



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

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

COUNCIL MEETING DATE: August 18, 2020

RE: Analysis and Fiscal Notes

Unaudited Fund Balances as of 8/12/20:

4% Reserve Fund	\$53,698,113*
Metro Self Insured Liability Claims	\$1,592,104
Judgments & Losses	\$1,173,365
Schools Self Insured Liability Claims	\$3,327,067
Self-Insured Property Loss Aggregate	\$2,180,918
Employee Blanket Bond Claims	\$717,412
Police Professional Liability Claims	\$2,063,250
Death Benefit	\$1,664,351

*This assumes unrealized estimated revenues in FY21 of \$36,213,745

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

– RESOLUTIONS –

RESOLUTION NO. RS2020-450 (DRUFFEL, MENDES, & OTHERS) – This resolution approves an intergovernmental agreement between the Tennessee Department of Transportation and the Metropolitan Department of Public Works for the reimbursement of railroad crossing safety improvements at Post Road. This work would involve new signal poles, mast arms, signal heads, traffic signs, and railroad crossing signage.

The total cost of the project is estimated to be \$62,786.06. Metro will be responsible for 10% of the cost, or \$6,278.61, and TDOT will be responsible for 90%, or \$56,507.45.

Fiscal Note: TDOT would pay 90% of the project costs (\$56,507.45) and Metro would pay 10% (\$6,278.61).

RESOLUTION NO. RS2020-469 (SLEDGE, MURPHY, & HENDERSON) – This resolution amends Ordinance No. BL2020-163 to authorize the Metropolitan Government to abandon additional easement rights for a property located at 1131 4th Avenue South.

Ordinance No. BL2020-163 authorized the abandonment of approximately 584 linear feet of existing 48 inch sanitary sewer main and easements, and the acceptance of approximately 939 linear feet of new 48 inch sanitary sewer main (RCP), nine sanitary sewer manholes and easements. The abandonment of an additional seven areas of easement rights are needed to construct this project.

This has been approved by the Planning Commission.

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

RESOLUTION NO. RS2020-480 (GLOVER & SWOPE) – This resolution proposes four amendments to the Metropolitan Charter. This resolution would set a special election to approve the Charter amendments on December 5, 2020.

Pursuant to Section 19.01 of the Metropolitan Charter, the Council may only adopt two resolutions during the term that submit Charter amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the Council and the resolution itself must be adopted by 27 affirmative votes to become effective. No Charter amendment resolution has been adopted in the current Council term.

The proposed Charter amendments are as follows:

- The first amendment would amend Section 6.07 to prohibit the property tax rate adopted by the Council from increasing more than six percent over the prior year's property tax

rate. The Council Office would note that the Department of Law issued the attached [legal opinion](#) in 2006 opining that property tax limitations in the Charter violate state law since the county legislative body has the exclusive responsibility for setting the tax levy and there is no provision in state law authorizing a limitation to the taxing authority of the Metropolitan Council.

- The second amendment would amend Section 6.06 to allow the Metropolitan Council to alter estimates of revenues or other fund availability included in the budget document. In such event, a full explanation must be included in the minutes of the Council. The Charter currently grants the Director of Finance the exclusive authority for setting revenue estimates.
- The third amendment would provide that an executive order issued by the mayor expires after 30 days unless extended by the mayor and approved by a resolution of the Metropolitan Council.
- The fourth amendment would require each Council committee chair to be elected from the Council body by a majority vote as opposed to being appointed by the Vice Mayor. A Council committee chair could not serve for more than one year. The amendment would also provide that the Council's representative on the Metropolitan Planning Commission would no longer be required to be the chairperson of the Council Planning and Zoning committee.

It is anticipated that the sponsor will defer this resolution. These amendments will be referred to the Metro Charter Revision Commission to make a recommendation to the Council regarding the amendments pursuant to Section 19.03 of the Charter, in addition to review by the Council Charter Revision Committee.

