



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: February 19, 2019

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 2/13/19:

4% Reserve Fund	\$18,223,425*
Metro Self Insured Liability Claims	\$4,150,277
Judgments & Losses	\$2,721,132
Schools Self Insured Liability Claims	\$4,714,737
Self-Insured Property Loss Aggregate	\$7,627,275
Employee Blanket Bond Claims	\$683,600
Police Professional Liability Claims	\$2,195,800
Death Benefit	\$1,523,420

*This assumes unrealized estimated revenues in FY19 of \$16,597,187 and includes the appropriation in Resolution No. RS2019-1608 of \$14,564,000.

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

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTION NOS. RS2019-1604 through RS2019-1607 –

These resolutions would approve exemptions from the minimum distance requirements for obtaining a beer permit for four establishments, listed below.

The Metro Code of Laws (MCL) prevents a beer permit from being issued to an 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. 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)). As revised by Ordinance No. BL2016-454, this Code section no longer requires restaurants to have state on-premises liquor consumption licenses in order to obtain such exemption.

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

These establishments and locations are as follows:

- **Resolution No. RS2019-1604** (HASTINGS) – This resolution would approve an exemption for 400 Degrees, located at 3704 Clarksville Pike.
- **Resolution No. RS2019-1605** (S. DAVIS) – This resolution would approve an exemption for The Dive Motel, LLC, located at 1414 Dickerson Pike.
- **Resolution No. RS2019-1606** (O'CONNELL) – This resolution would approve an exemption for The Local Distro, located at 614 Garfield Street.
- **Resolution No. RS2019-1607** (KINDALL & GILMORE) – This resolution would approve an exemption for The Southern V, located at 1200 Buchanan Street.

– RESOLUTIONS –

RESOLUTION NO. RS2019-1608 (VERCHER & SLEDGE) – This resolution would appropriate \$14,564,000.00 from the General Fund Reserve Fund (4% Fund) to eleven (11) departments for various purchases of equipment and repairs/maintenance.

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, copies of which are attached to this analysis. 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:

- **Bordeaux Long-Term Care Facility and Knowles Home** — \$500,000 for life and safety equipment, miscellaneous equipment, and maintenance;
- **Department of General Services** — \$4,000,000 for new and replacement vehicles and for major maintenance and repairs of facilities;
- **Information Technology Services** — \$3,900,000 for equipment including O/S, PC, Server & Productivity Agreement with Microsoft Enterprise and end of life hardware/infrastructure;
- **Justice Integration Services** — \$200,000 for management consultant; (As of this writing, it is unknown if the “management consultant” is a person);
- **Metro Nashville Police Department** — \$1,000,000 for mobile data computers upgrades;
- **Metro Public Health Department** — \$90,000 for miscellaneous equipment and repairs for Animal Control Facility;
- **Metro Nashville Fire Department** — \$1,000,000 maintenance and repair of Fire facilities, medical equipment and supplies, personal safety equipment and supplies, and technology equipment;
- **Nashville Public Library** — \$2,300,000 for books, periodicals, library materials and miscellaneous maintenance and repairs;
- **Office of Emergency Management** — \$500,000 for upgrades to the Outdoor Weather Warning System;
- **Office of the Trustee** — \$74,000 for office equipment including a scanner;
- **Parks and Recreation Department** — \$1,000,000 for consolidated maintenance and equipment and supplies for community centers, nature centers, Parks administration, and other Parks facilities.

Fiscal Note: These appropriations from the 4% Fund would total \$14,564,000.

RESOLUTION NO. RS2019-1609 (VERCHER & O'CONNELL) – This resolution would approve an economic and community development incentive grant to the Industrial Development Board for the benefit of AllianceBernstein, L.P.

AllianceBernstein is a global investment-management and research firm currently headquartered in Manhattan with over 3,400 employees worldwide. It has announced its intention to establish its headquarters within Davidson County (“the Project”).

Pursuant to Chapter 2.210 of the Metro Code of Laws, the Metropolitan Government is authorized to make incentive grants to “qualified projects” and “qualified companies” if the location of such qualified project or company is “expected to result in the creation of at least five hundred additional jobs” in Nashville during the first five years of operations or expansion.

The amount of any incentive grant is determined by multiplying the average number of “new full time equivalent employees” within the boundaries of the metropolitan government by an amount “up to” five hundred dollars. Pursuant to the Metro Code, the actual amount and duration of the grant should be determined by taking into account (1) the number of jobs created, (2) the amount of revenue anticipated to be received by Metro as a result of the location and operation of the company, and (3) other economic and community development opportunities the company is expected to create, among other considerations. (Section 2.210.020).

This resolution would provide a grant for the full amount of \$500 per qualifying job for a period of seven years. For the purposes of this grant, the qualifying jobs total would be the sum of individuals who have worked for AllianceBernstein, any its successors, or any entities controlled by it (an “AB Entity”) for at least 26 weeks during the grant year, working an average of 36 or more hours per week, and who are based at the Project. In addition, the qualifying jobs total would include individuals who have performed services for an AB Entity through employment outsourcing or similar arrangement for at least 26 weeks during the grant year, working an average of 36 or more hours per week performing services for an AB Entity, who are based at the Project, and who are paid in excess of the most recently published average wage for “All Occupations” in Metro’s metropolitan statistical area (MSA) according to the U.S. Bureau of Labor Statistics. However, jobs performed for functions previously filled by an individual based at another AB Entity in Davidson County would not be included.

This resolution would approve a grant to AllianceBernstein in the amount of \$500 per year per qualifying job at their new office, which will be a leased facility within Davidson County. The term of the grant would be for seven years from the commencement of the project. AllianceBernstein has projected the creation of 1,050 jobs in Nashville, with 90-95% of those jobs above the median annual wage in Metro’s MSA. (The annual median wage for Metro’s MSA is \$47,110.)

Pursuant to recent revisions to Section 2.210.030 of the Code, the Mayor’s office of Economic and Community Development must solicit from companies seeking grants a “project proposal” that addresses:

(1) the type and number of jobs that will be created, including whether those jobs will be temporary or permanent, and the number that will be filled by Davidson County residents;

(2) a workforce plan disclosing whether the project will involve use of temporary or staffing agencies, the Nashville Career Advancement Center, or other third parties; whether individuals hired will be employed by the company or by subcontractors or others; and the wages and benefits offered, with a comparison of those wages to average wage levels in Davidson County;

(3) whether the project will involve use of apprentices from programs certified by the U.S. Department of Labor; and

(4) the number and type of violations assessed by OSHA or TOSHA, as well as any employment or wage-related legal actions filed against the company, or any contractor or subcontractor.

This information is to be presented to Council prior to the Council's vote on any incentive. (Section 2.210.030.B). In this instance, responses to certain categories have not yet been provided, in part because AllianceBernstein is not constructing their headquarter facility but rather leasing tenant space. The project proposal does offer, however, to present the general contractor to the Council to answer questions.

Approval of this Resolution requires twenty-one affirmative votes, per Section 2.210.030.A of the Metro Code.

Fiscal Note: During the seven-year term, the potential annual grant amount would be \$525,000, based on \$500 for each of the 1,050 anticipated qualifying jobs. Assuming the projected jobs materialize for each grant year, the cumulative incentive amount would total \$3,675,000. AllianceBernstein projects a level of capital investment of \$70,100,000 over the next five years.

RESOLUTION NO. RS2019-1610 (KINDALL, MENDES, & OTHERS) – 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 26th and Clarksville, located primarily at 2707 Clarksville Pike.

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 fourteenth such PILOT program overall, and the first for MDHA in 2019, totaling \$33,749 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 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 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 \$31,500 for individuals and \$44,940 for families of four in 2018. 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.

2125 26th Ave N Holdings LP has proposed that an apartment project consisting of approximately 55 units restricted to seniors 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 January 11, 2019, advising that the project is consistent with T4 Urban Mixed Use Corridor policy in this location.

Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$37,000 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 \$5,606,069. 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 \$283,323 would be abated, although Metro would still receive \$424,163 in property taxes from this project, as depicted in the following table:

Real Property Tax

<u>Year</u>	<u>Total Value</u>	<u>Standard Tax</u>	<u>Still Pay</u>	<u>Abatement</u>	<u>Abatement %</u>
1	\$5,606,069	\$70,749	\$37,000	\$33,749	47.7%
2	\$5,606,069	\$70,749	\$38,110	\$32,639	46.1%
3	\$5,606,069	\$70,749	\$39,253	\$31,496	44.5%
4	\$5,606,069	\$70,749	\$40,431	\$30,318	42.9%
5	\$5,606,069	\$70,749	\$41,644	\$29,105	41.1%
6	\$5,606,069	\$70,749	\$42,893	\$27,856	39.4%
7	\$5,606,069	\$70,749	\$44,180	\$26,569	37.6%
8	\$5,606,069	\$70,749	\$45,505	\$25,244	35.7%
9	\$5,606,069	\$70,749	\$46,870	\$23,879	33.8%
10	\$5,606,069	\$70,7499	\$48,277	\$22,472	31.8%
Totals		\$707,486	\$424,163	\$283,323	40.0%

After the property tax abatement from this project, \$2,466,251 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2019.

RESOLUTION NO. RS2019-1611 (O'CONNELL, BEDNE, & OTHERS) – This resolution would approve the First Amendment to the Lease Agreement between the Metropolitan Government and Nashville Academy Theater and Nashville Children's Theatre Association for the real property located at 724 Second Avenue South adjacent to the Howard Office Building campus.

Ordinance No. BL2004-127 approved the lease agreement, which commenced on December 1, 2003 and was scheduled to end on November 30, 2018. The terms of the lease allow for an extension of up to three consecutive five year terms, upon the agreement of the parties.

The resolution under consideration would extend the lease for a five year term, thereby ending on November 30, 2023. The amendment would also amend language regarding payment of utilities and maintenance obligations of the parties.

Fiscal Note: The original lease specified a total rental rate of \$15 per the term of the lease. This would be unchanged, but the new Section 7 of the lease would specify that the Lessee (Nashville Academy Theatre and Nashville Children's Theatre Ass'n) would be responsible for all maintenance and repairs except for electricity, natural gas, water & sewer, alarms, ADA/Life Safety inspections, elevator maintenance & repairs, roof repairs & inspections, landscaping, and parking lot maintenance.

RESOLUTION NO. RS2019-1612 (VERCHER, SYRACUSE, & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1613 (VERCHER, O'CONNELL, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1614 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of David W.K. Jones against the Metropolitan Government in the amount of \$65,000.

On the night of November 22, 2016, David Jones was stopped at a red light on South Fifth Street at the intersection of Shelby Street when he was struck from the rear by a large Metro Public Works dumpster truck operated by a Metro employee. The collision totaled Mr. Jones's automobile.

