



## METRO COUNCIL OFFICE

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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: October 2, 2018

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 9/26/18:

4% Reserve Fund	\$35,857,425*
Metro Self Insured Liability Claims	\$5,257,009
Judgments & Losses	\$2,453,685
Schools Self Insured Liability Claims	\$4,533,820
Self-Insured Property Loss Aggregate	\$6,523,270
Employee Blanket Bond Claims	\$685,912
Police Professional Liability Claims	\$2,252,301
Death Benefit	\$1,510,775

\*This assumes unrealized estimated revenues in FY19 of \$30,561,041.

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

– ORDINANCES ON PUBLIC HEARING –

**BILL NO. BL2018-1183** (FREEMAN & VERCHER) – This ordinance would add a distance requirement between “automobile repair” as well as “automobile sales, used” uses currently permitted with conditions in the Land Use Development Standards.

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). There were no set conditions included in the Code applicable to these uses. In 2013, the Council enacted Ordinance No. BL2013-418, which repealed an SP requirement for automotive uses, added these uses as “permitted with conditions”, and added a number of specific conditions automotive uses would have to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.

This current ordinance would add a separation condition that “automobile repair” and “automobile sales, used” facilities be located at least 1,320 linear feet (¼ mile) from the property line of another property upon which another “automobile repair”, “automobile sales, used”, or “automobile services” establishment is located.

**BILL NO. BL2018-1288** (WITHERS) – This ordinance would replace the introductory sentence in Metro Code of Laws 17.20.030. The current introductory sentence states that required parking spaces are established in the Table associated with this section. This ordinance would add a sentence to clarify that each parking space must be made available for use primarily to occupants, tenants and/or residents of the related land use. The clarification is intended to prevent the disposition of parking space areas by owners immediately after compliance with minimum parking standards.

This ordinance has been deferred until the October 11, 2018 Metro Planning Commission. As a result, no action can be taken by the Council on second reading and no public hearing can be held by Council until the November 6, 2018 Council meeting.

**BILL NO. BL2018-1316** (DOWELL) – This ordinance would amend Metro Code of Laws (MCL) Sec. 17.24.060 regarding special screening requirements for dumpsters and other trash receptacles.

MCL Sec. 17.24.060.A requires dumpsters and other trash receptacles for all structures, other than single or two-family residences, to be screened from public streets and properties zoned or policed for residential use. Under this section, receptacles must be placed on a concrete pad and enclosed by an opaque fence or wall at least six (6) feet in height. Gates must be opaque unless the opening is oriented away from public streets or adjacent residential properties. Enclosures can be made of wood, masonry, or other permanent materials, with evergreen plants used in part.

This ordinance would keep the existing requirements and add certain design standards. Concrete pads would be required to be constructed from steel reinforced concrete and a minimum of four inches (4") thick. Enclosures would be required to a minimum of one foot (1') higher than the height of the enclosed receptacle or six feet (6'), whichever is higher. Unless oriented away from public streets and residential properties, service access gates for the enclosures would be required to be of sufficient size to remove the receptacle, made from an opaque material, constructed with a latch to keep the gate closed with receptacle is not in use, and not open directly onto public streets or sidewalks. The enclosure could have an additional side door for accessing the receptacle, at least three feet (3') in width with no requirement to be secured.

Further, receptacles would be required to be located behind the building or structure which they service. If the receptacle could not be located behind the building or structure, the Department of Codes Administration would be authorized to determine the location. Receptacles would also need to be readily accessible to the Nashville Fire Department.

This ordinance would also designate the current grandfathering procedures as Subsection B. The other existing subsections of MCL Sec. 17.24.060 would not be amended.

An amendment from the sponsor is anticipated which would increase the minimum concrete pad thickness from four inches to eight inches, consistent with dumpster pad specifications required by the Metro Public Works Department.

**BILL NO. BL2018-1317** (A. DAVIS) – This ordinance would amend Metropolitan Code of Laws (MCL) Sec. 17.40.160 pertaining to permitted land uses under neighborhood landmark districts.

