ON THIRD READING –

BILL NO. BL2017-834 (SYRACUSE) – Paragraph D of Section 7.08.140 of the Metro Code of Laws (MCL) currently declares it to be unlawful "to sell, give away, or allow beer to be consumed on any premises granted a permit under this chapter from three o'clock (3:00) a.m. to six o'clock (6:00) a.m. on weekdays and from three o'clock (3:00) a.m. to ten o'clock (10:00) a.m. on Sundays".

Tennessee Code Annotated (TCA) Section 57-4-203(d) now allows restaurants meeting certain criteria to serve alcoholic beverages at any time of day except for a single hour, from three o'clock (3:00) a.m. to four o'clock (4:00) a.m. The ordinance now under consideration would mirror this permission, but for beer, allowing the sale, giving away, or consumption of beer at any time other than this same single hour each day.

BILL NO. BL2017-836 (COOPER) – This ordinance would authorize the Industrial Development Board of the Metropolitan Government (IDB) to negotiate and accept payments in lieu of ad valorem taxes for the benefit of Keystone Automotive Industries, Inc. Keystone plans to construct an office building at 5846 Crossings Boulevard in Antioch for its North American support headquarters in 2018. It is estimated that American Standard will employ 120 new full-time employees at the office by 2021 and make a capital investment of approximately \$27,250,000.

For purposes of this agreement, the "Jobs Target" is eighty percent (80%) of the anticipated increase in the number of full-time equivalent jobs. This would be 45 by December 31, 2019, 80 by December 31, 2020, and 120 by December 31, 2021 and 2022. Keystone would be permitted credit for outsourced service providers that are not necessarily owned or controlled by Keystone. But such positions must be dedicated jobs that are on-site and earn more than the average wage in the Nashville market.

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.

As required by the Metro Code, Keystone would be required to manage a diversified business enterprise (DBE) program with a goal of 20% of the project's hard construction costs spent with DBE firms. The company would be required to provide quarterly reports to the council regarding 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. Unlike the "Jobs Target," there is no additional enforcement mechanism for the DBE program beyond reports to the Council.

For the length of this contract, the IDB would take title to the land. The IDB would lease the property to the developer (KP Nashville) which will then sublease the “project” (office building) to Keystone. At the end of the contract term, Keystone would buy the building back from the IDB for one hundred dollars (\$100).

Fiscal Note: This ordinance would provide a 60% real property tax abatement for five (5) years, assuming the building is completed by 2018. Specifically, the abatement would be 60% of the difference between the current real property taxes and what would otherwise be owed as a result of the improvements to the property. This would result in a total tax abatement of approximately \$206,337 per year through December 31, 2023.

If the number of new jobs in any given year is lower than the "Jobs Target" for that year, Keystone would be required to make an additional payment for that year. This would be an amount equal to the 60% of the increment that was abated multiplied by two times the proportion by which the target was missed.

For example, the target for 2020 is 80. If only 60 jobs were added, the proportion of the miss would be 25% (20/80). This would be multiplied by two, resulting in a 50% penalty. Since the abatement is defined at 60% of the standard ad valorem tax, it would be reduced to 30% for that year.

It should be noted that the penalty is capped at 100% of the abatement. Regardless of how badly a jobs target is missed, Keystone would not be required to pay anything higher than the full standard ad valorem property taxes that would normally be due in the absence of this PILOT agreement.

BILL NO. BL2017-837 (VERCHER, K. JOHNSON, & OTHERS) – This ordinance would authorize the fee simple acquisition of real property by negotiation or condemnation for the purpose of building a new Metropolitan Nashville Police Precinct. This addition would consist of parcels at 2705 Highmeadows Drive as well as 2419, 2491, 2501, and 2505 Murfreesboro Pike.

The five parcels to be acquired are owned by the K Mart Corporation. The total appraised value of the parcels as shown on the current property records is \$8,749,800. However, it would be necessary to perform a new appraisal to determine the current fair market value of the parcels.

This was approved by the Planning Commission on August 24, 2017.

Fiscal Note: The final price for the acquisition of these properties cannot exceed \$7,450,000.

BILL NO. BL2017-838 (ALLEN) – This ordinance would update Section 5.24.010 of the Metro Code of Laws by adopting the property identification maps for the Metropolitan Government as of January 1, 2017 as the official maps for the identification of real estate tax assessment purposes. This is a routine adoption made on an annual basis.