RESOLUTION NO. RS2020-481 (MENDES, ROSENBERG, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-482 (MENDES, HAGAR, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-483 (MENDES, HAGAR, & HANCOCK) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-484 (MENDES) – This resolution authorizes the department of law to settle the personal injury claim of Augustine Collier for the amount of \$20,000 to be paid out of the self-insured liability fund. On August 27, 2019, a Metro Parks Department employee turned too sharply from 28th Avenue North onto Charlotte Avenue and collided with Mr. Collier's 1996 Ford Explorer causing extensive damage to the front end of the vehicle and personal injuries to Mr. Collier. Mr. Collier's medical bills total \$12,794.59.

The Department of Law recommends settling this claim for \$20,000, which includes payment of the medical bills plus \$7,205.41 for pain and suffering. Metro has already paid \$1,637 for the totaled value of Mr. Collier's vehicle. No disciplinary action was taken against the Metro Parks employee.

Fiscal Note: This \$20,000 settlement, along with the settlements per Resolution Nos. RS2020-487, and RS2020-490, would be the 8th, 9th and 10th payment from the Self-Insured Liability Fund in FY21 for a cumulative total of \$639,600. The fund balance would be \$1,592,104 after this payment.

RESOLUTION NO. RS2020-485 (WELSCH & SUARA) – This resolution approves a contract for tobacco prevention program services between the Metropolitan Board of Health and the Tennessee Department of Health to provide counseling and non-cash voucher incentives to pregnant and postpartum women and eligible household members.

The term of the agreement is from July 1, 2020 through June 30, 2023. The State may execute up to two renewals of 12 months each, for a total maximum contract term of 60 months. Metro Charter Sec. 10.104(8) requires the Board of Health to contract for services that would further the program and policies of the Board. Contracts such as the one now under consideration must be confirmed by a resolution of the Council.

Fiscal Note: There is no cost to the Metropolitan Government under this agreement.

RESOLUTION NO. RS2020-486 (MENDES, WELSCH, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-487 (MENDES) – This resolution authorizes the department of law to settle the personal injury claim of Robert Geiger for the amount of \$13,000 to be paid out of the self-insured liability fund. On August 27, 2019, Mr. Geiger was a passenger in a vehicle approaching a flashing yellow signal at Union Street and 7th Avenue North when the vehicle was struck by a Metro fire truck. Although the driver of the fire truck had stopped at the flashing red light, he entered the intersection and collided with the other vehicle. Mr. Geiger received medical treatment for injuries sustained in the collision incurring \$7,221 in medical bills and \$1,750 in lost wages.

The Department of Law recommends settling this claim for \$13,000, which includes payment of the medical bills and lost wages plus \$4,030 for pain and suffering. The driver of the fire truck received disciplinary action consisting of an eight day suspension and remedial driver training.

Fiscal Note: This \$13,000 settlement, along with the settlements per Resolution Nos. RS2020-484 and RS2020-490, would be the 8th, 9th and 10th payment from the Self-Insured Liability Fund

in FY21 for a cumulative total of \$639,600. The fund balance would be \$1,592,104 after this payment.

RESOLUTION NO. RS2020-488 (MENDES & PULLEY) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-489 (PULLEY, HURT, & OTHERS) – This resolution approves a reciprocity agreement between the Metropolitan Nashville Police Department (MNPd) and Nashville State Community College (NSCC). Under the agreement, police officers who have graduated from the MNPd Training Academy would be given college education credits at NSCC. Qualifying NSCC would be eligible for career paths within MNPd.

The MNPd Training Academy would constitute 30 credit hours toward the Associate of Applied Science degree, which is approximately fifty percent of the total curriculum in the program. NSCC students participating in the program would spend their first year at NSCC earning 30/31 credit hours and the second year in the MNPd Training Academy. This curriculum sequence would be reversed for current MNPd officers participating in the program. The term of the agreement would be one year but could be renewed for additional one year periods for up to five years total. This program would be maintained as long as funding and sufficient vacancies are available. All recruits, students, and MNPd officers that qualify for this program will be enrolled at the current approved in-state tuition rate and would be responsible for their own tuition.

Fiscal Note: There is no cost to the Metropolitan Government under this agreement.

