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: July 2, 2019

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 6/26/19:

4% Reserve Fund	$11,617,025*
Metro Self Insured Liability Claims	$3,453,833
Judgments & Losses	$2,579,593
Schools Self Insured Liability Claims	$4,256,025
Self-Insured Property Loss Aggregate	$8,197,114
Employee Blanket Bond Claims	$694,232
Police Professional Liability Claims	$2,175,835
Death Benefit	$1,535,694

*This assumes unrealized estimated revenues in FY19 of $1,266,073 and includes the appropriation in Resolution No. RS2019-1794 of $6,806,400.00.

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

– ORDINANCES ON PUBLIC HEARING –

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

The ordinance was introduced in response to losses to Nashville's tree volume and tree canopy. A 2018 analysis conducted for the Metropolitan Water Services Department revealed that within the 8-year period from 2008 to 2016, Davidson County experienced a 13% reduction in tree canopy, losing approximately 918 acres of trees. In 2015, *NashvilleNext* (the General Plan for the Metropolitan Government) established goals for the protection and improvement of Nashville's tree canopy, citing various benefits of a viable canopy -- including enhancement of air and water quality, temperature moderation, provision of wildlife habitat, aesthetic improvement, and livability.

To address tree loss concerns, this ordinance as originally filed proposed six (6) principal revisions to Chapter 17.24 of the Metro Code regarding standards for landscaping, buffering, and tree requirements:

(1) The tree density required per acre of land under the Code is measured in "tree density units" (TDUs). A single TDU roughly equates to two, 2-inch caliper trees. Under the original ordinance, the number of TDUs required per acre would be increased from 14 to 20 for (*a*) multi-family, (*b*) non-residential, and (*c*) 1- and 2-family residential subdivision developments. (Section 17.24.100.B);
(2) When calculating the land area or acreage of a particular lot to which TDU requirements apply, the current Code excludes the land currently or proposed to be covered by buildings. The original ordinance would continue to allow such exclusions, but *only* if the building meets sustainable design protocols. (Sec. 17.24.100.B.3.a);
(3) The current Code further excludes semi- and tractor-trailer service areas, drive aisles, and parking/loading areas from the acreage calculations to which TDU requirements apply. The original ordinance would eliminate such exclusions. (Sec. 17.24.100.B.3.d)
(4) A provision reducing tree density requirements by half for narrow, rectangularly shaped residential lots (*i.e.,* lots with widths <25% of the average depth) would be eliminated. (Sec. 17.24.100.B.2.b(iii));
(5) Landscape plans submitted with applications for final site plan approval would be required to bear the seal of a professional landscape architect. (Section 17.24.020.A); and
(6) Trees with a diameter of 24" inches or more would be required to be survey located and depicted on final site plans. (Sec. 17.24.090).

Other minor modifications within the original ordinance included (*a*) clarification that Chapter 17.24 addressed "tree requirements" rather than mere landscaping, (*b*) minor grammatical and typographical corrections, and (*c*) clarification that various requirements applied to property owners, not just developers.

The current Code provides an option for property owners or developers who cannot meet prescribed TDU requirements on their site. Specifically, under MCL Sec. 17.40.480, if a site lacks adequate yard space to accommodate the required number of trees, or if the nature of the site would not otherwise allow for tree growth, the owner or developer has the option of paying a "tree bank" fee equal to the amount required to provide the required density. The accumulated funds are then to be dedicated toward planting and maintaining public trees. (The current tree bank fee is $725 per TDU or $362.50 per tree.) This provision remains intact in the original ordinance and in the Substitute.

The original ordinance was introduced before the Council on first reading on November 20, 2018, whereupon it was referred to the Planning Commission for review. Public hearing was conducted at the January 10, 2019 Planning Commission meeting, whereupon the ordinance was deferred on three occasions. During the deferral periods, the Planning Department conducted multiple stakeholder meetings with landscape architects, members of the development community, members of the tree advocacy community, and Council members. The Metro Council likewise deferred the original ordinance on four occasions, eventually adopting a Substitute on June 4, 2019. The Planning Commission conducted an additional public hearing on the ordinance as substituted on June 13, 2019, whereupon the Substitute was approved.

As substituted, the ordinance now addresses three additional Chapters of the Metro Code – Chapters 17.04, 17.20, and 17.40 -- covering a broader range of tree protections and density requirements but also reducing or eliminating various provisions in the original ordinance. In comparison to the provisions proposed in the original ordinance, the Substitute does the following:

1) The number of tree density units (TDUs) required per acre would be increased from 14 to 22 (instead of 20), but only for multi-family and non-residential developments. The TDU requirement for 1- and 2-family residential would be maintained at 14. (Section 17.24.100.B);
2) The exclusion of land covered by buildings from gross acreage calculations would be retained in the Code, with no requirement that the buildings meet sustainable design protocols. (Sec. 17.24.100.B.3.a);
3) The exclusion from gross acreage calculations of semi- and tractor-trailer service areas, drive aisles, and parking/loading areas would be eliminated, as originally proposed. (Sec. 17.24.100.B.3.d);
4) The provision reducing tree density requirements by half for narrow, rectangularly shaped residential lots (*i.e.,* lots with widths <25% of the average depth) would be retained rather than eliminated. (Sec. 17.24.100.B.2.b(iii));
5) Landscape plans submitted with applications for final site plan approval would be required to bear the seal of a professional landscape architect, but only for developments with 5,000 sq. ft. or more of permanent structures. (Section 17.24.020.A); and
6) Trees with a diameter of 24" inches or more would be required to be survey located and depicted on final site plans, as originally proposed. (Sec. 17.24.090).

Of these provisions, the revisions regarding (1) the increase in TDU requirements, and (2) the exclusion of land covered by buildings (the "footprint exemption") generated the most discussion at stakeholder meetings. These and other provisions are discussed in further depth below.

Increased TDU requirements

Municipalities establish and measure tree density requirements through a variety of methods. Therefore, comparing Nashville's tree density requirements to other cities is difficult. But a survey of legislation in other cities indicates Nashville's current requirement of 14 TDUs per acre is comparatively less than surrounding or comparable cities. Franklin, Tennessee for example requires a TDU of 26. A national average of 21 TDUs was estimated by tree advocates during stakeholder meetings.

The current Substitute proposes an increase to 22 TDUs, though only in multi-family and non-residential. (The Planning Department acknowledges that this approach will not, on its own, result in achieving the tree canopy goals for any particular transect, as set forth within the 2016 Metropolitan Nashville Urban Forestry and Landscape Master Plan. But the potential for future legislation remains in order to address concerns incrementally.)

Exclusion of land covered by buildings from acreage calculations

With respect to the provision exempting the footprint of buildings from acreage calculations, a survey of nearby and/or comparable cities – including Franklin, TN; Atlanta, GA; Charlotte, NC; Savannah, GA; Jacksonville, FL; Austin, TX; Seattle, WA; San Antonio, TX; and Indianapolis, IN – indicates that the majority do not allow for the exemption of building footprints from acreage calculations. However, in response to proposals to fully delete 100% of such exemptions in this ordinance, members of the development and landscape architect communities noted a prohibitively significant increase in tree density requirements and related costs. Conversely, tree advocates maintained that a 100% footprint exemption incentivized developers to maximize building footprints – thereby reducing tree density requirements by reducing the eligible acreage.

In stakeholder meetings, compromise proposals were submitted to reduce, rather than eliminate, the building footprint exemption by various percentages.

Tree density requirements reduced by 50% for narrow rectangular lots

At least one provision within the original ordinance drew little to no commentary during stakeholder meetings. The current Code reduces tree density requirements by half (from 14 to 7 TDUs) for certain narrow, rectangularly shaped residential lots.

