



## 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: May 5, 2020

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 4/29/20:

|                                       |               |
|---------------------------------------|---------------|
| 4% Reserve Fund                       | \$18,600,037* |
| Metro Self Insured Liability Claims   | \$2,054,578   |
| Judgments & Losses                    | \$2,711,988   |
| Schools Self Insured Liability Claims | \$3,670,517   |
| Self-Insured Property Loss Aggregate  | \$8,041,371   |
| Employee Blanket Bond Claims          | \$712,664     |
| Police Professional Liability Claims  | \$2,059,757   |
| Death Benefit                         | \$1,661,532   |

\*This assumes unrealized estimated revenues in FY20 of \$5,424,727.

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) – 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 May 14, 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 approved by 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.

There is a proposed substitute for this ordinance that would transfer the provisions to Title 13 of the Metro Code and to clarify that the ordinance would apply to driveways constructed or modified to the point of requiring a new driveway authorization application after July 1, 2020.

This ordinance has been approved by the Planning Commission.

**SUBSTITUTE BILL NO. BL2020-197** (VERCHER) – This ordinance declares a 120-day moratorium upon the issuance of building and grading permits for multi-family developments on property within portions of the Antioch area of Nashville and Davidson County.

The moratorium on building and grading permits is to allow the Planning Department to conduct a study of the Antioch area to determine whether existing and planned infrastructure and public facilities are sufficient to meet the projected density resulting from multi-family development. This study is to include an assessment of the capacity to deliver public services to the area, including but not limited to, public safety facilities, roadways, sidewalks, stormwater, and school capacity. It will also make recommendations to the Council regarding modifications to the community plans and policies to address any deficiencies noted and any necessary zoning changes.

This ordinance does not yet identify the specific areas where the moratorium would be imposed. A substitute is anticipated to identify those specific areas.

– 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 BlueTOAD 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).

As part of the TDOT I-440 reconstruction, Metro Public Works staff asked TDOT to include the installation of 21 BlueTOAD data collection devices on corridors that were most likely to be affected by the I-440 project in order to monitor the impacts on traffic. This resolution would approve an agreement to accept these devices permanently and collect travel data. The BlueTOAD technology uses the last six digits of a MAC address transmitted by any Bluetooth-equipped device, such as cell phones and car computers, to calculate travel time based upon when the sensor picks up the Bluetooth device going through the intersections. The BlueTOAD technology is used in many cities throughout the country, including Memphis and Chattanooga in Tennessee.

Concerns have been raised at prior Council committee meetings about data encryption and whether personally identifiable information could somehow be disclosed. Since the device only captures the last six digits of the MAC address, the data collected is anonymous and is not tied to a particular user. Attached to this analysis is a letter from TrafficCast International, Inc. (the owner of the BlueTOAD technology) to TDOT regarding the security concerns. According to the letter, the company has the ability to do a one-way hash in the field at the device so that only an encrypted MAC address is stored and the original MAC address is never seen or stored.

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 the minimal 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. RS2020-291** (MENDES) – This resolution provides supplemental appropriations to the Nashville Fire Department, State Fair, District Attorney’s Office, General Services Department, and Municipal Auditorium in a total amount of \$3,941,600. It further reduces appropriations for Tax Increment Payments to the Metropolitan Development and Housing Agency in the amount of \$3,138,800.

At the March 17, 2020 meeting, the Council adopted RS2020-237, which approved the refinancing of ten Tax Increment Finance loans, effectively reducing the amount of required tax increment payments and saving Metro approximately \$18,100,000 for fiscal year 2020. \$3,138,800 of this savings is being used to fund the supplemental appropriations in this resolution.

*Fiscal Note: The resolution would appropriate a total of \$802,800 from the undesignated fund balance of two special purpose funds. \$750,000 would come from the Office of Fleet Management Fund for General Services Office of Fleet Management - Automotive Repair. The other \$52,800 would come from the Municipal Auditorium Fund for Municipal Auditorium - Repairs.*

*The remaining \$3,138,000 would come from savings associated with the refinancing of MDHA Tax Increment Finance loans. The refinancing approved on March 17, 2020 has made this amount available to fund these supplemental appropriations. \$2,138,000 would come from the approved payments from the GSD General Fund and the remaining \$1,000,000 would come from the USD General Fund.*

*The specific appropriations are as follows:*

- *Nashville Fire Department \$1,700,000 for overtime, safety and medical supplies*
- *State Fair Subsidy \$1,374,200*
- *District Attorney’s Office \$64,600 for local grant match and body worn camera personnel and supplies*

*The \$1,374,200 appropriation to the State Fair is to offset the significant revenue shortfall resulting from the Fairgrounds being closed since mid-March in response to COVID-19 and not receiving contractual lease and office rent payments from a tenant.*

**RESOLUTION NO. RS2020-292** (MENDES) – This is a routine, annual resolution calling the Metropolitan Board of Equalization (MBOE) into regulation session, convening from June 1, 2020 until June 12, 2020, for purposes of hearing appeals of property assessments. It also calls the MBOE into special session convening June 15, 2020 to complete any unfinished business regarding appeals on pro-rated assessments. The special session is not to extend beyond May 31, 2021.

The MBOE always meets during the month of June to hear appeals of assessments on real property. Historically, the MBOE has been required to have special sessions to conclude its work

due to the large number of appeals. The MBOE is among the few Metropolitan Government boards and commissions whose members receive compensation for their specialized service.

State law authorizes county legislative bodies to fix the number of days the Board of Equalization is to sit in regular session and to call the board into special session to complete any unfinished business. (Tenn. Code Ann. § 67-1-404).

**RESOLUTION NO. RS2020-293** (MENDES) – This resolution approves the appointment of 16 Davidson County citizens to serve as hearing officers for the Metropolitan Board of Equalization (MBOE). The MBOE is authorized under state law to hear appeals of assessments on real property.

In the past, members of the MBOE had to be approved by the Tennessee Board of Equalization. This state law was changed to require the members to be approved by the county legislative body by resolution. (Tenn. Code Ann. § 67-5-1406).

**RESOLUTION NO. RS2020-294** (MENDES) – This resolution authorizes the Metropolitan Department of Law to compromise and settle the Metropolitan Government’s breach of contract claim against Youth Opportunity Investments (YOI) for the amount of \$144,000 related to the escape of four juvenile detainees from the Davidson County Juvenile Detention Facility.

