



**Agenda for the Regular Meeting of Board of Commissioners
Monday, November 11, 2019 - 7:00 pm
Brentwood City Hall**

Call to Order by Mayor
Roll Call
Invocation by Commissioner Dunn
Pledge of Allegiance to the Flag by Commissioner Gorman
Oath of Office for firefighter - Ryan Crouse
Fire & Rescue Department Recognition - Lieutenant Jason Sykes and Fire Officer Designee Tony Dixon

Approval or Correction of Minutes

October 28, 2019

Comments from Citizens – *Individuals may comment on any item included in the Consent/Regular agenda or on any other matter regarding the City of Brentwood. All comments should be directed to the Board of Commissioners. Citizens who wish to request that an item be moved from the Consent Agenda to the Regular Agenda for discussion should make that known to the Board at this time.*

Report from City Manager
Report from the City Attorney
Reports and comments by Commissioners and Mayor

Note: All matters listed under the Consent Agenda are considered to be routine and will generally be enacted by one motion. Except for any items that are removed from the Consent Agenda, there will be no separate discussion of these items at this time.

Consent Agenda

1. Resolution 2019-97 - A RESOLUTION ENDORSING AN APPLICATION FOR GRANT FUNDING UNDER THE TENNESSEE DEPARTMENT OF TRANSPORTATION'S CONGESTION MITIGATION AND AIR QUALITY PROGRAM, for adoption
2. Resolution 2019-102 - A RESOLUTION AUTHORIZING AN AGREEMENT WITH HM LIFE INSURANCE COMPANY FOR 2020 STOP LOSS COVERAGE, for adoption
3. Resolution 2019-103 - A RESOLUTION AUTHORIZING ADOPTION OF THE PROPOSED GROUP HEALTH INSURANCE PLAN FOR CITY EMPLOYEES FOR CALENDAR YEAR 2020, for adoption
4. Approval of schedule for Board of Commissioners' Meetings for Calendar Year 2020
5. Approval of schedule for review of the proposed Fiscal Year 2021 annual operating budget and Fiscal Years 2021-2026 Capital Improvements program

Old Business

1. Other old business

New Business

1. Ordinance 2019-10 - AN ORDINANCE AMENDING CHAPTER 14, ARTICLE IX OF THE MUNICIPAL CODE REGARDING PROVISIONS FOR PUBLIC WORKS PROJECTS, for consideration on first reading
2. Resolution 2019-101 - A RESOLUTION TO RENAME THE TOWER PARK DOG PARK TO MISS PEGGY'S BARK PARK, for adoption
3. Other new business

A handwritten signature in black ink, appearing to read "Kirk Bednar", with a long horizontal flourish extending to the right.

Kirk Bednar
City Manager

Anyone requesting accommodations due to disabilities should contact Mike Worsham, A.D.A. Coordinator, at 371-0060, before the meeting.

Brentwood City Commission Agenda

Meeting Date: 11/11/2019

Approval or correction of minutes from Regular Scheduled Commission meeting

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Approval or correction of minutes from the October 28, 2019 meeting

Background

Staff Recommendation

Fiscal Impact

Attachments

Draft Minutes

DRAFT

MINUTES OF REGULAR MEETING OF BOARD OF COMMISSIONERS

BRENTWOOD, TENNESSEE

The Brentwood Board of Commissioners met in regular session on Monday, October 28, 2019 at 7:00 pm at Brentwood City Hall.

Present: Mayor Rhea Little; Vice Mayor Ken Travis; Commissioner Nelson Andrews; Commissioner Anne Dunn; Commissioner Mark Gorman; Commissioner Susannah Macmillan; Commissioner Regina Smithson

Staff Present: City Manager Kirk Bednar; Assistant City Manager Jay Evans; City Attorney Kristen Corn; City Recorder Holly Earls

Commissioner Andrews led the Invocation. The Pledge of Allegiance was led by Troop 22.

Approval or Correction of Minutes

October 14, 2019

Moved by Commissioner Mark Gorman for approval of the minutes as written, seconded by Commissioner Susannah Macmillan

Vote: 7 - 0 Approved - Unanimously

Citizen Comments

Gil Hutchinson, 1038 Highland Road
John Vitucci, 1747 Umbra Drive

Consent Agenda

Ordinance 2019-09 - AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 56, ARTICLE II, DIVISIONS 2 THROUGH 6 REGARDING REGULATIONS GOVERNING FLOOD PREVENTION, for consideration on second and final reading

Resolution 2019-95 - A RESOLUTION AUTHORIZING APPROVAL OF UPDATED OPERATING POLICIES AND PROCEDURES FOR RAVENSWOOD MANSION, for adoption

Resolution 2019-96 - A RESOLUTION AUTHORIZING APPROVAL OF UPDATED OPERATING POLICIES AND PROCEDURES FOR THE COOL SPRINGS HOUSE, for adoption

Resolution 2019-98 - A RESOLUTION ENDORSING AN APPLICATION FOR A FIRE PREVENTION GRANT THROUGH THE DRYER VENT WIZARD CORPORATION, for adoption

Resolution 2019-99 - A RESOLUTION ENDORSING AN APPLICATION FOR A VEHICLE EXHAUST REMOVAL SYSTEM GRANT THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY, for adoption

Approval of Issuance of a Certificate of Compliance to Maryland Farms Wine & Spirits, LLC for Retail Sale of Alcoholic Beverages at the Maryland Farms Wine & Spirits (101 Creekside Crossing, Ste 800)

Approval to purchase Petersen TL-3 lightning loader

Approval to purchase dual purpose K-9 for the Police Department

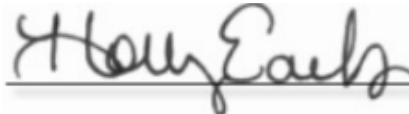
Approval of bid for painting twelve police vehicles

Moved by Vice Mayor Ken Travis for approval of the items on the Consent Agenda, seconded by Commissioner Susannah Macmillan

Vote: 7 - 0 Approved - Unanimously

With no further business, the meeting adjourned at 7:58 pm.

APPROVED _____

A handwritten signature in dark ink, appearing to read "Holly Earls", written over a horizontal line.

Holly Earls, City Recorder

Brentwood City Commission Agenda

Meeting Date: 11/11/2019

Resolution 2019-97 - Endorsing a Grant Application for TDOT's Congestion Mitigation & Air Quality (CMAQ) Program

Submitted by: Mike Harris, Engineering

Department: Engineering

Information

Subject

Resolution 2019-97 - Endorsing a Grant Application for TDOT's Congestion Mitigation and Air Quality (CMAQ) Program

Background

In September, staff submitted a Letter of Intent (LOI) for \$1,994,000 in TDOT project funding through the Federal Highway Administration's Congestion Mitigation and Air Quality (CMAQ) Improvement Program. A copy of the LOI submitted is attached for your information. The LOI is an initial step to allow TDOT to gauge interest in the program and to vet potential projects to determine if they appear to be viable. Ultimately, the City's LOI was approved and we were invited to submit a full application. Therefore, staff is hereby requesting the Commission's endorsement of a full application for this grant program. Due to the timing of receiving the invitation to submit a full application and the short timeframe for submittal, we are requesting retroactive endorsement, as the full applications were due on October 22. Should the Board choose not to endorse the application, staff will withdraw our submittal.

The proposed project will build on earlier successes: (1) a 2016 CMAQ grant, which optimized signal timings along each of the State Routes (6, 252, 253, 441) and functionally classified minor arterials (Maryland Way/Church Street and Granny White Pike), and (2) a 2015 STP-funded Regional Traffic Management Study in Maryland Farms. Both former projects were completed within the required timeframes and within the authorized budgets.

This new project will develop new signal timing plans to improve travel times and air quality. The project will install reliable detection by moving away from loop detection to non-intrusive video detection. Currently we have some intersections that already utilize video detection and this project will convert the remaining ones to video detection. The project will also address multimodal enhancements by bringing corridors into compliance with TDOT-adopted Public Right of Way Accessibility Guidelines (PROWAG) requirements. The project will upgrade ADA curb ramps and incorporate Accessible Pedestrian Signal (APS) systems along the corridors. The project will allow staff to more

efficiently maintain their Automated Transportation Management System (ATMS), while also providing upgraded technology to improve multi-modal traffic flow.

The City of Brentwood hopes to improve air quality and reduce emissions from idling vehicles by improving traffic operations and signal timing. Optimized signal timings, along with upgraded and more reliable signal technology infrastructure, will help reduce the number of stops and delay; therefore, reducing emissions. Additionally, improved pedestrian infrastructure could encourage discretionary users to walk more which could reduce vehicle trips and vehicle emissions by providing safe and compliant multi-modal options. Projects of similar size throughout the state have realized reductions in VOC, CO and NOx following deployment.

Under the CMAQ guidelines, portions of the proposed project, if approved, will be funded 100% with grants funds, and other portions will require a 20% local match to be funded by Brentwood. The preliminary estimate increased slightly from the original preliminary submittal from \$1,994,000 to \$2,196,000. Brentwood's local portion remained the same at \$118,000. A copy of the full grant application including the estimated cost, is attached for your information. If the project is approved staff will review the CIP budget and propose appropriate adjustments to existing funding, if needed, to fund the local portion. Staff anticipates notification of grant awards in February 2020.

Please direct any questions to the Engineering Director, Mike Harris.

Staff Recommendation

Staff recommends endorsement of the grant application.

Previous Commission Action

No previous Commission action on this item.

Fiscal Impact

Amount : \$118,000

Source of Funds: Capital Improvement Program

Account Number: 311-43100-1007

Fiscal Impact:

If approved portions of this project will be paid 100% with grant funding, other elements of the project require a 20% local match. Based on the preliminary estimate, the city's out of pocket cost would be \$118,000. Appropriate adjustments to Capital Projects Fund will be proposed, if needed, should this project be approved.

Attachments

Resolution 2019-97

Letter of Intent

RESOLUTION 2019-97

A RESOLUTION OF THE CITY OF BRENTWOOD, TENNESSEE TO ENDORSE AN APPLICATION FOR GRANT FUNDING UNDER THE TENNESSEE DEPARTMENT OF TRANSPORTATION'S CONGESTION MITIGATION AND AIR QUALITY PROGRAM (CMAQ)

SECTION 1. That the application for grant funding under the Tennessee Department of Transportation's Congestion Mitigation and Air Quality (CMAQ) program, through which financial assistance is provided to help improve air quality and reduce emissions by improving traffic operations and signal timing, is hereby endorsed.

SECTION 2. That the Mayor is hereby authorized to execute such documents as may require the Mayor's signature in support of such grant funding.

SECTION 3. That this resolution shall take effect from and after its passage, the general welfare of the City of Brentwood, Williamson County, Tennessee requiring it.

MAYOR Rhea E. Little, III

ADOPTED: _____

Approved as to form:

RECORDER Holly Earls

CITY ATTORNEY Kristen L. Corn

Letter Of Intent

The Tennessee Department of Transportation (TDOT) is accepting Letters of Intent for funding of CMAQ projects in all eligible areas of the State, and for all eligible project types.

- Eligible project areas: Cocke, Jefferson, Sevier, Knox, Anderson, Roane, Loudon, Hamilton, Sumner, Wilson, Rutherford, Davidson, Williamson, Montgomery, and Shelby counties.
- Eligible project types: Traffic Signalization, Transit Improvements, Bicycle and Pedestrian Facilities, Intermodal Freight Transportation, Transportation Demand Management, Cleaner Diesel Technologies, Incident Management, Alternative Fuels Infrastructure and Technologies, Public Outreach, Innovation Projects, Roundabouts, Carpooling and Vanpooling, and Intelligent Transportation Systems.

Letter of Intent must be submitted online through eGrants, and must be approved before a Full Proposal will be considered.

Letters of Intent that fall out of this limited scope will not be considered for Full Proposal.

More information can be found at: <https://www.tn.gov/tdot/long-range-planning-home/air-quality-planning/cmaq-funding.html>

Project Title:

Brentwood Signal System/ADA Upgrades

Applicant

Organization Name	Brentwood
Primary Contact	Mike Harris
Title	Director of Engineering
Street Address 1	P.O. 788
Street Address 2	
City	Brentwood
State	Tennessee
Zip	37027
Phone	(615) 371-0080
Fax	(615) 371-2225
Email	mike.harris@brentwoodtn.gov
Type of Legal Organization	Municipality
If Other, please specify:	

Brief description of the proposed project and location (project details may change in full proposal)

This project builds on earlier successes: (1) a 2016 CMAQ grant, which optimized signal timings along each of the State Routes (6, 252, 253, 441) and functionally classified minor arterials (Maryland Wy/Church St and Granny White Pk), and (2) a 2015 STP-funded Regional Traffic Management Study in Maryland Farms. This project will preserve and maintain travel time and air quality benefits realized with these projects. The project will install reliable detection by moving away from loop detection to nonintrusive video detection and address multimodal enhancements by bringing corridors into compliance with TDOT -adopted PROWAG requirements. The project will upgrade ADA curb ramps and incorporate Accessible Pedestrian Signal (APS) systems along the corridors. The project will allow staff to more efficiently maintain their ATMS, while also providing upgraded technology to improve multimodal traffic flow.

Brief description of air quality benefits for PM2.5/PM10/VOC/CO/NOx emissions reductions (project details may change in full proposal).

- If LOI is accepted and a full proposal is required, applicants will be required to demonstrate specific emissions

Letter Of Intent**reductions for PM2.5/PM10/VOC/CO/NOx in ton/day.**

The City of Brentwood hopes to improve air quality and reduce emissions from idling vehicles by improving traffic operations and signal timing. Optimized signal timings, along with upgraded and more reliable signal technology infrastructure, will help reduce the number of stops and delay; therefore, reducing emissions. Additionally, improved pedestrian infrastructure could encourage discretionary users to walk more which could reduce vehicle trips and vehicle emissions by providing safe and compliant multimodal options. Projects of similar size throughout the state have realized reductions in VOC, CO and NOx following deployment.

Anticipated Project Budget (project details may change in full proposal)

Proposed CMAQ Funds Requested	\$1,876,000.00
Proposed Local Match	\$118,000.00
Proposed Other Non-Federal Match	\$0
Proposed Total Project Budget	\$1,994,000.00

Construction Budget

Failure to submit a complete Project Budget will result in application not being considered for funding.

1. Indicate the federal CMAQ portion of the cost of the phase for which CMAQ funds are being requested.
2. Indicate the local match being provided for this phase. Indicate \$0 if the project is eligible for 100% federal funding and no local match is proposed.
3. Include total costs for each phase required for this project. This includes phases that have been started or completed. Not every phase listed may be applicable to your project.
4. Include other funding sources (separately) and amounts that will contribute to this project. For continuing CMAQ projects, show previous CMAQ funds obligated for this project. Add rows if needed.
5. Provide the sources, status and amounts of the local match, i.e., has the local match been identified in an agency budget, capital program, municipal resolution or similar document.
6. Costs incurred before CMAQ funds are approved are not eligible for reimbursement.

*Complete budget worksheet for each project proposed for CMAQ funding. See instructions.

*Show amounts and sources of all match funding committed to this project.

Applicant/Project Sponsor: Brentwood
Name of Project: Brentwood Signal System Upgrades
Type of Project: Intelligent Transportation Systems

Construction Budget

Construction Projects	Year One TIP Year: 2019			
	CMAQ Funds Requested	Local Match Funds	Other Non-Federal Match Funds	Total Costs
Preliminary Engineering - NEPA	\$147,500.00			\$147,500.00
Preliminary Engineering - Design				\$0
Implementation (show Major Tasks/Activities below and funding requested by activity)				
Construction - CONST				\$0
List Non-CMAQ Activities involved and funding source:				
Total Project Cost	\$147,500.00	\$0	\$0	\$147,500.00

Construction Budget

Construction Projects	Year Two TIP Year: 2020			
	CMAQ Funds Requested	Local Match Funds	Other Non-Federal Match Funds	Total Costs
Preliminary Engineering - NEPA				\$0
Preliminary Engineering - Design	\$278,500.00			\$278,500.00
Implementation (show Major Tasks/Activities below and funding requested by activity)				
Construction - CONST	\$1,652,000.00	\$118,000.00		\$1,770,000.00
List Non-CMAQ Activities involved and funding source:				
Total Project Cost	\$1,930,500.00	\$118,000.00	\$0	\$2,048,500.00

Construction Budget

Construction Projects	Year Three TIP Year: 2021			
	CMAQ Funds Requested	Local Match Funds	Other Non-Federal Match Funds	Total Costs
Preliminary Engineering - NEPA				\$0
Preliminary Engineering - Design				\$0
Implementation (show Major Tasks/Activities below and funding requested by activity)				
Construction - CONST				\$0
List Non-CMAQ Activities involved and funding source:				
Total Project Cost	\$0	\$0	\$0	\$0

Total Proposed Project Cost \$2,196,000.00
Total CMAQ Funds Requested \$2,078,000.00
Total Proposed Local Match Funds \$118,000.00

Budget Summary

	Year 1	Year 2	Year 3
Annual Federal CMAQ Funds Requested	\$147,500.00	\$1,930,500.00	\$0
Annual Local Match	\$0	\$118,000.00	\$0
Annual Other Non-Federal Match	\$0	\$0	\$0
Annual Total Budget	\$147,500.00	\$2,048,500.00	\$0

Please attach commitment of matching funds

http://tdot.intelligrants.com/_Upload/8360_1098701-2019CMAQFundingLetter.pdf

Have other Federal funds been requested or awarded for this project? Yes ☐ No ☒

Please explain the source and amount of ALL funds used in this project .

The City of Brentwood is applying for this project to be 100% federally funded from CMAQ funds, with the exception of a 20% local funds match for qualifying items such as items needed to construct ADA-compliant curb ramps and sidewalk connection. The total federal funds requested for the project is \$2,078,000. The 20% local funds match for qualifying items totals to \$ 118,000. The total amount of funds needed for the project is \$2,196,000.

Project Title

The Tennessee Department of Transportation (TDOT) is accepting project proposals for funding under the federal CMAQ program. Applications must be completed and submitted online.

This online application must be submitted no later than 10/22/2019.

Project Title:

Brentwood Signal System Upgrades

Applicant

Organization Name	Brentwood
Primary Contact	Mike Harris
Street Address 1	P.O. Box 788
Street Address 2	
City	Brentwood
County	
State	Tennessee
Zip	37027
Phone	(615) 371-0080
Fax	(615) 371-2225
Email	mike.harris@brentwoodtn.gov
Type of Legal Organization	Municipality
If Other, please specify:	

Employer Identification Number/Tax Identification Number (EIN/TIN):

62-0809512

Organization's DUNS Code:

154039663

Organization's Edison ID:

2124

Applicants selected for funding must register as a vendor/contractor in the state of Tennessee Edison system before signing a grant contract for funding. For more information on contractor registration, visit <http://www.tn.gov/generalservices/topic/vendor-information>. From this page, go to the online registration site (<https://supplier.edison.tn.gov/>). Contact the Edison Help Desk at 615.741. HELP or 1.866.376.0104 with ALL questions about Contractor Registration.

Project Type**Select Eligible CMAQ Project Type for this Application**

- ☐ New or Expanded Transit Service
- ☐ New or Expanded Park and Ride Projects
- ☐ Diesel Emission Reduction Projects (purchase of cleaner vehicles and equipment)
- ☒ Intelligent Transportation Systems
- ☐ Traffic Flow Improvements
- ☐ Bicycle Pedestrian Projects
- ☐ Transportation Demand Management
- ☐ Education and Outreach
- ☐ Other vehicle replacement projects
- ☐ Freight
- ☐ Fuel Infrastructure
- ☐ Other

All CMAQ funded projects shall be developed to comply with TDOT roadway design standards . Additional work required to address accessibility deficiencies within the limits of project and any ADA upgrades if required may not be eligible for 100% federal funding, addressing such features will require 20% local match. All projects seeking for CMAQ funding shall scope addressing accessibility related issues when putting together project estimates. Refer to roadway design guidelines for additional guidance.

Projects developed by locals and let by locals are also under obligation to follow the same guidance since local agencies are obligated to comply with the FHWA ADA Transition plan requirements by end of 2019. For more guidance, refer to the TDOT Roadway Design Division's ADA Office.

☒ Please select this checkbox stating you have read and understand the statement above.

Does this project involve construction? (☒) Yes () No

Will this project incorporate iron and/or steel? (☒) Yes () No

All CMAQ funded projects that incorporate iron and/or steel will be required to adhere to Federal Highways' Buy American requirements.

☒ Please select this checkbox stating you have read and understand the statement above.

MPO Area

Counties eligible to receive CMAQ funding are designated by the U.S. Environmental Protection Agency (EPA) as federal air quality nonattainment or maintenance areas. Eligible counties are listed below for each Metropolitan Planning Organization (MPO)/Transportation Planning Organization (TPO) area. Projects in counties outside of designated air quality nonattainment or maintenance areas may be eligible for funding if the project applicant can demonstrate that the project will result in air quality benefits in a nonattainment or maintenance county. Tennessee nonattainment and maintenance counties are listed below:

Clarksville Area Metropolitan Planning Organization

Montgomery County

Chattanooga-Hamilton County Transportation Planning Organization

Hamilton County

Knoxville Regional Transportation Planning Organization

Anderson, Blount, Cocke (partial), Knox, Loudon, Roane (partial), Sevier Counties

Lakeway Area Metropolitan Transportation Planning Organization

Jefferson County

Memphis Area Metropolitan Planning Organization

Shelby County

Nashville Area Metropolitan Planning Organization

Davidson, Rutherford, Sumner, Williamson, Wilson

MPO Area:

Chattanooga

Clarksville

Knoxville

Lakeway

Memphis

✓ Nashville

Contact Information

Secondary Contact Person

Contact Name Mike Harris
Title Director of Engineering
Organization City of Brentwood
Phone Number (615) 371-0080
Fax Number (615) 371-2225
Email Address mike.harris@brentwoodtn.gov

Authorized Representative for Project (Person who will sign the contract)

Contact Name Kirk Bednar
Title City Manager
Organization City of Brentwood
Phone Number (615) 371-0060
Fax Number
Email Address kirk.bednar@brentwoodtn.gov

Project Location**Primary Project Location**

Street Address 1

Location Map

http://tdot.intelligrants.com/_Upload/8337_1098276-Brentwood_TN_CMAQ_2019.pdf

Street Address 2

City

Brentwood

County

Williamson County

State

Tennessee

Zip

37027

The project must benefit air quality in one or more of the counties listed below. Please select the CMAQ-eligible counties covered by your project here:

Anderson	Montgomery
Blount	Roane
Cocke	Rutherford
Davidson	Sevier
Hamilton	Shelby
Jefferson	Sumner
Knox	✓ Williamson
Loudon	Wilson

If any of the project is located/conducted outside of a CMAQ-eligible county, please select the counties below:

Bedford	Franklin	Lawrence	Robertson
Benton	Gibson	Lewis	Scott
Bledsoe	Giles	Lincoln	Sequatchie
Bradley	Grainger	Macon	Smith
Campbell	Greene	Madison	Stewart
Cannon	Grundy	Marion	Sullivan
Carroll	Hamblen	Marshall	Tipton
Carter	Hancock	Maury	Trousdale
Cheatham	Hardeman	McMinn	Unicoi
Chester	Hardin	McNairy	Union
Claiborne	Hawkins	Meigs	Van Buren
Clay	Haywood	Monroe	Warren
Coffee	Henderson	Moore	Washington
Crockett	Henry	Morgan	Wayne
Cumberland	Hickman	Obion	Weakley
Decatur	Houston	Overton	White
DeKalb	Humphreys	Perry	
Dickson	Jackson	Pickett	
Dyer	Johnson	Polk	
Fayette	Lake	Putnam	
Fentress	Lauderdale	Rhea	

General Competition - Project Description

Provide a detailed description of the project or program so that individuals unfamiliar with your organization will understand the project or program scope and location. For projects selected for funding, this information will be used to develop the contract scope of services.

This project builds on earlier successes: (1) a 2016 CMAQ grant, which optimized timings along each of the State Routes (6, 252, 253, 441) and functionally classified minor arterials (Maryland Wy/Church St and Granny White Pk), and (2) a 2015-STP-funded Regional Traffic Management Study in Maryland Farms. This project will preserve and improve travel time and air quality benefits realized with these projects by enhancing their current traffic signal systems along 6 main corridors: SR 253 (Concord Rd), SR 441 (Moores Ln), SR 252 (Wilson Pk), Murray Ln, Granny White Pk, and Maryland Wy/Church St. Improvements include the installation of video detection equipment at fifteen (15) intersections that currently operate with outdated loop detection and improving ADA compliance at sixteen (16) intersections including pedestrian curb ramps, sidewalk, accessible pedestrian signal (APS) push buttons, and pedestrian signal head countdowns. Coupled these improvements, all 6 corridors will re-optimize signal timings for a total of forty-four (44) traffic signals. The improved detection equipment will also allow the City to obtain vehicle turning movement counts and view real-time images at intersections that will be monitored at the existing traffic operations center (TOC). These improvements will allow staff to more efficiently maintain their ATMS while providing upgraded technology to improve multimodal traffic flow.

