



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director and Special Counsel
Hannah Zeitlin, Assistant Legal Counsel
Maria Caulder, Finance Manager
Metropolitan Council Office

COUNCIL MEETING DATE: February 4, 2020

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 1/29/20:

4% Reserve Fund	\$35,289,237*
Metro Self Insured Liability Claims	\$2,956,005
Judgments & Losses	\$3,198,778
Schools Self Insured Liability Claims	\$3,111,567
Self-Insured Property Loss Aggregate	\$7,528,664
Employee Blanket Bond Claims	\$705,711
Police Professional Liability Claims	\$2,164,491
Death Benefit	\$1,655,546

*This assumes unrealized estimated revenues in FY20 of \$18,715,411.

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

– RESOLUTIONS ON PUBLIC HEARING –

RESOLUTION NO. RS2020-177 (SLEDGE) – This resolution approves an exemption for Bento Box, located at 1281 3rd Avenue South, 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)).

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 resolutions brought under Section 7.08.090(E).

– ORDINANCES ON PUBLIC HEARING –

BILL NO. BL2019-78 (SLEDGE) – This ordinance requires a minimum distance for a new Short Term Rental Property - Not Owner-Occupied from churches, schools, daycares, and parks. No new STRP permit could be located less than 100 feet from a religious institution, a school or its playground, a park, or a licensed day care center or its playground, unless, after a public hearing, a resolution receiving 21 affirmative votes is adopted by the Council. The distance would be measured in a straight line from the closest point of an applicant’s dwelling unit for which the STRP is sought to the closest point of the other building.

Public notification of the public hearing would be required in accordance with Chapter 17.40 of the Metro Code. Public notice would be mailed to all property owners within 600 feet of the unit seeking the exemption not later than 14 days prior to the date of the public hearing. The costs of notification would be paid by the applicant.

This proposed minimum distance requirement is similar to the issuance of a beer permit.

This was deferred by the Planning Commission to its February 13, 2020 meeting.

BILL NO. BL2019-111 (PARKER, TOOMBS, & SLEDGE) – This ordinance creates new “NS” (No STRP) districts for all zoning districts, except single and two family residential (R and RS), downtown code (DTC), and industrial districts (IWD, IR, and IG). These new NS zoning districts would be identical to all existing standards and all existing uses, except that owner occupied and not owner occupied uses would be prohibited in NS districts. The exhibit attached to the ordinance inserts references to NS districts as necessary throughout Title 17. Other minor changes, such as typographical mistakes and outdated references, would be made. This includes changing some references from the former CC district to the current DTC district.

The council office would point out that this ordinance would not rezone anyone’s property and would not restrict anyone’s use of their property currently. The ordinance just provides alternative zoning districts that could be used for future rezonings.

This was approved by the Planning Commission.

BILL NO. BL2020-117 (SLEDGE & O’CONNELL) – This ordinance removes parking requirements for uses located on multimodal corridors, as designated in the major and collector street plan.

This ordinance has not been considered by the Planning Commission. It is anticipated that this legislation will be deferred in accordance with Council Rule 29.

– RESOLUTIONS –

RESOLUTION NO. RS2020-164 (MENDES & ROBERTS) – This resolution approves a sole source contract with Civic Engineering and Information Technologies, Inc. (Civic) to provide software maintenance consisting of Enterprise Land Management, ePermits, Electronic Plans Review, Queue Management, Contractor/Licensing Management, Geographic Information Systems, Cityworks PLL software and related customizations and interfaces. Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. Section 4.12.060 of the Metro Code requires all sole source contracts having a total value in excess of \$250,000 to be approved by the Council by resolution.

This resolution approves a five year contract with Civic. This is the current implementer and support vendor of Metro’s Enterprise Land Management, ePermits, Electronic Plans, Queue Management and customizations to Trimble Cityworks PLL. Civic was initially awarded a contract in 2013 to replace Metro’s old system with Cityworks via an RFQ. Civic has created and maintains custom code to meet the specific needs of Metro. These custom items from Civic are used in multiple departments and are required for the continuance of day to day business, according to the sole source justification form provided by Procurement and ITS.

ITS Director Keith Durbin emailed a sole source justification memo to the Council on January 28 about this contract, which provides more detail about the necessity of the contract and the reasons why no other vendor is a viable option.

Fiscal Note: The total value over the life of this contract is \$3,600,000 and would be paid from the ITS Enterprise Application account (Fund 51137, Business Unit #14521011).

RESOLUTION NO. RS2020-178 (MENDES, HAGAR, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-179 (MENDES, HAGAR, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-180 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-181 (MENDES) – This resolution approves a cooperative purchasing master agreement for the purchase of automotive parts and accessories. The master agreement is between Charlotte, North Carolina and Advance Auto Parts. The agreement was procured by Charlotte through a competitive invitation to bid with the intention of it serving as a cooperative

purchasing agreement. The master agreement allows for varying, but significant, percentage discounts from the retail price on a wide range of auto parts. The effective date of the master agreement was January 1, 2017, with an initial term of three years plus two additional extensions of two years each. The department of general services estimates that purchasing auto parts through this contract could save Metro approximately \$500,000 per year.

T.C.A. § 12-3-1205(b) authorizes local governments to participate in cooperative purchasing agreements with governmental entities outside of the state as long as the goods or services were competitively procured by the other governmental entity. T.C.A. § 12-3-1205(b) further provides that local governments may participate in a master agreement by adopting a resolution accepting the terms of the master agreement.