YOI operates the Davidson County Juvenile Detention facility pursuant to a 2015 contract. Under the contract, YOI is responsible for adequately staffing the facility and supervising the detainees. The contract specifically provides that YOI is not to attempt to apprehend escapees, but rather is to call 911. YOI has acknowledged several significant staff errors that led to the escape. Staff released the juveniles from their cells after bedtime to clean another area of the facility and failed to adequately secure an elevator. This allowed the four juveniles to use the elevator to access an unsecured floor and escape. Further, once the escape was realized, the YOI supervisor did not call 911 and attempted to find the escaped youth himself, which is a breach of the contract requirements.

The police department incurred total expenses in the amount of \$253,271.93 related to the escape, broken down as follows:

|              |                              |
|--------------|------------------------------|
| \$112,982.65 | Regular shift hours          |
| \$128,922.28 | Overtime hours               |
| \$11,367     | Vehicle and helicopter usage |

The Department of Law recommends settling this breach of contract claim for a \$144,000 payment from YOI. While YOI certainly bears the majority of the fault, they maintain that Metro was partially at fault for failing to adequately maintain the video security system and for allegedly leaving a door propped open, which facilitated the escape. Further, it is questionable whether a court would allow Metro to recover the amount of regular police shift hours since Metro would



have paid that amount, anyway. The \$144,000 settlement is more than Metro's cost for the overtime and vehicle/helicopter usage.

At least three YOI employees were terminated as a result of staff errors related to the escape.

*Fiscal Note: The Metropolitan Government would receive \$144,000 from this settlement.*

**RESOLUTION NO. RS2020-295** (MENDES, PULLEY, & WELSCH) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-296** (MENDES & WELSCH) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-297** (VANREECE, HAGAR, & OTHERS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-298** (MENDES, HAGAR, & OTHERS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-299** (HURT, WELSCH, & STYLES) – This resolution amends a clinical affiliation agreement between the Metropolitan Board of Health and Lipscomb University to provide clinical experience for their nursing students. The Health Department provides clinical training experience as part of the nursing students' public health training. Students receive no compensation and are not considered employees of Metro. There is no cost to Metro for participating in this program. The term of the agreement began on January 1, 2017 and extends through December 31, 2021.

This resolution amends the agreement. Originally, the agreement applied to their graduate nursing program students. This amendment would change "graduate" to "undergraduate". No other terms in the agreement would be changed.

*Fiscal Note: This agreement has no cost to Metro.*

**RESOLUTION NO. RS2020-300** (MENDES, PULLEY, & OTHERS) – This resolution approves a sole source contract between the Metropolitan Government and the American Heart Association to provide CPR, first aid, and emergency cardiovascular care educational training materials for the Nashville Fire Department. 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.

The term of this contract is five years. The contract has an estimated value of \$750,000. A price list for the educational training materials is attached to the contract.

*Fiscal Note: The estimated value of the sole source contract is \$750,000 to be paid from GSD Fund 10101, Business Unit #32114710, Fire GSD Training.*

**RESOLUTION NO. RS2020-301** (MENDES, PULLEY, & OTHERS) – This resolution approves an amendment to a contract between the Metropolitan Government and ImageTrend, Inc. to provide EMS and Fire Department data collection and reporting software. That agreement was previously approved by RS2020-151.

This amendment would increase the compensation and pricing of that contract. This amendment would increase the estimated life contract value by \$25,000, from \$600,000 to \$625,000. An updated price sheet and work order attachment would replace the current Exhibit A to the contract.

*Fiscal Note: The additional \$25,000 is for a customized software feature that costs \$5,000 per year (over the five years of the contract.)*

**RESOLUTION NO. RS2020-302** (MENDES, PULLEY, & OTHERS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-303** (MENDES, PULLEY, & OTHERS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-304** (MENDES, PULLEY, & OTHERS) – See attached grant summary spreadsheet.

**RESOLUTION NO. RS2020-305** (ROSENBERG, MENDES, & OTHERS) – This resolution approves a Railroad Agreement between the Tennessee Department of Transportation (TDOT), the Metro Department of Public Works, and CSX Transportation, Inc. for the resurfacing and safety upgrades, consisting of signs and pavement markings, at State Route 1; US-70, from the Cheatham County line to south of Harpeth Valley Road.

Pursuant to the agreement, Metro, TDOT, and CSX agree to cooperate in the construction of this project. TDOT is funding 100% of the project and Metro will be responsible for continued maintenance.

*Fiscal Note: TDOT would be responsible to pay the estimated project costs of \$25,455. The only cost to Metro would be the ongoing maintenance following the completion of the project.*

**RESOLUTION NO. RS2020-306** (MENDES) – This resolution authorizes the Metropolitan Department of Law to compromise and settle the property damage claim of Bellsouth Telecommunications, LLC *dba* AT&T Tennessee against the Metropolitan Government in the amount of \$23,000, to be paid out of the Self-Insured Liability Fund.

On October 10, 2019, a Metropolitan Nashville Public Works employee was driving a dump truck on Gallatin Pike and accidentally raised the truck bed, damaging electrical and communication lines along Gallatin Pike and Greenland Avenue. The Metro Public Works employee failed to maintain control of the vehicle.

The Department of Law recommends settling the claim for the amount of the property damage cleanup and repair costs.

*Fiscal Note: This \$23,0000 settlement would be the 26<sup>th</sup> payment from the Self-Insured Liability Fund in FY20 for a cumulative total of \$1,194,853. The fund balance would be \$2,054,578 after this payment.*

**RESOLUTION NO. RS2020-307** (ROSENBERG) – This resolution approves the election of 450 Notaries Public in accordance with state law. Per Rule 20 of the Metro Council Rules of Procedure, the Davidson County Clerk has advised that each of the applicants meets the qualifications for the office.

**– ORDINANCES ON SECOND READING –**

**BL2020-147** (MURPHY) – This ordinance amends Chapter 2.196 of the Metro Code regarding lobbyist registration and disclosure. Various changes would be made to update the ordinance to resemble the state law governing lobbyists who conduct business at the state level. This includes updating definitions, creating a category of “volunteer lobbyists”, and adding specific complaint procedures.

The annual filing fee for lobbyists would be increased from \$50 to \$100. Persons who do not receive any compensation for services, other than reimbursement of actual expenses for more than ten days per calendar year, would be categorized as volunteer lobbyists. These volunteer lobbyists would be required to register with the Metro Clerk but do not have to pay the annual filing fee.