SR 253 (Concord Rd) is an east-west route, functionally classified as a principal arterial according to TDOT, and is a part of the National Highway System. SR 253 switches from a 5-lane roadway with a two-way-left-turn lane (TWLTL) to a 3-lane roadway with a TWLTL just east of Wilson Pk. SR 253 has a posted speed limit of 45 mph west of Arrowhead Dr and 40 mph east of Arrowhead Dr. The AADT along SR 253 ranges from 31,670 vpd to 24,230 vpd along the corridor. The following intersections along SR 253 are included in this project:

- 1) SR 253 (Concord Rd) at SR 6 (Franklin Pk)
- 2) SR 253 (Concord Rd) at Brentwood Baptist West Driveway
- 3) SR 253 (Concord Rd) at Brentwood Baptist East Driveway
- 4) SR 253 (Concord Rd) at I-65 Southbound Ramps
- 5) SR 253 (Concord Rd) at I-65 Northbound Ramps
- 6) SR 253 (Concord Rd) at Knox Valley Dr
- 7) SR 253 (Concord Rd) at Wilson Pk
- 8) SR 253 (Concord Rd) at Green Hills Blvd
- 9) SR 253 (Concord Rd) at Edmondson Pk
- 10) SR 253 (Concord Rd) at Crockett Rd
- 11) SR 253 (Concord Rd) at Sunset Rd

SR 441 (Moores Ln) is an east-west roadway and is functionally classified by TDOT as a minor arterial. West of Carothers Parkway, SR 441 is a 5-lane roadway that switches between a TWLTL and divided median through a dense commercial and business district. East of Carothers Parkway, SR 441 operates as a 3-lane roadway with a TWLTL. SR 441 has a posted speed limit of 40 mph west of Mallory Lane and 35 mph east of Mallory Lane. According to TDOT, AADT along SR 441 ranges from 20,900 vpd to 21,900 vpd. The following intersections along SR 441 are included in this project:

- 1) SR 441 (Moores Ln) at SR 6 (Franklin Pk)
- 2) SR 441 (Moores Ln) at Landings Dr
- 3) SR 441 (Moores Ln) at Mooreland Blvd
- 4) SR 441 (Moores Ln) at General George Patton Dr
- 5) SR 441 (Moores Ln) at Mallory Ln
- 6) SR 441 (Moores Ln) at Galleria Blvd
- 7) SR 441 (Moores Ln) at I-65 Southbound Ramps
- 8) SR 441 (Moores Ln) at I-65 Northbound Ramps
- 9) SR 441 (Moores Ln) at Westgate Cir
- 10) SR 441 (Moores Ln) at Carothers Pkwy
- 11) SR 441 (Moores Ln) at Gordon Petty Dr
- 12) SR 441 (Moores Ln) at SR 252 (Wilson Pk)

SR 252 (Wilson Pk) is a north-south, two-lane undivided roadway with a posted speed limit of 40 mph south of Concord Rd (SR 253), and 35 mph north of Concord Rd (SR 253). TDOT classifies this roadway as a minor arterial with an AADT ranging from approximately 12,800 vpd to 9,900 vpd. The following intersections along SR 252 (Wilson Pk) are included in this project:

- 1) SR 252 (Wilson Pike) at Split Log Road

General Competition - Project Description

- 2) SR 252 (Wilson Pike) at Raintree Parkway
- 3) SR 252 (Wilson Pike) at Crockett Road

Other project intersections that operate along heavily congested corridors include:

- 1) Murray Lane at SR 6 (Franklin Road)
- 2) Murray Lane at Brentwood HS East Driveway
- 3) Murray Lane at Brentwood HS West Driveway
- 4) Murray Lane at Granny White Pike
- 5) Granny White Pike at Foxland Drive
- 6) Granny White Pike at Belle Rive Drive
- 7) Crockett Road at Aberdeen Drive / Volunteer Parkway
- 8) Granny White Pike at Virginia Way
- 9) Granny White Pike at SR 252 (Maryland Way)
- 10) SR 252 (Maryland Way) at Winners Circle
- 11) SR 252 (Maryland Way) at Westpark Drive
- 12) SR 252 (Maryland Way) at Ward Circle
- 13) SR 252 (Maryland Way) at Brentwood Boulevard
- 14) SR 252 (Maryland Way) at E. Park Drive
- 15) SR 6 (Franklin Road) at SR 252 (Maryland Way)
- 16) SR 252 (Church Street) at Centerview Drive
- 17) SR 252 (Church Street) at Wilson Pike Circle
- 18) SR 252 (Church Street) at Wilson Pike

Is the proposed project a continuation of an existing project? Yes ☒ No

Federal project number of the existing project

State project number of existing project

Previous CMAQ funding amounts obligated by year	FY	Amount:
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Previous CMAQ funding amounts obligated by year	FY	Amount:
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Total funding (all funds) dedicated to the project by funding source(s)	Source:	Amount:
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Total funding (all funds) dedicated to the project by funding source(s)	Source:	Amount:
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Provide a description of the relationship between the proposed project and the existing project, and how the proposed project will augment or strengthen the existing project

General Competition Emissions

Please provide the following information:

- Describe what the project will do (i.e., project activities).
- Describe the impact of those activities and show how that will reduce emissions.
- List the estimated emission reductions of the project.

The primary purpose of this project is to reduce vehicle emissions by reducing the amount of time vehicles spend idling or slowing for traffic signals. In order to maintain any reductions in emissions produced by synchronizing traffic signals, the signal system must be updated, monitored, and maintained to ensure continued coordination. Updating signal timings for the existing forty-four (44) traffic signals will help to reduce vehicle fuel consumption, idling pollutants emitted by stopped vehicles, and traffic delays, while improving the overall flow of traffic. The installation of reliable detection can help signals operate more efficiently by detecting vehicles on various approaches and providing the appropriate "green time" to those approaches, which reduces vehicle idling. All forty-four (44) signals included in this project will benefit from improved timings.

The Federal Highway Administration's (FHWA) Office of Natural Environment's CMAQ Emission Calculator Toolkit was used to estimate emission reductions along the City's six (6) corridors. The toolkit includes calculations for traffic signal synchronization projects using the Environmental Protection Agency's (EPA) Motor Vehicle Emissions Simulator (MOVES) documentation. MOVES estimates emissions emitted from sources that are mobile. According to FHWA's website, "the signal synchronization project emission reductions calculator estimates the emissions benefit for coordinating the timing of multiple traffic signals along a corridor." The website also states that "emission reductions are estimated by calculating change in running emissions from an improved travel time along the corridor. The improved travel time is calculated by estimating change in delay at each signal along the corridor, or travel time savings, and multiplying by a factor to account for the effect of traffic volume on travel time and speed. Running emissions for the average speed associated with the existing and the improved travel time are compared to estimate emissions benefits." MOVES2014a was used to create rates for the emissions calculator tool.

Some of the information used to populate the emissions calculator was obtained from TDOT including AADT and heavy vehicle percentages on the corridors. The following are the results from running the emissions calculator tool for SR 253 (Concord Road), SR 441 (Moores Lane), SR 252 (Wilson Pike), Murray Lane, Granny White Pike, and Maryland Way/Church Street.

Annual Emissions Reduction (1-year):

NOx = 3,631.9 kg/yr
 VOC = 827.3 kg/yr
 PM2.5 = 398.8 kg/yr
 CO = 11,183.6 kg/yr
 Total = 16,041.6 kg/year

The average expected lifetime of this project for generating emissions reductions is fifteen (15) years based on the typical lifespan of the various hardware components, which can range in lifespan from ten to twenty-plus years depending on the particular circumstances.

Lifetime Emissions Reduction (15-year):

NOx = 54,479.8 kg/lifetime
 VOC = 12,408.8 kg/lifetime
 PM2.5 = 5,981.5 kg/lifetime
 CO = 167,754.4 kg/lifetime
 Total = 240,624.6 kg/lifetime

Please attach your emissions methodology

http://tdot.intelligrants.com/_Upload/8356_1098863-RevisedEmissionsandCostAnalysis-Brentwood2019CMAQ.pdf

Additional emissions methodology documents (if applicable)
 (to upload additional documents, click the SAVE button)

http://tdot.intelligrants.com/_Upload/8356_1098864-BrentwoodEmissionsCalcs.pdf

General Competition Emissions**Indicate cost effectiveness of emission reduction**

If a project will reduce emissions of more than one pollutant, add the estimated emission reductions of all pollutants together (except CO₂) and use the total to calculate the project's cost per Kilogram of emission reduction.

Calculate and describe the proposed project's cost per Kilogram of emission reduction that the project will achieve in a **year** after the project is fully implemented. Please indicate the following in Cost per Kilogram for CMAQ dollars requested.

Cost per Kilogram of all criteria pollutants (\$/Kg)	\$136.89
Cost per Kilogram of PM 2.5 reductions (\$/Kg)	\$5,506.95
Cost per Kilogram of NO _x reductions (\$/Kg)	\$604.63

Calculate and describe the proposed project's cost per Kilogram of emissions reduction the project will achieve over the **lifetime** of the project. Please indicate the following in Cost per Kilogram for CMAQ dollars requested.

Cost per Kilogram of all criteria pollutants (\$/Kg)	\$9.13
Cost per Kilogram of PM 2.5 reductions (\$/Kg)	\$367.13
Cost per Kilogram of NO _x reductions (\$/Kg)	\$40.31

General Competition Project Information**Innovation Regional Diversity and Complementary Projects**

- Describe the innovative nature and characteristics of the project. In what way is the project innovative? Does it fill gaps in regional efforts to improve air quality and reduce congestion? In what ways will it interact with existing programs to increase their mutual effectiveness? Will the project address emerging air quality/transportation issues that have become more important in recent years
- Describe whether and how this project initiates new and complementary efforts in a region, adds a new program capability or enhances an existing one that a region wants to establish or maintain as part of their regional suite of programs.
- Describe how the project will relate to existing programs and capabilities in the MPO/TPO region, and how the proposed project will expand, extend or enhance regional efforts. Opportunities for achieving greater results through project coordination should be identified and described.

The Brentwood Signal Timing Optimization Program will be innovative for the City of Brentwood in that it will provide enhanced capabilities that the City currently does not have at all intersections such as obtaining vehicle turning movement counts and viewing real-time traffic images through video detection. Through their existing communications network, the City will be able to better monitor traffic in real-time and make timing changes accordingly. This will allow City staff the ability to manage a more extensive network for traffic and incidents via their existing centralized location as traffic conditions change due to congestion or incidents. This will allow for the continuation of congestion delay benefits along the corridors previously implemented from the City's 2016 CMAQ and 2015-STP projects.

The improvements associated with this project will upgrade some of the most heavily traveled traffic signals in the City of Brentwood and provide commuters with a more reliable system in terms of vehicle detection when compared to traditional in-pavement loop detectors. The video vehicle detection that is proposed is non-intrusive and can be maintained without disrupting the pavement or closing lanes of traffic. Additionally, the timings that are proposed will establish a Citywide system where the vast majority of the City's signal inventory is synchronized by time-of-day.

Regional Priorities

- Describe how the project benefits the region where it is located.
- As applicable, document any local or regional plans that include the proposed project - such as local or community plans, comprehensive plans, corridor studies, major thoroughfare plans, MPO plans, TDOT Long Range Plan, TDOT Bicycle and Pedestrian Plan, etc.
- As applicable, document any existing local or regional support for the proposed project.
- If relevant, describe how the project will expand and enhance multimodal infrastructure in the region. Such projects could include regional transit projects, projects that expand or improve bicycle and pedestrian infrastructure that reduces vehicle miles traveled, projects designed to increase the use of transportation alternatives, and projects to reduce emissions and fuel use associated with hauling, transferring and distributing freight.

The City of Brentwood, located approximately 10 miles south of downtown Nashville, serves primarily as a suburban residential community. Home to one of the top-rated

General Competition Project Information

public-school systems in Tennessee, Brentwood houses twelve (12) public schools and six (6) private schools and has seen a growth in population of nearly 15% since 2010, according to the Census Bureau. Brentwood has become an ideal community for Nashville-based commuters, and therefore has seen the traffic implications of such along its roadways. The corridors addressed in this project all experience not only the commuting peak periods of traffic, but a consistently high level of traffic throughout the day, influenced by school operating hours and business growth along the commercial corridors of Moores Lane and Maryland Way.

A similar project to the one proposed is included in Brentwood's FY 2020-2025 Capital Improvement Plan. Traffic Signal Upgrades, Account #: 311-43100-1007, provides funding for the installation of new traffic signals as well as upgraded technology to existing traffic signals in Brentwood. Included in this project is the installation of video detection units at the traffic signals of Granny White Pike and Belle Rive Drive, and Granny White Pike and Murray Lane, both intersections that will be re-timed through this proposed CMAQ project. This would allow Brentwood to have a more extensive video detection network along their major corridors and build directly onto the implementation of video detection units proposed in this project.

This proposed project will enhance and expand Brentwood's multimodal infrastructure by evaluating and improving pedestrian infrastructure at project intersections along each of the corridors, where deemed appropriate. The proposed improvements will consist of pedestrian infrastructure including the installation of ADA-compliant curb ramps, audible/vibrotactile pedestrian push buttons, countdown signal heads, striping of longitudinal crosswalks, and appropriate signage. Sidewalk will also be installed leading up to the signalized intersections where appropriate. Pedestrians will also benefit from this project as the retiming of the signals will ensure the appropriate pedestrian walk and don't walk times are allotted for each signalized pedestrian movement.

Project Delivery and Management Plan

It is essential that funded projects be able to demonstrate substantial progress on all phases of project implementation, including the TIP process, environmental clearance, funds obligation and timely expenditure of CMAQ funds.

- Provide a detailed, realistic expected timeline for completion of the proposed project.
- Identify and describe project milestones.
- Describe the major tasks and activities that must be done for the project to be completed successfully. Include all phases the proposed project will require, such as environmental clearance, design, right-of-way, etc.
- Provide the federal fiscal year in which each phase will begin. If a phase of the project has already been started or completed, provide the year in which the phase was started. For non-construction projects, describe the work to be completed in each federal fiscal year.

Describe in detail the steps you will take to make sure that milestones are achieved and the project is delivered on time. Include enough detail in your proposal to explain how the project will be managed and tracked so that it can be implemented quickly and efficiently while avoiding major complications or delays.

Project proposals that do not contain project milestones, descriptions of major tasks and project management plans are unlikely to be funded.

General Competition Project Information

It is anticipated that this project will be completed in about thirty-three (33) months based upon similarly sized traffic signal projects completed in Tennessee. The anticipated start time for the project would be in federal Fiscal Year 2020 and be completed by the end of federal fiscal year 2022. The project will not require the purchase of right-of-way (ROW), nor will it require any utility relocations or conflict resolutions, thereby reducing the time needed to achieve a construction notice to proceed (NTP). Below are the milestones for this project with the scheduled month of completion:

Milestone	Duration	Completion Month
Data Collection	1-2 Months	Month 2
Environmental Documentation	3-5 Months	Month 5
Systems Engineering Analysis	1-2 Months	Month 6
Design Phase Services	6-8 Months	Month 14
Bid Phase Services	1-3 Months	Month 18
Construction Phase Services	12 Months	Month 30
Field Implementation	2-3 Months	Month 33
of new timings		

Major Tasks:

The Data Collection Phase is anticipated to take 1-2 months and will include performing necessary topographic surveys, obtaining available basemapping, performing field observations, traffic counts, existing signal timing assessment, and travel time assessments.

The Environmental Phase is anticipated to take 3-5 months based on other similar projects completed in Tennessee that follow the NEPA documents described in 23 CFR 771.117. Based on the proposed items to be included with this project, a Programmatic Categorical Exclusion (PCE) is anticipated and will be prepared in coordination with the TDOT Local Programs Development Office and Environmental Division staff. A systems engineering analysis will also be prepared in parallel with the environmental documentation and will be developed based on the TDOT Traffic Design Manual standards.

The Design Phase will include designing the traffic signals and pedestrian infrastructures at locations previously identified and is anticipated to take 6-8 months from start to completion. All design plans, specifications, and estimates will be prepared in accordance with TDOT standards.

The Bid Phase is anticipated to take 1-3 months to complete and will include coordination with the TDOT Local Programs Development Office Region 3 Planner. This coordination will be used to ensure all items required for a construction notice to proceed are completed (i.e. design approval, bid book approval, estimate approval, DBE goal setting / approval, ROW certification, utility certification, environmental certification).

The City and their TDOT prequalified Consultant will perform bid phase services in accordance with TDOT local government guideline standards including bid advertisement, pre-bid meeting, responding to requests for information (RFI's), bid addendum (if necessary), bid opening, bid review, bid approval, and bid award (in accordance with TDOT Policy No. 355-02, Awards of Construction Contracts).

The Construction Phase will be performed in accordance with Chapter 8 of the TDOT Local Government Guidelines for the Management of Federal and State Funded Transportation Projects. This phase is anticipated to take 12 months from the pre-construction conference to the delivery of final records and project close-out.

Following the construction phase, a 2-3 month Field Implementation phase will consist of implementing the new timings into the controller and fine tuning the timings,

General Competition Project Information

benefitting from the new, non-intrusive video detection and upgraded pedestrian signal infrastructure. Following field implementation, Project Close-out consist with TDOT Local Programs guidelines will be executed.

The following phases are proposed to be completed in noted fiscal year:

Fiscal Year Project Phase

2020 Environmental Documentation (PE-NEPA)
 2020 Systems Engineering Analysis (PE-NEPA)
 2020 Preliminary Design (PE-NEPA)
 2020-2021 Final Design (PE-Design)
 2020-2021 Bid Phase (PE-Design)
 2021-2022 Construction (CONST)

- Identify potential obstacles so that a more reliable assessment can be made of the project viability before federal funds are committed. Projects with major implementation challenges (e.g., vaguely defined scopes, right-of-way issues, lack of committed funding match) are less likely to be funded.

The City of Brentwood does not anticipate any major potential obstacles for this project. The project will follow the typical steps found in the TDOT Local Government Guidelines. Major obstacles to a typical project process can be found in NEPA documentation, ROW acquisition, utility coordination, and environmental permitting. For this project, these steps will be streamlined as a result of no anticipated impacts to ROW, utilities, or extensive environmental permitting. The Programmatic Categorical Exclusion (PCE) will minimize the time required for environmental approval and no environmental permits are expected. All work for the project will be within existing right-of-way with no utility relocations anticipated. The majority of engineering effort on the project will be spent with developing the construction plan set and bidding documents, which have predictable timeframes. The City commits to funding the 20% portion of sidewalk and curb ramps work as necessary.

- Where applicable, highlight the project readiness or the ability to implement the project, or specific tasks, quickly. Projects that appear as if they can be more easily implemented, and that appear more likely to be completed on schedule will receive higher scores.
- Include a description of the project applicant's recent experience in successfully implementing CMAQ projects. This description should include the project or projects that were implemented and sufficient detail to demonstrate whether the project was successfully completed on time and within budget. These details should include the project schedule and any delays associated with the project, as well as how the project budget was managed and whether the project was completed without cost overruns.

The City of Brentwood's Director of Engineering, Mike Harris, PE, will administer this project. Mike is familiar with many of TDOT's processes and will manage the project in accordance with the Local Government Guidelines for the Management of Federal and State Funded Projects via coordination with the TDOT Local Programs Development Office. On a daily basis, Mike oversees the design and construction activities related to development around the City and will be involved throughout all stages of the project. Along with Mike, the City also has a full-time Public Works Director, City Engineer, Assistant City Engineer, and Traffic Signal Technician, each with experience managing transportation-related construction projects. The project should proceed quickly to the design phase, without environmental impacts anticipated. Project management tasks will consist of project meetings, including kickoff and scheduled status meetings through major project milestones, monthly progress reports, review of plan submittals, and approval of signal timing parameters including cycle lengths, splits, offset, and time of day schedules. The project is anticipated to be constructed in a timely manner after

General Competition Project Information

receiving Notice to Proceed from TDOT, since the only construction involves pedestrian infrastructure and installation of equipment on existing signal poles, both of which are outside of the vehicles travel lanes.

Mike and his staff of City Engineers and Technicians have years of experience working with CMAQ and TDOT Local Programs projects . As previously mentioned, Brentwood was awarded a 2016 CMAQ grant, which optimized signal timings for thirty-one (31) traffic signals along State Routes 6 (Franklin Road), 252 (Wilson Pike), 253 (Concord Road), and 441 (Moores Lane). Signal timings also included intersections along Murray Lane, Maryland Way, and Granny White Pike. Similar to the proposed project, the project consisted of re-optimizing timings along Brentwood's busiest corridors in an effort to progress traffic with less congestion and delay . Final results show that these corridors display major fluctuation in daily traffic congestion . Before/after timing improvements in delay were recorded for Murray Lane, Wilson Pike, and Moores Lane. The 2106 CMAQ project that was kept on-budget and on-schedule while being overseen by City staff.

The City has also completed a 2015 STP-funded Regional Traffic Management Study in Maryland Farms , which encompassed the corridors of Maryland Way, SR 254 (Old Hickory Boulevard), and SR 6 (Franklin Road). Similar to the proposed project, signal timings were re-optimized for thirty-five (35) traffic signals along three (3) commercially dense roadways. Signal timings were implemented in 2016 and included eight (8) coordination plans. With input from the public, the City has demonstrated its ability to manage complex timing plans for roadways that experience fluctuations in traffic and travel patterns throughout different times of day .

Tasks/Activities

CMAQ related Tasks/Activities

Preliminary Engineering - NEPA
Preliminary Engineering - Design
Construction - CONST

NON-CMAQ related Tasks/Activities

Brentwood City Commission Agenda

Meeting Date: 11/11/2019

Resolution 2019-102 - Recommendation for 2020 Stop Loss Insurance Coverage

Submitted by: Mike Worsham, Human Resource

Department: Human Resource

Information

Subject

Resolution 2019-102 - Recommendation for 2020 Stop Loss Insurance Coverage

Background

Stop loss insurance or “reinsurance” is catastrophic insurance that is purchased in conjunction with a partially self-insured medical plan. This coverage is designed to limit the City’s maximum liability for medical claims paid by our partially self-insured plan. It includes two major components, with the first being the most important protection:

Specific Stop Loss Coverage – This coverage limits the City’s potential liability for a single member’s catastrophic claims throughout the plan year. Specific stop loss insurance covers all costs of an individual’s claims above a predetermined dollar amount (i.e. \$85,000) in a plan year.

Aggregate Stop Loss Coverage – Similar to the specific stop loss coverage for individual claims, the aggregate stop loss is an insurance policy that caps the City’s total liability for all claims in the entire plan year at an agreed upon dollar amount called the “attachment point.” Once total claims for the entire plan reach this attachment point, the aggregate stop loss insurance begins paying all additional claims costs for the entire plan. The attachment point is determined by the stop loss carrier’s underwriters and is usually based on the plan’s expected claims amount for the year plus a “risk corridor” or factor, for example 20-25%. The HM proposal puts the attachment point at \$3,948,328 for 294 covered employees and their covered dependents.

The City has also selected an optional feature to the reinsurance policy called **Aggregating Specific** coverage. This option allows the City to accept an additional amount of claims liability in return for an equivalent amount of premium reduction. Beginning in 2014, the City assumed additional liability of \$75,000 of aggregating specific coverage. Under the aggregating specific option, the City still has the same specific deductible of \$85,000 for every member of the plan. However, the City is not reimbursed when someone goes over the specific deductible until some combination of members (it could be one person, or three, or ten) go over their specific deductibles by a

total of \$75,000.

For example, without the aggregating specific feature, if three individuals each had specific claims of \$125,000 (\$375,000 total), the City would pay the first \$85,000 of each claim (\$255,000 total) leaving the stop loss carrier to pay the remaining \$120,000. With the aggregating specific option, the City still pays the first \$85,000 of each claim (\$255,000 combined) plus the first \$75,000 of the remaining \$120,000. This would satisfy the aggregating specific limit, leaving the stop loss carrier to pay the remaining \$45,000. After the aggregating specific limit is satisfied one time, the plan is reimbursed for all claims for everyone else who exceeds the \$85,000 specific deductible. Because the City is essentially given an equivalent amount of guaranteed premium reduction in exchange for additional potential liability, the “worst-case” scenario for the City is that it will pay out no more than it would have without the aggregating specific option. The “best-case” scenario would be that the City saves \$75,000 in premium.

Annually, the City’s insurance consultants, Sherrill Morgan requests competitive proposals for stop loss insurance to ensure we continue to receive the most competitive rates available for this important coverage.

For 2020, quotes were solicited for stop loss coverage that matched the existing 2019 coverage with a \$85,000 specific deductible and the \$75,000 “aggregating specific” option.

