

METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Hannah Zeitlin, Interim Director Maria Caulder, Finance Manager Metropolitan Council Office

COUNCIL MEETING DATE: October 15, 2019

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 10/9/19:

4% Reserve Fund	\$36,758,347*
Metro Self Insured Liability Claims	\$3,669,511
Judgments & Losses	\$2,838,409
Schools Self Insured Liability Claims	\$3,539,857
Self-Insured Property Loss Aggregate	\$6,989,476
Employee Blanket Bond Claims	\$695,965
Police Professional Liability Claims	\$2,151,162
Death Benefit	\$1,645,092

*This assumes unrealized estimated revenues in FY20 of \$31,363,626 and includes the appropriation in Resolution No. RS2019-39 of \$11,312,800.00.

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

- RESOLUTIONS ON PUBLIC HEARING -

RESOLUTIONS NO. RS2019-37 AND 38 – These resolutions would approve exemptions for two (2) establishments, listed below, from the minimum distance requirements for obtaining a beer permit. The establishments and locations are as follows:

- **Resolution No. RS2019-37** (MURPHY) The Turnip Truck, located at 5001 Charlotte Avenue
- Resolution No. RS2019-38 (SLEDGE) The Cordelle, located at 1420 3rd Avenue South

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)).

A public hearing must be held by the Council prior to voting on each resolution brought under Section 7.08.090(E).

- RESOLUTIONS -

RESOLUTION NO. RS2019-36 (MENDES) – This resolution would authorize the employment of Mr. Jon Cooper as Special Counsel and Director of the Council Office, replacing Mr. Mike Jameson. According to the Charter, the Vice-Mayor is authorized to select the special counsel and approval by resolution of Council is required. (Metro Charter Sec. 8.607).

RESOLUTION NO. RS2019-39 (MENDES & SLEDGE) – This resolution would appropriate \$11,312,800.00 from the General Fund Reserve Fund (4% Fund) to thirteen (13) departments for various purchases of equipment and building repairs.

Per Section 6.14 of the Metropolitan Charter, the 4% Fund may only be used for the purchase of equipment and repairs to buildings. By Ordinance No. O86-1534 and Section 5.04.015.F of the Metro Code of Laws, allocations from the General Fund Reserve Fund must each be supported by an information sheet, which are attached to the resolution. The resolution further provides in part: "The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund."

The following departments and agencies would receive funding:

- **Community Oversight Board** \$30,000 for furniture, fixtures, and equipment;
- Davidson County Assessor of Property \$1,100,000 for CAMA System Phase 2 of 2;
- **Davidson County Sheriff's Office** \$361,800 for new facility furniture, fixtures, and equipment;
- **Department of Finance** \$500,000 for body worn camera project;
- **Department of General Services** \$3,000,000 for new and replacement vehicles and major maintenance/repairs;
- Information Technology Services Department \$3,608,000 to complete partially funded redesign of EOL Nashville.gov website and EA/EES enterprise core licenses, Microsoft Office and system center;
- **Metropolitan Public Health Department** \$170,000 for miscellaneous equipment and building repairs;
- **Metropolitan Clerk's Office** \$380,000 for replacement of Legislative Management Information System;
- **Metropolitan Council** \$34,000 for copier/printer/scanner/fax machine;
- **Metropolitan Historical Commission** \$14,000 for an archeology study at Fort Negley Phase 2;
- **Nashville Fire Department** \$500,000 for maintenance and repairs on Fire facilities, personal equipment logistics/medical and safety supplies, and info tech computer hardware and software;
- Nashville Public Library \$1,500,000 for books, periodicals, and library materials;

• **Sports Authority** - \$115,000 for furniture, fixtures, and equipment.

Fiscal Note: These appropriations from the 4% Fund would total \$11,312,800.00.

RESOLUTION NO. RS2019-40 (MENDES) – This resolution would authorize the Department of Law to settle the personal injury claim of Brian Reeves against the Metropolitan Government in the amount of \$131,340.39.

On November 16, 2018, a Metropolitan Criminal Court Clerk employee was driving west on Interstate 24 when traffic began to slow. The employee failed to stop in time and struck the rear of Mr. Reeves's vehicle, pushing it into the car in front of it. The Metropolitan Government has previously settled the property damage claim regarding Mr. Reeves's vehicle for \$15,171.99.

