



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 5, 2019

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 1/30/19:

4% Reserve Fund	\$32,787,425*
Metro Self Insured Liability Claims	\$4,248,273
Judgments & Losses	\$2,570,222
Schools Self Insured Liability Claims	\$4,725,707
Self-Insured Property Loss Aggregate	\$7,622,215
Employee Blanket Bond Claims	\$682,297
Police Professional Liability Claims	\$2,191,611
Death Benefit	\$1,520,515

*This assumes unrealized estimated revenues in FY19 of \$18,189,813.

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

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTIONS NO. RS2019-1568 AND RS2019-1569 –

These resolutions would approve exemptions from the minimum distance requirements for obtaining a beer permit for two 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. RS2019-1568 (ROBERTS)** – This resolution would approve an exemption for Harding House Brewing Company, located at 904 51st Avenue North.
- **Resolution No. RS2019-1569 (SLEDGE)** – This resolution would approve an exemption for Publix, to be located at 2223 8th Avenue South.

– ORDINANCES ON PUBLIC HEARING –

BILL NO. BL2018-1416 (HENDERSON, A. DAVIS, & OTHERS) – This ordinance would amend the Metropolitan Code regarding tree density, removal, and replacement requirements.

The purpose of this ordinance would be to set standards for landscaping, buffering, and tree requirements. Section 17.24.010 of the current Code would be slightly modified to clarify that the chapter includes “tree requirements” and to otherwise add minor grammatical changes. The current provisions in Section 17.24.020 regarding landscape plans would be amended to require that plans and specifications be prepared by, or under the direction of, and bear the seal of a professional landscape architect registered in Tennessee.

Under section 17.24.090 as revised by the ordinance, any tree with a diameter at breast height (DBH) of twenty-four inches (24”) or more would be required to be survey located and depicted on a final site plan.

The current required tree density factor on each property is 14 units per acre, using protected or replacement trees, or a combination of both. This ordinance would increase the required tree density units from 14 to 20 units, although requirements for single and two-family residential would remain unchanged. However, the ordinance would remove a current provision reducing the tree density unit requirement for single- and two-family lots down to 7 units if their width is less than 25% of the average length.

The required tree density units are currently calculated using gross acreage of the property, but certain exceptions apply. The current exception for the portion of the land area currently or proposed to be covered by buildings would be amended to specify that this applies only to buildings that meet sustainable design protocols established in Sec. 16.36.050 of the Metro Code. Further, the exception for semi-trailer and tractor-trailer service areas, drive aisles, and parking and loading areas would be removed.

This proposal was previously scheduled for hearing before the Planning Commission, but was deferred by the Commission until March 28, 2019. It is therefore anticipated that this ordinance will be deferred to the first meeting in April pursuant to Rule 21 of the Council Rules of Procedure.

BILL NO. BL2018-1417 (O’CONNELL, ALLEN, & MENDES) – 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. BL2018-1455 (SLEDGE & O'CONNELL) – 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 accessory uses. However, the term "permanently reside" is not defined. The new definition would be 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 definition is derived from state law definitions regarding residency.

This has been approved by the Planning Commission.

BILL NO. BL2018-1456 (DOWELL) – This ordinance would amend the Metropolitan Code of Laws pertaining to nightclubs.

Currently, Section 17.08.030, District Land Use Tables, has an entry for “bar or nightclub”, and section 17.16.070 references “bar or nightclub” as a commercial use. However, “bar or nightclub” is not defined. The ordinance under consideration would separate “nightclub” from “bar” and provide a distinct definition to be added to the general definitions in Title 17. As proposed, a “nightclub” would refer to a commercial establishment, which may or may not be held out to the public as a bar or social gathering place, with a maximum occupancy capacity of at least 100 people which serves alcohol or allows it on the premises and which is operated as a place of entertainment at night for eating, drinking and/or dancing and provides live or recorded entertainment. The definition would further characterize nightclubs by various activities, including festival seating, musical or live entertainment, and later operating hours.

“Nightclub” would be a use permitted with conditions in certain zoning districts. Conditions would include a limitation of one nightclub per lot and a maximum gross floor area of 2,500 square feet. It would also require one parking space per 75 square feet of floor area.

This proposal has not yet been considered by the Planning Commission, though it is scheduled to appear on the Commission’s February 28, 2019 agenda. It is therefore anticipated that this ordinance will be deferred to the first meeting in March pursuant to Rule 21 of the Council Rules of Procedure.

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.

– RESOLUTIONS –

RESOLUTION NO. RS2019-1559 (O'CONNELL & BEDNE) – Section 2.08.040 of the Metro Code authorizes the mayor to enter professional services contracts with firms listed on a master list of architecture and engineering firms on a project-by-project basis. All government contracts for architect and engineering services must be with firms included on the master list. This resolution would modify the master list, originally approved by Resolution No. RS94-1050, to add sixty-eight firms or otherwise update previously submitted information regarding these form. This list was most recently amended in 2012 per Resolution No. RS2012-366.

