



## METRO COUNCIL OFFICE

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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: April 7, 2020

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 4/1/20:

4% Reserve Fund	\$18,600,037*
Metro Self Insured Liability Claims	\$2,165,024
Judgments & Losses	\$2,231,741
Schools Self Insured Liability Claims	\$2,608,094
Self-Insured Property Loss Aggregate	\$7,552,335
Employee Blanket Bond Claims	\$706,295
Police Professional Liability Claims	\$2,057,689
Death Benefit	\$1,659,903

\*This assumes unrealized estimated revenues in FY20 of \$7,688,170.

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

**– RESOLUTIONS ON PUBLIC HEARING –**

**RESOLUTION NO. RS2020-235** (HAGAR) – This resolution approves an exemption for Burger & Company, located at 700 Hadley 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)).

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. BL2019-7** (O'CONNELL) – This ordinance would amend Section 17.16.250.E.1 of the Metropolitan Code pertaining to STRP permits for two-family dwellings. The Code currently requires both dwellings to be under the same ownership in order for a two-family dwelling to have an STRP permit. This ordinance would create a mechanism whereby two separate STRP permits could be issued for two-family dwellings when the units are owned by different persons and each unit is the primary residence of the corresponding owner. No more than two permits could be issued per lot, and only one permit could be issued per dwelling unit.

This ordinance has been approved by the Planning Commission.

**BILL NO. BL2019-8** (ROBERTS & BENEDICT) – This ordinance would amend Section 17.20.120 of the Metropolitan Code regarding the sidewalk fund.

Currently, money collected from the payment in lieu of sidewalks is collected into a pedestrian benefit fund. The funds are required to stay in the pedestrian benefit zone from where the payment was made.

This ordinance would remove the pedestrian benefit zones and instead require funds to stay within the Council district of the new development.

The Planning Commission previously recommended that this ordinance be deferred indefinitely and is scheduled to consider this legislation at its April 9, 2020 meeting.

**SECOND SUBSTITUTE BILL NO. BL2019-48** (ROSENBERG, YOUNG, & OTHERS) – This ordinance, as substituted, amends the home occupation requirements in Section 17.16.250.D of the Metro Code.

The current provisions allow for a home occupation if no clients or patrons are served on the property and if no more than one employee (part-time or full-time) not living at the home is employed by the business. Other requirements prohibit causing a nuisance, certain limitations on mechanical and electrical equipment, and regulations on the storage of materials and goods on the premises. Permits are currently required for all home occupations.

The ordinance under consideration would remove the prohibition on serving clients on the premises and would instead allow no more than three vehicle trips per hour, with a maximum of six visits per day related to the business. Customer visits could only occur by scheduled appointment and between the hours of 8 a.m. and 7 p.m. Monday through Saturday. Only certain occupations would be permitted, including personal instruction, general office, personal care services, multimedia production, and artisan manufacturing uses. Permits would be required of all home occupations, except those where no customers are served on the property and any

employees live within the dwelling. Permits would not be transferable or assignable, and a permit could be revoked upon three or more verified complaints within a calendar year.

This ordinance has been approved by the Planning Commission.

**BILL NO. BL2019-79** (O'CONNELL) – This ordinance implements certain requirements for a Short Term Rental Property - Owner Occupied.

This ordinance prohibits an owner-occupied STRP from advertising the availability of all bedrooms within the unit for rent, except for a two-family residential unit under common ownership with a two-family unit on the same lot, which is permitted in accordance with MCL 17.16.250.E.1.f. Also, this ordinance would make clear that an owner must reside onsite at an owner-occupied STRP at all times the property is being used as an STRP. Further, the owner could not be absent from the dwelling unit for longer than 15 consecutive hours within any 24 hour period while the property is being used as an STRP.

A proposed substitute is anticipated from the Planning Department.

This ordinance has been approved by the Planning Commission.

**BILL NO. BL2020-187** (PULLEY & JOHNSTON) – This ordinance transfers Nashville's Short Term Rental Property (STR) code provisions from Title 17 to Title 6, and establishes a Short Term Rental Appeals Board to hear and decide appeals from decisions made by the zoning administrator regarding STR permits. This ordinance was filed at the request of the Department of Codes Administration to relieve the burden on the board of zoning appeals, which has seen its docket clogged with STR appeals in recent months.

This ordinance does not make any substantive changes to the STR conditions, regulations, and restrictions. It just moves those provisions under the business licensing and regulation title of the Metro Code. The ordinance also establishes a Short Term Rental Appeals Board consisting of seven members to hear appeals of zoning administrator decisions. One member of the board would be a member of the Metro Council selected by the body from its membership to serve for a term of two years. The remaining six members would be appointed by the mayor and confirmed by a majority vote of the Council. Of the remaining six members, at least one must be an attorney. The board would be required to meet at least once a month, but could hold special meetings as necessary. The board would have jurisdiction to uphold, reverse, or modify in whole or in part the zoning administrator's decision regarding STR permit issuance or revocation for all permits eligible for review.

This ordinance has been referred to the Planning Commission.

**BILL NO. BL2020-188** (HENDERSON) – This ordinance amends Chapters 15.64 and 17.20 of the Metro Code to require all driveways to have an apron to be paved with a hard surface and to prohibit the runoff of gravel into the public rights-of-way. The purpose of this ordinance is to address the problems associated with gravel washing into the public rights-of-way from rainstorms and general use, which presents a hazard to pedestrians and cyclists.

This ordinance would require all driveways to have an apron to be paved with a hard surface from the edge of street pavement to the edge of the right-of-way or 10 feet, whichever is greater. The design and construction of this required apron must not impede any drainage way. The ordinance also makes it a code violation for a property owner to allow gravel to wash or encroach into the right-of-way.

This ordinance has been referred to the Planning Commission.

**– RESOLUTIONS –**

**RESOLUTION NO. RS2020-202** (MENDES, MURPHY, & OTHERS) – This resolution approves an intergovernmental agreement in the form of a general maintenance agreement between the Tennessee Department of Transportation (TDOT) and the Metropolitan Department of Public Works for the I-440 Traffic Operational Deployment of Blue Toad Spectra Power over Ethernet (PoE) Data Collection Devices project. This project is an advanced traffic monitoring system measuring travel times and traffic patterns using non-intrusive roadside technology (anonymously collected Bluetooth signals from paired vehicles).

