



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: August 20, 2019

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 8/14/19:

4% Reserve Fund	\$45,769,197*
Metro Self Insured Liability Claims	\$3,060,807
Judgments & Losses	\$1,943,213
Schools Self Insured Liability Claims	\$4,221,534
Self-Insured Property Loss Aggregate	\$5,396,537
Employee Blanket Bond Claims	\$687,079
Police Professional Liability Claims	\$2,143,069
Death Benefit	\$1,739,035

*This assumes unrealized estimated revenues in FY20 of \$33,041,820.

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

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTIONS NO. RS2019-1874 THROUGH RS2019-1877 – These resolutions would approve exemptions for four (4) establishments, listed below, from the minimum distance requirements for obtaining a beer permit. The establishments and locations are as follows:

- **RS2019-1874** (WITHERS) - Sky Blue Cafe, located at 700-A Fatherland Street
- **RS2019-1875** (ALLEN) - Samurai Kitchen, located at 1318 6th Avenue North
- **RS2019-1876** (A. DAVIS) - Lou, located at 1304 McGavock Pike
- **RS2019-1877** (O'CONNELL) - The Local Distro, LLC, located at 614 Garfield Street

The Metro Code of Laws (MCL) prevents a beer permit from being issued to any establishment located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A). This section was recently re-organized by ordinance adopted August 6, 2019 – BL2019-1732. However, the re-organization had no substantive bearing on the current Resolutions.)

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

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

– ORDINANCES ON PUBLIC HEARING –

BILL NO. BL2019-1800 (DOWELL) – This ordinance would increase the assessment rate for the South Nashville Central Business Improvement District (SONA CBID).

Ordinance No. BL2018-1140 instituted the SONA CBID for approximately 266 acres extending from Cane Ridge Road to the West, I-24 to the East, Target Drive to the North, and Old Franklin Road to the South. Pursuant to that ordinance, the original assessment was set at \$0.55 per \$100 of assessed value, to be collected by the District Management Corporation as established by the ordinance.

Section 2.178.080, which codified the provisions of BL2018-1140, states that a change in rate for the levy may be initiated only upon a resolution of the District Management Corporation, approved by an election with a majority in number of owners of real property in the district voting. Upon Council's receipt of this resolution, an ordinance is filed, and a public hearing must be held.

This ordinance would increase the levy to \$1.00 per \$100 of assessed value of real property beginning in calendar year 2019. A public hearing is scheduled for the August 20, 2019 Council meeting, upon third reading of the ordinance, pursuant to a notice and schedule procedure outlined under Tenn. Code Ann. §§ 7-84-513 through -522.

– RESOLUTIONS –

RESOLUTION NO. RS2019-1812 (S. DAVIS) – This resolution would approve an exemption for Eastwood Pub, LLC, located at 714 Gallatin Avenue, from the minimum distance requirements for obtaining a beer permit.

The Metro Code of Laws (MCL) prevents a beer permit from being issued to any establishment located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A). This section was recently re-organized by an ordinance adopted on August 6, 2019 – BL2019-1732. However, the re-organization had no substantive bearing on the current Resolution.)

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

A public hearing was previously conducted at the July 16, 2019 meeting, as required prior to voting upon resolutions brought under Section 7.08.090(E).

RESOLUTION NO. RS2019-1878 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1879 (VERCHER) – This resolution would approve an in-kind grant from Johns Hopkins University to the Metropolitan Government through the Office of the Mayor to provide technical assistance on economic and community development matters.

This agreement is related to Metro's existing project with Bloomberg Associates. Metro would receive technical assistance for the purpose of assessing and improving data management practices to increase access and use of data to support the development of the small business community. The term of this agreement is twelve months from the date of execution.

Fiscal Note: A specific dollar amount has not been identified for the value of this in-kind grant to the Metropolitan Government. There will be no cost to Metro for accepting the grant.