RESOLUTION NO. RS2020-182 (MENDES, PULLEY, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-183 (MENDES, PULLEY, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-184 (MENDES, HURT, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-185 (MENDES, HURT, & WELSCH) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-186 (HURT & STYLES) – This resolution approves a contract between the Metro board of health and Well Child, Inc. for the emergency backup storage of vaccines. Well Child, Inc., a school-based healthcare provider in Tennessee, provides vaccines under the Vaccines for Children program. The vaccines must be kept in a temperature controlled environment. Under this agreement, the board of health would provide temporary backup storage of the vaccines at no cost in the event of a power or equipment failure.

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

RESOLUTION NO. RS2020-187 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-188 (MENDES, HURT, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-189 (WELSCH, MENDES, & HENDERSON) – This resolution approves Amendment One to an intergovernmental agreement approved by RS2019-135 for intersection improvements along Nolensville Pike from McNally Drive to Natchez Drive. This would correct a typographical error in the Grant Budget by changing a reference to Metro's participation cost for construction from \$47,047.40 to \$41,047.40.

RESOLUTION NO. RS2020-190 (SLEDGE, MENDES, & OTHERS) – This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation (TDOT) and the Metro Department of Public Works for the reimbursement of railroad crossing safety improvements at a Nolensville Pike crossing. The safety improvements consist of new traffic signals and equipment, signage, and pavement markings. Metro is responsible for the ongoing maintenance after construction is completed.

This signalization project was originally approved by Resolution No. RS2016-218 with an estimated project cost of \$158,579.95. However, the total project cost was \$34,374.85 higher. Under this new agreement, Metro will be responsible for 10% of these additional costs (\$3,437.49).

Fiscal Note: Metro would pay the additional costs of \$3,437.49.

RESOLUTION NO. RS2020-191 (MENDES, HENDERSON, & OTHERS) – This resolution approves an amendment to an agreement between the United States Department of the Army and the Metropolitan Department of Water and Sewerage Services for the Mill Creek Flood Risk Management Project in Davidson County. The initial project agreement, approved by Resolution No. RS2017-976, provides for bridge modifications and channel improvements where Briley Parkway crosses Mill Creek near Curry Road, and for the buyout of 44 flood-prone properties in the Mill Creek, Sorghum Branch, and Whittemore Branch watersheds. Metro is required to pay a minimum of 35%, up to a maximum of 50%, of construction costs allocated by the U.S. Government to structural flood risk management, and 35% of construction costs allocated to non-structural flood risk management.

This amendment to the agreement provides for the reimbursement of costs Metro has incurred for the real property interests, placement area improvements, and relocation of the nonstructural flood risk management features prior to the final accounting for such project features.

Fiscal Note: Metro and the Army would jointly fund the cost of the project. Construction costs allocated to structural flood risk management are projected to be \$3,037,000. The Army would pay \$1,519,000 of this amount, with Metro paying the remaining \$1,518,000.

Construction costs allocated to nonstructural flood risk management are projected to be \$9,772,000. The Army would pay \$6,352,000 of this amount, with the remaining \$3,420,000 paid by Metro.

RESOLUTION NO. RS2020-192 (MENDES) – This resolution authorizes the Department of Law to settle the property damage claim of Vanderbilt University against the Metropolitan Government in the amount of \$100,000.

On July 8, 2019, a Metro Water Services crew was repairing a Metro waterline at Vanderbilt Place and West Side Row when they accidentally struck a chilled water line owned by Vanderbilt. The total repair costs incurred by Vanderbilt to repair the chilled water line were \$180,378.59.

Vanderbilt has agreed to accept \$100,000 in settlement of this claim, which is the maximum Metro can pay for property damage under the Governmental Tort Liability Act.

The Department of Law recommends settlement of this claim for \$100,000 since Metro failed to safely excavate the area to make repairs to the Metro water line.

No disciplinary action was taken against the employees involved.

Fiscal Note: This \$100,000 settlement would be the nineteenth payment from the Self-Insured Liability Fund in FY20 for a cumulative total of \$996,047. The fund balance would be \$2,956,005 after this payment.

– ORDINANCES ON SECOND READING –

BILL NO. BL2020-115 (GLOVER) – This ordinance, as amended, would amend Chapter 10.64 of the Metro Code to require a security plan prior to obtaining a building permit for a parking structure constructed near a stadium, arena, or racetrack. Under this ordinance, no parking structure, as defined by the zoning administrator, could be constructed within 100 feet of a stadium, arena, or racetrack that accommodates or will accommodate 1,000 people or more unless a security plan prepared by a professional sports/entertainment facility security consultant is approved by the fire marshal and the department of codes administration. The security plan must, at a minimum, include mitigation mechanisms to protect spectators from attacks associated with explosives contained inside motor vehicles located on or within the parking structure.

While there are no laws pertaining to the parking of vehicles in close proximity to a stadium, arena, or racetrack, the Council Office has been advised that the various professional sports leagues have best practices associated with parking vehicles to make the facilities less vulnerable to an attack.

BILL NO. BL2020-116 (HAGAR, PULLEY, & OTHERS) – This ordinance adds a new Section 13.27.010 to the Metro Code to require Metro to use the “dynamic symbol of access” when constructing or renovating Metro facilities. The Tennessee General Assembly passed the Dynamic Accessibility Act in 2019 to require the state commissioner of general services to promulgate rules for the purpose of designating a new dynamic symbol of access to be used for buildings owned or operated by the state on signage indicating access for persons with disabilities. As shown below, the dynamic symbol of access depicts a person leaning forward with a sense of movement as opposed to the traditional disabled access sign showing a person sitting upright in a wheelchair.