The specific 21 intersections where TDOT would install the Blue Toad Spectra traffic data collection devices are included on the deployment document attached to this analysis.

Metro would be responsible for all costs associated with maintenance and operation of these devices.

This has been approved by the Planning Commission.

*Fiscal Note: The Department of Public Works estimates that costs associated with the maintenance and operation of the electrically operated and solar powered devices will be less than \$500 annually for all units.*

**RESOLUTION NO. RS2020-236** (HENDERSON) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-238** (STYLES, MENDES, & ALLEN) – This resolution authorizes the Metropolitan Development and Housing Agency (MDHA) to enter into an agreement to accept payments in lieu of taxes (PILOT) for a multi-family housing project on Murfreesboro Pike known as Hobson. In 2016, Ordinance Nos. BL2015-1281, BL2016-334 and BL2016-435 authorized MDHA to negotiate and accept PILOT payments from operators of low income housing tax credit (LIHTC) properties, capped at \$2,500,000 annually. If approved, this would be the seventeenth such PILOT program overall, and the first for MDHA in 2020, totaling \$569,163 in tax abatements this year.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs were historically used by Metro to provide incentives through the Industrial Development Board (IDB) to large employers to create job opportunities. But Tenn. Code Ann. § 13-20-104 was amended several years ago to give MDHA the authority to enter PILOTs to create affordable rental housing subject to Council approval.

MDHA developed their PILOT program to provide additional financial incentives to developers considering construction or rehabilitation of affordable housing units through a federally funded

LIHTC program. Subsidized LIHTC developments serve those at or below 60% of the average median income (AMI) for the Nashville area, which translates to an income cap of \$33,600 for individuals and \$48,000 for families of four in 2019. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

The maximum term for the PILOT payments under this program is 10 years. The PILOT agreement would only be available for additional tax liability over and above the pre-development assessed value of the property. The program is available for both existing and new developments, based on financial need. The PILOT lease is to be terminated if the property sits vacant for two years.

MDHA is required by state law to file an annual report with the Council, Assessor of Property, and State Board of Equalization identifying the values of the properties subject to PILOTs, the date and term for each PILOT, the amount of PILOT payments made, and a calculation of the taxes that would otherwise be owed.

The owner of the property, WCO Hobson LP, plans to construct 324 units to be rented to persons at or below 60% AMI. The amount of the PILOT payment to Metro will be \$18,368 in the first year, and the first year amount of the abatement will be approximately \$569,163. The owner will be required to pay a monitoring and reporting fee to MDHA not to exceed 5% of the in lieu of tax payment.

The resolution states that the difference between the amount to be paid and the amount of the property taxes that would otherwise be due the first year after the completion of the project are estimated to be \$569,163 based upon a project valuation of \$18,622,230. However, the project valuation was inadvertently discounted by MDHA. The correct valuation is \$46,555,576. An amendment will be filed to correct this amount in the resolution. The \$569,163 abatement value in the resolution is correct since it was based upon the higher amount.

*Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$18,368 in lieu of property taxes, with a 3% annual increase through the remainder of the 10-year period.*

*In addition to the PILOT payments, the developer would be required to pay a monitoring and reporting fee to MDHA. This fee would be set by MDHA not to exceed five percent (5%) of the amount of the PILOT payment due each year.*

*The final assessed value of this project will not be known until completion. However, the value of the project when completed is estimated to be \$46,555,576. For purposes of this analysis, this number will be used as a reasonable estimate of the final project value.*

*Over the 10-year life of this PILOT agreement, a total of \$5,664,746 would be abated, although Metro would still receive \$210,568 in property taxes from this project, as depicted in the following table:*

<b>Real Property Tax (New)</b>						
	<b>Year</b>	<b>Total Value</b>	<b>Standard Tax</b>	<b>Still Pay</b>	<b>Abatement</b>	<b>Abatement %</b>
	1	\$46,555,576	\$587,531	\$18,368	\$569,163	96.9%
	2	\$46,555,576	\$587,531	\$18,919	\$568,612	96.8%
	3	\$46,555,576	\$587,531	\$19,487	\$568,044	96.7%
	4	\$46,555,576	\$587,531	\$20,071	\$567,460	96.6%
	5	\$46,555,576	\$587,531	\$20,673	\$566,858	96.5%
	6	\$46,555,576	\$587,531	\$21,294	\$566,237	96.4%
	7	\$46,555,576	\$587,531	\$21,932	\$565,599	96.3%
	8	\$46,555,576	\$587,531	\$22,590	\$564,941	96.2%
	9	\$46,555,576	\$587,531	\$23,268	\$564,263	96.0%
	10	\$46,555,576	\$587,531	\$23,966	\$563,565	95.9%
	<b>Totals</b>		<b>\$5,875,314</b>	<b>\$210,568</b>	<b>\$5,664,746</b>	<b>96.4%</b>

After the property tax abatement from this project, \$1,930,837 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2020.

**RESOLUTION NO. RS2020-244** (MENDES) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-245** (MENDES, HAGAR, & OTHERS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-246** (MENDES, HAGAR, & HANCOCK) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-247** (WELSCH) – This resolution approves a data sharing agreement between the Metro Board of Health and the Tennessee Department of Health (“TDH”) to share drug overdose data for program planning and public health intervention.

State law allows the Metropolitan Government to approve intergovernmental agreements by resolution. (Tenn. Code Ann. § 12-9-104(b).) And section 10.104(8) of the Metropolitan Charter provides that the Board of Health has the duty to contract “for such services as will further the program and policies of the Board,” subject to confirmation by resolution of Council.

Under the agreement, TDH would make available to Metro, at minimum, the patient name and address, diagnostic codes associated with the overdose, the reporting healthcare facility, and dates of services. Metro would use this data only for its surveillance and public health duties, including responding to public health emergencies. Steps would be taken to keep this highly



sensitive and confidential information private, including limiting employee access and requiring express written permission and coordination with the TDH prior to sharing the information with the public, even in the aggregate.