BILL NO. BL2017-839 (O'CONNELL, ELROD, & ALLEN) – This ordinance would authorize Third and Lea Partners, LLC to install, construct, and maintain underground encroachments in the right-of-way located at 615 3rd Avenue South. These would consist of raised planters, sidewalk grade planters, trees, irrigation, and drainage encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

BILL NO. BL2017-840 (SLEDGE, ALLEN, & ELROD) – This ordinance would authorize Broadstone South Gulch, LLC to install, construct, and maintain underground encroachments in the right-of-way located at 903 8th Avenue South. These would consist of three (3) benches, one (1) trashcan, and irrigation at tree wells and landscape areas encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

BILL NO. BL2017-841 (WITHERS, ALLEN, & ELROD) – This ordinance would abandon easement rights that were retained by Council Bill O62-279 for any existing utilities on property located at 804 Sylvan Street, formerly known as Alley #276. It has been determined by Metro Water Services and Public Property Administration that these easement rights are no longer needed.

Amendments to this legislation may be approved by resolution.

This has been approved by the Planning Commission.

BILL NO. BL2017-842 (A. DAVIS, ALLEN, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Loftin Avenue right-of-way.

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

GRANTS AND DONATIONS LEGISLATION – SEPTEMBER 5, 2017

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2017-838	<p>From: Rockefeller Philanthropy Advisors, Inc. (RPA) on behalf of the 100 Resilient Cities Initiative (100RC)</p> <p>To: Mayor's Office of Resilience</p>	Not to exceed \$325,200	\$0	Two years from the date of hire	<p>The grant proceeds would be used to fund a Chief Resilience Officer for a period of two years.</p> <p>In addition, RPA/100RC would provide in-kind technical assistance and capacity development.</p>
RS2017-843	<p>From: National Recreation and Park Association / Walt Disney Company</p> <p>To: Metro Nashville Parks and Recreation Department</p>	Not to exceed \$49,000	\$49,000	Effective Date until May 1, 2018	<p>The grant proceeds would be used towards the purchase and development of Casa Azafran Park.</p> <p>This was approved by the Parks Board on June 6, 2017.</p>
RS2017-844	<p>From: Tennessee State Library and Archives</p> <p>To: Nashville Public Library</p>	\$4,492.50	\$4,492.50	N/A	<p>If approved, the grant proceeds of this Library Services and Technology Act (LSTA) Grant would be used to fund the purchase of an Android mobile lab to provide free digital training for the citizens of Nashville.</p>

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2017-845	<p>From: Tennessee Department of Health</p> <p>To: Metro Board of Health</p>	Not to exceed \$373,500	\$0	October 1, 2017 through June 30, 2018	The grant proceeds would be used to improve the health of those residing in or visiting Davidson County through targeted strategies to prevent and control the use of tobacco products.
RS2017-847	<p>From: U.S. Environmental Protection Agency (EPA)</p> <p>To: Metro Board of Health</p>	\$206,764	\$0	October 1, 2014 through September 30, 2018	<p>The additional grant proceeds from this amendment would be used to fund an ongoing program to protect air quality to achieve established ambient air standards and protect human health.</p> <p>The original grant was approved per Resolution No. RS2015-1355. The new grant total would be \$1,250,155. The local cash match total would remain \$1,176,238.</p>
RS2017-848	<p>From: U.S. Environmental Protection Agency (EPA)</p> <p>To: Metro Board of Health</p>	\$67,435	\$0	April 1, 2015 through March 31, 2018	<p>The additional grant proceeds from this amendment would be used for the ongoing collection of data on ambient air concentrations of 2.5 fine particulate matter in Nashville.</p> <p>The new grant total would be \$388,809. There would still be no required local cash match.</p>
RS2017-849	<p>From: Tennessee Department of Health</p> <p>To: Metro Board of Health</p>	\$0	\$0	April 1, 2015 through March 31, 2018	<p>The additional grant proceeds from this amendment would be used to implement and coordinate activities and services related to HIV/AIDS/STD and Viral Hepatitis prevention, testing, diagnosis and treatment, and surveillance.</p> <p>This is an annual federal pass-through grant that pays the salaries of the Health Department employees who provide these services.</p>