RESOLUTION NO. RS2019-1880 (VERCHER) – This resolution would authorize the Department of Law to settle the claim of Michael and Margaret Abbott against the Metropolitan Government in the amount of \$22,000.

In June 2015, former Metro employees, Michael and Margaret Abbott, were informed by the Internal Revenue Service (IRS) that they were victims of identity theft and that someone attempted to file a fraudulent tax return in Michael Abbott's name. In August 2016, the Abbotts learned that their names, addresses, and social security numbers were inadvertently exposed in an HR Department training manual that had been posted on Metro's public website from 2012 to 2016. The Enterprise Business Solutions (EBS) manual was created by HR in 2005 for internal use by Human Resources coordinators from each department. The EBS manual contained actual employee data and a total of 21 social security numbers were exposed. The EBS manual was placed online in December 2012 for ease of access to HR coordinators, but was also publicly available to anyone.

On August 4, 2016, an HR coordinator from the Arts Commission reported a concern that the manual appeared to use actual employee data. The manual was removed from the website that same day, and the HR Department destroyed all paper copies of the training manuals and revised them to remove sensitive information. The EBS system had already been modified by the HR Department a few years earlier to mask sensitive employee data. All affected employees, including the Abbotts, were notified of this breach by certified letter on August 24, 2016 and offered two years of identity theft protection insurance.

The Abbotts were notified by the IRS of the attempted false tax return, but did not lose any potential tax refund they were owed. They were offered one year of free identity theft protection from Metro HR and have since purchased their own identity theft insurance, which they intend to maintain indefinitely at a current cost of approximately \$160 per year. Ms. Abbott has a history of stress and anxiety related medical issues and suffered a stress related heart attack in July 2015, one month after the letters from the IRS concerning identity theft. The statutory claims asserted in their complaint include provisions for attorneys' fees and costs. The Abbotts have agreed to accept a total of \$22,000 in full settlement of this case.

The Department of Law recommends settlement of this claim for \$22,000.00.

Fiscal Note: This \$22,000 settlement, along with the settlement from RS2019-1881, would be the fourth and fifth payments from the Self-Insured Liability Fund in FY20 for a cumulative total of \$105,008.49. The fund balance would be \$3,060,807 after this payment.

RESOLUTION NO. RS2019-1881 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Cassilina Williams against the Metropolitan Government in the amount of \$26,000.00.

On April 14, 2019, a Metropolitan Nashville Police Officer was traveling east on West Trinity Lane when he saw a suspect in a domestic dispute walking west on West Trinity Lane. When attempting a u-turn with his vehicle's lights and siren activated, the officer collided with the vehicle driven by Ms. Williams. Her vehicle was deemed a total loss and a payment of \$1,000.00 was previously made for the property damage.

Ms. Williams sought treatment for back pain. This included CT scans for the thoracic and lumbar spine. She sought further care from her primary care physician, which included treatment by a chiropractor. She has agreed to accept a total of \$26,000.00 in full settlement of this case, based upon \$20,871.00 for reimbursement of her medical expenses, plus \$5,129.00 for pain and suffering.

The Department of Law recommends settlement of this claim for \$26,000.00.

Disciplinary action against the employee consisted of a written reprimand.

Fiscal Note: This \$26,000 settlement, along with the settlement from RS2019-1881, would be the fourth and fifth payments from the Self-Insured Liability Fund in FY20 for a cumulative total of \$105,008.49. The fund balance would be \$3,060,807 after this payment.

RESOLUTION NO. RS2019-1882 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1883 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1884 (VERCHER & GILMORE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1885 (VERCHER, GILMORE, & VANREECE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1886 (VERCHER & WITHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1887 (VERCHER & WITHERS) – This resolution would approve the Metropolitan Nashville and Davidson County General Sessions Court's participation in the Electronic Monitoring Indigency Fund (EMIF) of the State of Tennessee.