The term of the agreement begins April 1, 2019 and extends for a period of three years. There is no cost to either party for the performance of services under this agreement.

A similar agreement was entered into between the Metro Board of Health and TDH through RS2019-10 for data related to opioid drug overdoses.

*Fiscal Note: There would be no cost to the Metropolitan Board of Health for the performance of services under this agreement.*

**RESOLUTION NO. RS2020-248** (MENDES, BRADFORD, & OTHERS) – This resolution approves a Partners in Protection Shelter Program participation agreement between the Metro Board of Health and Boehringer Ingelheim Animal Health USA, Inc. To purchase discounted animal vaccines and medicines for shelter animals.

Pursuant to the agreement, Metro Animal Care & Control would receive “Tier 1 Discount Percentages”. This includes between 25% and 65% off of certain vaccine prices and between 6% and 25% off of other types of medication for animals. The pricing is attached to the resolution. The term of this agreement is February 11, 2020 through January 31, 2021.

*Fiscal Note: This participation agreement provides discounts to Metro Animal Care & Control on vaccine purchases ranging between 6% and 25% with no minimum purchase required.*

**RESOLUTION NO. RS2020-249** (MENDES, HANCOCK, & OTHERS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-250** (O’CONNELL, MURPHY, & HENDERSON) – This resolution authorizes Medhat Gad *dba* M & S Market to construct, install, and maintain an aerial encroachment at 203 2nd Avenue North. The encroachment consists of a double-faced sign.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party. The applicant must also hold the Metropolitan Government harmless from all claims connected with the installation.

Metropolitan Government retains the right to pass resolutions or ordinances regulating the use of surrounding streets, including the right to construct and maintain utilities, and to order the

relocation of facilities at the expense of the applicant. Metro further retains the right to repeal approval of the encroachment without liability.

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

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

This proposal has been approved by the Planning Commission.

**RESOLUTION NO. RS2020-261** (TOOMBS) – This resolution authorizes the Metropolitan Development and Housing Agency (MDHA) to enter into an agreement to accept payments in lieu of taxes (PILOT) for a multi-family housing project located at 2300 Old Matthews Road, known as Trinity. In 2016, Ordinance Nos. BL2015-1281, BL2016-334 and BL2016-435 authorized MDHA to negotiate and accept PILOT payments from operators of low income housing tax credit (LIHTC) properties, capped at \$2,500,000 annually. If approved, this would be the eighteenth such PILOT program overall, and the second for MDHA in 2020, totaling \$924,921 in tax abatements this year.

PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs were historically used by Metro to provide incentives through the Industrial Development Board (IDB) to large employers to create job opportunities. But Tenn. Code Ann. § 13-20-104 was amended several years ago to give MDHA the authority to enter PILOTs to create affordable rental housing subject to Council approval.

MDHA developed their PILOT program to provide additional financial incentives to developers considering construction or rehabilitation of affordable housing units through a federally funded LIHTC program. Subsidized LIHTC developments serve those at or below 60% of the average median income (AMI) for the Nashville area, which translates to an income cap of \$33,600 for individuals and \$48,000 for families of four in 2019. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

The maximum term for the PILOT payments under this program is 10 years. The PILOT agreement would only be available for additional tax liability over and above the pre-development assessed value of the property. The program is available for both existing and new developments, based on financial need. The PILOT lease is to be terminated if the property sits vacant for two years.

MDHA is required by state law to file an annual report with the Council, Assessor of Property, and State Board of Equalization identifying the values of the properties subject to PILOTs, the date

and term for each PILOT, the amount of PILOT payments made, and a calculation of the taxes that would otherwise be owed.

The owner of the property, ECG Trinity LP, plans to construct 210 units to be rented to persons at or below 60% AMI. The amount of the PILOT payment to Metro will be \$10,920 in the first year, and the first year amount of the abatement will be approximately \$355,758. The owner will be required to pay a monitoring and reporting fee to MDHA not to exceed 5% of the in lieu of tax payment.

The resolution states that the difference between the amount to be paid and the amount of the property taxes that would otherwise be due the first year after the completion of the project are estimated to be \$355,758 based upon a project valuation of \$29,055,303.

*Fiscal Note: This PILOT request would require the developer to make a first-year payment of \$10,920 in lieu of property taxes, with a 3% annual increase after year three (3) through the remainder of the 10-year period.*

*In addition to the PILOT payments, the developer would be required to pay a monitoring and reporting fee to MDHA. This fee would be set by MDHA not to exceed five percent (5%) of the amount of the PILOT payment due each year.*

*The final assessed value of this project will not be known until completion. However, the value of the project when completed is estimated to be \$29,055,303. For purposes of this analysis, this number will be used as a reasonable estimate of the final project value.*

*Over the 10-year life of this PILOT agreement, a total of \$3,547,834 would be abated, although Metro would still receive \$118,945 in property taxes from this project, as depicted in the following table:*

<b>Real Property Tax (New)</b>						
	<b>Year</b>	<b>Total Value</b>	<b>Standard Tax</b>	<b>Still Pay</b>	<b>Abatement</b>	<b>Abatement %</b>
	1	\$29,055,303	\$366,678	\$10,920	\$355,758	97.0%
	2	\$29,055,303	\$366,678	\$10,920	\$355,758	97.0%
	3	\$29,055,303	\$366,678	\$10,920	\$355,758	97.0%
	4	\$29,055,303	\$366,678	\$11,248	\$355,430	96.9%
	5	\$29,055,303	\$366,678	\$11,585	\$355,093	96.8%
	6	\$29,055,303	\$366,678	\$11,933	\$354,745	96.7%
	7	\$29,055,303	\$366,678	\$12,291	\$354,387	96.6%
	8	\$29,055,303	\$366,678	\$12,659	\$354,019	96.5%
	9	\$29,055,303	\$366,678	\$13,039	\$353,639	96.4%
	10	\$29,055,303	\$366,678	\$13,430	\$353,248	96.3%
<b>Totals</b>			<b>\$3,666,779</b>	<b>\$118,945</b>	<b>\$3,547,834</b>	<b>96.8%</b>

*After the property tax abatement from this project, \$1,575,079 would still be available within MDHA's annual cap of \$2.5 million for other PILOT projects in 2020.*

**RESOLUTION NOS. RS2020-262, RS2020-263, & RS2020-264** (MENDES & HENDERSON) –

These three resolutions authorize the financing and construction of several Metro Water Services capital projects through the Tennessee Revolving Loan Fund. The resolutions approve the indebtedness, authorize the Director of Finance to submit the project loan applications, and approve the terms of the loan agreements. The parties to the loan agreements are the Tennessee Department of Environment and Conservation, the Tennessee Local Development Authority, and the Metropolitan Government.

