



## METRO COUNCIL OFFICE

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MEMORANDUM TO: All Members of the Metropolitan Council

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

COUNCIL MEETING DATE: March 5, 2019

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 2/27/19:

4% Reserve Fund	\$18,423,425*
Metro Self Insured Liability Claims	\$4,172,101
Judgments & Losses	\$2,719,510
Schools Self Insured Liability Claims	\$4,326,309
Self-Insured Property Loss Aggregate	\$7,627,275
Employee Blanket Bond Claims	\$683,600
Police Professional Liability Claims	\$2,195,800
Death Benefit	\$1,523,420

\*This assumes unrealized estimated revenues in FY19 of \$15,714,110.

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

**– ORDINANCES ON PUBLIC HEARING –**

**BILL NO. BL2018-1372** (O’CONNELL, VERCHER, & BEDNE) – This ordinance, as amended, would authorize the acquisition of certain property, located at 88 Hermitage Avenue, from the State of Tennessee on behalf of Metropolitan Nashville Public Schools (MNPS) for purposes of constructing a new high school – the relocated Nashville School of the Arts. The Tennessee Historical Commission has determined that this property is eligible for listing in the National Register of Historic Places. Upon acquisition, it is the intention of MNPS to create a new high school on the site.

This has been approved by the Planning Commission.

*Fiscal Note: Metro would acquire the property for a price not to exceed \$11,300,000. The appraised value of this property is \$11,850,000.*

**BILL NO. BL2018-1456** (DOWELL & VERCHER) – 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. Pursuant to Rule 21 of the Council Rules of Procedure, no action may be taken on second reading and no public hearing may be conducted until the Planning Commission recommendation has been submitted. It is therefore anticipated that the sponsor will defer the legislation to the April 2, 2019 meeting.

– 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 firms. 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. RS2019-1609** (VERCHER & O’CONNELL) – This resolution would approve an economic and community development incentive grant to the Industrial Development Board for the benefit of AllianceBernstein, L.P.

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

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

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

This resolution would approve a grant to AllianceBernstein in the amount of \$500 per year per qualifying job at their new office, which will be a leased facility within Davidson County. The term of the grant would be for seven years from the commencement of the project. AllianceBernstein

has projected the creation of 1,050 jobs in Nashville, with 90-95% of those jobs above the median annual wage in Metro's MSA. (The annual median wage for Metro's MSA is \$47,110.) For the purposes of this grant, the qualifying jobs total would be the sum of individuals who have worked for AllianceBernstein, any of its successors, or any entities controlled by it (an "AB Entity") for at least 26 weeks during the grant year, working an average of 36 or more hours per week, and who are based at the Project. In addition, the qualifying jobs total would include individuals who have performed services for an AB Entity through employment outsourcing or similar arrangement for at least 26 weeks during the grant year, working an average of 36 or more hours per week performing services for an AB Entity, who are based at the Project, and who are paid in excess of the most recently published average wage for "All Occupations" in Metro's metropolitan statistical area (MSA) according to the U.S. Bureau of Labor Statistics. However, jobs performed for functions previously filled by an individual based at another AB Entity in Davidson County would not be included.

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

- (1) the type and number of jobs created, including whether those jobs will be temporary or permanent, and the number that will be filled by Davidson County residents;
- (2) a workforce plan disclosing whether the project will involve use of temporary or staffing agencies, the Nashville Career Advancement Center, or other third parties; whether individuals hired will be employed by the company or by subcontractors or others; and the wages and benefits offered, with a comparison of those wages to average wage levels in Davidson County;
- (3) whether the project will involve use of apprentices from programs certified by the U.S. Department of Labor; and
- (4) the number and type of violations assessed by OSHA or TOSHA, as well as any employment or wage-related legal actions filed against the company or any contractor or subcontractor.

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

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

This Resolution was previously deferred one (1) meeting at the February 19, 2019 Council meeting.