Chapter 505 of the 2019 Public Acts, adopted by the Tennessee General Assembly this year, authorized local governments to participate in the EMIF, relative to the payment of costs for eligible transdermal monitoring devices, other drug and alcohol monitoring devices, and global positioning monitoring devices for indigent defendants. This state law requires approval of such

participation by resolution of the local government's legislative body. The local government must further commit a budgeted amount to participation in the EMIF.

The resolution under consideration would authorize the Metropolitan Nashville and Davidson County General Sessions Court to participate in the EMIF of the State of Tennessee, pursuant to a memorandum of understanding attached to the resolution. Metro would be responsible for fifty percent (50%) of the cost associated with devices that have been ordered on or after July 1, 2019. The State of Tennessee would be responsible for the other fifty percent (50%) of the cost of the devices. The State would bill the Metropolitan Government for its budgeted amount by drawing from either a Local Government Investment Pool account, from a bank account designated by Metro for costs associated with the devices, or from state-shared taxes.

Pursuant to the memorandum of understanding, the State would provide funds matching Metro's budgeted amount for participation in the fund, subject to an appropriation by the State and the solvency of the EMIF accounts. In each subsequent fiscal year, Metro must work cooperatively with the State to develop its budgeted amount for participation in the fund, prior to approval by Metro Council, in order to determine if the State anticipates having sufficient funds to provide its (50%) match.

For each year of subsequent participation, the Metropolitan Government must notify the State Treasurer of the budgeted amount that is approved for its continued participation in the EMIF within thirty (30) days after the budget is approved by the Metro Council. To the extent Metro does not pay its costs, the State would cease paying its portion of the costs, and would not approve any claims or pay any invoices until Metro has sufficient funds.

The Metropolitan Government may amend its budget by reducing and not increasing its budgeted amount for EMIF. If Metro withdraws its participation from the EMIF, it must pay any outstanding liabilities for Device invoices that were approved during the participation period.

Fiscal Note: The Metropolitan Government would commit a budgeted amount of \$6,000 for Fiscal Year 2020.

RESOLUTION NO. RS2019-1888 (VERCHER, WITHERS, & ROBERTS) – This resolution would approve the annual interlocal agreement for services performed by Metro for the Emergency Communications District (ECD) relative to the operation of the Enhanced-911 service during Fiscal Year 2020. The contract specifies the services to be provided by the Metro Emergency Communications Center, the Department of Public Works, and the Department of General Services.

The Department of Public Works would maintain an updated Master Street Address Guide, and the Department of General Services would provide three (3) fleet vehicles as well as the necessary associated vehicle maintenance. Metro would also agree to handle the procurement of goods and services upon request by the ECD. In addition, Metro would be responsible for

training the Metro employees who would operate the system. Finally, Metro would agree to provide a facility to serve as a backup center for the primary Emergency Communications Center.

Fiscal Note: The ECD would reimburse the Metropolitan Government in the amount of \$4,900 for the services provided by the Department of Public Works. This amount remains unchanged from reimbursements in FY2019. The ECD would also reimburse the Department of General Services for the use of the three (3) fleet vehicles, plus the expenses of certain training costs, rental costs for the backup facility, telephone expenses, and equipment costs.

RESOLUTION NO. RS2019-1889 (VERCHER & ROBERTS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1890 (VERCHER & ROBERTS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1891 (VERCHER) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1892 (VERCHER & SYRACUSE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1893 (VERCHER & SYRACUSE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1894 (VERCHER & SYRACUSE) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1895 (WEINER, VERCHER, & OTHERS) – This resolution would accept a donation of five bronze sculptures and three bronze plaques to commemorate the 100th anniversary of the ratification of the 19th Amendment (the Artwork), along with a \$10,950 maintenance fund. The artwork would be donated by the Tennessee Woman Suffrage Monument, Inc. to the Metropolitan Board of Parks and Recreation.