RESOLUTION NO. RS2020-490 (MENDES) – This resolution authorizes the department of law to settle the personal injury claim of Shamusideen Ekuwsumi for the amount of \$14,100 to be paid out of the self-insured liability fund. On March 3, 2020, a Metro Nashville Police officer was driving southbound on Mt. View Road approaching the intersection of Crossings Boulevard. The sun shining through the windshield temporarily blocked the officer's view of the traffic signal. As the officer entered the intersection, he realized the signal was red. Mr. Ekuwsumi was driving eastbound on Crossings Boulevard and collided with the Metro vehicle, which had pulled in front of him in the intersection. Mr. Ekusumi was transported from the scene by ambulance to the hospital. His medical bills total \$6,967.15.

The Department of Law recommends settling this claim for \$14,100, which includes payment of the medical bills plus \$7,132.85 for pain and suffering. Metro paid \$3,500 for the totaled value of Mr. Ekusumi's vehicle. Disciplinary action taken against the driver of the MNPd vehicle consisted of a one day suspension.

Fiscal Note: This \$14,100 settlement, along with the settlements per Resolution Nos. RS2020-484, and RS2020-487, would be the 8th, 9th and 10th payment from the Self-Insured Liability

Fund in FY21 for a cumulative total of \$639,600. The fund balance would be \$1,592,104 after this payment.

RESOLUTION NO. RS2020-491 (MENDES & PULLEY) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-492 (MENDES, PULLEY, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NO. RS2020-493 (MENDES, HENDERSON, & OTHERS) – See attached grant summary spreadsheet.

RESOLUTION NOS. RS2020-494 and RS2020-495 (BRADFORD, MENDES, & OTHERS) – These two resolutions approve utility relocation contracts between the Tennessee Department of Transportation (TDOT) and Metro Water Services (MWS) for the I-40, Donelson Pike Interchange project. The agreements provide that TDOT will have its contractor perform the relocation of the MWS utilities in accordance with the utility relocation plans approved by the parties.

These resolutions have been approved by the Planning Commission.

Resolution No. RS2020-494 approves a relocation contract for water utilities at an estimated cost \$43,200. The water utility relocation part of the project is expected to take 50 days.

Fiscal Note: There is no cost to the Metropolitan Government under this agreement.

Resolution No. RS2020-495 approves a relocation contract for wastewater utilities at an estimated cost of \$1,349,940.

MWS would pay a deposit of \$101,720 to TDOT for the cost of improvements to the MWS facilities. The reimbursement for this project is capped at \$1,750,000. The wastewater utility relocation part of the project is expected to take 120 days.

Fiscal Note: The total estimated cost of the wastewater utility relocation is \$1,349,940 and Tennessee Department of Transportation (TDOT) will reimburse Metro Water Services (MWS) 75% of the actual allowable costs up to a maximum reimbursement cap of \$1,750,000. In addition, MWS will pay a deposit of \$101,720 to TDOT for the cost of betterment to the facilities.

– ORDINANCES ON SECOND READING –

BILL NO. BL2020-380 (O’CONNELL) – This ordinance amends Chapter 12.48 of the Metropolitan Code to allow the Traffic and Parking Commission to make rules establishing a curb loading zone management program, governing the use of certain designated curb loading zones, and allowing the Commission to set the amounts of related fees.

This is a companion ordinance to Resolution No. RS2020-401, which approved an in-kind grant from Flow, Inc., d/b/a Coord, to Metro Public Works to allow Metro to use Coord’s technology tools and technical support at no charge in order to enable Metro to conduct a smart loading zone pilot program.

BILL NO. BL2020-386 (ALLEN) – This ordinance amends Sections 2.24.225 and 2.24.230 of the Metropolitan Code regarding the selection of appraisers for the sale, purchase, lease, sublease, or other disposition of real property owned by the Metropolitan Government, and to require a community meeting prior to the consideration of lease agreements by the Council.

Ordinance No. BL2018-1282, approved in August of 2018, amended Section 2.24.225 to establish a requirement that all legislation pertaining to the sale, purchase, lease, sublease, or other disposition of Metropolitan Government real property (other than through the flood-prone property home buy-out program) be accompanied by an appraisal report to include both a current value and a prospective value reflecting any anticipated changes in entitlements upon the property, including changes in zoning classification, use restrictions, and/or deed restrictions. This was amended in December of 2019 by Ordinance No. BL2019-42 to do away with the prospective value appraisal requirement when Metro is acquiring property.