MCL Sec. 17.40.160 provides for the establishment of neighborhood landmark districts upon a recommendation of the Metropolitan Planning Commission. Subsection A provides the neighborhood landmark districts must be approved by an ordinance of the Metropolitan Council. The current Subsection E authorizes additional uses, including uses prohibited by the underlying zoning districts, to be "permitted subject to certain conditions as described in the neighborhood landmark development plan, provided they are determined by the planning commission to be compatible with, and sensitive to, abutting properties and the overall neighborhood fabric and appropriate to preserve and maintain the district."

This ordinance would amend MCL Sec. 17.40.160.E to state that the Metropolitan Council may permit these additional uses, thereby clarifying that additional uses in the neighborhood landmark district require authorization by ordinance approved by the Metropolitan Council.

Because the ordinance envisions continued recommendations from the Planning Commission regarding compatibility of any proposed uses, a Substitute is anticipated that would allow Planning to submit recommendations in conjunction with its evaluation of the physical setting of a proposed use and other factors.

– RESOLUTIONS –

**RESOLUTION NO. RS2018-1389** (BLALOCK) – This resolution would approve an exemption for Rajdhani Groceries and Café, LLC, located at 5604 Nolensville Pike, from the minimum distance requirements for obtaining a beer permit.

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

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

A public hearing was previously conducted by the Council on September 18, 2018, as required for resolutions brought under Section 7.08.090(E); but the sponsor deferred approval of the resolution until October 2, 2018.

**RESOLUTION NO. RS2018-1418** (VERCHER) – This resolution would approve a sole source contract between the Metropolitan Government and Mythics, Inc. to provide Oracle software licensing, support, and maintenance for the Metropolitan Government.

Sole source contracts may be awarded under the Metro procurement code when it is determined by the Purchasing Agent in writing that there is only one source for the supply or services rendered. (An executed sole source justification form is attached to the Resolution.) Metro Code of Laws (MCL) Section 4.12.060 requires all sole-source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

The term of this agreement would begin upon approval of all parties and filing with the Metro Clerk's Office and extend for sixty (60) months.

*Fiscal Note: The estimated contract value is thirty-five million dollars (\$35,000,000).*

**RESOLUTION NO. RS2018-1419** (VERCHER & FREEMAN) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1420** (VERCHER & FREEMAN) – This resolution would approve a letter of acceptance for 2018 Homeland Security Grant Funds from the Tennessee Department of Safety & Homeland Security to the Metropolitan Government. Districts are required to submit a letter of acceptance to the Tennessee Emergency Management Agency (TEMA) in support of the 2018 Homeland Security Grant Program prior to submitting a grant application. Davidson County has been approved for a grant in the amount of \$294,451 from TEMA to the Office of Emergency Management for Homeland Security Preparedness activities. This would be part of the Homeland Security District 5 award of \$695,334 for seven counties in Tennessee.

These federal pass-through funds would be used to build capabilities for core homeland security assistance at the State and local levels through planning, equipment, training, and exercise activities. At least 25% of the funds would be dedicated towards law enforcement terrorism prevention-oriented activities.

*Fiscal Note: Metro would receive \$294,451 as its share of the Homeland Security grant for District 5. No local cash match would be required.*

**RESOLUTION NO. RS2018-1421** (VERCHER & FREEMAN) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1422** (VERCHER & FREEMAN) – This resolution would approve the first amendment to a contract between the Metropolitan Government and ImageTrend, Inc., which was approved by Resolution No. RS2014-1255.

RS2014-1255 approved a sole source contract with ImageTrend, Inc., for data collection and reporting software to be used by the Nashville Fire Department and Emergency Medical Services (EMS).

Metro has had a contract with ImageTrend since 2009 for software to help Fire and EMS gather, analyze, and report incident and exposure data. The contract approved by RS2014-1255 was for a term of five years and the total contract value was \$500,000.

This resolution would amend this contract to add \$15,000 to the estimated contract value. The amendment would also add the “Investigations” module to the existing software platform, an Attachment D Software Licensing Agreement, and the Iran Divestment Act language to the contract as required by state law (See Tenn. Code Ann. § 12-12-101 *et seq.*) to the contract.