Regulations of the Metropolitan Procurement Standards Board require the Director of Finance to maintain the master list in a central file available to all Metro departments and agencies. This resolution adds the firms to the master list so that the firms will be eligible to bid on Metro projects. However, mere presence on the list does not necessarily mean contracts will be awarded to these firms.

A list naming the sixty-eight firms to be added or updated is attached to the resolution as an exhibit.

RESOLUTION NO. RS2019-1570 (MENDES, VERCHER, & OTHERS) – This resolution would declare surplus and authorize the grant of fifteen (15) parcels of real property to The Housing Fund, Inc. For the Nashville Community Land Trust.

In 2017, the Barnes Housing Trust Fund selected The Housing Fund as their partner organization to create Nashville's first Community Land Trust. Tennessee Code Annotated § 7-3-314(e) permits the Metropolitan Government by resolution to authorize the conveyance of real property acquired pursuant to a delinquent tax sale by grant to a nonprofit organization.

Fiscal Note: The total of the most recent sale prices for these fifteen (15) parcels is \$88,932. All of the parcels are vacant land without any improvements.

RESOLUTION NO. RS2019-1571 (MENDES, VERCHER, & OTHERS) – This resolution would amend three grant contracts for constructing affordable housing between the Metropolitan Housing Trust Fund Commission and Urban Housing Solutions, Inc., Dismas, Inc., and Woodbine Community Organization.

Resolution No. RS2017-536 approved three grant contracts which appropriated the following amounts from the Barnes Fund for Affordable Housing:

- \$4,579,110 to Urban Housing Solutions, Inc.;
- \$260,291 to Dismas, Inc.; and
- \$3,500,000 to Woodbine Community Organization

The term of the grant contracts were from the date of execution until completion of the project, but not for longer than 24 months. The resolution under consideration would extend these grant contracts as follows:

- The agreement with Urban Housing Solutions, Inc. would be extended to 30 months;
- The agreement with Dismas, Inc. would be extended to 38 months; and
- The agreement with Woodbine Community Organization would be extended to 30 months

No other terms would be amended by this agreement.

RESOLUTION NO. RS2019-1572 (SYRACUSE, VERCHER, & BEDNE) – This resolution would authorize the Director of Public Property to exercise an option agreement between the Metropolitan Government and Charlie R. Smith and Marlene J. Smith authorizing the purchase of certain properties owned by the Smiths. Section 2.24.250.F of the Metro Code authorizes the director of public property to negotiate the purchase of property and to obtain from property owners an option to sell at a fixed price, subject to the approval of the Council by resolution.

The Smiths own approximately 53 acres of property located at 0 Lebanon Pike and approximately .72 acres at 205 Downeymeade Drive. This option would be valid for a period of two hundred (200) days. This property would be used for future park property.

The proposed option was approved by the Planning Commission.

Fiscal Note: The property at 0 Lebanon Pike would be acquired for \$844,000 and the property at 205 Downeymeade Drive would be acquired for \$256,000. A waiver of the appraisal order, signed by the Director of Finance, is attached to the resolution and states that appraisals were ordered by The Conservation Fund on behalf of Metro Parks Department. The waiver states that the option price is within 110% of the appraisal dated April 14, 2017.

RESOLUTION NO. RS2019-1573 (VERCHER & SYRACUSE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1574 (VERCHER & BEDNE) – This ordinance would authorize the execution of an option agreement for the purchase of flood-prone property located at 0 Rifle Range Road in Old Hickory, consisting of approximately 1.81 acres. Section 2.24.250.F of the Metro Code authorizes the director of public property to negotiate the purchase of property and to obtain from property owners an option to sell at a fixed price, subject to the approval of the Council by resolution.

The proposed option was approved by the Planning Commission on December 17, 2018.

Fiscal Note: The purchase price for this acquisition would be \$119,900.

RESOLUTION NO. RS2019-1575 (VERCHER & BEDNE) – This ordinance would authorize the execution of an option agreement for the purchase of three (3) flood-prone properties in Madison located at 161 Harrington Avenue, 261 Neelys Bend Road, and 104 Peggy Street. Section 2.24.250.F of the Metro Code authorizes the director of public property to negotiate the purchase of property and to obtain from property owners an option to sell at a fixed price, subject to the approval of the Council by resolution.

The properties are as follows:

- 161 Harrington Avenue, approximately .35 total acres: \$170,000
- 261 Neelys Bend Road, approximately .30 total acres: \$231,000
- 104 Peggy Street, approximately .32 acres: \$320,000

The proposed options were approved by the Planning Commission on December 17, 2018.

Fiscal Note: The total purchase price for these acquisitions is \$721,000.

RESOLUTION NO. RS2019-1576 (VERCHER & FREEMAN) – This resolution would approve a sole source contract between the Metropolitan Government and NEC Corporation of America to provide AFIS system software maintenance and support. AFIS is the Automated Fingerprint Identification System.

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

This contract would become effective upon execution of all required parties and filing in the Metropolitan Clerk's Office and would end sixty (60) months from the date of filing.

Fiscal Note: The estimated value of the contract is \$2,665,554.13.