Mr. Jones sought treatment for pain in his head, neck, and left hip. He was diagnosed with neck strain and a hip contusion and required continued treatment related to pain in his left arm, hip and lower back, eye twitching, and shaking in both hands. He was also diagnosed with post-traumatic headaches, carpal tunnel, cervicalgia, and cervical disc disorder. He has agreed to accept a total of \$65,000 in full settlement of this case, based upon \$32,130.87 for reimbursement of his medical expenses plus \$32,869.13 for future medical expenses and pain and suffering.

The Department of Law recommends settlement of this claim for \$65,000.

No disciplinary action was taken in this instance because the Metro employee involved resigned shortly after the accident.

Fiscal Note: This \$65,000 settlement, along with the settlement per Resolution No. RS2019-1615, would be the twenty-fourth and twenty-fifth payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,235,674.44. The fund balance would be \$4,150,277 after these payments.

RESOLUTION NO. RS2019-1615 (VERCHER) – This resolution would authorize the Department of Law to settle the property damage claim of Radley Hendrixson against the Metropolitan Government in the amount of \$13,000.

On August 15, 2018, a sewer backup occurred in the basement of 2101 Lakeshore Drive damaging the home and personal property of Mr. Hendrixson. Metro Water Services has been unable to determine the cause of the backup when the sewer line was subsequently inspected. It is possible the construction debris from a nearby site blocked the line.

The sewage backup caused damage to Mr. Hendrixson's flooring, baseboards, drywall, and doors. Personal items such as a bathroom scale, mirror, throw rugs, shower bend, furniture, pictures, and clothing were also damaged. He reported that his personal property claim to his

homeowner's insurance was denied. The homeowners' association filed a separate insurance claim which covered clean-up and restoration costs. Mr. Hendrixson has agreed to accept a total of \$13,000 in full settlement of this case.

The Department of Law recommends settlement of this claim for \$13,000.

Fiscal Note: This \$13,000 settlement, along with the settlement per Resolution No. RS2019-1614, would be the twenty-fourth and twenty-fifth payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,235,674.44. The fund balance would be \$4,150,277 after these payments.

RESOLUTION NO. RS2019-1616 (GILMORE & GLOVER) – This resolution would approve an agreement between University of Tennessee, College of Social Work and the Metropolitan Board of Health. The agreement would provide clinical experience for students enrolled in the nursing program. Students would not receive any compensation.

The term of the agreement would be for five (5) years, commencing July 1, 2018 and ending June 30, 2023. Either party may terminate the agreement upon 90 days' written notice. The school would be required to provide assurance that the students are covered by health and professional liability insurance and the school agrees to assume responsibility for its students participating in the program.

Fiscal Note: There would be no cost to the Metropolitan Government for participating in this program.

RESOLUTION NO. RS2019-1617 (ROSENBERG & COOPER) – This resolution would propose three amendments to the Metropolitan Charter.

The Council, pursuant Metro Charter Sec. 19.01, may only adopt two resolutions during the term of the Council that submit amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the Council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective. The Council has previously exercised their ability to place Charter amendments on the ballot once this term, pursuant to Resolution No. RS2018-1314.

Metro Charter Sec. 19.01 requires that a resolution to amend the Charter must prescribe a date not less than eighty (80) days subsequent to the date of its filing for the holding of a referendum election to vote to ratify or reject the proposed amendments. Under state law, the resolution *as adopted by Council* must be filed with the Election Commission 75 days before the election. (Tenn. Code Ann. § 2-3-204(b))("Resolutions...requiring the holding of elections on questions submitted to the people which are to be held with the regular November election... shall be filed with the county election commission not less than seventy-five (75) days prior to such election.")(See also

Tenn. Op. Att'y Gen. No. 08-171, Nov. 5, 2008, construing T.C.A. § 2-3-204). The resolution provides that the date for holding the referendum election on the proposed Charter amendments is to be August 1, 2019.

The three proposed amendments to the Metropolitan Charter are as follows:

- Amendment A would allow for ranked choice voting in elections for mayor, vice-mayor, councilmember-at-large, and district councilmember. A new Section 15.11 would be added to the Metro Charter to govern ranked choice voting, which would allow voters to rank candidates in order of preference. A candidate who receives a majority of first-preference votes for a given office would win the election. If no candidate receives a majority, the lowest-scoring candidate would be eliminated and the votes would be redistributed to remaining, non-eliminated candidates based on the eliminated candidate's voters' order of preference. This would continue until one candidate received a majority of the votes. For councilmembers-at-large, votes would be redistributed until all vacancies are filled. A new Section 15.12 would be added to govern runoff elections. If ranked choice voting became repugnant to state law, this amendment would provide for a reversion to the current system of electing mayor, vice-mayor, councilmember-at-large and district councilmember.
- Amendment B would eliminate runoff elections after special elections for vice mayor and district councilmember and instead institute ranked choice voting for these offices. A candidate who received a majority of first-preference votes for the office would win. If no candidate receives a majority, the lowest-scoring candidate would be eliminated and the votes would be redistributed to remaining, non-eliminated candidates based upon the eliminated candidate's voters' order of preference. This would continue until one candidate receives a majority of the votes.
- Amendment C would require certain additional information to be included with the annual operating budget. Currently, the Charter requires estimates of fund balances, revenues, and proposed expenditures. This amendment would require additional disclosures of the total debt of the Metropolitan Government, to be stated cumulatively and per capita, and the annual percentage increase or decrease of such debt. The annual operating budget would also be required to include performance and efficiency measures for departments, boards, commissions, and agencies funded by the Metropolitan Government. The Director of Finance would have discretion to determine the appropriate measurements, as well as the discretion to omit departments, boards, commissions and agencies whose functions are not conducive to quantifiable measurements.

– ORDINANCES ON SECOND READING –

BILL NO. BL2019-1476 (HASTINGS, VERCHER, & OTHERS) – This ordinance would declare as surplus and approve the disposition of an 11.3 acre parcel of real property owned by the Metropolitan Nashville Board of Public Education located at 0 Brick Church Pike in Council District 2.

The Metropolitan Nashville Board of Public Education has determined that this parcel is no longer needed for any governmental purpose. The property is adjacent to a larger undisturbed parcel. The Metro Parks director has advised the Budget and Finance Committee that the Parks Board would accept the property, but no recommendation has been submitted by the Board of Parks and Recreation.

Section 2.24.250 of the Metropolitan Code of Laws requires the Director of Public Property Administration to make all surplus property available to Metro departments, boards, and commissions. The Board of Education may determine that any property held by it is no longer suited or needed for school purposes and may direct the Director of Public Property to sell the property, subject to the approval of the Metropolitan Council and the Mayor, with the proceeds being credited to the unappropriated school fund of the Metropolitan Government. (See, MCL Sec. 2.24.250.C.1.) An appraisal report has been provided pursuant to Section 2.24.225 of the Metro Code and a summary is attached to this Analysis.

Fiscal Note: Per the appraisal provided by the Department of Finance, the estimated market value for the property as of November 13, 2018 is \$720,000. The proceeds from the sale of the Property would be credited to the unappropriated school fund of the Metropolitan Government.

BILL NO. BL2019-1487 (MENDES) – This ordinance would require the Director of Finance to submit an annual report regarding lending fund transactions to the Metro Council.

On January 15, 2019, the Council adopted Resolution No. RS2019-1545 authorizing the retroactive issuance of up to \$391,666,020 in interfund tax anticipation notes of The Metropolitan Government in order to comply with state law and the requirements of the Comptroller of the State of Tennessee. In order to monitor future lending fund transactions, the current ordinance would establish an annual reporting requirement.

Currently, Section 5.04.110 of the Metro Code of Laws requires the Director of Finance to submit an annual debt report to the Council. The ordinance under consideration would add a requirement that a report summarizing all Lending Fund transactions be submitted to the Council no later than November 30 of each year.

A “Lending Fund” would include the Water & Sewerage Services Fund, Education Services Special Revenue Fund, Event and Marketing Fund, Farmers Market Non-Bonded Capital Project Fund, General Fund Reserve Fund, General Government Self Insurance Fund, Hotel Occupancy

General Fund, Hotel Tourist Promotion Fund, Information Technology Services Fund, Injured on Duty Fund, Municipal Auditorium Fund, Office of Fleet Management Fund, Government Services Special Revenue Fund, School Self Insurance Fund, Solid Waste Operations Fund, Stormwater Operations Fund, and Surplus Property Auction Fund. The report would include (i) the total amounts borrowed from each Lending Fund in the preceding fiscal year; (ii) the identity of the specific Lending Funds that received funding borrowed from other funds; (iii) the total amounts reimbursed to any Lending Funds in the preceding fiscal year; and (iv) whether any balance remains owed or outstanding to any Lending Fund as of June 30th of the reporting calendar year.

Fiscal Note: This ordinance is in response to the unusual issuance last month of tax anticipation notes on a retroactive basis in the amount of three hundred ninety one million six hundred sixty-six thousand twenty dollars (\$391,666,020). It is possible that similar interfund tax anticipation notes will be required in the future. The reports as proposed by this ordinance would formalize an annual notification process to the Council when such notes are issued. The additional cost to the Finance Department to produce these reports should be minimal.

BILL NO. BL2019-1488 (WEINER) – This ordinance would require docking of all shared urban mobility devices by January 1, 2020.

Currently, Section 12.62.010 defines Shared Urban Mobility Device (SUMD) as either a “lock-to” or dockless SUMD system. A lock-to system requires a SUMD to be locked or secured to a stationary object. The ordinance under consideration would amend this definition to state that, beginning January 1, 2020, all SUMD systems would be required to be a lock-to system and that dockless systems would no longer be authorized. The ordinance would further amend the requirement that all SUMDs be upright when parked to require parking upright at a docking station beginning January 1, 2020.

BILL NO. BL2019-1489 (ELROD) – This ordinance would amend Section 12.62.060 of the Metropolitan Code of Laws regarding shared urban mobility devices.

This ordinance would require that permitted operators provide Metro ITS with parking photographs delivered by the user if such photograph is otherwise required by the operator. This measure is intended to assist with the enforcement of SUMD parking regulations.

BILL NO. BL2019-1490 (ELROD & O’CONNELL) – This ordinance would require hospitality training for certain drivers regulated by the Metropolitan Transportation Licensing Commission.

Currently, taxicab operators are required to undergo hospitality training pursuant to Section 6.72.165 of the Metro Code of Laws. The ordinance under consideration would expand that requirement to low speed vehicle drivers, passenger vehicle for hire drivers, pedicab and pedal carriage drivers, and horse-drawn carriage drivers.

Training is currently provided by the Nashville Convention & Visitors Corporation.