*Fiscal Note: The amendment would add \$15,000 to the estimated contract value for a new total contract value of \$515,000.*

**RESOLUTION NO. RS2018-1423** (VERCHER & FREEMAN) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1424** (HENDERSON, VERCHER, & SYRACUSE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1425** (VERCHER & WITHERS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1426** (VERCHER & GILMORE) – This resolution would approve a contract between the Metropolitan Board of Health and Capstone Pediatrics, LLC, to provide diagnostic hearing tests and newborn hearing screenings.

The contract would be for a term of twelve (12) months, beginning on the date that the contract is approved by all required parties and filed in the Metro Clerk's Office. Capstone Pediatrics, LLC, would agree to provide staff and supplies at the Lentz Public Health Department location or Metro Center. Metro would agree to provide adequate facility space, use of existing audiology equipment, and routine disposable clinical items.

Section 10.104(8) of the Metropolitan Charter provides that the Board of Health has the duty to contract for such services as will further the program and policies of the Board, subject to confirmation by resolution of Council.

*Fiscal Note: There would be no cost for the Metro Public Health Department to perform the services under this contract.*

**RESOLUTION NO. RS2018-1427** (VERCHER & GILMORE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2018-1428** (DOWELL, VERCHER, & OTHERS) – This resolution would approve the third amendment to the Participation Agreement between the Metropolitan Department of Public Works (Metro) and Century Farms LLC (Century Farms) for the design and construction of access roads connecting Cane Ridge Road and Old Franklin Road to the I-24 Interchange at Hickory Hollow Parkway.

Ordinance No. BL2017-746 approved a participation agreement between Metro and Century Farms for the design and construction of local roads that will connect to the interchange project. Amendment 1 to the agreement (approved per RS 2018-1150) added \$161,000 in landscape and lighting costs to be shared by Metro and Century Farms. Amendment 2 added increased construction costs of \$12,300,000 to be split between Metro and Century Farms. The original participation agreement projected construction bids and engineering costs of \$24,000,000. The actual construction bids and engineering costs total \$25,897,694.45. Metro and Century Farms each previously agreed to pay fifty percent (50%) of the cost, which would now be

approximately \$12,440,000 for the actual total. Metro desires authorization to use up to \$14,000,000, approved in prior spending programs, to furnish Metro's share of the engineering and construction for the project and to allow for additional contingencies.

*Fiscal Note: The fiscal impact of this resolution is fully summarized in the legal analysis above.*

**RESOLUTION NO. RS2018-1429** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claims of Connie Morris and Elmer Morris against the Metropolitan Government in the amount of \$190,000.

On the evening of June 18, 2014, Connie Morris was walking southbound on 6th Avenue North approaching Church Street. As she was walking with friends, she tripped and fell over a lamp post base with metal support brackets sticking up. As a result of the fall, Ms. Morris sustained injuries to her wrists and knees. Nashville Electric Service (NES) had removed the lamp post in November 2013 at the direction of the Metro Public Works. NES informed Public Works that the lamp post was removed and that Public Works needed to complete repairs to the base and conduit before NES could reinstall the lamp post. NES's downtown foreman testified that the standard practice for removing a lamp post base was to secure wiring, place a cone over the base, and bolt the cone down. A Public Works employee testified, however, that cones are not always secured; instead the normal procedure was to simply place a cone over the base, and that often cones go missing.

Ms. Morris sustained fractures to her wrists and her left knee cap. She underwent surgery on her left wrist, including insertion of hardware, days after the injury and required continued treatment and extensive physical therapy from June 2014 until December 2014. Her husband, Elmer Morris, asserted a loss of consortium claim. Ms. and Mr. Morris have agreed to accept a total of \$190,000 in full settlement of this case, including \$99,489.32 in medical expenses related to treatment of her injuries.