Metro will be pledging its water/sewer ratepayer funds as well as Metro's unobligated state-shared taxes (i.e., gas tax and beer/alcoholic beverage taxes) as security for the loans. The terms of the loans are not to exceed 20 years and are to be repaid in monthly installments. The state would have the authority to withhold state-shared taxes if Metro misses a loan payment to offset the amount of the missed payment. The Local Development Authority will receive a fee not to exceed eight basis points (0.08%) for administering the loan. The loan amounts could be increased if the final project costs are greater than estimated. Construction is to start by November 15, 2020, with a final completion date not later than June 30, 2022.

**Resolution No. RS2020-262** approves a loan in the amount of \$11,600,000 to fund the construction of 20,550 linear feet of sewer lines. This loan is to cover the entire cost of the project. The anticipated annual interest rate on the loan included in the loan application is 0.95%.

**Resolution No. RS2020-263 and RS2020-264** approve loans to be applied toward the construction of a new 38<sup>th</sup> Avenue water storage tank, upgrades to the 8<sup>th</sup> Avenue water storage tank, and replacing 14,340 linear feet of water lines at a total estimated project cost of \$32,493,000.

Resolution No. RS2020-263 approves a loan in the amount \$5,000,000. The anticipated annual interest rate on the loan included in the loan application is 0.65%.

Resolution No. RS2020-264 approves a loan in the amount of \$27,493,000 to fund the remaining costs associated with the above water storage tank projects and upgraded water lines. The anticipated annual interest rate on the loan included in the loan application is 0.95%.

**RESOLUTION NO. RS2020-265** (VANREECE, MENDES, & MURPHY) – This resolution approves the first amendment to a lease agreement between the Metropolitan Government and Due West Towers, LLC for office space located at 610 West Due West Avenue, Madison, Tennessee 37115.

The original lease was approved by Ordinance No. BL2017-748. Pursuant to this lease, the Sheriff's Office leases a total of 18,600 square feet in three areas of the complex. The term of the lease began on August 1, 2017 and is set to end July 31, 2020.

This amendment extends the lease term for seven months with the option for monthly extensions thereafter, not to exceed 17 months. An additional 11,260 square feet of leased space would be added, for a total of 29,860 square feet. The rent per square foot would be increased from \$18.50 per square foot to \$20.25 per square foot. The fixed minimum monthly rent until August 1, 2020 would be \$47,676. The fixed monthly rent after August 1, 2020 would be \$50,389. All other terms and conditions of the original lease would remain in full force.

*Fiscal Note: The rate for this lease would change to \$20.25 per square foot and total of 29,860 square feet.*

**RESOLUTION NO. RS2020-266** (MENDES, HENDERSON, & WELSCH) – This resolution increases the fee for back-yard garbage collection. Section 10.20.220 authorizes the Department of Public Works to pick up and dispose of garbage from the back yard of a one-family or two-family residence upon request and payment of a fee. The fee is currently \$23, which has not been increased since 2005. This ordinance increases the fee for this service to \$35.

*Fiscal Note: This resolution would increase the fee for back-yard garbage collection to \$35 to represent the cost incurred for such service by the Department of Public Works.*

**RESOLUTION NO. RS2020-267** (O'CONNELL, MURPHY, & HENDERSON) – This resolution amends Ordinance No. BL2019-1737 to authorize the Metropolitan Government to abandon existing public sanitary and combination mains, combination sewer manhole/inlets, and easements for six properties located on Broadway, Lyle Avenue and 20<sup>th</sup> Avenue South.

This resolution amends BL2019-1737 to abandon additional sanitary sewer main, combination sewer main, combination manholes, and sanitary sewer main and easements and to accept additional sanitary sewer main, sanitary sewer manholes, combination sewer main, and easement for six properties. Some previously accepted sanitary sewer main, combination sewer manholes, and easements are no longer needed and would be removed. BL2019-1737 provided that amendments could be made by resolution.

This proposal has been approved by the Planning Commission.

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

**RESOLUTION NO. RS2020-268** (MENDES & HURT) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-269** (PULLEY) – This resolution approves a clinical affiliation agreement between the Nashville Fire Department and Motlow State Community College to provide clinical experience to students enrolled in the emergency medical technician programs. Students will not receive any compensation for participating in this program. Motlow State is required to maintain professional liability coverage for the participating students.

The term of the agreement is for five years, commencing October 24, 2019 and ending October 21, 2024, but may be terminated by either party upon 60 days written notice.

*Fiscal Note: There would be no cost to Metro for services performed under this agreement.*

**RESOLUTION NO. RS2020-270** (MENDES & PULLEY) – This resolution approves an intergovernmental agreement between the Metropolitan Nashville Police Department (“MNPDP”) and the Israel Ministry of Tourism for extra-duty police services for events held at Gaylord Opryland Resort & Convention Center. All officers would be assigned exclusively through the MNPDP Secondary Employment Unit and would be compensated by the Israel Ministry of Tourism at standard extra-duty hourly rates. The Israel Ministry of Tourism would be responsible for paying the officers’ time in advance, unless prior arrangements are made. This agreement is similar to earlier agreements for extra-duty police services with Tennessee State University (RS2018-1487) and the Tennessee Valley Authority (RS2018-1519).

The term of the agreement is February 7, 2019 through June 30, 2020.

State law allows the Metropolitan Government to enter into intergovernmental agreements with other government entities with approval of the Council by resolution.