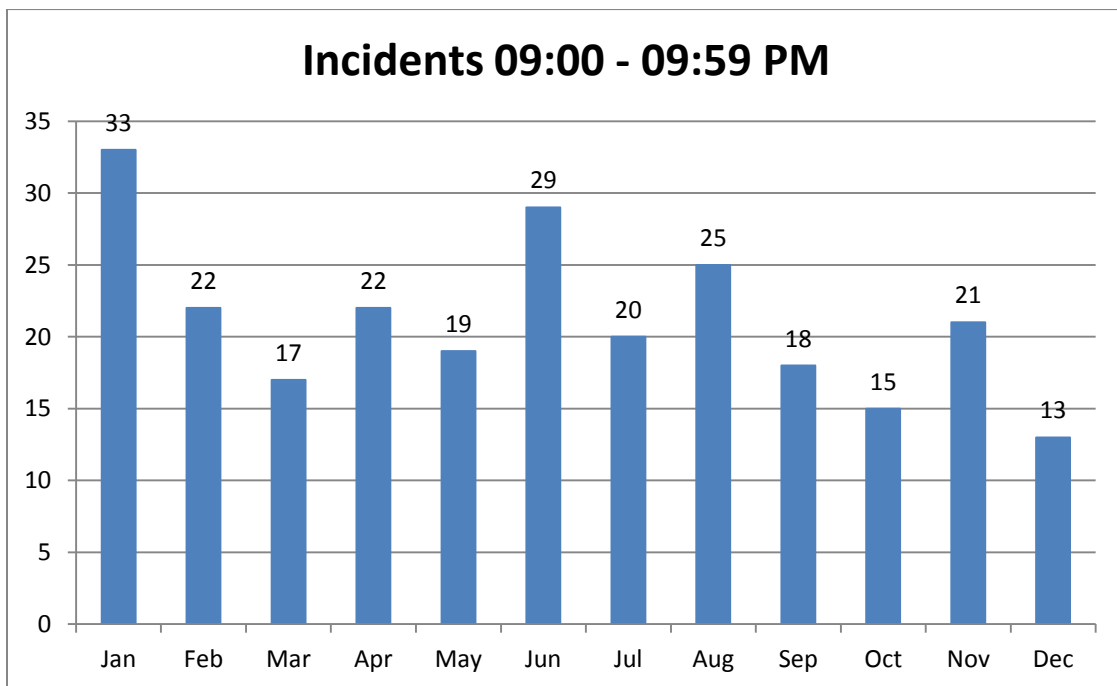
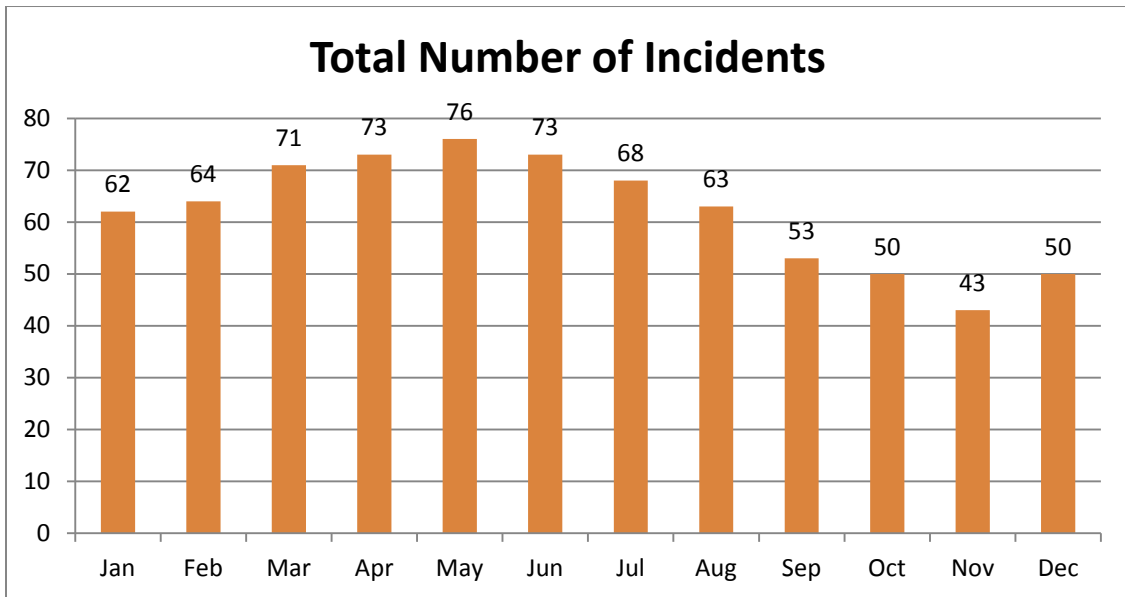
Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
					<p>(RS2017-849 cont.) The original grant was approved per Resolution No. RS2016-448. A total of \$498,250 was to be granted in each of the two fiscal years affected, FY17 and FY18, for a total of \$996,500. No local cash match was required.</p> <p>The amendment being approved by this resolution would modify the requirements of the grant in Section A.5.d.(3).</p> <p>The term of this grant would remain from January 1, 2017 through December 31, 2017.</p>
RS2017-851	<p>From: Tennessee Department of Labor and Workforce Development</p> <p>To: Nashville Career Advancement Center (NCAC)</p>	Not to exceed \$322,313	\$0	July 1, 2017 through June 30, 2019	The grant proceeds would be used to establish career services for eligible adults, youth, and dislocated workers with barriers to employment, education, training, and support services to succeed in the labor market.
RS2017-852	<p>From: Tennessee Department of Labor and Workforce Development</p> <p>To: Nashville Career Advancement Center (NCAC)</p>	Not to exceed \$207,790	\$0	July 1, 2017 through June 30, 2019	The grant proceeds would be used to establish programs to prepare and carry out adult services to benefit service recipients.