> If the width of an individual single or two-family lot is less than twenty-five percent of the average lot depth, the lot shall attain a tree density factor of at least seven units per acre using retained or replacement trees, or both.

The Council office has been unable to locate any comparable city that similarly reduces tree requirements or exempts lots based upon shape or configuration rather than dimension. Additionally, it is unclear in this exemption whether the term "width" refers to frontage width, average width, or maximum width. As a result, the application of this exemption to irregularly shaped lots is unclear, and enforcement by the Codes Department has proven difficult. Nevertheless, applying an "average" width interpretation, the Metro I.T. Department has determined that -- of the approximately 104,400 rectangularly shaped one- and two-family residential lots in Davidson County -- only 5,319 lots (5.1%) meet the condition whereby the width is less than 25% of the depth.

The original ordinance eliminated this exemption. The Substitute restores it, based upon the sponsors' general intent to address only multi-family and non-residential developments in this particular ordinance.

Other provisions within the Substitute

As noted, the Substitute proposes a broader realm of revisions to three other chapters of the Code. The new provisions unique to the Substitute include the following:

7) Offering TDU credits for street trees located outside of the Downtown Code (where such requirements already apply), subject to approval by the Urban Forester and Public Works Department, with continuing maintenance obligations.
8) Establishing a definition for "heritage trees" (essentially, larger, long-lived trees of certain species types) and incentivizing their retention by allocating greater TDU credits.
9) Adjusting TDU credits allocated for retained trees, incentivizing their retention by making retained trees worth more credits than comparable volumes of new trees.

The Substitute likewise provides various housekeeping clean-up measures, including (*a*) updates to various illustrations that had grown blurry and disproportionate; (*b*) updated definitions, including for the terms "protected tree" and "retained tree"; and (*c*) revised requirements for parking area landscaping and buffer yard requirements

The ordinance as substituted was approved by the Planning Commission at its June 13, 2019 meeting.

BILL NO. BL2019-1614 (O'CONNELL) – This ordinance would amend Section 17.32.050 of the Metropolitan Code of Laws regarding prohibited signs.

MCL Section 17.32.050.G.2 prohibits copy, graphics, or digital display signs that change messages by electronic or mechanical means, other than tri-face billboards, in the CA, CS, CF, CC, SCR, IWD, IR and IG zoning districts, unless certain distance requirements are followed. The ordinance under consideration would add a provision that the distance or spacing requirements

would not apply to property zoned CF located adjacent to, and along the west side of, the combined interstate segment of Interstate 40 and Interstate 65 near downtown Nashville.

BILL NO. BL2019-1615 (VERCHER) – This ordinance would create a new Section 17.40.735 regarding pre-application conferences and notice to Councilmembers.

As defined in the proposed new MCL Sec. 17.40.735, a pre-application conference is "a meeting between the Planning Department and a developer or developer's representative to discuss potential developments that require a review by the Planning Department prior to the submission of any application." Under the ordinance, the Planning Department would be required to provide three (3) business days' notice of any pre-application conference to the district council member who represents the area to be addressed at the meeting. The district council member would then be afforded the opportunity to attend such a meeting.

The Planning Department would further be required to maintain summaries of all pre-application conferences, including copies of any rendering or drawings, for no less than twelve (12) months. These summaries would be required to be made available to the district council member upon request.

BILL NO. BL2019-1633 (ALLEN) – This ordinance would amend Chapters 17.08 and 17.16 of the Metropolitan Code of Laws regarding "Short term rental property – Owner-Occupied" and "Short term rental property – Not Owner-Occupied". The ordinance would add a variety of provisions recently mandated or allowed by the Tennessee General Assembly under Tenn. Code Ann. §13-7-604, *et seq*. Additionally, the ordinance would exclude STRP – Not Owner-Occupied as a use permitted with conditions within RM zoning districts.

Currently, section 17.16.070 of the Metro Code requires STRP applicants to affirm that operating a proposed STRP would not violate various types of residents' agreements (*e.g.*, HOA bylaws, condominium agreements, *etc.*) The proposed ordinance would add co-op agreements, lease agreements, and easements to this list. Pursuant to new state law under Tenn. Code Ann. §13-7-604(c), the ordinance would further be amended to require that all complainants be notified that false complaints made against an STRP provider are punishable as perjury. Further, the ordinance would clarify that upon three (3) violations of generally applicable provisions of the Metropolitan Code of Laws, the permit to operate an STRP may be revoked if no appeal rights remain, as provided under Tenn. Code Ann. §13-7-604. Outdated language regarding prior waiting periods would be removed.

Tenn. Code Ann. §13-7-603(a) requires mandatory grandfathering for properties used as a STRP prior to the enactment of prohibitive or restrictive ordinance. (Here, BL2017-608). Section 8 of the proposed ordinance recites this provision and further includes a delayed effective date of October 1, 2019.

It is anticipated that the sponsor will introduce a substitute ordinance which would (a) provide housekeeping changes to the current ordinance to properly number the sections; (b) d delete references to the $50 fee (which has been increased to $313 pursuant to BL2019-1627, adopted at the June 18, 2019 meeting); and (c) delay the effective date from October 1, 2019 to May 31, 2020 or later.

BILL NO. BL2019-1634 (GLOVER & SWOPE) – This ordinance would add a requirement to Section 17.12.040 of the Metropolitan Code of Laws pertaining to setback requirements.

This ordinance would add the requirement that a private parking facility or private parking lot could not be constructed within 100 feet of any facility owned by the Fair Board and used for automobile racing or ancillary activities associated if that facility accommodates 1,000 people or more. There would be an exception from this requirement if the Fair Board and tenant of the Fair Board approve such parking facility or lot and have direct oversight and control of how the parking facility or lot is managed and secured.

The Council office would note that the mixed-use development under current construction at the Fairgrounds site is arguably vested in the zoning rights in existence at the time of site plan approval, pursuant to the Vested Property Rights Act of 2014, Tenn. Code Ann. §§ 13-4-310 and 13-3-413.

BILL NO. BL2019-1635 (SLEDGE) – This ordinance would increase the required distance from billboards located along a street and the nearest property line of a residentially zoned property not fronting that street.

Currently, no billboard located along a particular street can be located closer than 60 feet from the nearest property line of a residentially zoned property that does not front on said street. This ordinance would increase that distance from 60 feet to 200 feet.

BILL NO. BL2019-1636 (COOPER, BEDNE, & OTHERS) – This ordinance would amend Section 17.40.106 of the Metropolitan Code of Laws related to required action by the Metropolitan Historic Zoning Commission (MHZC) and the Metropolitan Historical Commission for Specific Plan (SP) districts and properties, respectively.

The ordinance under consideration would require the review of SP districts which include property listed, or eligible for listing, on the National Register to be reviewed by the Metropolitan Historical Commission (MHC) staff and to further require a written report from MHC staff to the Council regarding the effects of the proposed SP district on the historic properties.

BILL NO. BL2019-1637 (HALL) – This ordinance would amend Sec. 17.40.720 regarding distance provisions for public hearing notices issued by mail pursuant to Title 17 of the Metropolitan Code of Laws.

Currently, at least twenty-one days prior to a public hearing, property within certain distances of a subject property must receive notice of a public hearing by mail of the time, date, and place of the public hearing. The distance requirements require the following:

- For a rezoning from agricultural or residential to industrial zoning, notice must be given to properties within a distance of 1,000 feet;
- For a rezoning from agricultural or residential to institutional, mixed-use, office, commercial, or shopping center, notice must be given within a distance of 800 feet; and
- For all other rezoning, notice must be given to properties within 600 feet.

The ordinance under consideration would change the notice for all other from 600 feet to 1,000 feet. An amendment is anticipated that would provide a consistent distance of 1,000 feet in all instances.