In addition, proposals were requested that include two features that are considered very important to the City in controlling long-term plan costs. Specifically, preferred proposals would include a rate cap or maximum at renewal year (next year) and an agreement that no member could be excluded from stop loss coverage or assigned a higher stop loss maximum based on high claims experience during the coming year. (This provision is referred to as “no new lasers.”)

In September 2019, proposals were requested from 12 stop loss insurance carriers for the 2020 plan year. Seven insurance companies submitted responses to the request for competitive quotes. A spreadsheet summarizing the total cost components of the proposals is attached. (Attachment A)

HM Insurance Company, submitted the most competitive quote with a slight premium decrease (-1.96%) compared to the 2019 rates provided by Blue Re, the current stop-loss coverage provider, and approximately 4.5% below BlueRe’s renewal proposal. By accepting the proposal from HM, the cost of this coverage would slightly less than in the 2019 plan year.

Based on an analysis of all proposals submitted by stop loss insurance providers, as well as the service capabilities of the companies, City staff and the City’s insurance consultant, Sherrill Morgan, recommend accepting the contract with HM Insurance Company for stop

loss coverage for calendar year 2020 with an \$85,000 specific deductible and the \$75,000 aggregating specific provision. Please see attached memo from Lisa Stamm, Sherrill Morgan, regarding Stop Loss Recommendations for additional details. (Attachment B) Note that HM has been the stop loss provider for the City in the past, and staff had good experience with the firm.

A related resolution is scheduled to appear on the Board of Commissioners meeting agenda on November 11, 2019. This item will include recommendations for administrative services, plan design, funding and other changes for the 2020 plan year.

Staff Recommendation

Staff recommends approval of the attached resolution authorizing an agreement with HM Insurance Company for stop loss (reinsurance) coverage for calendar year 2020.

Fiscal Impact

Amount : \$373,597

Source of Funds: Insurance Fund

Account Number: 320-41900-81420

Fiscal Impact:

Stop loss insurance is quoted based on a monthly rate per covered employee. Thus, the actual premium amount paid during calendar year 2020 will fluctuate from month to month based on number of vacancies and the type of dependent coverage selected by each employee. Based on today's employee count and coverage selections, the estimated annual premium for the specific and aggregate stop loss insurance, including the required BCBS interface fee, is \$373,597. Sufficient funds are available in the Insurance Fund budget for FY 2020 and will be programed in the upcoming FY 2021 budget.

Attachments

Resolution 2019-102

Stop Loss Proposal

2020 Stop Loss Insurance Ceverage

2020 Sherill Morgan Recommendations

RESOLUTION 2019-102

**A RESOLUTION OF THE CITY OF BRENTWOOD, TENNESSEE TO AUTHORIZE THE
MAYOR TO EXECUTE AN AGREEMENT BY AND BETWEEN THE CITY OF
BRENTWOOD AND HM LIFE INSURANCE COMPANY FOR STOP LOSS INSURANCE
COVERAGE FOR CALENDAR YEAR 2020, A COPY OF SAID AGREEMENT BEING
ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION BY REFERENCE**

BE IT RESOLVED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1. That the Mayor is hereby authorized to execute an agreement by and between the City of Brentwood, Tennessee and HM Life Insurance Company for stop loss insurance coverage for calendar year 2020, a copy of said agreement being attached hereto and made a part of this resolution by reference.

SECTION 2. That this resolution shall take effect from and after its passage, the general welfare of the City of Brentwood, Williamson County, Tennessee requiring it.

MAYOR

Rhea E. Little, III

ADOPTED: _____

Approved as to form:

RECORDER

Holly Earls

CITY ATTORNEY

Kristen L. Corn

Sales Representative: Victor Parker
Broker: SHERRILL D MORGAN & ASSOCIATES INC
TPA: Blue Cross Blue Shield of Tennessee

Effective Date: 01/01/2020
Through Date: 12/31/2020

Provider Network(s): Blue Cross Blue Shield of Tennessee
Utilization Review Vendor(s): Blue Cross Blue Shield of Tennessee

Specific: (Check one)	Lives	☐ Option 1	☐ Option 2	☐ Option 3
Specific Deductible (per Covered Individual)		\$85,000	\$90,000	\$100,000
Policy Year Maximum Specific Benefit		Unlimited	Unlimited	Unlimited
Lifetime Maximum Specific Benefit		Unlimited	Unlimited	Unlimited
Covered Benefits		Med, Rx Card	Med, Rx Card	Med, Rx Card
Specific Premium				
Single Rate	153	\$54.07	\$51.49	\$48.00
Family Rate	133	\$137.77	\$131.84	\$122.29
Total Lives	286			
Estimated Contract Specific Premium		\$319,153	\$304,952	\$283,303
Contract Aggregating Specific Loss Fund		\$75,000	\$75,000	\$75,000
Contract Basis		24/12	24/12	24/12
Commission		0.00%	0.00%	0.00%
Aggregate: (Include? ☐ Yes ☐ No)				
Covered Benefits		Med, Rx Card	Med, Rx Card	Med, Rx Card
Policy Year Maximum		\$1,000,000	\$1,000,000	\$1,000,000
Aggregate Factors				
Single Med, Rx Card Factor	153	\$679.25	\$685.36	\$694.87
Family Med, Rx Card Factor	133	\$1,630.19	\$1,644.86	\$1,667.68
Estimated Contract Attachment Point	286	\$3,848,886	\$3,883,518	\$3,937,399
Estimated Contract Minimum Attachment Point (100%)		\$3,848,886	\$3,883,518	\$3,937,399
Aggregate Corridor		125%	125%	125%
Contract Basis		24/12	24/12	24/12
Aggregate Premium				
Composite Rate	286	\$5.47	\$5.56	\$5.70
Monthly Accommodation Fee*		\$1.13	\$1.13	\$1.13
Estimated Contract Aggregate Premium	286	\$18,773	\$19,082	\$19,562
Commission		0.00%	0.00%	0.00%
Total Combined Estimated Contract Premium		\$337,926	\$324,034	\$302,865

* Included in Aggregate rate(s).

Note: This proposal is not complete unless accompanied by the proposal notes and the basis of offer noted on the following pages.

Individual Special Requirements:

PROPOSAL NOTES (For Option 1 - 3)

- The rates and factors in this proposal are firm. Please provide a signed proposal and signed application.
- Large claim data must be submitted for any claims that are at or have the likelihood to exceed 50% of the group specific deductible. Large claim data must include: age, sex, diagnosis, prognosis, treatment plan, case management notes (if applicable), Pre-Cert and paid/pending claims.
- This proposal includes Aggregate Monthly Accommodation.
- The specific rates in this proposal are based on an aggregating specific arrangement. Total Specific Liability includes estimated contract specific premium and the aggregating specific fund.
- Human Organ Transplant benefits are payable in accordance with the underlying plan and are subject to the proposed Lifetime Maximum Specific Benefit offered within this proposal.

PROPOSAL ACCEPTANCE

Please acknowledge acceptance of the terms in this proposal by signing and returning by 11/12/2019. Please also indicate which option is chosen and whether Aggregate is to be included, by checking the appropriate boxes on the previous page. Failure to remit the signed application within the same period will result in updated large claim disclosure (and updated monthly claims) being required for our review.

Signature: _____ Title: _____

Accepted on the _____ day of _____, 20_____

Sales Representative: Victor Parker
Broker: SHERRILL D MORGAN & ASSOCIATES INC
TPA: Blue Cross Blue Shield of Tennessee

Effective Date: 01/01/2020
Through Date: 12/31/2020

Provider Network(s): Blue Cross Blue Shield of Tennessee
Utilization Review Vendor(s): Blue Cross Blue Shield of Tennessee

Specific: (Check one)	Lives	☒ Option 4	☐ Option 5
Specific Deductible (per Covered Individual)		\$85,000	\$90,000
Policy Year Maximum Specific Benefit		Unlimited	Unlimited
Lifetime Maximum Specific Benefit		Unlimited	Unlimited
Covered Benefits		Med, Rx Card	Med, Rx Card
Specific Premium			
Single Rate	153	\$57.59	\$54.83
Family Rate	133	\$146.73	\$140.41
Total Lives	286		
Estimated Contract Specific Premium		\$339,916	\$324,762
Contract Aggregating Specific Loss Fund		\$75,000	\$75,000
Contract Basis		24/12	24/12
Commission		0.00%	0.00%
Aggregate: (Include? ☒ Yes ☐ No)			
Covered Benefits		Med, Rx Card	Med, Rx Card
Policy Year Maximum		\$1,000,000	\$1,000,000
Aggregate Factors			
Single Med, Rx Card Factor	153	\$679.25	\$685.36
Family Med, Rx Card Factor	133	\$1,630.19	\$1,644.86
Estimated Contract Attachment Point	286	\$3,848,886	\$3,883,518
Estimated Contract Minimum Attachment Point (100%)		\$3,848,886	\$3,883,518
Aggregate Corridor		125%	125%
Contract Basis		24/12	24/12
Aggregate Premium			
Composite Rate	286	\$4.34	\$4.43
Estimated Contract Aggregate Premium	286	\$14,895	\$15,204
Commission		0.00%	0.00%
Total Combined Estimated Contract Premium		\$354,811	\$339,966

Note: This proposal is not complete unless accompanied by the proposal notes and the basis of offer noted on the following pages.

Individual Special Requirements:

PROPOSAL NOTES (For Option 4 - 5)

- The rates and factors in this proposal are firm. Please provide a signed proposal and signed application.
- Large claim data must be submitted for any claims that are at or have the likelihood to exceed 50% of the group specific deductible. Large claim data must include: age, sex, diagnosis, prognosis, treatment plan, case management notes (if applicable), Pre-Cert and paid/pended claims.
- The specific rates in this proposal are based on an aggregating specific arrangement. Total Specific Liability includes estimated contract specific premium and the aggregating specific fund.
- Human Organ Transplant benefits are payable in accordance with the underlying plan and are subject to the proposed Lifetime Maximum Specific Benefit offered within this proposal.
- This proposal includes a 50% rate cap on the Specific Premium Rate at the renewal of your stop loss policy. If applicable, this increase will also apply to the Aggregating Specific Loss Fund. The rate cap does not apply to Material Changes, including but not limited to the following: underlying plan document, HM's stop loss contract provisions, PPO network or TPA, and the rates may be further adjusted by such changes. The rate cap rider applies to this policy term only. It may be offered at subsequent stop loss policy renewals at the discretion of HM Underwriting.

PROPOSAL ACCEPTANCE

Please acknowledge acceptance of the terms in this proposal by signing and returning by 11/12/2019. Please also indicate which option is chosen and whether Aggregate is to be included, by checking the appropriate boxes on the previous page. Failure to remit the signed application within the same period will result in updated large claim disclosure (and updated monthly claims) being required for our review.

Signature: _____ Title: _____

Accepted on the _____ day of _____, 20_____

initials: _____ date: _____

BASIS OF OFFER

Assumptions

- Aggregate coverage is only available when purchased with Specific coverage.
- This proposal is subject to revision if there is a change in effective or renewal dates, or a change in the plan of benefits.
- This proposal is based on the utilization of the Provider Network(s) and the Utilization Review Vendor(s) listed on this proposal.
- This proposal assumes a minimum participation level of 75% applies for all eligible enrollees under a contributory plan, and 100% under a non-contributory plan.
- This proposal assumes the plan of benefits includes a pre-certification, utilization review and large case management program.
- This proposal is based on a description of the employee benefit plan(s) provided and approved by HMIG, employee and dependent census data, submission of any requested claim information, plus any other information relevant to the underwriting risk. If any of the information was incorrect or changes the risk involved, the rates and factors will be modified, and the specific and aggregate claims will be adjusted accordingly.
- Surcharges (including the bad debt and charity surcharge portion of the New York Reform Act applicable to services are rendered in New York State), pool charges, and/or covered lives assessments may be covered under the stop loss policy if such charges are considered a claim cost. HM is not responsible for the filing, and/or payment of any assessment for which HM is not directly liable including but not limited to the New Hampshire Vaccine Assessment as modified by NH HB 664.
- All standard Policy provisions apply. The laws of the state where the policy is issued will apply. Certain exclusions and limitations may apply.
- Only retirees under age 65 are included in the stop loss coverage.
- This proposal will expire on the proposed effective date.
- The dollar value of the minimum attachment point shown above is representative. The actual value of the minimum attachment point will be calculated according to the terms of the stop loss policy.
- Unless otherwise limited or excluded by the stop loss policy or under the Individual Special Requirements, eligible claim expenses under the stop loss policy will follow the covered underlying plan, up to the proposed Specific Benefit Maximum.
- The Agent is properly licensed and appointed by HMIG.
- The initial rates are guaranteed for the proposed policy period unless otherwise noted.
- There are not more than 15% COBRA participants.

Qualifications

- Any stop loss insurance requested and requested effective date of that coverage must be approved by us under our current rules and practices.
- Our approval is subject to receipt of Disclosure, Claim Information and any other information requested in connection with this proposal - including but not limited to a completed Disclosure Form, Application, first month's premium check, signed proposal, final census, and any other required information as stated under the Assumptions or Individual Special Requirements. Such information must be received prior to the proposed effective date. Information contained on the Disclosure Form should be current up to the date of signature, and be completed in its entirety. Failure to do so will result in approval being denied or delayed until a later effective date.
- Both the premium rates and the aggregate factors are subject to change should the number of employees change by 10% or more, either in total and/or by single/family mix.
- A signed and dated Plan Document is required within 30 days of the effective date. If the descriptions of the benefits or plan provisions differ from what was initially utilized to underwrite the risk, the premium rates and aggregate factors may be subject to re-rating, retro-active to the effective date.
- Quote assumes the Plan Document will include traditional industry provisions and definitions including, but not limited to the following: eligibility, HIPAA, termination provisions, extension for leave of absence or disability, FMLA, subrogation, transplants, COB, exclusions for job related

Coverage is underwritten by HM Life Insurance Company, Pittsburgh, PA, in all states except New York under policy form series HL601. In New York, coverage is underwritten by HM Life Insurance Company of New York, New York, NY, under policy form series HL601. In Pennsylvania, coverage may be underwritten by Highmark Casualty Insurance Company under policy form series HC601. The coverage requested may not be available in all states.

injuries, experimental and cosmetic treatment, felonies, usual and customary charges, war, not medically necessary, traveling outside of the U.S. solely for the purpose of receiving medical care. In the event that a Plan Document is not available within 30 days from the proposed effective date, we reserve the right to issue the Policy assuming standard exclusions will apply.

- HIPAA Privacy rules permit the release of Protected Health Information (PHI) for the purpose of evaluating and accepting risk associated with the Plan Sponsor as part of "Health care operations". HMIG will use this information solely for the purpose of evaluating and accepting the risk and will not disclose any PHI collected except to perform this risk evaluation.
- The rates and factors in this proposal are based on the disclosure of all individuals considered a special enrollee due to having previously satisfied the plan's lifetime maximum. Written acceptance by HM must be acknowledged before terms of coverage for such individuals are included under HM's stop loss policy.
- Any stop loss policy issued by us may be rescinded or re-underwritten if any information requested in connection with this proposal was intentionally concealed or misrepresented by or on behalf of the Applicant and/or the Applicant's Agent, or if the Applicant and/or the Applicant's Agent commits fraud.
- As used above: An "Agent" is the Applicant's representative, including but not limited to, the agent, producer or broker of record, or Claims Administrator. The "Applicant" is the entity, or that entity's authorized representative, that has contracted with us to provide stop loss coverage. A "Claims Administrator" is a third party administrator (TPA) designated by the Applicant and approved by us. "Claim Information" consists of Complete Details of the data requested by us in connection with this proposal following a Diligent Review; such information includes but is not limited to Known or potential catastrophic claims, large claims and/or shock losses. "Complete Details" includes the name, social security number (or unique identifier), date of birth, diagnosis, prognosis (unless prognosis cannot be obtained due to reasons beyond your or your Claims Administrator's control) of the plan's participants and the name of the provider providing treatment to any such participant covered by or eligible for coverage. A "Diligent Review" consists of a complete review by you, and/or your Claims Administrator and/or your Agent prior to the date Known or potential catastrophic claims, large claims and/or shock losses are requested by us in connection with this proposal. "Disclosure" consists of Complete Details and any other documentation requested by us in connection with this proposal following a Diligent Review including but not limited to census information and Claim Information. We consider information in connection with this proposal "Known" if, prior to the date or dates we request such information (including but not limited to Disclosure and Claim Information) a reasonable person can assume that you, and/or your Claims Administrator and/or your Agent had knowledge of any information that affects or may affect the administration or underwriting of any coverage issued following acceptance of coverage by us.

Coverage is underwritten by HM Life Insurance Company, Pittsburgh, PA, in all states except New York under policy form series HL601. In New York, coverage is underwritten by HM Life Insurance Company of New York, New York, NY, under policy form series HL601. In Pennsylvania, coverage may be underwritten by Highmark Casualty Insurance Company under policy form series HC601. The coverage requested may not be available in all states.

City of Brentwood

Attachment A

Stop Loss Options

Based on enrollment of (158 Single and 136 Family) 294 total

Effective 1/1/20

	Current	Firm 11/8/19 Renewal	Firm 11/7/19 HM Life	Firm 10/31/19 Crum & Forster	Bardon	Optum	HCC Life	HealthCost Solutions
TPA	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	HealthCost Sol.
Network	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	PHCS
Stop Loss Carrier	Blue Re	Blue Re	HM Life	US Fire	American Nat'l	Uniamerica Ins	HCC Life	Gerber
Lifetime Maximum	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Annual Maximum	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Contract	60/12	72/12	24/12	24/12	24/12	24/12	24/12	24/12
No Laser/Rate Cap	Yes/50%	Yes/50%	Yes/50%	Yes/50%	Yes/50%	Yes/50%	Yes/81%	None
Coverage	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx
Specific Deductible	\$85,000	\$85,000	\$85,000	\$85,000	\$85,000	\$85,000	\$85,000	\$85,000
Aggregating Specific Corridor	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
Single Specific Premium Rate (Per Employee)	\$60.27	\$56.04	\$57.59	\$54.75	\$61.55	\$83.48	\$67.14	\$166.46
Family Specific Premium Rate (Per Employee)	\$153.24	\$164.01	\$146.73	\$159.27	\$166.57	\$215.26	\$172.97	\$166.46
Aggregate Premium Rate (Per Employee)	\$4.74	\$4.74	\$5.47	\$5.83	\$5.25	\$5.48	\$7.80	\$5.24
Monthly Single Aggregate Factor (Per Employee)	\$643.11	\$657.99	\$679.25	\$581.59	\$1,094.78	\$649.54	\$650.18	\$826.24
Monthly Family Aggregate Factor (Per Employee)	\$1,603.47	\$1,637.51	\$1,630.19	\$1,692.41	\$1,094.78	\$1,619.50	\$1,592.23	\$826.24
Maximum Claims	\$3,836,199.60	\$3,919,965.36	\$3,948,328.08	\$3,864,707.76	\$3,862,383.84	\$3,874,551.84	\$3,831,260.64	\$2,914,974.72
Expected Claims	\$3,068,959.68	\$3,135,972.29	\$3,158,662.46	\$3,091,766.21	\$3,089,907.07	\$3,099,641.47	\$3,065,008.51	\$2,331,979.78
BCBST Interface Fee \$1.60 (Per Employee Per Month)			\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80
Annual Specific Premium	\$364,359.60	\$373,916.16	\$348,654.00	\$363,734.64	\$388,541.04	\$509,582.40	\$409,584.48	\$587,270.88
Annual Aggregate Premium	\$16,722.72	\$16,722.72	\$19,298.16	\$20,568.24	\$18,522.00	\$19,333.44	\$27,518.40	\$18,486.72
Administrative Fee	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$137,760.00
Total Premiums and Interface Fee	\$381,082.32	\$390,638.88	\$373,596.96	\$389,947.68	\$381,082.32	\$534,560.64	\$442,747.68	\$611,402.40
Total Premiums & Interface Fee & Admin Fees	\$557,376.48	\$566,933.04	\$549,891.12	\$566,241.84	\$589,002.00	\$710,854.80	\$619,041.84	\$749,162.40
Total Expected Costs	\$3,626,336.16	\$3,702,905.33	\$3,708,553.58	\$3,658,008.05	\$3,678,909.07	\$3,810,496.27	\$3,684,050.35	\$3,081,142.18
Percentage Increase/Decrease from Current Premium		2.51%	-1.96%	2.33%	0.00%	40.27%	16.18%	60.44%

All premiums quoted net of commissions.

City of Brentwood

Stop Loss Options

Based on enrollment of (158 Single and 136 Family) 294 total

Effective 1/1/20

	<i>Firm 11/8/19</i>	<i>Firm 11/7/19</i>	<i>Firm 10/31/19</i>							
	<i>Current</i>	<i>Renewal</i>	<i>HM Life</i>	<i>Crum & Forster</i>	<i>Bardon</i>	<i>Optum</i>	<i>HCC Life</i>	<i>Crum & Forster</i>	<i>Lucent</i>	<i>MedBen</i>
TPA	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	Lucent	MedBen
Network	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	Cigna	Cigna
Stop Loss Carrier	Blue Re	Blue Re	HM Life	US Fire	American Nat'l	Uniamerica Ins	HCC Life	US Fire	Pace	HM
Lifetime Maximum	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Annual Maximum	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Contract	60/12	72/12	24/12	24/12	24/12	24/12	24/12	24/12	24/12	24/12
No Laser/Rate Cap	Yes/50%	Yes/50%	Yes/50%	Yes/50%	Yes/50%	Yes/50%	Yes/50%	Yes/50%	None	Yes/50%
Coverage	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx
Specific Deductible	\$85,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000
Aggregating Specific Corridor	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
Single Specific Premium Rate (Per Employee)	\$60.27	\$52.76	\$54.83	\$51.96	\$57.79	\$80.62	\$62.93	\$51.96	\$58.78	\$53.76
Family Specific Premium Rate (Per Employee)	\$153.24	\$155.05	\$140.40	\$151.46	\$156.34	\$207.89	\$162.67	\$151.46	\$172.53	\$138.27
Aggregate Premium Rate (Per Employee)	\$4.74	\$4.74	\$5.56	\$5.83	\$5.54	\$5.48	\$7.86	\$5.83	\$5.19	\$6.68
Monthly Single Aggregate Factor (Per Employee)	\$643.11	\$683.67	\$685.36	\$691.20	\$1,105.10	\$662.40	\$663.03	\$591.20	\$550.15	\$688.30
Monthly Family Aggregate Factor (Per Employee)	\$1,603.47	\$1,651.74	\$1,644.87	\$1,720.38	\$1,105.10	\$1,651.57	\$1,622.73	\$1,720.38	\$1,649.47	\$1,647.13
Maximum Claims	\$3,836,199.60	\$3,953,958.00	\$3,983,870.40	\$3,928,575.36	\$3,898,792.80	\$3,951,272.64	\$3,905,400.24	\$3,928,575.36	\$3,735,019.44	\$3,989,340.96
Expected Claims	\$3,068,959.68	\$3,163,166.40	\$3,187,096.32	\$3,142,860.29	\$3,119,034.24	\$3,161,018.11	\$3,124,320.19	\$3,142,860.29	\$3,112,516.20	\$3,191,472.77
BCBST Interface Fee \$1.60 (Per Employee Per Month)			\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80
Annual Specific Premium	\$364,359.60	\$353,074.56	\$333,090.48	\$345,698.88	\$354,562.44	\$492,132.00	\$384,792.72	\$345,698.88	\$393,015.84	\$327,585.60
Annual Aggregate Premium	\$16,722.72	\$16,722.72	\$19,815.68	\$20,568.24	\$19,545.12	\$19,333.44	\$27,730.08	\$20,568.24	\$18,310.32	\$23,567.04
Administrative Fee	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$157,775.84	\$172,012.56
Total of Premiums and Interface Fee	\$381,082.32	\$369,797.28	\$358,350.96	\$371,911.92	\$379,752.36	\$617,110.24	\$418,167.60	\$371,911.92	\$416,970.96	\$356,797.44
Total Premiums & Interface Fee & Admin Fees	\$557,376.48	\$546,091.44	\$534,645.12	\$548,206.08	\$556,046.52	\$693,404.40	\$594,461.76	\$548,206.08	\$574,746.80	\$528,810.00
Total Expected Costs	\$3,626,336.16	\$3,709,257.84	\$3,721,741.44	\$3,691,066.37	\$3,675,080.76	\$3,854,422.81	\$3,718,781.95	\$3,691,066.37	\$3,687,263.00	\$3,720,282.77
Percentage Increase/Decrease from Current Premium		-2.96%	-5.96%	-2.41%	-0.35%	35.70%	9.73%	-2.41%	9.42%	-6.37%
Percentage Increase/Decrease from Total Expected Costs		2.29%	2.63%	1.79%	1.34%	6.29%	2.55%	1.79%	1.68%	2.59%

All premiums quoted net of commissions.