RESOLUTION NO. RS2019-1577 (VERCHER, FREEMAN, & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1578 (VERCHER, FREEMAN, & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1579 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Tyler J. Ivery against the Metropolitan Government in the amount of \$13,500.

On October 26, 2018, a Metro Fire Department ambulance was attempting to make a left turn onto Woodlawn Drive. The ambulance failed to yield to oncoming traffic and struck Mr. Ivery's vehicle in the intersection of Harding Pike and Woodlawn Drive. Mr. Ivery's vehicle was deemed a total loss and the property loss claim was previously settled for \$4,016.

Mr. Ivery sought treatment for pain to the left side of his neck and shoulder and pain in his left knee. He was diagnosed with a left trapezius muscle spasm in the neck and shoulder and a left knee contusion. He has agreed to accept a total of \$13,500 in full settlement of this case, based upon \$6,566.77 for reimbursement of his medical expenses, plus \$6,933.23 for pain and suffering.

The Department of Law recommends settlement of this claim for \$13,500.

Disciplinary action against the employee consisted of a verbal reprimand.

Fiscal Note: This \$13,500 settlement, along with the settlements per Resolution Nos. RS2019-1580 and RS2019-1581, would be the 22nd, 23rd, and 24th payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,157,674.44. The fund balance would be \$4,248,273 after these payments.

RESOLUTION NO. RS2019-1580 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Andrea Crenshaw against the Metropolitan Government in the amount of \$30,000.

On July 13, 2018, Ms. Crenshaw was attempting a left turn from Dr. D.B. Todd Boulevard onto Meharry Boulevard. A Metro vehicle driven by an employee of Nashville General Hospital pulled into Ms. Crenshaw's path and struck the left rear of her vehicle. Damage to her vehicle was repaired previously at a cost of \$4,346.37.

Ms. Crenshaw sought treatment for injuries to her neck and lower back. She has agreed to accept a total of \$30,000 in full settlement of this case, based upon \$16,308.01 for reimbursement of her medical expenses, plus \$13,633.37 for pain and suffering and \$58.62 for lost wages.

The Department of Law recommends settlement of this claim for \$30,000.

No disciplinary action was taken against the employee.

Fiscal Note: This \$30,000 settlement, along with the settlements per Resolution Nos. RS2019-1579 and RS2019-1581, would be the 22nd, 23rd, and 24th payments from the Self-Insured

Liability Fund in FY19 for a cumulative total of \$1,157,674.44. The fund balance would be \$4,248,273 after these payments.

RESOLUTION NO. RS2019-1581 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Patricia Rose against the Metropolitan Government in the amount of \$12,500.

On March 28, 2018, a Metro Public Works employee driving on Old Hickory Boulevard failed to notice traffic had come to a stop. In an attempt to avoid a collision, the employee veered into the right lane and struck a vehicle driven by Ms. Rose. Her vehicle was deemed a total loss and the property loss claim was previously settled for \$9,182.45.

Ms. Rose sought treatment for a cervical spine ligament sprain, neck strain, and myalgia. In addition, her eyeglasses were damaged and replaced. She has agreed to accept a total of \$12,500 in full settlement of this case, based upon \$7,752.11 for reimbursement of her medical expenses, plus \$4,747.89 for pain and suffering.

The Department of Law recommends settlement of this claim for \$12,500.

Disciplinary action against the employee consisted of a one day suspension.

Fiscal Note: This \$12,500 settlement, along with the settlements per Resolution Nos. RS2019-1579 and RS2019-1580, would be the 22nd, 23rd, and 24th payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,157,674.44. The fund balance would be \$4,248,273 after these payments.

RESOLUTION NO. RS2019-1582 (VERCHER & BEDNE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1583 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1584 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1585 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1586 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1587 (VERCHER & GILMORE) – This resolution would approve Amendment Five to an agreement originally approved in 2012 between Vanderbilt University Medical Center and the Metro Board of Health to participate as a member site for tuberculosis epidemiological consortium studies.

As originally approved per Resolution No. RS2012-452, Vanderbilt, through Duke University, is the recipient of a grant from the U.S. Centers for Disease Control and Prevention to conduct clinical research, and has subcontracted with the Health Department to assist with the study. The Health Department's responsibilities set forth under the original contract are to provide a full-time employee devoted to this study whose responsibilities include conducting studies, enrolling patients, reporting data, and assisting in the development of presentations and publications of the study results. The Health Department provides Vanderbilt with office space and administrative/facilities support for Vanderbilt staff, including information systems, utilities, medical records management, patient registration, and data entry.

The amendment under consideration would increase the contract amount by \$77,117.00. The amendment would also extend the term of the agreement through September 28, 2019. All other terms and conditions of the contract are unaltered and remain in full force and effect, including a provision that either party may terminate the agreement upon 30 days' notice.

Fiscal Note: The current amended grant amount is \$406,719. The additional \$77,117 per this amendment would increase the grant total to \$483,836.

RESOLUTION NO. RS2019-1588 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1589 (GILMORE) – This resolution would approve a Health Connect Confidentiality and User Agreement between the Metro Board of Health and Vanderbilt University Medical Center (VUMC) to allow access to VUMC's electronic medical records system to collect reporting data.