Mr. Reeves sought treatment for a left shoulder labrum tear and impingement, which required surgery, as well as a cervical sprain. He has agreed to accept a total of \$131,340.39 in full settlement of this case, based upon \$53,865.50 for reimbursement of his medical expenses plus \$55,640.19 for pain and suffering and \$21,834.70 for a worker's comp lien.

The Department of Law recommends settlement of this claim for \$131,340.39.

Disciplinary action against the employee consisted of remedial training.

Fiscal Note: This \$131,340.39 settlement would be the eighth payment from the Self-Insured Liability Fund in FY20 for a cumulative total of \$396,348. The fund balance would be \$3,669,511 after this payment.

RESOLUTION NO. RS2019-41 (SLEDGE & ALLEN) – This resolution would authorize the Metropolitan Development and Housing Agency (MDHA) to enter into an agreement to accept payments in lieu of taxes (PILOT) for a multi-family housing project known as Hillside Flats, located at 1501 Hillside Avenue.

Beginning in 2015, following changes in state law, Ordinance Nos. BL2015-1281, BL2016-334, and BL2016-435 authorized MDHA to negotiate and accept PILOT payments from operators of low income housing tax credit (LIHTC) properties, capped at \$2,500,000 annually. If approved, this would be the sixteenth such PILOT program overall, and the third for MDHA in 2019, totaling \$898,683 in tax abatements this year.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs have previously been utilized by Metro to provide incentives through the Industrial Development Board (IDB) to large employers to create job opportunities. Under Tenn. Code Ann. § 13-20-104, MDHA 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 Low Income Housing Tax Credit (LIHTC) program. Subsidized LIHTC developments serve those at or below 60% of the average median income (AMI) for the Nashville area, which translates to an income cap of \$33,600 for individuals and \$48,000 for families of four in 2019. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

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

MDHA is required 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 Hillside LP has proposed that an apartment project consisting of approximately 290 units restricted to individuals and families earning no more than 60% of the Area Median Income (AMI) be constructed on the project 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 recommended approval of this project on August 19, 2019, advising that the project is consistent with the NashvilleNext general plan and the T4 Urban Neighborhood Evolving policy area.

Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$45,000 in lieu of property taxes, with a 3% annual increase through the remainder of the 10-year period.

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

The final assessed value of this project will not be known until completion. However, the value of the project when completed is estimated to be \$44,692,534. For purposes of this analysis, this number will be used as a reasonable estimate of the final project value.

Over the 10-year life of this PILOT agreement, a total of \$5,124,323 would be abated, although Metro would still receive \$515,875 in property taxes from this project, as depicted in the following table:

Real Property Tax (New)

	Year	Total Value	Standard Tax	Still Pay	Abatement	Abatement %
	1	\$44,692,534	\$564,020	\$45,000	\$519,020	92.0%
	2	\$44,692,534	\$564,020	\$46,350	\$517,670	91.8%
	3	\$44,692,534	\$564,020	\$47,741	\$516,279	91.5%
	4	\$44,692,534	\$564,020	\$49,173	\$514,847	91.3%
	5	\$44,692,534	\$564,020	\$50,648	\$513,372	91.0%
	6	\$44,692,534	\$564,020	\$52,167	\$511,852	90.8%
	7	\$44,692,534	\$564,020	\$53,732	\$510,287	90.5%
	8	\$44,692,534	\$564,020	\$55,344	\$508,675	90.2%
	9	\$44,692,534	\$564,020	\$57,005	\$507,015	89.9%
	10	\$44,692,534	\$564,020	\$58,715	\$505,305	89.6%
Totals			\$5,640,198	\$515,875	\$5,124,323	90.9%

After the property tax abatement from this project, \$1,601,317 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2019.

<u>RESOLUTION NO. RS2019-42</u> (MENDES, O'CONNELL, & ALLEN) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-43 (MENDES, O'CONNELL, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-44 (MURPHY) – This resolution would approve an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Metropolitan Department of Public Works to establish a General Maintenance Agreement for various traffic signal devices under SMART Corridor (Phase 2) on I-24, from I-440 to State Route 10 in Murfreesboro and various connector routes. This agreement would cover the installation of radar detectors and cameras as shown in Exhibit A, attached to the agreement.