*Fiscal Note: During the seven-year term, the potential annual grant amount would be \$525,000, based on \$500 for each of the 1,050 anticipated qualifying jobs. Assuming the projected jobs materialize for each grant year, the cumulative incentive amount would total \$3,675,000.*

*AllianceBernstein projects a level of capital investment of \$70,100,000 over the next five years, based upon estimates of the costs of office build-out, equipment and other expenses related to establishing their headquarters.*

**RESOLUTION NO. RS2019-1621** (VERCHER & WITHERS) – This resolution would amend the general pay plan for employees of the Metropolitan Government by adding certain new positions related to the Community Oversight Board, created by Metro Charter Section 11.1301, *et seq.*

In November 2018, the voters of Nashville and Davidson County amended the Metropolitan Charter to add a new chapter establishing a Community Oversight Board. Metro Charter Sec. 11.1303 requires a staff consisting of an Executive Director, an Assistant Executive Director, and a minimum of three investigators, two research analysts, one community engagement liaison, as well as a legal resource advisor.

The new positions to be added to the pay plan pursuant to this resolution include executive director, assistant director, and legal advisor. The range for the annual salaries of these new positions would be as follows:

Executive Director — DP01	\$56,261.34 to \$118,658.72
Assistant Director — OR09	\$80,185.61 to \$120,278.40 (midpoint \$100,232.00)
Legal Advisor — OR10	\$87,470.17 to \$135,578.78 (midpoint \$111,524.47)

*Fiscal Note: This resolution does not involve the appropriation of any funds, nor does it identify specific funding sources for the operational budget of the new Community Oversight Board. It simply establishes the job titles and pay scales within the existing general pay plan.*

**RESOLUTION NO. RS2019-1622** (VERCHER & GLOVER) – This resolution would approve a grant from the Metropolitan Government to the United Way of Metropolitan Nashville in the amount of \$348,000.00.

The grant would be used for pre-kindergarten services to advance high quality early education practices as key levers for early student success and literacy attainment. These key levers are based upon brain research indicating that ninety percent of a child’s brain is developed by age four. With these funds, the United Way would work with partners to develop initial scopes of work defining the infrastructure needed for a centralized pre-K enrollment system; evaluate early education practices; conduct a preliminary assessment of current early education system; and build a network of providers. The contract term would be from March 5 until June 30, 2019. No cash match is required on the part of United Way.

**RESOLUTION NO. RS2019-1623** (VERCHER & SYRACUSE) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2019-1624** (KINDALL, VERCHER, & BEDNE) – This resolution would approve the third amendment to an agreement between the Tennessee Department of Transportation (TDOT) and the Metropolitan Department of Public Works for improvements on Jefferson Street. The agreement was initially approved pursuant to Resolution No. RS2008-245 and included a grant of \$920,808 with a required match of \$480,203 for intersection improvements on Jefferson Street.

Resolution No. RS2013-745 approved the first amendment to this agreement, which extended the agreement to June 1, 2017, specifically identified the intersections on Jefferson Street at 28th Avenue/Ed Temple and 21st Avenue North to be improved, and better reflected TDOT's current fund descriptions. Resolution No. RS2017-708 approved the second amendment to the agreement, which extended the date for completion to June 1, 2019, based upon additional recommendations from a 2017 traffic study.

The resolution under consideration would extend the completion date of all phases of work to December 31, 2020 -- an extension made necessary by the procurement of a new design engineering firm on August 13, 2018.

*Fiscal Note: There would be no changes to the financial terms of this agreement.*

**RESOLUTION NO. RS2019-1625** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Abolfazo Rezai-Dashti against the Metropolitan Government in the amount of \$8,250.00.

On May 3, 2018, a Metro Public Works employee rear-ended a vehicle in which Mr. Rezai-Dashti, a minor, was a passenger. The vehicle in which he was a passenger was deemed a total loss and was settled for \$2,552.83 with Liberty Mutual.

Mr. Rezai-Dashti sought treatment for pain in his right shoulder and thoracic spine and later sought chiropractic care. He has agreed to accept a total of \$8,250.00 in full settlement of this case, based upon \$5,377.13 for reimbursement of his medical expenses plus \$2,872.87 for pain and suffering. (This settlement arises out of the same incident as that in Resolution No. RS2019-1626.)

The Department of Law recommends settlement of this claim for \$8,250.00.