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

This agreement would specify the terms and conditions under which Metro would be allowed to access VUMC's medical records system, including confidentiality requirements. The term of the

agreement would commence upon acceptance of the agreement and continue until the system is no longer used by Metro.

Fiscal Note: There would be no cost to Metro under the agreement for this access.

RESOLUTION NO. RS2019-1590 (GILMORE & HURT) – This resolution would approve a contract for services between the Tennessee Department of Health and the Metro Board of Health to provide the smoking cessation program, "Baby and Me Tobacco Free".

The term of the contract would be from July 1, 2019 through June 30, 2020.

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

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

RESOLUTION NO. RS2019-1591 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1592 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1593 (VERCHER, FREEMAN, & ELROD) – This resolution would approve an agreement between the United States Department of the Army (Army) and the Metropolitan Department of Water and Sewerage Services for the Sevenmile Creek Flood Risk Management Project in Davidson County (Project).

The Project would consist of two parts. The first would construct a dry dam south of the entrance to the Ellington Agricultural Center on the west side of Edmondson Pike, south of Brewer Drive and north of Oakley Drive. The second would be the buyout of 45 flood-prone properties in the Sevenmile Creek watershed to be identified in separate legislation.

Metro would be required to pay a minimum of thirty-five percent (35%) of construction costs allocated by the Government to structural flood risk management, and thirty-five percent (35%) of construction costs allocated by the Government to nonstructural flood risk management.

Fiscal Note: Metro and the Army would jointly fund the cost of the project. Construction costs are projected to be \$16,924,455. The Army would pay \$11,000,896 of this amount, with Metro paying the remaining \$5,923,559. This would come from Water and Sewer Services Fund No. 41118 (W&S GSD StormwaterS/F FY18BCap).

Costs allocated to structural flood risk management are projected to be \$7,344,455 with the Army paying \$4,773,896 and Metro paying \$2,570,559. Construction costs allocated to nonstructural flood risk management are projected to be \$9,580,000. The Army would pay \$6,225,000 of this amount, with the remaining \$3,355,000 paid by Metro.

RESOLUTION NO. RS2019-1594 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1595 (BEDNE) – This resolution would amend Ordinance No. BL2018-1341 to authorize the Metropolitan Government to abandon existing public utility easement rights for properties located at Demonbreun Street (unnumbered) and 1219 McGavock Street, formerly Alley 235.

Ordinance No. BL2018-1341 was approved on November 13, 2018 and authorized the abandonment and removal of sanitary sewer main and sewer manholes. This amendment would add abandonment of existing public utility easement rights.

RESOLUTION NO. RS2019-1596 (BEDNE) - This resolution would authorize Hydralive Nashville, LLC to construct, install, and maintain an aerial encroachment at 212 Broadway. The encroachment would consist of two double-sided, illuminated signs.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to provide a \$3 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party. The applicant must also hold the Metropolitan Government harmless from all claims connected with the installation.

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

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

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

This proposal has been approved by the Planning Commission.

RESOLUTION NO. RS2019-1598 (LEE) – This resolution would provide for the censure of former Mayor Megan Barry by the Metropolitan Council for conduct resulting in a conditional guilty plea to felony theft and subsequent resignation in March of 2018.

As determined by the Metropolitan Board of Ethical Conduct, the receipt of excessive overtime compensation by Sgt. Robert Forrest, Jr. constituted a violation of Sections (i) and (k) of the Metropolitan Government’s Standards of Ethical Conduct, Metropolitan Code § 2.222.020. These sections prohibit Metropolitan Government employees (including elected officials) from securing unwarranted privileges for themselves or others, or giving the impression that any person can improperly influence or unduly enjoy their favor in the performance of their official duties, or that they are unduly affected by the kinship, rank, position or influence of any person.

Section 2.222.050 of the Metropolitan Code provides that, upon receipt of a recommendation from the Board of Ethical Conduct that an elected official be censured by the Council, the chairman of the Rules-Confirmations-Public Elections Committee “shall file a resolution with the metropolitan clerk providing for censure of the member.”

The Council Office would submit that the application of Section 2.222.050 of the Metropolitan Code of Laws to former elected officials is unclear.

– ORDINANCES ON SECOND READING –

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 substituted, 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). These same regulations 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).

Under the proposed ordinance as substituted, the number of permitted operators of SUMDs that are not bicycles would now be limited to four (4), although the MTLC could approve additional operators after conducting hearings to review applications. If more than four (4) operators held a certificate of public convenience and necessity as of the effective date of the proposed ordinance, the MTLC would be required to revoke the certificate of any operator that received its certificate after four were already issued.

According to the Metropolitan Transportation Licensing Commission, six (6) companies currently possess SUMD certificates (Lime; Bird; Lyft; Jump, an Uber-affiliated company; Spin; and Gotcha).

The ordinance sets forth the parameters for the hearings to be conducted by the MTLC, including the frequency thereof, notice provisions, filing allowances, and fees.