Specific complaint procedures would be added. Complaints would be filed with the Clerk. The Department of Law would review and evaluate the complaint and make a recommendation to the Board of Conduct. The Board of Conduct would further evaluate the complaint and make a recommendation for what action, if any, would be taken against the person who is the subject of the complaint. Available penalties would include a fine of up to \$50 per day, per violation, a suspension from registration as a lobbyist for up to two years, or referral to the district attorney or department of law for further action.

The current lobbyist registration ordinance was first adopted in 1991 and has not been significantly updated since.

The Council Office recommends an amendment for this ordinance to clarify that the general sessions court would issue the fine, not the Board of Conduct.

*Fiscal Note: There are currently 240 lobbyist registrations listed on the Metro Clerk’s website. At the current \$50 rate, that equates to \$12,000 in revenue. If the rate is increased to \$100 and there are the same level of registrations going forward, the revenue would increase to \$24,000.*

**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. BL2020-223** (MURPHY) – This ordinance, as amended, amends section 7.16.110 of the Metro Code to provide a mechanism for retail liquor establishments to obtain an exemption from the minimum distance requirements for obtaining a certificate of compliance upon approval of the Council by resolution. Although retail liquor stores are primarily regulated under state law, T.C.A. § 57-3-208 requires liquor store applicants to obtain a certificate of compliance signed by the mayor stating that the applicant hasn't been convicted of a felony within the past ten years and that the store complies with local location restrictions. Section 7.16.110 of the Metro Code generally prohibits liquor stores from being located within 50 yards of a private residence or a branch of the Nashville Public Library on the same side of the street as the proposed retail store, within 100 yards of any place of worship, or within 200 yards of a school or college campus.

This ordinance would allow a waiver from these location restrictions upon approval of a Council resolution after a public hearing in the same manner that waivers of the beer permit distance requirements for restaurants are approved. Notice of the public hearing must be sent by mail to all property owners within 600 feet of the proposed liquor store seeking the exemption from the minimum distance requirements not later than 14 days prior to the scheduled public hearing on the resolution. Further, posting of a public notice sign meeting the general requirements of Section 17.40.730 of the Metropolitan Code must be posted on the property at least 14 days prior to the scheduled public hearing. The costs for the public notification requirements are to be paid by the applicant. The applicant would coordinate the scheduling of the public hearing with the metropolitan clerk's office prior to the filing of the resolution and notify the district Councilmember within five days of submitting the request for a distance waiver.

**BILL NO. BL2020-232** (O'CONNELL, MURPHY, & HENDERSON) – This ordinance amends the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government by abandoning a portion of Alley #146 from Lafayette Street northwestward to Elm Street, between 4th Ave. S. and 5th Ave. S. This closure has been requested by Barge Design Solutions. Metro will retain all utility easements within the rights-of-way to be abandoned. Future amendments to the ordinance may be approved by resolution. This ordinance has been approved by the planning commission and the traffic and parking commission.

*Fiscal Note: This ordinance has no cost to Metro. In the opinion of the 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. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.*

**BILL NO. BL2020-235** (MENDES, HENDERSON, & OTHERS) – This ordinance amends Sections 2.62.040 and Metropolitan Code Section 12.56.170 to increase special event and parade permit fees. These fees were last increased in 2016. The current special event permit fees consist of a \$230 application fee plus a \$100 administrative fee for events within the Right-of-Way Permit High Impact Area ( “HIA” ) (as defined in Metropolitan Code Section 13.20.030.D.1), and a \$50 administrative fee for events outside of the HIA. For parades, there is currently a \$100 administrative fee for events within the HIA, and a \$50 administrative fee for events outside of the HIA.

This ordinance adopts new fee schedules based upon anticipated attendance.

For a special event being held within the HIA:

| Expected Attendees | Application Fee | Administration Fee |
|--------------------|-----------------|--------------------|
| Less Than 100      | \$250.00        | \$100              |
| 100 - 299          | \$500.00        | \$100              |
| 300 - 499          | \$1,100.00      | \$100              |
| 500 or Greater     | \$2,300.00      | \$100              |

For events being held outside of the HIA:

| Expected Attendees | Application Fee | Administration Fee |
|--------------------|-----------------|--------------------|
| Less Than 100      | \$100.00        | \$50               |
| 100 - 299          | \$250.00        | \$50               |
| 300 - 499          | \$500.00        | \$50               |
| 500 or Greater     | \$1,100.00      | \$50               |

For a parade within the HIA:

| Expected Attendees | Application Fee | Administration Fee |
|--------------------|-----------------|--------------------|
| Less Than 100      | \$200.00        | \$100              |
| 100 - 299          | \$400.00        | \$100              |
| 300 - 499          | \$800.00        | \$100              |
| 500 or Greater     | \$1,600.00      | \$100              |

For a parade event being held outside of the HIA:

| Expected Attendees | Application Fee | Administration Fee |
|--------------------|-----------------|--------------------|
| Less Than 100      | \$100.00        | \$50               |
| 100 - 299          | \$200.00        | \$50               |
| 300 - 499          | \$400.00        | \$50               |
| 500 or Greater     | \$800.00        | \$50               |

**BILL NO. BL2020-236** (SLEDGE) – This ordinance prohibits work related to a grading permit on Sundays and between the hours of 9 p.m. and 6 a.m. if within or adjacent to a residential zone district. A project information sign would be required to be posted at all project sites, excluding public infrastructure projects, in English and Spanish, for all projects requiring a grading permit. The sign would include information such as the phone number for the applicant and a phone number to file complaints with the stormwater division.

Every fifty feet of the site frontage, a double-sided 24" (vertical) × 36" (horizontal) sign would be required with the following information:

- If located within or adjacent to a residential zone district, that no work is permitted on Sunday or between 9:00p.m. and 6:00a.m.
- If not located within or adjacent to a residential zone district, that no work is permitted no Sunday.

These requirements are similar to those required of building permits.

**BILL NO. BL2020-247** (MURPHY & HENDERSON) – This ordinance abandons existing public sanitary sewer main and easements and accepts new water and sanitary sewer mains, fire hydrant assembly, sanitary sewer manholes and easements for property located at 4317 Harding Pike.