It is anticipated that the Court will find that the lamp post was a tripping hazard and an unreasonably dangerous condition. It could be determined that it was not reasonable for Metro to rely on a cone as an adequate warning device, particularly if it was unsecured, because it was foreseeable that the cone would go missing over a six month period. While fault could be attributed to Ms. Morris, as there were visual cues and illumination in the area of the lamp post base, it is likely to be less than the 50% threshold to bar Ms. Morris's claims. The Department of Law recommends settlement of this claim for \$190,000.

*Fiscal Note: This \$190,000 settlement would be the eleventh payment from the Self-Insured Liability Fund in FY19 for a cumulative total of \$723,500. The fund balance would be \$5,257,009 after this payment.*

**RESOLUTION NO. RS2018-1430** (WITHERS) – This non-binding resolution would request the Civil Service Commission (CSC) to amend the pay plan for Metro Council members and the Vice Mayor. Pursuant to Metro Charter Section 12.10, the CSC is responsible for the creation and administration of all pay plans. The CSC must recommend changes to the Metropolitan Council.

The current salary for all Council members is \$15,000 per year. The salary for Vice Mayor is \$17,000 per year. Resolution Nos. RS2017-717 and RS2018-1247 revised the pay plans to increase the salary of each Council member to \$23,100. The salary of the Vice Mayor would increase to \$25,230. This would represent raises of 54% and 48.4% respectively, totaling an additional \$332,230 in annual salary expenses.

Due to the restrictions against raising the pay during the current term per Metro Charter Sec. 18.05, these raises are not scheduled to take effect until the start of the 2019-2023 Council term.

*Fiscal Note: The increased annual salary costs per the currently scheduled FY20 pay plan would be \$332,230. In addition to the direct salary costs, FICA fringe costs would increase by \$25,415.60 (assuming no change in the rates).*

*The scheduled salary and fringe increases are not included in the current operating budget. It would be necessary to request a budget modification for FY20 to pay these additional costs. If the raises are rescinded as requested by this resolution, no budget modification would be required.*



– ORDINANCES ON SECOND READING –

**BILL NO. BL2018-1281** (MURPHY & HENDERSON) – This ordinance would codify a sexual harassment awareness and prevention training program for Metropolitan Government employees and certain contractors of the Metropolitan Government.

Employees would be required to participate in this training within 90 days of beginning work and every four years during continuous employment with Metro. The training would be conducted under the direction of the Metropolitan Department of Personnel. Contractors having a contract with Metro for a period of over 12 months and/or valued at \$500,000 or more would be required to provide training to employees that (1) have direct and regular interactions with Metro employees, (2) have contact with the public such that the public may believe the contractor is an employee of Metro, and (3) work on property owned by Metro. Contractors would be required to demonstrate to the Department of Personnel a training program comparable to the program for Metro employees. Contractors could enter into contracts with the Department of Personnel to provide the training. Contractors would be required to train employees within 90 days of the effective date of the contract or of the employee's start date, if later.

Under state law, municipalities are prohibited from imposing requirements upon contractors licensed by the state beyond those regulations established under state law. (TCA § 62-6-11). However, the definition of "contractor" under this state provision is narrower than the definition offered under the Metro Code. The former is relegated to contractors engaged in a "construction undertaking" (TCA § 62-6-102) whereas, for purposes of Metro contracts, "contractors" include anyone that has a contract with Metro. (See, e.g., Metro Code Sec. 4.04.050).

*Fiscal Note: The Human Resources (HR) Department cannot currently provide an estimate of their additional costs if this program were to be implemented. However, they advise it would require significant additional resources, both financial and personnel.*

*HR could not currently support the training necessary for anyone other than Metro employees. The cost to provide this training for contractors cannot be quantified without knowing the total number of contractors who would require it from HR instead of providing the training themselves.*

*In addition, HR would not have the capacity to track the training for contractors. This responsibility might fall under Purchasing within the Finance Department since it would be a contractual requirement.*

**BILL NO. BL2018-1283** (MURPHY, HENDERSON, & M. JOHNSON) – This ordinance would amend Chapter 5.04 of the Metropolitan Code to restrict the use of proceeds from the sale of real property owned by the Metropolitan Government.