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

*Fiscal Note: This \$8,250 settlement, along with the settlement per Resolution No. RS2019-1626, would be the twenty-seventh and twenty-eighth payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,256,424.44. The fund balance would be \$4,172,101 after these payments.*

**RESOLUTION NO. RS2019-1626** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Behrouz Rezai-Dashti against the Metropolitan Government in the amount of \$12,500.00.

This settlement arises out of the same incident as that in Resolution No. RS2019-1625. On May 3, 2018, a Metro Public Works employee rear-ended a vehicle which Mr. Rezai-Dashti was driving. The vehicle was deemed a total loss and was settled for \$2,552.83 with Liberty Mutual.

Mr. Rezai-Dashti sought treatment for chest, back, neck, and left knee pain and was diagnosed with cervical myofascial pain, lumbar strain, check wall contusion and tapexius muscle spasm. He has agreed to accept a total of \$12,500.00 in full settlement of this case, based upon \$8,119.83 for reimbursement of his medical expenses plus \$4,380.17 for pain and suffering.

The Department of Law recommends settlement of this claim for \$12,500.00.

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

*Fiscal Note: This \$12,500 settlement, along with the settlement per Resolution No. RS2019-1625, would be the twenty-seventh and twenty-eighth payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,256,424.44. The fund balance would be \$4,172,101 after these payments.*

**RESOLUTION NO. RS2019-1627** (LEE) – This resolution would approve the election of six hundred nineteen (619) Notaries Public in accordance with state law. Per Rule 27 of the Metro Council Rules of Procedure, the Davidson County Clerk has advised that each of the applicants meets the qualifications for the office.

An amendment is anticipated adding an additional notary applicant, one of only two in the Office of the Davidson County Assessor of Property, whose commission expires in March 2019.

**– ORDINANCES ON SECOND READING –**

**BILL NO. BL2018-1388** (MURPHY, BEDNE, & O’CONNELL) – This ordinance would abandon existing sanitary sewer main and easements and accept new sanitary sewer main, sanitary sewer manholes and easements for property located at 3964 Woodlawn Drive.

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

**BILL NO. BL2018-1404** (RHOTEN, O’CONNELL, & M. JOHNSON) – This ordinance would amend Sections 6.80.550 and 12.08.150 of the Metro Code of Laws to remove certain storage fees for recovered stolen vehicles.

As proposed by this ordinance, effective June 30, 2019, if a vehicle stored by a towing or wrecker service licensed under Chapter 6.80 of the Metro Code or by an impound lot designated or maintained by the Metropolitan Nashville Police Department (MNPd) or the Metropolitan Government is determined to be stolen, the owner could have storage fees for the vehicle waived. Individuals requesting the waiver would need to present both a police report or other official documentation from the MNPd confirming that the vehicle was stolen and an affidavit signed by the owner, authorized operator, or lien holder attesting that the storage fees are not eligible for coverage under any applicable insurance policy.

Under state law, towing firms are entitled to a lien upon all vehicles that lawfully come into their possession and are retained in their possession until “all reasonable charges” due are paid. (Tenn. Code Ann. § 66-19-103). The proposed ordinance would not prohibit the assessment of towing fees or fees for required notices by towing firms. But elimination of storage fees should presumably be predicated upon the determination that such a charge is not “reasonable” when a vehicle is stolen.

An amendment from the sponsor is anticipated that would limit the scope of the proposed ordinance, requiring a waiver of storage fees for vehicles required by law enforcement to remain in storage for investigative purposes, unless insurance proceeds cover such costs.

*Fiscal Note: Wrecker and towing service fees were last increased in January per Ordinance No. BL2017-984. This was in recognition of the increased costs of operations experienced by the companies providing these services. These new rate schedules still allowed companies to charge owners fees related to services provided regarding stolen vehicles.*

*Storage fees for tow-in lots under the jurisdiction of the MNPd are currently waived for owners of stolen vehicles. However, fees are currently charged for vehicles at private towing and impound lots. The ordinance under consideration would waive fees at both Metropolitan Government lots and private lots, beginning on June 30, 2019.*



*The waived fees would have no financial impact on Metro, as fees are currently waived at lots under the jurisdiction of the MNP. This ordinance may impact the revenues of private towing and wrecker companies.*

**BILL NO. BL2019-1472** (BEDNE, SLEDGE, & COOPER) – 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 is anticipated from the sponsor clarifying that this new matching provision should not be construed as prohibiting other appropriations to the Barnes Fund.