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

Fiscal Note: TDOT would pay the entire cost for the installation of these traffic and signal devices. Metro would be responsible for maintenance and operational costs after the devices are placed in service.

RESOLUTION NO. RS2019-45 (O'CONNELL & MURPHY) - This resolution would authorize The Broadway Hotel LLC *dba* Moxy to construct, install, and maintain an aerial encroachment at 110 3rd Avenue South. The encroachment would consist of a projecting sign measuring 15 feet 10 inches by 6 feet.

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

Metropolitan Government retains the right to pass resolutions or ordinances regulating the use of surrounding streets, including the right to construct and maintain utilities, and to order the relocation of facilities at the expense of the applicant. Metro further retains the right to repeal approval of the encroachment without liability.

Plans for the encroachment must be submitted to the Director of Public Works for approval, along with all work and materials; and the installation, when completed, must be approved by the Director.

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

This proposal has been approved by the Planning Commission.

- ORDINANCES ON SECOND READING -

<u>BILL NO. BL2019-1</u> (SLEDGE) – This ordinance would amend the Metropolitan Code of Laws to increase parking related fines to twenty-five dollars (\$25).

Currently, Metropolitan Code of Laws Sections 1.01.030 and 12.08.170 set out the fines for parking violations. Parking at a meter without depositing payment, or parking at a meter where payment has expired, results in a fine of ten dollars (\$10). Parking at a meter for a consecutive period of time longer than the limited time permitted at the meter results in a fine of fifteen dollars (\$15). All other parking violations result in a fine of ten dollars (\$10).

The ordinance under consideration would increase the fine for violations regarding parking meters, overtime at parking meters, and all other parking infractions to twenty-five dollars (\$25). It has been at least nine years since parking fines were increased. Ordinance No. BL2010-793 was the most recent ordinance to set parking fines.

Fiscal Note: The parking fine would increase from ten dollars (\$10) to twenty-five dollars (\$25) for violation regarding parking meters; fifteen dollars (\$15) to twenty-five dollars (\$25) for violation regarding overtime at parking meters; fifteen dollars (\$15) to twenty-five dollars (\$25) for all other parking infractions.

<u>BILL NO. BL2019-2</u> (SLEDGE) – This ordinance would amend Metropolitan Code of Laws Section 2.212.030 to modify the valuation limits for the blighted property grant program.

Metropolitan Code of Laws Section 2.212.030 sets forth an economic development incentive grant program for construction or rehabilitation of facilities on blighted property. 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*.)

Grant funds can only be used for the purpose of constructing or rehabilitating the exterior portions of commercial property located within eligible census tracts and having a property value not to exceed one million dollars (\$1,000,000) at the time a grant application is made to ECD, based upon the appraised value of the property as determined by the Metropolitan Assessor of Property. Construction or rehabilitation must exceed ten thousand dollars (\$10,000). Eligible census tracts are those where at least sixty-five percent of households are at or below eighty percent area median income (AMI). This grant program is managed by the Mayor's Office of Economic and Community Development, which awards grants on a first-come-first-served basis.

The ordinance under consideration would add a provision to allow the property value of a site to be prorated for the purposes of determining eligibility if a single tenant undertakes construction or rehabilitation on a portion of a multi-tenant blighted commercial property.

<u>BILL NO. BL2019-4</u> (SLEDGE) – This ordinance would amend Chapter 6.04 of the Metropolitan Code of Laws (MCL) to prohibit aerial advertising.

The ordinance would amend MCL Chapter 6.04, relative to advertising signs and other advertising methods, to add a new provision to prohibit aerial advertising. Under this propose Section 6.04.030, aircraft or other self-propelled or buoyant airborne object would be prohibited from displaying any sign or advertising device. "Sign" or "advertising device" would be defined to include "a poster, banner, writing, picture, painting, light, model, display, emblem, notice, illustration, insignia, symbol or any other form of advertising sign or device." This prohibition would not apply to the display of an identifying mark or trade name on the exterior of an aircraft, any advertisements solely visible within the interior of an aircraft, or an advertisement placed on or attached to any ground, building or structure (which would instead be governed by other applicable law).