City of Brentwood

Stop Loss Options

Based on enrollment of (158 Single and 136 Family) 294 total
Effective 1/1/20

	Current	Renewal	Firm 11/7/19 HM Life	Firm 10/31/19 Crum & Forster	Bardon	Optum	HCC Life	Lucent	MedBen
TPA	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	Lucent	MedBen
Network	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	BCBST	Cigna	Cigna
Stop Loss Carrier	Blue Re	Blue Re	HM Life	US Fire	American Nat'l	Uniamerica Ins	HCC Life	Pace	HM
Lifetime Maximum	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Annual Maximum	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Contract	60/12	72/12	24/12	24/12	24/12	24/12	24/12	24/12	24/12
No Laser/Rate Cap	Yes/50%	Yes/50%	Yes/50%	Yes/50%	Yes/50%	Yes/50%	Yes/81%	None	Yes/50%
Coverage	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx	Medical & Rx
Specific Deductible	\$85,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Aggregating Specific Corridor	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000
Single Specific Premium Rate (Per Employee)	\$60.27	\$47.23	\$51.12	\$49.69	\$54.22	\$71.48	\$59.18	\$54.27	\$50.25
Family Specific Premium Rate (Per Employee)	\$153.24	\$139.58	\$130.23	\$137.29	\$139.74	\$184.32	\$154.09	\$151.52	\$128.26
Aggregate Premium Rate (Per Employee)	\$4.74	\$4.74	\$6.83	\$6.24	\$6.14	\$5.48	\$7.98	\$5.84	\$6.82
Monthly Single Aggregate Factor (Per Employee)	\$643.11	\$673.47	\$694.87	\$606.61	\$1,125.69	\$681.70	\$685.69	\$563.88	\$695.83
Monthly Family Aggregate Factor (Per Employee)	\$1,603.47	\$1,676.24	\$1,667.69	\$1,765.20	\$1,125.69	\$1,699.68	\$1,676.91	\$1,690.66	\$1,669.98
Maximum Claims	\$3,836,199.60	\$4,012,522.80	\$4,039,143.60	\$4,030,938.96	\$3,971,434.32	\$4,066,380.96	\$4,036,785.36	\$3,828,273.60	\$4,044,701.04
Expected Claims	\$3,068,959.68	\$3,210,018.24	\$3,231,314.88	\$3,224,751.17	\$3,177,147.46	\$3,253,104.77	\$3,229,428.29	\$3,190,228.00	\$3,235,760.83
BCBST Interface Fee \$1.60 (Per Employee Per Month)			\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80	\$5,644.80
Annual Specific Premium	\$364,359.60	\$317,342.64	\$309,458.88	\$318,269.52	\$330,856.80	\$436,336.32	\$363,680.16	\$350,176.56	\$304,594.32
Annual Aggregate Premium	\$16,722.72	\$16,722.72	\$24,096.24	\$22,014.72	\$21,661.92	\$19,333.44	\$28,153.44	\$20,603.52	\$24,060.96
Administrative Fee	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$176,294.16	\$157,775.84	\$172,012.56
Total of Premiums and Interface Fee	\$381,082.32	\$334,065.36	\$339,199.92	\$345,929.04	\$358,163.52	\$461,314.56	\$397,478.40	\$376,424.88	\$334,300.08
Total Premiums & Interface Fee & Admin Fees	\$557,376.48	\$510,359.52	\$515,494.08	\$522,223.20	\$534,457.68	\$637,608.72	\$573,772.56	\$534,200.72	\$506,312.64
Total Expected Costs	\$3,626,336.16	\$3,720,377.76	\$3,746,808.96	\$3,746,974.37	\$3,711,605.14	\$3,890,713.49	\$3,803,200.85	\$3,724,428.72	\$3,742,073.47
Percentage Increase/Decrease from Current Premium		-12.34%	-10.99%	-9.22%	-6.01%	21.05%	4.30%	-1.22%	-12.28%
Percentage Increase/Decrease from Total Expected Costs		2.59%	3.32%	3.33%	2.35%	7.29%	4.88%	2.71%	3.19%

All premiums quoted net of commissions.



To: Mike Worsham
 From: Lisa Stamm
 Date: October 28, 2019
 Re: Stop Loss Recommendations

The following is a summary of Sherrill Morgan's recommendations regarding the City's stop loss coverage for the 2020 plan year.

Stop Loss Carriers Who Responded:

The City's initial stop loss renewal for 2020 from Blue Re represents a 2.6% increase on specific premium, a 0% increase on aggregate premium. Through September of 2019, four individuals on the plan have exceeded their \$85,000 specific deductibles, the aggregating specific deductible of \$75,000 was just reached at the end of September and Blue Re will pay reimbursements on future claims over \$85,000. Under the terms of the current contract, Blue Re is prevented from assigning a higher specific deductible to any individual at renewal, and they cannot increase the specific premium by more than 50%. Sherrill Morgan requested stop loss quotes from the following carriers: Anthem, Blue Re, Bardon, Crum & Forster, HCC, HM Life, Optum, ECU, MDUI, Sun Life, and Symetra. Proposals were received from Blue Re, Crum and Forster, Bardon, HCC, HM Life, Health Cost Solutions and Optum. HM Life provided a firm quote and the most competitive quote of those received. HM Life's quote provides a lower premium than the current 2019 premium being paid and the Blue Re renewal. The quote received from HM Life is 1.96% lower than the current premium and 4.47% lower than the renewal offered by Blue Re. The savings presented to the City by HM Life quote is \$17,041.92. Sherrill Morgan recommends accepting the HM Life quote. This savings includes an interface fee of \$1.60 per employee per month (\$5,644.80 per year) that Blue Cross Blue Shield of Tennessee charges for using a non-preferred stop loss carrier. A summary of the proposals received is attached to this memo.

Specific Deductible:

When receiving quotes for stop loss, Sherrill Morgan requested alternative levels of specific deductibles for the City to consider. In addition to quotes for the existing specific deductible of \$85,000, the City received quotes for specific deductibles of \$90,000 and \$100,000. Given the HM Life quote for the current specific deductible of \$85,000 is lower than the current premium and with the move from a \$75,000 specific deductible to an \$85,000 specific deductible last year, Sherrill Morgan does not recommend increasing the specific deductible this year.

Aggregating Specific Deductible:

The City currently has a \$75,000 "aggregating specific" deductible. This option was adopted in 2013. It allowed the City to take on an additional amount of liability in return for an equivalent amount of premium reduction. The City essentially exchanged premium (which is guaranteed to be paid) for liability (which is only paid if the claims are incurred). We recommend that the City maintain its aggregating specific of \$75,000. The following is an illustration of how the aggregating specific deductible works. If the City adopts the current \$85,000 specific deductible as recommended above, each person will have a specific deductible of \$85,000, but the City will not be reimbursed when someone goes over his or her \$85,000 specific deductible until some combination of people (it could be one person, or three, or ten) exceed their specific deductibles collectively by \$75,000. For example, if one person had claims of \$95,000, ordinarily the City would get \$10,000 in reimbursement from the stop loss carrier (assuming a specific deductible of \$85,000). But with an aggregating specific corridor of \$75,000, the City would be responsible for this \$10,000, which would be applied to the \$75,000 corridor, leaving an aggregating specific corridor of \$65,000. If a second person then had \$160,000 in claims, the City would be

reimbursed \$10,000 (the first \$85,000 of the claims would be applied to the individual specific deductible, and \$65,000 would be applied to the remaining aggregating specific liability of \$65,000, leaving the City with a reimbursement of \$10,000). For the rest of the plan year, Blue Re would then reimburse the City each time an individual exceeded their individual \$85,000 specific deductible. Because the City was given an equivalent amount of premium reduction in exchange for liability, the “worst-case” scenario for the City would be that it will pay out no more than it would have without the aggregating specific. The “best-case” scenario would be that the City will save \$75,000 in premium. The only disadvantage would be that the City may have to pay out all of the aggregating specific liability at one time. As long as cash flow is not an issue, then this is immaterial.

No New Laser/Rate Cap:

The City’s current stop loss contract guarantees that the City will not be given a “laser” (higher specific deductible on one member) at renewal. We consider a “no new laser” stop loss contract to be valuable protection against a laser that might continue year after year. We also strongly recommend that the City continue to purchase a rate cap in conjunction with the no new laser protection. (The City’s current stop loss contract guarantees that it could not have greater than a 50% premium increase at renewal.) The combination of these two features provides significant financial protection to the City. For example, under the City’s current stop loss contract, if a high claimant would have emerged in the past year with expected claims of \$400,000 in 2019, Blue Re could not have assigned a laser to that individual, nor could they have increased specific premium at renewal by more than 50% (approximately \$182,000). Please note that purchasing the rate cap does not mean that the City will get a 50% increase at the next renewal; this is only a maximum on the potential rate increase. Both the HM Life and the Blue Re renewal provide the no new laser at renewal and 50% rate cap provision on the quotes being presented.

Maximum Claims:

While Blue Re’s renewal proposal is slightly lower on maximum claims than HM Life, we would not recommend the City base its decision on this factor. As a mature self-funded plan with nearly eight years of claims experience, the City is very unlikely to hit the maximum claims and receive a reimbursement under its aggregate stop loss policy. In fact, considering the size of the plan and the length of time it has been self-funded, the City may want to consider eliminating aggregate coverage. The savings that would be realized for 2020 would be approximately \$19,000.

Summary:

If the City adopts an \$85,000 specific deductible with HM Life as recommended above, the decrease in total premium (specific and aggregate) will be \$17,042, which is 1.96% under current and 4.47% lower than Blue Re’s renewal.

Brentwood City Commission Agenda

Meeting Date: 11/11/2019

Resolution 2019-103 - Proposed Medical Plan for 2020

Submitted by: Mike Worsham, Human Resource

Department: Human Resource

Information

Subject

Resolution 2019-103 - Proposed Medical Plan for 2020

Background

Beginning in 2011, the City moved from a fully insured medical insurance plan to a partially self-insured plan in combination with the self-funded HRA. The objective of this strategy is to better manage the perennial rise in health insurance costs and avoid the spikes in premiums charged by insurance companies based on limited medical claims experience. We understand that healthcare costs are projected to continue to increase in the foreseeable future and this strategy is designed to level out cost increases to manageable levels.

Basics of Partially Self-Funded Plans

In a partially self-funded plan a calculated amount of claims risk is shifted from the insurance company to the sponsor of the plan (the City) up to a predetermined maximum level. In addition, there are other costs for multiple service components in a partially self-insured plan. The following are the other key components of a partially self-insured plan.

1. **Third Party Administrator (TPA)** – the City contracts with a TPA to coordinate and manage the majority of administrative aspects of the plan. The TPA processes and adjudicates all medical claims, coordinates a pharmacy benefit plan, performs utilization review for inpatient services, and handles many compliance issues, etc.
2. **Provider Network** – As part of a partially self-insured plan, a provider network of physicians and hospitals is provided for members to utilize for medical services at discounted rates. The important factors when considering networks are the number of doctors/hospitals and the coverage area, as well as the discount each network can offer on medical services. The higher the discount the lower the actual claims expense paid by the City and plan participants.
3. **Specific Stop Loss Coverage** – To limit the City's potential liability for catastrophic claims, the plan purchases an insurance policy that covers all costs of an individual's

annual claims above a predetermined maximum dollar amount (i.e. \$85,000).

4. **Aggregate Stop Loss Coverage** – Similar to the specific stop loss coverage for individual members' claims, aggregate stop loss is an insurance policy that caps the City's total liability for all claims at an agreed upon dollar amount called the "attachment point." Once total claims for the entire plan reach this attachment point, the aggregate stop loss insurance pays all additional claims costs. The attachment point is determined by the stop loss carrier's underwriters and is based on the plan's expected claims amount for the year plus a "corridor" or factor of 20-25%.

The financial aspects of a partially self-insured plan consist of both fixed and variable costs. The variable costs are the actual claims incurred by covered plan members (employees and eligible dependents) during the plan year. The fixed costs are as follows:

- Administrative fees paid to the TPA, charged on a Per Employee Per Month (PEPM) basis;
- Annual specific stop loss insurance premium;
- Annual aggregate stop loss premium.

When analyzing partially self-insured plans from a financial perspective, it is necessary to add the fixed costs listed above to the attachment point of the aggregate stop loss coverage. This determines the City's maximum liability for the plan year. *In this partially self-insured arrangement compared to a fully-insured plan, the City has the opportunity to save money if claims expense is less than projected while capping the maximum liability if claims are higher than expected.*

Calendar Year 2019 Medical Plan Status

Actual claims experience and related costs in the first ten months of the 2019 is at approximately the level projected when funding strategies for 2019 were developed. This is a result of accurately projecting claims and related expenses coupled with purchasing adequate stop-loss coverage to limit the City's liability for each member's claims exceeding \$85,000 in a plan year. Based on actual claims experience through the first ten months of 2019, total claims are expected to be approximately \$2,900,000 as projected. Of this amount approximately \$300,000 will be paid from the separate Post Retirement Benefits Fund for retiree medical claims and will not impact the Insurance Fund.

Status of Health Insurance Fund

In calendar year 2010, the City Commission approved creation of a new Health Insurance Fund. This fund is designed to account for all health and vision insurance budgeted amounts from the General Fund, Water Services Fund and ECD Fund, as well as all employee payroll deductions for dependent coverage. All insurance premiums, medical, pharmacy and HRA claims are paid from this fund. The unaudited FY 2019 Health

Insurance component of the Insurance Fund as of June 30, 2019 has a balance of \$3,213,140. This is an increase of \$338,400 above the 2018 fiscal year end balance. **(See attachment A)**

Having a financially sound Health Insurance Fund provides the City flexibility when funding insurance costs for the upcoming 2021 fiscal year, beginning July 1, 2020. Normally, a self-funded plan with little or no financial reserves would need to budget an amount sufficient to meet the maximum liability. In the City's case, however, we have the ability to budget at an amount somewhere between the expected claims liability and calculated maximum claims liability, knowing that we have cash reserves to cover the maximum liability should claims reach that level.

2020 Plan Analysis and Financial Impact of Proposed Plan

1. The current administrative fee charged by Blue Cross Blue Shield is \$49.97 PEPM and will remain the same for the 2020 plan year.

At the current level of covered members (294), the annual cost of this service is projected to be \$176,300 for 2020. However, the actual cost will be determined by the actual number of covered employees throughout the year. Blue Cross also charges a separate fee of \$4.00 PEPM, or approximately \$14,100 annually for administration of the HRA portion of the medical plan. This fee will also remain the same for 2020.

2. Annually, the City requests competitive quotes for stop loss reinsurance to ensure we continue to receive the most competitive rates available for this coverage which limits the City's maximum liability for medical claims incurred by plan members. This year seven insurance companies submitted stop-loss coverage quotes, including BlueRe, our current stop-loss carrier. The Board of Commissioners will consider a separate resolution during the November 11, 2019 meeting recommending acceptance of the proposal with HM Insurance Company for stop loss insurance in 2020.

This recommendation will be for the same level of coverage as currently provided by BlueRe and will actually include a slight fixed cost reduction of just under 2% in 2020 as compared to 2019. It is also approximately 4.5% below the renewal quote from BlueRe. Please see supporting memorandum to Resolution 2019-102 for a detailed explanation of stop-loss insurance recommendations for 2020.

The Blue Cross third party administrative proposal and the HM reinsurance proposal for calendar year 2020 combine to provide the following maximum liability calculation:

	2020	2019	Difference
Annual Specific Stop Loss Premium	\$348,654	\$364,360	\$(15,741)
Annual Aggregate Stop Loss Premium	\$19,298	\$16,723	\$2,575
Total Annual Administrative Fees (including HRA fee)	\$190,400	\$190,400	\$0
Aggregate Stop Loss Attachment Point	\$3,948,328	\$3,836,200	\$112,128
Maximum Liability **	\$4,506,680	\$4,407,474	\$ 99,997

** The maximum liability amount shown above does not include medical claims paid through the HRA component of the health plan and are not factored into the stop loss coverage. Based on 2019 (year to date) HRA claims and prior history, staff is estimating that 2020 HRA expense will remain at approximately \$450,000.

While the above table shows the City's maximum liability increasing approximately \$100,000 in 2020, it should be noted that \$13,166 is actually a decrease in "fixed expense". The actuarial calculation of maximum claims is provided by reinsurance company's underwriters and generally shows that they expect actual claims expense (variable expense) to increase only slightly compared to the 2019 level. However, the generally accepted medical inflation rate (trend) is 7%, therefore, staff is projecting that actual claims expense in 2020 will increase by \$200,000. However, this additional claims expense and any reasonable costs exceeding this projection, can be absorbed within the projected revenues within the Insurance Fund or the fund balance, if necessary.

Accordingly, staff is currently projecting no increase in the City's health insurance budget for FY 2021 beginning July 1, 2020. This will be the second consecutive year that the City's insurance costs will remain at the same level as budgeted in FY 2019.

Staff is also recommending that employees' share of the insurance costs for dependent coverage remain unchanged for the second consecutive year. Employee payroll deductions in 2020 will remain at the same level as in 2018 as follows:

Coverage	2020 Per Pay Period	2019 Per Pay Period	Difference
Employee Only	\$0.00	\$0.00	0
Employee/Spouse	\$151.84	\$151.84	0
Employee/Child	\$143.06	\$143.06	0
Family	\$234.67	\$234.67	0

Staff Recommendation

Based upon the input from the City's insurance consultants, Sherrill Morgan and staff review of the City's group health insurance plan, the following recommendations are made for the 2020 plan year:

1. No change in employee contributions for dependent health insurance coverage for Calendar Year 2020 and to remain the same as currently charged in 2019.
2. Fiscal Year 2021 City funding for employee health insurance coverage is projected to remain at the same level as FY 2020 with no increase in this expense.
3. Continuation of the services through CareHere, including the Wellness Program to focus on controlling medical claims expense through prevention and early intervention of illness and disease.
4. Minor benefit coverage adjustments to expand the coverage allowance for proton therapy cancer treatments and bariatric surgery, still subject to medical review and approval.
5. All other aspects of the group health insurance plan including deductible amounts, doctor visit and prescription drug co-pay amounts, etc. will remain the same as in 2019.

Fiscal Impact

Amount : \$4 Million est.

Source of Funds: Insurance Fund

Account Number: Various

Fiscal Impact:

Actual plan expenses will be based on claims experience, but are conservatively projected to be \$4,000,000 net of retiree claims which are funded from the OPEB trust fund.

Attachments

Resolution 2019-103

Attachment A-FY 2019 Insurance Fund

RESOLUTION 2019-103

**A RESOLUTION OF THE CITY OF BRENTWOOD, TENNESSEE TO AUTHORIZE
ADOPTION OF THE PROPOSED GROUP HEALTH INSURANCE PLAN FOR CITY
EMPLOYEES FOR CALENDAR YEAR 2020**

BE IT RESOLVED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1. That the proposed group health insurance plan for City of Brentwood employees for calendar year 2020 is hereby adopted.

SECTION 2. That the Mayor is hereby authorized to execute any amendments to the agreement for group health insurance with BlueCross BlueShield of Tennessee or any other documents approved by the City Attorney and necessary to carry out the provisions of this resolution and the proposed group health insurance plan.

SECTION 3. That this resolution shall take effect from and after its passage, the general welfare of the City of Brentwood, Williamson County, Tennessee requiring it.

MAYOR

Rhea E. Little, III

ADOPTED: _____

Approved as to form:

RECORDER

Holly Earls

CITY ATTORNEY

Kristen L. Corn

COMBINED INSURANCE FUND PERFORMANCE TO DATE

Attachment A

	FY 2018 <u>Actual</u>	FY 2019 <u>Budget</u>	FY 2019 <u>Actual</u>
<u>Revenues and Other Funding Sources</u>			
Estimated Fund Balance			
Beginning of Year	\$ 2,497,292	\$ 2,874,735	\$ 2,874,735
INTEREST EARNINGS	44,843	30,000	69,137
HEALTH INSURANCE TRANSFER FROM - GF	2,487,590	2,611,905	2,665,275
HEALTH INSURANCE TRANSFER FROM - WS	278,180	292,085	294,895
HEALTH INSURANCE TRANSFER FROM - ECD	123,040	129,190	129,190
Stop Loss Reimbursement	88,677	-	107,037
BCBS Rx Rebate	243,571	100,000	143,315
Miscellaneous	11,105		18,415
Employee Contributions	584,511	605,680	624,298
Total Revenues/Fund Balance	\$ 3,861,517	\$ 3,768,860	\$ 4,051,563
<u>EXPENDITURES</u>			
HRA CLAIMS	389,383	425,000	479,747
HEALTH CLAIMS	2,435,583	3,000,000	2,556,942
PREMIUMS AND ADMIN FEES	545,621	577,500	560,944
OTHER PROFESSIONAL SERVICES	112,482	115,000	113,995
TRANSITIONAL REINSURANCE PROGRAM TAX	1,005	-	1,531
Total Expenditures	3,484,074	4,117,500	3,713,158
Annual Net	\$ 377,443	\$ (348,640)	\$ 338,405
Estimated Fund Balance			
End of Year	<u>2,874,735</u>	<u>2,526,095</u>	<u>3,213,140</u>

Brentwood City Commission Agenda

Meeting Date: 11/11/2019

Approval of Schedule for Board of Commissioners Meetings for Calendar Year 2020

Submitted by: Holly Earls, Administration

Department: Administration

Information

Subject

Approval of Schedule for Board of Commissioners Meetings for Calendar Year 2020

Background

The proposed schedule of the Board of Commissioners' meetings for calendar year 2020 is attached. Under this schedule, meetings will continue to be held on the second and fourth Monday night of each month, except for the following proposed deviations:

The first meeting in **January** will be held on **Tuesday, January 14** instead of Monday, January 13, which is the NCAA Football Championship.

The second meeting in **May** will be held on **Tuesday, May 26** instead of Monday, May 25, which is Memorial Day.

The second meeting in **December** will be scheduled for **Monday, December 21** if a meeting is needed at that time. Typically, a second meeting is not held in December if it is determined that there is no urgent business that needs to be considered prior to the holiday period.

Informational meetings will be scheduled for the preceding Thursdays at 9:00 a.m. Note there will be no informational meeting scheduled for the December 21 Commission meeting. The remaining informational meetings may be canceled upon distribution of the agenda backup material on the preceding Tuesday if there is no pressing need to meet due to a light, routine agenda.

Please note that the proposed meeting schedule may be altered by additional board action during the year if there is a conflict with an event or activity unknown at this point or if it is determined that a meeting is unnecessary due to a lack of City business.

Please contact the City Recorder if you have any questions.

Staff Recommendation

Staff recommends approval of the attached meeting schedule.

Previous Commission Action

Prior to the beginning of the new calendar year, the Board of Commissioners approves the schedule for upcoming board meetings.

Fiscal Impact**Attachments**

Schedule

BRENTWOOD BOARD OF COMMISSIONERS
SCHEDULE OF REGULAR MEETINGS AND AGENDA DEADLINES FOR
JANUARY – DECEMBER 2020

Commission Meeting	Informational Meeting	Submittal Deadline – Staff	Submittal Deadline – Others
Tuesday, January 14	Thursday, January 9	Tuesday, December 17	Monday, December 9
Monday, January 27	Thursday, January 23	Friday, January 17	Monday, January 6
Monday, February 10	Thursday, February 6	Friday, January 31	Friday, January 17
Monday, February 24	Thursday, February 20	Friday, February 14	Monday, February 3
Monday, March 9	Thursday, March 5	Friday, February 28	Monday, February 17
Monday, March 23	Thursday, March 19	Friday, March 13	Monday, March 2
Monday, April 13	Thursday, April 9	Friday, April 3	Monday, March 23
Monday, April 27	Thursday, April 23	Friday, April 17	Monday, April 6
Monday, May 11	Thursday, May 7	Friday, May 1	Monday, April 20
Tuesday, May 26	Thursday, May 21	Friday, May 15	Monday, May 4
Monday, June 8	Thursday, June 4	Friday, May 29	Monday, May 18
Monday, June 22	Thursday, June 18	Friday, June 12	Monday, June 1
Monday, July 13	Thursday, July 9	Thursday, July 2	Monday, June 22
Monday, July 27	Thursday, July 23	Friday, July 17	Monday, July 6
Monday, August 10	Thursday, August 6	Friday, July 31	Monday, July 20
Monday, August 24	Thursday, August 20	Friday, August 14	Monday, August 3
Monday, Sept 14	Thursday, Sept 10	Friday, September 4	Monday, August 24
Monday, Sept 28	Thursday, September 24	Friday, Sept 18	Friday, September 4
Monday, October 12	Thursday, October 8	Friday, October 2	Monday, September 21
Monday, October 26	Thursday, October 22	Friday, October 16	Monday, October 5
Monday, November 9	Thursday, November 5	Friday, October 30	Monday, October 19
Monday, November 23	Thursday, November 19	Friday, November 13	Monday, November 2
Monday, December 14	Thursday, December 10	Friday, December 4	Monday, November 23
Monday, December 21 (if needed)	None	Friday, December 11	Monday, November 30

NOTE: Commission meetings are held at 7:00 p.m. on the dates shown above. Informational meetings concerning the agenda for the upcoming Commission meeting are normally scheduled for 9:00 a.m. on the preceding Thursday, but dates and times for these meetings may change and should be confirmed in advance. Materials to be included in meeting packages must be submitted to the City Recorder by noon on the submittal deadline date shown above. Agenda items for which adequate documentation has not been submitted will be subject to deletion. **All meeting dates and times are subject to change at the direction of the Board of Commissioners.**

Brentwood City Commission Agenda**Meeting Date:** 11/11/2019

Approval of Schedule for Review of Proposed FY 2021 Annual Operating Budget and FY 2021-2026 Capital Improvements Program

Submitted by: Richard Parker, Finance**Department:** Finance**Information****Subject**

Approval of Schedule for Review of the Proposed Fiscal Year 2021 Annual Operating Budget and Fiscal Years 2021-2026 Capital Improvements Program.