BILL NO. BL2019-1491 (SLEDGE, O'CONNELL, & OTHERS) – This ordinance would require the development of a prioritization process for the departmental review of permit applications and related reviews for certain affordable housing projects.

This ordinance would direct the Metropolitan Planning Department, the Department of Public Works, the Department of Codes and Building Safety, Metro Water Services, and the Nashville Fire Department to develop and implement, within six (6) months of adoption of the ordinance, a prioritization process for affordable housing projects. The process would be required to contain the following elements:

- The process would apply only to (1) applications for multi-family residences complying with the guidelines set forth in Section 2 of the ordinance, (2) applications submitted by recipients of grants or property from the Barnes Fund for Affordable Housing, and (3) departmental reviews related to these applications.
- Permits eligible for the prioritized departmental would include:
 - Any permit issued pursuant to Chapter 16.28 of the Metropolitan Code of Laws, including master building permits, individual building permits, foundation permits, and demolition permits;
 - Tree removal permits issued by the Department of Codes Administration;
 - Urban Forester reviews for landscape and irrigation;
 - Grading permits and related reviews issued by Metro Water Services;
 - Public water and sewer extension permits;
 - Cross-connect permits for private water and sewer service;
 - Department of Public Works traffic study reviews; reviews of public road improvements, curb cuts and sidewalks; and trash collection approvals;
 - Fire Marshal life safety reviews and sprinkler and/or riser room approvals;
 - Metropolitan Planning Department reviews of plans and building elevations for Planned Unit Development (PUD), overlay, or Specific Plan (SP) development; plat reviews; reviews of final plat for lot creation, right-of-way dedications, and easement dedications; and
 - Permits issued for office or construction trailers on construction sites.
- This prioritization process would only provide review of eligible permit applications in advance of other applications, out of chronological sequence. This would not be an expedited review process. If an otherwise eligible permit is incomplete at the time it is identified for prioritization, the application would be returned to its ordinary chronological order with no prioritization provided.

- The process to be developed by the department would include a mechanism by which prioritized permit applications would affirmatively indicate such request. It would be incumbent upon the permit applicant seeking prioritization to so indicate.

Eligible residential projects would be those providing established minimum levels of affordable housing as set forth within a table that provides as follows:

	Rental at 60% MHI or less	Rental at greater than 60% MHI to 80% MHI	Rental at greater than 80% MHI to 100% MHI	For-sale at greater than 60% MHI to 80% MHI	For-sale at greater than 80% MHI to 100% MHI
Single-family and two-family uses	12.5% of total residential units	15% of total residential units	17.5% of total residential units	10% of total residential units	15% of total residential units
Multi-family uses less than 3 stories	12.5% of total residential floor area	15% of total residential floor area	17.5% of total residential floor area	10% of total residential floor area	15% of total residential floor area
Multifamily uses (3 to 6 stories)	10% of total residential floor area	12.5% of total residential floor area	15% of total residential floor area	n/a	n/a
Multifamily uses (\geq 7 stories)	7.5% of total residential floor area	10% of total residential floor area	12.5% of total residential floor area	n/a	n/a
For the purposes of this Section, the residential floor area shall be the net leasable residential floor area.					

Fiscal Note: The administrative costs that would be borne by these five departments to develop the proposed prioritization process within six months is likely to be significant. However, without further details, it would be speculative to attempt to quantify the amounts.

BILL NO. BL2019-1492 (ALLEN, HENDERSON, & OTHERS) – This ordinance would direct the Department of Public Works to complete their analysis for the reduction of vehicular speed limits on neighborhood streets, as classified by the Major & Collector Street Plan, and to submit a feasibility report with implementation recommendations to the Metro Council.

This analysis would be prepared for the general public purpose of safeguarding the health and safety of pedestrians, motorists, and all citizens of Nashville and Davidson County. The Public

Works Department would be further directed to submit a written feasibility report with implementation recommendations to the Metro Council within ninety (90) days of the adoption of the ordinance under consideration. The intent would be to codify the recommendations through a subsequent ordinance.

An amendment is anticipated from the sponsors requiring submission of the feasibility report within thirty (30) days rather than ninety (90) days.

Fiscal Note: There would be some staff and administrative costs incurred for the development of the proposed report. However, Public Works has not yet completed their estimate of these costs.

BILL NO. BL2019-1493 (VERCHER & WITHERS) – This ordinance would approve a contract between the Metropolitan Government and Concentra Health Services, Inc. (Concentra), for the provision of medical services to employees who have sustained occupational injuries.

The Metropolitan Government has established an injury-on-duty (IOD) medical clinic for the treatment of employees who are injured by accident arising out of and in the course of employment. Section 3.24.020.D of the Metropolitan Code provides that the contract to provide medical services to employees at the IOD medical clinic shall be approved by the Council. Concentra would provide four staffing members who would be located at the Metro Nashville IOD Clinic at 337 21st Avenue. The clinic would be staffed for 40 hours per week.

Fiscal Note: The term of this contract would be for five years, from January 18, 2019 through January 17, 2024. The estimated value over the five-year life of this contract is \$4,177,051.

It should be noted that Metro did receive an offer of \$3,604,655 from another company as a result of the RFQ. However, the evaluation score of this company's offer was only 69, compared to 93.16 for Concentra.

BILL NO. BL2019-1494 (VERCHER, BEDNE, & OTHERS) – This ordinance would authorize the Director of Public Property Administration, or his designee, to accept a donation of real property located at the intersection of Edmondson Pike and Cloverland Drive.

This property is owned by Nashville ALZ RE, L.P. and is suitable for a public park. The Board of Parks and Recreation has recommended the acceptance of the donation of this property. Section 11.1102 of the Metropolitan Charter authorizes the Board of Parks to recommend to the Council the acceptance of any gift of lands offered for park or recreation purposes and useful for such purposes.

Fiscal Note: This is a vacant residential parcel. The current appraised value of this parcel as shown on the online Metro Property Maps is \$455,500.

BILL NO. BL2019-1495 (O'CONNELL & BEDNE) – This ordinance would abandon existing sanitary sewer main, a sanitary sewer manhole and easements and accept new sanitary sewer and water mains, sanitary sewer manholes, a fire hydrant assembly and easements for five properties located on 6th Avenue North.

The properties are as follows:

- 1712 6th Avenue North
- 1710 6th Avenue North
- 1706 6th Avenue North
- 1702 6th Avenue North
- 1700 6th Avenue North

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

BILL NO. BL2019-1496 (BEDNE & O'CONNELL) – This ordinance would accept new water main, sanitary sewer mains, sanitary sewer manholes, fire hydrant assemblies and easements for 11 properties located along Cane Ridge Road and Preston Road.

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

BILL NO. BL2019-1497 (ROBERTS, BEDNE, & O'CONNELL) – This ordinance would authorize the Metropolitan Government to negotiate and accept permanent and temporary easements for the Nashua Lane Drainage Stormwater Improvement Project for three properties located at 665, 671 and 677 Vernon Avenue.

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

BILL NO. BL2019-1498 (ROBERTS, BEDNE, & O'CONNELL) – This ordinance would abandon existing water main and to accept new water main and a fire hydrant assembly for properties located at 905 and 907 54th Avenue North.

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

BILL NO. BL2019-1499 (O'CONNELL & BEDNE) – This ordinance would abandon existing water main and easements and accept new water main, a fire hydrant assembly and easements for property located at 908 Division Street.

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

BILL NO. BL2019-1500 (O'CONNELL & BEDNE) – This ordinance would abandon existing water main and easements and to accept new water main, fire hydrant assemblies and easements for property located at 1 Terminal Drive.

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

BILL NO. BL2019-1501 (O'CONNELL & BEDNE) – This ordinance would authorize Charlotte Avenue Lodging, LLC to install, construct, and maintain aerial and underground encroachments in the right-of-way located at 1414-1508 Charlotte Avenue. These would consist of two canopies, multiple trashcans, pavers, benches and planters encroaching the right-of-way.

Charlotte Avenue Lodging 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. BL2019-1502 (O'CONNELL & BEDNE) – This ordinance would abandon existing easements rights located between 11th Avenue South and 12th Avenue South, formerly known as Alley No. 233, and abandon existing easement rights located along 11th Avenue South between former Alley No. 233 and Pine Street.

This abandonment has been requested by Nashville Urban Venture, LLC, owner.

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

BILL NO. BL2019-1503 (O'CONNELL & BEDNE) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Fogg Street, Alley No. 140 and Alley No. 159 right-of-way.

The abandonment has been requested by Tune, Entreken & White, PC, applicant.

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

– ORDINANCES ON THIRD READING –

BILL NO. BL2018-1417 (O’CONNELL, ALLEN, & OTHERS) – This ordinance would amend the Metropolitan Code of Laws to allow public interior spaces to be afforded Historic Landmark protection.

Section 17.36.110 would be amended by creating a new Metro Historic Zoning Commission preservation tool -- Historic Landmark Interior -- which would allow property owners to designate and protect the character of a historic public interior. The ordinance, if approved, would formally add a new subsection designating Historic Landmark Interiors (HI) Districts. This would require that no HI interior feature be constructed, altered, repaired, relocated or demolished in whole or in part within an interior space unless it complies with the specific provisions in Sec. 17.36.120.

Sec. 17.36.120 would be amended by adding a new subsection for the regulation of Historic Landmark Interiors Districts, defined as the public interior space of a building or structure of high historical, cultural, and architectural value; where alteration, demolition or destruction would constitute an irreplaceable loss to the quality and character of Nashville and Davidson County; and that meets one or more of the following criteria:

1. Associated with an event that made a significant contribution to local, state, or national history;
2. Associated with lives of persons significant in local, state, or national history;
3. Embodies distinctive characteristics of a type, period, or method of construction;
4. Is a historic landmark; or
5. Is listed or is eligible for listing in the National Register of Historic Places.

Section 17.36.100 would be amended by adding a reference to interior design to the existing purpose of the Historic Overlay District portion of the Metropolitan Code.

This proposal has been approved by the Planning Commission.

BILL NO. BL2018-1418 (ALLEN, O’CONNELL, & WITHERS) – This ordinance would amend the Metropolitan Code of Laws to require a preservation permit before taking any action for or with respect to any structure located within any of the historic overlay districts listed in MCL Sec. 17.36.110. “Actions” include exterior alteration, repair, relocation, demolition in whole or in part, or new construction. Within Historic Landmark Interior designations, “actions” would include interior renovations, alterations, repairs, or demolition in whole or in part. Adoption of this Code amendment has been suggested in order to clarify when an action constitutes a violation within historic overlay districts.

Design and demolition review of the Historic Zoning Commission would be memorialized in the preservation permit. The preservation permit would be required to be followed from commencement through completion of the work.

This proposal has been approved by the Planning Commission.