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. Abandoned and donated easements have no market value according to the Department of Water Services.*

**BILL NO. BL2020-276** (HALL, VERCHER & OTHERS) – This ordinance would amend Title 5 of the Metropolitan Code to impose an impact fee on development. Impact fees are monetary amounts paid by developers at the time a development commences that are designed to offset the impact the development will have on government services and infrastructure. Pursuant to this ordinance, any person who constructs a new residential development or commercial building within Davidson County would be required to pay an impact fee in the amount of \$1,500 for each

residential unit and \$5,000 for each commercial building. The impact fee would be collected by the Codes Department at the time of application for a building permit for development.

All impact fee revenue collected would be required to be used as follows:

- 60% for Metropolitan Nashville Public Schools capital projects. Of this 60% collected, 40% of that amount is to be used for capital improvements to schools identified as a Priority School by the State of Tennessee.
- 40% for public infrastructure projects, including, but not limited to, streets, roads, sidewalks, bikeways, water/sewer facilities, solid waste facilities, and transportation/transit facilities.

The Council Office is of the opinion that this ordinance is inconsistent with the 2006 Tennessee County Powers Relief Act (CPRA) (codified as T.C.A. § 67-4-2901, *et seq.*), and thus cannot be implemented in Davidson County. While there was a state public act from 1988 regarding impact fees that other counties used to implement impact fees, that act predated the CPRA. The 1988 public act has essentially been preempted by the CPRA, which provides that “after June 20, 2006, no county shall be authorized to enact an impact fee on development or a local real estate transfer tax by private or public act.” (T.C.A. § 67-4-2913). Since Metro did not have an impact fee enacted prior to 2006, Metro cannot rely on the 1988 public act.

In order to be eligible to enact an impact fee under the CPRA, Metro must meet one of the following:

1. The county experienced a growth rate of 20% or more in total population from the 1990 federal census to the 2000 federal census, or any subsequent federal decennial censuses; or
2. The county experienced a 9% or more increase in population over the period from the year 2000 to 2004, or over a subsequent four-year period, according to United States census bureau population estimates.

To date, Metro has not met the population increase thresholds articulated in the state law. In addition, a court would likely find there is not a sufficient nexus between the development paying the impact fee and the use of the funds.

*Fiscal Note: For a new construction, Metro will receive \$1,500 for a residential unit and \$5,000 for commercial building for impact fees.*

**BILL NO. BL2020-278** (BENEDICT, MENDES, & OTHERS) – This ordinance approves a lease between Metro and City Road Chapel United Methodist Church for office space at 701 Gallatin Road S., Madison, Tennessee 37115.

City Road Chapel United Methodist Church owns real property at 701 Gallatin Road. Metro has leased this property to provide office space for the Department of Social Services since 2016, pursuant to a prior lease approved by BL2016-181 and amended by RS2016-311.



Pursuant to the agreement, Metro will lease 2,460 square feet in the building. Metro will be responsible for furnishing the space and providing phone and internet connection. City Road Chapel United Methodist Church will provide heating, air conditioning, and electricity. Metro will pay \$1,000 per month for each month of the lease term. The term of the agreement is 24 months, beginning after approval by Council.

This has been approved by the Planning Commission. Future amendments to the lease agreement may be approved by a resolution receiving 21 affirmative votes.

*Fiscal Note: Metro will pay \$1,000 each month for 24 months according to the terms of this lease agreement.*

**BILL NO. BL2020-279** (SYRACUSE, MURPHY, & OTHERS) – This ordinance amends the official Geographic Information Systems Street and Alley Centerline Layer by renaming a portion of Old Elm Hill Pike between McGavock Pike and Ermac Drive to “Century Way”.

This street name change has been submitted by Metro Public Works, applicant. There are two disconnected sections of roadway named Old Elm Hill Pike that could cause confusion for Emergency Services. This name change seeks to resolve that confusion.

This has been approved by the Planning Commission and referred to 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.

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 second reading stating the historical significance, if any, associated with the existing street name.

*Fiscal Note: The cost for the new street sign is \$116.53.*

**BILL NO. BL2020-280** (O’CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes AEG-MGM Nashville, LLC to install, construct, and maintain underground and aerial encroachments in the right-of-way at 913 Church Street. The encroachments consist of an elevated sidewalk to the expansion joint of the Church Street bridge.

AEG-MGM Nashville, 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. BL2020-281** (RUTHERFORD, MURPHY, & HENDERSON) – This ordinance accepts new public sanitary sewer main, sanitary sewer manholes and easements for property located north of Burkitt Place Drive and east of Nolensville Pike in Williamson County, also known as Burkitt Commons Phase 2.

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 the Department of Water Services.*

**BILL NO. BL2020-282** (BRADFORD, MURPHY, & HENDERSON) – This ordinance abandons existing public water main and easements for property located at 1 Terminal Drive.

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

*Fiscal Note: This ordinance has no cost to Metro. Abandoned easements have no market value according to the Department of Water Services.*

**BILL NO. BL2020-283** (VANREECE, MURPHY, & HENDERSON) – This ordinance abandons existing public water main and accepts new public water main and fire hydrant assembly for property located at 600 Creative Way.

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. Abandoned and donated easements have no market value according to the Department of Water Services.*

**BILL NO. BL2020-284** (GAMBLE, MURPHY, & HENDERSON) – This ordinance authorizes the Metropolitan Government to negotiate and accept permanent and temporary easements for the Dalemere Drive Stormwater Improvement Project for five properties located at 1334, 1335, 1328, and 1338 Dalemere Drive and 4101 Dalemere Court.

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 the Department of Water Services.*

**BILL NO. BL2020-285** (STYLES, TOOMBS, & OTHERS) – This ordinance requires employees of essential businesses interfacing with the public to wear appropriate face coverings.

The Amended and Restated Order No. 3 of the Metropolitan Director of Health dated April 1, 2020, known as the “Safer at home Order” (the “Order”), requires all businesses not performing essential services to close their business facilities in order to help reduce the spread of COVID-19. Certain enumerated essential businesses are permitted to continue operating. The Order requires essential services to continue to adhere to the CDC’s guidance on social distancing and hand hygiene.

An April 3, 2020 CDC guidance recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain.

This ordinance requires, for as long as the Order is in place, all employees of businesses providing essential services as defined by the Order to wear cloth face coverings whenever these employees have face-to-face contact with the public. Workers at construction sites are also required to wear cloth face coverings when more than one worker is present.

The Metro Department of Health is empowered to enforce this ordinance, and fines are to be assessed against the business owner or management, not the individual employees.