Background

Below is the recommended schedule for review and consideration of the City's proposed six-year capital improvements program for fiscal years 2021-2026 and the proposed fiscal year 2021 (July 1, 2020 - June 30, 2021) annual operating budget. The budget review schedule is typically approved by the City Commission prior to the new calendar year to allow for advance planning of important meetings and deadlines.

The important special meetings are highlighted in *italic, bold* print below.

Fiscal Years 2021-2026 Capital Improvements Program (CIP)

Distribute draft CIP to City Commission	March 23, 2020
City Commission CIP draft review period	March 23 – March 30, 2020
<i>CIP review work session – Tuesday, 4:00 p.m. – Annex Room</i>	<i>March 31, 2020</i>
CIP adoption by resolution	June 22, 2020

Fiscal Year 2020-2021 Annual Operating Budget

<i>Initial budget work session – Thursday, 4:00 p.m. – Annex Room</i>	<i>Jan 30, 2020</i>
Distribute proposed budget to City Commission	May 5, 2020
City Commission - initial review period of proposed budget	May 5–13, 2020
<i>City Commission budget review work session - Thursday 8:30 a.m. - Library</i>	<i>May 14, 2020</i>
1st reading-Appropriations/Tax Rate Ordinances/1st public hearing	May 26, 2020 (<i>Tuesday</i>)
Public hearing only – Appropriation Ordinance	June 8, 2020
Final reading-Appropriations/Tax Rate Ordinances/Final public hearing	June 22, 2020

Please contact the City Manager if you have any questions.

Staff Recommendation

Staff recommends approval by motion of the proposed meeting schedule.

Previous Commission Action

The City Commission establishes a budget review schedule annually and is required under the City Charter to adopt the annual operating budget before the new fiscal year begins on July 1.

Fiscal Impact

Attachments

No file(s) attached.

Brentwood City Commission Agenda

Meeting Date: 11/11/2019

Ordinance 2019-10 - Revisions to Chapter 14, Article IX of the Municipal Code Relative to Public Works Projects

Submitted by: Jeff Dobson, Planning & Codes

Department: Planning & Codes

Information

Subject

Ordinance 2019-10 - An Ordinance to Amend Chapter 14, Article IX of the Municipal Code regarding Public Works Projects.

Background

The FY 2020 non-routine work plan for the Planning and Codes Department includes continuation of the review and update of Chapter 14 of the Municipal Code regarding Public Works Projects. Public Works Project Fees (PWPF) are intended to address the additional traffic demands of new development and are assessed on each new building, addition, or change of use within an existing structure. The fees are collected as part of the process of issuing building permits for most uses. PWPF are used to fund the engineering and construction of road projects around the City. The Code establishes a regulatory system and method by which the City calculates, collects, and obligates the fee.

The fee schedule and the listing of eligible road projects were last updated by staff in December 2007 using the Institute of Traffic Engineers (ITE) Trip Generation data. The 2019 proposed update is necessary to insure the City's fee calculation methodology accurately determines the appropriate fee amount based upon the updated road project costs and remains defensible in light of more recent cases about development fees. In addition, the trip generation standards from the various land uses was reviewed based upon the latest ITE Trip Generation data. The study also identifies an expanded listing of land uses, which are more reflective of the types of developments that are being proposed today.

In mid-2018, Planning and Codes Department staff prepared a Request for Qualifications (RFQ) to update the Municipal Code regarding Public Works Projects. The RFQ was sent to five firms specializing in the preparation and update of impact fee studies. Staff reviewed the three RFQs that were received and selected Duncan Associates as the most qualified firm to complete the work due to their nationwide experience and their Tennessee experience in particular, which includes impact fee studies for Columbia, Franklin, LaVergne, Nolensville, and Smyrna.

Duncan Associates prepared a draft study, which includes recommendations regarding ordinance amendments and new fee amounts based upon an updated cost allocation methodology and the latest impact fee legal precedents. The study results were discussed with the City Commission at the regularly scheduled briefing on August 26.

Changes to the ordinance and the fee schedule will require separate adoption by the City Commission. This agenda item provides for amendments to the Public Works Project Fee section of the Brentwood Municipal Code. These amendments primarily involve land use definition changes, fee calculation methodology changes based on the 2019 study, clarification on allowable developer credits, changes to exemptions, and annual indexing of the fee amounts. The proposed ordinance amendments do not include the updated fee schedule. Adoption of the new fee schedule will be done via resolution scheduled to be considered by the Board at the November 25, 2019 meeting, the same meeting where Ordinance 2019-10 will be considered on second and final reading.

The major recommendation for this fee study update relates to the methodology applied to calculate the required fees. The City's current fees were calculated using a **"plan-based"** methodology. Plan-based methodologies are simple to calculate (total planned improvement costs divided by new trips), but they are difficult to implement correctly. The plan-based methodology requires a master plan that can demonstrate that the cost of improvements needed over the planning horizon are attributable to the amount of growth projected to occur over that period. The City's current *Major Thoroughfare Plan* does not contain the level of data and analysis needed to establish the connection between the projected growth and the need for the improvements.

The proposed methodology bases the fees on a **"demand-driven"** methodology. This approach is more commonly used in Tennessee than the plan-based methodology. It bases the impact fee on the average cost to replace major roadway capacity consumed by new development. It does not depend on having a list of planned improvements or growth projections, although planned improvement costs may be used to determine the average cost to add new roadway capacity, and growth projections may be used to forecast future revenues. It also allows fee revenues to be used for any needed capacity-expanding improvement to the major roadway network. A more detailed discussion of the study's methodology and fee calculation formula is provided in the final version of the 2019 Public Works Project Fee Study attached.

As noted above, adoption of this ordinance does not directly adjust the fee schedule. However, for the benefit of the Commission in considering the ordinance, a comparison of the existing and proposed fee schedules is attached.

The current version of the ordinance exempts church and governmental buildings (i.e. public schools). Under the proposed ordinance, government buildings will still be exempted from payment of the fees, but staff is recommending that churches no longer be exempted. Duncan Associates recommends that these two land uses be included as part of the new fees and be assessed the appropriate levels at the time the building permit is

issued. Nolensville and Franklin both include impact fees for churches and schools in their fee schedule. However, Franklin does not assess the fee for public schools in the Williamson County or Franklin Special school districts. Spring Hill, based upon past practice, has waived the fees for public educational facilities. Fees for places of worship are assessed. However, there have been no recent requests for new churches in Spring Hill.

Finally, the proposed ordinance allows for automatic indexing of the fees for inflation. The fees adopted by the Board of Commissioners pursuant to the 2019 Public Works Project Fee study shall be adjusted to account for construction cost inflation on January 1 following each year in which the fees were not comprehensively updated based on a new impact fee study, with the first year of adjustment being 2021. The existing fees will be multiplied by the ratio of the Engineering News-Record Construction Cost Index for the most recent month for which the index is available to the index for the same month of the previous year. The adjusted fee schedule will be posted on the City's web site and made publicly available by December 1 and will become effective on January 1.

Second and final reading of the proposed ordinance is scheduled for November 25, at which time the Board will also consider a resolution formally adopting the new fee schedule. If adopted on November 25, 2109, the proposed effective date of the new fees will be for all new building permit applications filed after January 1, 2020.

Should you have any questions, please contact the City Manager or the Planning and Codes Director.

Staff Recommendation

Staff recommends approval of Ordinance 2019-10, on first reading.

Previous Commission Action

On September 27, 2018 the Board of Commissioners approved Resolution 2018-81, authorizing an agreement with Duncan Associates for the update of Article IX -- Public Works Projects.

On December 10, 2007, the Board of Commissioners approved Resolution 2007-93, which designated a revised list of eligible projects for PWPF system and adopt a revised fee schedule.

On November 27, 1995 the Board of Commissioners adopted Resolution 95-46, which designated a list of eligible projects for PWPF system and adopt a schedule of Public Works Project Fees.

Also on November 27, 1995 the Board of Commissioners approved Ordinance 95-45, adopting a Public Works Project Fee ordinance. The ordinance became effective on December 1, 1995.

Fiscal Impact

Amount :

Source of Funds:

Account Number:

Fiscal Impact:

For the past six years, average annual collections for Public Works Project Fees has been approximately \$950,000. The significant fee increases proposed as a result of the study will result in increased collections. However, the amount of collections is completely dependent on the level of new development (residential and non-residential) in the City.

Attachments

Ordinance 2019-10

Article IX, CH 14 -- Redline - Strikethrough -- Revised

Revised PWPF Study -- 10-2019

Existing and Proposed Fee Comparison Schedule

ORDINANCE 2019-10

AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY AMENDING CHAPTER 14, ARTICLE IX REGARDING PROVISIONS FOR PUBLIC WORKS PROJECTS

WHEREAS, the Board of Commissioners has determined that the rapid growth rate which the city has experienced and is expected to experience in the foreseeable future necessitates extensive transportation related public works projects and makes it necessary to regulate land development and building activity that generates increased traffic; and

WHEREAS, it is the intent of the City that the capacity of the road network in the community should handle the traffic demands generated by new development at the same level of service currently existing, thus maintaining a satisfactory quality of life in Brentwood; and

WHEREAS, Chapter 14 of the Code of Ordinances of the City of Brentwood contains provisions regarding the implementation of public works projects fees; and

WHEREAS, the City commissioned and received a Public Works Project Fee Study conducted by Duncan Associates and dated September 2019 that indicates a need to modify the fee structure and update fees in order to recover and fund the City's public works projects improvements more efficiently; and

WHEREAS, it is necessary and appropriate that certain provisions of said ordinance be amended to reflect such modifications.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1. That section 14-193 of Chapter 14, Article IX, of the Code of Ordinances of the City of Brentwood shall be amended by deleting the text in its entirety and replacing with the following:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The definitions listed in this section apply exclusively to this article and are intended to provide assistance in the interpretation and enforcement of this article. Unless specifically defined below or elsewhere in this Code, words or phrases used in this article shall be interpreted as to give them the meaning they have in common usage and to give this article its most reasonable application, given its stated purpose and objectives.

Accessory building or accessory structure means a detached, subordinate building or structure, the use of which is clearly incidental and related to a principal building or use of the land, and which is located on the same lot as that of the principal building or use.

Bonds means bonds, interim certificates or other financial obligations of a municipality issued by its governing body pursuant to this article, or pursuant to any other law, as supplemented by, or in conjunction with this article.

Building means any permanent structure having a roof and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials or property of any kind.

Building permit means an official document or certificate issued by the city authorizing the construction of any building.

Capacity means the maximum number of vehicles for a given time period which a road can safely and efficiently carry; usually expressed in terms of vehicles per day.

Day Care Center means a facility or establishment that provides care, protection and supervision for six or more children unrelated to the operator and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. The term does not include public or nonpublic schools.

Dwelling unit shall have the meaning given in section 78-3 of this Code.

Elementary/Secondary School means a school offering an elementary through high school curriculum.

Federal agency includes the United States of America, the President of the United States of America, the United States Department of Transportation, the Federal Highway Administration or any agency, instrumentality or corporation of the United States of America, which has heretofore been or may hereafter be designated, created or authorized by or pursuant to any act or acts of the Congress of the United States of America, to make loans or grants.

Gas Station with Convenience Market means an establishment offering the sale of motor fuels and convenience items to motorists.

Golf Course means a golf course that is not restricted primarily for use by residents of a residential development of which it is a part, including commercial uses such as pro shop or bar that are designed primarily to serve golfers on the site.

Hospital means an establishment primarily engaged in providing medical, surgical, or skilled nursing care to persons, including overnight or longer stays by patients.

Hotel/Motel means a building or group of buildings on the same premises and under single control, consisting of sleeping rooms kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants. This land use category includes rooming houses, boardinghouses, and bed and breakfast establishments.

Industrial means an establishment primarily engaged in the fabrication, assembly or processing of goods. Typical uses include manufacturing plants, industrial parks, research and development laboratories, welding shops, wholesale bakeries, dry cleaning plants, and bottling works.

Land development activity and building activity that generates increased traffic means any building activity on a tract of land or vacant lot on which may be constructed one or more structures or any change in the use or appearance of any structure within the guidelines of the applicable land use zoning that attracts or produces vehicular trips over and above that produced by the existing use of land.

Major road network system means all arterial and collector roads within the city, including future arterial and collector roads necessitated by land development and building activity.

Mini-Warehouse means an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.

Office/Institutional means a general office, medical office or public/institutional use, as hereby defined.

General Office means a building exclusively containing establishments providing executive, management, administrative, financial, or non-medical professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. It may be the upper floors of a multi-story office building with ground floor retail uses. Typical uses include banks without drive-in facilities, real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations. This category does not include an administrative office that is ancillary to a principal commercial or industrial use.

Medical Office means a building primarily used for the examination and/or treatment of patients on an outpatient basis (with no overnight stays by patients) by health professionals, and which may include ancillary services for medical office workers or a medical laboratory to the extent necessary to carry out diagnostic services for the medical office's patients. It includes the use of a site primarily for the provision of medical care and treatment of animals, which may include ancillary boarding facilities.

Public/Institutional means a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center or separately listed in the impact fee schedule. Typical uses include higher education institutions, city halls, courthouses, post

offices, jails, libraries, museums, military bases, airports, bus stations, fraternal lodges, parks and playgrounds. It also includes bus terminals, fraternal clubs, adult day care centers, college dormitories, and prisons.

Nursing Home means an establishment primarily engaged in providing limited health care, nursing and health-related personal care but not continuous nursing services.

Place of Worship means a structure designed primarily for accommodating an assembly of people for the purpose of religious worship, including related religious instruction for 100 or fewer children during the week and other related functions.

Public works project includes any one or more or any combination of the following improvements: bridges, tunnels, viaducts, flood control, streets, roads, avenues, alleys, highways, sidewalks, curbs, gutters, stormwater sewers or drains, and all property real and personal, appurtenant thereto or connected with such work, including an extension, addition, betterment or improvement.

Public works project fee means the fee established by this article based upon trip generation information, trip lengths, vehicle-miles of capacity on existing major road network, public works project cost estimates, and any applicable fee credits related to existing road related debt payments and state or federal funding.

Restaurant, Standard means a stand-alone establishment, not located in a shopping center but may be located on an out-parcel, that sells meals prepared on site, and does not provide drive-through or drive-in service.

Restaurant, Drive-Through means a stand-alone establishment, not located in a shopping center but may be located on an out-parcel, that sells meals prepared on site, and provides drive-through or drive-in service.

Retail/Commercial/Shopping Center means an integrated group of commercial establishments planned, developed, owned or managed as a unit, or a free-standing retail or commercial use not otherwise listed in the impact fee schedule. Uses located on a shopping center outparcel are considered free-standing for the purposes of this definition. A retail or commercial use shall mean the use of a building or structure primarily for the sale to the public of nonprofessional services, or goods or foods that have not been made, assembled or otherwise changed in ways generally associated with manufacturing or basic food processing in the same building or structure. This category includes but is not limited to all uses located in shopping centers and the following free-standing uses:

- Amusement park
- Auto parts store
- Auto wrecking yard
- Automobile repair

- Bank without drive-through facilities
- Bar and cocktail lounge
- Camera shop
- Car wash
- Convenience food and beverage store without gas pumps
- Department store
- Florist shop
- Food store
- Grocery
- Hardware store
- Health or fitness club
- Hobby, toy and game shop
- Junkyard
- Laundromat
- Laundry or dry cleaning
- Lawn and garden supply store
- Massage establishment
- Music store
- Newsstand
- Nightclub
- Racetrack
- Recreation facility, commercial
- Rental establishment
- Repair shop, including auto repair
- School, commercial
- Specialty retail shop
- Supermarket
- Theater, indoor (including movie theater)
- Used merchandise store
- Variety store
- Vehicle and equipment dealer

Shell building means all components within a structure that separate the interior spaces from the surrounding exterior areas. The shell may be comprised of a variety of elements, including corridors, doors, footings, foundations, lighting, mechanical/electrical, rest rooms, roofing, walls and windows.

Single-Family Detached means a building containing only one dwelling unit.

Single-Family Attached means a building containing two or more dwelling units, with each unit separated from adjoining units by a common wall extending through the roof.

Site related improvements means road construction or road improvements at or near the development site which are necessary to interface the development with the major road network system. Site related improvements shall include acceleration and deceleration lanes and

necessary right-of-way dedications which are related to the development and any other right-of-way dedicated to the city within 30 feet of the centerline of existing roadways.

Traffic impact analysis means a study prepared by a qualified professional engineer, licensed to practice within the state, to determine the vehicular impact of a development upon the major road network system. This study shall include, but is not limited to, determination of trip generation; trip distribution; traffic assignment; capacity analyses; and improvements to the roadway system necessitated by the development, such as required new roads, additional lanes and signalization.

Trip means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). For the purposes of this article, trip shall have the meaning which it has in commonly accepted traffic engineering practice and which is substantially the same as that definition in the previous sentence.

Trip generation means the attraction or production of trips caused by a given type of land development.

Vehicle Miles Capacity (VMC) means the roadway capacity necessary to accommodate a vehicle traveling one mile.

Vehicle Miles Traveled (VMT) means the number of trips generated by a new development multiplied by the average trip length.

Warehouse means an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Typical uses include wholesale distributors, storage warehouses, trucking terminals, moving and storage firms, recycling facilities, trucking and shipping operations and major mail processing centers.

SECTION 2. That section 14-194 of Chapter 14, Article IX, subsection (a),(c) and (f) of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

- (a) The board of commissioners has determined that the rapid growth rate which the city has experienced and is expected to experience in the foreseeable future necessitates extensive transportation related public works projects and makes it necessary to regulate land development and building activity that generates increased traffic. It is the intent of the city that the capacity of the road network in the community should handle the traffic demands generated by new development at the same level of service currently existing, thus maintaining a satisfactory quality of life in Brentwood.
- (c) It shall be the purpose of this article to establish a regulatory system and method by which the city calculates, collects, and obligates a regulatory fee hereinafter referred to as the public works project fee. Except as otherwise provided for in this article, this fee shall be assessed on each new building or addition to an existing structure constructed

within the city. The fee shall provide a portion of the revenues required to maintain the existing level of service on the City's major road network following completion of new development. Revenues from other sources referenced in subsection (b) of this section may also be used to fund the proposed public works projects and to pay principal and interest on bonds or other debt associated with those projects.

- (f) The public works project fee shall be assessed to each new land development and building based on a demand-driven model which determines the average cost to replace major road network capacity consumed by new land development and building activity.

SECTION 3. That section 14-195 of Chapter 14, Article IX, of the Code of Ordinances of the City of Brentwood be amended by adding a new subsection 3 and amending subsection 4 and renumbering the remaining subsections accordingly.

- (3) Use of traffic data generated by the Tennessee Department of Transportation and United States Department of Transportation.
- (4) Technical traffic generation analysis and basic assumptions outlined in Trip Generation, Tenth Edition, (2017) or as may be periodically updated, by the Institute of Transportation Engineers (ITE).

SECTION 4. That section 14-196 of Chapter 14, Article IX, shall be deleted in its entirety.

SECTION 5. That section 14-197 of Chapter 14, Article IX, of the Code of Ordinances of the City of Brentwood be modified so that the title of the section shall be amended to read "Public works project fee assessment," and by deleting the text in its entirety and replacing with the following:

- (a) A schedule of public works project fees, based on the method of calculation promulgated in the Public Works Project Fee Study prepared for the City in 2019, or in a subsequent similar study, shall be adopted by resolution of the board of commissioners. The fees adopted by the board of commissioners pursuant to the 2019 Public Works Project Fee study shall be adjusted to account for construction cost inflation on January 1 following each year in which the fees were not comprehensively updated based on a new impact fee study, with the first year of adjustment being 2021. The existing fees will be multiplied by the ratio of the Engineering News-Record Construction Cost Index for the most recent month for which the index is available to the index for the same month of the previous year. The adjusted fee schedule, with fee amounts rounded to the nearest five-dollar increment, will be adopted by the Board of Commissioners via resolution by December 1 of each applicable year to be effective January 1 of the following year.
- (b) For each land use, a unit of measure shall be identified and the number of vehicle miles of travel per unit of measure shall be determined using the trip generation rates for various land uses as identified in the latest edition of the ITE's *Trip Generation Manual* as referenced elsewhere in this section. The net cost per unit for each land use shall be calculated by multiplying the number of vehicle miles of travel per unit of measure by

the net cost to construct a vehicle mile of capacity per vehicle mile traveled. Unless an alternative fee is approved according to subsection (c) below, the fee for a proposed development project shall be determined based on the adopted fee schedule.

- (c) Alternative fee determination: An alternative determination of the public works project fee for a land use may be allowed under the following criteria and conditions:
 - (1) An applicant may appeal in writing to the city manager for review of an alternative proposal related to land use traffic generation calculations.
 - (2) The alternative fee application shall provide information related to the number of daily vehicle-miles of travel (VMT) likely to be generated by the development over the long-term due to the physical characteristics of the development, not the VMT that would be generated by a particular business or occupant. This should include data on the number of trips generated, the percentage that are primary trips, and the average length of the trips.
 - (3) If the applicant's alternative calculation of the public work project fee is accepted by the city commission, the city reserves the right to review the actual traffic trip generation for the development for a period of two years after completion. If the actual traffic generation is found to exceed by ten percent that figure previously projected by the development, the city reserves the right to require an additional payment up to 150 percent of the scheduled public works project fee level.
- (d) If a land use for a specific property or facility is changed to one which would fall into a land use category for which a higher fee would apply, then a fee based upon the current fee schedule shall be assessed for the new land use, less the amount applicable for the prior land use under the then existing fee schedule. For commercial shell buildings, the fee shall be assessed at the time of initial building permit issuance based on the identified uses within the building and the applicable land use category within the adopted fee schedule. If a shell building contains a mix of land use types as defined in the adopted fee schedule, then the fee shall be calculated based on each use's pro rata share of space within the building. Provided, however, that any shell space designated for retail use within a building shall be assessed at the retail/commercial/shopping center rate and there shall be no future fee assessments or refunds based on changes to future retail tenant uses.

SECTION 6. That section 14-198, subsection (b), of Chapter 14, Article IX, of the Code of Ordinances of the City of Brentwood shall be amended to read as follows:

- (b) Appeals.
 - (1) A person may challenge the calculation or application of a fee imposed pursuant to this article by filing with the city manager a written notice of appeal with a full statement of the grounds and an appeal fee of five hundred dollars (\$500.00) or such other amount as may be fixed from time to time by resolution of the board of commissioners. Notwithstanding the appeal, the building permit for the land use may be issued if the

notice of appeal is accompanied by a bond, cashier's check or other security acceptable to the city manager in an amount equal to the fee. Appeals filed pursuant to this section must be submitted prior to issuance of the building permit or within ten days thereafter.

SECTION 7. That section 14-199, subsection (a) of Chapter 14, Article IX, of the Code of Ordinances of the City of Brentwood be amended to read as follows:

- (a) The public works project fee should be used solely to fund capacity-related improvements to the major road network system. Such improvements may include, but are not limited to, new arterial or major collector roads, widening of existing major roads, new turn lanes and medians, intersection improvements, signalization, new bike lanes, new sidewalks, realignment of existing roads to increase capacity, etc., along with incidental and necessary associated elements of such projects, such as acquisition of rights-of-way, relocation of utilities, reconstruction of existing lanes, street lights, drainage, etc. Projects eligible for funding with public works project fees shall be limited to projects identified in the Major Thoroughfare Plan or the Capital Improvements Plan.