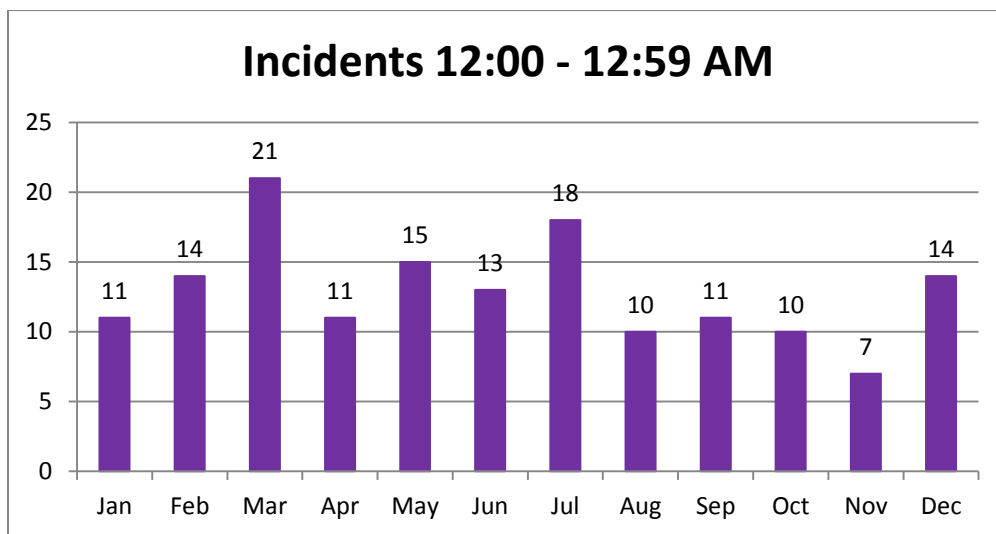
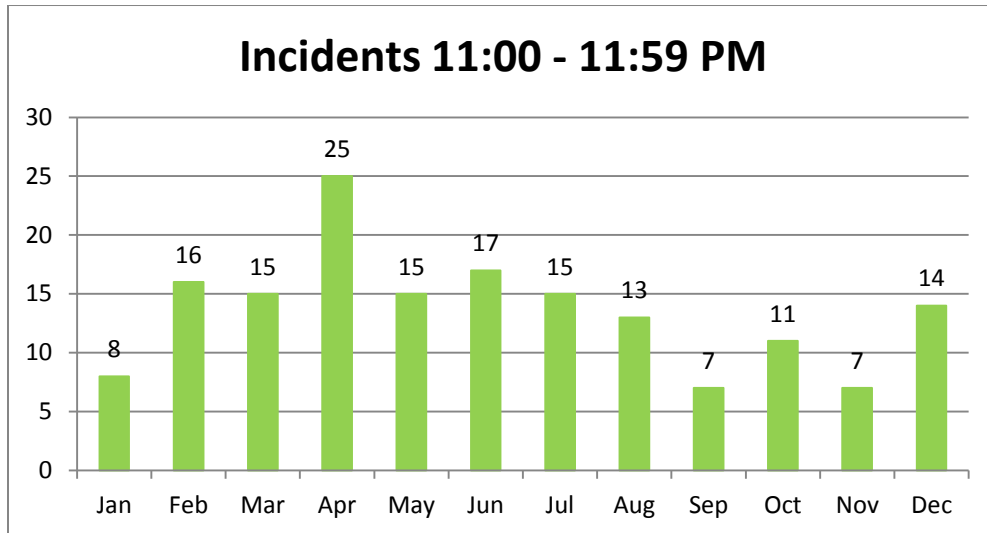
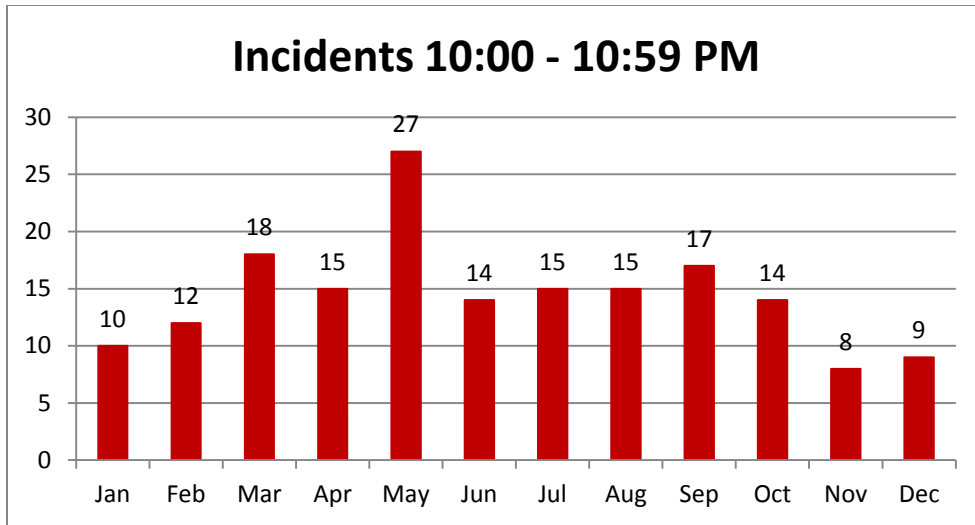
Exhibit: BL2017-800