Section 2.24.230 currently requires a copy of the lease or sublease agreement, including all terms and conditions thereof, to be filed as a public record with the metropolitan clerk whenever the Metropolitan Government or any agency thereof leases or subleases real estate to a private individual, partnership, corporation or other private agency.

This ordinance would further amend these provisions to require all appraisal reports to be prepared by an independent state certified real estate appraiser, as defined in state law, and selected by the Department of Finance in accordance with applicable procurement regulations. This ordinance would also require all legislation approving the lease of Metropolitan Government-owned property to a private entity for a lease term of more than five years, including permitted extensions, to have a publicly noticed community meeting before the Council can consider the legislation. Notice of the community meeting must be provided on the Metro website and by U.S. mail or email at least one week prior to the meeting to neighborhood associations and community organizations registered with the Mayor’s Office of Neighborhoods that are located within a one mile radius of the property to be leased.

An amendment from the sponsor is anticipated that would set a minimum value threshold for triggering the community meeting requirement.

BILL NO. BL2020-387 (HANCOCK, EVANS, & O'CONNELL) – This ordinance amends Section 3.24.010 of the Metropolitan Code pertaining to health insurance benefits for councilmembers after they leave office. Section 3.24.010 currently allows councilmembers to participate in Metro's health insurance program under the same terms and conditions as are available to regular Metro employees. After leaving office, members who were participants in the health care plan are allowed to continue, provided they pay the full amount of the premium with no subsidy from Metro. However, the code allows members who hold office for eight years or more -- as well as members serving on or after August 31, 2007 that served part of one term and a full consecutive term -- to continue the health care plan, provided they pay the contribution rates equivalent to those paid by regular Metro employees (which is currently 25% of the insurance premium paid by the employee and 75% paid by Metro).

The ordinance under consideration would modify this language to state that councilmembers holding office for less than eight years prior to August 31, 2023 who were participants in the plan may continue coverage, provided they pay the full amount of the premium. Council members serving eight years or more prior to August 31, 2023 would still be allowed to continue the health care plan, provided they pay the contribution rates equivalent to those paid by regular Metro employees. Councilmembers not covered by the above conditions could participate in the health care plan under the same terms and conditions as retired Metro employees at the following contribution rates:

- For former councilmembers who served at least eight years, but less than fifteen, Metro would contribute 25% and the former councilmember would contribute 75%;
- For former members who served fifteen years or more, Metro would contribute a portion of the contribution rate based on years of service as provided in Section 3.16.020c.3. of the Metro Code applicable to retired employees hired after January 1, 2013, as follows:

Time of Service	Former Councilmember Responsibility	Metro Responsibility
8-15 years	75%	25%
15-16 years	50%	50%
16-17 years	45%	55%
17-18 years	40%	60%
18-19 years	35%	65%
19-20 years	30%	70%
20 or more years	25%	75%

Councilmembers serving eight years who would otherwise qualify for health care coverage at the contribution rates paid by regular Metro employees could elect to participate in the health care plan at the higher rates set forth in this ordinance. Except as detailed above, no councilmember serving after August 31, 2023 would be eligible for the subsidized health care plan after leaving office.

Similar legislation was considered by the Council in 2012, 2015, and 2017, but was not enacted.

Fiscal Note: The estimated annual cost of the health care premium paid by Metro for current councilmembers is \$352,908 and past councilmembers is \$484,530, a total of 837,438 in 2020. Over the last three (3) years, this expense has been comprised of approximately 45% current Council members and 55% past Council members. The projected costs in 2024 would be \$1,208,134 if the number of participants remains the same. The cost could fluctuate and will depend on the number of individuals participating in the plan, according to the Human Resources Department.

For comparison purposes, a summary of the equivalent post-employment health benefits offered to councilmembers in ten (10) peer cities is attached to this analysis. This information was obtained in 2015.