SECTION 8. That section 14-200 of Chapter 14, Article IX, of the Code of Ordinances of the City of Brentwood be amended by deleting the text in its entirety and replacing with the following:

- (a) *Exemptions.* The following shall be exempted from payment of the public works projects fee:
 - (1) Alteration, expansion, or demolition and rebuild of an existing dwelling unit or construction of accessory buildings or structures on a residential lot where no additional units are created and the use is not changed.
 - (2) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
 - (3) The construction of publicly owned governmental buildings.
- (b) *Credits:*
 - (1) Policy/procedure. A developer's improvements to the major road network system beyond normal site related improvements may be accepted in lieu of required public works project fee payments. The board of commissioners shall in every case exercise sole authority to accept or reject any improvements as a substitute for required fee payments. Proposals for fee credits shall be submitted to the city manager and shall be accompanied by a cost estimate and a certification of the cost estimate by the city's engineer.
 - (2) Planning commission recommendation. When the planning commission determines that certain off-site road improvements should be provided for by a developer as a part

of a proposed site development, the planning commission shall advise the board of commissioners in writing of its recommendations. After formal consideration, the board of commissioners shall take one of the following actions by resolution:

- a. Accept the planning commission's recommendation and allow credits for road improvements against applicable public works project fee payments;
- b. Refer the recommendation back to the planning commission along with comments to allow reconsideration of the options for off-site improvements as part of the overall site plan approval;
- c. Modify the planning commission's recommendation and require the developer to construct an alternative eligible road improvement in lieu of fee payments; or
- d. Reject the planning commission's recommendation and accept payment from the developer of the required public works project fee for use by the city in funding eligible public works projects in the future.

A developer's fulfillment of the board of commissioners' action shall constitute compliance with any and all off-site road improvement obligations needed to maintain and improve the traffic related capacity of the major road network as impacted by the specific proposed development under consideration by the planning commission.

- (3) Eligible improvements/dedications: Subject to final authority of the board of commissioners to approve or disapprove a request, the following improvements and dedications may receive credit toward the payment of public works project fees on a dollar basis:
- a. Existing major roads. Eligible improvements to upgrade the condition or capacity of the existing major road network may include but are not limited to construction of protected left turn lanes, additional through lanes, and medians (excluding landscaping), and/or installation of traffic signals and high intensity/traffic rated street lighting.
 - b. Proposed major roads. When a proposed major road network runs through a new development and the developer is required to construct up to a 30-foot wide roadway section, credit may be granted for roadway construction beyond the 30 foot roadway width and/or other improvements which exceed normal requirements under the subdivision regulations.
 - c. Alternative roads. Credit may be granted for construction of a separate road system improvement which offers relief to the existing major road network by redirecting traffic or establishing alternative routes for localized traffic.
 - d. Right-of-way dedication. A developer's land contribution for oversizing the right-of-way for a proposed major network road in excess of 60 feet, for dedications at

least 30 feet beyond the centerline of an existing major network road (excluding any amounts that may be required for access into the site development), and/or for additional dedications along the frontage of an existing major network road to facilitate bike and pedestrian improvements may receive credit in a dollar amount determined by an appraisal prepared by a qualified appraiser and provided by the developer. In lieu of a formal appraisal, the value may be determined through consideration of relevant information regarding the purchase price of the tract adjoining such right-of-way and/or the latest property tax appraisal of the adjoining tract. Right-of-way dedications for which public works project fee credits are granted shall further preclude the use of such dedications in any potential calculation of density credits for a development as may otherwise be provided for in the city's zoning ordinance.

- (4) Transfer of credits. It is the intent of this section that public works project fee credits shall be used only at the specific development in contemplation of which eligible improvements have been made or right-of-way has been oversized. Such credits may not be transferred to other developments or locations without the express approval of the board of commissioners. Subject to the provisions of subsection (5) below, credits granted for a specific development may be transferred to or utilized by subsequent owners or users of property on which the development is to occur if the original grantee provides notification of consent to the city.
- (5) Debt obligations. A holder of public works project fee credits may not use such credits if the holder or any entity affiliated with the holder is indebted to the city in any manner. Furthermore, credits held by any person or entity who is indebted to the city may not be transferred to or utilized by any other person or entity.

SECTION 9. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

SECTION 10. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

SECTION 11. That this ordinance shall take effect on January 1, 2020, or upon publication of notice of final passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED: 1st reading _____

2nd reading _____

PUBLIC HEARING

Notice published in: _____ n/a

Date of publication: _____

Date of hearing: _____

PLANNING COMMISSION _____ n/a

NOTICE OF PASSAGE

Notice published in: Williamson A.M.

Date of publication: _____

EFFECTIVE DATE _____ 1/1/2020

MAYOR Rhea E. Little, III

RECORDER Holly Earls

Approved as to form:

CITY ATTORNEY Kristen L. Corn

ARTICLE IX. - PUBLIC WORKS PROJECTS^[8]

Footnotes:

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Editor's note— [Ord. No. 2012-14, § 10, adopted Nov. 26, 2012](#), set out provisions that renumbered Art. VIII, public works projects as the new Art. IX, of the same title. Ord. No. 95-45, § 1, adopted Nov. 27, 1995, deleted provisions pertaining to public works projects, set forth herein as art. VIII, §§ 14-191—14-201, and enacted new provisions which pertained to the same subject matter. Prior to deletion former art. VIII was derived from the 1978 Code, §§ 4-601—4-612; and Ord. No. 91-59, § 2, adopted Dec. 9, 1991.

Sec. 14-191. - Short title, authority, applicability.

- (a) This article shall be known and may be cited as the "Public Works Project Ordinance."
- (b) Authority to implement this article is granted under provisions of T.C.A. §§ 6-18-101 et seq., 7-31-101 et seq. and 7-32-101 et seq., and such other additional powers granted to municipalities by the state legislature, including Private Chapter No. 86 entitled "City of Brentwood Construction Privilege Tax," Private Chapter No. 115 entitled "Municipal Construction Impact Fee Act," and Private Chapter No. 119 entitled "Municipal Adequate Facilities Tax" of the Private Acts enacted by the legislature for the year 1987. The enumeration of particular powers in this article is not exclusive of others, not restrictive of general words or phrases granting powers and all powers shall be construed so as to permit the city to exercise freely any one or more such powers.
- (c) Except as provided in section 14-200, this article shall be applicable to all new buildings constructed or additions to existing buildings constructed after January 12, 1987.

(Ord. No. 95-45, § 1, 11-27-95)

Sec. 14-192. - Rules of construction.

For the purposes of administration and enforcement of this article, unless otherwise stated in this article, the following rules of construction shall apply to the text of this article, in addition to any general rules of construction set forth in this Code.

- (1) In case of any difference of meaning or implication between the text of the article and any caption, illustration, summary table, or illustrative table, the text shall control.
- (2) The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."
- (3) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(Ord. No. 95-45, § 1, 11-27-95)

Sec. 14-193. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or accessory structure means a detached, subordinate building or structure, the use of which is clearly incidental and related to a principal building or use of the land, and which is located on the same lot as that of the principal building or use.

~~*Adjusted base trip cost* means the base trip cost as defined in this section, adjusted for estimated future contributions toward the cost of public works projects from currently unidentified sources other than locally generated revenues.~~

~~Base trip cost means the city's share of the cost of certain eligible public works projects, as determined by action of the board of commissioners, divided by total trips, as determined pursuant to this article.~~

Bonds means bonds, interim certificates or other financial obligations of a municipality issued by its governing body pursuant to this article, or pursuant to any other law, as supplemented by, or in conjunction with this article.

Building means any permanent structure having a roof and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials or property of any kind.

Building permit means an official document or certificate issued by the city authorizing the construction of any building.

Capacity means the maximum number of vehicles for a given time period which a road can safely and efficiently carry; usually expressed in terms of vehicles per day.

Day Care Center means a facility or establishment that provides care, protection and supervision for six or more children unrelated to the operator and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. The term does not include public or nonpublic schools.

Dwelling unit shall have the meaning given in section 78-3 of this Code.

Elementary/Secondary School means a school offering an elementary through high school curriculum.

Federal agency includes the United States of America, the President of the United States of America, the United States Department of Transportation, the Federal Highway Administration or any agency, instrumentality or corporation of the United States of America, which has heretofore been or may hereafter be designated, created or authorized by or pursuant to any act or acts of the Congress of the United States of America, to make loans or grants.

Gas Station with Convenience Market means an establishment offering the sale of motor fuels and convenience items to motorists.

Golf Course means a golf course that is not restricted primarily for use by residents of a residential development of which it is a part, including commercial uses such as pro shop or bar that are designed primarily to serve golfers on the site.

Hospital means an establishment primarily engaged in providing medical, surgical, or skilled nursing care to persons, including overnight or longer stays by patients.

Hotel/Motel means a building or group of buildings on the same premises and under single control, consisting of sleeping rooms kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants. This land use category includes rooming houses, boardinghouses, and bed and breakfast establishments.

Industrial means an establishment primarily engaged in the fabrication, assembly or processing of goods. Typical uses include manufacturing plants, industrial parks, research and development laboratories, welding shops, wholesale bakeries, dry cleaning plants, and bottling works.

Land development activity and building activity that generates increased traffic means any building activity on a tract of land or vacant lot on which may be constructed one or more structures or any change in the use or appearance of any structure within the guidelines of the applicable land use zoning that attracts or produces vehicular trips over and above that produced by the existing use of land.

Major road network system means all arterial and collector roads within the city, including future arterial and collector roads necessitated by land development and building activity.

Mini-Warehouse means an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.

Office/Institutional means a general office, medical office or public/institutional use, as hereby defined.

General Office means a building exclusively containing establishments providing executive, management, administrative, financial, or non-medical professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. It may be the upper floors of a multi-story office building with ground floor retail uses. Typical uses include banks without drive-in facilities, real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations. This category does not include an administrative office that is ancillary to a principal commercial or industrial use.

Medical Office means a building primarily used for the examination and/or treatment of patients on an outpatient basis (with no overnight stays by patients) by health professionals, and which may include ancillary services for medical office workers or a medical laboratory to the extent necessary to carry out diagnostic services for the medical office's patients. It includes the use of a site primarily for the provision of medical care and treatment of animals, which may include ancillary boarding facilities.

Public/Institutional means a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center or separately listed in the impact fee schedule. Typical uses include higher education institutions, city halls, courthouses, post offices, jails, libraries, museums, military bases, airports, bus stations, fraternal lodges, parks and playgrounds. It also includes bus terminals, fraternal clubs, adult day care centers, college dormitories, and prisons.

Nursing Home means an establishment primarily engaged in providing limited health care, nursing and health-related personal care but not continuous nursing services.

Places of worship means that portion of a building owned by a religious institution which is used for worship services and customarily incidental functions.

Place of Worship means a structure designed primarily for accommodating an assembly of people for the purpose of religious worship, including related religious instruction for 100 or fewer children during the week and other related functions.

Public works project includes any one or more or any combination of the following improvements: bridges, tunnels, viaducts, flood control, streets, roads, avenues, alleys, highways, sidewalks, curbs, gutters, stormwater sewers or drains, and all property real and personal, appurtenant thereto or connected with such work, including an extension, addition, betterment or improvement.

Public works project fee means the fee established by this article based upon ~~traffic~~trip generation information, ~~trip lengths, vehicle-miles of capacity on existing major road network, growth projections,~~ public works project cost estimates, and ~~any applicable fee credits related to existing road related debt payments and state or federal funding~~future public works project requirements as established by the board of commissioners.

Restaurant, Standard means a stand-alone establishment, not located in a shopping center but may be located on an out-parcel, that sells meals prepared on site, and does not provide drive-through or drive-in service.

Restaurant, Drive-Through means a stand-alone establishment, not located in a shopping center but may be located on an out-parcel, that sells meals prepared on site, and provides drive-through or drive-in service.

Retail/Commercial/Shopping Center means an integrated group of commercial establishments planned, developed, owned or managed as a unit, or a free-standing retail or commercial use not otherwise listed in the impact fee schedule. Uses located on a shopping center outparcel are considered free-standing for the purposes of this definition. A retail or commercial use shall mean the use of a building or structure primarily for the sale to the public of nonprofessional services, or goods or foods that have not been made, assembled or otherwise changed in ways generally associated with manufacturing or basic food processing in the same building or structure. This category includes but is not limited to all uses located in shopping centers and the following free-standing uses:

Amusement park
Auto parts store
Auto wrecking yard
Automobile repair
Bank without drive-through facilities Bar
and cocktail lounge
Camera shop
Car wash
Convenience food and beverage store without gas pumps Department
store
Florist shop
Food store
Grocery
Hardware store
Health or fitness club
Hobby, toy and game shop
Junkyard
Laundromat
Laundry or dry cleaning
Lawn and garden supply
store Massage establishment
Music store
Newsstand
Nightclub
Racetrack
Recreation facility, commercial
Rental establishment
Repair shop, including auto repair
School, commercial
Specialty retail shop
Supermarket
Theater, indoor (including movie theater)
Used merchandise store
Variety store
Vehicle and equipment dealer

Shell building means all components within a structure that separate the interior spaces from the surrounding exterior areas. The shell may be comprised of a variety of elements, including corridors, doors, footings, foundations, lighting, mechanical/electrical, rest rooms, roofing, walls and windows.

Single-Family Detached means a building containing only one dwelling unit.

Single-Family Attached means a building containing two or more dwelling units, with each unit separated from adjoining units by a common wall extending through the roof.

Site related improvements means road construction or road improvements at or near the development site which are necessary to interface the development with the major road network system. Site related improvements shall include acceleration and deceleration lanes and necessary right-of-way dedications which are related to the development and any other right-of-way dedicated to the city within 30 feet of the centerline of existing roadways.

Traffic impact analysis means a study prepared by a qualified professional engineer, licensed to practice within the state, to determine the vehicular impact of a development upon the major road network system. This study shall include, but is not limited to, determination of trip generation; trip distribution; traffic assignment; capacity analyses; and improvements to the roadway system necessitated by the development, such as required new roads, additional lanes and signalization.

Trip means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end). For the purposes of this article, trip shall have the meaning which it has in commonly accepted traffic engineering practice and which is substantially the same as that definition in the previous sentence.

Trip generation means the attraction or production of trips caused by a given type of land development.

Vehicle Miles Capacity (VMC) means the roadway capacity necessary to accommodate a vehicle traveling one mile.

Vehicle Miles Traveled (VMT) means the number of trips generated by a new development multiplied by the average trip length.

Warehouse means an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Typical uses include wholesale distributors, storage warehouses, trucking terminals, moving and storage firms, recycling facilities, trucking and shipping operations and major mail processing centers.

(Ord. No. 95-45, § 1, 11-27-95)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 14-194. - Intent and purpose.

- (a) The board of commissioners has determined that the rapid growth rate which the city has experienced and is expected to experience in the foreseeable future necessitates extensive transportation related public works projects and makes it necessary to regulate land development and building activity that generates increased traffic. It is the intent of the city that the capacity of the road network in the community should handle the traffic demands generated by new development at the same level of service currently existing, thus maintaining a satisfactory quality of life in Brentwood.
- (b) In order to finance the necessary public works projects required to meet the traffic demands created by growth in population and business activity, a variety of financial sources shall be used to fund the planning, engineering, and construction of future road projects. The funding sources may include, but are not limited to: general obligation bonds, local property taxes, local sales taxes, state and federal shared revenues and grant funding, fees, rents, tolls, and other charges. If general obligation bonds or other long term debt is used to finance a public works project, then the city shall fix, levy, and collect such fees, rents, tolls, and other charges and obligate the necessary funds from other local revenue sources as may be necessary to secure the payment of principal and interest on any such debt so created in accordance with the terms and conditions of the agreements thereby established.

- (c) It shall be the purpose of this article to establish a regulatory system and method by which the city calculates, collects, and obligates a regulatory fee hereinafter referred to as the public works project fee. Except as otherwise provided for in this article, this fee shall be assessed on each new building or addition to an existing structure constructed within the city. The fee shall provide a portion of the revenues required to maintain the existing level of service on the City's major road network following completion of new development. ~~complete the public works projects designated by the board of commissioners pursuant to this article.~~ Revenues from other sources referenced in subsection (b) of this section may also be used to fund the proposed public works projects and to pay principal and interest on bonds or other debt associated with those projects.
- (d) The public health, safety, and general welfare is protected when adequate financial resources are available to fund the public works projects needed to handle traffic demand generated from land development activities and the construction of new buildings in the city.
- (e) The intent of this chapter is to allow for continued land development and new building construction in accordance with orderly fulfillment of appropriate transportation related public works projects.
- (f) The public works project fee shall be assessed to each new land development and building based on the average cost to replace major road network capacity consumed by new land development and building activity a proportionate share of the anticipated cost of future public works projects. The traffic generation for each land use category shall serve as the basis for establishing and modifying the fee.

(Ord. No. 95-45, § 1, 11-27-95)

Sec. 14-195. - Technical data base.

The technical data base, findings and conclusions used to develop the public works project fee shall be established in part through:

- (1) Use of available land use planning data related to the city and the county.
- (2) Use of the city's capital improvements program and other available transportation related studies and updates conducted by local, state and federal agencies associated with the city and North Williamson and South Davidson Counties.
- (3) Use of traffic data generated by the Tennessee Department of Transportation and United States Department of Transportation.
- (34) Technical traffic generation analysis and basic assumptions outlined in Trip Generation, TenthFourth Edition, (20174992) or as may be periodically updated, by the Institute of Transportation Engineers (ITE).

(Ord. No. 95-45, § 1, 11-27-95)

Sec. 14-196. – Eligible public works projects. Reserved

~~The board of commissioners shall designate by resolution the public works projects which shall establish the basis for the public works project fee system. The city's share of the estimated cost of each such project shall be identified. Upon recommendation by the city manager, the board of commissioners shall periodically review the designated public works projects. Changes in scope, size, status and cost of the projects shall be incorporated by adoption of a new resolution designating an amended listing of projects and associated local cost estimates.~~

(Ord. No. 95-45, § 1, 11-27-95)

Sec. 14-197. - Public works project fee ~~calculations~~ assessment.

(a) A schedule of public works project fees, based on the method of calculation promulgated in the Public Works Project Fee Study prepared for the City in 2019, or in a subsequent similar study by this section, shall be adopted by resolution of the board of commissioners. The fees adopted by the board of commissioners pursuant to the 2019 Public Works Project Fee study shall be adjusted to account for construction cost inflation on January 1 following each year in which the fees were not comprehensively updated based on a new impact fee study, with the first year of adjustment being 2021. The existing fees will be multiplied by the ratio of the Engineering News-Record Construction Cost Index for the most recent month for which the index is available to the index for the same month of the previous year. The adjusted fee schedule, with fee amounts rounded to the nearest five dollar increment, will be adopted by the Board of Commissioners via resolution by December 1 of each applicable year to be effective January 1 of the following year.

(b) For each land use, a unit of measure shall be identified and the number of vehicle miles of travel per unit of measure shall be determined using the trip generation rates for various land uses as identified in the latest edition of the ITE's *Trip Generation Manual* as referenced elsewhere in this section. The net cost per unit for each land use shall be calculated by multiplying the number of vehicle miles of travel per unit of measure by the net cost to construct a vehicle mile of capacity per vehicle mile traveled. Unless an alternative fee is approved according to subsection (c) below, the fee for a proposed development project shall be determined based on the adopted fee schedule.

~~For each land use, a demand factor shall be determined for use in calculating the appropriate public works project fee. Such demand factors shall be based on the estimated trip generation rates for various land uses as identified in the latest edition of the ITE's *Trip Generation*, as previously referred to in 14-195(3). In order to avoid the double counting of vehicular trips between land uses, the ITE's estimated trip generation rate shall be divided by two to determine the appropriate demand factor.~~

~~(c) The base trip cost shall be determined by dividing the total local share of the public works projects, as designated by the board of commissioners pursuant to 14-196, by the total daily trips for all land uses in the year 2010 as estimated by the city's planning and codes department. The base trip cost as so determined may be adjusted for estimated future contributions toward the cost of public works projects from currently unidentified sources other than locally generated revenues. The demand factor for each land use shall be multiplied by the adjusted base trip cost to yield the appropriate public works project fee per type of land use.~~

~~(d) Any land use generating local sales tax revenues from retail operations shall be eligible for a 20 percent reduction of the per unit public works project fee calculation based on space allocated within that land use for retail operations.~~

~~(e) Revisions to fee schedule:~~

~~(1) Construction data used as a basis for the calculation of public works project fees shall be reviewed annually as a part of the city's capital improvements program and periodically modified based upon actual bid documentation. Fluctuation in the base trip cost resulting from changes in the technical data base or in the scope, size, status or cost of the designated public works projects shall not necessarily dictate an adjustment in the public works project fee structure. Adjustments in the fee structure shall occur, when, in the determination of the board of commissioners, based on a recommendation from the city manager:~~

~~a. The variance between the estimated base trip cost and the base trip cost used to establish public works project fees is significant enough to warrant a change; or~~

~~b. The variance between the estimated demand factors and the demand factors used to establish public works project fees is significant enough to warrant a change.~~

~~(2) Upon such a determination, a revised schedule of public works project fees shall be adopted by resolution of the board of commissioners.~~

~~(f)(c)~~ Alternative fee determination: An alternative determination of the public works project fee for a land use may be allowed under the following criteria and conditions:

- (1) An applicant may appeal in writing to the city manager for review of an alternative proposal related to land use traffic generation calculations.
- (2) The alternative fee application shall provide information related to the number of daily vehicle-miles of travel (VMT) likely to be generated by the development over the long-term due to the physical characteristics of the development, not the VMT that would be generated by a particular business or occupant. This should include data on the number of trips generated, the percentage that are primary trips, and the average length of the trips.

~~Documentation in support of an alternative trip generation calculation shall be provided in the form of a traffic impact analysis and shall include, but not be limited to, the following factors:~~

- ~~a. Traffic characteristics and levels of service of existing major road network systems directly affected by the proposed new development.~~
- ~~b. Trip generation, trip distribution, and trip projections for the proposed new development.~~
- ~~c. Impacts of the proposed new development on affected major road network systems including anticipated changes in the level of service.~~
- ~~d. Impacts of previously approved new development affecting the same major road network systems combined with the proposed new development.~~
- ~~e. Benefits of proposed roadway system improvements to be made a part of the new development, including intersection improvements such as turn lanes and signalization.~~

- (3) If the applicant's alternative calculation of the public work project fee is accepted by the city commission, the city reserves the right to review the actual traffic trip generation for the development for a period of two years after completion. If the actual traffic generation is found to exceed by ten percent that figure previously projected by the development, the city reserves the right to require an additional payment up to 150 percent of the scheduled public works project fee level.
- (g) If a land use for a specific property or facility is changed to one which would fall into a land use category for which a higher fee would apply, then a fee based upon the current fee schedule shall be assessed for the new land use, less the amount applicable for the prior land use under the then existing fee schedule. For commercial shell buildings, the fee shall be assessed at the time of initial building permit issuance based on the identified uses within the building and the applicable land use category within the adopted fee schedule. If a shell building contains a mix of land use types as defined in the adopted fee schedule, then the fee shall be calculated based on each use's pro rata share of space within the building. Provided, however, that any shell space designated for retail use within a building shall be assessed at the retail/commercial/shopping center rate and there shall be no future fee assessments or refunds based on actual changes to future retail tenant uses. In no instance shall a fee be required for a tenant renovation (finish) permit for structures constructed prior to July, 1986. For shell buildings constructed after July, 1986, the appropriate public works project fees shall be paid at the time of the issuance of tenant finish permits.

(Ord. No. 95-45, § 1, 11-27-95)

Sec. 14-198. - Payment of fee; appeals.

- (a) Payment of the public works project fee shall be made at the time that a building permit is issued by the city.
- (b) Appeals.
 - (1) A person may challenge the calculation or application of a fee imposed pursuant to this article by filing with the city manager a written notice of appeal with a full statement of the grounds and

an appeal fee of ~~five~~two hundred dollars (\$~~25~~00.00) or such other amount as may be fixed from time to time by resolution of the board of commissioners. Notwithstanding the appeal, the building permit for the land use may be issued if the notice of appeal is accompanied by a bond, cashier's check or other security acceptable to the city manager in an amount equal to the fee. Appeals filed pursuant to this section must be submitted prior to issuance of the building permit or within ten days thereafter.

- (2) The appellant bears the burden of demonstrating that the amount of the fee was not calculated or applied according to the procedures established in this article.
- (3) The board of commissioners shall hear the appeal at a regularly scheduled meeting or special call meeting which falls within 30 days following receipt of the notice of appeal by the city manager. The determination of the board of commissioners shall be announced at the conclusion of the hearing or at the next regular meeting of the board of commissioners. The determination of the board of commissioners shall be final.

(Ord. No. 95-45, § 1, 11-27-95)

Sec. 14-199. - Use of fee.

- (a) ~~The public works project fee should be used solely to fund capacity-related improvements to the major road network system. Such improvements may include, but are not limited to, new arterial or major collector roads, widening of existing major roads, new turn lanes and medians, intersection improvements, signalization, new bike lanes, new sidewalks, realignment of existing roads to increase capacity, etc., along with incidental and necessary associated elements of such projects, such as acquisition of rights-of-way, relocation of utilities, reconstruction of existing lanes, street lights, drainage, etc. Projects eligible for funding with public works project fees shall be limited to projects identified in the Major Thoroughfare Plan or the Capital Improvements Plan. The public works project fees established in this ordinance shall be used solely for the purposes identified in this chapter and in compliance with appropriate state law. The use of public works project fees for the payment of principal, interest or other costs of bonds or other obligations issued or undertaken by or on behalf of the city to finance eligible public works projects shall be considered as meeting the purposes identified in this chapter.~~
- (b) Public works project fees collected by the city shall be placed in a special public works project trust fund established for the purposes of funding public works projects designated by the board of commissioners pursuant to 14-196.
- (c) The public works project fees shall not be used for routine maintenance of existing road systems.