This ordinance would prohibit the use of proceeds from the sale of real property owned by the Metropolitan Government from being used for recurring costs of the Metropolitan Government or as a funding source for recurring operating expenses in a proposed operating budget. It would further require the proceeds to be used exclusively for the payment of debt services or the purchase of other real property.

*Fiscal Note: The proposed restriction could have an effect on the FY19 operating budget approved by the Council in June. \$10,823,700 of the total revenue budgeted for the GSD General Fund, along with \$13,000,000 of the Schools Operations Fund, were budgeted to come from gains on real property sales that have not yet occurred, for a total of \$23,823,700 in recurring costs. \$15,000,000 budgeted for the Debt Services Fund would be unaffected by this proposed restriction.*

*An argument could be made that the \$23,823,700 in property sales referenced above is intended to increase the undesignated fund balance rather than funding any recurring costs in the budget. However, these revenue dollars are fungible and pooled together in the general funds rather than being collected for any specific purpose or function.*

**BILL NO. BL2018-1314** (COOPER & VERCHER) – This ordinance would establish a Blue Ribbon Commission to identify government inefficiencies.

Previously, Substitute Ordinance No. BL2018-1184 approved the Annual Operating Budget for Fiscal Year 2019 and, by amendment, authorized the establishment of a Blue Ribbon Commission by September 30, 2018. The goals of the Blue Ribbon Commission would be to find budgetary cost savings.

This ordinance would revise various provisions of the Blue Ribbon committee as originally established under Substitute BL2018-1184 and establish a fifteen (15) member Blue Ribbon Commission (the Commission). There would be twelve (12) voting members, with five (5) appointed by the Mayor, four (4) appointed by the Mayor and assented to by the Vice Mayor, and three (3) designated from the membership of the Council, including the Vice Mayor or a designee, the Budget and Finance Committee chair, and a councilmember chosen by the Vice Mayor. There would be three (3) ex officio, non-voting members appointed by the Mayor, representing the Mayor's Office, the Department of Finance, and the Department of Law. The term of the non-councilmembers would be three (3) years.

The Commission would be required to propose and vote on expense and saving ideas and revenue generating proposals. Upon approval of the Commission, these proposals would be reported to the Mayor's Office and Council by March 31 of each year. The Commission would sunset upon the adoption of the annual operating budget, but could be reauthorized in each subsequent budget.

The Commission would be authorized to contract for professional consulting services for a term of six months and a contract value not to exceed \$250,000. However, in a letter dated August 30, 2018, the Director of Finance advised Council members that available funds from the undesignated fund balance could not be certified for purposes of providing the \$250,000 professional consulting services.

A substitute is anticipated by the sponsor amending multiple provisions of the ordinance.

*Fiscal Note: The Blue Ribbon Commission as proposed by this ordinance was authorized by amendment to the approved Substitute FY19 Operational Budget. However, there were no funds appropriated for the operations of this Commission.*

*The proposed ordinance would authorize the Commission to contract with professional consulting services at a cost up to Two Hundred Fifty Thousand Dollars (\$250,000). No appropriation was included to pay for the cost of these contracted services.*

*The targeted goal of this Commission is to achieve cost savings of Twenty Million Dollars (\$20,000,000) in annual savings. The consultant fees would represent 1.25% of this total if it is achieved. However, there is no guarantee of any particular amount of savings resulting from the activities of this Commission.*

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

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

- the total amount of proposed TIF loans,
- the incremental tax revenue to be generated, and
- the amount, if any, of incremental tax revenue to be returned or provided to the Metropolitan Government.

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

generated. This requirement is similar to state legislation requiring an opinion from an independent certified public accounting firm that the assumptions in a local government's proposed transit improvement plan are reasonable and financially feasible. (See, Tenn. Code Ann. §67-4-3206).