The five bronze sculptures depict Carrie Chapman Catt, Anne Dallas Dudley, Sue Shelton White, Mary Abigail “Abby” Crawford, and Juno Frankie Pierce. The three bronze plaques honor Lois Marie DeBerry, Jane Greenbaum Eskind, and Beth Halteman Harwell. The Artwork was commissioned by Tennessee Woman Suffrage Monument, Inc. and was sculpted by Alan LeQuire. The Artwork will be installed as part of a new plaza in Centennial Park.

The \$10,950 maintenance fund would be used for maintenance the artwork for 10 years, contingency funds for reasonable unforeseen circumstances, and the addition of a date to a bronze plaque.

Metropolitan Code of Laws Sec. 2.112.050 provides that acceptance of donated artwork valued at more than \$5,000, or for which anticipated maintenance over ten years will exceed \$5,000, must be approved by resolution of the Metro Council. The Metropolitan Nashville Arts Commission must further submit a recommendation to the Council if approval is required. The Arts Commission has recommended acceptance of the donated artwork.

Fiscal Note: The artwork is valued at \$900,000. The required maintenance fund of \$10,950 is anticipated to be sufficient to pay for 10 years of maintenance and contingencies.

RESOLUTION NO. RS2019-1896 (WITHERS, VERCHER, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2019-1897 (BEDNE & O'CONNELL) – This resolution would approve an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Metropolitan Department of Public Works for the acceptance of traffic signal improvements in connection with construction of the Donelson Pike Interchange. State law allows for intergovernmental agreements between governmental entities to be approved by resolution. (Tenn. Code Ann. § 12-9-104).

This has been approved by the Planning Commission.

Fiscal Note: The Metropolitan Government would not be responsible for any of the costs of this project. Metro would only be responsible for the ongoing maintenance costs of the new signals.

RESOLUTION NO. RS2019-1898 (HAGAR, BEDNE, & O'CONNELL) –This resolutions would approve an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Metropolitan Department of Public Works for the reimbursement of railroad crossing safety improvements Old Hickory Boulevard (SR045), Railroad Crossing #348670G. TDOT directed the Metropolitan Government, through the Department of Public Works, to construct railroad crossing approaches at various locations, subject to reimbursements by the state.

Fiscal Note: TDOT would reimburse 90% of the Metropolitan Government's costs for this project from their programmed safety funds for the improvement of various railroad crossings throughout Davidson County. The project estimate is \$16,156.04, with Metro's estimated cost to be \$1,615.60 and TDOT's estimated cost to be \$14,540.44.

– ORDINANCES ON THIRD READING –

BILL NO. BL2018-1319 (MENDES, VERCHER, & OTHERS) – 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.

With the Council’s final approval of Ordinance Nos. BL2019-1630 and BL2019-1645 at the August 6, 2019 meeting, it is anticipated that the sponsor will withdraw this ordinance.

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. BL2018-1320 (MENDES & ELROD) – 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. With the Council’s final approval of Ordinance Nos. BL2019-1630 and BL2019-1645 at the August 6, 2019 meeting, it is anticipated that the sponsor will withdraw this ordinance.

Fiscal Note: The property tax receipts available to be used for TIF loans would now have the same restrictions as those proposed per Ordinance No. BL2018-1319, which is currently on third reading. If adopted, 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, COOPER, & HENDERSON) – 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 duration 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. With the Council’s final approval of Ordinance Nos. BL2019-1630 and BL2019-1645 at the August 6, 2019 meeting, it is anticipated that the sponsor will withdraw this ordinance.

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. 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.

An amendment is anticipated that would further apply the distance exemption to similarly situated property zoned CS (as well as CF).

BILL NO. BL2019-1631 (O'CONNELL) – This ordinance, as substituted and amended, would amend the Metropolitan Code of Laws to consolidate existing provisions regulating noise, excessive noise, and construction noise. These existing provisions would be housed under a new title, entitled “Title 9 - Noise and Amplified Sound.”