This ordinance essentially adopts the Dynamic Accessibility Act at the local level to become effective on July 1, 2020. The director of the department of general services will be required to promulgate the necessary rules for the purpose of designating the dynamic symbol of access to be used for Metro buildings on signage indicating access and parking for persons with disabilities, and the director of the department of public works will be required promulgate the necessary rules for use of the symbol within the public rights-of-way maintained by Metro. The symbol must be accompanied by the adjective "Accessible," when appropriate for the signage, and must be used to designate every point of access for persons with disabilities for all new Metro buildings and

property. For existing metropolitan government buildings, structures, real property, and rights-of-way, the new signage must conform to the requirements of this ordinance when:

1. the signage is replaced or repaired;
2. the area of an existing Metro building, structure, or real property containing signage is renovated; or
3. new parking areas are designated on Metro property or within the public right-of-way.

A concern was raised while the bill was pending at the state level that federal funding could be in jeopardy if the state changed the disabled access symbol. While that is very unlikely according to the state bill sponsors, the bill was amended to include language prohibiting implementation of the bill if the state receives documentation from a federal agency that compliance with a provision of this law may jeopardize federal funding or grant money for the state. This ordinance includes similar language pertaining to the threat of a loss of federal funding for the Metropolitan Government. In such case, Metro would no longer have to comply with the ordinance.

There is a proposed amendment that would allow Public Works and General Services to exhaust their existing supplies of signs before complying with the requirements of this ordinance.

Fiscal Note: This ordinance would cost Metro an additional \$1.01 per new sign since the cost of the old sign was \$6.35 and the new sign will cost \$7.36. Metro will not be retrofitting existing signs.

BILL NO. BL2020-148 (BENEDICT, WELSCH, & OTHERS) – This ordinance would amend Section 4.12.240 of the Metro Code pertaining to future contracts with private operators of detention facilities. Ordinance No. BL2017-542 established Section 4.12.240 to require future contracts for correctional facility management services to be approved by the Metro Council, and to require reports to be submitted by the contractor to the Council regarding contractor performance for future contracts. This ordinance would delete those requirements from the 2017 ordinance and substitute with new provisions that would prohibit Metro from entering into a new contract, or renewing an existing contract, with a private contractor to manage a Metro detention facility after June 30, 2022. The ordinance would also prohibit Metro from entering into or renewing a contract with the state for the detention of incarcerated persons if the contract permits a private contractor to manage the facility.

Metro currently has a contract with CoreCivic for the operation of the Metro Detention Facility located at 5115 Harding Place housing locally sentenced felons and for the pre-trial detention of female detainees. The term of the current emergency contract extends through July 29, 2020. Metro also has a contract with Youth Opportunity Investments, LLC for operation of the juvenile detention facility. The term of that contract extends through June 30, 2020.

This ordinance provides that any existing contract or agreement between Metro and a private contractor to operate, manage, or lease any detention facility that would otherwise be in effect as of June 30, 2022, shall be rescinded, voided, and canceled pursuant to the termination provisions within the existing contract not later than June 30, 2022. Any new contract entered into after the

effective date of this ordinance to operate, manage, construct, or lease any detention facility would be required to include a provision automatically terminating the contract or agreement not later than June 30, 2022.

The director of finance submitted the attached letter to the Council stating that he is unable to certify the availability of funds for this ordinance since the total operating and capital budget requirements have not been quantified.

BILL NO. BL2020-149 (TOOMBS, TAYLOR, & OTHERS) – This ordinance amends Title 11 of the Metro Code to create a new Chapter 11.22 requiring landlords to provide at least 90 days’ written notice to tenants before increasing the tenant’s rent. The ordinance also provides that any increase in rent may not become effective prior to the completion of the term of the rental agreement. Although the Uniform Residential Landlord and Tenant Act (URLTA) includes provisions governing rental agreements and the payment of rent, there is no express preemption in the URLTA that would prohibit the Council from requiring landlords to provide notice prior to a rent increase.

In order to maintain consistency with the URLTA, the council office recommends an amendment to this ordinance to clarify that the provisions of the rental agreement control if the rental agreement already provides for scheduled rent increases.

BILL NO. BL2020-150 (ALLEN & SLEDGE) – This ordinance is an amendment to Ordinance No. BL2019-1491 pertaining to the prioritization of departmental review of permit applications and related reviews for certain affordable housing projects. In March 2019, the Council enacted BL2019-1491 directing the Metropolitan Planning Department, the Department of Public Works, the Department of Codes and Building Safety, Metro Water Services, and the Nashville Fire Department to develop and implement a prioritization process for affordable housing projects. Permits and reviews eligible for the prioritization. The prioritization currently applies to the following actions:

- Any permit issued pursuant to Chapter 16.28 of the Metropolitan Code of Laws, including master building permits, individual building permits, foundation permits, and demolition permits;
- Tree removal permits issued by the Department of Codes Administration;
- Urban Forester reviews for landscape and irrigation;
- Grading permits and related reviews issued by Metro Water Services;
- Public water and sewer extension permits;
- Cross-connection permits for private water and sewer service;
- Department of Public Works traffic study reviews;
- Reviews of public road improvements, curb cuts and sidewalks; and trash collection approvals;
- Fire Marshal life safety reviews and sprinkler and/or riser room approvals;

- Metropolitan Planning Department reviews of plans and building elevations for Planned Unit Development (PUD), overlay, or Specific Plan (SP) development; plat reviews; reviews of final plat for lot creation, right-of-way dedications, and easement dedications; and
- Permits issued for office or construction trailers on construction sites.