INCIDENTS INVOLVING JUVENILES 2016

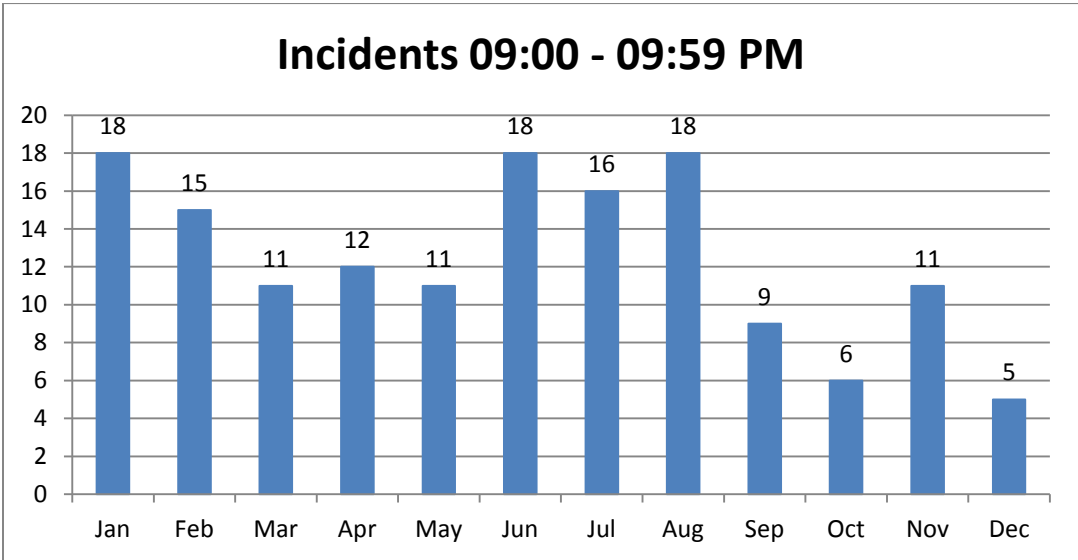
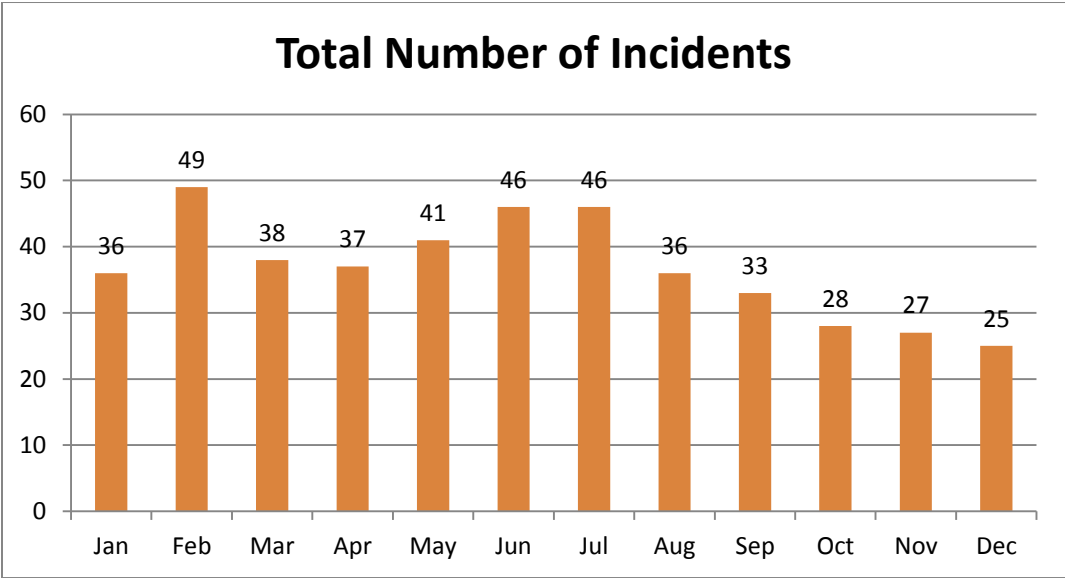
Month	Hour	Incident Including Juvenile Victim	Incident Including Juvenile Arrest	Incident Including Juvenile Victim and Juvenile Arrest	Total Incidents
Jan	09:00 - 09:59 PM	14	15	4	33
Jan	10:00 - 10:59 PM	6	4	0	10
Jan	11:00 - 11:59 PM	3	5	0	8
Jan	12:00 - 12:59 AM	9	2	0	11
Feb	09:00 - 09:59 PM	14	7	1	22
Feb	10:00 - 10:59 PM	10	2	0	12
Feb	11:00 - 11:59 PM	11	3	2	16
Feb	12:00 - 12:59 AM	11	3	0	14
Mar	09:00 - 09:59 PM	11	6	0	17
Mar	10:00 - 10:59 PM	4	13	1	18
Mar	11:00 - 11:59 PM	10	5	0	15
Mar	12:00 - 12:59 AM	10	9	2	21
Apr	09:00 - 09:59 PM	11	10	1	22
Apr	10:00 - 10:59 PM	7	7	1	15
Apr	11:00 - 11:59 PM	7	15	3	25
Apr	12:00 - 12:59 AM	7	4	0	11
May	09:00 - 09:59 PM	11	8	0	19
May	10:00 - 10:59 PM	12	12	3	27
May	11:00 - 11:59 PM	7	7	1	15