The ordinance would also require SUMDs to be operated only by individuals over the age of 18, setting out penalties related to this requirement.

The Council Office would note potential legal concerns with this proposed ordinance. The provisions limiting the number of operators to four of SUMDs that are not bicycles may run afoul of Article I, Section 22 of the Tennessee Constitution, which prohibits monopolies. In 2017, the Tennessee Attorney General issued an opinion 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. The facts in *Checker Cab* bear some resemblance to the current ordinance. A 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.

Additionally, the ordinance poses potential due process concerns associated with the revocation of existing certificates of public convenience and necessity that have previously been, or will soon be, issued by the Metropolitan Government.

It is anticipated that the sponsor will introduce a Second Substitute with additional amendments. The Council Office is of the opinion that, while the revised language of the Second Substitute provides better legal footing, it continues to run afoul of Constitutional prohibitions against fostering monopolies.

As noted, a monopoly is defined under Tennessee law as "an exclusive right granted to a few, which was previously a common right." *James Cable Partners, L.P. v. City of Jamestown*, 818 S.W.2d 338, 345 (Tenn. Ct. App. 1991). The grant of a monopoly is permitted only if it "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." *Checker Cab Co., supra*.

The proposed Second Substitute does add language purporting to establish governmental purposes for limiting the number of operators to four – initially stating generically that the limit is meant "to promote and protect the health, safety, and well-being of the public." The Substitute then lists nine specific purposes:

- a. Establish a deliberate and careful process to incorporate SUMDs, a completely new and innovative transportation option, into Nashville's transportation infrastructure while monitoring their impact on public safety.
- b. Fully evaluate SUMD utilization.
- c. Develop a sufficient regulatory scheme and safety plan.
- d. Allow pedestrians and drivers of motor vehicles time to become accustomed to these new and alternative modes of transportation as they begin to share roads and sidewalks with them.
- e. Limit safety hazards such as clutter of public sidewalks and obstructions of access to the right of way for pedestrians, cars, bicycles, transit, or other modes of transportation.
- f. Allow MNP, MTLC, and other parts of Metropolitan Government time to develop enforcement tactics and programs.
- g. Collect data to make informed decisions for better and safer transportation infrastructure that can handle a higher number of permitted SUMD operators.
- h. A limited number of permitted operators allows the Metropolitan Government better opportunity to partner and work with SUMD operators to integrate these new and alternative modes of transportation into the transportation infrastructure.

- i. Manage unexpected issues related to SUMDs being on streets and sidewalks by limiting negative effects to a smaller area and a smaller number of residents, business, and visitors while working to prevent them from occurring again on a larger scale.

Of these specific purposes, only subsection “h” addresses why a *reduced number of operators* would be of benefit. The remaining purposes could presumably be addressed without limiting operators. Whether granting a four-party monopoly has a “real tendency to carry into effect” the stated purpose -- to allow Metro better opportunity to work with SUMD operators to “integrate [SUMDs] into the transportation infrastructure” – and whether that purpose serves to protect “public safety, the public health, or the public morals” is unclear. A clearer nexus between (1) limiting the number of operators and (2) public safety should likely be in evidence.

The remaining eight purposes appear unrelated to the number of operators, if not better served by limiting the number of SUMDs. And subsection “i” suggests limiting SUMDs to a “smaller area”.

Additionally, the Second Substitute deletes a prior provision that would allow the MTLC to call special meetings for consideration of additional certificates. Instead, the Second Substitute would require certificates to be evaluated at meetings “to be held biannually.” While the MTLC could convene additional “special meetings”, the practical effect would be to limit opportunities for new operators to apply.

The Tennessee legislature has authorized municipalities to regulate by ordinance or resolution “private passenger-for-hire vehicles” to the extent deemed necessary by the municipality, even if the regulation is anti-competitive. Tenn. Code Ann. § 7-51-1004(a). But such regulations must be for purposes of protecting public health, safety and welfare. Tenn. Code Ann. 7-51-1003 and 7-51-1004. Moreover, while the term “private passenger-for-hire vehicles” has been applied in various appellate court decisions to refer to taxicabs, limousines, and similar conveyances, the term has not been applied to “urban mobility devices” such as scooters, bicycles, tricycles, *etc.* (See, *e.g.*, *McDonald v. Metropolitan Government*, 1987 U.S. Dist. LEXIS 14426, (M.D. of Tenn. 1987; and *Metro. Gov’t of Nashville v. Ollis*, 2011 Tenn. App. LEXIS 399 (2011)).

Finally, due process concerns expressed in regard to the original ordinance persist under the Second Substitute. While proposed Sec. 12.62.020.F. states that operators must comply with all adopted ordinances, regulations and policies, this is unlikely to constitute sufficient due process notice under the constitutional standard which requires notice and an opportunity to respond.

BILL NO. BL2019-1472 (BEDNE & SLEDGE) – This ordinance would establish a matching requirement wherein, for every economic and community development incentive grant provided by the Metropolitan Government to qualified companies under Section 2.210.020 of the Metro Code, an appropriation of an equivalent amount must be made to the Barnes Fund for Affordable Housing (Barnes Fund).