This ordinance would reorganize existing noise provisions into a single title in the Metropolitan Code of Laws. This would entail deleting existing provisions and creating a new Title 9 containing the prior noise provisions. The new Title 9 would be organized into three chapters:

- Chapter 9.10 would contain general definitions and the measurement guidelines currently in existence.
- Chapter 9.20 would govern excessive noise provisions, primarily contained within the current MCL Sec. 11.12.070. This new chapter would divide the existing MCL Sec. 11.12.070 into smaller sections based upon topic, as well as consolidate other relevant provisions from other sections of the MCL. Chapter 9.20 would also clarify that excessive noise provisions are to be enforced by the Metropolitan Nashville Police Department, which is currently tasked with enforcing the excessive noise provisions.
- Chapter 9.30 would govern construction noise, essentially relocating the current Chapter 16.44. This Chapter would also clarify that construction noise provisions are to be enforced by the Metropolitan Department of Codes Administration, which is currently tasked with enforcing construction noise provisions.

A Substitute added at the June 18, 2019 meeting addresses noise restrictions related to commercial and industrial activities under MCL 17.28.090 and eliminates certain unnecessary deletions of existing provisions. An amendment added at the August 6, 2019 meeting would leave references in the new Title 9 where prior provisions were deleted.

BILL NO. BL2019-1633 (ALLEN) – This ordinance, as substituted and amended, 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 residential multi-family (RM) zoning districts.

Currently, Chapter 17.16 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 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 11 of the proposed ordinance recites this provision, adding that BL2019-1633 would also authorize grandfathering for properties depending on the zoning district. A delayed effective date of May 31, 2020 would be imposed.

Among the revisions in the substitute ordinance adopted at the July 2, 2019 meeting include housekeeping changes to the current ordinance to properly number the sections. References to the \$50 fee have been deleted (which has been increased to \$313 pursuant to BL2019-1627, adopted at the June 18, 2019 meeting). The effective date of Sections 1 through 6 of the ordinance would have a delayed effective date, extended from October 1, 2019 to May 31, 2020.

The substitute ordinance also contains more substantive provisions, including additional requirements and milestones for RM-zoned properties for Not Owner-Occupied STRPs. A new Section 17.16.070.U.2.c. would provide that RM-zoned properties could receive an STRP permit even after the effective date of the ordinance, provided it meet all other requirements of Subsection U and the following:

- File an affidavit of intent to apply for an STRP permit, and apply for a building permit in conjunction with the intended STRP use, by January 1, 2020;
- Obtain and pay for the building permit by July 1, 2020;
- Obtain and pay for the Use and Occupancy permit/letter by January 1, 2022;
- Apply for the STRP permits within thirty (30) calendar days of the issuance date of the Use and Occupancy permit/letter; and
- Obtain and pay for the STRP permits applied for in conjunction with the above building permit.

Provisions would also be added stating that for property zoned RM for which a Not Owner-Occupied STRP permit was previously issued on or before May 31, 2020, a new owner could apply for and be issued a STRP permit (but only if the previously issued permit was in good standing at the time of purchase or acquisition). The Council office is unaware of similar instances in which the transfer or assignment of an annual permit is provided for in perpetuity under the zoning code.

Finally, as substituted, permits for Not Owner-Occupied STRPs in RM districts, upon revocation, would not be eligible for reapplication by current or subsequent owners.

An amendment was added at the August 6th meeting that would restrict properties zoned RM which have received a Not Owner-Occupied STRP permit to a maximum of two (2) transfers after May 31, 2022. A subsequent owner would be required to apply for a permit within thirty (30) days of acquisition or closing of the property, whichever occurs first, and must record such permit with the Register of Deeds within thirty (30) days of the permit's issuance. The amendment further provides that residential dwellings subject to a horizontal property regime (HPR) are not restricted by certain prohibitions regarding two-family zoned lots if a permit was issued prior to July 1, 2019 — thereby authorizing certain permits erroneously issued by Metro. The intent of this latter provision is to resolve approximately forty (40) pending lawsuits against the Metropolitan Government filed by HPR owners.

It is anticipated that further amendments will be submitted by the sponsor and other members.