BILL NO. BL2019-1645 (MENDES) – This ordinance would approve Amendment No. 6 to the Arts Center Redevelopment Plan, Amendment No. 1 to the Bordeaux Redevelopment Plan, Amendment No. 1 to the Cayce Place Redevelopment Plan, Amendment No. 1 to the Central State Redevelopment Plan, Amendment No. 2 to the Jefferson Street Redevelopment Plan, Amendment No. 6 to the Phillips-Jackson Redevelopment Plan, Amendment No. 8 to the Rutledge Hill Redevelopment Plan, and Amendment No. 1 to the Skyline Redevelopment Plan.

This ordinance would add a new section to each of the eight (8) Redevelopment Plans (Plans) listed above. These Plans are administered by the Metropolitan Development and Housing Agency (MDHA). This new section would be entitled “2019 Plan Amendments”. First, this new section would require that the portion of tax increment funds that may be used to pay the indebtedness could not be greater than seventy-five percent (75%), except that MDHA could increase or decrease this percentage pursuant to criteria set forth in a written policy adopted by the Board of Commissioners of MDHA. Further, this would still be subject to the requirements of Chapter 5.06 of the Metro Code of Laws entitled “Tax Increment Financing”.

Second, the new section would require a periodic assessment of the activities and improvements eligible for tax increment financing (TIF) under the plan. An assessment could be requested by either the Council or the tax increment agency. Assessments could be requested no earlier than seven (7) years after the adoption of the plan, or the previous assessment, and would be required to be completed within ten (10) years after the adoption of the plan or the previous assessment. The assessment would include a review of the impact and goals of the Plan, and MDHA and the Council must agree on the eligible activities or improvements. Council’s agreement would be indicated by the adoption of a resolution approved by a majority of the members to which the Council is entitled. It would be a New Loan Termination Event if (a) the first assessment is not complete by June 30, 2022 or (b) any subsequent assessment is not complete within ten (10)

years after the previous assessment. If a New Loan Termination Event occurs, MDHA would be prohibited from approving any additional bonds or indebtedness to be paid by TIF under the Plan. A New Loan Termination Event would not terminate the Plan, nor would it impact any TIF approved prior to the Event.

Third, the section would clarify that the Council or MDHA may initiate a Plan amendment, subject to the approval of the other. If the Council initiates the amendment, the approval of MDHA must be obtained before the third reading of the ordinance adopting the amendment.

This ordinance would also make certain housekeeping changes, such as clarifying language in the Rutledge Hill Redevelopment Plan from the amendment adopted pursuant to BL2014-699 which inadvertently identified the "Tax Increment" section of the plan as "Section G" instead of "Section H". Several Redevelopment Plans authorize tax increment financing related to the Plan to be used to carry out "other adopted and approved redevelopment plans", potentially outside of the designated Plan area. This ordinance would remove that language from the various Plans.

It is anticipated that the sponsor will defer this legislation in order to hold a public hearing at the July 16, 2019 Council meeting, pursuant to Resolution No. RS2019-1806.

BILL NO. BL2019-1659 (HENDERSON & O'CONNELL) – This ordinance would amend the Metropolitan Code of Laws regarding the provision of sidewalks.

The ordinance under consideration would amend Section 17.20.120, which contains the requirements to provide a sidewalk under certain conditions. New language would be added regarding the purpose and intent of the sidewalk ordinance. The prior usage of the "assessed" value of a property as the basis for triggering the sidewalk regulations would be replaced with references to the "current appraised" value of a property. Further, there would be a presumption that the current appraised value of all structures on a lot is established by the Office of the Metropolitan Tax Assessor.

A provision authorizing waiver requests for all development types would be added. The Zoning Administrator would be authorized to waive, in whole or in part, the sidewalk requirements upon request of a property owner or its agent under the following circumstances:

- Where there is hardship, such as an existing substandard sidewalk, insufficient right-of-way, historic wall(s), or trees, the Zoning Administrator could approve an alternative design or eliminate the sidewalk requirement if a new sidewalk "would not further the goal of extending or completing a sidewalk. Consultation with the Executive Director of the Planning Department, Director of Public Works, and the Director of Water Services, or a designee, would be required prior to a final determination.
- The Zoning Administrator could allow an applicant to make an in-lieu contribution for all or a portion of the street frontages. The contribution in-lieu of construction would be capped at no more than two percent of the total construction value of the permit. Consultation with

the Executive Director of the Planning Department, Director of Public Works, and the Director of Water Services, or a designee, would be required prior to a final determination

- Properties eligible for public incentives for affordable housing could be granted a waiver by the Zoning Administrator, or a reduction to of the sidewalk requirements to only key locations could be given, if recommended by the Executive Director of the Planning Department, or a designee.
- Where reconstruction is required due to circumstances beyond the control of the property owner, such as natural disaster, fire, or accident.
- For properties within Historic Zoning Overlay Districts, the Executive Director of the Metro Historical Commission could recommend a waiver if new sidewalks would be detrimental to the historic nature of the street.
- If a greenway exists, or is reasonably expected to constructed within six (6) years, which would provide connectivity and upon the recommendation of the Executive Director of the Planning Department, the Zoning Administrator could grant a waiver.
- For properties on a corner lot zoned R or RS where sidewalks may be inappropriate, the Zoning Administrator could permit alternative requirements, based on street frontage and classification of fronting streets. Consultation with the Executive Director of the Planning Department, Director of Public Works, and the Director of Water Services, or a designee, would be required prior to a final determination.

Notice to the district councilmember of a waiver request would be required to be delivered to the Council Office. A building permit could not be issued until at least six business days after notice was sent to the Council Office.

The contributions to Pedestrian Benefit Zones would largely remain intact, however a limitation would be added that no contribution could be more than two percent of the total construction value of the permit.

The ordinance would further make housekeeping changes, such as changes to grammar and clarifications of wording within Sec. 17.20.120.

Section 17.20.125 would be amended to add that the Board of Zoning Appeals could not accept an application until the Zoning Administrator has made a determination on the requirement.

– RESOLUTIONS –

RESOLUTION NO. RS2019-1786 (SLEDGE, A. DAVIS, & OTHERS) – This resolution would provide a supplemental appropriation to six (6) Metropolitan departments and agencies. The total appropriation would be $10,500,00.

A total of $10,500,00 would be appropriated from the GSD General Fund - Undesignated Fund Balance to accounts associated with the Metropolitan Transit Authority, the Historical Commission, the Nashville Public Library, the Nashville Education, Community, and Arts Television (NECAT), and the Nashville Fire Department.

Fiscal Note: The resolution would appropriate a total of $10,500,000 from the undesignated fund balance of the GSD General Fund. According to the policy approved by the Council in 1989 and OMB in 2005, the minimum fund balance percentage should be no lower than 5% of the operating budget in the six primary funds. The specific appropriations would be as follows:

- *Metropolitan Transit Authority (MTA) Subsidy - $8,200,000*
- *Historical Commission - Historical Markers Allocation - Repairs & New Markers - $120,000*
- *Historical Commission - Fort Negley Archaeology - $50,000*
- *Public Library - Books/Periodicals/Library Materials - $1,600,000*
- *Nashville Education, Community, and Arts Television - $50,000*
- *Fire Department - six additional positions - $480,000*

RESOLUTION NO. RS2019-1792 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1793 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1794 (VERCHER) – This resolution would appropriate $6,806,400.00 from the General Fund Reserve Fund (4% Fund) to seven (7) departments for various purchases of equipment and repairs/maintenance.