BILL NO. BL2018-1439 (SLEDGE) – This ordinance would amend the Metropolitan Code to authorize the Metropolitan Housing Trust Fund Commission to rescind grant contracts and collect or “claw back” funds that were previously allocated if grant recipients fail to execute contractual obligations.

The Metropolitan Housing Trust Fund Commission oversees the management and operation of the Barnes Fund for Affordable Housing. The Commission enters into grant contracts with eligible nonprofit or civic organizations to renovate or construct affordable housing and rental opportunities and otherwise supports efforts to encourage affordability. Commission members report that in certain instances, previously funded projects have remained dormant or inactive for months, if not years, effectively limiting the availability of grants funding for other projects.

This ordinance would authorize the Metropolitan Housing Trust Fund to rescind grant contracts and collect previous allocated grant funds if the recipient organization fails to complete its obligations under the grant contract within twenty-four (24) months from execution. This would be subject to the terms and conditions contained in the grant contract.

Fiscal Note: As in the case of all grants with “claw back” provisions, if the grant terms are not met, the money would be returned to the pool of available grant dollars. When (and if) this occurs, the money would then be available for a subsequent award to other potential grantees.

BILL NO. BL2018-1441 (ELROD) – This ordinance, as revised by a second substitute and amendments, would amend the Metropolitan Code regarding shared urban mobility devices (SUMDs).

On August 21, 2018, the Metropolitan Council adopted Ordinance No. BL2018-1202 which amended Title 12 of the Metro Code to regulate shared urban mobility devices or SUMDs (e.g., scooters, bicycles, etc.). The regulatory provisions established therein created a permitting system for SUMD operators overseen by the Metro Transportation Licensing Commission (MTLC). (See, Section 12.62.020 of the Metro Code).

Under the proposed Second Substitute ordinance, several changes would be made to the SUMD ordinance in comparison to the previous Substitute. Section 1 would add that a certificate of public convenience and necessity could not be transferred or sold without approval of the MTLC, and would further require a SUMD operator who fails to apply for a certificate renewal prior to its expiration to be treated as a new applicant.

This ordinance would also authorize the MTLC to determine whether SUMD parking is prohibited. Currently, the Traffic and Parking Commission is authorized to make this determination. Under

the proposed ordinance, the MTLC would determine certain block faces or areas where free-floating SUMD parking is prohibited within 45 days of the ordinance's enactment. The ordinance further provides generically that "[t]he Metropolitan Government" would be required to establish a program of assigning and marking dedicated and preferred areas for SUMD parking where a SUMD could park without penalty. That program would be required to be implemented in its initial phase within sixty days of the enactment of this ordinance. As proposed, the ordinance would also allow dedicated and preferred parking areas for dockless SUMDs to be located where parking for dockless SUMDs is otherwise prohibited "pursuant to Section 12.62.040.E.1.c." (There is no known subsection E.1.c.)

As further proposed in the ordinance, Section 12.62.040.M would provide for a \$25 fine for violations by a user "in the operation or parking of a SUMD", to be assessed on the SUMD and paid by the owner. Under Section 12.62.040.Q, improper parking of a SUMD would result in a \$10 fine, collected from the user by the operator and remitted to Metro.

The MTLC would be directed to establish limits on the hours of operation of SUMDs, the streets where SUMDs can or cannot operate, and the streets and areas where SUMDs would be "slowed down" remotely by the operator. These limitations would be made no later than 45 days from the enactment date of the ordinance and reported to the Metro Council. SUMD operators would be required to purge duplicate user accounts on a regular basis according to rules established by the MTLC.

The MTLC would further be required to establish regulations to reduce the clustering of SUMDs. The MTLC would also be authorized to establish caps for additional SUMD operators and/or the number of SUMDs which may be added to a fleet. These limitations would need to be based on the need to promote and protect the health, safety, and well-being of the public.

The establishment of new parking and operating rules and regulations within 45 days may pose challenges for the MTLC. Per section 2.100.030 of the Metro Code, rules and regulations adopted by the MTLC, as well as amendments thereto, must be preceded by a public hearing and approved by the Metropolitan Department of Law. The MTLC regularly meets only on a monthly basis.

The Metropolitan Nashville Police Department would be given explicit authority to enforce the SUMD regulations set out in Chapter 12.62 of the Metropolitan Code of Laws.

The ordinance would also create a sunset provision for the SUMD pilot program. The program would terminate one (1) year from the enactment date of this ordinance, but could be extended by a resolution of the Metro Council that states the length of the extension.

The ordinance would also require SUMDs to be operated only by individuals "over eighteen" years of age, prohibiting operation by any person "less than eighteen." (Operation by an individual who is actually eighteen is not addressed.) Penalties related to this age requirement are set forth in Section 12.84.020.

The provisions within the original ordinance limiting the number of operators to four (4) have been removed in this Second Substitute. (According to the MTLC, six (6) companies currently possess SUMD certificates: Lime; Bird; Lyft; Jump; Spin; and Gotcha). However, this ordinance would now provide the MTLC the authority to limit the number of SUMD operators as well as the size of operators' fleets. The Council Office would therefore note potential lingering legal concerns based upon these revisions.

The current Code provisions regulating SUMDs provide that "[t]he number of permitted operators shall not be limited by the metropolitan government." (See, Section 12.62.020.D of the Metro Code). The proposed provisions authorizing the MTLC to limit the number of operators may again run afoul of Article I, Section 22 of the Tennessee Constitution, which prohibits monopolies. As set forth in previous Analyses, the Tennessee Attorney General issued an opinion in 2017 in a matter regarding the ability of municipalities to establish exclusive contracts and franchises. The AG noted the Tennessee constitutional prohibitions against monopolies, stating:

The Tennessee Constitution, article I, section 22, provides "[t]hat perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed." For purposes of this constitutional prohibition, a "monopoly" is "an exclusive right granted to a few, which was previously a common right.' If there is no common right in existence prior to the granting of the privilege for franchise, the grant is not a monopoly. '" (Citations omitted).

To illustrate the perils of municipalities limiting business opportunities to a limited few, the Tennessee Attorney General cited to a Tennessee Supreme Court decision -- *Checker Cab v. City of Johnson City* -- which held that a municipality did not have authority to establish a virtual monopoly among a handful of taxi cab businesses. In that case, local private act established a new system for operation of taxicabs in Johnson City. The process required issuance of a certificate of public convenience and necessity, but only after (1) a public hearing, (2) a finding of need for additional taxi services, and (3) upon such finding of need, allowance of a "reasonable time" for current taxicab operators to provide the additional service. The act thereby effectively limited the number of taxicab operators in Johnson City to three. The Supreme Court observed: "The monopoly of the taxi business in Johnson City granted to the appellants...is just about as exclusive and complete as may be conceived." In declaring the local act to be in violation of anti-monopoly provisions, the Court stated: "All persons inclined to pursue such an occupation should have an opportunity of conforming to such regulations."

The Court did note that "the anti-monopoly clause of [the Tennessee] constitution does not prohibit the legislature from granting a monopoly, in so far as such monopoly has a reasonable tendency to aid in the promotion of the health, safety, morals and well-being of the people". However, the Court concluded that no legitimate relationship existed between the public purpose sought by the private act and preserving a monopoly for those in business at the time of enactment.

As the Tennessee Attorney General has observed, the anti-monopoly clause in article I, section 22 of the Tennessee Constitution prevents the legislature from granting a monopoly when a common right exists, unless the monopoly "has a reasonable tendency to aid in the promotion of the health, safety, morals and well-being of the people." The test is whether the grant of a monopoly "has any real tendency to carry into effect the purposes designed -- that is, the protection of public safety, the public health, or the public morals -- and whether that is really the end had in view." Sections 1 and 2 of the proposed ordinance, as currently drafted, seemingly serve only to limit the number of companies eligible for certificates – with no protective purposes identified.

Because the ordinance is on third reading, any amendment will require suspension of the rules. Nevertheless, amendments are recommended to address various misspellings, syntactical errors, and section numbering omissions.

BILL NO. BL2018-1455 (SLEDGE, O'CONNELL, & OTHERS) – This ordinance would amend Metropolitan Code of Laws Section 17.04.060 to add a definition for "permanently reside".

Currently, section 17.16.250 of the Metro Code requires putative owners of residential properties to "permanently reside" on the property to qualify for certain accessory uses. However, the term "permanently reside" is not defined. The new definition would provide as follows:

"Permanently reside" means to occupy a home or unit as one's legal domicile, where the habitation is fixed and to which, whenever the person is absent, the person has a definite intention to return. Factors relevant to whether an individual permanently resides at a particular home or unit include, but are not limited to, receipt of mail, registration to vote, licensing for activities such as driving, and the licensing or registration of that individual's personal property.

This has been approved by the Planning Commission.

BILL NO. BL2018-1457 (VERCHER) – This ordinance would amend Chapter 17.08 and 17.16 of the Metropolitan Code of Laws to restrict the uses of "Automobile Sales, Used" and "Automobile Repair" in the floodplain, floodway, or any associated buffer.

The ordinance under consideration would make the uses "automobile sales, used" and "automobile repair" uses permitted with conditions in all districts in which they are allowed in the District Land Use Tables in MCL 17.08.030. Further, a condition would be added to both uses that would prohibit location within a floodplain or floodway as designated on the Flood Insurance Rate Map (FIRM) or any water quality buffer as defined in the Stormwater Management Manual.

Title 17 and Chapter 15.64 of the Metro Code, as well as the Stormwater Management Manual, each regulate development in floodways, floodplains, and water quality buffer areas for purposes

of public safety, minimizing property damage, and to encourage preservation of natural resources. Restricting automobile sales and repair uses within floodways, floodplains, and water quality buffers is intended to further minimize the impact on waterways, consistent with floodplain and water quality buffer regulations already in effect.

While the ordinance would be applicable to newly permitted “automobile sales, used” and “automobile repair” uses, such existing uses within floodways, floodplains, and water quality buffers would continue as legally nonconforming uses.

This has been approved by the Planning Commission.

BILL NO. BL2019-1473 (PULLEY & WITHERS) – This ordinance, as amended, would amend the Metropolitan Code to exempt educational institutions from certain sound amplification standards.

Section 11.12.070 of the Metropolitan Code of Laws regulates excessive noise within the jurisdiction of the Metropolitan Government. Subsection A(1) regulates sound amplification equipment. Under the current regulations, no person may operate any sound equipment so as to create sounds that are plainly audible from the boundary line of the nearest residentially occupied property. This restriction does not apply to special events, mass gatherings or other permitted activity by Metro of a board or commission, nor does it apply to entertainment facilities constructed to provide outdoor entertainment owned by Metro or its agencies, or parks under the control of the Metro Board of Parks and Recreation.