Section 2.210.020 of the Metropolitan Code authorizes economic and community development incentive grants to qualified projects. The incentive is determined by multiplying the average number of new full time equivalent employees of the qualified company within the boundaries of the Metropolitan Government during the preceding year by an amount up to five hundred dollars (\$500).

This ordinance would require an appropriation equal to any economic and community development incentive grants appropriated pursuant to Sec. 2.210.020 of the Metro Code. Appropriations made to the Barnes Fund pursuant to this matching requirement would not be in lieu of other appropriations made by the Metropolitan Government. An amendment by the sponsor is anticipated which would confirm the continuing availability of other funding mechanisms.

Fiscal Note: The practical impact of this ordinance is that future economic and community development incentive grants would require commensurate funding to the Barnes Fund, essentially doubling the expense of ECD incentives to the Metropolitan Government.

Depending on the available fund balances at the time of future proposed ECD grant projects, the decision would need to be made if it would be feasible for Metro to enter into these projects and still maintain required fund balance percentages.

BILL NO. BL2019-1473 (PULLEY & WITHERS) – This ordinance 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 or 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.

An amendment is anticipated which would include time of day parameters and decibel level limits.

BILL NO. BL2019-1475 (HALL) – This ordinance would amend the Metropolitan Code of Laws (MCL) to establish a time period for which grading permits remain valid and would make amendments to the review of grading permits and drainage plans.

This ordinance would make a grading permit valid for eighteen months from the date of issuance. Permits could be renewed for successive eighteen month periods.

The ordinance would also make housekeeping changes to MCL Sec.15.64.140.C. regarding the review of a grading and drainage plan. These changes would include clean-up of a numbering sequence and a clarification regarding non-compliance determinations. Section 15.64.140.C.4.a

currently provides that a determination of non-compliance with a grading permit and drainage plan requires a finding of at least two of three recited findings. The pending ordinance would clarify that establishment of two findings does not necessarily *require* a determination of non-compliance.

BILL NO. BL2019-1476 (VERCHER, GLOVER, & BEDNE) – This ordinance would declare 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.

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. BL2019-1477 (RHOTEN, VERCHER, & OTHERS) – This ordinance would declare 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 (VERCHER, GLOVER, & BEDNE) – This ordinance would declare 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 Metropolitan Government 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 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 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. 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).

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>

– ORDINANCES ON THIRD READING –

BILL NO. BL2018-1407 (O'CONNELL & SYRACUSE) – This ordinance, as amended, would clarify a requirement that construction of certain types of structures within the floodway, specifically listed in the existing Metro Code of Laws, would need to be consistent with Stormwater Management Manual requirements.

Currently, Section 15.64.170.A. of the Metropolitan Code of Laws states that no new structures shall be constructed within the floodway. Section 15.64.170.B. allows for limited exceptions to this prohibition for certain types of structures, provided that the structure is designed and engineered in such a manner as to have no adverse impact.

This ordinance would clarify the requirement implicit in Subsection B that construction within the floodway must be consistent with the provisions of the Stormwater Management Manual.

BILL NO. BL2018-1442 (VERCHER, O'CONNELL, & BEDNE) – This ordinance, as amended, would approve the acquisition of interests in a parcel of real property from four parties and approve a participation agreement, license agreement, and easement agreement between the Metropolitan Government and Uptown Property Holdings, LLC (UPH) connected to the development of the Nashville Yards project.

The participation agreement reflects UPH's public infrastructure improvements including (i) environmental clean-up in the public right-of-way; (ii) traffic signalization; (iii) street and sidewalk work at 10th Avenue, 9th Avenue, Church Street, 8th Avenue and Commerce Street; and (iv) separation of certain water and sewer utilities and related utility infrastructure and upgrades – all identified in Exhibit A to the participation agreement and totaling an estimated \$79,470,000. Of those improvements, the Metropolitan Government would agree to reimburse UPH for certain infrastructure, identified in Exhibit B to the agreement, presumably requiring the completion of these projects. The estimated expense of these reimbursable infrastructure items totals \$16,693,699, but the participation agreement caps Metro's reimbursement payment at \$15,250,000 – the equivalent of 19.2% of the total infrastructure costs.

With respect to proposed street and sidewalk work at 10th Avenue, the capital spending plan adopted in October, 2018 under Resolution No. RS2018-1454 designated a total of \$15,000,000 for "Roads" projects by the Public Works Department, identified as project no. 02PW020. The FY19 Capital Improvements Budget designated \$10,000,000 for "10th Avenue North / Broadway area – Traffic signalization, sidewalks and road improvements", identified as project no. 19PW0003. The Metro Public Works Department has previously advised that, of the \$15,000,000 designated for "roads" in the Capital Spending Plan, \$3,000,000 would be earmarked for "10th Ave N & Broadway Infrastructure Improvements." According to the Mayor's Office of Economic and Community Development, Metro Water Services will fund an additional \$3,250,000, leaving \$9,000,000 to be funded in future capital spending plans.