*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. BL2019-1475** (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.

An amendment is anticipated from the sponsor that would apply the permit limitation to mass grading permits (e.g., permits that are not accompanied by building permits or use & occupancy permits) located upon local two-lane streets on lots adjacent to residential areas.

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

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

Section 2.24.250 of the Metropolitan Code of Laws requires the Director of Public Property Administration to make all surplus property available to Metro departments, boards, and commissions. The Board of Education may determine that any property held by it is no longer suited or needed for school purposes and may direct the Director of Public Property to sell the property, subject to the approval of the Metropolitan Council and the Mayor, with the proceeds being credited to the unappropriated school fund of the Metropolitan Government. (See, MCL Sec. 2.24.250.C.1.) An appraisal report has been provided pursuant to Section 2.24.225 of the Metro Code, a summary of which 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. BL2019-1489** (ELROD) – This ordinance would amend Section 12.62.060 of the Metropolitan Code of Laws regarding shared urban mobility devices.

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

This ordinance was deferred indefinitely by the sponsor on February 19, 2019. It has been reinstated onto the March 5, 2019 agenda per the sponsor's request under Rule 23 of the Council

Rules. A substitute is anticipated from the sponsor in conjunction with revisions to Second Substitute BL2018-1441.

**BILL NO. BL2019-1517** (SLEDGE, O'CONNELL, & ROSENBERG) – This ordinance would amend the Metropolitan Code of Laws to expand the circumstances in which individuals can request expungement of a Metropolitan ordinance violation.

Currently, Metro Code Sec. 1.24.050 allows a person charged with a violation of a Metropolitan ordinance to have their record expungement only if the charge is dismissed or not prosecuted. The clerk of the court having jurisdiction of such record must remove and expunge the records within sixty (60) days of the entering of the expungement order.

The ordinance under consideration would allow individuals who have pleaded guilty to the violation of a Metro ordinance to have their records expunged if, at the time of filing a petition to expunge, the following are true:

1. The person has never been convicted of any criminal offense (excluding non-moving traffic violations);
2. At least five (5) years have elapsed since the completion of any sentence imposed for the offense; and
3. The person has fulfilled all requirements of any sentence imposed.

*Fiscal Note: There would be some administrative costs to the Court Clerk's Office to process expungements as proposed by this ordinance. These costs have not yet been estimated, but should be relatively minor.*

**BILL NO. BL2019-1518** (O'CONNELL) – This ordinance would make various amendments to Chapter 6.81 of the Metropolitan Code of Laws regarding Booting Services.

This ordinance would add a definition for “residential parking areas,” a phrase used twice in this Chapter, but which is currently undefined.

The regulations for obtaining a booting permit would be amended in several ways. There is current a requirement that all employees of booting services obtain a permit from the Metropolitan Transportation Licensing Commission (MTLC). Under the current provision, applicants must be at least twenty-one years of age. This ordinance would lower the age to eighteen. The current provision allows employee permits to remain valid for two (2) years at a fee of one hundred fifty dollars, plus forty dollars for a background check. The proposed ordinance would reduce the duration of permits to one (1) year, but at a fee of only fifty dollars, plus forty dollars for a background check. This ordinance would also require all persons engaged in the act of booting to wear a uniform containing the name and/or logo of the booting company on either the left or right chest of the employee's shirt or jacket.

Booting services would be required to maintain a phone number staffed by a live operator 24 hours a day, 365 days per year. Additionally, if the immobilization device (sometimes called a “boot”) were to damage a vehicle, the service would be liable for the cost of repairs. However, if damage was caused by the driver of the immobilized vehicle attempting to operate or remove the device, the service would not be liable. The driver would be liable for any damage to the device. Further, a booting service would be required to have a valid written contract with the owner of the property, the lessee, managing agent, or other person in control of the property on which the service engages in booting.

The maximum fee for boot removal would be increased from fifty dollars to seventy-five dollars.