This ordinance would add an exemption for educational institutions during typical on-campus activities, such as athletic events, musical performances, and student festivals between the hours of 7:00 a.m. and 11:00 p.m.

BILL NO. BL2019-1477 (RHOTEN, VERCHER, & OTHERS) – This ordinance would declare as surplus and approve the disposition of an 11.71 acre parcel of real property owned by the Metropolitan Nashville Board of Public Education located at 3125 Ironwood Drive in Council District 14.

The Metropolitan Nashville Board of Public Education has determined that this parcel is no longer needed for any governmental purpose.

Section 2.24.250 of the Metropolitan Code of Laws requires the Director of Public Property Administration to make all surplus property available to Metro departments, boards, and commissions. The Board of Education may determine that any property held by it is no longer suited or needed for school purposes and may direct the Director of Public Property to sell the property, subject to the approval of the Metropolitan Council and the Mayor, with the proceeds being credited to the unappropriated school fund of the Metropolitan Government. (See, MCL

Sec. 2.24.250.C.1.) An appraisal report has been provided pursuant to Section 2.24.225 of the Metro Code and a summary is attached to this Analysis.

Fiscal Note: Per the appraisal provided by the Department of Finance, the estimated market value for the property as of November 26, 2018 is \$1,320,000. The proceeds from the sale of the Property would be credited to the unappropriated school fund of the Metropolitan Government.

BILL NO. BL2019-1478 (WEINER, GLOVER, & OTHERS) – This ordinance would declare as surplus and approve the disposition of a 9.52 acre parcel of real property owned by the Metropolitan Nashville Board of Public Education located at 1015 Davidson Road in Council District 22, the site of the former Brookemeade Elementary School.

The Metropolitan Government has determined that this parcel is no longer needed for any governmental purpose. The former school facility has been deemed to be in poor condition, with estimated repair and mold remediation costs in excess of \$13 million dollars.

Section 2.24.250 of the Metropolitan Code of Laws requires the Director of Public Property Administration to make all surplus property available to Metro departments, boards, and commissions. The Board of Education may determine that any property held by it is no longer suited or needed for school purposes and may direct the Director of Public Property to sell the property, subject to the approval of the Metropolitan Council and the Mayor, with the proceeds being credited to the unappropriated school fund of the Metropolitan Government. (See, MCL Sec. 2.24.250.C.1.) An appraisal report has been provided pursuant to Section 2.24.225 of the Metro Code and a summary is attached to this Analysis.

Fiscal Note: Per the appraisal provided by the Department of Finance, the estimated market value for the property as of November 29, 2018 is \$3,290,000. The proceeds from the sale of the Property would be credited to the unappropriated school fund of the Metropolitan Government.

BILL NO. BL2019-1479 (SYRACUSE, VERCHER, & OTHERS) – This ordinance would declare as surplus and approve the disposition of a .76 acre parcel of real property owned by the Metropolitan Nashville Board of Public Education located at 2795 Pennington Bend Road in Council District 15.

The Metropolitan Nashville Board of Public Education has determined that this parcel is no longer needed for any governmental purpose.

Section 2.24.250 of the Metropolitan Code of Laws requires the Director of Public Property Administration to make all surplus property available to Metro departments, boards, and commissions. The Board of Education may determine that any property held by it is no longer suited or needed for school purposes and may direct the Director of Public Property to sell the property, subject to the approval of the Metropolitan Council and the Mayor, with the proceeds

being credited to the unappropriated school fund of the Metropolitan Government. (See, MCL Sec. 2.24.250.C.1.) An appraisal report has been provided pursuant to Section 2.24.225 of the Metro Code and a summary is attached to this Analysis.

Fiscal Note: Per the appraisal provided by the Department of Finance, the estimated market value for the property as of November 13, 2018 is \$56,000. The proceeds from the sale of the Property would be credited to the unappropriated school fund of the Metropolitan Government.

BILL NO. BL2019-1480 (VANREECE, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain permanent and temporary easements by negotiation or condemnation for Madison Station Boulevard for forty-six (46) properties, listed on the attachment to the Ordinance.

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

Fiscal Note: The final price for these easements has not yet been determined, although initial estimates are in excess of \$300,000.. This would be paid from the FY17 Capital Projects Fund.

BILL NO. BL2019-1481 (O'CONNELL & BEDNE) – This ordinance would authorize the acquisition of permanent easements rights through negotiation, condemnation and acceptance, for the Clean Water Nashville Central Wastewater Treatment Plant Capacity Improvements and CSO project, for eight properties located on 1st Avenue North, 2nd Avenue North and 3rd Avenue North.

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

Fiscal Note: The final price for these easements has not yet been determined.

BILL NO. BL2019-1482 (BEDNE & O'CONNELL) – This ordinance would abandon existing sanitary sewer main, sanitary sewer manholes and easements and accept new sanitary sewer and water mains, sanitary sewer manholes, a fire hydrant assembly and easements, for three (3) properties located at 950 Brittany Park, 0 Bell Road and 0 Blue Hole Road.

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

BILL NO. BL2019-1483 (O'CONNELL & BEDNE) – This ordinance would abandon existing sanitary sewer main, storm sewer main, sanitary sewer manholes and easements and accept

new sanitary sewer and water mains, sanitary sewer manholes, a fire hydrant assembly and easements for two (2) properties located at 151 1st Avenue South and 150 2nd Avenue South.

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

BILL NO. BL2019-1484 (BEDNE & O'CONNELL) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of 53rd Avenue North right-of-way and easement.

The abandonment has been requested by Dale and Associates, applicant.

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

BILL NO. BL2019-1485 (VERCHER, O'CONNELL, & BEDNE) – This ordinance would approve a form Master Participation Agreement to be used by the Metropolitan Department of Water and Sewerage Services.

As the result of requests for service availability to the Metropolitan Department of Water and Sewerage Services (MWS), an unanticipated level of development in the southeastern portion of Davidson County is projected. MWS has identified water infrastructure improvements that will be required to support this level of development. To accommodate the demand, this ordinance would approve the use of a Master Participation Agreement for private development in the southeastern water service area, known as the Southeast Development Area; and further authorize the Director of MWS or his/her designee to enter into and execute such Participation Agreements.

MWS has specifically identified five phases of water capacity improvements projects needed to support growth in the Southeast Development Area for both domestic and fire protection demand. These improvements, known as the Southeast Development Improvements, would cost approximately \$22.9 million and provide capacity for an additional 8 million gallons per day, equivalent to 22,857 units of flow. In response, MWS has established a Development Area Participation Agreement Recovery Charge (DAPARC) for the Southeast Development Area. Funds generated through this charge would be used exclusively by MWS for the recuperation of MWS' expenditures for constructing the water infrastructure improvements in this water service area. The developer's pro-rated share of the cost of the Southeast Development Improvements per unit of flow added is \$1,000, which is the DAPARC and is in addition to other applicable fees.

Fiscal Note: For the purposes of this proposed standard agreement, the \$22.9 million that has been projected by the Department of Water and Sewerage Services would be used to provide capacity for an additional 8 million gallons of water per day. This would equate to 22,857 units of flow, with a unit being defined as 350 gallons per day. Dividing the additional \$22.9 million by the 22,857 units of flow equates to a DAPARC cost of \$1,000 per unit of flow (rounded), to be paid by the individual developers.

Metro would collect charges from developers per this DAPARC rate based on the number of units of flow each new development would require. These collections would continue until Metro's actual costs for these Southeast Development Improvements have been recovered.

BILL NO. BL2019-1486 (MENDES) – This ordinance would require the Metropolitan Government to provide a publicly available online link to any Report on Debt Obligation that is required to be filed with the State of Tennessee.

Pursuant to Tenn. Code Ann. § 9-21-151, the Metropolitan Government is required to file a Form CT-0253, Report on Debt Obligation, with the State of Tennessee in connection with the issuance of certain debt obligations. This ordinance would require Metro to make that Report available to the public online within fifteen (15) days of filing the Report.

Fiscal Note: The Finance Department currently maintains a page on Nashville's website titled "Finance Department Reports". One of the sections on this page holds various reports from the Office of the Treasurer. It should be relatively easy to add the "Report on Debt Obligation" to this section after each one is filed with the state. Indeed, in anticipation of the adoption of this ordinance, the Finance Department posted its Reports on Debt Obligation on January 17, 2019 at the following link: <https://www.nashville.gov/Finance/Office-of-the-Treasurer/Debt/Debt-Obligation-Reports.aspx>

GRANTS LEGISLATION – FEBRUARY 19, 2019

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2019-1612	From: Tennessee State Library and Archives To: Nashville Public Library	Not to exceed \$12,750.00	\$0	January 15, 2019 through January 14, 2020	The grant proceeds would be used to provide funds to hire computer instructors to provide free technology training to the general public.
RS2019-1613	From: Keep America Beautiful and the United Parcel Service Foundation To: Metropolitan Public Works Department	Not to exceed \$5,000.00	\$0	N/A	The proceeds from this Community Tree Planting Grant would be used to provide funding for fifty trees to be planted in the Mill Creek watershed in the Antioch community to help with air and noise pollution.

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
GENERAL FUND 4% RESERVE FUND
INFORMATION SHEET
(As Required By Ordinance 086-1534)**

**Bordeaux LTC / Knowles Home
3rd Quarter – FY 2019
10203000**

Object Code	Item	Qty.	Estimated Cost	Replacement or New Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
502920	Life/Safety, Misc. Equipment & Maintenance	1 Lot	\$ 500,000	New / Replace	10+	10+
	TOTAL		\$500,000			

- Is this expenditure federal or state reimbursable? No
- Can this equipment be used year around? Yes
- Has the price been verified by Division of Purchases? Yes
- Have you checked Public Property Division for usable surplus equipment? No
- Is equipment absolutely necessary at this time? Yes
- Will equipment reduce present cost? Yes
- Is equipment to extend services? Yes
- Is equipment to reduce manpower? No
- Will equipment require new manpower? No
- Will equipment increase productivity? Yes
- Will equipment promote public health? Yes
- Will equipment promote public safety? Yes
- Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes
- If not, do you expect to expend funds and the date expected for the expenditure? (June 2019) Yes

COMMENTS: _____

Department Head *Kay Whittemore*
Date 2-6-19

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
 GENERAL FUND 4% RESERVE FUND
 INFORMATION SHEET
 (As Required By Ordinance 086-1534)**

**General Services
 3rd Quarter – FY 2019
 Multiple Business Units**

Object Code	Item	Qty.	Estimated Cost	Replace or New Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
10201001 507480	Fleet – New & Replacement Vehicles	1 Lot	3,000,000	New	5 – 7+	5 – 7+
10203000 503600	Facilities - Major Maintenance / Repairs	1 Lot	1,000,000	Replace	10 +	10 +
	TOTAL		\$4,000,000			