May	12:00 - 12:59 AM	6	8	1	15
Jun	09:00 - 09:59 PM	18	11	0	29
Jun	10:00 - 10:59 PM	6	6	2	14
Jun	11:00 - 11:59 PM	8	8	1	17
Jun	12:00 - 12:59 AM	11	2	0	13
Jul	09:00 - 09:59 PM	16	4	0	20
Jul	10:00 - 10:59 PM	10	5	0	15
Jul	11:00 - 11:59 PM	10	5	0	15
Jul	12:00 - 12:59 AM	10	8	0	18
Aug	09:00 - 09:59 PM	15	7	3	25
Aug	10:00 - 10:59 PM	5	10	0	15
Aug	11:00 - 11:59 PM	7	6	0	13
Aug	12:00 - 12:59 AM	5	4	1	10
Sep	09:00 - 09:59 PM	8	9	1	18
Sep	10:00 - 10:59 PM	14	3	0	17
Sep	11:00 - 11:59 PM	4	3	0	7
Sep	12:00 - 12:59 AM	6	5	0	11
Oct	09:00 - 09:59 PM	6	9	0	15
Oct	10:00 - 10:59 PM	12	2	0	14
Oct	11:00 - 11:59 PM	5	6	0	11
Oct	12:00 - 12:59 AM	5	5	0	10
Nov	09:00 - 09:59 PM	11	10	0	21
Nov	10:00 - 10:59 PM	5	3	0	8
Nov	11:00 - 11:59 PM	5	2	0	7
Nov	12:00 - 12:59 AM	6	1	0	7
Dec	09:00 - 09:59 PM	5	8	0	13
Dec	10:00 - 10:59 PM	3	5	1	9
Dec	11:00 - 11:59 PM	7	6	1	14
Dec	12:00 - 12:59 AM	7	6	1	14