New requirements for booting services would be added. A service would be required to remove a boot within 15 minutes after full payment is received. A service would also be required to obtain a license in order to operate. (This is already implied in Chapter 6.81, but this amendment would make it an explicit requirement).

Existing signage requirements would further be required to be inspected for compliance by the MTLC.

Finally, the MTLC Director would be authorized to suspend, revoke, restrict, or refuse to renew licenses or permits for failure or refusal to comply with Chapter 6.81. The maximum fine imposed by the MTLC would be set at \$1,000.

*Fiscal Note: Section 3 of the proposed changes to the MCL concerning booting services would change the permit fees for booting companies. Presently, these companies pay \$150 for a two-year permit. The new fee would be \$50 for a one-year permit. Since there are presently only three permitted booting companies operating in Nashville, the net change of \$50 per permit per two years would have no significant impact on the revenue of the TLC.*

**BILL NO. BL2019-1519** (ALLEN & O’CONNELL) – This ordinance would authorize the closure of streets and alleys located on the Vanderbilt University campus to all but emergency vehicles in order to create walking districts on two streets and otherwise enhance pedestrian and biking safety.

In 1993, Substitute Ordinance no. SO93-740 closed various alleys and streets on the Vanderbilt University campus, conditioned upon Vanderbilt continuing to permit those alleys and streets to be used by members of the public as a right-of-way. That ordinance closed the following streets:

- 24th Avenue South between Alley No. 636 and Vanderbilt Place;
- Vanderbilt Place between 25th Avenue South and its eastern terminus;
- Kensington Place between 24th Avenue South and 25th Avenue South; and
- An unnamed alley extending easterly approximately 180 feet from the intersection of 24th Avenue South and Kensington Place.

These streets and alleys, however, remained open to the public as a right-of-way. The ordinance under consideration would amend SO93-740 to close some streets and alleys to all traffic except emergency vehicles, including closure of the right-of-way. The following would be closed to the public:

- 24th Avenue South between Alley No. 636 and Vanderbilt Place;
- Kensington Place between 24th Avenue South and 25th Avenue South; and,
- An unnamed alley extending easterly approximately 180 feet from the intersection of 24th Avenue South and Kensington Place.

Vanderbilt would be responsible for maintaining the streets and alleys to the same standards applicable to the Metropolitan Government, and would further indemnify Metro for all costs and claims occurring on the closed portions.

A minor housekeeping amendment is anticipated from the sponsor.

**BILL NO. BL2019-1520** (ALLEN & O'CONNELL) – This ordinance would authorize the complete closure of a portion of 24th Avenue South on the Vanderbilt University campus to all traffic except emergency vehicles in order to create a walking district and to increase pedestrian and biking safety.

Ordinance No. BL2000-278, as amended, closed eight alleys and three streets located on the Vanderbilt University campus, conditioned upon Vanderbilt continuing to permit those alleys and streets to be used by members of the public as a right-of-way. That ordinance closed the following streets:

- Alley #636 from 25th Avenue South to its terminus slightly beyond 24th Avenue South;
- Alley #638 from 25th Avenue South to its terminus at Alley #603;
- Alley #603 from Kirkland Place to its terminus at Alley #638;
- Alley #911 from 28th Avenue South to its terminus at Alley #914;
- Alley #914 from 28th Avenue South to its terminus at Alley #911 and from Alley #913 to its western terminus, but not section over near 29th Avenue South;
- Alley #912 from 28th Avenue South to its terminus at Alley #913;
- Alley #913 from 28th Avenue South to its terminus at Alley #912;
- 24th Avenue South between West End Avenue and its terminus at Alley #636 and between Highland Avenue to its terminus at Garland Avenue;
- Kirkland Place from 25th Avenue South to its terminus; and
- Garland Avenue from 25th Avenue South to its terminus at 24th Avenue South.

BL2000-278 also provided that Vanderbilt would continue to permit Garland Avenue and the portion of 24th Avenue South to be used by members of the public as right-of-way.

The ordinance under consideration would amend BL2000-278 to remove the language that permits the portion of 24th Avenue South to be used by the public as right-of-way, thereby closing that portion of 24th Avenue South to all vehicular traffic except emergency vehicles.