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

The following departments and agencies would receive funding:

- Davidson County Election Commission — $1,570,000 for voting machines and related equipment;

- Department of General Services — $3,000,000 for fleet replacements;
- Metropolitan Beer Permit Board — $2,500 for tablet computers (staff and commission);
- Metropolitan Nashville Police Department — $83,900 for body worn cameras project — equipment;
- Nashville Fire Department — $250,000 for medical equipment/supplies;
- Nashville Public Library — $500,000 for books/periodicals/library materials; and
- Office of Emergency Management — $1,400,000 for upgrades to the Tornado Warning System.

Fiscal Note: These appropriations from the 4% Fund would total $6,806,400.

RESOLUTION NO. RS2019-1795 (VERCHER, MENDES, & WITHERS) – This resolution would authorize the Mayor to submit Substantial Amendment One and the 2019-2020 Annual Update to the 2018-2023 Consolidated Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development (HUD).

The five year consolidated plan is prepared by the Metropolitan Development and Housing Agency (MDHA) and is to be administered by MDHA as authorized per Resolution No. R94- 1396.

The public comment period for this annual update was held between April 11, 2019 and May 15, 2019. A public hearing was held at the MDHA Randee Rodgers Training Center on April 23, 2019. Public notices were advertised in English and Spanish. HUD requires these plans from local governments seeking federal assistance through the community development block grants (CDBG), the HOME investment partnerships program (HOME), the emergency solutions grant program (ESG), and the housing opportunities for persons with AIDS (HOPWA).

The resolution under consideration would adopt the 2019-2020 Annual Update to the 2018-2023 Consolidated Plan for Housing and Community Development. A copy of this plan was attached to the resolution. The allocations for the 2019 Program Year are as follows:

Program Name	2019 Program Year Allocation	Estimated Program Income
CDBG	$5,112,559.00	$250,000.00
HOME	$2,330,266.00	$342,000.00
ESG	$ 432,358.00	$0.00
HOPWA	$1,373,743.00	$0.00
Total	$9,248,926.00	$592,000.00

The proposed allocations for each program is as follows:

CDBG

Project Type	Proposed Budget
Administration & Planning	$1,069,085.00

Public Services	$708,461.00
Housing	$2,672,715.00
Public Facilities & Infrastructure	$ 894,168.00

HOME

Project Type	Proposed Budget
Administration	$ 292,340.80
Homebuyer Programs	$ 438,511.20
Homeowner Rehabilitation	$0.00
Rental Programs	$2,192,556.00

ESG

Project Type	Proposed Budget
Administration	$ 31,313.70
Emergency Shelter & Transitional Housing; Rapid Re-Housing; Street Outreach; Prevention;	$ 365,326.50

HOPWA

Project Type	Proposed Budget
Administration	$ 121,601.10
Facility-Based Housing Assistance; Short-term Rent, Mortgage & Utilities; TBRA; Supportive Services	$1,094,409.90

The resolution expressly withholds any approval for the expenditure of CDBG funds for capital improvement projects. All requested expenditures for capital improvement projects are subject to future approval of the council by resolution. Also, detailed project plans for capital improvements must be on file in the Community Development Department of MDHA at the time of the filing of such resolution.

CDBG, HOME, ESG, and HOPWA funds cannot be used for any property acquisition for which the power of eminent domain is utilized by MDHA, which is restricted by federal law.

Fiscal Note: If a plan amendment meets any of the following criteria, MDHA will consider the amendment to be substantial and undertake the additional steps described in this section to ensure public participation:

* *A fiscal change in any program/project that is increased or decreased by more than 25% of the total allocation of CDBG, HOME, ESG and HOPWA funds for the program year with the following exceptions:*

1. Funds that were made available through the process described in the Action Plan and could not be committed due to lack of demand may be reallocated to other eligible activities within the same project category.

2. The actual dollar amount of the change involved is less than $25,000 or 1% of the program's funding allocation, whichever is greater. This type of change will be considered a minor amendment and will require email notification to HUD of the change and public notification by posting the change on MDHA's website.

* *A change in funding allocation priorities described in the Consolidated Plan,*
* *A new program not previously described in an annual action plan,*
* *The deletion of an activity described in the Consolidated Plan,*
* *A budget amendment for any program of more than twenty-five percent (25%), or a substantial amendment is required by HUD.*

RESOLUTION NO. RS2019-1796 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1797 (VERCHER & SYRACUSE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1798 (MURPHY, VERCHER, & SYRACUSE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1799 (O'CONNELL, VERCHER, & SYRACUSE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1800 (VERCHER, SYRACUSE, & OTHERS) – This resolution would authorize the Director of Public Property, or a designee, to exercise an option agreement between the Metropolitan Government for the purchase of a parcel of real property owned by Thomas Bros. Grass, LLC (Thomas), for use in Metro's park and greenway system.

Thomas owns approximately 106.8 acres of property located in Bells Bend. Buy Sod USA, LLC (Buy Sod) currently leases the property from Thomas and has an option to purchase the property. Thomas and Buy Sod have agreed that Buy Sod will convey its right to purchase the property to Metro.

Section 2.24.250.F of the Metro Code authorizes the director of public property to negotiate the purchase of property and to obtain options to sell at a fixed price from property owners, subject to the approval of the Council by resolution.

Section 2.24.225 of the Metro Code, as amended in 2018, provides that for transactions involving the sale, purchase, lease, sublease, or other disposition of real property that require approval of the Council, legislation may not be considered in the absence of an appraisal report that includes current and prospective values (reflecting any anticipated changes in entitlements). A summary of the appraisal is attached to this analysis.

The proposed option has been approved by the Planning Commission.

Fiscal Note: The option to purchase held by Buy Sod for the Thomas property is in the amount of $1,602,000. Buy Sod has agreed to convey its option rights to Metro for $150,000.

RESOLUTION NO. RS2019-1801 (HAYWOOD, VERCHER, & OTHERS) – This resolution would approve a participation agreement between the Metropolitan Department of Public Works and the City of Ridgetop and the Robertson County Highway Department for the pavement of Greer Road.

Pursuant to the terms of this contract, Robertson County would use its current in-place contracts to complete all necessary construction services to perform the Greer Road resurfacing. Upon the completion, Metro can inspect and accept the construction of the Metro portion of Greer Road. The term of the agreement would be one year from the date of execution.

Fiscal Note: Metro would pay an estimated $150,156.99 to Robertson County for Metro's portion of Greer Road.

RESOLUTION NO. RS2019-1802 (SWOPE, FREEMAN, & OTHERS) – This resolution would authorize the acquisition and removal of forty-five (45) flood-prone properties in the Sevenmile Creek watershed.

The Metropolitan Government previously entered into an agreement with the United States Department of the Army (Army) for the Sevenmile Creek Flood Risk Management Project, pursuant to Resolution No. RS2019-1593. That resolution specified that the forty-five (45) flood-prone properties would be identified in subsequent legislation.

This resolution would authorize the Metropolitan Department of Water and Sewerage Services (MWS) to acquire interests in the forty-five flood-prone properties identified by the Army, identified in the exhibit to the resolution. These properties are located in Council Districts 4, 16, and 26. MWS would be authorized to execute all other necessary actions pursuant to the Sevenmile Creek Flood Risk Management Project.

This proposal has been approved by the Planning Commission.

Fiscal Note: MWS has set up special purpose and capital funds for this purpose. A total of $6,000,000 would be authorized between FY19 and FY21 for these acquisitions.

RESOLUTION NO. RS2019-1803 (SWOPE, FREEMAN, & OTHERS) – This resolution would approve an agreement between the United States Department of the Army (the Army) and the Metropolitan Department of Water and Sewerage Services to provide relocation assistance for the Sevenmile Creek Flood Risk Management Project (Sevenmile Creek Project) in Davidson County.