*Fiscal Note: The above analysis and reporting requirements would be the responsibility of the "tax increment agency" which would include entities such as the Metropolitan Development and Housing Agency. Currently, the projections for incremental revenues to be generated by any particular project are developed by the agency. There would be increased costs generated by the requirement to contract with a CPA firm to confirm these projections.*

**BILL NO. BL2018-1329** (WITHERS) – This ordinance would amend Metropolitan Code of Laws (MCL) Chapter 12.42 regarding the residential parking permit (RPP) program.

The ordinance would change the current procedure in designating a proposed RPP area. The current code requires a councilmember to submit a petition from residents within a proposed RPP area with a written recommendation to the chief traffic engineer for review by staff of the traffic and parking commission. Instead, this ordinance would require the councilmember to submit to the chief traffic engineer a petition with a written request for an assessment or study by staff of whether the proposed geographic area meets the factors outlined in MCL Sec. 12.42.030 for eligibility. After the assessment, the councilmember would be required to conduct a publicly noticed community meeting for the proposed RPP area before submitting a recommendation to the traffic and parking commission as to whether the proposal should be placed on the an agenda for a public hearing at the traffic and parking commission.

The ordinance would also clarify that, while only persons who own or operate one or more motor vehicle and reside on property immediately adjacent to the RPP area are eligible for the residential parking permit, residents who reside on property immediately adjacent to the RPP can still apply for a visitor's permit from the Public Works department.

The ordinance would also amend the current provisions regarding visitor permits. Residents of dwelling units located immediately adjacent to a street, avenue, or other location within a RPP would be eligible to purchase two (2) visitor's permits per residential address, which would be valid for one calendar year. These annual visitor passes would not be transferrable, but could be replaced if lost or stolen. Residents would further be allowed to purchase up to three (3) short-term visitor parking passes, which would be valid for fourteen (14) days and would be renewable, but not transferable. No permit holder could be issued more than three visitors permits at any time.

MCL Sec. 12.42.100.A would be amended by changing the word "himself" to "themselves."

This ordinance has been referred to the Traffic and Parking Commission for their October 8, 2018 agenda to receive a recommendation.

**BILL NO. BL2018-1330** (O'CONNELL, BEDNE, & ELROD) – This ordinance would authorize Liberty Green SoBro, LLC to install, construct, and maintain underground and aerial encroachments in the right-of-way located at 207 1st Avenue South. This would consist of an awning and a bar-top encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

**BILL NO. BL2018-1331** (KINDALL, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of 45th Avenue North right-of-way. The abandonment has been requested by Bradley Arant Boult Cummings, LLP, applicant.

This has been approved by the Planning Commission.

**BILL NO. BL2018-1332** (ROBERTS, BEDNE, & ELROD) – This ordinance would abandon easement rights for any existing utilities located between Alley #1209 and Louisiana Avenue, formerly known as 53rd Avenue North. Easement rights were originally retained by Ordinance No. O76-96. The abandonment has been requested by O.I.C. 5216 Louisiana Avenue Townhomes and Bluegrass Real Estate, LLC, owners.

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

**BILL NO. BL2018-1333** (VANREECE, BEDNE, & ELROD) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by changing the name of Old Due West Avenue to "Skyline Ridge Drive".

This has been approved by the Planning Commission and the Emergency Communications Board. A recommendation from both, prior to third reading, is required under Section 13.08.015.D of the Metro Code of Laws (MCL).

In addition, pursuant to the requirements of Section 13.08.015.B. of the MCL, the Historical Commission is required to provide a report to the Council prior to third reading stating the historical significance, if any, associated with the existing street name.

– ORDINANCES ON THIRD READING –

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

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

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

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

In 2012, a state law was enacted requiring the allocation of base taxes and dedicated taxes to local governments for properties within redevelopment plan areas -- but making no provision for the retention of schools taxes. However, this state legislation -- entitled the “Uniformity in Tax Increment Financing Act of 2012” -- provides that it does “not apply to a plan (or any amendment to such plan) for which required public hearings were conducted prior to the effective date of this act...” All existing redevelopment districts in Davidson County were established prior to 2012.