**– 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. BL2020-196** (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. BL2020-225** (HAGAR & HANCOCK) – This ordinance amends Section 13.24.400 of the Metropolitan Code to allow the landing of parachutes on park property in conjunction with the Tennessee Women’s Suffrage Centennial Celebration. This section of the Metro Code currently prohibits landing an airplane, hot air balloon, or parachute on any park property. As part of the Tennessee Women’s Suffrage Centennial Celebration in Centennial Park in August 2020, women plan to parachute out of an airplane and land in the park.

This ordinance creates a very narrow and specific exception from the parachute prohibition in the code for parachuting activities in conjunction with the Tennessee Women’s Suffrage Centennial Celebration in Centennial Park.

**BILL NOS. BL2020-228, BL2020-229, and BL2020-231** – These three ordinances amend the Geographic Information Systems Street and Alley Centerline Layer for the Metropolitan Government by abandoning portions of Metro rights-of-way that are no longer needed by Metro. Metro will retain all utility easements within the rights-of-way to be abandoned. Future amendments to the ordinances may be approved by resolution. These ordinances have all been approved by the planning commission and the traffic and parking commission.

**BILL NO. BL2020-228** (MURPHY, HENDERSON, & OTHERS) – This ordinance abandons a very small portion of Collins Park Drive in front of property located 510 Collins Park Drive. This closure has been requested by Nanu Patel, the property owner.

**BILL NO. BL2020-229** (SLEDGE, MURPHY, & OTHERS) – This ordinance abandons a portion of Merritt Avenue from the railroad right-of-way eastward approximately 240 feet, between Hagan Street and the railroad right-of-way. This closure has been requested by Fulmer Engineering, LLC.

**BILL NO. BL2020-231** (TOOMBS, MURPHY, & OTHERS) – This ordinance abandons a portion of Alley #2005 from the dead-end south of Fern Avenue to the dead-end north of Fern Avenue, between Burch Avenue and Katie Avenue. This closure has been requested by Shawn O’ Malley.

*Fiscal Note: These ordinances have 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. Additionally, the abandonment of rights-of-way that are unimproved, unmaintained, and serve no current or future purpose for Metro allows the abandoned area to be assessed for property tax purposes.*

**BILL NO. BL2020-234** (SYRACUSE, SUARA, & OTHERS) – This ordinance, as amended, 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.
- Property owners or their agents would be required to sign an affidavit that the permit fees will not be reimbursed by insurance or other funding sources in order to receive the fee waiver.

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 \$60,000 based on the month of March and, depending on the number of permits applied for by June 3, 2020. However, costs may be lower or exceed this estimate based on the number of waivers granted and the specifics of the permits issued.*

**BILL NO. BL2020-237** (MENDES, HENDERSON, & ALLEN) – This ordinance approves Amendment 2 to the contract between Waste Management, Inc. of Tennessee and Metro, through the Department of Public Works, for the processing and marketing of recyclable material collected by Metro, and approves the contract term through 2025. Metro entered into a ten year renewal of a contract with Waste Management in the fall of 2015 to process and sell recyclable materials collected by Metro. This renewal was the result of a request for proposals solicitation through the purchasing division of the Finance Department. Section 4.12.160 of the procurement code provides that contracts with a term in excess of five years must be approved by the Council. Due to an administrative error, this contract was not submitted to the Council for approval in 2015.

First, this ordinance approves a five year extension of the 2015 contract through November 2025 to basically ratify the 2015 action. Second, the ordinance approves an amendment to the contract to increase the contract amount. Waste Management, Inc., has taken the position that a change

in Chinese law amounts to a change in applicable law under the contract, which would trigger a contract amendment. Waste Management asserts that a 2018 Chinese law prohibits the import of all recyclable materials containing 0.05% or more contamination, and bans the import of all unsorted, mixed wastepaper, which has made China no longer a viable export market for recyclables and increased Waste Management’s costs.

The 2015 contract provides that in the event there is a change in applicable law, the parties are to negotiate an amendment to the contract in good faith. In addition, Waste Management has taken the position that the quality of recyclable materials delivered has not met contractual requirements. The amendment to be approved by this ordinance provides for a one time payment of \$1,057,678.97 from Metro to Waste Management, Inc. to address the issue regarding whether the tariff modification constituted a change in applicable law. Waste Management, Inc. agrees to waive any claims that it wasn’t adequately compensated for services rendered prior to June 30, 2020. The estimated value for this contract going forward is \$2,250,000 annually.

The Council Office would note that if this amendment is not approved, and Waste Management decided to terminate the contract, Metro would have to find another emergency processing source for its recyclable material, which would likely result in a higher cost to Metro than this contract amendment.

*Fiscal Note: Metro will pay Waste Management monthly for the processing and transportation of recyclables. This includes a processing fee for residential single stream and/or loose containers, processing fees for different types of materials, and a fee for the transportation and disposal of residue, less the value of Metro’s recyclable material.*

**Amendment Changes in Fees per Ton**

|  | <u>FY20</u> | <u>FY21</u> |
|--|-------------|-------------|
| <i>Residential Single Stream</i>                         | \$77.25     | \$101.40    |
| <i>Loose Container Stream (Plastic, Aluminum, Steel)</i> | \$75.00     | \$101.40    |
| <i>Glass</i>   | \$41.20     | \$42.44     |
| <i>OCC (Cardboard)</i>                                   | \$25.75     | \$33.87     |
| <i>Mixed Paper</i>                                       | \$41.20     | \$53.88     |
| <i>Refuse Disposal</i>                                   | \$54.50     | \$56.14     |

*The fees will be adjusted in accordance with increases and decreases in the applicable Consumer Price Index based on the formula in Section 3.2.2 of the agreement. The value of Metro’s recyclable material is deducted from these fees, based on 70% of the material’s value. The value of the materials will be calculated as defined in Exhibit A of the agreement.*

*Waste Management will provide Metro \$50,000 per calendar year for education and outreach on recycling.*

*Metro will pay a one-time sum of \$1,057,678.97 on or about July 1, 2020. If Metro increases its collection of recyclables from its current once per month schedule, Metro will pay \$50,000 for each additional collection performed prior to July 1, 2020.*

*The estimated annual contract value of \$2,250,000 will be paid from Fund 30501, Business Unit 42804300. Additional information has been requested from the Public Works Department to verify funding sources.*

**BILL NO. BL2020-238** (MENDES & MURPHY) – This ordinance approves a lease agreement between the Metro and Midwest Communications, Inc. for real property located at 8072 Old Charlotte Pike for a communication tower. Metro constructed a broadcasting tower and a facility for related communication equipment on this property in 1998. This ordinance approves a new 20 year lease for the tower site. Metro will pay rent in the amount of \$1,455.25 per month, which is to increase by 5% each year. Metro will also be responsible for paying for all utilities associated with its use of the property. The property is being leased on an as-is basis. Metro agrees that it will not interfere with the landlord's communications operations on the property.