Additionally, the ordinance would relocate existing provisions of Chapter 6.04 regarding the exemptions of various Metropolitan Government departments and agencies from provisions of the Chapter. The "conflict of provisions" section in Section 6.04.060 would be updated to reflect the relocation of these provisions. Further, the term "advertising device" would be added to existing language within Chapter 6.04 for consistency with the new Section 6.04.030.

<u>BILL NO. BL2019-5</u> (HENDERSON) – This ordinance would amend Section 13.08.025 of the Metropolitan Code of Laws relative to honorary street signs.

Currently, MCL Sec. 13.08.025 states "A member of council shall not sponsor more than one ordinance in each calendar naming an honorary street for which the costs of the signs are to be borne by the department of public works." This ordinance would simply add the word "year" after the word "calendar".

<u>BILL NO. BL2019-9</u> (MENDES) – This ordinance would approve a lease agreement between the Metropolitan Government and the Metropolitan Airport Authority for Luton Center. This property is used to provide space for the operation of an Emergency 911 center.

The term of the lease would be five (5) years, with two (2) successive options for Metro to extend the term for an additional period of one (1) year. Until the lease is approved by the Council, Metro will pay a monthly installment of \$5,665.25. Upon the approval of this lease, the annual rent will be \$136,458.00, payable in monthly installments of \$11,371.50. Rental amounts would increase by three percent (3%) each year.

The Planning Commission approved the lease agreement on June 12, 2019. Future amendments to this lease could be approved by a resolution receiving twenty-one votes.

Fiscal Note: Metro will pay the annual rent of \$136,458.00, *payable in monthly installments of* \$11,371.50 for the first year and would increase by three percent (3%) each year.

<u>BILL NO. BL2019-10</u> (MENDES, GAMBLE, & VERCHER) – This ordinance would approve a contract between the Metropolitan Government and the United Way for the continuation of the Nashville Financial Empowerment Center. The Financial Empowerment Center provides one-on-one financial counseling and other financial education activities at no charge to low income residents.

Metro was the recipient of a grant from Bloomberg Philanthropies for the purpose of operating the financial empowerment program through December 2015. Ordinances No. BL2016-387, BL2017-869, and BL2018-1313 have extended the Nashville Financial Empowerment Center for one year terms.

The term of this contract would be from July 1, 2019 through June 30, 2020. The United Way would conduct a minimum of 2,160 counseling sessions during this period. At least three (3) full-time (or equivalent) counselors would be retained and supervised to provide these services.

Fiscal Note: Metro would pay the United Way an amount not to exceed \$250,000, which would include all labor, overhead, profit, and expenses.

<u>BILL NO. BL2019-12</u> (MENDES, HAGAR, & OTHERS) – This ordinance would approve a lease between the Metropolitan Government and the Sports Authority of the Metropolitan Government for a community ice hockey and skating recreation complex located at One Bellevue Place.

Pursuant to the terms of the lease agreement, Metro would lease the community ice hockey and skating recreation complex to the Sports Authority. This would be operated by the Sports Authority as an ice rink open to the public for sporting and recreational purposes. The initial term of the agreement would be thirty (30) years, effective February 1, 2019. After this initial term, the lease could be extended for an additional term of not more than thirty (30) years, upon written notice of the Sports Authority to Metro. After the extension is exercised, the lease could be extended for an additional fifteen (15) years, upon written notice of the Sports Authority to Metro. The Sports Authority would pay an annual rent of ten dollars (\$10) on or before July 1 of each calendar year.

Metro would be responsible for the construction of the building and relevant building equipment.

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

Fiscal Note: Metro would receive an annual rent of ten dollars (\$10) for the term of this agreement.

<u>BILL NO. BL2019-13</u> (HURT & PULLEY) – This ordinance would approve a contract between the Nashville Fire Department (NFD) and Vanderbilt University Medical Center for the clinical training of Vanderbilt resident physicians. Residents would be assigned to the NFD Division of Emergency Medical Services. The resident physicians would not be considered employees of Metro and would not receive any compensation from Metro.

The term of this agreement would be five (5) years from July 1, 2019 through June 30, 2024 but may be terminated by either party upon thirty (30) days written notice.