*Fiscal Note: The rates charged by the MNPDP in agreements of this type are designed solely to recover their costs. As such, the agreement being approved by this resolution would be revenue neutral.*

**– ORDINANCES ON SECOND READING –**

**BILL NO. BL2019-109** (O’CONNELL, HENDERSON, & ALLEN) – This ordinance amends Chapter 12.62 of the Metropolitan Code regarding shared urban mobility devices (SUMDs). In July 2019, the Council enacted Substitute Ordinance No. BL2019-1658, as amended, to terminate SUMD permits then in existence and allow the companies to continue operating at 50% capacity while a request for proposals (RFP) process was in progress. The ordinance directed the Metropolitan Transportation Licensing Commission (MTLC) to conduct the RFP process. The RFP was to select up to three companies to operate a fleet of SUMDs in Nashville, and the RFP process was to be completed within 100 days from the effective date of BL2019-1658. The MTLC was to evaluate the RFP responses in the following areas:

1. Equipment and Safety
2. Commitment to ensuring rider compliance with State and Local laws, including, but limited to DUI laws and rider age requirements.
3. Commitment to promoting proper and safe use of SUMDs, including the use of helmets.
4. Use of staffing, technology and other means to limit or prohibit use of SUMDs in restricted areas, including but not limited to, sidewalks.
5. Staffing to adequately and timely address issues with parking of SUMDs on public rights of-way, public sidewalks, and private property, the re-balancing of units during hours of operation, and issues with accessibility, especially those relevant to the Americans with Disabilities Act (ADA).
6. Response times to address issues with SUMDs.
7. Plans to coordinate and cooperate with the Metropolitan Government concerning special events.
8. Inclement weather plans.
9. Use of technology to limit operation of SUMD’s while impaired, especially after 10:00 PM on weekdays, and after 11:00 PM on weekends and holidays.

Substitute BL2019-1658 further directed the MTLC to enact temporary regulations to govern until the operator(s) are selected pursuant to the RFP. These regulations included use of technology to create no ride and slow zones, nighttime operation restrictions, safety education, signage, a complaint hotline, and a 30 minute response times for ADA related issues or complaints.

On November 12, 2019, the MTLC submitted a notice the Council that RFP timeline mandated by BL2019-1658 could not be met, and requested the Council’s cooperation regarding an extension of time to complete the process, which resulted in the filing of this ordinance.

This ordinance deletes the substance of Chapter 12.62 and replaces with new provisions. The ordinance retains the 50% fleet size reduction currently in place and establishes a new RFP process. The process is to be completed within 120 days after enactment of this ordinance. Unlike BL2019-1658, this ordinance does not include a limitation on the number of potential operators. Each selected operator would be allowed a maximum of 500 units in its fleet, which could be increased by the MTLC. The MTLC is to evaluate potential operators in the following areas:

1. Commitment to participate in regular stakeholder meetings.

2. Commitment to address safety and security concerns.
3. Commitment to partner with Metro on an ongoing basis to address needs and concerns including geographic coverage, affordability, and technology.
4. Commitment to ensure rider compliance with applicable laws, including DUI laws and minimum rider age requirements.
5. Commitment to safety, including use of helmets and safety education.
6. Use of staffing, technology, and other means to prohibit use in restricted areas, including sidewalks.
7. Ability to adequately and address improper parking, ADA issues, and to rebalance SUMDs evenly throughout the city.
8. Plans for special event coordination with Metro.
9. The ability to conform to adaptive and outcome-based, and risk-weighted regulations.
10. Willingness and ability to provide pricing and availability options for lower income persons.
11. Proposals for addressing sustainability and environmental concerns.
12. Ability to provide Metro with real time data.

This ordinance further authorizes the MTLC to set the SUMD regulations and to establish fees going forward necessary to carry out and enforce the ordinance without further Council action.

**BILL NO. BL2020-184** (SLEDGE, NASH, & OTHERS) – This ordinance would amend Section 4.12.030 of the Metropolitan Code to require contracts procured through an invitation to bid process to become effective no later than 30 days after the award is made, regardless of whether the contract has been executed by Metro. Pursuant to the Metro Procurement Code, Metro can procure contracts for goods and services in a variety of ways. One of the more common ways is through competitive sealed bidding. The competitive sealed bidding process works as follows under Section 4.12.030 of the Code:

1. Metro issues an invitation to bid describing what is being procured along with the contract terms and conditions.
2. Prospective bidders are asked to submit their lowest bid.
3. The bids are publicly opened and read into the record.
4. The contract is awarded to the lowest responsive bidder.

This ordinance would amend this Code section to provide that all contracts procured through an invitation to bid process shall become effective and operative no later than 30 days after the final award is made, regardless of the signature of the mayor, a department head, or the chair of a board or commission. The ordinance would apply to all such contracts previously awarded prior to the enactment of the ordinance, as well as future contracts.

The purpose of this ordinance was to address the contract for the demolition of the old buildings at the Fairgrounds. That issue has now been resolved and the contract has been executed.



**BILL NO. BL2020-193** (WITHERS, MURPHY, & OTHERS) – This ordinance amends the official Geographic Information Systems Street and Alley Centerline Layer by abandoning a portion of Tillman Lane right-of-way and easement from Riverside Drive to the Railroad right-of-way.

The abandonment has been requested by Baird Blake with Blake Realty Investments, property owner applicant.

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

*Fiscal Note: This ordinance has no cost to Metro. In the opinion of Public Works, 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. BL2020-196** (PULLEY) – This ordinance recodifies Title 9, adding in certain provisions that were inadvertently left out of Ordinance No. BL2019-1631.

BL2019-1631 consolidated various noise provisions present throughout the Metropolitan Code of Laws into one centralized location. However, some sections were inadvertently left out or deleted from the ordinance. The ordinance under consideration would add those provisions inadvertently left out of BL2019-1631, but otherwise in effect on August 20, 2019 — the date that BL2019-1631 was adopted. The ordinance also makes other minor typographical corrections.

**BILL NO. BL2020-198** (O'CONNELL, MENDES, & OTHERS) – This ordinance approves and authorizes the Director of Public Property Administration, or his designee, to accept a donation of real property at 128 Lifeway Plaza and 1008 Dr. Martin Luther King Jr. Boulevard for use as part of the parks system.

This property is donated by Capitol View Joint Venture. The Board of Parks and Recreation recommends acceptance of the donation of property.