The license agreement, attached to the ordinance as Exhibit 2, would grant a license from Metro to UPH to enter upon the property located under Broadway at 10th Avenue. This area is designated on Exhibit A to the license agreement. The term of the license would be twenty (20) years and would renew automatically for five (5) years unless written notice is given by Metro at least 180 days prior to the expiration of the term. UPH would be given access and use of the property and could make improvements to the property with the permission of Metro.

Metro would also acquire interests in real property by quitclaim deeds from four parties, as shown in Exhibit 3 attached to the ordinance. UPH, the Young Men's Christian Association of Middle Tennessee (YMCA), the State of Tennessee, and the Nashville Electric Service would each grant Metro any interest they have in the separate properties that encompass the proposed 10th Avenue North. Each property is described on Exhibits A and B, attached to each quitclaim deed.

The ordinance would also approve an irrevocable easement and maintenance agreement between Metro and UPH, attached as Exhibit 4 to the ordinance. This agreement would include (1) a temporary, non-exclusive construction easement; (2) a permanent, exclusive, irrevocable right-of-way and easement for the placement, ownership, use and maintenance of the roadway improvements, as well as an exclusive and irrevocable right and easement in the airspace directly above the area for the construction of a pedestrian bridge over, above and spanning Tenth Avenue; (3) a permanent, exclusive, irrevocable easement for the purpose of constructing vehicular turnaround related improvements. The agreement lays out conditions precedent, including delivery plans and specifications for the roadway and turnout improvements and copies of all permits, approvals, ordinances, resolutions and licenses required to commence construction of the improvements to Metro, which would be required to be completed before the easements would become effective. The easements could be terminated if the required conditions precedent do not occur within five (5) years from the date of the agreement. UPH would be permitted to transfer or assign its rights under this agreement. UPH would further agree to maintain and operate the improvements in a safe, clean and secure condition.

An amendment adopted at the January 3, 2019 Council meeting added a clawback provision to the participation agreement.

Fiscal Note: Upon completion of these infrastructure projects, UPH would convey ownership of the signalization, streets, sidewalks and water utilities to Metro at no cost; although Metro would be responsible for the ongoing operation and maintenance.

Metro would reimburse UPH for (i) construction; (ii) design and project management costs; and (iii) inspection expenses and other miscellaneous costs associated with the work. Metro would compensate UPH up to \$15,250,000 for infrastructure projects, listed on Exhibit B attached to the participation agreement. UPH estimates the total cost of this work to be \$16,693,699.

Metro would make payments annually over a multi-year period not to exceed four years. Payments would not exceed \$6,000,000 in any one fiscal year. This agreement could be amended by resolution of Council. Infrastructure projects for the Nashville Yards project to be undertaken

by UPH are also listed on Exhibit A to the participation agreement and total an estimated \$79,470,000.

BILL NO. BL2018-1458 (BEDNE & O'CONNELL) – This ordinance would authorize Hickory Woods Senior Living, LLC to install, construct and maintain aerial and underground encroachments in the right-of-way located at 0 Murfreesboro Pike. These would consist of an 8 feet wide pedestrian bridge to connect two buildings within The Preserve at Hickory Woods SP Development encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

BILL NO. BL2018-1459 (BEDNE & O'CONNELL) – This ordinance would authorize SP/LLU Opus 29 LLC to install, construct, and maintain underground and structural encroachments in the right-of-way located at 300 31st Avenue North. These encroachments would consist of an irrigation system spanning 66 linear feet, with sprinkler heads every 12 feet, encroaching the right-of-way.

SP/LLU Opus 29 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.

GRANTS LEGISLATION – FEBRUARY 5, 2019

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2019-1573	From: Tennessee State Library and Archives To: Nashville Public Library	Not to exceed \$3,124.00	\$2,811.60	October 1, 2018 through April 30, 2019	The proceeds from this grant would be used to provide funds to purchase computers for use by library patrons and staff and to enhance the use of technology services available at the public library.
RS2019-1577	From: Tennessee Highland Rim Healthcare Coalition To: Nashville Fire Department	\$5,500.00	\$0	N/A	This would approve an application for a grant. If approved, grant proceeds would be used for a utility trailer to rapidly transport and deploy cached medical supplies and equipment.
RS2019-1578	From: Tennessee Highland Rim Healthcare Coalition To: Nashville Fire Department	Not to exceed \$5,500.00	\$0	N/A	The grant proceeds would be used for a utility trailer to rapidly transport and deploy cached medical supplies and equipment.