BILL NO. BL2020-388 (SLEDGE) – This ordinance amends Section 16.24.330 of the Metropolitan Code of Laws regarding parking on private property. Section 16.24.330.K. 3 currently provides that every motor vehicle located on private property must either be stored inside a fully enclosed structure, or parked or stored in a safe manner on a paved or graveled area, other than a sidewalk. Such paved or graveled parking area for private residential property shall not exceed twenty-five percent of the total lot area.

This ordinance makes the following two minor changes to this provision:

Such paved or graveled parking-area for private residential property shall not exceed 25% of the ~~total~~ unimproved lot area.

BILL NO. BL2020-390 (MENDES, MURPHY & HENDERSON) – This ordinance grants a franchise to Google Fiber Tennessee, LLC to construct, operate, and maintain a fiber optic communications system within Metropolitan Nashville and Davidson County under the provisions of Chapter 6.26 of the Metro Code applicable to franchises for Fiber Optic Communications Services.

Section 6.26.020 defines "fiber optic communications" or "fiber optic services" as a network of cables, wires, lines, towers, wave guides, optic fiber, microwave, and any associated converters, equipment, or facilities designed and constructed for the purpose of producing, receiving, amplifying or distributing audio, video or other forms of electronic signals to or from subscribers or locations within Metropolitan Nashville and Davidson County, but not including the offering to the public cable television services. The current holders of these franchises under Chapter 6.26 are:

Tennessee Backhaul (Mobilitie)
Extenet

Crown Castle
XO Communications (acquired by Verizon)
TCG/Teleport
Zayo
Windstream KDL

In accordance with Chapter 6.26, Google Fiber would have a 15 year franchise for the operation of its fiberoptic network, which will include aerial and underground cables and electronic equipment. Google Fiber will be required to pay \$15,198 per year as a reasonable estimate of Metro's costs associated with owning, maintaining, and managing the public rights-of-way used by the company. This amount will increase if Google Fiber decides to use additional rights-of-way. Further, the fee will be subject to renegotiation if Metro conducts a new cost study or revises Chapter 6.26 of the Metropolitan Code prior to the expiration of the franchise term.

Section 6.26.240 provides that fiber optic providers are to pay a franchise fee in an amount equal to 5% of gross revenues. However, Tennessee courts have held that the 5% gross revenue amount applicable to telecommunications/fiber optic providers is not allowed. Rather, the franchise fee must be based upon the reasonable cost to Metro associated with maintaining the public rights-of-way used by the company. In Metro's version of the famous fictional Charles Dickens seemingly endless *Jarndyce v. Jarndyce* lawsuit, Metro reached a settlement with XO Communications Services, LLC in 2012 to settle over a decade of litigation regarding the franchise fee dispute. Metro agreed to a franchise fee payment of \$60,000 per year for XO's use of the Metro rights-of-way. In calculating the amount to be paid by Google Fiber under this franchise agreement, Metro and Google Fiber agreed that the company is using approximately one quarter of the volume of space in the rights-of-way used by XO. Thus, the franchise fee was set at \$15,198 per year.

It is important to note that the amount of the franchise fee that can be charged for cable and video service providers (i.e., Comcast) differs from what can be legally charged for telecommunications/fiber optic providers. 47 U.S.C.A. § 542 allows a franchise fees paid by a cable operator to be 5% of such cable operator's gross revenues derived in a 12 month period from the operation of the cable system. Comcast's franchise is pursuant to Metro Code Chapter 6.08, which governs Cable Communications Franchises, and charges a franchise fee of 5% of gross revenues in that context, consistent with 47 U.S.C.A. § 542, rather than Chapter 6.26. Since Google Fiber is ceasing to offer cable television equivalent services, the company is not subject to the 5% franchise fee paid by Comcast.

Google Fiber has provided a \$6 million certificate of insurance naming Metro as an insured party.

This ordinance has been approved by the Planning Commission.

Fiscal Note: Metro will receive \$15,198 per year as a reasonable estimate costs associated with owning, managing and maintaining the public right-of-way until the expiration of this agreement or until a new study is performed to determine the cost.