In February 2019, the Metropolitan Council approved Resolution No. RS2019-1593, which set forth a project including construction of a dry dam south of the entrance to the Ellington Agricultural Center on the west side of Edmonson Pike, south of Brewer Drive and North of Oakley Drive, for the Sevenmile Creek Project and the buyout of forty-five (45) flood-prone properties in the Sevenmile Creek watershed. The agreement provided that Metro would assist homeowners with relocation costs.

The resolution under consideration would modify the original agreement to enable the Army to provide relocation assistance for citizens displaced during the Sevenmile Creek Project. While relocation assistance was part of the original agreement, Metro was obligated to perform both the appraisal and purchase of the affected properties and assist the homeowners with relocation costs. In subsequent discussions, it was determined that separating these activities to allow different parties to purchase the properties and assist with relocation costs was preferable. The Army has agreed to provide relocation assistance instead of Metro.

Either party may terminate this agreement upon sixty (60) days written notice to the other party.

Fiscal Note: The original agreement per Resolution No. RS2019-1593 called for Metro and the Army to fund the cost of the project jointly. Construction costs allocated to structural flood risk management were projected to be $16,924,455. The Army was to 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 Stormwater S/F FY18BCap).

Construction costs allocated to structural flood risk management were projected to be $7,344,455. The Army was to pay $4,773,896 of this amount, with the remaining $2,570,599 paid by Metro (35% of the total). Construction costs allocated to nonstructural flood risk management were projected to be $9,580,000. The Army was pay $6,225,000 of this amount, with the remaining $3,355,000 paid by Metro.

RESOLUTION NO. RS2019-1804 (VANREECE, VERCHER, & OTHERS) – This resolution would authorize the Director of Public Property, or a designee, to exercise option agreements for the purchase of three (3) flood-prone properties on behalf of Metro Water Services (MWS).

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 addresses and purchase price of these properties are as follows:

- 3807 Saunders Avenue (District 8) -- $200,000
- 3809 Saunders Avenue (District 8) -- $202,000
- 3811 Saunders Avenue (District 8) -- $200,000

These proposed purchases have been approved by the Planning Commission.

Fiscal Note: A total of $602,000 would be paid for these three properties from the GSD FY17 Capital Projects Fund (#40017).

RESOLUTION NO. RS2019-1805 (S. DAVIS, VERCHER, & OTHERS) – This resolution would authorize the Director of Public Property to accept easements for public rights-of-way in connection with the development of the River North project.

Cowan Street Properties has proposed to donate these three easements to Metro for use in connection with this development, "pursuant to the terms of the documents [easements] attached as Exhibits A, B, and C."

RESOLUTION NO. RS2019-1810 (LEE) – This resolution would approve the election of six hundred forty-two (642) 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.

– ORDINANCES ON SECOND READING –

BILL NO. BL2018-1320 (MENDES) – This ordinance would approve the eighth amendment to the Rutledge Hill Redevelopment Plan. The Rutledge Hill Redevelopment Plan was initially approved by Ordinance Number 80-133, and subsequently amended by the adoption of Ordinance Nos. 86-1131, 87-1695, 91-1520, 97-755, 97-754, BL2005-875, BL2013-377, and BL2014-699.

This ordinance would clarify language from the amendment adopted pursuant to BL2014-699 which inadvertently identified the "Tax Increment" section of the plan as "Section G" instead of "Section H". The 2014 amendment also inadvertently authorized tax increment financing related to the Rutledge Hill Redevelopment Plan to be used to carry out "other adopted and approved redevelopment plans", potentially outside of the designated Rutledge Hill area. This ordinance would remove that language.

Additionally, this ordinance would add a new Section C.3 to the Rutledge Hill Plan to authorize proceeds from land sold by the Metropolitan Development and Housing Agency (MDHA) to be placed in a revolving fund for further purchase of land for resale and redevelopment in the project area, public improvements and facilities in the project area, and implementation of the redevelopment plan. The revolving fund would be held and managed by MDHA. At the close of the project, all funds remaining would be deposited into the General Fund.

The Tax Increment Section of the Rutledge Hill Plan would be further amended to add language to require that, for all new Tax Increment Financing (TIF) loans under the Rutledge Hill Plan, debt service taxes and schools taxes would be retained by the Metropolitan Government, or if received by MDHA, be paid to Metro before any incremental tax revenues are used to pay the principal and interest on a TIF loan. The debt service taxes to be retained by or paid to Metro for each TIF loan would be determined by multiplying the total taxes from all parcels generating incremental tax revenues pledged to secure the TIF loan by the debt service tax percentage applicable as of the date of the closing of the TIF loan. The amount of school taxes to be retained by or paid to Metro for each TIF loan would be determined by multiplying the total taxes from all parcels generating incremental tax revenues pledged to secure the TIF loan by the schools taxes percentage applicable as of the date of the closing of the TIF loan. This would apply to all TIF loans authorized by MDHA under the Rutledge Hill Redevelopment Plan after the effective date of this ordinance.

State law authorizes redevelopment plans to be approved either by the housing authority or the local governing body, but no express provision addresses subsequent amendments thereto. (Tenn. Code Ann. § 13-20-203(a)(1)). Previous versions of the Rutledge Hill Plan provide that modifications may be proposed by MDHA "with the subsequent approval of the Metropolitan Council."

This ordinance was originally introduced September 4, 2018 but deferred in deference to comprehensive review of tax increment financing by the TIF Study and Formulating Committee.

Fiscal Note: The property tax receipts available to be used for TIF loans would now have the same restrictions as proposed per Ordinance No. BL2018-1319, which was deferred on October 2, 2018 to July 2, 2019. Only the property tax receipts credited to the GSD General Fund and USD General Fund could be used for TIF loan payments. The tax receipts credited to the Schools Operating Fund and the three debt service funds would be retained by Metro and could not be used for TIF loans.

For comparison purposes, the total property taxes budgeted for FY19 for each of the six general budgetary funds are as follows:

- *GSD General Fund $451,063,800*
- *GSD Debt Services Fund $95,402,400 (non-eligible for TIF)*
- *MNPS General Fund $40,473,300 (proposed to become non-eligible for TIF)*
- *MNPS Debt Services Fund $322,381,100 (non-eligible for TIF)*
- *USD General Fund $109,098,200*
- *USD Debt Services Fund $17,848,700 (non-eligible for TIF)*

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

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

The analysis would also include, by year for the length of the plan, at least the following:

- The methodology used to determine the incremental tax revenue that would be generated by the plan;
- The assumptions that would be used in that determination;
- the total amount of proposed TIF loans;
- the incremental tax revenue to be generated; and
- the amount if any of incremental tax revenue to be returned or provided to the Metropolitan Government.

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

This ordinance was originally introduced September 18, 2018 but deferred in deference to comprehensive review of tax increment financing by the TIF Study and Formulating Committee.

Fiscal Note: Under the proposed analysis and reporting requirements proposed in this ordinance, it would be necessary to provide a determination or opinion in accordance with the attestation standards from an independent certified public accounting (CPA) firm that the assumptions provide a reasonable basis for the forecast or projection, given the proposed hypothetical assumptions. This CPA analysis must demonstrate that the proposed amount of incremental tax revenue to be generated is achievable.

The analysis and reporting requirements would be the responsibility of the "tax increment agency". Currently, the projections for incremental revenues to be generated by any particular project are developed by the agency. There would be increased costs generated by the requirement to contract with a CPA firm to confirm these projections. However, the ordinance is silent on the mechanism that would be used to pay these costs.

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. BL2019-1524 (VERCHER) – This ordinance would amend the definition of "qualified company" and "qualified project" and amend the eligibility criteria for economic and community incentive grants.