This ordinance would add Codes Department inspections and the issuance of certificates of occupancy to the prioritization list for affordable housing projects.

BILL NO. BL2020-152 (HURT & O'CONNELL) – This ordinance would establish the honorary designation of “Rev. Ben Sweat Way” for a portion of Cheatham Place between Arthur Avenue and 11th Avenue North. Rev. Sweat, who passed away in 2017, was the longtime Pastor of Mt. Bethel Missionary Baptist Church located on Cheatham Place. He was also a structural engineer who performed engineering design work for many schools, churches, and commercial buildings in Nashville.

Section 13.08.025 of the Metro Code 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 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.

This ordinance does not officially re-name the designated street. Therefore, there would be no change of official address for properties along this portion of Cheatham Place.

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 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 the first in 2020.

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

BILL NO. BL2020-153 (MURPHY) – This ordinance establishes a new fee structure for sidewalk waivers. Section 17.20.120.A.3 of the Metro Code authorizes the zoning administrator to waive, in whole or in part, the requirements of the sidewalk ordinance upon a request of the property owner or its agent. This determination of whether to grant a sidewalk waiver is made in consultation with the Planning Department, the Public Works Department, and the Water Services Department.

This ordinance would set a \$360 fee for sidewalk waiver applications, based upon the actual costs to these four departments to process these requests. There is currently no fee associated with a sidewalk waiver application.

Fiscal Note: The new fee for the sidewalk waiver application will be \$360.

BILL NO. BL2020-154 (O'CONNELL, MENDES, & OTHERS) – This ordinance approves Amendment 2 to the lease agreement between Metro and OP 611 Commerce Property, LLC, regarding parking spaces in the downtown library parking garage. Metro is the owner of this garage, which is operated by the Downtown Partnership through an agreement with the Metro traffic and parking commission. Ordinance No. BL2013-572 approved a lease agreement between Metro and Rogers/Welch Venture, Inc., (RWVI) for the lease of 175 spaces in the downtown library garage located at 151 6th Avenue North for 99 years. RWVI operated office space on floors 26-31 of the Renaissance Hotel and needed the long term parking agreement in order to market and sell the space. OP 611 Commerce Property, LLC is the successor in interest to RWVI.

The lease rate per space is adjusted annually to match the regular rate charged to the general public. Since the 175 spaces are for the exclusive use of the tenant, the tenant has the right under the agreement to cordon off the spaces and make them key card accessible only (commonly referred to in the parking industry as “nesting”). To date, the nesting option has not been exercised by the tenant. If the nesting option was exercised, Metro would not be able to realize any additional revenue during the evenings when the spaces aren't being used by the tenant.

This amendment to the agreement would eliminate the nesting option in exchange for the right to use an additional 50 spaces (the “expansion spaces”), for a total of up to 225 spaces, Monday through Friday between the hours of 5:00 a.m. and 6:00 p.m. The tenant would continue to pay the full rental amount for the initial 175 spaces regardless of the number of spaces actually used. If any of the up to 50 expansion spaces are used, the standard monthly rental rate would apply for each space. If any expansion spaces are not actively in use, then the tenant would pay ten percent of the applicable monthly rate per space.

This lease amendment has been approved by the traffic and parking commission and by the planning commission.

Fiscal Note: The current monthly rental rate is \$190 per space. If all 50 expansion spaces were used, the tenant would pay Metro an additional \$114,000 per year.

BILL NO. BL2020-155 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes OliverMcMillan Spectrum Emery LLC to install, construct, and maintain underground encroachments in the right-of-way located at 500 Broadway. These would consist of tree grates, bollards, a DES ventilation shaft, trees, and structural soil encroaching the right-of-way.

OliverMcMillan Spectrum Emery LLC has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$4 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This proposal has been approved by the Planning Commission.

BILL NO. BL2020-156 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes 7th Avenue Nashville Hotel Owner, LLC to install, construct, and maintain underground and structural encroachments in the right-of-way located at 710 Demonbreun. These would consist of a ventilation shaft and a landscape plantar wall encroaching the right-of-way.

7th Avenue Nashville Hotel Owner, LLC has agreed to indemnify and hold the Metropolitan Government harmless from any and all claims in connection with the installation and maintenance of the encroachments, and would be required to provide a \$4 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This proposal has been approved by the Planning Commission.

BILL NO. BL2020-157 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes Nashville Downtown Partnership to install, construct, and maintain underground encroachments in the right-of-way located at 200 B Lifeway Plaza. These would consist of a solar powered bike station with nine docks and up to nine bikes encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

BILL NO. BL2020-158 (ROBERTS, MURPHY, & HENDERSON) – This ordinance authorizes the Metropolitan Government of Nashville and Davidson County to abandon existing easement rights located at 4918 B Michigan Avenue between Alley # 1206 and Michigan Avenue, formerly known as 50th Avenue North. This abandonment has been requested by Suburban Cowboys, LCC owner.

This has been approved by the Planning Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works Department, abandoned right of way has no market value when the Department has agreed that the abandoning of said right of way is considered acceptable.

BILL NO. BL2020-159 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes the Metropolitan Government of Nashville and Davidson County to abandon existing easement rights located between 701 7th Avenue South and 700 8th Avenue South, south of Fogg Street and north of Alley # 196, formerly known as Alley # 160. This abandonment has been requested by Harmolio, LLC, owner.

This has been approved by the Planning Commission.