This lease has been approved by the planning commission.

*Fiscal Note: Metro's rent cost for the first year of this agreement is \$17,463 and is to increase by 5% annually thereafter.*

**BILL NO. BL2020-239** (SLEDGE, MENDES, & OTHERS) – This ordinance authorizes the grant of permanent and temporary construction easements to Brand Berry Hill Apartments, LLC, on a parcel or property owned by the Metropolitan Government. The easement would be used for vehicular and pedestrian access, ingress, and egress between Brand Berry Hill Apartment's property and Bransford Avenue. Brand Berry Hill Apartments has agreed to pay \$250,000 as compensation for this easement.

This easement conveyance has been approved by the Metro Board of Education.

*Fiscal Note: Metro will receive \$250,000 for conveying this easement, which represents the fair market value of the easement.*

**BILL NO. BL2020-240** (O'CONNELL, MURPHY, & HENDERSON) – This ordinance authorizes the Metropolitan Government to abandon existing easement rights located at 804 4<sup>th</sup> Avenue South, formerly a portion of Alley #147. The abandonment has been requested by Thomas & Hutton on behalf of the owner. Future amendments to this legislation may be approved by resolution.

This has been approved by the planning commission.



*Fiscal Note: This ordinance has no cost to Metro. Abandoned easements have no market value according to the Department of Water Services.*

**BILL NO. BL2020-241** (PULLEY, MURPHY, & HENDERSON) – This ordinance authorizes the Metropolitan Government to negotiate and accept permanent and temporary easements for the Ackerman Court Stormwater Improvement Project for 37 properties located along Ackerman Court, Dodge Court, Grandview Drive, Granny White Pike, Graybar Lane, and Lealand Lane. Future amendments to this legislation may be approved by resolution.

This has been approved by the planning commission.

*Fiscal Note: This ordinance has no cost to Metro. Donated easements have no market value according to the Department of Water Services.*

**BILL NO. BL2020-242** (MENDES, HENDERSON, & ALLEN) – This ordinance authorizes Metro, acting by and through the Metropolitan Department of Water and Sewerage Services (MWS), to enter into an agreement with Cumberland River Compact (“CRC”), to continue to fund initiatives established as the result of the consent decree with the U.S. Department of Justice and the State of Tennessee. Pursuant to the 2009 consent decree, as authorized by Substitute Resolution No. RS2007-2144, Metro engaged CRC to provide various services relating to the enhancement of water quality in Davidson County. CRC is a nonprofit organization whose mission is to enhance the water quality of the Cumberland River through education and by promoting cooperation with citizens, businesses, and agencies. Specifically, the consent decree required Metro to make a grant to CRC in the amount of \$282,019 to address water quality issues by restoring small streams, building rain gardens, and planting trees.

This ordinance approves a new five year agreement with CRC for water quality initiatives. MWS will pay CRC \$75,000 per year for five years (\$375,000 total) to perform the following deliverables:

- Maintain and replenish raingardens at selected schools
- Provide free consultation and education about building raingardens
- Planting and maintaining trees
- Bank stabilization projects
- Facilitate a stream adoption program
- Host stream cleanups
- Public education and outreach
- Provide recreational opportunities

Future amendments to this agreement may be approved by resolution.

*Fiscal Note: The total cost of the five year agreement is \$375,000 and will be effective May 2020. The annual payment of \$75,000 is included in the Stormwater operating budget, Fund 67431, which is funded through Stormwater Fees.*

**BILL NO. BL2020-243** (JOHNSTON, MURPHY, & HENDERSON) – This ordinance accepts new sanitary sewer mains and sanitary sewer manholes for property located at Wallace Road (unnumbered).

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 have no market value according to the Department of Water Services.*

**BILL NO. BL2020-244** (O'CONNELL, MURPHY, & HENDERSON) – This ordinance accepts water main, a fire hydrant assembly, a sanitary sewer manhole and easements for property located at 1501 Herman Street.

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 have no market value according to the Department of Water Services.*

**BILL NO. BL2020-245** (RUTHERFORD, MURPHY, & HENDERSON) – This ordinance accepts new water mains and easements for properties located at 6820 Nolensville Pike and 7115 Southpoint Parkway.

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 have no market value according to the Department of Water Services.*

**BILL NO. BL2020-246** (LEE, MURPHY, & HENDERSON) – This ordinance abandons existing public sanitary sewer force mains, sanitary sewer manholes and easements, and accepts new water and sanitary sewer mains and force mains, fire hydrant assemblies, sanitary sewer manholes, and easements for property located at 4309 Maxwell Road.

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. Abandoned and donated easements have no market value according to the Department of Water Services.*

**BILL NO. BL2020-248** (O'CONNELL, MURPHY, & HENDERSON) – This ordinance abandons existing brick sanitary sewer main and easements and accepts new sanitary sewer mains, sanitary sewer manholes and easements for properties located at 1206 and 1212 9th Avenue North.

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. Abandoned and donated easements have no market value according to the Department of Water Services.*

**BILL NO. BL2020-249** (JOHNSTON, MURPHY, & HENDERSON) – This ordinance accepts new sanitary sewer mains, sanitary sewer manholes and easements for four properties located on Nolensville Pike.

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 have no market value according to the Department of Water Services.*

**BILL NO. BL2020-250** (RUTHERFORD, MURPHY, & HENDERSON) – This ordinance accepts new water and sanitary sewer mains, a fire hydrant assembly, sanitary sewer manholes and easements for properties located at 6424 and 6434 Pettus Road.

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 have no market value according to the Department of Water Services.*

**BILL NO. BL2020-251** (LEE, MURPHY, & HENDERSON) – This ordinance accepts new water and sanitary sewer mains, fire hydrant assemblies, sanitary sewer manholes and easements for property located at Hamilton Church Road (unnumbered), also known as Timber Trails Phase 2.

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 have no market value according to the Department of Water Services.*

**BILL NO. BL2020-252** (SLEDGE, MURPHY, & HENDERSON) – This ordinance accepts new water and sanitary sewer mains, sanitary sewer manholes and easements for properties located at 522, 524, and 526 Southgate Avenue, also known as Southgate Station Phase 2.