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 (SUMDs) 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. Other types of SUMDs, including bicycles, tricycles, hoverboards, skateboards, pedal cars, and similar devices, would be allowed to remain under the regulations in Chapter 12.62.

If this ordinance is approved, it would supersede Substitute Ordinance No. BL2019-1658, which was adopted at the July 16, 2019 meeting and returned un-signed by the Mayor. That ordinance temporarily reduces the number of scooters on the street until a request for proposals (RFP) can be completed for the issuance of new SUMD permits. The RFP process and issuance of permits must occur within 100 days of the effective date of that ordinance. The ordinance also directs the Metropolitan Transportation Licensing Commission to create emergency regulations to govern SUMDs while the RFP process takes place.

BILL NO. BL2019-1731 (A. DAVIS & BEDNE) – This ordinance, as substituted, would amend Chapters 4.12 and 4.20 of the Metropolitan Code of Laws regarding procurement.

Under the proposed ordinance, the definition of “responsible bidder or offeror” would be amended to include a provision that any bidder or offeror, through a final determination by a court or regulatory agency, to have committed a willful violation, or multiple violations, of a federal or state law or regulation regarding employment practices or safety standards within five (5) years prior to submission of a bid would authorize the purchasing agent to disqualify a bidder or offeror as “responsible”.

“Employment practices” would be defined as matters regulated under a variety of federal statutes, including the Fair Labor Standards Act, the Family Medical Leave Act, and Title VII of the Civil Rights Act of 1964.

Further, invitations to bid prescribed under Section 4.12.030 would require bidders to submit an affidavit certifying that the bidder is and would remain in compliance with the provisions of Chapter 4.12 of the Procurement Code and the contents of the bid as submitted. Failure to remain in compliance would constitute a material breach of its contract with the Metropolitan Government. The affidavit would be submitted with the bidder’s bid.

Finally, the ordinance would add a new section to Chapter 4.20, which governs the procurement of construction contracts. This provision would require any person who enters a contractual agreement with the Metropolitan Government for any public works of improvements to submit information to the purchasing agent or relevant Metro agency. The required information would include the extent of the employer’s utilization of federally registered apprenticeship programs and MC3 training curriculum; the number of OSHA 10-certified, OSHA 30-certified, and OSHA 100-certified individuals on project; and the percentage of employees covered by health benefits and workers’ compensation offered by the employer.

Earlier provisions regarding “Qualified Workforce” evaluation factors, originally proposed in Section 3 of the ordinance, were deleted by the substitute.

BILL NO. BL2019-1791 (PULLEY, BEDNE, & O’CONNELL) – This ordinance would abandon an existing public sanitary sewer main, manholes, fire hydrant assembly and easements and accept a new public sanitary sewer main, sanitary sewer manholes, fire hydrant assemblies, and easements for four (4) properties located at 4530 Belmont Park Terrace, 1216 Harding Place, 1208 Harding Place, and 4517 Granny White Pike.

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

BILL NO. BL2019-1792 (SLEDGE, BEDNE, & O'CONNELL) – This ordinance would abandon an existing public sanitary sewer main and a sanitary sewer manhole and accept a new water main, a fire hydrant assembly and a sanitary sewer manhole for property located at 2223 8th Avenue South.

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

BILL NO. BL2019-1793 (SWOPE, BEDNE, & O'CONNELL) – This ordinance would abandon an existing sanitary sewer easement, and accept new water mains, fire hydrant assemblies, sanitary sewer mains, sanitary sewer manholes and easements for property located at 6021 Mt. Pisgah Road and Mt. Pisgah Road (unnumbered).

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

BILL NO. BL2019-1794 (WEINER, BEDNE, & O'CONNELL) – This ordinance would authorize the acquisition of certain easements and property rights by negotiation or condemnation for use in public projects, initially for Harness Drive Stormwater Improvement Project, for eight (8) properties located on Harness Drive, Carriage Drive, and Sawyer Brown Road.