(Ord. No. 95-45, § 1, 11-27-95)

Sec. 14-200. - Exemptions and credits.

- (a) *Exemptions.* The following shall be exempted from payment of the public works projects fee:
 - (1) Alteration, ~~or~~ expansion, ~~or demolition and rebuild~~ of an existing dwelling unit or construction of accessory buildings or structures on a residential lot where no additional units are created and the use is not changed.
 - (2) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
 - (3) The construction of publicly owned governmental buildings.
 - ~~(4) The construction of places of worship.~~

(b) *Credits:*

- (1) Policy/procedure. A developer's improvements to the major road network system beyond normal site related improvements may be accepted in lieu of required public works project fee payments. The board of commissioners shall in every case exercise sole authority to accept or reject any improvements as a substitute for required fee payments. Proposals for fee credits shall be submitted to the city manager and shall be accompanied by a cost estimate and a certification of the cost estimate by the city's engineer.
- (2) Planning commission recommendation. When the planning commission determines that certain off-site road improvements should be provided for by a developer as a part of a proposed site development, the planning commission shall advise the board of commissioners in writing of its recommendations. After formal consideration, the board of commissioners shall take one of the following actions by resolution:
 - a. Accept the planning commission's recommendation and allow credits for road improvements against applicable public works project fee payments;
 - b. Refer the recommendation back to the planning commission along with comments to allow reconsideration of the options for off-site improvements as part of the overall site plan approval;
 - c. Modify the planning commission's recommendation and require the developer to construct an alternative eligible road improvement in lieu of fee payments; or
 - d. Reject the planning commission's recommendation and accept payment from the developer of the required public works project fee for use by the city in funding eligible public works projects in the future.

A developer's fulfillment of the board of commissioners' action shall constitute compliance with any and all off-site road improvement obligations needed to maintain and improve the traffic related capacity of the major road network as impacted by the specific proposed development under consideration by the planning commission.

- (3) Eligible improvements/dedications: Subject to final authority of the board of commissioners to approve or disapprove a request, the following improvements and dedications may receive credit toward the payment of public works project fees on a dollar basis:
 - a. Existing major roads. Eligible improvements to upgrade the condition or capacity of the existing major road network may include but are not limited to construction of protected left turn lanes, additional through lanes, and medians (excluding landscaping), and/or installation of traffic signals and high intensity/traffic rated street lighting.
 - b. Proposed major roads. When a proposed major road network runs through a new development and the developer is required to construct up to a 30-foot wide roadway section, credit may be granted for roadway construction beyond the 30 foot roadway width and/or other improvements which exceed normal requirements under the subdivision regulations.
 - c. Alternative roads. Credit may be granted for construction of a separate road system improvement which offers relief to the existing major road network by redirecting traffic or establishing alternative routes for localized traffic.
 - d. Right-of-way dedication. A developer's land contribution for oversizing the right-of-way for a proposed major network road in excess of 60 feet, ~~and/or~~ for dedications at least 30 feet beyond the centerline of an existing major network road (excluding any amounts that may be required for access into the site development), and/or for additional dedications along the frontage of an existing major network road to facilitate bike and pedestrian improvements may receive credit in a dollar amount determined by an appraisal prepared by a qualified appraiser and provided by the developer. In lieu of a formal appraisal, the value may be determined through consideration of relevant information regarding the purchase price of the tract adjoining such right-of-way and/or the latest property tax appraisal of the adjoining tract.

Right-of-way dedications for which public works project fee credits are granted shall further preclude the use of such dedications in any potential calculation of density credits for a development as may otherwise be provided for in the city's zoning ordinance.

- (4) Transfer of credits. It is the intent of this section that public works project fee credits shall be used only at the specific development in contemplation of which eligible improvements have been made or right-of-way has been oversized. Such credits may not be transferred to other developments or locations without the express approval of the board of commissioners. ~~Any transfer of credits approved by the board of commissioners shall be limited to the same or a contiguous traffic zone as designated by the city's most recent land use plan.~~ Subject to the provisions of subsection (5) below, credits granted for a specific development may be transferred to or utilized by subsequent owners or users of property on which the development is to occur if the original grantee provides notification of consent to the city.
- (5) Debt obligations. A holder of public works project fee credits may not use such credits if the holder or any entity affiliated with the holder is indebted to the city in any manner. Furthermore, credits held by any person or entity who is indebted to the city may not be transferred to or utilized by any other person or entity.

(Ord. No. 95-45, § 1, 11-27-95)

Sec. 14-201. - Liberal construction; penalty.

- (a) The provisions of this article shall be liberally construed to effectively carry out its purpose in the interest of public health, safety, welfare and convenience.
- (b) In addition to any other penalty which may be imposed or action which may be taken, the city retains the right to deny a building permit for any development in which the public works project fee is in dispute.

(Ord. No. 95-45, § 1, 11-27-95)

Secs. 14-202—14-220. - Reserved.



Public Works Project Fee Study

for the City of Brentwood, Tennessee

prepared by

Duncan Associates

October 2019

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EXECUTIVE SUMMARY

The purpose of this project is to assist the City of Brentwood in updating its road impact fees, which are called public works project fees.

Current Fees

The City's current public works project fees are summarized in Table 1. The number of average daily trip ends have been divided by two to avoid double-counting. The number of daily trips per unit is multiplied by the cost per trip to determine the fee. Retail uses are given a 20% reduction in recognition of local sales tax revenues they generate.

Table 1. Current Public Works Project Fees

Land Use	Unit	Trip Ends	Trips	Cost/ Trip	Retail Factor	Fee per Unit
Single-Family	Dwelling	9.57	4.785	\$257	100%	\$1,230
Continuing Care Retirement Comm.	Dwelling	2.81	1.405	\$257	100%	\$360
Hotel/Motel	Room	9.02	4.510	\$257	80%	\$930
Shopping Center / Retail	1,000 sq. ft.	42.94	21.470	\$257	80%	\$4,415
Formal Restaurant	1,000 sq. ft.	89.95	44.975	\$257	80%	\$9,250
High Turnover Restaurant	1,000 sq. ft.	127.15	63.575	\$257	80%	\$13,070
Gasoline/Service Station w/Conv. Mkt	1,000 sq. ft.	96.37	48.185	\$257	80%	\$9,910
Gasoline/Service Station	Pumps	15.65	7.825	\$257	80%	\$1,610
General Office Building	1000 sq. ft.	23.57	11.785	\$257	100%	\$3,030
Golf Course	Acre	5.04	2.520	\$257	100%	\$650
Racquet/Tennis Club	Court	38.7	19.350	\$257	100%	\$4,975
Health/Fitness Club	1,000 sq. ft.	4.05	2.025	\$257	100%	\$520
Recreational / Community Center	1,000 sq. ft.	1.62	0.810	\$257	100%	\$210
Elementary School	Student	1.29	0.645	\$257	100%	\$170
Middle School / Junior High School	Student	1.62	0.810	\$257	100%	\$210
High School	Student	1.71	0.855	\$257	100%	\$220
Junior/Community College	Student	1.2	0.600	\$257	100%	\$155
Day Care Center	Student	4.48	2.240	\$257	100%	\$575
Hospital	Bed	11.81	5.905	\$257	100%	\$1,520
Nursing Home	Bed	2.37	1.185	\$257	100%	\$305
Assisted Living	Bed	2.74	1.370	\$257	100%	\$350
Warehousing	1,000 sq. ft.	4.96	2.480	\$257	100%	\$640

Source: City of Brentwood web site, Public Works Project Fee Schedule, downloaded November 18, 2018.

Update Overview

Methodology. The major recommendation for this update is to base the fees on a “demand-driven” methodology. The City's current fees were calculated using a “plan-based” methodology. Plan-based methodologies are simple to calculate (total planned improvement costs divided by new trips), but they are difficult to do right. A simple list of improvements is not a sufficient basis for a plan-based fee calculation. The plan-based methodology requires a master plan that can demonstrate that the

cost of improvements needed over the planning horizon are attributable to the amount of growth projected to occur over that period. The City's current *Major Thoroughfare Plan* does not contain the level of data and analysis needed to establish the nexus between the projected growth and the need for the improvements. Consequently, this update uses the alternative "demand-driven" methodology (see the Methodology chapter for a detailed description of this approach).

Service Unit. While a plan-based fee calculation can be based on either the number of vehicle trips or vehicle-miles of travel (VMT) generated by the development, the demand-driven methodology requires the use of VMT for the unit of impact, or "service unit." Consequently, the updated fees need to take into account not only the number of trips generated, but also the average length of those trips. They also need to exclude pass by trips, which do not add additional VMT. These adjustments more than compensate for the removal of the 20% reduction for retail uses, which does not appear to have an empirical basis.

Land Use Categories. Some of the current fee categories are assessed on characteristics that are sometimes difficult to quantify, such as number of students or beds. This update uses the square footage of the building for assessing uses such as schools, day care centers, hospitals and nursing homes. Current and proposed land use categories are summarized in Figure 4 in the Methodology chapter, and suggested definitions are provided in the appendix.

Privilege Tax. The City has the authority to impose a construction privilege tax for road improvements in addition to its road impact fee. If the City is interested in pursuing the idea, there are ways to avoid any overlap between the types of road improvements funded by the two revenue sources. For example, the construction privilege tax revenues could be used for right-of-way acquisition and sidewalk construction without any overlap, because those costs have been excluded from the calculation of the updated fees (see discussion in Legal Framework chapter).

Updated Fees

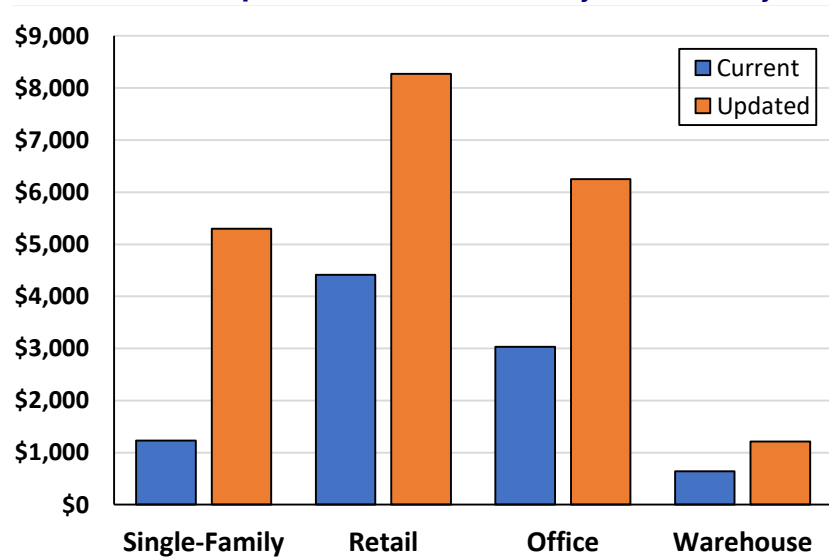
The updated fees are shown in Table 2 on the following page. Current fees for comparable land uses are also shown. The wide variation in percentage changes between land use categories reflects changes in travel demand factors, including the inclusion of trip lengths and percentage of pass by trips. The potential fee increases are greatest for residential uses, primarily because shorter trip lengths and higher pass by factors than the current 20% reduction for retail trips kept nonresidential fees from rising as much.

The City could adopt the updated fees at some percentage less than 100%, but the adoption percentage should be the same for all land uses to preserve the proportionality of the fees to the impact of the development. The City could also phase-in the updated fees over a period of time.

Table 2. Updated Public Works Project Fees

Land Use Type	Unit	Updated Fees	Current Fees	Percent Change
Single-Family Detached	Dwelling	\$5,297	\$1,230	331%
Single-Family Attached	Dwelling	\$4,107	n/a	n/a
Senior Adult Housing, Detached	Dwelling	\$2,389	\$360	564%
Senior Adult Housing, Attached	Dwelling	\$2,075	\$360	476%
Golf Course	Hole	\$1,519	\$650	134%
Hotel/Motel	Room	\$3,287	\$930	253%
Retail/Commercial/Shopping Center	1,000 sf	\$8,269	\$4,415	87%
Restaurant, Standard	1,000 sf	\$15,860	\$9,250	71%
Restaurant, Drive-Through	1,000 sf	\$35,264	n/a	n/a
Gas Station w/Convenience Mkt.	1,000 sf	\$13,682	\$9,910	n/a
Office/Institutional	1,000 sf	\$6,252	\$3,030	106%
Elementary/Secondary School	1,000 sf	\$1,940	n/a	n/a
Junior/Community College	1,000 sf	\$4,375	n/a	n/a
Day Care Center	1,000 sf	\$5,151	n/a	n/a
Hospital	1,000 sf	\$4,837	n/a	n/a
Nursing Home	1,000 sf	\$2,950	n/a	n/a
Place of Worship	1,000 sf	\$3,130	n/a	n/a
Industrial	1,000 sf	\$2,346	n/a	n/a
Warehouse	1,000 sf	\$1,214	\$640	90%
Mini-Warehouse	1,000 sf	\$1,046	n/a	n/a

Source: Current fees from Table 1; updated fees from Table 17.

Figure 1. Current and Updated Public Works Project Fees, Major Land Uses

Comparative Fees

Communities in the process of updating impact fees are naturally interested in knowing what nearby or comparable jurisdictions are charging. However, often-expressed concerns about the need to be “competitive” with other jurisdictions are not necessarily well-founded. Some studies have found that differences in impact fees between cities or counties in a state or region had no measurable effect on the rates of development. This is not surprising, given the myriad other market and regulatory factors that differ between jurisdictions besides road impact fees.

The City’s current and updated public works project fees are compared to road impact fees charged by four nearby Tennessee municipalities in Table 3. Spring Hill’s newly adopted fees will go to 100% in 2020. Smyrna’s fees were adopted in 2017 at 70%.

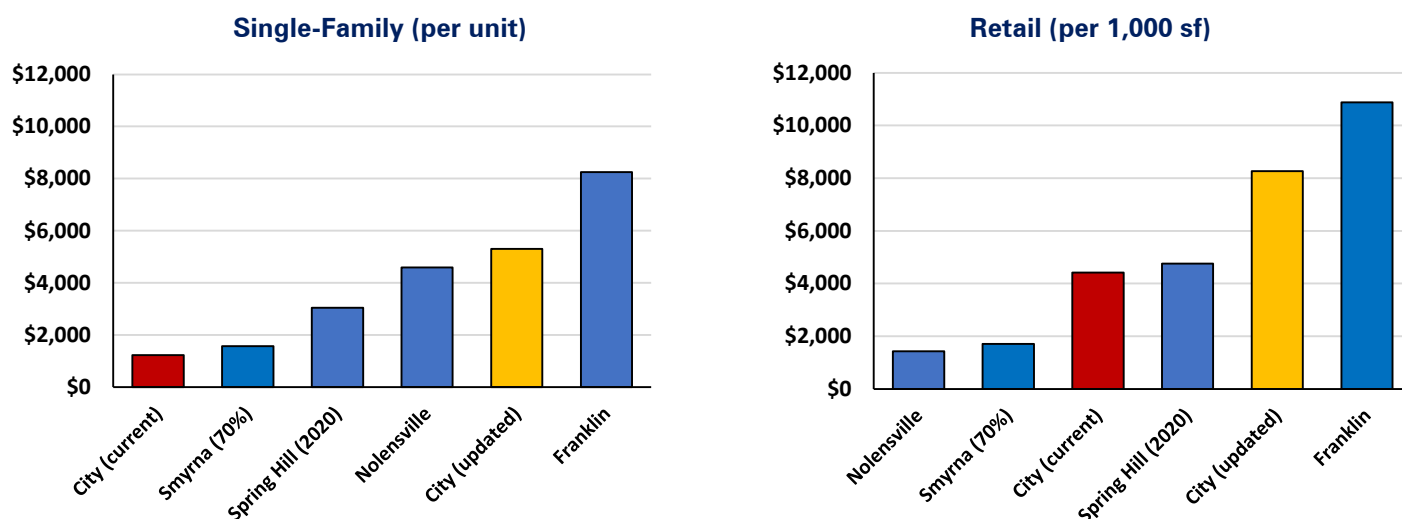
Table 3. Comparative Road Impact Fees

Municipality	Single-Family (unit)	Retail (1,000 sf)	Rest-aurant (1,000 sf)	Office (1,000 sf)	Ware-house (1,000 sf)
City (current)	\$1,230	\$4,415	\$9,250	\$3,030	\$640
City (updated)	\$5,297	\$8,269	\$15,860	\$6,252	\$1,214
Franklin	\$8,251	\$10,878	\$20,255	\$7,801	\$3,187
Nolensville	\$4,594	\$1,424	\$1,424	\$2,619	\$551
Smyrna (70%)	\$1,567	\$1,712	\$1,712	\$2,435	\$651
Spring Hill (2020)	\$3,048	\$4,753	\$9,118	\$3,599	\$697

Source: Current and updated City fees from Table 2; other fees from Duncan Associates internet survey (Spring Hill fees shown are 100% of fees calculated in 2019 study, which become effective July 1, 2020 – current fees are at 33%).

Single-family and retail fees from the table above are illustrated in Figure 2.

Figure 2. Comparative Single-Family and Retail Fees



LEGAL FRAMEWORK

The City of Brentwood's public works project fee is an impact fee imposed on new development to pay for road improvements necessitated by growth. Impact fees are a way for local governments to require new developments to pay a proportionate share of the infrastructure costs they impose on the community. In contrast to "negotiated" developer exactions, impact fees are charges assessed on new development using a standard formula based on objective characteristics, such as the number and type of dwelling units constructed. The fees are a one-time, up-front charge, with the payment made at the time of building permit issuance. Impact fees require that each new development project pay a pro-rata share of the cost of new capital facilities required to serve that development.

Statutory Authority

In 1987, the Tennessee Legislature passed three private acts that give the City of Brentwood authority to enact impact fees and privilege taxes on new development for transportation purposes, as described below. The City's public works project fee was adopted under the impact fee authority. The City has not adopted a construction privilege tax or adequate facilities tax.

Municipal Construction Impact Fee. Chapter 115 of the Private Acts of Tennessee passed by the General Assembly in 1987 authorizes municipalities having a 1980 population of 9,430 to 9,440 to collect impact fees from new development for their fair share of the cost of road, water, sewer, and stormwater improvements needed to accommodate new development. The 1980 U.S. Census enumerated 9,431 residents in the Brentwood, giving the City the authority to impose such impact fees. The act provides that the impact fee may not be imposed prior to the issuance of a building permit, and that the fees collected must be kept in a separate fund and used only for the types of improvements for which they were collected. The municipality must establish an impact fee formula that requires developers "to pay an impact fee that does not exceed the pro rata share of the reasonably anticipated cost for the public improvements created by the new land development activity."

Construction Privilege Tax. Chapter 86 of the Private Acts of Tennessee passed by the General Assembly in 1987 authorizes the City of Brentwood to levy a construction privilege tax on new development for transportation-related projects made necessary by growth, not to exceed \$0.50 per square foot for residential development and \$1.50 per square foot for nonresidential development within the city limits. Public buildings and places of worship are exempt from any such transportation development tax. The tax is collected at time of building permit issuance, and the funds collected are restricted to be expended only on transportation-related improvements reasonably related to the need to serve new development. The act states that the authority to impose the tax is in addition to the authority to impose other taxes or fees on new development authorized by private acts, and "shall not be deemed to constitute double taxation."

Adequate Facilities Tax. Chapter 119 of the Private Acts of Tennessee passed by the General Assembly on May 7, 1987 authorizes municipalities having a 1980 population of 9,430 to 9,440 to levy an adequate facilities tax of up to \$1.00 per square foot of residential and \$2.00 per square foot of

nonresidential construction. It specifically provides that the City may vary the amount of the tax for different types of residential and nonresidential development. It had to be adopted by the local governing body within five months by a two-thirds majority, and the City ratified the authority with Resolution 87-19 on July 13, 1987. This tax can be used for a wide variety of improvements, including roads, parks, jails, law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities and other governmental capital improvements. Prior to imposing the tax, the City would need to adopt a capital improvements program indicating the need for the cost of public facilities anticipated to be funded. The City would also need to make a finding that the need for such public facilities is reasonably related to new development.

Pro Rata Share. The City's impact fee authority requires that the fees do not exceed the "pro rata share" of the growth-related improvement costs, but it does not provide guidance on how the pro rata share is to be determined. This guidance is provided by a body of case law dealing with impact fees (see Case Law section below). The principles derived from impact fee case law can be stated briefly as follows:

- 1) Don't charge new development for a higher level of service than is provided to existing development;
- 2) Make the fee proportional to the impact of the development;
- 3) Don't charge twice through other taxes or fees for the same improvements; and
- 4) Spend the funds to benefit new development.

Imposing a Privilege or Facilities Tax for Roads. The City has the authority to impose a construction privilege tax or an adequate facilities tax for road improvements in addition to the current road impact fee. Both the privilege and adequate facilities tax acts specifically say this authority is "in addition" to any other authority for "taxes or fees," and "shall not be deemed to constitute double taxation." But it's not clear that the City could adopt the maximum allowable impact fee for new development's share of future major road expansions, while also adopting a privilege or adequate facilities tax on new construction that is dedicated to the same types of improvements. That might run afoul of the case law requirement that impact fees should not require new development to pay twice through other taxes or fees. However, if the City is interested in pursuing the idea, there are ways to avoid any overlap between the types of road improvements funded by the two revenue sources. For example, the construction privilege tax revenues could be used for right-of-way acquisition and sidewalk construction without any overlap, because those costs have been excluded from the calculation of the updated fees.

Case Law

Impact fees were pioneered in states that lacked specific enabling legislation, and the authority to impose them has generally been based on local governments' broad "police power" to regulate land development in order to protect the health, safety and welfare of the community.

Rational Nexus Standard

To ensure that local governments do not impose an unauthorized tax in the guise of an impact fee, the courts have developed guidelines for constitutionally-valid impact fees, based on the “rational nexus” standard.¹ The standard essentially requires that fees must be proportional to the need for additional infrastructure created by the new development, and the fees must be spent to provide that same type of infrastructure to benefit new development.

The Need Test. To meet the first prong of the dual rational nexus test, it is necessary to demonstrate that new development creates the need for additional roadway facilities. The demand on roadways created by new developments of different types is quantified in the form of trip generation rates per housing unit and per various measures of nonresidential development. Transportation impact fees are designed to be proportional to the additional capacity needed to accommodate each new development.

The Benefit Test. To meet the second prong of the dual rational nexus test, it is necessary to demonstrate that new development subject to the fee will benefit from the expenditure of the impact fee funds. One requirement is that the fees be used to fill the need that serves as the justification for the fees under the first part of the test. The fees should also be spent in a reasonable amount of time so as to provide meaningful benefit to the fee-paying development, typically 6-10 years, or be refunded.

Level of Service

The rational nexus standard requires that the fees not exceed the cost directly related to the proposed development, and that they not be used to remedy any existing deficiency. The concept of “level of service” is implicit in establishing the relationship of the cost of improvements to the new development, as well as in determining existing deficiencies. These requirements get to the heart of one of the most fundamental principles established in impact fee case law, which is that impact fees should not charge new development for a higher level of service than is provided to existing development. Basing the fees on a higher level of service (LOS) than is being provided to existing development means there is a deficiency in existing facilities to provide the same LOS new development is paying for through the impact fee. Such a deficiency needs to be paid for in such a way that it does not burden new development. The methodology used in this study results in a fee that does not exceed the cost to maintain the existing LOS.

¹ Some of the major cases are *City of Dunedin v. Contractors and Builders Association of Pinellas County* (FL 1975); *Banberry Development Corp. v. South Jordan City* (UT 1981); *Hollywood, Inc. v. Broward County* (FL 1983); *Home Builders Assoc. of Dayton and the Miami Valley, et. al. v. City of Beavercreek* (OH, 2000)

Proportionality

One of the fundamental legal principles of impact fee case law is that the fees for each individual land use type should be proportional to the impact of that use. It is necessary to meet the court-imposed requirement that impact fees be proportional to impact to avoid having the fee struck down as an illegal tax. This update meets this requirement by basing the fees for different land uses on studies of trip generation and average trip length.

Policy reductions or waivers for selected land use categories or types of development weaken that relationship and should be avoided or at least strictly limited. At a minimum, the impact fee fund should be reimbursed for the lost revenue from general fund sources. In addition, a revenue credit should probably be provided for other land uses not subject to the reduction. Even if the targeted reductions are replaced with general funds, new development that is not eligible for the reduction will generate future general fund revenues that will be used to pay for the reduced fees for some types of development. This could arguably amount to new development that is not eligible paying more than its proportionate share of road improvement costs. While this issue has not been litigated, the prudent course would be either not to apply targeted fee reductions or else make up the lost revenue and calculate an appropriate revenue credit for non-eligible development types.