Fiscal Note: There would be no cost to Metro for services performed under this agreement. Vanderbilt University Medical Center (VUMC) would procure and maintain for the term of this agreement comprehensive general and professional liability insurance for its personnel who may participate in this agreement.

<u>BILL NO. BL2019-14</u> (VANREECE & HENDERSON) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by changing the name of Worth Street to "Creative Way".

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

In addition, pursuant to the requirements of MCL Section 13.08.015.B, 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.

<u>BILL NO. BL2019-15</u> (HURT & O'CONNELL) – This ordinance would establish the honorary designation of "Rev. James C. Turner Way" for a portion of Hawkins Street, between 14th Avenue South and 13th Avenue South.

The portion of Hawkins Street in front of New Hope Missionary Baptist Church would be honorarily named for Rev. James Chunn Turner, Sr., the fourth past of that church. Rev. Turner, who passed away in 2013, was also an active member of the Missionary Baptist State Convention of Tennessee and the National Baptist Convention of America, Inc. He further served as the Chaplain of the Davidson County Sheriff's Department.

Section 13.08.025 of the Metro Code of Laws provides a procedure for the designation of honorary street signs whereby the Council, by ordinance, can authorize and direct the Department of Public Works to install two (2) honorary street signs per street – at each end of a street – beneath the official street name sign for any street identified on the official Street and Alley Centerline Layer map. No honorary street sign can be installed honoring a living person; and each member of council can sponsor only one such ordinance each calendar year.

Neither this ordinance, nor honorary street names in general, officially re-name the designated street. Therefore, there would be no change of official address for properties along this portion of Hawkins Street.

Fiscal Note: Pursuant to MCL Sec. 13.08.025, the Department of Public Works will absorb the costs for making and installing up to five (5) honorary street sign designations per calendar year. Any additional honorary signs after these first five must identify a specific funding source for the new signs. This honorary designation would be the third in 2019.

The total cost for installation of these two signs is anticipated by Public Works to be \$173.15.

<u>BILL NO. BL2019-16</u> (HENDERSON) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Unnumbered Alley right-of-way and easement. The abandonment has been requested by Barge Cauthen and Associates, applicant.

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

BILL NO. BL2019-17 (HENDERSON) – This ordinance would abandon existing sanitary sewer main, sanitary sewer manhole and easements for three properties located at 1307 McGavock Pike and 2300 and 2302 Riverside Drive.

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

<u>BILL NO. BL2019-18</u> (RHOTEN & HENDERSON) – This ordinance would authorize the negotiation and acceptance of permanent and temporary easements for the West End Place Stormwater Improvement Project for 22 properties located on Bowling Avenue, Central Avenue, Greenway Avenue, and West End Place.

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

Fiscal Note: There is no cost to Metro for the easements and property rights.

<u>BILL NO. BL2019-19</u> (HENDERSON) – This ordinance would authorize the negotiation and acceptance of permanent and temporary easements for the Tusculum Road Stormwater Improvement Project for 13 properties located on Old Tusculum Road and Tusculum Road.

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

Fiscal Note: There is no cost to Metro for the easements and property rights.

<u>BILL NO. BL2019-20</u> (PARKER & HENDERSON) – This ordinance would abandon existing sanitary sewer easement rights for property located at 110 North 1st Street. The abandonment has been requested by Sensing Enterprise, owner.

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

<u>BILL NO. BL2019-21</u> (HENDERSON) – This ordinance would abandon existing sanitary sewer main and easements and accept new sanitary sewer main, sanitary sewer manholes, and easements for property located at 3964 Woodlawn Drive.

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

GRANTS LEGISLATON – OCTOBER 15, 2019

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2019-42	From: U.S. Department of Housing and Urban Development To: Metropolitan Social Services Department/ Homelessness Commission	\$150,000	N/A	N/A	The funds from this Homeless Management Information System (HMIS) grant would be used to contribute to the national effort to end homelessness. Pursuant to RS2019- 1791, the Metropolitan Development and Housing Agency have entered into an agreement to assign this grant to the Metropolitan Social Service Commission's Homeless Impact Division.
RS2019-43	From: Keep Tennessee Beautiful To: Metropolitan Public Works Department	Not to exceed \$5,000	\$0	N/A	The grant proceeds would be used to implement a Cigarette Litter Prevention and Recycling campaign at Riverfront Park.