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

BILL NO. BL2019-1795 (HENDERSON, BEDNE, & O'CONNELL) – This ordinance would abandon an existing water pumping station, brick building, and associated easement and retain the remaining 10-foot Public Utility Easement located at 1505 Dresden Circle. This abandonment has been requested by Greg Pohl and Daniel Bray, owners.

The Directors of the Metropolitan Department of Water and Sewerage Services and Public Property Administration would be authorized to execute such documents as may be necessary to carry out this abandonment.

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

BILL NO. BL2019-1796 (SLEDGE, BEDNE, & O'CONNELL) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning Alley Number 2086 and an Unnumbered Alley right-of-way. This abandonment has been requested by Richard Perkerson, Jr., applicant.

This has been approved by the Traffic and Parking Commission and the Planning Commission. Future amendments to this legislation may be approved by resolution.

BILL NO. BL2019-1797 (O'CONNELL & BEDNE) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by abandoning Alley Number 384 and Alley Number 386 right-of-way. This abandonment has been requested by S&ME, Inc., applicant.

This has been approved by the Traffic and Parking Commission and the Planning Commission. Future amendments to this legislation may be approved by resolution.

BILL NO. BL2019-1798 (S. DAVIS, BEDNE, & O'CONNELL) – This ordinance would authorize the acquisition, by negotiation, condemnation, or fee simple purchase, a parcel of real property located at 1012 Apex Street for use in the Apex Storm Screening Facility Improvements Project.

The Directors of the Metropolitan Department of Water and Sewerage Services and Public Property Administration would be authorized to execute such documents as may be necessary to carry out the negotiations, condemnation, or fee simple purchase.

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

Fiscal Note: The price to be paid for the easements and property rights is estimated to be \$74,300.

BILL NO. BL2019-1799 (ALLEN & HALL) – This ordinance would establish the honorary designation of “Perry Wallace Way” for a portion of 25th Avenue South, between West End Avenue and Blakemore Avenue, on the Vanderbilt University Campus.

The portion of 25th Avenue South that runs across Vanderbilt's campus, in front of Memorial Gymnasium, would be honorarily named for former Vanderbilt basketball player and civil rights icon Perry Wallace. Mr. Wallace, who passed away in 2017, made history in 1967 as the first African American varsity basketball player in the Southeastern Conference (SEC).

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

Neither this ordinance, nor honorary street names in general, officially re-name the designated street. Therefore, there would be no change of official address for properties along this portion of 25th Avenue South.

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

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

GRANTS LEGISLATION – AUGUST 20, 2019

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
<p>RS2019-1878</p>	<p>From: Cities for Financial Empowerment Fund, Inc. To: Office of the Mayor</p>	<p>N/A</p>	<p>N/A</p>	<p>Extended to September 30, 2020</p>	<p>This would approve an amendment to a grant approved by RS2018-1121.</p> <p>The end date of the grant term would be extended from September 30, 2019 to September 30, 2020. References to the prior length of the term would be removed and additional reports during the extended term would be required. The grant proceeds are used to support municipal engagement to improve the financial stability of low and moderate income households.</p>
<p>RS2019-1882</p>	<p>From: Greater Nashville Regional Council To: Metropolitan Social Services Commission</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>This would approve the third amendment to a grant approved by RS2018-1369.</p> <p>The contract budget would be replaced with a new budget attachment and the invoice requirements would be amended. The grant proceeds are used to provide meals that meet RDA nutritional guidelines and transportation services to eligible seniors and handicapped residents.</p>