<p>RS2019-1582</p>	<p>From: Tennessee Emergency Management Agency</p> <p>To: Metro Department of Finance</p>	<p>Increase by \$2,495,058.91</p>	<p>Increase by \$131,318.88</p>	<p>N/A</p>	<p>This would approve the twelfth amendment to a grant approved by RS2010-1489.</p> <p>This would increase the grant amount from \$71,989,126.04 to \$74,484,184.95. Metro's required cash match would increase from \$3,788,900.98 to \$3,920,219.86. Grant proceeds are used to complete repairs and/or replacement to facilities damaged during April and May 2010.</p>
<p>RS2019-1583</p>	<p>From: Boulevard Bolt, Inc.</p> <p>To: Metropolitan Nashville Social Services Commission</p>	<p>\$9,000.00</p>	<p>\$0</p>	<p>N/A</p>	<p>The grant proceeds would be used to benefit the How's Nashville program to aid homelessness.</p>
<p>RS2019-1584</p>	<p>From: Association of Food and Drug Officials</p> <p>To: Metropolitan Board of Health</p>	<p>Not to exceed \$3,000.00</p>	<p>\$0</p>	<p>January 1, 2019 through December 31, 2019</p>	<p>The grant proceeds would be used to fund travel expenses for Health Department staff to attend Food Environmentalist Training.</p>

<p>RS2019-1585</p>	<p>From: Association of Food and Drug Officials</p> <p>To: Metropolitan Board of Health</p>	<p>Not to exceed \$2,000</p>	<p>\$0</p>	<p>January 1, 2019 through December 31, 2019</p>	<p>The grant proceeds would be used to provide funding for staff members to attend the FDA Southeast Regional Seminar to enhance conformance with Voluntary National Retail Food Regulatory Program Standards.</p>
<p>RS2019-1586</p>	<p>From: U.S. Environmental Protection Agency</p> <p>To: Metropolitan Board of Health</p>	<p>Increase by \$125,000</p>	<p>N/A</p>	<p>End date extended to September 30, 2019</p>	<p>This would approve Amendment C to a grant approved by RS2015-1355.</p> <p>The grant proceeds would be increased from \$1,665,080.00 to \$1,790,080.00. Grant proceeds are used to fund an ongoing program to protect air quality to achieve established ambient air standards and protect human health.</p>
<p>RS2019-1588</p>	<p>From: Tennessee Department of Health</p> <p>To: Metropolitan Board of Health</p>	<p>Increase by \$11,600.00</p>	<p>N/A</p>	<p>N/A</p>	<p>This would be the first amendment to a grant approved by RS2018-1201.</p> <p>The grant proceeds would be increased from \$1,792,600.00 to \$1,804,200.00. Grant proceeds are used to provide oral disease prevention services for school children in grades K-8 in qualifying public schools.</p>

<p>RS2019-1591</p>	<p>From: Tennessee Department of Environment and Conservation</p> <p>To: Metropolitan Nashville Public Works Department</p>	<p>Not to exceed \$2,358,250.00</p>	<p>\$2,358,250.00</p>	<p>February 18, 2019 through February 17, 2024</p>	<p>The grant proceeds would be used to fund the purchase of curbside recycling equipment.</p>
<p>RS2019-1592</p>	<p>From: Tennessee Department of Environment and Conservation</p> <p>To: Metropolitan Nashville Public Works Department</p>	<p>Not to exceed \$125,650.00</p>	<p>\$125,650.00</p>	<p>July 1, 2018 through June 30, 2019</p>	<p>The grant proceeds would be used to fund recycling education and the purchase of curbside recycling carts.</p>
<p>RS2019-1594</p>	<p>From: Tennessee Department of Environment and Conservation</p> <p>To: Metropolitan Nashville Water and Sewerage Services Department</p>	<p>Not to exceed \$95,617.00</p>	<p>\$75,887.00</p>	<p>April 1, 2019 through March 31, 2021</p>	<p>The grant proceeds would be used to replace 130 broken and missing tree grates with flexible porous paving.</p>

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
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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
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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

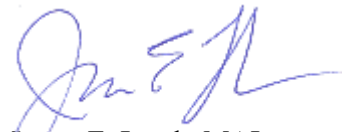
December 10, 2018

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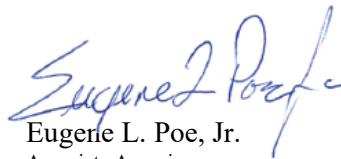
The narrative appraisal report that follows contains the identification of the property, the assumptions and limiting conditions, pertinent facts about the area and the subject property, comparable data, the results of the investigations and analyses, and the reasoning leading to the conclusions contained 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
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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

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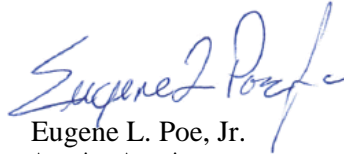
Financial Institution Reform Recovery and Enforcement Act of 1989 (FIRREA). The engagement letter for this assignment is presented as an exhibit in the Addenda to the report.

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
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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.

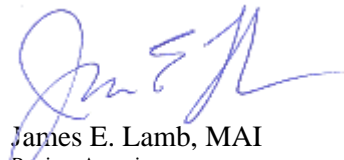
The narrative appraisal report that follows contains the identification of the property, the assumptions and limiting conditions, pertinent facts about the area and the subject property, comparable data, the results of the investigations and analyses, and the reasoning leading to the conclusions contained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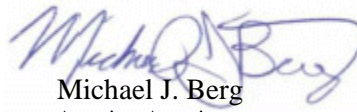
Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute and the Financial Institution Reform Recovery and Enforcement Act of 1989 (FIRREA). The engagement letter for this assignment is presented as an exhibit in the Addenda to the report.

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.