Vanderbilt would be responsible for maintaining the street to the same standards applicable to the Metropolitan Government, and would further indemnify Metro for all costs and claims occurring on the closed portion.

A minor housekeeping amendment is anticipated from the sponsor.

**BILL NO. BL2019-1521** (KINDALL) – On March 2, 2019, St. Thomas Midtown Hospital (formerly known as Baptist Hospital) will celebrate its centennial anniversary. This ordinance would establish the honorary designation of “Saint Thomas Midtown Way” for a portion of 20th Avenue North, between Church Street and Patterson Street, adjacent to the hospital.

Section 13.08.025 of the Metro Code of Laws provides a procedure for the use of honorary street signs whereby the Council, by ordinance, can authorize and direct the Department of Public Works to install two (2) honorary street signs per street – at each end of a street – beneath the official street name sign for any street identified on the official Street and Alley Centerline Layer map.

Section 13.08.015 of the Metro Code prohibits street name changes for the purpose of promoting a private business. But such prohibitions do not extend to honorary designations under Section 13.08.025. Neither this ordinance, nor honorary street names in general, officially rename the designated street. Therefore, there would be no change of official street address for any residents or businesses on 20th Avenue North.

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

*The historic cost for one of these honorary signs has been estimated to be between \$80 and \$90. If a sign is mounted on a separate post, this would add approximately \$22 to the cost. The total cost would depend upon the number of signs necessary for the number of intersections in the street being so designated.*

**BILL NO. BL2019-1522** (WEINER, VERCHER, & OTHERS) – This ordinance would authorize the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects, initially

for purposes of Highway 70 South Sidewalk Improvements, between Metro Park and Ride and Sawyer Brown Road.

This has been approved by the Planning Commission.

*Fiscal Note: The price to be paid for the easements and property rights has not yet been determined. This would be paid from the FY18 Capital Projects Fund.*

**– ORDINANCES ON THIRD READING –**

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

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

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

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

As further proposed in the ordinance, Section 12.62.040.M would provide for a \$25 fine for violations by a user “in the operation or parking of a SUMD”, to be assessed on the SUMD and paid by the owner. Under Section 12.62.040.Q, improper parking of a SUMD would result in a \$10 fine, collected from the user by the operator and remitted to Metro. The Council office is unaware of any precedent in Tennessee law for collection and payment by private third parties of fines incurred for other’s violations.

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



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

The establishment of new rules regarding parking restrictions, operating rules and regulations, hours of operation, remote “slow down” provisions, and related mapping and reporting requirements all within 45 days may pose challenges for the MTLC. Per section 2.100.030 of the Metro Code, rules and regulations adopted by the MTLC, as well as amendments thereto, must be preceded by a public hearing and approved by the Metropolitan Department of Law. The MTLC regularly meets only on a monthly basis. The MTLC was previously tasked, under Second Substitute BL2018-1202, with (1) establishing utilization thresholds for expansion, as well as a threshold number of violations to allow before granting expansion requests; (2) establishing protocols for extreme weather, emergencies, and special events, (3) designating square mile locations for anti-clustering purposes; and (4) completion of a study by July 1, 2019 regarding revenues and costs, the overall impact of SUMDs, and proposed legislative changes.

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

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

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

The provisions within the original ordinance limiting the number of operators to four (4) have been removed in this Second Substitute. (According to the MTLC, six (6) companies currently possess SUMD certificates: Lime; Bird; Lyft; Jump; Spin; and Gotcha). However, this ordinance would now provide the MTLC the authority to limit the number of SUMD operators as well as the size of operators’ fleets “as allowed by law.” Additionally, the MTLC would be permitted to apply different restrictions upon (1) new SUMD operators (those who apply after enactment of this ordinance) and upon (2) “additional types” of SUMDs added to fleets of existing operators; but not upon existing fleets of existing operators. The Council Office would therefore note potential lingering legal concerns based upon these revisions.

The current Code provisions regulating SUMDs provide that “[t]he number of permitted operators shall not be limited by the metropolitan government.” (See, Section 12.62.020.D of the Metro Code). The proposed provisions authorizing the MTLC to apply restrictions that differ between existing and new operators could be construed as anti-competitive in effect. Otherwise, allowing the MTLC to limit the number of operators – even “as allowed

by law” -- may again run afoul of Article I, Section 22 of the Tennessee Constitution, which prohibits monopolies. (As set forth in previous Analyses, the Tennessee Attorney General issued an opinion in 2017 summarizing the Tennessee constitutional prohibitions against monopolies.)