Total Number of Incidents Involving Juvenile Victims or Juvenile Arrests (Summary)													
2016													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
09:00 - 09:59 PM	33	22	17	22	19	29	20	25	18	15	21	13	254
10:00 - 10:59 PM	10	12	18	15	27	14	15	15	17	14	8	9	174
11:00 - 11:59 PM	8	16	15	25	15	17	15	13	7	11	7	14	163
12:00 - 12:59 AM	11	14	21	11	15	13	18	10	11	10	7	14	155
Total	62	64	71	73	76	73	68	63	53	50	43	50	746

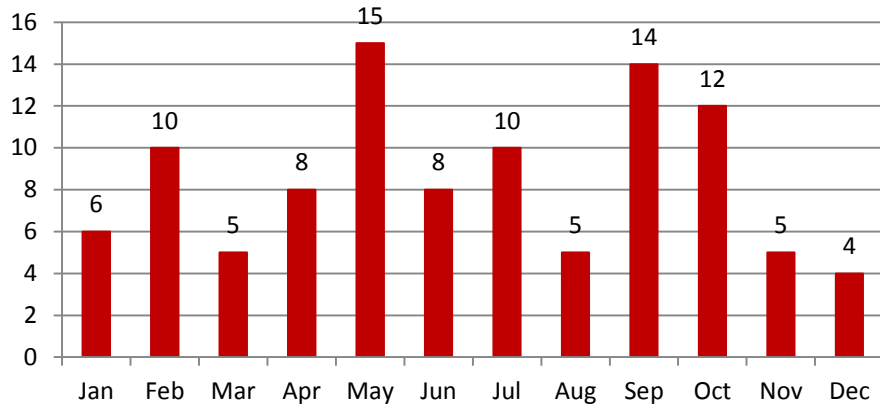




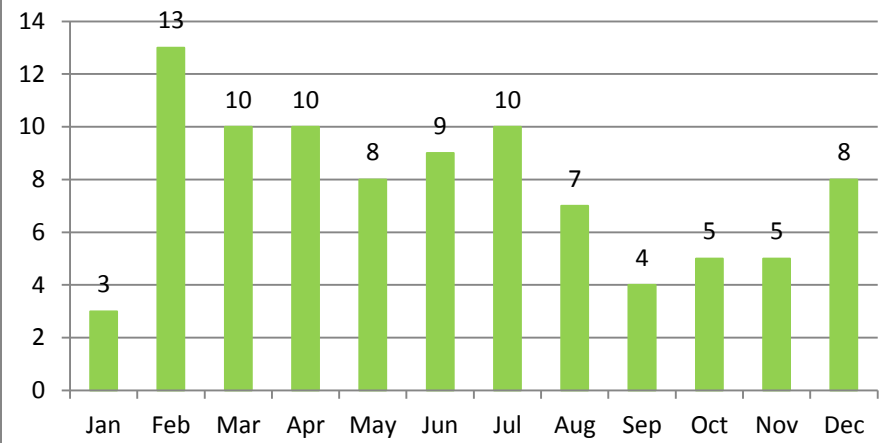
Total Number of Incidents Involving Juvenile Victims													
2016													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
09:00 - 09:59 PM	18	15	11	12	11	18	16	18	9	6	11	5	150
10:00 - 10:59 PM	6	10	5	8	15	8	10	5	14	12	5	4	102
11:00 - 11:59 PM	3	13	10	10	8	9	10	7	4	5	5	8	92
12:00 - 12:59 AM	9	11	12	7	7	11	10	6	6	5	6	8	98
Total	36	49	38	37	41	46	46	36	33	28	27	25	442