BILL NO. BL2020-391 (O'CONNELL, MENDES & MURPHY) – This ordinance declares a 0.01 acre parcel of property located at Spence Lane, unnumbered (Map/Parcel No.10607003300) to be surplus and authorizes the conveyance of the property to JMJ Enterprises, Inc. The property will be sold to JMJ Enterprises for \$2,090, which is the appraised tax value. The Director of Finance has determined that an additional appraisal is not needed for the property since it only consists of 0.01 acre and is only bordered by one property that is owned by JMJ Enterprises.

Fiscal Note: Metro will receive \$2,090 for the conveyance of the property to JMJ Enterprises.

BILL NO. BL2020-392 (O'CONNELL, MENDES & OTHERS) – This ordinance authorizes the acquisition of an interest in property located at 119 and 127 Rosa L. Parks Boulevard, and grants easements for those same parcels in connection with the development of a hotel project by Urban Music City Owner, LLC (UMC). The property is owned by the Wardens and Vestry of Christ Episcopal Church (Cathedral) and leased to UMC, who plans to build a hotel on the properties. The two parcels are separated by an alley, and UMC intends to construct improvements 17'6" above the alley.

This ordinance first accepts a quitclaim deed for the property underlying the alley. Second, the ordinance grants UMC a permanent air rights easement and a temporary construction easement for the improvements to be built above the alley and for the widening of the alley by 20 feet. The plans for construction must be approved by the Director of Metro Public Works prior to any construction. Metro will have the right to terminate the easements if construction does not commence within five years. Finally, the ordinance accepts a payment of \$30,000 as consideration for these transactions.

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

Fiscal Note: Metro will receive \$30,000 as consideration for the permanent air rights easement and the temporary construction easement for property located at 119 and 127 Rosa L. Parks Boulevard.

BILL NO. BL2020-393 (TAYLOR, MURPHY, & HENDERSON) – This ordinance abandons 192 linear feet of existing eight inch sanitary sewer main and one sanitary sewer manhole and easements, and accepts 218 linear feet of new eight inch sanitary sewer main and two sanitary sewer manholes and easements for four properties located at 3837 Dr. Walter S. Davis Boulevard.

This ordinance 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. BL2020-394 (CASH, MURPHY, & HENDERSON) – This ordinance authorizes the acceptance of temporary and permanent easements for properties located at 2005 and 2007 Cedar Lane for a stormwater improvement project. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

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

– ORDINANCES ON THIRD READING –

BILL NO. BL2020-334 (O’CONNELL) – This ordinance amends the Bonus Height Program in the Downtown Code (DTC).

The DTC allows for “bonus height” to be transferred one time to one receiving site, provided the transferred height does not exceed the Bonus Height Maximum of the receiving site. This ordinance adds a definition for “receiving site” as “a single parcel or group of adjacent parcels with common ownership, or up to two adjacent parcels without common ownership.”

This has been approved by the Planning Commission.

BILL NO. BL2020-335 (PULLEY & STYLES) This ordinance, as amended, amends Chapter 2.08 of the Metro Code to make a violation of a mayoral executive order during a civil emergency a Class C misdemeanor. T.C.A. § 38-9-104 and Sections 2.08.070 and 2.08.080 of the Metro Code authorize the mayor, after proclamation of a civil emergency, to issue orders as deemed necessary in the interest of the public safety and welfare. T.C.A. § 38-9-105 provides that municipalities may provide by ordinance that any person violating the provisions of orders issued by the mayor during a proclaimed civil emergency commits a Class C misdemeanor.

While preparing for the issuance of a recent civil emergency curfew order, the Department of Law realized that the Metro Council never specifically designated such a violation as a Class C misdemeanor. Thus, the Governor issued an executive order for a curfew during the same time period, the violation of which is a misdemeanor. The Council Office is of the understanding that no one was arrested and issued a misdemeanor citation for violation of the curfew alone.

This ordinance simply provides that any person violating the provisions of civil emergency-related orders issued by the mayor during a civil emergency commits a Class C misdemeanor.