Fiscal Note: This ordinance has no cost to Metro. In the opinion of the Public Works Department, abandoned right of way has no market value when the Department has agreed that the abandoning of said right of way is considered acceptable.

BILL NO. BL2020-160 (O'CONNELL, MURPHY, & HENDERSON) – This ordinance abandons existing sanitary sewer main, sanitary sewer manholes, and easements and accepts new sanitary sewer mains, sanitary sewer manholes, and easements for property located at 801 12th Avenue South.

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

Fiscal Note: This ordinance has no cost to Metro. Donated easements do not have a market value according to Metro Water Services.

BILL NO. BL2020-161 (TAYLOR, MURPHY & HENDERSON) – This ordinance abandons existing sanitary sewer main, a sanitary sewer manhole and easements for properties located at 2608, 2610, and 2612 Clifton Avenue.

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

Fiscal Note: This ordinance has no cost to Metro. Donated easements do not have a market value according to Metro Water Services.

– ORDINANCES ON THIRD READING –

BILL NO. BL2019-3 (SYRACUSE, MURPHY & OTHERS) – This ordinance authorizes the Metropolitan Government to opt into the historic properties tax abatement program under state law and would establish a historic properties review board. T.C.A. § 67-5-218 authorizes local governments to establish a historic properties review board, and to establish tax abatement programs for historic properties through such board. T.C.A. § 67-5-218 further allows a property tax exemption on the value of improvements made to properties certified by a historic properties review board. The owner must agree to restore the structure in accordance with guidelines established by the board and agrees to refrain from significantly altering or demolishing the structure during the period of exemption. Such exemption would be for a period of ten years in the case of a partial or exterior restoration or improvement, and fifteen years in the case of a total restoration, as determined by the review board. At the end of the applicable period, the structure would be assessed and taxed on the basis of its full market value.

If any structure receiving a historic properties tax exemption is demolished or significantly altered during the period of exemption, the exemption of the improved value will immediately terminate and the owner would be liable at that time for any difference between the tax paid and the tax that would have been due on such improved value.

This ordinance further designates the existing Metro historic zoning commission to also serve as the historic properties review board for Nashville and Davidson County.

T.C.A. § 67-5-218 was enacted by the Tennessee General Assembly in 1976. A Tennessee Attorney General opinion from 1982 called into question the constitutionality of the statute since Article II, Section 28, of the Tennessee Constitution specifies the categories for which the General Assembly can authorize a property tax exemption. However, this statute has never been challenged in court and the statute was never repealed. At least one other jurisdiction in Tennessee has implemented the statute at the local level.

This ordinance has been approved by the Planning Commission.

BILL NO. BL2019-49 (SYRACUSE, O'CONNELL, & OTHERS) – This ordinance authorizes a property tax exemption for historic properties owned by charitable institutions in accordance with state law. T.C.A. § 67-5-222 provides that certain historic properties owned by charitable institutions are eligible for property tax exemption upon compliance with the provisions of such section, subject to a 2/3 vote by the county governing body. Historic properties owned by charitable institutions must meet the following requirements under T.C.A. § 67-5-222 to be eligible to apply for the property tax exemption:

1. On the National Register of Historic Places;
2. Used for occasional rentals that last for no more than two days at a time per event;

3. Not rented out more than 180 days per year, and the proceeds received from such rental periods must be used solely for the purposes of defraying the maintenance and upkeep of such property; and
4. Has been owned and maintained by the charitable institution for at least ten years prior to application for the exemption.

T.C.A. § 67-5-222 further provides that the owner of such qualified property must submit a comprehensive preservation and maintenance plan to the historic properties review board (to be established under Ordinance No. BL2019-3 on third reading) that demonstrates how the property tax savings will be applied to the preservation and maintenance of the property. Such plans shall meet the guidelines established by the historic properties review board.

The tax exemption would be valid for a ten-year period, but the property owner may apply for additional exemption periods.

Property that is owned and used by charitable institutions for charitable purposes is already available for exemption from taxation under T.C.A. § 67-5-212. However, in order to be exempt from taxation under existing law, the property must be used as part of the charitable mission of the organization. This ordinance would allow nonprofits to obtain an exemption for properties used for income producing purposes that otherwise would not be exempt under state law.

BILL NO. BL2020-118 (HAGAR, HANCOCK, & SUARA) – This ordinance approves an agreement between the Metropolitan Department of Parks and Recreation and Memphis Basketball, LLC (Memphis Grizzlies) to allow Parks to participate in the youth basketball program operated by the Memphis Grizzlies. Memphis Basketball owns the Memphis Grizzlies, an NBA basketball team, and also owns and operates the "Junior Grizzlies" youth basketball program.

In addition to participation in league games, each participant would receive a ticket to a Memphis Grizzlies regular season home game, Junior Grizzlies apparel, and a basketball. Discounted tickets for parents, friends, and family members will also be made available. All coaches, administrators, and volunteers would be invited to a clinic hosted by a Grizzlies coach.

The only payment per this agreement would be \$40 per basketball participant, which is built into the registration fee. No other charges or fees are required for performance of the agreement. The agreement terminates June 30, 2020.

Similar agreements were approved in 2017 per Ordinance No. BL2017-987 and in 2018 per Ordinance No. BL2018-1379.

BILL NO. BL2020-119 (PORTERFIELD, MURPHY, & OTHERS) – This ordinance would amend the official Geographic Information Systems Street and Alley Centerline Layer by changing the name of Smith Springs Road between Smith Springs Road and Castlegate Drive to "Castlegate

Drive”. This is very short offshoot of Smith Springs Road, which currently results in duplicate road names.