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

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

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

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

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

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

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

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

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

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

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

- The process would apply only to (1) applications for multi-family residences complying with the guidelines set forth in Section 2 of the ordinance, (2) applications submitted by recipients of grants or property from the Barnes Fund for Affordable Housing, and (3) departmental reviews related to these applications.
- Permits eligible for the prioritized departmental would include:
  - Any permit issued pursuant to Chapter 16.28 of the Metropolitan Code of Laws, including master building permits, individual building permits, foundation permits, and demolition permits;
  - Tree removal permits issued by the Department of Codes Administration;
  - Urban Forester reviews for landscape and irrigation;
  - Grading permits and related reviews issued by Metro Water Services;
  - Public water and sewer extension permits;
  - Cross-connect permits for private water and sewer service;
  - Department of Public Works traffic study reviews; reviews of public road improvements, curb cuts and sidewalks; and trash collection approvals;
  - Fire Marshal life safety reviews and sprinkler and/or riser room approvals;
  - Metropolitan Planning Department reviews of plans and building elevations for Planned Unit Development (PUD), overlay, or Specific Plan (SP) development; plat reviews; reviews of final plat for lot creation, right-of-way dedications, and easement dedications; and
  - Permits issued for office or construction trailers on construction sites.

- This prioritization process would only provide review of eligible permit applications in advance of other applications, out of chronological sequence. This ordinance would not otherwise require an expedited review process. If an eligible permit is incomplete at the time it is identified for prioritization, the application would be returned to its ordinary chronological order with no prioritization provided.
- The process to be developed by the department would include a mechanism by which prioritized permit applications would affirmatively indicate such request. It would be incumbent upon the permit applicant seeking prioritization to so indicate. The Mayor's Office of Economic and Community Development would certify if applicants meet the required criteria.

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

	<b>Rental at 60% MHI or less</b>	<b>Rental at greater than 60% MHI to 80% MHI</b>	<b>Rental at greater than 80% MHI to 100% MHI</b>	<b>For-sale at greater than 60% MHI to 80% MHI</b>	<b>For-sale at greater than 80% MHI to 100% MHI</b>
<b>Single-family and two-family uses</b>	12.5% of total residential units	15% of total residential units	17.5% of total residential units	10% of total residential units	15% of total residential units
<b>Multi-family uses less than 3 stories</b>	12.5% of total residential floor area	15% of total residential floor area	17.5% of total residential floor area	10% of total residential floor area	15% of total residential floor area
<b>Multifamily uses (3 to 6 stories)</b>	10% of total residential floor area	12.5% of total residential floor area	15% of total residential floor area	n/a	n/a
<b>Multifamily uses (≥ 7 stories)</b>	7.5% of total residential floor area	10% of total residential floor area	12.5% of total residential floor area	n/a	n/a

For the purposes of this Section, the residential floor area shall be the net leasable residential floor area.

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

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

This analysis would be prepared for the general public purpose of safeguarding the health and safety of pedestrians, motorists, and all citizens of Nashville and Davidson County. The Public Works Department would be further directed to submit a written feasibility report with implementation recommendations to the Metro Council within thirty (30) days of the adoption of the ordinance under consideration. The intent would be to codify the recommendations through a subsequent ordinance.

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

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

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

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

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

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

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

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

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

The properties are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This proposal has been approved by the Planning Commission.

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

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

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

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

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

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



**GRANTS LEGISLATION – MARCH 5, 2019**

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
<b>RS2019-1623</b>	<b>From:</b> Friends of Warner Parks  <b>To:</b> Metro Board of Parks and Recreation	Not to exceed \$82,961.53	\$5,352.94	January 1, 2019 through December 15, 2019	The grant proceeds would be used to provide staffing for the Warner Parks Center, Nature Center support, and the S.W.E.A.T. Program for additional labor for summer maintenance.

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

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Murray W. Huber, RM

James E. Lamb, MAI

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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

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