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 have no market value according to the Department of Water Services.*

**GRANTS LEGISLATION – MAY 5, 2020**

| Legislative Number | Parties  | Amount               | Local Cash Match | Term                     | Purpose   |
|--------------------|--|----------------------|------------------|--------------------------|---|
| RS2020-295         | <p><b>From:</b><br/>Tennessee Department of Mental Health and Substance Abuse Services</p> <p><b>To:</b> Office of Family Safety</p> | Increase by \$28,816 | N/A              | N/A                      | <p>This approves the first amendment to a grant contract approved by RS2019-60.</p> <p>This amended increases the grant amount from \$92,179 to \$118,995. It also replaces the grant budget and federal ID worksheet attached to the contract to reflect the new amount. Grant proceeds are used for the Tennessee Human Trafficking Court Program (THTCP) Cherished Hearts which considers the needs of victim-Defendants and seeks to address those needs.</p> |
| RS2020-296         | <p><b>From:</b><br/>Tennessee Emergency Management Agency</p> <p><b>To:</b> Department of Finance</p>                                | N/A                  | N/A              | Extend to April 29, 2025 | <p>This approves the thirteenth amendment to a grant approved by RS2010-1489.</p> <p>This extends the term from April 29, 2020 to April 29, 2025. Grant proceeds are used to provide public assistance pursuant to Presidential Disaster Declaration number FEMA-1909-DR-TN to complete repairs and/or replacement to facilities damaged during April and May 2010.</p>   |

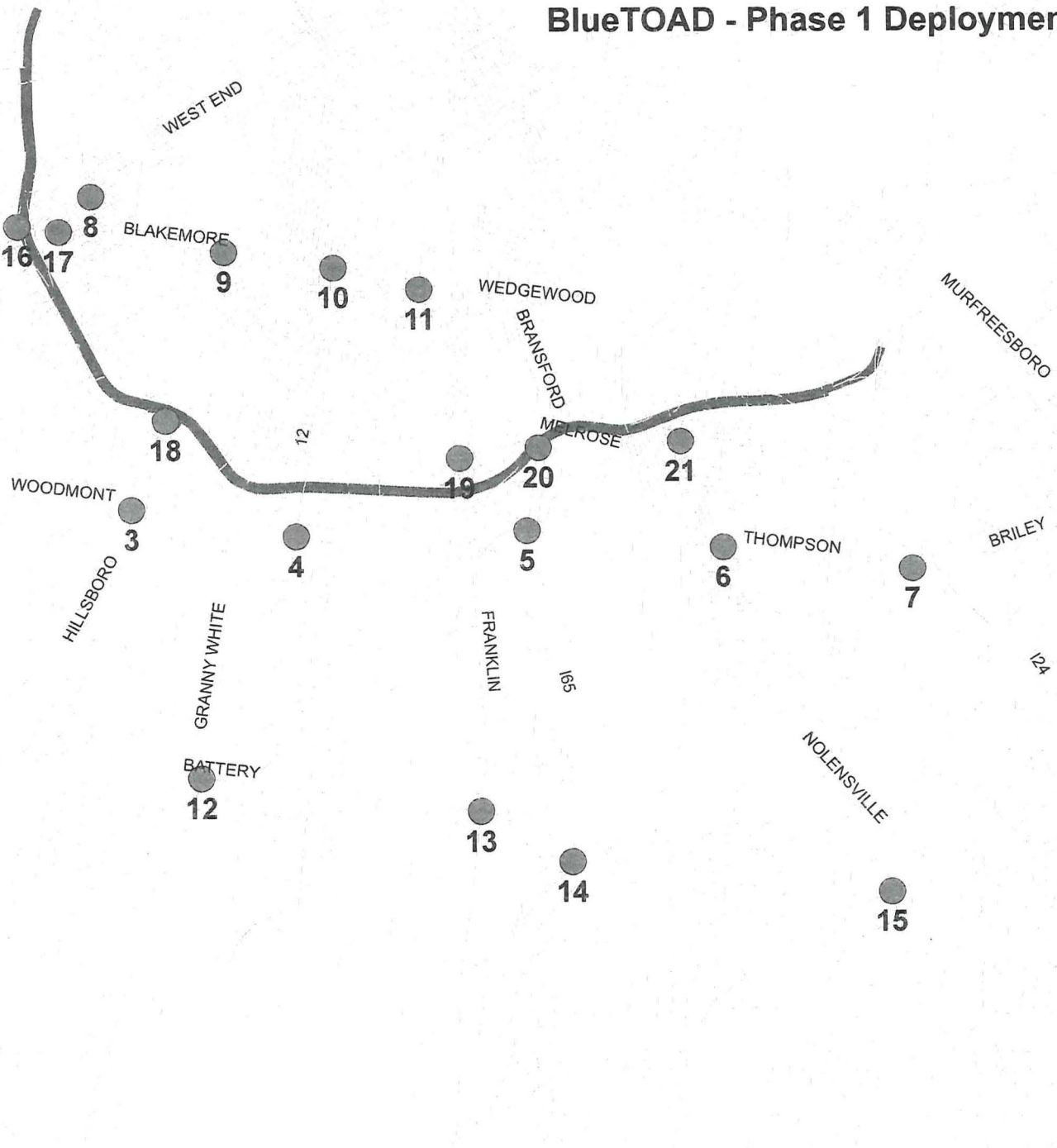
|                          |   |                               |                  |   |  |
|--------------------------|---|-------------------------------|------------------|---|--|
| <p><b>RS2020-297</b></p> | <p><b>From:</b> National Endowment for the Arts</p> <p><b>To:</b> Metropolitan Arts Commission</p>                                | <p>N/A</p>                    | <p>N/A</p>       | <p>Extend to December 31, 2020</p>        | <p>This approves the first and second amendments to a grant approved by RS2017-521.</p> <p>The amendments extend the term of the grant from January 1, 2018 to December 31, 2020. Grant proceeds are used to fund a series of temporary public art interventions, artist-led community planning, workshops focused on affordable housing and production spaces, and targeted creative economic neighborhood policies within Madison for cultural and economic redevelopment in the city.</p> |
| <p><b>RS2020-298</b></p> | <p><b>From:</b> Tennessee State Library and Archives</p> <p><b>To:</b> Nashville Public Library</p>                               | <p>Not to exceed \$88,000</p> | <p>\$0</p>       | <p>July 1, 2020 through June 30, 2021</p> | <p>The grant proceeds are used to provide access to and circulation of special materials formatted for individuals who are hearing impaired.</p>   |
| <p><b>RS2020-302</b></p> | <p><b>From:</b> Tennessee Department of Finance and Administration</p> <p><b>To:</b> Metropolitan Nashville Police Department</p> | <p>\$1,079,201</p>            | <p>\$269,000</p> | <p>N/A</p>                                | <p>This approves an application for a Victims of Crime Act (VOCA) grant.</p> <p>If the grant is awarded, the proceeds will be used to fund counselor and victim advocate positions to provide mental health services, support services, and criminal justice system advocacy.</p>  |