Chapter 2.210 of the Metropolitan Code of Laws authorizes the Industrial Development Board to provide economic and community incentive grants to qualified companies for qualified projects. The ordinance under consideration would amend the definition of "qualified company" and "qualified project" to limit the eligible companies and projects to those which have not applied for or received any other publicly funded incentive grant or tax relief benefit offered by or through the Metropolitan Government or the State of Tennessee. This would include payment-in-lieu-of-taxes (PILOT), tax increment financing (TIF), or participation agreements providing publicly funded incentives. In addition, the project proposal required by MCL Section 2.210.030 would be required to address whether the applicant has applied for or received other publicly funded incentive grants or tax relief.

Fiscal Note: This ordinance would only affect the eligibility of specific companies and projects. Separate legislation would still be required for the approval of incentive grants for any specific future companies and projects.

BILL NO. BL2019-1630 (MENDES) – This ordinance would amend Sections 5.06.050 and 5.06.060 of the Metropolitan Code of Laws regarding Tax Increment Financing (TIF) plans.

Sections 5.06.050 and 5.06.060 of the MCL were added to the Code pursuant to Ordinance No. BL2016-157. Section 5.06.050 currently requires that the debt service portion of TIF loans to developers remains with Metro before being used for the payment of principal and interest on the TIF loans. Section 5.06.060 currently requires that the proceeds from the sales of land sold by MDHA as part of redevelopment plans are to be used solely within that district and not for any other purpose without approval by a resolution by the Council receiving twenty-one votes.

Pursuant to the ordinance under consideration, Section 5.06.050 would be amended to require that the portion of incremental tax revenues that may be used to pay a TIF loan may not exceed seventy-five percent (75%). This percentage could be increased or decreased by written policy of the tax increment agency.

Section 5.06.060 would be amended to require that a TIF plan must comply with Section 5.06.050. Further, the section would set forth a mandatory periodic assessment of the activities and improvements eligible for TIF under the plan. An assessment could be requested by either the Council or the tax increment agency. Assessments could be requested no earlier than seven (7) years after the adoption of the plan, or the previous assessment, and would be required to be completed within ten (10) years after the adoption of the plan or the previous assessment. The assessment would include a review of the impact and goals of the plan, and the Council and the tax increment agency must agree on the eligible activities or improvements. Council's agreement would be indicated by the adoption of a resolution. If the assessment is not completed timely, the tax increment agency would be prohibited from approving any additional bonds or indebtedness. Finally, this section would authorize either the Council or the tax increment agency to modify, change, or amend a plan, subject to the approval of the other. If the Council initiates the change, approval of the tax increment agency would be required prior to third reading of the ordinance adopting the modification, change, or amendment.

BILL NO. BL2019-1643 (HALL) – This ordinance, as substituted, would require that all existing culverts, inlets, storm drains, and ditches within the T2- Rural Neighborhood Policy and T3-Suburban Neighborhood Policy be upgraded, retrofitted, and/or construction to the specifications of the Stormwater Management Manual Standards. This would be required to be completed by January 1, 2025.

Fiscal Note: The costs to implement the improvements proposed by this amendment have not yet been determined by Water Services but are anticipated to range from tens of millions to possibly hundreds of millions of dollars due to the expansive size of the proposed Stormwater project.

BILL NO. BL2019-1655 (A. DAVIS & BEDNE) – This ordinance would amend Section 2.210.030 of the Metropolitan Code of Laws, which requires a project proposal for recipients of a grant or Payment In Lieu of Taxes (PILOT) incentive for a project.

Section 2.210.030 currently requires economic and community development incentive grant agreements be approved by a vote of 21 members of the Metropolitan Council. These grant agreements must provide that the Metropolitan Government's financial obligations are subject to the annual appropriation of funds by the Council. In January 2018, this section was amended to require the submission of a project proposal that includes:

(1) The type and number of jobs that would be created by the company, including whether the jobs are temporary or permanent, and how many identified jobs will be filled by Davidson County residents;
(2) The establishment of a workforce plan disclosing whether temporary or staffing agencies, the Nashville Career Advancement Center, or other third parties would be used to identify, recruit, or refer job applicants, whether the individuals hired for the identified jobs would be employed by the company, subcontractors, or other third parties, and the wages and benefits offered for the identified jobs, along with comparisons to average wage levels for comparable jobs in Davidson County;
(3) Whether the project would use apprentices from programs certified by the U.S. Department of Labor; and
(4) The number and type, within the preceding seven (7) years, of OSHA or TOSHA violations, or employment or wage-related legal actions filed within federal or state courts against the company or any contractor or subcontractor of the company retained on the qualified project.

The Mayor's Office of Economic and Community Development (ECD) presents these proposals to the Council prior to the vote on the incentive and related agreement and the proposal is incorporated into the agreement. Companies receiving a grant or PILOT must further submit quarterly reports demonstrating compliance with the agreement to the ECD. Annually, the ECD is required to submit a report to Council relaying compliance data.

The ordinance under consideration would add clarifications and new requirements to this Section. The ordinance would clarify that the project proposal requirements apply to qualified companies, as well as to qualified projects. The project proposal would include the current requirement of reporting how many jobs will be filled by Davidson County residents, and further require the percentage of employees at the project expected to be relocated to Davidson County by the qualified company or qualified project. The reporting of the "average" wage would instead be changed to the "median" wage, as well as disclosure of wage information for salaried positions and hourly wage positions by "standard occupational classifications" (as opposed to each position as individually classified), as defined by the US Department of Labor Bureau of Labor Statistics Occupation Codes. The median wage would be required to be compared to the median annual wage available in Davidson County for the same occupation.

The ordinance would further clarify that all OSHA and TOSHA violations and employment or wage-related legal actions would be required to be reported, including any legal actions asserting claims under a variety of federal discrimination and employment-related legislation, including the Fair Labor Standards Act, the Family Medical Leave Act, Title VII of the Civil Rights Act of 1964, The Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act, or the Education Amendments Act of 1972. The reporting requirements in the current Code would further be re-worded to change all references to "or" and "and/or" to "and" – capturing a broader assortment of categories.

Finally, under the proposed ordinance, project proposals, quarterly reports, and annual reports would be required to be submitted on a form approved by resolution adopted by a majority of the Council membership.

BILL NO. BL2019-1658 (ELROD) – This ordinance would amend Chapter 12.62 of the Metropolitan Code of Laws regarding shared urban mobility devices (SUMDs).

This ordinance would amend Section 12.62.080 regarding the number of SUMDs allowed. Currently, this section provides that each type of SUMD in an operator's fleet can be gradually increased on a monthly basis according to an expansion schedule. Under the proposed ordinance, fleet expansions would be limited in number as determined by the Metropolitan Transportation Licensing Commission (MTLC) which would be required to establish criteria, rules, and procedures for determining the fleet size.

Additionally, the number of SUMDs in a permitted operator's fleet could not be increased for the remainder of the pilot program, and the MTLC could even require permitted operators to reduce their fleet size following notice and a hearing before the MTLC. The MTLC could require fleet size reductions in the interests of public health and safety, with such reductions remaining in effect until a notice and hearing is conducted by the MTLC within no more than 60 days following such action.

With provisions for freezing and even reducing fleet sizes, the ordinance would eliminate current provisions in the Code for determining average utilization thresholds for each type of SUMD vehicle.

The MTLC would be required to establish regulations, requirements, and limitations to reduce clustering of SUMDs. Until the MTLC establishes such regulations, no more than 225 of each type of SUMD would be permitted per operator per square mile. The MTLC would designate the location of the square mile locations in relation to service areas.

The MTLC would be required to establish regulations, requirements, and limitations to require permitted operators to include Nashville Promise Zones in their service areas. Until the MTLC establishes such regulations, any permitted vendors' operating systems with 500 or more SUMDs

would be required to include Nashville Promise Zones in twenty percent or more of their service areas.