*Fiscal Note: The total appraised value of these parcels as shown on the Assessor or Property's website is \$213,800.*

**BILL NO. BL2020-199** (MENDES, MURPHY, & HENDERSON) – This ordinance amends a prior ordinance, BL2017-1000, to include three additional tracts. BL2017-1000 authorized Metro to acquire by negotiation or condemnation easements listed on Exhibit 1 to the bill, for use in public projects. These easements are needed for the West Hamilton Avenue Sidewalk Improvements, between Haynes Park Drive and Harold Prewett Drive.

*Fiscal Note: According to the Department of Public Works, the cost of the easement acquisition, damages, closings, and appraisals is \$41,800 for the additional three tracts, for a total of \$60,000 for all tracts.*

**BILL NO. BL2020-200** (MURPHY, MENDES, & OTHERS) – This ordinance authorizes the acquisition of certain right-of-way easements, drainage easements, temporary construction easements and property rights by negotiation or condemnation for use in public projects of the Metropolitan Government, initially for purposes of the Bowling Avenue Sidewalk Improvements between Forrest Park Avenue and Woodlawn Drive.

This has been approved by the Planning Commission.

*Fiscal Note: According to the Department of Public Works, the cost of the easement acquisition, damages, closings, and appraisals is \$21,880 for this legislation.*

**BILL NO. BL2020-201** (PULLEY, MURPHY, & OTHERS) – This ordinance authorizes Green Hills Mall TRG, LLC to install, construct, and maintain underground encroachments in the right-of-way located at 2130 Abbott Martin Road. These would consist of a cable rail structure encroaching the right-of-way.

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

This proposal has been approved by the Planning Commission.

**BILL NO. BL2020-202** (HAGAR, WELSCH, & STYLES) – This ordinance approves an agreement between the Metro Parks and Recreation Department (“Parks”) and Belmont University to allow occupational therapy students the opportunity to participate in experiential learning.

Under the terms of the agreement, Belmont would assure that students comply with necessary laws, codes of ethics, and regulations. Belmont would further assure that students possess appropriate health and professional liability insurance. In exchange, Parks would provide students with training and experiential learning. The term of this agreement is five years. No party agrees to indemnify the other.

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

**BILL NO. BL2020-203 THROUGH BL2020-208 AND BL2020-222** (O'CONNELL, MURPHY, & OTHERS) – These ordinances authorize CVA, Inc. to install, construct, and maintain underground encroachments in the right-of-way located various locations. These would consist of intersection paving, tree well barrier, benches, lighting, bike racks, trash bins, planter boxes, handrails, underground electrical and receptacles, landscape and irrigation and various types of paving, encroaching the right-of-way.

The locations of these encroachments would be as follows:

- 500 11th Avenue North (BL2020-203)
- 1 Lifeway Plaza (BL2020-204)
- 530 11th Avenue North (BL2020-205)
- 406 11th Avenue North (BL2020-206)
- 500 11th Avenue North (BL2020-207)
- 515 11th Avenue North (BL2020-208)
- 1100 Dr. Martin Luther King Blvd (BL2020-222)

CVA, Inc. 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 for each ordinance.

These proposals have been approved by the Planning Commission.

**BILL NO. BL2020-234** (SYRACUSE) – This ordinance provides a waiver of certain building permit fees for the repair or rebuilding of property damaged as a result of the March 3, 2020 tornado.

The fees for a building permit will be waived for all property owners (or their authorized agents) who meet the following conditions:

- The permits are obtained to repair damage to the owner's property caused by the March 3, 2020 tornado.
- The permits are obtained on or before June 3, 2020.
- The permits are issued to construct, alter, repair, enlarge, move or demolish any building or structure or part thereof or any appurtenances connected or attached thereto.
- The owner must provide evidence satisfactory to the Director of Codes Administration, or his designee, that the work is being performed as a result of damage sustained as a result of the March 3, 2020 tornado.
- Property owners who paid building permit fees prior to the adoption of the ordinance will be entitled to a refund if they provide evidence satisfactory to the Director of Codes Administration, or his designee, that the work is being performed as a result of damage sustained as a result of the March 3, 2020 tornado.

This ordinance is similar to a permit fee waiver ordinance enacted by the Council after the 2010 flood.

*Fiscal Note: The Department of Codes Administration estimates the total cost of this legislation to be between \$240,000 to \$690,000, depending on the number of permits applied for. However, costs may exceed this estimate based on the specifics of the permits issued.*

**– ORDINANCES ON THIRD READING –**

**SUBSTITUTE 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 the property line for which the STRP is sought to parcel line of the property on which the religious institution, school or its playground, park, or licensed daycare center or its playground are located.

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 ordinance has been approved by the Planning Commission.

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

Under Section 17.20.030 of the Metro Code, certain land uses are required to provide minimum parking spaces. Section 17.20.040 provides for adjustments to the parking requirements. Existing parking requirements include no parking required for uses in the DTC district and reduced parking within the urban zoning overlay district. This ordinance would eliminate parking requirements for all uses located on multimodal corridors, as designated in the major and collector street plan. This would not prohibit the provision of parking spaces; it would simply eliminate the minimum parking spaces otherwise required by Section 17.20.030.

A substitute is anticipated from the Planning Department.

This ordinance has been approved by the Planning Commission.

**BILL NO. BL2020-149** (TOOMBS, TAYLOR, & OTHERS) – This ordinance, as amended, 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. If there is a written rental agreement, it may allow for 60 days or more written notice of an increase. The ordinance also provides that, after proper notice has been given, any increase in rent may not become effective prior to the completion of the term of the rental agreement. This notice requirement would

not apply to any housing funded through any program regulated by federal, state, or the metropolitan government. These provisions would apply to residential leases entered into on or after July 1, 2020.

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.

**BILL NO. BL2020-151** (HAGAR) – This ordinance, as amended, creates a Residential Accessory Structure Overlay District in Title 17 of the Metropolitan Code.

This would create an optional overlay that could be placed over residential areas to provide for design guidance and regulation of accessory structures in order to maintain and reinforce an established form or character. This ordinance creates the tool that can be used to address standards related to accessory structures, including the number of structures, location, size, height, and materials. The process to apply the overlay is the same process as a rezoning and is similar to the process for other overlays, such as contextual overlays and corridor design overlays.