- Is this expenditure federal or state reimbursable? No
- Can this equipment be used year around? Yes
- Has the price been verified by Division of Purchases? Yes
- Have you checked Public Property Division for usable surplus equipment? No
- Is equipment absolutely necessary at this time? Yes
- Will equipment reduce present cost? Yes
- Is equipment to extend services? Yes
- Is equipment to reduce manpower? Yes
- Will equipment require new manpower? No
- Will equipment increase productivity? Yes
- Will equipment promote public health? Yes
- Will equipment promote public safety? Yes

Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes

If not, do you expect to expend funds and the date expected for the expenditure? (June 2019) Yes

COMMENTS: _____

Department Head Ray Whittleman
 Date 02-6-19

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
GENERAL FUND 4% RESERVE FUND
INFORMATION SHEET
(As Required By Ordinance 086-1534)**

**Information Technology Services
3rd Quarter – FY 2019
Multiple Business Units**

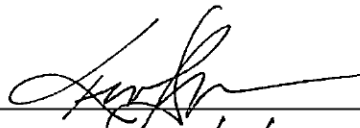
Object Code	Item	Qty.	Estimated Cost	Replacement or New Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
14201000 507455 MICROEA	O/S, PC, Server & Productivity Agreement. Microsoft Enterprise	1	\$2,960,000	Replace	4+	4+
14201400 507450	End of Life Hardware / Infrastructure	1 Lot	940,000	Replace	4+	4+
	TOTAL		\$3,900,000			

- Is this expenditure federal or state reimbursable? No
- Can this equipment be used year around? Yes
- Has the price been verified by Division of Purchases? No
- Have you checked Public Property Division for usable surplus equipment?..... Yes
- Is equipment absolutely necessary at this time? Yes
- Will equipment reduce present cost? Yes
- Is equipment to extend services? Yes
- Is equipment to reduce manpower? No
- Will equipment require new manpower? No
- Will equipment increase productivity? Yes
- Will equipment promote public health? No
- Will equipment promote public safety? No

Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes

If not, do you expect to expend funds and the date expected for the expenditure? (June 2019) Yes

COMMENTS: _____

Department Head 

Date 2/6/19

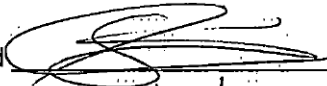
**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
 GENERAL FUND 4% RESERVE FUND
 INFORMATION SHEET
 (As Required By Ordinance 086-1534)**

**Justice Integration Services
 3rd Quarter – FY 2019
 29201000**

Object Code	Item	Qty.	Estimated Cost	Replacement or New Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
502229	Management Consultant	1 Lot	\$ 200,000	New	--	4+
	TOTAL		\$200,000			

- Is this expenditure federal or state reimbursable? No
 - Can this equipment be used year around? Yes
 - Has the price been verified by Division of Purchases? Yes
 - Have you checked Public Property Division for usable surplus equipment? No
 - Is equipment absolutely necessary at this time? Yes
 - Will equipment reduce present cost? Yes
 - Is equipment to extend services? Yes
 - Is equipment to reduce manpower? No
 - Will equipment require new manpower? No
 - Will equipment increase productivity? Yes
 - Will equipment promote public health? No
 - Will equipment promote public safety? No
- Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes
- If not, do you expect to expend funds and the date expected for the expenditure? (June 2019) Yes

COMMENTS: _____

Agency Head  _____
 Date 2/7/2019

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
 GENERAL FUND 4% RESERVE FUND
 INFORMATION SHEET
 (As Required By Ordinance 086-1534)**

**Police Department
 3rd Quarter – FY 2019
 31201000**

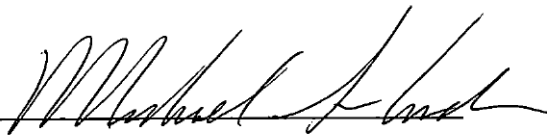
Object Code	Item	Qty.	Estimated Cost	Replacement or New Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
507450	Mobile Data Computers (MDCs) – Upgrades	1 Lot	\$ 1,000,000	Replace	4+	4+
	TOTAL		\$ 1,000,000			

- Is this expenditure federal or state reimbursable? No
- Can this equipment be used year around? Yes
- Has the price been verified by Division of Purchases? Yes
- Have you checked Public Property Division for usable surplus equipment? No
- Is equipment absolutely necessary at this time? Yes
- Will equipment reduce present cost? Yes
- Is equipment to extend services? Yes
- Is equipment to reduce manpower? No
- Will equipment require new manpower? No
- Will equipment increase productivity? Yes
- Will equipment promote public health? Yes
- Will equipment promote public safety? Yes

Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes

If not, do you expect to expend funds and the date expected for the expenditure? (June 2019) Yes

COMMENTS: _____

Department Head 

Date 2-6-19

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
 GENERAL FUND 4% RESERVE FUND
 INFORMATION SHEET
 (As Required By Ordinance 086-1534)**

**Health Department
 3rd Quarter – FY 2019
 38201000**

Object Code	Item	Qty.	Estimated Cost	Replacement or New Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
507400	Misc. Equipment / Repairs for Animal Control Facility	1 Lot	90,000	Replace	10+	10+
	TOTAL		\$ 90,000			

- Is this expenditure federal or state reimbursable? No
- Can this equipment be used year around? Yes
- Has the price been verified by Division of Purchases? No
- Have you checked Public Property Division for usable surplus equipment? No
- Is equipment absolutely necessary at this time? Yes
- Will equipment reduce present cost? Yes
- Is equipment to extend services? Yes
- Is equipment to reduce manpower? No
- Will equipment require new manpower? No
- Will equipment increase productivity? Yes
- Will equipment promote public health? Yes
- Will equipment promote public safety? Yes

Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes

If not, do you expect to expend funds and the date expected for the expenditure? (June 2019) Yes

COMMENTS: _____

Department Head Janmi Areolo

Date 2/6/19

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
GENERAL FUND 4% RESERVE FUND
INFORMATION SHEET
(As Required By Ordinance 086-1534)**

**Fire Department
3rd Quarter – FY 2019
Various Business Units**

Object Code	Item	Qty.	Estimated Cost	Replace or New Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
32260200 502920	Maintenance / Repairs on Fire facilities	1 Lot	\$ 300,000	Replace	4 – 5	5
32214400 503400	Medical Equipment / Supplies	1 Lot	300,000	Replace	4 – 5	5
32214600 503640	Personal Safety Equipment / Supplies	1 Lot	300,000	Replace	5 – 6	5
32260100 507450	Technology Equipment	1 Lot	100,000	Replace	5 – 6	5
	TOTAL		\$ 1,000,000			

Is this expenditure federal or state reimbursable? No
 Can this equipment be used year around? Yes
 Has the price been verified by Division of Purchases? Yes
 Have you checked Public Property Division for usable surplus equipment? Yes
 Is equipment absolutely necessary at this time? Yes
 Will equipment reduce present cost? Yes
 Is equipment to extend services? Yes
 Is equipment to reduce manpower? Yes
 Will equipment require new manpower? No
 Will equipment increase productivity? Yes
 Will equipment promote public health? Yes
 Will equipment promote public safety? Yes

Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes
 If not, do you expect to expend funds and the date expected for the expenditure? (June 2019) Yes

COMMENTS: _____

Department Head *W. J. L.*
 Date 2-7-19

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
 GENERAL FUND 4% RESERVE FUND
 INFORMATION SHEET
 (As Required By Ordinance 086-1534)**

**Public Library
 3rd Quarter – FY 2019
 39201000**

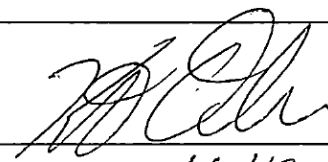
Object Code	Item	Qty.	Estimated Cost	Replacement or New Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
503330	Books / Periodicals / Library Materials	1 Lot	\$2,000,000	New / Replace	10+	10+
507250	Misc. Maintenance and Repairs	1 Lot	300,000	New / Replace	10+	10+
	TOTAL		\$2,300,000			

- Is this expenditure federal or state reimbursable? No
- Can this equipment be used year around? Yes
- Has the price been verified by Division of Purchases? Yes
- Have you checked Surplus Property Division for usable surplus equipment? No
- Is equipment absolutely necessary at this time? Yes
- Will equipment reduce present cost? Yes
- Is equipment to extend services? Yes
- Is equipment to reduce manpower? No
- Will equipment require new manpower? No
- Will equipment increase productivity? Yes
- Will equipment promote public health? No
- Will equipment promote public safety? No

Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes

If not, do you expect to expend funds and the date expected for the expenditure? (June 2019) Yes

COMMENTS: _____

Department Head 

Date 2/6/19

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
GENERAL FUND 4% RESERVE FUND
INFORMATION SHEET
(As Required By Ordinance 086-1534)**

**Office of Emergency Management
3rd Quarter – FY 2019
49201000**

Object Code	Item	Qty.	Estimated Cost	Replacement or New Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
507400	Upgrades to the Outdoor Weather Warning System	1	\$500,000	Replace	8+	8+
	TOTAL		\$500,000			

- Is this expenditure federal or state reimbursable?..... No
- Can this equipment be used year around? Yes
- Has the price been verified by Division of Purchases?..... Yes
- Have you checked Public Property Division for usable surplus equipment? No
- Is equipment absolutely necessary at this time? Yes
- Will equipment reduce present cost? Yes
- Is equipment to extend services? Yes
- Is equipment to reduce manpower? No
- Will equipment require new manpower?..... No
- Will equipment increase productivity? Yes
- Will equipment promote public health? No
- Will equipment promote public safety? No

Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes

If not, do you expect to expend funds and the date expected for the expenditure? (June 2019) Yes

COMMENTS: _____

Agency Head 

Date 2-8-19

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
 GENERAL FUND 4% RESERVE FUND
 INFORMATION SHEET
 (As Required By Ordinance 086-1534)**

Office of the Trustee
 3rd Quarter – FY 2019
 17201000

Object Code	Item	Qty.	Estimated Cost	Replacement or New Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
503100	Office Equipment / Scanner	1 Lot	\$ 74,000	Replace	5 +	5 +
	TOTAL		\$ 74,000			

- Is this expenditure federal or state reimbursable? No
- Can this equipment be used year around? Yes
- Has the price been verified by Division of Purchases? Yes
- Have you checked Public Property Division for usable surplus equipment?..... No
- Is equipment absolutely necessary at this time? Yes
- Will equipment reduce present cost? Yes
- Is equipment to extend services? Yes
- Is equipment to reduce manpower? No
- Will equipment require new manpower?..... No
- Will equipment increase productivity? Yes
- Will equipment promote public health?..... No
- Will equipment promote public safety? No

Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes

If not, do you expect to expend funds and the date expected for the expenditure? (June 2019)..... Yes

COMMENTS: _____

Agency Head Charles E. Caldwell
 Date 2-7-19

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
GENERAL FUND 4% RESERVE FUND
INFORMATION SHEET
(As Required By Ordinance 086-1534)**

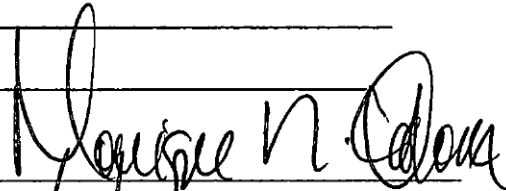
**Parks and Recreation
3rd Quarter – FY 2019
Various Business Units**

Object Code	Item	Qty.	Estimated Cost	Replace or New Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
40220100 503850	Consolidated Maintenance- Various Equipment and Supplies for Park System	1 Lot	\$ 500,000	New / Replace	10+	10+
40201000 503850	Regional / Neighborhood Community Centers & Cultural, Arts – Equipment and Supplies	1 Lot	200,000	New / Replace	10+	10+
40230400 503850	Golf / Sportsplex / Wave Country / Parthenon – Equipment and Supplies	1 Lot	200,000	New / Replace	10+	10+
40230300 503850	Nature Centers – Equipment and Supplies	1 Lot	50,000	New / Replace	10+	10+
40201000 503850	Parks Administration – Equipment and Supplies	1 Lot	50,000	New / Replace	10+	10+
	TOTAL		\$1,000,000			

Is this expenditure federal or state reimbursable? No
Can this equipment be used year around? Yes
Has the price been verified by Division of Purchases? Yes
Have you checked Public Property Division for usable surplus equipment? No
Is equipment absolutely necessary at this time? Yes
Will equipment reduce present cost? No
Is equipment to extend services? Yes
Is equipment to reduce manpower? No
Will equipment require new manpower? No
Will equipment increase productivity? Yes
Will equipment promote public health? Yes
Will equipment promote public safety? Yes

Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes
If not, do you expect to expend funds and the date expected for the expenditure? (June 2019) Yes

COMMENTS: _____

Department Head 
Date 2/6/19

An Appraisal Report

Of

**Brick Church Pike Tract
An 11.73 Acre Tract of Land
South of Ewing Drive; east of Polk Forest Circle
Nashville, Davidson County, Tennessee 37207**

Effective Date Of Report
November 13, 2018

Specifically For
Mr. David Proffitt
Executive Director for Facilities, Maintenance and Construction
Metropolitan Nashville Public Schools
2601 Bransford Avenue
Nashville, Tennessee 37204

By
Huber & Lamb Appraisal Group, Inc.
5556 Franklin Pike, Suite 100
Nashville, Tennessee 37220-2132

5556 Franklin Pike, #100
Nashville, TN 37220
Tel: 615-371-8575
Fax: 615-370-1216
www.HuberLamb.com



Murray W. Huber, RM

James E. Lamb, MAI

November 15, 2018

Mr. David Proffitt
Executive Director for Facilities, Maintenance and Construction
Metropolitan Nashville Public Schools
2601 Bransford Avenue
Nashville, Tennessee 37204

**RE: An Appraisal Report of
Brick Church Pike Tract
An 11.73 Acre Tract of Land
South of Ewing Drive; east of Polk Forest Circle
Nashville, Davidson County, Tennessee 37207**

Dear Mr. Proffitt:

At your request and authorization, we have appraised the above referenced property for the purpose of estimating its market value as of November 13, 2018. The property rights being appraised are the Fee Simple interest in the subject property. It is our understanding that the intended use of the report is to assist in internal decision making.

Based on the inspection of the property and the investigations and analyses undertaken, we have formed the opinion that, as of November 13, 2018 and subject to the Assumptions and Limiting Conditions set forth in the attached report, the market value of the Fee Simple interest in the subject property is:

**Seven Hundred Twenty Thousand Dollars
(\$720,000)**

Exposure Period: The exposure period is estimated to be 6 to 12 months, assuming the subject is placed on the market at the final value estimate conclusion above.

Only one of the three approaches to value was utilized in the valuation process for the subject property. Traditionally, the sales comparison approach is utilized to estimate the market value of the fee simple interest of vacant land. Thus, the cost and income capitalization approaches to value are not applicable.

The narrative appraisal report that follows contains the identification of the property, the assumptions and limiting conditions, pertinent facts about the area and the subject property, comparable data, the results of the investigations and analyses, and the reasoning leading to the conclusions contained herein. Our analysis, opinions, and conclusions were developed, and this report has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice published by the Appraisal Foundation, the

Mr. David Proffitt
November 15, 2018
Page 2

Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute and the Financial Institution Reform Recovery and Enforcement Act of 1989 (FIRREA). The engagement letter for this assignment is presented as an exhibit in the Addenda to the report.

We appreciate the opportunity to be of service to you. Should you have any questions concerning this appraisal, please do not hesitate to contact this office. For further information, your attention is directed to the following report.

Respectfully submitted,
HUBER & LAMB APPRAISAL GROUP, INC



James E. Lamb, MAI
Review Appraiser
State Certified General Real Estate Appraiser
Licensee #CG-557



Michael J. Berg
Associate Appraiser
State Certified General Real Estate Appraiser
Licensee #00003060

Summary of Important Facts & Conclusions

Report Type:	An Appraisal Report
Valuation Conclusion:	
Final Value Estimate:	\$720,000
Value Estimate's Implied Units of Comparison:	
Value/Acre:	\$61,381
Value/Unit:	\$15,000
Estimated Exposure Period:	6 to 12 months, assuming the subject is placed on the market at the final value estimate conclusion above
Interest Appraised:	Fee Simple
Significant Appraisal Dates:	
Date of Appraisal Report:	November 15, 2018
Effective Date Of Appraisal:	November 13, 2018
Date of Inspection:	November 13, 2018
Location:	
Property Name:	Brick Church Pike Tract
Address:	Not Available
Physical Location:	South of Ewing Drive; east of Polk Forest Circle
City:	Nashville
County:	Davidson
Zip Code:	37207
State:	Tennessee
Legal Description:	
Tax Map/Parcel:	060-00-0-070.00
Property Description:	
Land Area:	
Acres:	11.730
Square Feet:	510,959
Zoning:	Rs-7.5: Single Family Residential
Improvements:	
As Is:	Vacant land; none
Highest and Best Use:	
As Vacant:	Medium density single family development

An Appraisal Report

Of

**Old Hickman School #800418
A 40,095 SF Elementary School Property
3125 Ironwood Drive
Nashville, Davidson County, Tennessee 37214**

Effective Date of Report
November 26, 2018

Specifically For
Mr. David R. Proffitt
Executive Director for Facilities, Maintenance and Construction
Metropolitan Nashville Public Schools
400 Davidson Rd.
Nashville, TN 37205

By
Huber & Lamb Appraisal Group, Inc.
5556 Franklin Pike, Suite 100
Nashville, Tennessee 37220-2132

5556 Franklin Pike, #100
Nashville, TN 37220
Tel: 615-371-8575
Fax: 615-370-1216
www.HuberLamb.com



Murray W. Huber, RM
James E. Lamb, MAI

December 10, 2018

Mr. David R. Proffitt
Executive Director for Facilities, Maintenance and Construction
Metropolitan Nashville Public Schools
400 Davidson Rd.
Nashville, TN 37205

**RE: An Appraisal Report of
Old Hickman School #800418
A 40,095 SF Elementary School Property
3125 Ironwood Drive
Nashville, Davidson County, Tennessee 37214**

Dear Mr. Proffitt:

At your request and authorization, we have appraised the above referenced property for the purpose of estimating its market value as of November 26, 2018. The property rights being appraised are the Fee Simple interest in the subject property. It is our understanding that the intended use of the report is to assist in determining market value.

Based on the inspection of the property and the investigations and analyses undertaken, we have formed the opinion that, as of November 26, 2018 and subject to the Assumptions and Limiting Conditions set forth in the attached report, the market value of the Fee Simple interest in the subject property is:

**One Million Three Hundred Twenty Thousand Dollars
(\$1,320,000)**

Exposure Period: The exposure period is estimated to be 12 months, assuming the subject is placed on the market at the final value estimate conclusion above.

The property is a special use. One approach to value was utilized in the valuation process for the subject property, the sales comparison approach. While government public school properties are currently leased to various Charter School organizations, these leases are designed only to cover the owner's maintenance (roof, HVAC, Structure & grounds) and utilities reimbursement. In many cases, significant improvements were made by the owner to the school property before occupancy. Because these leases are not investment oriented, the income capitalization approach was not utilized. Given the age of the property, the special use of the property is not normally compatible with any other use. A cost approach method was also not developed in this analysis due to the age and condition of the property.

Mr. David R. Proffitt

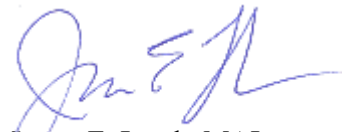
December 10, 2018

Page 2

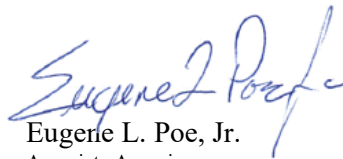
The narrative appraisal report that follows contains the identification of the property, the assumptions and limiting conditions, pertinent facts about the area and the subject property, comparable data, the results of the investigations and analyses, and the reasoning leading to the conclusions contained herein. Our analysis, opinions, and conclusions were developed, and this report has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice published by the Appraisal Foundation, the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute and the Financial Institution Reform Recovery and Enforcement Act of 1989 (FIRREA). The engagement letter for this assignment is presented as an exhibit in the Addenda to the report.

We appreciate the opportunity to be of service to you. Should you have any questions concerning this appraisal, please do not hesitate to contact this office. For further information, your attention is directed to the following report.

Respectfully submitted,
HUBER & LAMB APPRAISAL GROUP, INC



James E. Lamb, MAI
Review Appraiser
State Certified General Real Estate Appraiser
Licensee #CG-557



Eugene L. Poe, Jr.
Associate Appraiser
State Certified General Real Estate Appraiser
Licensee #CG-1885

Summary of Important Facts & Conclusions

Report Type: An Appraisal Report

Valuation Conclusion:

Final Value Estimate: \$1,320,000
Cost Approach: Not Developed
Sales Comparison Approach: \$1,320,000
Income Capitalization Approach: Not Developed

Value Estimate's Implied Units of Comparison:

Value/SF: \$32.92

Estimated Exposure Period: 12 months, assuming the subject is placed on the market at the final value estimate conclusion above

Interest Appraised: Fee Simple

Significant Appraisal Dates:

Date of Appraisal Report: December 10, 2018
Effective Date Of Appraisal: November 26, 2018
Date of Inspection: November 26, 2018

Location:

Property Name: Old Hickman School #800418
Address: 3125 Ironwood Drive
Physical Location: Northwest Corner of Ironwood Dr. and Lakeland Dr.
City: Nashville
County: Davidson
Zip Code: 37214
State: Tennessee

Legal Description:

Tax Map/Parcel: 096-10-0-252.00

Property Description:

Land Area:
Acres: 11.710
Square Feet: 510,088
Zoning: RS-10 - Medium Density Residential

Improvements:

Property Type: Elementary School
Tenancy: Single tenant
Size (Gross Building Area): 40,095 SF
Size (Net Rentable Area): 40,095 SF
Year Built: 1957 with additions in 1962

Summary of Important Facts & Conclusions, cont'd.