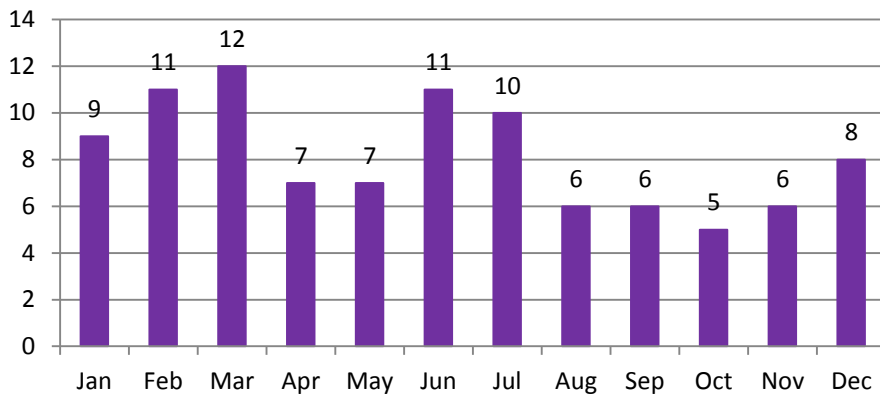
Incidents 10:00 - 10:59 PM



Incidents 11:00 - 11:59 PM



Incidents 12:00 - 12:59 AM

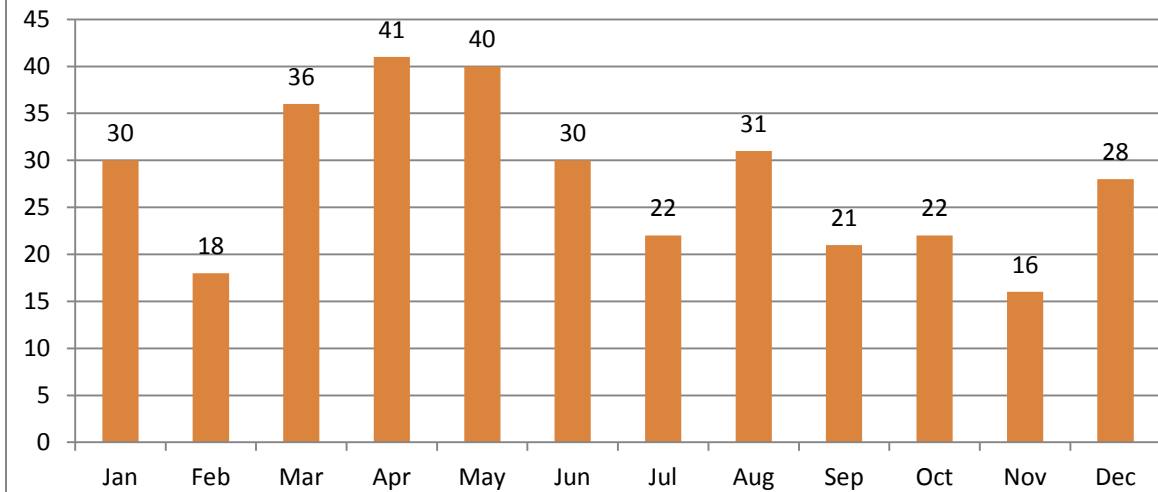


Total Number of Incidents Involving Juvenile Arrests

2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
09:00 - 09:59 PM	19	8	6	11	8	11	4	10	10	9	10	8	114
10:00 - 10:59 PM	4	2	14	8	15	8	5	10	3	2	3	6	80
11:00 - 11:59 PM	5	5	5	18	8	9	5	6	3	6	2	7	79
12:00 - 12:59 AM	2	3	11	4	9	2	8	5	5	5	1	7	62
Total	30	18	36	41	40	30	22	31	21	22	16	28	335

Total Number of Incidents



Incidents 09:00 - 09:59 PM