This ordinance has been approved by the Planning Commission.

**BILL NO. BL2020-185** (MENDES, HAGAR, & OTHERS) – This ordinance amends Chapter 5.10 of the Metropolitan Code to update the 1% for Public Art provisions. The 1% for Public Art program was enacted in June 2000 pursuant to Ordinance No. BL2000-250 for the purpose of dedicating 1% of the proceeds from the sale of all general obligation bonds to be used solely for public art projects. Since its inception, the 1% for Public Art program has funded more than 100 permanent public works of art found on Metro property and within Metro facilities throughout the county.

This ordinance updates the Code to reflect our current capital project financing practices. The 1% for Public Art program was established before Metro had a commercial paper program to fund capital projects on a short-term basis until long-term bonds are sold (typically every few years). This ordinance clarifies that the 1% for Public Art program includes projects funded through commercial paper as a result of the project's inclusion in an initial resolution determining to issue general obligation bonds. This ordinance also makes the funds available quarterly to fund projects instead of when bonds are sold. In addition to providing funds on a more frequent basis, this will help provide revenue for repair costs associated with existing public art projects. This ordinance still allows the funds to accumulate to be used for large public art projects.

**BILL NO. BL2020-186** (MENDES, SWOPE, & WELSCH) – This ordinance amends Section 5.12.140 of the Metro Code to extend the additional fifty cent per room hotel occupancy privilege tax used to support and promote large events. In August 2008, the Council approved a fifty cent

increase in the hotel occupancy tax pursuant to state enabling legislation (T.C.A. § 7-4-202), which by state law must be deposited in to the “Event and Marketing Fund” and can only be used for the direct promotion of tourism. Appropriations from the fund are administered by a committee through the Convention & Visitors Corporation (CVC). The state law requires that the five person committee be appointed by the mayor, and must be made up of representatives of the following groups: one person nominated by the hotel and lodging association; one person from the hospitality industry; one representative from a hotel corporation that operates a single hotel in a county with a metropolitan government with an excess of 2,900 rooms (Gaylord Opryland); two members of the public; one person who owns or operates a business within the central business improvement district; and a chair to be selected by the mayor. All expenditures from the fund are subject to the approval of the Metropolitan finance director.

At the time the initial state enabling legislation was adopted, the additional tax was to sunset six years after the date it was authorized. The general assembly extended the sunset date in 2014 for six years, and extended it again for another six years in 2019. This ordinance extends the tax for six years from May 21, 2020 in accordance with state law.

Since its inception, the fund has collected in excess of \$35 million, which has been used to promote 21 events, including the Music City Bowl, the CMA Music Festival, the Fourth of July Celebration, New Year’s Eve, the St. Jude Rock & Roll Marathon, the NFL Draft, and the NHL All-Star Game.

**BILL NO. BL2020-189** (O’CONNELL, ALLEN, & OTHERS) – This ordinance names certain facilities at the Howard Office Building in honor of Charlie Cardwell. Mr. Cardwell served as Metro’s Trustee from 1993 until his death in 2019. Prior to his service as Trustee, Mr. Cardwell served as Metro’s chief accountant, Metro Director of Finance, and state Commissioner of Revenue.

This ordinance names the garden breezeway between Howard Office Building and Nashville Children’s Theatre “Charlie Cardwell Garden” and names Room 1945 inside Howard Office Building “Charlie Cardwell Conference Room.” The ordinance also directs the department of general services to erect the appropriate signage.

**BILL NO. BL2020-190** (ROSENBERG, MENDES, & HENDERSON) – This ordinance grants the Purchasing Agent the authority to extend the term of a current contract between the Metropolitan Government and Smith Seckman Reid, Inc. for project design and construction phase services for the Davidson Branch Pump Station and Equalization Facility pertaining to the Department of Water and Sewerage Services overflow abatement consent decree program.

This contract was competitively procured and awarded in 2015 for a term of 60 months. The Davidson Branch Pump Station and Equalization facility project was delayed due to availability of funding and is set to expire in a few months. This ordinance would authorize the Purchasing Agent

to extend the contract for up to five additional years if the Purchasing Agent determines such extension is in the best interests of Metro.

*Fiscal Note: The initial contract was valued at \$1,999,194 and is paid from the account 47410 Fund, Business Unit #65490170. This amendment is not expected to change the value of that original contract.*

**BILL NO. BL2020-191** (VANREECE, MENDES, & OTHERS) – This ordinance approves a participation agreement between the Metropolitan Department of Water and Sewerage Services and Arty, LLC, to provide public water services improvements for a proposed development as well as other existing properties in the area. Pursuant to the agreement, Arty will contract and oversee the construction/installation of approximately 255 linear feet of eight inch water main near 1531 Royal Street to serve the Royal and Worth Development. Metro will inspect the construction and be responsible for ongoing operation and maintenance of the water main upon formal acceptance. Metro will pay either 50% of the actual project costs or \$47,400, whichever is less.

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

*Fiscal Note: Metro agrees to pay the lesser of \$47,400 or 50% of the actual project costs to the project.*

**BILL NO. BL2020-192** (HENDERSON & MURPHY) – This ordinance accepts new sanitary sewer main and sanitary sewer manholes for three properties located at 1400, 1404, and 1408 Old Hickory Boulevard.