Section 12.62.070 would be amended to add that the MTLC would have the authority to establish additional fees it determines necessary and reasonable to carry out and enforce the pilot program, including assessment of fees upon already permitted operators.

It is anticipated that at least two (2) substantive amendments will be proposed for this ordinance.

BILL NO. BL2019-1706 (MURPHY, SLEDGE, & OTHERS) – This ordinance would amend the Metropolitan Code of Laws to ban the use of action devices on Tennessee Walking Horses, Racking Horses, and Spotted Saddle Horses.

This ordinance would create a new Section 8.12.120 of the Metropolitan Code of Laws to prohibit action devices on horses. An "action device" would be defined as a "boot, collar, chain, roller, or other device" placed on the leg of a horse which "rotates around the leg or slides up and down the leg" or "touches or strikes the hoof, coronet band, fetlock joint, or pastern of the horse." A trainer, exhibitor, owner, rider, or participant would be prohibited from using an action device at a horse show, horse exhibition, or horse sale or auction that is attached to the limb of a Tennessee Walking Horse, Racking Horse, or Spotted Saddle Horse and is not strictly protective or therapeutic in nature. A violation of this provision would be a $50 fine and each violation would constitute a separate offense.

BILL NO. BL2019-1707 (GLOVER, BEDNE, & OTHERS) – This ordinance would amend Chapter 12.62 of the Metropolitan Code of Laws to prohibit powered or self-propelled scooters as shared urban mobility devices within the area of the Metropolitan Government of Nashville and Davidson County.

This ordinance would amend the definition of "Urban Mobility Device" to exclude powered or self-propelled scooters. Further, Section 12.62.030, Subsection A.3, regarding standards for electric scooters, would be deleted. Finally, a new Section 12.62.110 would be added to explicitly prohibit operators from placing a powered or self-propelled scooter within the public right-of-way.

BILL NO. BL2019-1708 (VERCHER, BEDNE, & OTHERS) – This ordinance would grant a franchise to Zayo Group, LLC (Zayo) to construct, operate, and maintain a telecommunications system within Metropolitan Nashville and Davidson County.

This franchise would be granted pursuant to Chapter 6.26 of the Metropolitan Code of Laws – Franchises for Fiber Optic Communications Services. Pursuant to the provisions of this Chapter, Zayo would have a fifteen (15) year franchise and would be required to pay a fee of 5% of gross revenues each year as a reasonable estimate of Metro's costs associated with owning,

maintaining, and managing the public right-of-way used by the company. The grant of the franchise would not be deemed to constitute approval for any new utility poles, and compliance with the Americans with Disabilities Act would be an explicit requirement in all matters involving the rights-of-way.

Fiscal Note: Metro would collect a franchise fee of $16,818 per year until Metro performs a new study of its cost related to ownership, management, and maintenance of the public right of way and how they should be assigned to organizations with facilities therein.

BILL NO. BL2019-1709 (SYRACUSE, O'CONNELL, & BEDNE) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Renee Drive right-of-way. The abandonment has been requested by Kelly and Lana Bellar, applicant.

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

BILL NO. BL2019-1710 (SLEDGE, O'CONNELL, & BEDNE) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley #1838 right-of-way. The abandonment has been requested by Cruzen Street Properties, applicant.

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

BILL NO. BL2019-1711 (O'CONNELL & BEDNE) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Ash Grove Drive right-of-way. The abandonment has been requested by Hickory Valley Condominium, applicant.

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

BILL NO. BL2019-1712 (O'CONNELL & BEDNE) – This ordinance would abandon existing sanitary sewer main, a sanitary sewer manhole and easements and accept new sanitary sewer main, sanitary sewer manholes and easements, for six properties located on Compton Avenue, Belmont Boulevard and Delmar Avenue.

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

BILL NO. BL2019-1713 (O'CONNELL & BEDNE) – This ordinance would authorize the Metropolitan Government to negotiate and accept permanent and temporary easements for the West Hamilton Road Stormwater Improvement Project for 10 properties located along Home Haven Drive, Kings Lane and Hallmark Road.

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

BILL NO. BL2019-1714 (O'CONNELL & BEDNE) – This ordinance would abandon existing public water mains and a fire hydrant assembly and accept a new public water main and a fire hydrant assembly for property located at 2501 Clifton Avenue.

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

BILL NO. BL2019-1715 (O'CONNELL & BEDNE) – This ordinance would authorize the Metropolitan Government to negotiate and accept permanent and temporary easements for the Green Lane Stormwater Improvement Project for five properties located on Green Lane and Whites Creek Pike.

This has been approved by the Planning Commission.

BILL NO. BL2019-1716 (O'CONNELL & BEDNE) – 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 property located at 926 West Trinity Lane.

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

BILL NO. BL2019-1717 (O'CONNELL & BEDNE) – This ordinance would abandon an existing water main and accept a new water main, a fire hydrant assembly and sanitary sewer manholes for property located at 1500 Charlotte Avenue.

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

– ORDINANCES ON THIRD READING –

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

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

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

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

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

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

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

Under the initial rules, MDHA had the authority to collect all the increased property taxes from all six funds to pay for the loan used to finance the development. This was changed in 2016. For all new TIF loans, the property tax amounts allocated to the three debt service funds were kept by

Metro and could not be used by MDHA for loan payments. Only the property taxes allocated to the three primary operating funds could be used for this purpose.

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

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

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

BILL NO. BL2019-1653 (BLALOCK) – This ordinance, as substituted, would require a flag of the Metropolitan Government to be presented to the family of a former or current elected Metropolitan official, including a current or former member of the Metropolitan County Council, upon the official's death.

This presentation could include presentation at the funeral of the official. The Metropolitan Government would absorb any costs associated with this presentation.

Fiscal Note: The Metropolitan Government's cost for each flag would currently be $230.72.

BILL NO. BL2019-1656 (HAGAR) – This ordinance would amend Section 6.72.245 and Section 6.74.230 of the Metropolitan Code of Laws to extend the vehicle age at which taxi cabs and other passenger vehicles of hire may be operated.

Currently, Section 6.72.245 of the Metropolitan Code of Laws prohibits the operation of taxicabs over ten years old and requires automobiles to be removed from service at the end of their tenth year. This ordinance would extend this period to fifteen years.

Except for a classic, vintage, or unique passenger vehicle for hire, Section 6.74.230 of the Metropolitan Code of Laws prohibits passenger vehicles for hire over ten years old or vehicles which have more than three hundred fifty thousand miles on the odometer. This ordinance would remove the mileage limitation and extend the time period to fifteen years.

BILL NO. BL2019-1657 (HAGAR) – This ordinance would amend Chapter 12.54 of the Metro Code which regulates horse-drawn carriages.

Primarily, this ordinance offers several housekeeping amendments to Chapter 12.54Among the proposed revisions is the addition of a definition for "MTLC Staff", defined as employees assigned to assist and support the Metropolitan Transportation Licensing Commission (MTLC). References to the MTLC Staff would be incorporated into various provisions to authorize Staff, in addition to the MTLC, to carry out certain administrative functions.

The application fee for the annual certificate to operate a horse-drawn carriage business would be increased from $100 to $500.

The criteria for issuance of a certificate of public convenience and necessity would be simplified to require consideration of "the number of horse drawn carriages already in operation, whether existing service is adequate to meet the public need; the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the commission in its rules." Provisions authorizing the commission director to approve additional horses, carriages, and drivers for certificate holders, as well as authorizing temporary permits for additional vehicles during periods of increased demand, would be deleted.