Highest and Best Use:

As Vacant:

Hold for investment and/or development as a residential single-family use.

As Improved:

Continued use as an elementary school.

An Appraisal Report

Of

**Former Brookmeade School #800160
A 49,405 SF School Property
1015 Davidson Drive
Nashville, Davidson County, Tennessee 37205**

Effective Date of Report
November 29, 2018

Specifically For
Mr. David R. Proffitt
Executive Director for Facilities, Maintenance and Construction
Metropolitan Nashville Public Schools
400 Davidson Rd.
Nashville, TN 37205

By
Huber & Lamb Appraisal Group, Inc.
5556 Franklin Pike, Suite 100
Nashville, Tennessee 37220-2132

5556 Franklin Pike, #100
Nashville, TN 37220
Tel: 615-371-8575
Fax: 615-370-1216
www.HuberLamb.com



Murray W. Huber, RM

James E. Lamb, MAI

December 5, 2018

Mr. David R. Proffitt
Executive Director for Facilities, Maintenance and Construction
Metropolitan Nashville Public Schools
400 Davidson Rd.
Nashville, TN 37205

**RE: An Appraisal Report of
Former Brookmeade School #800160
A 49,405 SF School Property
1015 Davidson Drive
Nashville, Davidson County, Tennessee 37205**

Dear Mr. Proffitt:

At your request and authorization, we have appraised the above referenced property for the purpose of estimating its market value as of November 29, 2018. The property rights being appraised are the Fee Simple interest in the subject property. It is our understanding that the intended use of the report is to assist in determining market value.

Based on the inspection of the property and the investigations and analyses undertaken, we have formed the opinion that, as of November 29, 2018 and subject to the Assumptions and Limiting Conditions set forth in the attached report, the market value of the Fee Simple interest in the subject property is:

**Three Million Two Hundred Ninety Thousand Dollars
(\$3,290,000)**

Exposure Period: The exposure period is estimated to be 12 months, assuming the subject is placed on the market at the final value estimate conclusion above.

One approach to value was utilized in the valuation process for the subject property, the land sales comparison approach. Due to significant deferred maintenance associated with the improvements, the highest and best use of the property is to demolish the improvements and redevelop the site.

The narrative appraisal report that follows contains the identification of the property, the assumptions and limiting conditions, pertinent facts about the area and the subject property, comparable data, the results of the investigations and analyses, and the reasoning leading to the conclusions contained herein. Our analysis, opinions, and conclusions were developed, and this report has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice published by the Appraisal Foundation, the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute and the

Mr. David R. Proffitt

December 5, 2018

Page 2

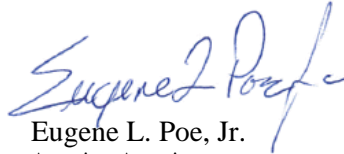
Financial Institution Reform Recovery and Enforcement Act of 1989 (FIRREA). The engagement letter for this assignment is presented as an exhibit in the Addenda to the report.

We appreciate the opportunity to be of service to you. Should you have any questions concerning this appraisal, please do not hesitate to contact this office. For further information, your attention is directed to the following report.

Respectfully submitted,
HUBER & LAMB APPRAISAL GROUP, INC



James E. Lamb, MAI
Review Appraiser
State Certified General Real Estate Appraiser
Licensee #CG-557



Eugene L. Poe, Jr.
Associate Appraiser
State Certified General Real Estate Appraiser
Licensee #CG-1885

Summary of Important Facts & Conclusions

Report Type:	An Appraisal Report
Valuation Conclusion:	
Final Value Estimate:	\$3,290,000
Land Sales Comparison Approach:	\$3,290,000
Improved Sales Comparison Approach:	Not Developed
Income Capitalization Approach:	Not Developed
Value Estimate's Implied Units of Comparison:	
Value/Acre:	\$343,066
Value/Unit	\$19,017
Value/SF As Is Improved	\$66.59
Estimated Exposure Period:	12 months, assuming the subject is placed on the market at the final value estimate conclusion above
Interest Appraised:	Fee Simple
Significant Appraisal Dates:	
Date of Appraisal Report:	December 5, 2018
Effective Date Of Appraisal:	November 29, 2018
Date of Inspection:	November 29, 2018
Location:	
Property Name:	Former Brookmeade School #800160
Address:	1015 Davidson Drive
Physical Location:	Southwest corner of Charlotte Ave. and Davidson Drive
City:	Nashville
County:	Davidson
Zip Code:	37205
State:	Tennessee
Legal Description:	
Tax Map/Parcel:	102-14-0-001.00 & 102-14-0-009.00
Property Description:	
Land Area:	
Acres:	9.590
Square Feet:	417,740
Zoning:	
As Is:	R40 - Low-density residential
Anticipated Zoning:	Anticipated rezoning of the site to a district that will allow 18 UPA apartment development.

Summary of Important Facts & Conclusions, cont'd.

Improvements:

Property Type:	School
Tenancy:	Single tenant
Size (Gross Building Area):	49,405 SF
Size (Net Rentable Area):	49,405 SF
Year Built:	1957

Highest and Best Use:

As Vacant:

Rezone the site from R40 to RM20 and develop an apartment use with 18 +/- units per acre.

As Improved:

Demolition of the existing improvements and rezoning the site for development of apartments units as noted in the As Vacant statement.

An Appraisal Report

Of

**Pennington Bend Lot
A 0.76 Acre Tract of Land
2795 Pennington Bend Road
Nashville, Davidson County, Tennessee 37214**

Effective Date Of Report
November 13, 2018

Specifically For
Mr. David Proffitt
Executive Director of Facilities, Maintenance and Construction
Metropolitan Nashville Public Schools
2601 Bransford Avenue
Nashville, Tennessee 37204

By
Huber & Lamb Appraisal Group, Inc.
5556 Franklin Pike, Suite 100
Nashville, Tennessee 37220-2132

5556 Franklin Pike, #100
Nashville, TN 37220
Tel: 615-371-8575
Fax: 615-370-1216
www.HuberLamb.com



Murray W. Huber, RM

James E. Lamb, MAI

November 15, 2018

Mr. David Proffitt
Executive Director of Facilities, Maintenance and Construction
Metropolitan Nashville Public Schools
2601 Bransford Avenue
Nashville, Tennessee 37204

**RE: An Appraisal Report of
Pennington Bend Lot
A 0.76 Acre Tract of Land
2795 Pennington Bend Road
Nashville, Davidson County, Tennessee 37214**

Dear Mr. Proffitt:

At your request and authorization, we have appraised the above referenced property for the purpose of estimating its market value as of November 13, 2018. The property rights being appraised are the Fee Simple interest in the subject property. It is our understanding that the intended use of the report is to assist in internal decision making.

Based on the inspection of the property and the investigations and analyses undertaken, we have formed the opinion that, as of November 13, 2018 and subject to the Assumptions and Limiting Conditions set forth in the attached report, the market value of the Fee Simple interest in the subject property is:

**Fifty Six Thousand Dollars
(\$56,000)**

Exposure Period: The exposure period is estimated to be 6 to 12 months, assuming the subject is placed on the market at the final value estimate conclusion above.

Only one of the three approaches to value was utilized in the valuation process for the subject property. Traditionally, the sales comparison approach is utilized to estimate the market value of the fee simple interest of vacant land. Thus, the cost and income capitalization approaches to value are not applicable.

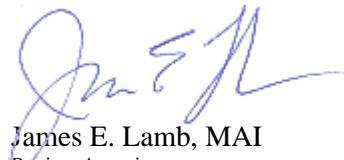
The narrative appraisal report that follows contains the identification of the property, the assumptions and limiting conditions, pertinent facts about the area and the subject property, comparable data, the results of the investigations and analyses, and the reasoning leading to the conclusions contained herein. Our analysis, opinions, and conclusions were developed, and this report has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice published by the Appraisal Foundation, the

Mr. David Proffitt
November 15, 2018
Page 2

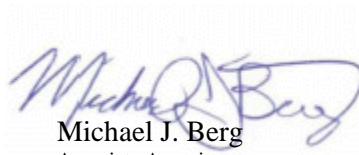
Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute and the Financial Institution Reform Recovery and Enforcement Act of 1989 (FIRREA). The engagement letter for this assignment is presented as an exhibit in the Addenda to the report.

We appreciate the opportunity to be of service to you. Should you have any questions concerning this appraisal, please do not hesitate to contact this office. For further information, your attention is directed to the following report.

Respectfully submitted,
HUBER & LAMB APPRAISAL GROUP, INC



James E. Lamb, MAI
Review Appraiser
State Certified General Real Estate Appraiser
Licensee #CG-557



Michael J. Berg
Associate Appraiser
State Certified General Real Estate Appraiser
Licensee #00003060

Summary of Important Facts & Conclusions

Report Type:	An Appraisal Report
Valuation Conclusion:	
Final Value Estimate:	\$56,000
Value Estimate's Implied Units of Comparison:	
Value/Acre:	\$73,684
Value/Unit:	\$56,000
Estimated Exposure Period:	6 to 12 months, assuming the subject is placed on the market at the final value estimate conclusion above
Interest Appraised:	Fee Simple
Significant Appraisal Dates:	
Date of Appraisal Report:	November 15, 2018
Effective Date Of Appraisal:	November 13, 2018
Date of Inspection:	November 13, 2018
Location:	
Property Name:	Pennington Bend Lot
Address:	2795 Pennington Bend Road
Physical Location:	Northeast corner of Pennington Bend Road and McGavock Pike
City:	Nashville
County:	Davidson
Zip Code:	37214
State:	Tennessee
Legal Description:	
Tax Map/Parcel:	062-00-0-060.00
Property Description:	
Land Area:	
Acres:	0.760
Square Feet:	33,106
Zoning:	R - 15 One & Two Family Residential
Improvements:	
As Is:	Vacant land; none
Highest and Best Use:	
As Vacant:	Develop a single-family home on site.