|                          |  |                    |            |  |   |
|--------------------------|--|--------------------|------------|--|---|
| <p><b>RS2020-303</b></p> | <p><b>From:</b> U.S. Department of Justice<br/><b>To:</b> Metropolitan Nashville Police Department</p> | <p>\$1,551,648</p> | <p>\$0</p> | <p>N/A</p>                                       | <p>This approves an application for a 2020 Coronavirus Emergency Supplement Funding Program grant.</p> <p>If the grant is awarded, the proceeds will be used to support a broad range of activities including preventing, preparing for, and responding to the Coronavirus.</p> |
| <p><b>RS2020-304</b></p> | <p><b>From:</b> U.S. Department of Justice<br/><b>To:</b> Metropolitan Nashville Police Department</p> | <p>\$1,551,648</p> | <p>\$0</p> | <p>January 20, 2020 through January 31, 2022</p> | <p>The grant proceeds are used to support a broad range of activities including preventing, preparing for, and responding to the Coronavirus.</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        |





TrafficCast International, Inc.  
1800 Deming Way, Suite 100, Middleton, WI 53562

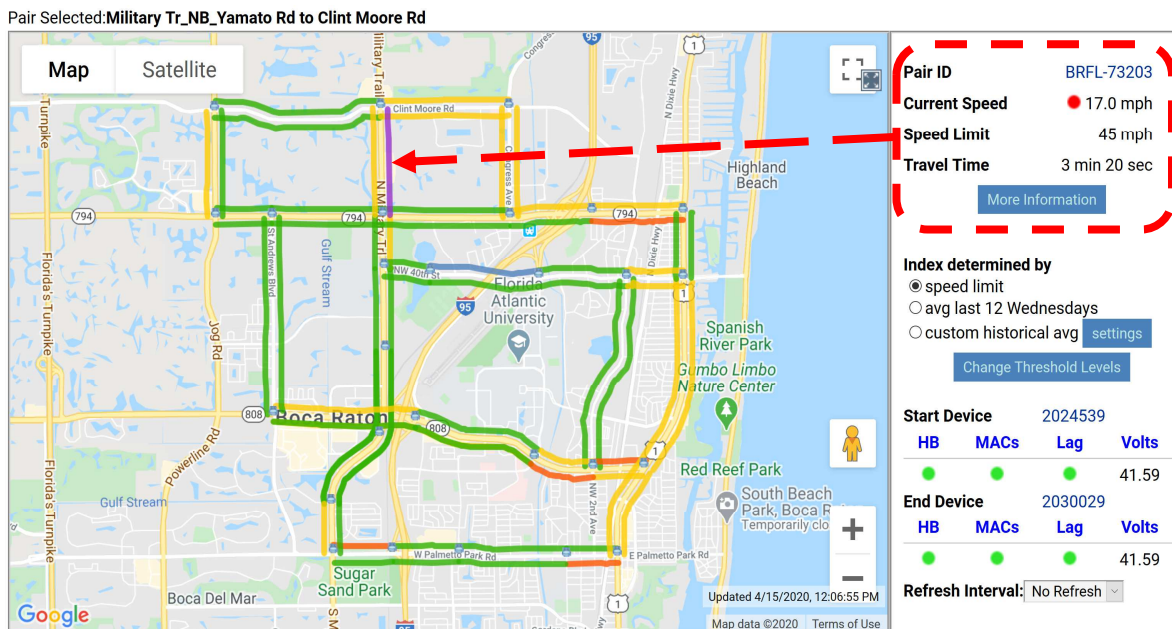
Phone: 608-713-9300  
Fax: 608-713-9311  
[www.trafficcast.com](http://www.trafficcast.com)

Date: April 15, 2020  
To: Commissioner Clay Bright  
From: Paul Misticawi  
Re: Letter of Support for BlueTOAD Travel-Time System in Metro Nashville

Commissioner Bright,

This letter is in support of the BlueTOAD travel-time system being utilized in Metro Nashville. The same system is being used by Traffic Professionals throughout Tennessee, including City of Memphis, City of Chattanooga and also Tennessee DOT.

The BlueTOAD system anonymously detects and matches Bluetooth MAC addresses and calculates a travel-time and speed for that Pair. The Bluetooth MAC addresses are ONLY used for traffic purposes as this re-identifying on a unique address provides the most accurate travel-time. This output in the BlueARGUS software is a color-coded segment on a speed map, along with a travel-time in minutes and seconds and a speed in mph as displayed below:



The Bluetooth MAC addresses are not being used to identify any person or device as the MAC addresses are not made available via the BlueARGUS software. In addition, we have the option to do a 1-way hash in the field at the device. so an encrypted MAC address is sent to the BlueARGUS software and the original MAC address is never seen or stored.

The BlueTOAD system was introduced in 2010 and to date there has been over 15,000 BlueTOAD sensors sold and installed throughout the world. There have been no security issues since the inception of this solution. The BlueTOAD

system has been installed throughout the US and Canada and is a standard for many traffic agencies as it provides accurate and granular traffic analytics not available from other sources:



Traffic Professionals use the data from the BlueARGUS software to better synchronize their traffic signals and optimize signal timing all through out the day. The data also provides them information on whether or not a change at an intersection (new hardware, new software, modification, etc) resulted in a positive and safer change for the public motorist and if not, they can quickly make a change and recheck the results.

We appreciate the opportunity to with the Metro Nashville and hope to continue doing so!

If I can answer any questions, please do not hesitate to contact me. I can be reached at 678-575-0958.

Respectfully,  
TrafficCast International, Inc.

A handwritten signature in blue ink, appearing to read "Paul Misticawi".

Paul Misticawi  
VP of Public Sector Sales