Existing provisions regarding disciplinary actions would be amended to add that prohibited actions include (1) making false statements under oath during a disciplinary hearing before the MTLC and (2) engaging in conduct unbecoming of a certificate holder. Emergency suspensions of a certificate holder would be authorized if the MTLC director determined that the certificate holder "poses a threat to public safety or animal welfare", which would then trigger a hearing at the next available commission meeting no later than sixty days from the date of the suspension.

If a certificate is denied, the applicant could not re-apply for one year. This would be an increase from the current duration of six months.

An application for a driver permit would be required to provide his/her name, contact information, date of birth, the types of vehicles the applicant would drive under the certificate. Certain other categories of information currently required, including references, the applicant's experience, educational background, employment history, and residential address history, would be deleted from this provision. However, the MTLC director could require more information deemed necessary or relevant. The ordinance would update required documentation to include a social security card or birth certificate, update references to state and federal law, and replace documentation of medical and drug test results with a requirement that a statement of physical and mental fitness to act as a for-hire driver be submitted. The driver would also need to certify completion of the certificate holder's mandatory driver training program approved by the MTLC director.

The ordinance would add a new section requiring a criminal background investigation for applicants for a driver's permit. The certificate holder would be required to check the National Sex

Offender Database to verify whether the applicant is listed and certify under oath to the MTLC that the applicant does not appear on the list. Existing provisions regarding ineligibility of applicants would be reorganized with minor changes, including the provision that an otherwise qualified applicant who has been convicted of certain criminal offenses at the time of application would be taken before the MTLC for approval.

New provisions would allow applicants for a driver permit to appeal a disapproval of their application within thirty days of denial and request an appearance before the MTLC. Upon approval of an application for a driver permit, the certificate holder would certify that the application is complete prior to issuing a permit to the applicant. Upon the denial of an application of a driver permit, no new application could be considered for three months. Driver permits would be issued for one year and would expire March 1 of the year following the date of issuance. Certificates could be renewed by the MTLC director for each successive year, which would require a renewal fee. Fees could be charged for driver permits, along with a fee for any replacement driver permits.

The MTLC or MTLC director could suspend, fine, revoke, or restrict a driver permit for failing to comply with the Code provisions or any MTLC rules and regulations. The MTLC director would be able to enact an emergency suspension if the permit holder "poses a threat to public safety or animal welfare", which would then trigger a hearing at the next available commission meeting, no later than sixty days from the date of the suspension. If a permit is revoked, the driver could not re-apply for ninety days from the date of revocation and would be treated as a new applicant. If a driver's license was revoked, suspended, or canceled, the permitee would be required to self-report to the MTLC and the driver's permit would likewise be revoked, suspended, or canceled.

Other minor changes and clarifications would be made to provisions regarding the conduct of drivers, requirements for horses in service, and the carriage and equipment.

Complaint procedures would be added, which would authorize a complaint to be filed with the MTLC against a certificate holder, driver's permit holder, or certificate holder's employee. The new section would outline procedures, including a hearing, potential disciplinary actions, and the appeals process. The MTLC would be able to adjudicate a complaint at a meeting. Making a false statement under oath at a disciplinary hearing would be a violation of the chapter and could result in probation, suspension, revocation of a certificate, or a fine.

BILL NO. BL2019-1660 (ROBERTS, VERCHER, & O'CONNELL) – This ordinance would approve a participation agreement between the Metropolitan Government and Doug Simpson (Simpson), to provide public water service improvements for Simpson's proposed development, as well as other existing properties in the area.

Pursuant to the terms of the agreement, Simpson would contract and oversee the construction of approximately 2,536 linear feet of eight-inch water main and four fire hydrant assemblies; all existing service lines would be tied into the new water main; and pavement repair would be

provided per plans at Hill Circle. This would include improvements to the water main for the remaining distance to Marcia Avenue.

The agreement would be terminated if these improvements are not operational by February 19, 2020. Future amendments to this ordinance may be approved by resolution.

Fiscal Note: Metro would pay the lesser of fifty percent (50%) of the actual project costs, not to exceed $244,724.00 for the improvements. The improvements to the water main for the remaining distance to Marcia Avenue would be inspected and fully reimbursed by Metro, not to exceed $138,574.00.

BILL NO. BL2019-1661 (HENDERSON, BEDNE, & OTHERS) – This ordinance would grant a permanent easement to Harpeth Valley Utilities District (HVUD) of Davidson and Williamson Counties, Tennessee on certain property owned by the Metropolitan Government.

HVUD has requested a permanent utility easement and three (3) temporary construction easements located at Edwin Warner Park, at 50 Vaughn Road. These easements would be used for the purposes of installing and maintaining a sanitary sewer line.

This has been approved by the Planning Commission.

BILL NO. BL2019-1662 (WITHERS, BEDNE, & O'CONNELL) – This ordinance would authorize the Metropolitan Government to negotiate and accept permanent and temporary easements for the Creighton Avenue Stormwater Improvement Project for seven properties located along Creighton Avenue and McKennie Avenue.

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

BILL NO. BL2019-1663 (O'CONNELL & BEDNE) – This ordinance would accept a new sanitary sewer main and a sanitary sewer manhole for properties located at 203, 205 and 207 Welworth Street.

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

BILL NO. BL2019-1664 (WITHERS, BEDNE O'CONNELL) – This ordinance would abandon existing water and sanitary sewer mains, sanitary sewer manholes, fire hydrant assemblies and easements, and accept new water and sanitary sewer mains, sanitary sewer manholes, fire hydrant assemblies and easements for properties located at 707 and 711 South 7th Street.

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

BILL NO. BL2019-1665 (O'CONNELL, BEDNE) – This ordinance would accept new sanitary sewer main and sanitary sewer manholes for 27 properties located at 322 Wallace Court.

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

GRANTS LEGISLATON – JULY 2, 2019

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2019-1792	**From**: Tennessee Department of Human Services **To**: Davidson County Juvenile Court	Increase by $943,573.86	Increased by $486,085.02	Extend to June 30, 2020	This would approve the first amendment to a grant approved by RS2018-1190. The new total of the grant would be $2,032,183.86. Grant proceeds are used to establish and enforce federal and state mandated child support program guidelines for children born out of wedlock.
RS2019-1793	**From**: Tennessee Department of Human Services **To**: Davidson County Juvenile Court	Not to exceed $139,580.46	$71,905.54	July 15, 2019 through June 30,2020	The grant proceeds would be used to establish a Parental Assistance Court to provide employment and support services to non-custodial parents utilizing the Two-Generation Approach focusing on the success of children and the adults in their lives.
RS2019-1796	**From**: National Association of County and City Health Officials **To**: Metro Board of Health	Not to exceed $30,000.00	$0	April 19, 2019 through April 30, 2020	The grant proceeds would be used to participate in the Sexually Transmitted Infections Express Data Collaborative to further establish the evidence base for express services and support quality improvement of established express models.

RS2019-1797	**From**: Tennessee Department of Finance and Administration **To**: Nashville Public Library	Increase by $31,038.00	N/A	N/A	This would approve the first amendment to a Youth Development Center Grant previously approved by RS2019-1555. The grant would be increased from $298,539 to $329,577. Grant proceeds are used to improve community adults' (out-of-school-time educators, families, and school staff) readiness to support positive child/youth development and cultivate safe environments in the lives of children/youth.
RS2019-1798	**From**: Nashville Parks Foundation **To**: Metro Nashville Parks and Recreation Department	Not to exceed $100,000.00	$0	N/A	The grant proceeds would be used to fund improvements to the Elmington Park tennis courts.
RS2019-1799	**From**: Ethos Church **To**: Metro Nashville Parks and Recreation Department	Not to exceed $1,530.00	$0	N/A	The grant proceeds would be used to fund transportation costs of youth field trips as part of the Watkins Park Community Center summer enrichment program.