BILL NO. BL2020-336 (DRUFFEL & SUARA) – This ordinance, as amended, requires the Director of Finance to recommend to the Metro Council revisions to the Metropolitan Government’s Debt Management policy, if any are appropriate, which may include without limitation: (a) the impact of unfunded Other Post-Employment Benefits (OPEB) liability on Metro’s capacity to obtain debt; (b) whether it would be considered prudent to set limits regarding the general amounts, terms, and conditions of each major category of debt for the General Fund of the General Services District, General Fund of the Urban Services District, and Schools General Fund; and (c) other matters that should be updated in the existing policy.

The Director of Finance would be required to make these recommendations no later than January 1, 2021.

BILL NO. BL2020-379 (STYLES, SUARA, & OTHERS) – This ordinance amends Chapter 5.16 of the Metropolitan Code to require applicants to provide certain information when applying for a business tax license. T.C.A. § 67-4-705 allows municipal governing bodies by ordinance to levy a privilege tax for certain business activities. Metro has authorized the imposition of the business tax through the enactment of Article III of Chapter 5.16 of the Metropolitan Code. T.C.A. § 67-4-705 provides that “upon receipt of the prescribed application and payment of fifteen dollars (\$15.00), together with any other information reasonably required,” the county clerk is to issue a license to the taxpayer.

This ordinance would require applicants for a business tax license to include a valid telephone number, email address, and physical mailing address where the applicant can be reached. A post office box could not be used for the physical mailing address.

BILL NO. BL2020-381 (MENDES, HENDERSON, & TOOMBS) – This ordinance authorizes the Metropolitan Department of Water and Sewerage Services to enter into an agreement with Great Tennessee Land Company (“Darsey”) for the operation and maintenance of a public pressure sewer extension and acceptance of associated easements for the development of the Darsey Subdivision in Williamson County.

Metro will inspect the construction, accept associated easements to access the pump station and, upon acceptance of the pump station, will be responsible for ongoing operation and maintenance. Darsey agrees to fund the additional operation and maintenance costs for the proposed pump station and force main in the amount of \$148,666 and provide Metro with the associated easements. Metro will not contribute funds toward the project. Future amendments to the legislation may be approved by resolution.

Fiscal Note: Metro will be responsible for the ongoing operation and maintenance of the pump station, but the developer will pay \$148,866 for the perpetual maintenance. Metro Water Services has determined that this amount is sufficient to cover the ongoing maintenance costs.

BILL NO. BL2020-382 (O’CONNELL, MENDES, & OTHERS) – This ordinance authorizes the Metropolitan Department of Water and Sewerage Services to enter into an agreement with Nashville Propco, LLC, to provide improved public sanitary sewer service through the construction of an improvement stormwater system for both its proposed development as well as the existing properties in the area.

Metro will inspect the construction of the improvements and will be responsible for ongoing operation and maintenance. Nashville Propco agrees to provide Metro with \$969,750 to fund the construction of the stormwater infrastructure. Metro agrees to begin construction within timeframes set forth by Metro Finance and Procurement, pursuant to the approved plans upon receiving the funds. Future amendments to this legislation may be approved by resolution.

This project has been approved by the Planning Commission.

Fiscal Note: The Department of Water and Sewerage Services will construct the new stormwater system and responsible for the ongoing maintenance and operation. Nashville Propco will provide \$969,750 to fund the construction of the new stormwater system. The revenue generated from the fees related to this development will offset any operating and maintenance costs.

BILL NO. BL2020-383 (ROSENBERG & WELSCH) – This ordinance readopts the Metro Code prepared by the Municipal Code Corporation to include all ordinances enacted on or before March 18, 2020.

Council Post-Employment Health Benefit Comparisons

Atlanta – The Council member is not vested until they have worked for 15 years and must be age 60 or older. The former member would then pay 50% of the premiums with Atlanta paying the other 50%.

Indianapolis – The Council member must serve for 10 consecutive years in order to vest in the plan. The former member then pays 100% of the premium (no subsidy). Also, coverage only stays in effect until age 65. Medicare is then expected to take over.

Kansas City, MO – After retiring from the Council, the employee pays 100% of the premiums. However, they do receive a \$200 credit towards the cost.

Louisville – Only COBRA continuation insurance is offered for a limited time.

Mecklenburg County – Only COBRA continuation insurance is offered for a limited time.

Memphis – If the Council member has served for less than 25 years, they are only offered COBRA continuation insurance for a limited time.