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.*



## GRANTS LEGISLATION – APRIL 7, 2020

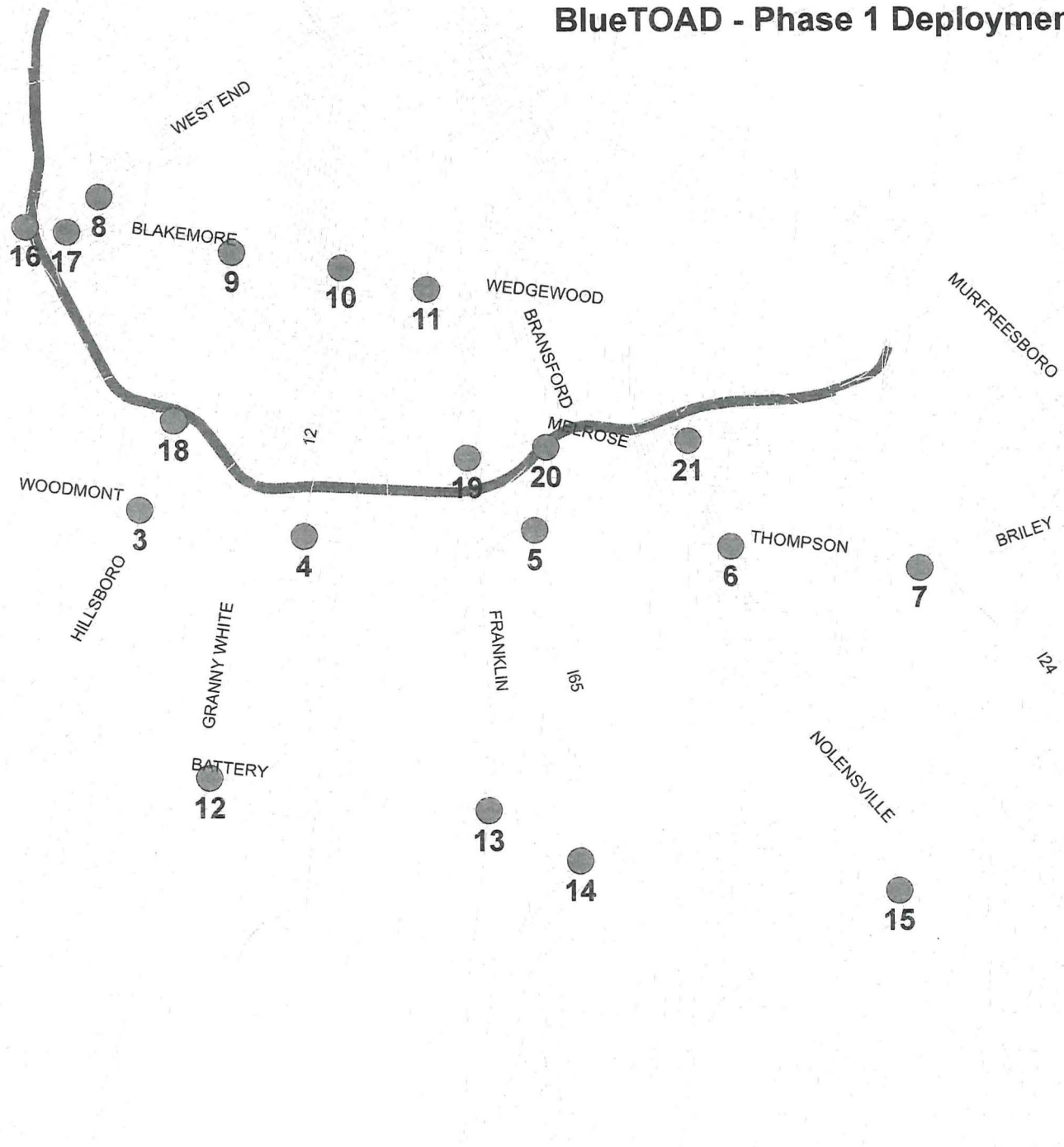
Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
<b>RS2020-236</b>	<b>From:</b> COORD <b>To:</b> Office of the Mayor	\$0	\$0	N/A	This approves an application for a Digital Curb Challenge grant.  If the application is approved, the grant would be used to participate in a curb space management pilot program.
<b>RS2020-244</b>	<b>From:</b> Boulevard Bolt, Inc. <b>To:</b> Metropolitan Department of Social Services	\$5,600	\$0	N/A	The proceeds from this grant will be used to benefit the How's Nashville program to aid homelessness.
<b>RS2020-245</b>	<b>From:</b> Tennessee Arts Commission <b>To:</b> Metropolitan Arts Commission	\$49,380	\$0	N/A	This approves an application for an Arts Build Communities Grant.  If the application is approved, the grant proceeds will be used to conduct community arts projects in Davidson County.
<b>RS2020-246</b>	<b>From:</b> Americans for the Arts <b>To:</b> Metropolitan Arts Commission	Not to exceed \$17,500	\$6,500	January 2020 through September 2020	The grant proceeds will be used to provide financial and technical assistance to help establish the Diversity in Arts Leadership Internship Program (DIAL) for undergraduate interns.

<p><b>RS2020-249</b></p>	<p><b>From:</b> Friends of Metro Animal Care &amp; Control</p> <p><b>To:</b> Metropolitan Board of Health</p>	<p>Not to exceed \$10,000</p>	<p>\$0</p>	<p>N/A</p>	<p>The proceeds from this grant will be used to provide funding for shelter animals in need of emergency medical care.</p>
<p><b>RS2020-268</b></p>	<p><b>From:</b> Tennessee Department of Health</p> <p><b>To:</b> Metropolitan Board of Health</p>	<p>Increase by \$31,600</p>	<p>N/A</p>	<p>Extended to June 30, 2021</p>	<p>This approves the third amendment to a grant approved by RS2018-1305.</p> <p>The grant amount is increased from \$359,900 to \$391,500. The end date is extended to June 30, 2021. Provisions in the contract would be amended to reflect these changes and a new grant budget would be attached to the contract. The grant proceeds are used to improve the health of those residing in or visiting Davidson County through targeted strategies to prevent and control the use of tobacco products.</p>

# BlueTOAD - Phase 1 Deployment (I-440)

1  
CHARLOTTE

2  
HARDING



Id	STREET	X_STREET
1	White Bridge	Charlotte
2	White Bridge	Harding
3	Woodmont	Hillsboro
4	Woodmont	Granny White
5	Thompson	Bransford
6	Thompson	Nolensville
7	Thompson	EB I-24 Ramps
8	Blakemore	West End
9	Blakemore	21st
10	Wedgewood	12th
11	Wedgewood	8th
12	Battery	Granny White
13	Harding	Franklin
14	Harding	NB I-65 Ramps
15	Harding	Nolensville
16	Murphy	EB I-440 Ramp
17	Murphy	West End
18	21st	EB I-440 Ramps
19	Franklin	Berry
20	Bransford	Melrose
21	Nolensville	Melrose