This has been approved by the Planning Commission and the Emergency Communications Board. A recommendation from both, prior to third reading, is required under Section 13.08.015.D of the Metro Code of Laws (MCL).

In addition, pursuant to the requirements of Section 13.08.015.B. of the Metro Code, the Historical Commission has provided a report to the Council prior to third reading stating the historical significance, if any, associated with the existing street name. A copy of the report is attached to this analysis.

BILL NO. BL2020-120 (WELSCH, MURPHY, & OTHERS) – This ordinance amends the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Alley No. 1854 from Landers Avenue to Grandview Avenue, between Thompson Lane and McClain Avenue. Metro will retain all utility easements. This abandonment has been requested by Furniture Warehouse and Showrooms Inc, applicant.

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

BILL NO. BL2020-121 (MURPHY, HENDERSON, & O’CONNELL) – This ordinance amends official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Ensworth Way from Ensworth Avenue to Woodlawn Avenue. Metro will retain all utility easements. This abandonment has been requested by Coclosure Company, applicant.

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

GRANTS LEGISLATION – FEBRUARY 4, 2020

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2020-178	From: National Endowment for the Arts To: Metropolitan Arts Commission	\$75,000.00	\$75,000.00	N/A	<p>This approves an application for a Racial Equity in Arts Leadership (REAL) Projects grant.</p> <p>If the grant is awarded, proceeds will be used to break down structural and institutional barriers to equity and increase diversity through education, leadership development, and targeted projects within Nashville based arts nonprofits.</p>
RS2020-179	From: Tennessee State Library and Archives To: Nashville Public Library	Not to exceed \$3,250.00	\$2,925.00	October 1, 2019 through April 30, 2020	The proceeds from this grant are used to provide funds to purchase computers for use by library patrons and staff and to enhance the use of technology services available at the public library.
RS2020-180	From: Metropolitan Development and Housing Agency To: Metropolitan Department of Social Services Homeless Impact Division	Not to exceed \$125,511.00	\$0	January 1, 2020 through January 31, 2021	The proceeds from this grant are used for one-time payments of first month's rent and security/utility deposits on behalf of homeless persons obtaining housing through various campaigns.

<p>RS2020-182</p>	<p>From: Tennessee Highland Rim Healthcare Coalition</p> <p>To: Nashville Fire Department</p>	<p>Not to exceed \$11,200.74</p>	<p>\$0</p>	<p>N/A</p>	<p>The proceeds from this in-kind grant are used for three Multi-Gas Monitors to detect flammable gases, toxic gases, and oxygen depletion.</p>
<p>RS2020-183</p>	<p>From: Tennessee Highland Rim Healthcare Coalition</p> <p>To: Nashville Fire Department</p>	<p>Not to exceed \$12,800.00</p>	<p>\$0</p>	<p>N/A</p>	<p>The proceeds from this in-kind grant are used for Advanced Hazmat Life Support courses to medically manage patients exposed to hazardous materials.</p>
<p>RS2020-184</p>	<p>From: Tennessee Department of Health</p> <p>To: Metropolitan Board of Health</p>	<p>Not to exceed \$352,500.00</p>	<p>\$0</p>	<p>July 1, 2020 through June 30, 2023</p>	<p>The proceeds from this grant are used to provide breast and cervical cancer screening and diagnostic services to eligible individuals.</p>
<p>RS2020-185</p>	<p>From: Tennessee Department of Health</p> <p>To: Metropolitan Board of Health</p>	<p>Not to exceed \$318,500.00</p>	<p>\$0</p>	<p>July 1, 2020 through June 30, 2022</p>	<p>The proceeds from this grant are used to facilitate the planning, implementation, and evaluation of community-driven and evidence-based Health Promotion programs.</p>

<p>RS2020-187</p>	<p>From: U.S. Environmental Protection Agency</p> <p>To: Metropolitan Board of Health</p>	<p>Not to exceed \$75,000.00</p>	<p>\$0</p>	<p>October 1, 2019 through September 30, 2021</p>	<p>The proceeds from this grant are used for the ongoing collection of data on ambient air concentrations for fine particulate matter in Nashville, Tennessee.</p>
<p>RS2020-188</p>	<p>From: PetHealth Services (USA), Inc.</p> <p>To: Metropolitan Board of Health</p>	<p>Not to exceed \$10,000.00</p>	<p>\$0</p>	<p>N/A</p>	<p>The proceeds from this Bob and Diane Hoover Annual Innovation Award Grant are used to acknowledge animal lifesaving initiatives for the betterment of animal welfare through the development or application of technology.</p>



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

JOHN COOPER
MAYOR

DIRECTOR OF FINANCE
METROPOLITAN COURTHOUSE
ONE PUBLIC SQUARE, SUITE 106
NASHVILLE, TENNESSEE 37201
(615) 862-6151
(615) 862-6156 FAX

TO: Council Member Benedict

FROM: Kevin Crumbo, Director of Finance *KC*

DATE: December 16, 2019

RE: Contracts with Private Operators of Detention Facilities

I am writing regarding your proposed legislation to discontinue contracting with private operators of detention facilities not later than June 30, 2022. I am returning the legislation unsigned due to a lack of funding availability. As noted in my correspondence to the Metro Council dated December 11, 2019, Metro has significant budget challenges that need to be addressed over the next year, and we simply do not have a complete understanding of the legislation's fiscal impact. Specifically, the total operating and capital budget impacts are not currently quantified.