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

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

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

*Under the initial rules, MDHA had the authority to collect all the increased property taxes from all six funds to pay for the loan used to finance the development. This was changed in 2016. For all new TIF loans, the property tax amounts allocated to the three debt service funds were kept by Metro and could not be used by MDHA for loan payments. Only the property taxes allocated to the three primary operating funds could be used for this purpose.*

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

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

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

**BILL NO. BL2018-1321** (A. DAVIS, BEDNE, & ELROD) – This ordinance would disclaim any interest the Metro Government may have in the Nashville-Gallatin Interurban Railroad right-of-way.

The Nashville-Gallatin Interurban Railroad was an electric commuter rail line that operated from 1913 until 1932. A recent survey revealed remaining railroad right-of-way on the property at 1100 Eastdale Ave. The owner of that property, TBC Development, LLC, has requested that Metro disclaim any interest it may have in the remaining railroad right-of-way. Metro has no future need for this right-of-way.

This has been approved by the Planning Commission.

**GRANTS LEGISLATION – OCTOBER 2, 2018**

<b>Legislative Number</b>	<b>Parties</b>	<b>Amount</b>	<b>Local Cash Match</b>	<b>Term</b>	<b>Purpose</b>
<b>RS2018-1419</b>	<p><b>From:</b> U. S. Department of Justice</p> <p><b>To:</b> Office of Family Safety</p>	Not to exceed \$745,325.00	\$0	October 1, 2015 through September 30, 2021	<p>This resolution would provide supplemental funds to a grant approved by RS2015-48. The award would be increased from \$706,464 to \$1,451,789.</p> <p>The grant proceeds would be used to enhance services and responses to high risk intimate partner violence and trafficking victims of sexual assault, domestic violence, dating violence, and stalking.</p>
<b>RS2018-1421</b>	<p><b>From:</b> U.S. Department of Homeland Security</p> <p><b>To:</b> Office of Emergency Management</p>	Not to exceed \$699,285.00	\$233,095.00	September 1, 2018 through August 31, 2021	The proceeds from this Port Security Grant would be used for activities associated with implementing area maritime security plans, facility security plans, and other port-wide risk management efforts.
<b>RS2018-1423</b>	<p><b>From:</b> Tennessee Highland Rim Healthcare Coalition</p> <p><b>To:</b> Metropolitan Nashville Fire Department</p>	\$84,349.85	\$0	N/A	<p>This would approve an application for an AmbuBus Build-Out Grant.</p> <p>If approved, the grant proceeds would be used to install/outfit the AmbuBus with a conversion kit which will convert the bus into a large ambulance capable of treating and transporting multiple patients.</p>



<p><b>RS2018-1424</b></p>	<p><b>From:</b> Tennessee Department of Environment and Conservation</p> <p><b>To:</b> Metropolitan Nashville Parks and Recreation Department</p>	<p>Not to exceed \$500,000.00</p>	<p>In-kind match in value of land of \$500,000.00</p>	<p>N/A</p>	<p>The proceeds from this Local Parks &amp; Recreation Fund Grant would be used for the development and implementation of the Aaitafama Archaeological Park Master Plan.</p>
<p><b>RS2018-1425</b></p>	<p><b>From:</b> Tennessee Department of Labor and Workforce Development</p> <p><b>To:</b> Nashville Career Advancement Center</p>	<p>Not to exceed \$8,667.00</p>	<p>\$0</p>	<p>April 1, 2018 Through November 14, 2018</p>	<p>The grant proceeds would be used to provide reemployment services and eligibility assessment services to help unemployment insurance claimants return to work faster.</p>
<p><b>RS2018-1427</b></p>	<p><b>From:</b> Tennessee Department of Health</p> <p><b>To:</b> Metropolitan Board of Health</p>	<p>Increase by \$70,600.00</p>	<p>\$0</p>	<p>N/A</p>	<p>This resolution would approve the first amendment to the grant approved by RS2018-1199. The grant amount would be increased from \$232,000.00 to \$302,600.00.</p> <p>The grant proceeds would be used to promote Healthy People 2020 goals to the residents of Davidson County through the use of health promotion activities and education programs.</p>