<p>RS2019-1883</p>	<p>From: Tennessee Department of Human Services</p> <p>To: Metropolitan Action Commission</p>	<p>Increase by \$536,000</p>	<p>N/A</p>	<p>N/A</p>	<p>This would approve the first amendment to a grant appropriated in the FY2019 budget ordinance.</p> <p>The grant total would be increased from \$1,284,000 to \$1,820,000. Grant proceeds are used for a community services block grant to provide a range of services designed to assist low-income and homeless individuals achieve self-sufficiency.</p>
<p>RS2019-1884</p>	<p>From: The Kresge Foundation</p> <p>To: Metropolitan Action Commission</p>	<p>Not to exceed \$500,000.00</p>	<p>\$0</p>	<p>August 1, 2019 through November 30, 2021</p>	<p>The grant proceeds would be used for the MAC4Jobs (Making a Change for Jobs) project to expand opportunities in America's cities through grant making and social investing.</p>
<p>RS2019-1885</p>	<p>From: Metropolitan Board of Health</p> <p>To: Best Friends Animal Society</p>	<p>Not to exceed \$100,000.00</p>	<p>\$0</p>	<p>July 1, 2019 through June 30, 2020</p>	<p>The Metropolitan Board of Health would grant these funds to Best Friends Animal Society to achieve safe placement of all healthy and treatable dogs and cats located in SAFE Coalition member kennels in Davidson County.</p>

<p>RS2019-1886</p>	<p>From: Tennessee Department of Finance and Administration</p> <p>To: Nashville Career Advancement Center</p>	<p>Increased by \$559,888.00</p>	<p>N/A</p>	<p>Extend to June 30, 2020</p>	<p>This would approve the first amendment to a grant approved by RS2019-1567.</p> <p>The grant total would be increased from \$436,182.00 to \$996,070.00. The term would be extended from September 30, 2019 to June 30, 2020. Grant proceeds are used to serve youth and young adults with trauma.</p>
<p>RS2019-1889</p>	<p>From: Tennessee Department of Finance and Administration, Office of Criminal Justice Programs</p> <p>To: Metropolitan Nashville Police Department</p>	<p>\$574,479.00</p>	<p>\$143,495.00</p>	<p>N/A</p>	<p>This would approve an application for a Victims of Crime Act (VOCA) grant.</p> <p>If the grant is awarded, the proceeds would be used to fund the positions of Police Crisis Counselor II and Victim Advocate to enhance services and serve more victims.</p>
<p>RS2019-1890</p>	<p>From: Tennessee Department of Finance and Administration</p> <p>To: Metropolitan Nashville Police Department</p>	<p>Not to exceed \$287,436.00</p>	<p>\$0</p>	<p>October 1, 2019 through June 30, 2021</p>	<p>The proceeds from this Project Safe Neighborhoods grant would be used to create and foster safer neighborhoods through a sustained reduction in violent crime.</p>
<p>RS2019-1891</p>	<p>From: CityLab</p> <p>To: Metropolitan Arts Commission</p>	<p>Estimated to be \$1,500.00</p>	<p>\$0</p>	<p>N/A</p>	<p>The proceeds from this grant would be used for general operating support funds to cover program and travel expenses for one employee to the seventh annual CityLab conference in Washington, D. C.</p>

RS2019-1892	From: Tennessee State Library and Archives To: Nashville Public Library	Not to exceed \$51,900.00	\$0	July 1, 2019 through May 31, 2020	The proceeds from this grant would be used to target library materials to persons having difficulty using a library and to provide special services to children and young people.
RS2019-1893	From: Nashville Public Library To: Oasis Center, Inc.	\$250,000	\$0	July 1, 2019 Through June 30, 2020	The Nashville Public Library would grant these funds to Oasis Center, Inc. to provide college access services for the Nashville Scholars Program.
RS2019-1894	From: Nashville Public Library To: Oasis Center, Inc.	\$50,000	\$0	July 1, 2019 through June 30, 2020	The Nashville Public Library would grant these funds to Oasis Center, Inc. to provide services that help youth grow, thrive and create positive change in their lives and our community.
RS2019-1896	From: Nashville Parks Foundation To: Metropolitan Nashville Parks and Recreation Department	Not to exceed \$10,160.00	\$0	N/A	The proceeds from this tree maintenance grant would be used for the Betty Brown Tree Trail from September 2019 through Spring 2020.