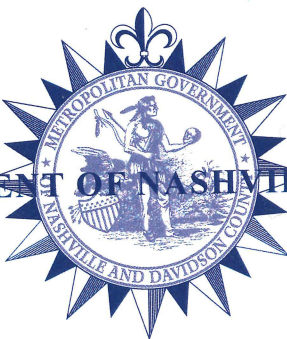
Also, as reported last week, the Administration plans to initiate the budget process in January of 2020 for the Fiscal Year 2020-2021 budget. We will fully consider the proposal as outlined in your legislation over the coming months to determine these financial impacts, so that a well-informed decision can be made about how to best move forward.

I would like to thank you in advance for working with the Administration over the coming months to conduct this evaluation.

ATTACHMENT

Copy: Vice Mayor Shulman
Metro Council Members
Law Director Bob Cooper
Metro Council Director Jon Cooper

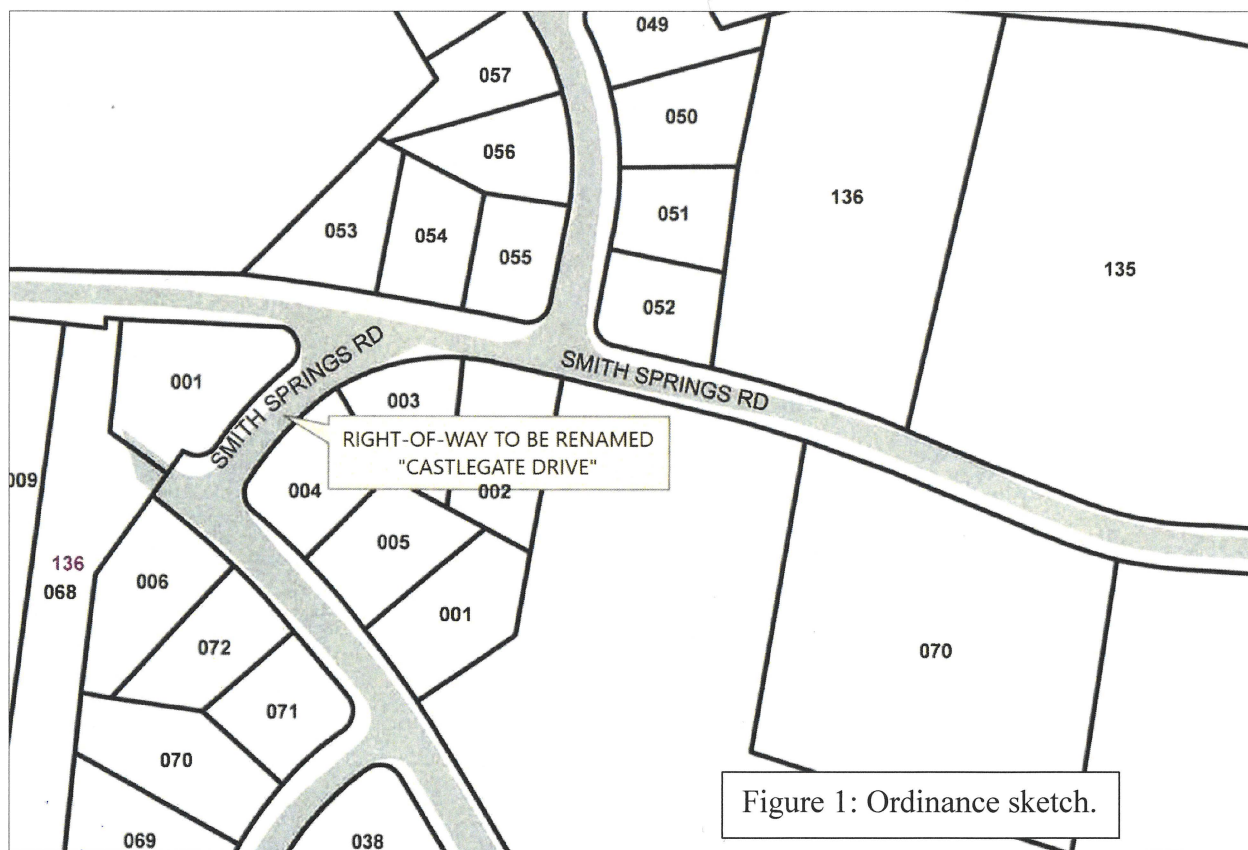
METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Metropolitan Historical Commission
Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970

To: Metropolitan Council
From: Metropolitan Historical Commission, staff
Date: January 14, 2020
Re: BL2020-119

An ordinance to amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government of Nashville and Davidson County, by renaming a portion of Smith Springs Road, between Smith Springs Road and Castlegate Drive, to “Castlegate Drive.” (Proposal Number 2019M-004SR-001).



The subject segment of Smith Springs Road was recorded as “Relocated Smith Springs Rd” in the 1972 plat for *Castlegate*, owned and developed by K & W, Inc. (Figure 1, Figure 2).¹ The creation of J. Percy Priest Dam and Reservoir from 1963-1968 altered the routes of several roads

¹ *Castlegate*, Section I, recorded in Plat Book 4460, Page 115, on October 10, 1972, RODC.

in the area, including Anderson Road and another portion of Smith Springs Road to the east, so there may have been a plan to relocate additional segments of Smith Springs Road that was never completed.² The 1979 plat for *Priest Lake Park*, located across from *Castlegate* on the north side of Smith Springs Road, shows the same segment of road labeled as “Relocated Smith Springs Rd.”³