If they have enough service to be eligible for retirement as a regular employee and are under age 65, Memphis pays 30% of the premiums with the other 70% being paid by the former Council member.

If the employee has Medicare, Memphis will only pay 25% of the premiums with the other 75% being paid by the former Council member.

Milwaukee – It requires 5 years of service in order to vest in the plan. However, the former Council member pays 100% of the premiums. If they are not eligible to retire, they just receive COBRA continuation insurance for a limited time.

It is possible for the former Council member to receive 100% subsidization of their premiums, but they would need to have at least 15 years of service and have started employment before 1994.

Oklahoma City – After serving two terms (8 years), former Council members pay 42% of the premiums with the city paying the other 58%. This will go up 2% per year until the former member will be paying 50% by 2020.

San Antonio – Only COBRA continuation insurance is offered for a limited time.

St. Louis – Like all other employees, the Council member vests in the plan after 5 years of service. They can stay on the group plan after leaving the Council, but the former Council member pays 100% of the premiums.

GRANTS LEGISLATION – AUGUST 18, 2020

Legislative Number	Parties	Amount	Local Cash Match	Term	Purpose
RS2020-481	From: Tennessee Division of Elections To: Davidson County Election Commission	Not to exceed \$672,367.50	\$0	March 28, 2020 through December 31, 2020	The proceeds from this grant will be used to provide assistance to county election commissions to prevent, prepare for, and respond to the coronavirus during the 2020 election cycle.
RS2020-482	From: National Endowment for the Arts To: Metropolitan Arts Commission	\$150,000	\$150,000	N/A	<p>This approves an application for an Our Town grant.</p> <p>If the grant is awarded, the proceeds will be used to create a series of temporary and permanent public art works that will increase public safety, provide much needed employment opportunities and job training, and will be co-designed by the North Nashville neighborhood community.</p>
RS2020-483	From: Tennessee Arts Commission To: Metropolitan Arts Commission	Not to exceed \$71,600	\$71,600	July 1, 2020 through June 30, 2021	The grant proceeds will be used for general operating support to expand, improve, and develop arts in Tennessee.

RS2020-486	From: Tennessee Department of Health To: Metropolitan Department of Parks and Recreation	Not to exceed \$1,804,200	\$0	July 1, 2020 through June 30, 2022	The grant proceeds will be used to provide oral disease prevention services for school children in grades K-8 in qualifying public schools.
RS2020-488	From: Tennessee Emergency Management Agency To: Office of Emergency Management	Not to exceed \$188,350	\$188,350	October 1, 2018 through September 30, 2020	The proceeds from this Emergency Management Performance Grant will be used to subsidize the Emergency Management Program.
RS2020-491	From: U.S. Department of Justice To: Metropolitan Nashville Police Department	\$449,935	\$0	N/A	This approves an application for the Edward Byrne Memorial Justice Assistance Grant. If the grant is awarded, the proceeds will be used for specialized training and equipment to ensure personnel maintain needed certificates for criminal investigation and crime reduction initiatives.

<p>RS2020-492</p>	<p>From: U.S. Department of Justice To: Metropolitan Nashville Police Department</p>	<p>\$230,875</p>	<p>\$19,125</p>	<p>N/A</p>	<p>This approves an application for a DNA Capacity Enhancement for Backlog Reduction Grant.</p> <p>If the grant is awarded, the proceeds will be used to outsource sexual assault kits to private vendors for forensic case sample analysis to increase the efficiency and effectiveness of the Forensic Biology Unit.</p>
<p>RS2020-493</p>	<p>From: Tennessee Department of Transportation To: Metropolitan Department of Public Works</p>	<p>N/A</p>	<p>N/A</p>	<p>Extended to December 31, 2020</p>	<p>This approves amendment one to a grant approved by RS2018-1382. The grant term would be extended from June 30, 2020 to December 31, 2020. \$70,000 would be moved from the FY19 budget year to FY21. No funding would be added or removed from this contract.</p> <p>The grant proceeds are used to conduct a comprehensive litter awareness and reduction campaign involving various community partners and a roundtable of government agencies.</p>