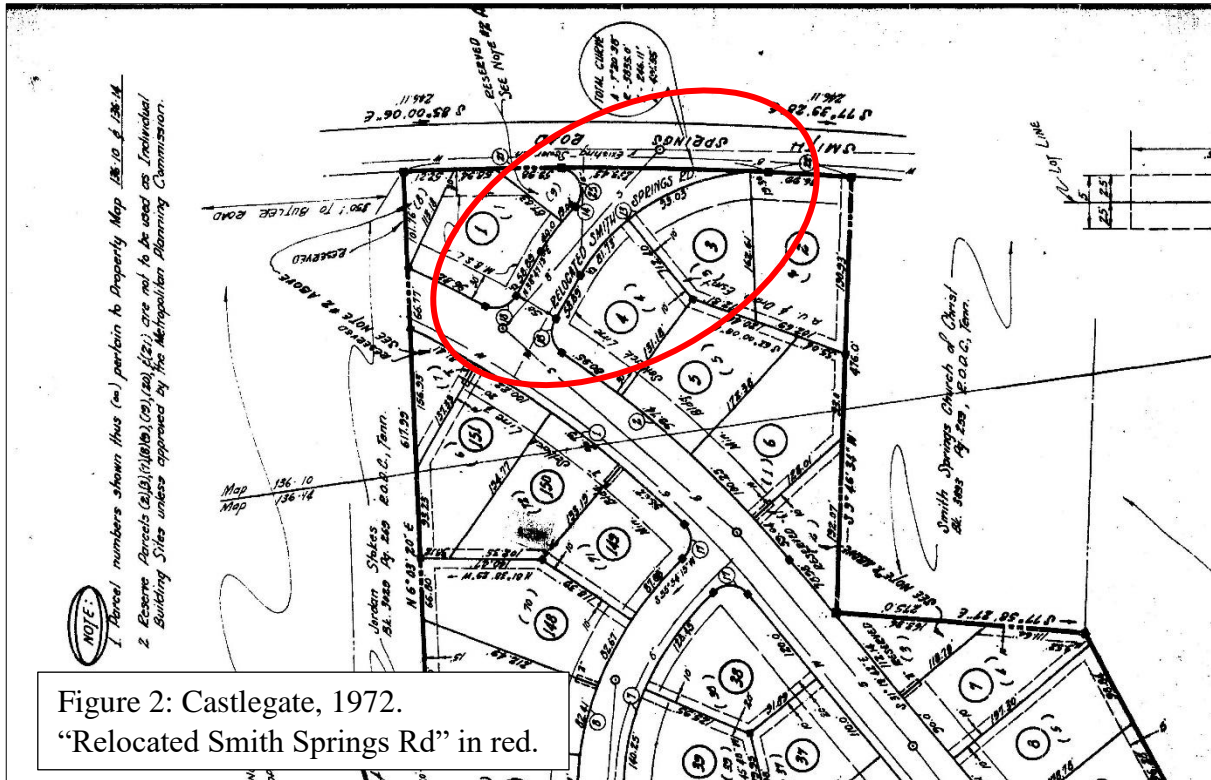


Figure 2: Castlegate, 1972.
“Relocated Smith Springs Rd” in red.

According to Metro Nashville Public Works, the department accepted the subject segment of Smith Springs Road for maintenance on September 15th, 1977.⁴

Local historian Ridley Wills II provides the following information about Smith Springs Road in his book *Nashville Streets and Their Stories*:

Smith Springs Road begins at Murfreesboro Pike near the Nashville International Airport. The road runs east through the Smith Springs community to terminate at Percy Priest Lake near Smith Springs Park. Early in the twentieth century, several men in the Smith Springs community began worshipping each Lord’s Day in an old lodge adjacent to the school on Old Anderson Road near Smith’s Spring. On

² Construction of the J. Percy Priest Dam and Reservoir began on June 2, 1963. Percy Priest Dam was dedicated on June 29, 1968. “Percy Priest Lake,” Historical Marker No. 206, The Historical Commission of Metropolitan Nashville and Davidson County. Erected 2019.

³ *Priest Lake Park*, Section Seven-B, recorded in Plat Book 5200, Page 175, on June 26, 1979, RODC.

⁴ Email correspondence, 9 January 2020.

November 21, 1907, Ms. Nancy Moore deeded an acre of land, located at the corner of Smith Springs Road and Old Anderson Road, to Tom M. Hill, John Lane, and C. W. Brewer. The land included the spring, which supplied water during the dry summer months to people for miles around. They built a one-room frame church building on this land. The community, the Smith Springs Church of Christ, and Smith Springs Road were all named for the spring. Earlier the road was called Dry Branch Road.⁵

The Trustees of Smith Springs Church of Christ purchased property at 2783 Smith Springs Road in 1965.⁶ The Trustees then sold the property acquired from Ms. Moore to the United States of America in 1966.⁷ The 1966 deed describes the property as “Tract No. 1018” of the J. Percy Priest Dam and Reservoir project. Staff has compared maps from before and after the creation of the reservoir and it appears that the spring property is now part of Percy Priest Lake.

⁵ Ridley Wills II, *Nashville Streets and Their Stories* (Franklin, Tenn.: Plumblin Media, 2012), 140. See also Deed Book 350, Page 466, recorded November 21, 1907, RODC.

⁶ Matt Paul Hilger and wife, Louise Hilger, to Smith Springs Church of Christ/Trustees, recorded in Deed Book 3893, Page 259, on May 21, 1965, RODC.

⁷ Smith Springs Church of Christ/Trustees to United States of America, recorded in Deed Book 3997, Page 198, on March 16, 1966, RODC.