Developer Credits

Another fundamental requirement articulated in impact fee case law is the need to avoid double-charging new development through impact fees and other requirements or taxes. Developers should not be required to make site-specific dedications or improvements that meet the same need being addressed by the impact fees, while also being required to pay the fee. In general, impact fees should be reduced by the value of dedications or improvements required of developers for the same type of improvements that would be eligible to be funded with the impact fees. These reductions are referred to as developer credits.

It is reasonable to have some restrictions on the types of improvements that are eligible for credit. Granting credits is essentially spending future impact fees, and the fees should be spent for priority improvements that benefit the community at large. Developers should not be allowed to monopolize the fees for localized improvements if they choose to develop in areas that lack adequate infrastructure. For example, credit eligibility could be restricted to contributions related to projects identified in the *Major Thoroughfare Plan* or an adopted list of planned road improvements. But developers should be eligible for credits for required improvements related to projects that are consistent with the jurisdiction's land use and capital plans.

Revenue Credits

A revenue credit is a reduction from the cost per service unit designed to equalize the burden between existing and new development arising from the expenditure of future revenues that can be attributed in part to new development. While developer credits are provided on a case-by-case basis, revenue credits must be addressed in the fee calculation study.

As noted previously, if there are existing deficiencies with respect to the level of service used in the fee calculation, the fees should be reduced by a credit that accounts for the contribution of new development toward remedying the existing deficiencies. A similar situation arises when the existing level of service has not been fully paid for. Outstanding debt on existing facilities that are counted in the existing level of service will be retired, in part, by revenues generated from new development. Given that new development will pay impact fees to provide the existing level of service for itself, the fact that new development may also be paying for the facilities that provide that level of service for existing development could amount to paying more than its proportionate share. Consequently, impact fees should be reduced to account for future payments that will retire outstanding debt on existing facilities that provide the level of service on which the fees are based for existing development.

The issue is less clear-cut when it comes to other types of revenue that may be used to make capacity-expanding capital improvements of the same type being funded by impact fees. The clearest case occurs when general fund tax revenues are programmed for capacity-expanding improvements on an “as available” basis because impact fees are insufficient to fund all needed growth-related improvements. These general fund contributions could be booked as a loan to the impact fee fund, to be repaid when sufficient impact fee funds are available.

Similar considerations apply to dedicated funding sources, such as special taxes that can only be used for the same type of facilities as the impact fees. Like discretionary revenue, these types of dedicated revenue sources are typically not specifically dedicated only for capacity-expanding improvements, and even if they are, their use to fund capacity-related improvements improves the level of service for both existing and new development.

Outside funding or grants for capacity-expanding improvements to major roads that can reasonably be anticipated in the future could warrant a credit, but again this is not clear-cut. In addition to the argument made above (i.e., the additional funding raises the level of service and benefits both new development and existing development), two additional arguments can be made against providing credits for such funding. First, new development in a community does not directly pay for State and Federal grants in the same way they pay local gasoline and property taxes. Second, future grant funding is far more uncertain than dedicated revenue streams.

While these arguments are compelling, they have not been litigated, and the law on whether revenue credits may be warranted in situations other than existing deficiencies or outstanding debt on existing facilities is currently unclear. This update incorporates revenue credits for Federal/State funding anticipated to be available to help fund growth-related transportation improvements.

METHODOLOGY

The methodology used to calculate an impact fee must comply with the “pro rata” legal requirements described in the Legal Framework chapter. In impact fee analysis, existing and projected development is translated into “service units,” which is a common indicator of demand (such as vehicle trips). Fees are based on the cost per service unit, which is then multiplied by service units generated per development unit (e.g., dwelling unit or 1,000 square feet) to calculate the fee schedule.

A methodology is defined by how the cost per service unit is calculated. There are two basic types of methodologies: plan-based and demand-driven. The City’s current fees were calculated using a plan-based methodology. The consultant recommends switching to a demand-driven methodology in this update. Regardless of the methodology used, the final fee schedule calculations may need to reduce the fees to ensure there is no double-charging, as discussed in the revenue credits section of the Legal Framework chapter.

Plan-Based Methodology

A plan-based methodology calculates the cost per service unit by dividing planned improvement costs over a fixed time horizon by the anticipated growth in service units over the same period. Dividing anticipated growth costs by anticipated new service units yields the cost per service unit to accommodate growth. A plan-based road impact fee methodology may utilize either vehicle trips or vehicle-miles of travel as the service unit. As the name implies, the plan-based methodology presupposes the existence of a plan.

The legal requirements for impact fees set a relatively high bar for a plan-based methodology. The plan must create a tight nexus between the amount of growth projected over a specified period and the improvements needed to serve that growth. The list of planned improvements must be developed using a rigorous analysis, such as the modeling used to develop a transportation master plan, to establish the required nexus between the anticipated growth and the specific list of improvements required to serve that growth. The City’s 2030 Major Thoroughfare Plan, adopted in 2016, falls short of this requirement. Traffic projections are not modeled based on a set of growth projections by small areas, but rather on trends in historical traffic counts. This makes the City’s current plan difficult to use as the foundation for a plan-based fee calculation.

Demand-Driven Methodology

The alternative to the plan-based methodology is referred to as “demand-driven” (also called “consumption-based” when used for road fees). This approach is probably more commonly-used in Tennessee than the plan-based approach. It bases the fee on the average cost to replace major roadway capacity consumed by new development. It does not depend on having a list of planned improvements or growth projections, although planned improvement costs may be used to determine the average cost to add new roadway capacity, and growth projections may be used to forecast future

revenues. It allows fee revenues to be used for any needed capacity-expanding improvement, although expenditures could be limited to a pre-determined list of projects. It is based on a level of service expressed as a system-wide capacity to demand ratio (i.e., vehicle-miles of capacity per vehicle-miles of travel, or VMC/VMT). If the fees are based on a ratio no higher than the existing one, there are no deficiencies. The consultant recommends using this methodology in the update.

The service unit for the demand-driven methodology must be in terms of vehicle-miles of travel (VMT), because it is not possible to determine the capacity needed to accommodate a trip without considering the length of the trip. VMT (trips times average trip length) takes into account not only the number of trips, but the average length of those trips. Retail trips, for example, tend to be shorter than trips to office or industrial uses. Adding the trip length component more accurately assesses road impacts by land use. Trips for retail and some other land uses should also be reduced to recognize pass-by traffic; that is, trips that are stopping at the use on their way to another primary destination. Pass-by trips do not place any additional burden on the road system. The City currently addresses this by applying a 20% reduction factor for retail uses. The latest ITE trip generation manual supports bigger reductions. If you also factor out diverted-linked trips (those that make a short diversion to the pass-by stop), the reduction would be closer to 55% for shopping centers and 60% for restaurants.

An issue that arises with the demand-driven road fee methodology is what the appropriate level of service (LOS) should be. The “standard” demand-driven road methodology multiplies the cost of a vehicle-mile of capacity (VMC) by the vehicle-miles of travel (VMT) generated by a development to calculate the fee. However, a VMC is not the same as a VMT. In mathematical terms, the cost per VMC must be multiplied by the VMC/VMT ratio to get the cost per VMT. The standard demand-driven approach implicitly assumes that the VMC/VMT ratio is one. That is, it assumes that the roadway system can function adequately with every road carrying exactly its full capacity. In the real world, however, travel is not evenly distributed proportional to roadway capacity. Drivers may try to avoid driving on congested roadways, but they will always have limited options. Under conditions of full system-wide utilization, any roadway with some excess capacity will be balanced by a roadway that is over-capacity. Reasonably functioning roadways systems must have more aggregate capacity than aggregate demand (e.g., VMC/VMT ratios considerably higher than one-to-one).

The “modified” demand-driven approach recognizes this by explicitly using the VMC/VMT ratio in the formula. It either uses the actual existing VMC/VMT ratio, or a lower ratio that is greater than one. If the existing ratio is used, that makes the modified approach conceptually similar to the incremental expansion approach often used for types of facilities for which capacity is more difficult to measure, because it basically says that existing roadway capacity must be expanded in direct proportion to the increase in travel demand to maintain an adequate level of service. Few studies use this approach, however, particularly in less-developed jurisdictions, because the VMC/VMT ratio tends to decline as the community matures. This update incorporates the VMC/VMT ratio, but to be conservative continues to use the one-to-one ratio of capacity to demand implicit in the traditional demand-driven approach.

The formula for the demand-driven methodology used in this study is summarized in Figure 3. The maximum fee amount calculated with this methodology is the number of service units (VMT) that will be generated by the development times the net cost per service unit.

Figure 3. Demand-Driven Road Impact Fee Formula

IMPACT FEE	=	VMT x NET COST/VMT
<i>Where:</i>		
VMT	=	TRIPS x % NEW x LENGTH
TRIPS	=	Trip ends during average weekday ÷ 2
% NEW	=	Percent of trips that are primary trips, as opposed to pass by or diverted-link trips
LENGTH	=	Average length of a trip on the major roadway system
NET COST/VMT	=	COST/VMT - CREDIT/VMT
COST/VMT	=	COST/VMC x VMC/VMT
COST/VMC	=	Average cost to add a vehicle-mile of capacity
VMC/VMT	=	Ratio of system-wide capacity to demand in the major roadway system
CREDIT/VMT	=	Credit for certain future revenues to be generated by new development

Land Use Categories

Some modifications to the land use categories are made in this update to better reflect available data and to simplify the process of fee determination and collection. Recommended definitions of all the categories are provided in the Appendix to assist in classifying proposed land uses.

- Add a single-family attached category.
- Replace continuing care community with senior adult housing, attached and detached. The senior adult housing categories are better defined and are based on more recent and robust data.
- Combine elementary, middle, and high school categories and change the assessment basis from students to square footage, which is more easily determined.
- Change the assessment bases for junior/community college and day care center from students to square feet, and for nursing home and hospital from beds to square feet.
- Add a new place of worship category. Churches and other places of worship have traffic impacts and should be assessed impact fees.
- Drop gasoline service station, racquet/tennis club, recreation/community center, and health/fitness club as separate categories and assess at the retail rate.

The current and proposed land use categories are summarized in Figure 4. The italicized notes on the right side of the figure refer to the current land use category in the left-hand column

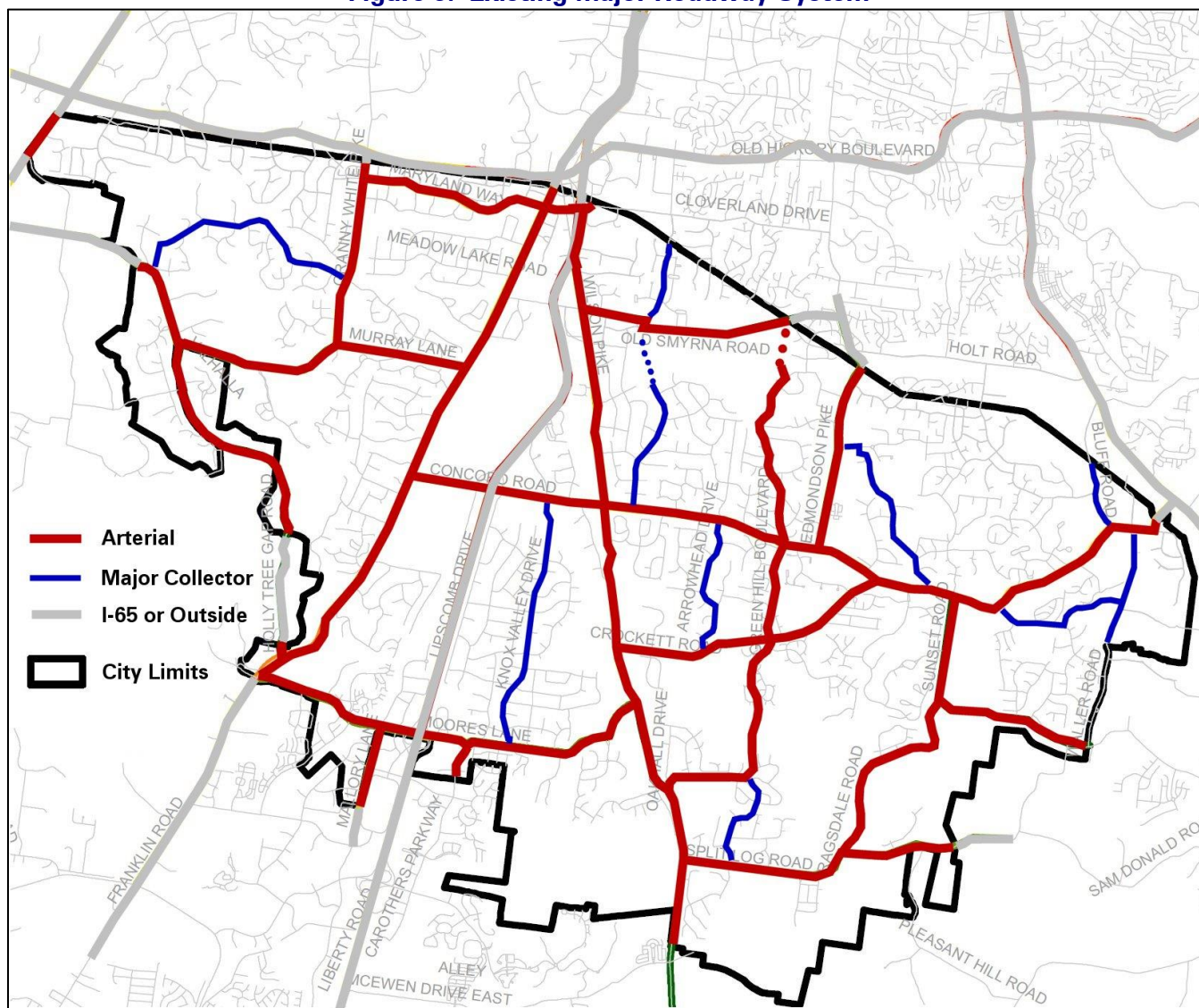
Figure 4. Current and Proposed Land Use Categories

Current Category	Unit	Proposed Category	Unit
Residential/Lodging		Residential/Lodging	
Single-Family	Dwelling	Single-Family Detached	Dwelling
		Single-Family Attached	Dwelling
Continuing Care Retirement Community	Dwelling	Senior Adult Housing, Detached	Dwelling
		Senior Adult Housing, Attached	Dwelling
Hotel/Motel	Room	Hotel/Motel	Room
Retail/Commercial		Retail/Commercial	
Shopping Center/Retail	1,000 sq. ft.	Retail/Commercial/Shopping Center	1,000 sq. ft.
General Office Building	1,000 sq. ft.	Office/Institutional	1,000 sq. ft.
Formal Restaurant	1,000 sq. ft.	Restaurant w/o Drive-Thru	1,000 sq. ft.
High Turnover Restaurant	1,000 sq. ft.	Restaurant with Drive-Thru	1,000 sq. ft.
Gas/Service Station with Conv. Mkt	1,000 sq. ft.	Convenience Market w/Gas	1,000 sq. ft.
Gasoline/Service Station	Pump	<i>assess as shopping center/retail</i>	
Golf Course	Acre	Golf Course	Acre
Racquet/Tennis Club	Court	<i>assess as shopping center/retail</i>	
Recreational/Community Center	1,000 sq. ft.	<i>assess as shopping center/retail</i>	
Health/Fitness Club	1,000 sq. ft.	<i>assess as shopping center/retail</i>	
Public/Institutional		Public/Institutional	
Elementary School	Student	Elementary/Secondary School	1,000 sq. ft.
Middle School / Junior High School	Student	<i>included in above category</i>	
High School	Student	<i>included in above category</i>	
Junior/Community College	Student	Junior/Community College	1,000 sq. ft.
Day Care Center	Student	Day Care Center	1,000 sq. ft.
Hospital	Bed	Hospital	1,000 sq. ft.
Nursing Home	Bed	Nursing Home	1,000 sq. ft.
Assisted Living	Bed	<i>included in above category</i>	
		Place of Worship	1,000 sq. ft.
Industrial/Warehousing		Industrial/Warehousing	
		Industrial	1,000 sq. ft.
Warehousing	1,000 sq. ft.	Warehousing	1,000 sq. ft.
		Mini-Warehouse (self-storage)	1,000 sq. ft.

MAJOR ROADWAY SYSTEM

A road impact fee program should include a clear definition of the major roadway system that is to be funded with the impact fees. The major roadway system is defined as arterial and major collector roadways, excluding I-65 (see Figure 5). Major collectors are those that provide regional connectivity (or will when extended), typically by connecting two arterials. Many of the City's arterials are State roads and Federal highways. These are included because they are an essential component of the major roadway system, and the City contributes toward the cost of such improvements. Over the last ten years, the City spent about \$7.8 million for engineering and right-of-way for the Franklin Road/US 31 and Concord Road/SR 253 widening projects.

Figure 5. Existing Major Roadway System



An inventory of the existing major roadway system is provided in Table 4 below.

Table 4. Existing Major Roadway Inventory

Major Thoroughfare	Segment	Mi.	# Lns.	2017 AADT	Daily Cap.	VMT	VMC
Carothers Pkwy N	Moore's Ln-S City Limits	0.19	4	25,784	34,500	4,899	6,555
Church St E	Franklin Rd-E City Limits	0.61	5	18,588	37,500	11,339	22,875
Concord Road (SR 253)	Franklin Rd to I-65	0.70	5	20,340	37,500	14,238	26,250
Concord Road (SR 253)	I-65 to Jones Pkwy	1.26	5	28,966	37,500	36,497	47,250
Concord Road (SR 253)	Jones Pkwy-Edmondson Pike	1.69	3	21,802	23,300	36,845	39,377
Concord Road (SR 253)	Edmondson Pike-E City Lmt	3.37	3	13,389	23,300	45,121	78,521
Crockett Rd	Wilson Pike-Green Hills Blvd	1.38	2	10,410	16,300	14,366	22,494
Crockett Rd	Green Hills Blvd-Concord Rd	1.07	2	6,552	16,300	7,011	17,441
Edmondson Pike	Concord Rd.-N City Limit	1.72	3	6,881	17,100	11,835	29,412
Franklin Rd (US 31)	N City Limit-Murray Ln	1.82	5	26,999	37,500	49,138	68,250
Franklin Rd (US 31)	Murray Ln-Concord Rd	1.07	5	38,258	37,500	40,936	40,125
Franklin Rd (US 31)	Concord Rd-Moore's Ln	2.31	2	19,243	18,700	44,451	43,197
Granny White Pike	Murray Ln-N City Limit	1.62	3	14,438	17,100	23,390	27,702
Green Hill Boulevard	Crockett Rd-Concord Rd	0.85	2	2,456	17,100	2,088	14,535
Green Hill Boulevard	Concord Rd-Bathwick Dr	1.55	2	1,316	17,100	2,040	26,505
Hillsboro Rd (US 431)	S of Old Hickory-City Limit	0.46	3	17,267	23,300	7,943	10,718
Holly Tree Gap Rd.	Franklin Rd-Murray Ln	1.60	2	3,794	16,300	6,070	26,080
Mallory Lane	Moore's Lane-S City Limits	0.69	5	24,542	37,500	16,934	25,875
Maryland Way	Franklin Rd-Granny White	1.66	5	22,193	37,500	36,840	62,250
Moore's Lane (SR 441)	Franklin Rd to I-65	1.53	5	20,282	37,500	31,031	57,375
Moore's Lane (SR 441)	I-65 to Carothers Pkwy	0.43	5	21,720	37,500	9,340	16,125
Moore's Lane (SR 441)	Carothers Pkwy-Wilson Pike	1.70	3	19,910	23,300	33,847	39,610
Murray Lane	Franklin Rd-Granny White Pk	1.16	5	15,821	37,500	18,352	43,500
Murray Lane	Granny White Pike-W City Lt	2.50	2	7,256	16,300	18,140	40,750
Old Smyrna Road	Wilson Pike-E City Limit	1.97	2	3,370	16,300	6,639	32,111
Ragsdale Road	Sunset Rd-Split Log Rd	1.79	2	3,293	18,700	5,894	33,473
Raintree Parkway	Crockett Rd-Wilson Pike	2.22	2	2,456	18,700	5,452	41,514
Split Log Road	Wilson Pike-E City Limit	2.57	3	11,071	17,100	28,452	43,947
Sunset Road	Concord Rd-E City Limit	2.35	2	6,322	16,300	14,857	38,305
Waller Road	Concord Rd-S City Limit	1.99	2	2,185	18,700	4,348	37,213
Wilson Pike (SR 252)	N City Limit-Concord Rd	2.63	3	10,713	17,100	28,175	44,973
Wilson Pike (SR 252)	Concord Rd-Crockett Rd	1.26	2	10,713	16,300	13,498	20,538
Wilson Pike (SR 252)	S. of Crockett Rd	2.66	2	10,713	16,300	28,497	43,358
Subtotal, Arterials		52.38				658,503	1,168,204
Arrowhead Drive	Crockett Rd-Concord Rd	1.32	2	985	18,700	1,300	24,684
Belle Rive Dr/Johnson Chapel	Murray Ln-Granny White Pk	2.16	2	3,661	18,700	7,908	40,392
Bluff Road	Concord Rd-N City Limit	0.73	2	2,952	18,700	2,155	13,651
Charity Dr	Split Log Rd-Raintree Pkwy	0.96	2	1,000	18,700	960	17,952
Concord Pass	Concord Rd-Waller Rd	1.26	2	1,000	18,700	1,260	23,562
Jones Parkway	Old Smyrna Rd-N City Lmt	0.80	2	500	18,700	400	14,960
Knox Valley Drive	Moore's Ln-Crockett Rd	2.27	2	2,781	18,700	6,313	42,449
Wilson Pike Circle	Franklin Rd-N City Limit	1.39	2	4,603	18,700	6,398	25,993
Subtotal, Major Collectors		10.89				26,694	203,643
Grand Total		63.27				685,197	1,371,847

Source: 2017 annual average daily trips (AADT) from Tennessee DOT (italics indicate estimates); generalized maximum daily capacities (maximum service volumes at "LOS E") from KCI Technologies, August 9, 2018; functional classification from City zoning ordinance.

As described in the Methodology chapter, the appropriate level of service for a demand-driven fee is the system-wide ratio of capacity (VMC) to demand (VMT). The system-wide ratio for the arterial/collector system is 2.00 VMC per VMT. Most of the existing travel is on the arterial system, which has a 1.77 ratio, well above the 1.00 ratio used in the standard demand-driven methodology. Consequently, the updated fees are not based on a higher level of service than currently provided to existing development, and there is no existing deficiency with respect to the level of service of 1.00 VMC/VMT on which the updated fees are based.

Table 5. Existing Roadway Level of Service

	Arterials	Collectors	Total
Existing Daily Vehicle-Miles of Capacity (VMC)	1,168,204	203,643	1,371,847
÷ Existing Daily Vehicle-Miles of Travel (VMT)	658,503	26,694	685,197
Existing VMC/VMT Ratio	1.77	7.63	2.00

Note: VMC based on maximum daily volumes at LOS E.

Source: Table 4.

SERVICE UNITS

As described in the Methodology chapter, the demand-driven road impact fee methodology requires that the service unit be expressed in terms of vehicle-miles of travel (VMT). The travel demand generated by specific land use types is a product of three factors: 1) trip generation, 2) percent new trips, and 3) average trip length. The first two factors are well documented in the professional literature – the average trip generation characteristics identified in studies of communities around the nation should be reasonably representative of trip generation characteristics in Brentwood. In contrast, trip lengths are much more likely to vary between communities, depending on the geographic size and shape of the community and its major roadway system.

Trip Generation

Trip generation rates are based on information published in the most recent edition of the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*. Trip generation rates represent trip ends, or driveway crossings at the site of a land use. Thus, a single trip from home to work counts as one trip end for the residence and one trip end for the work place, for a total of two trip ends. To avoid over counting, all trip rates are divided by two. This allocates travel equally between the origin and destination of the trip and avoids double charging. This update utilizes the most current edition of the ITE manual (the 10th edition published in 2017).

New Trip Factor

Trip rates must also be adjusted by a “new trip factor” to exclude pass by and diverted-linked trips. This adjustment is intended to reduce the possibility of over-counting by only including primary trips generated by the development. Pass by trips are those trips that are already on a particular route for a different purpose and simply stop at a development on that route. For example, a stop at a convenience store on the way home from the office is a pass by trip for the convenience store. A pass by trip does not create an additional burden on the street system and therefore should not be counted in the assessment of impact fees. A diverted-linked trip is similar to a pass by trip, but a diversion is made from the regular route to make an interim stop. The reduction for pass by and diverted-linked trips is drawn from ITE manual and other published information.

Average Trip Length

In the context of a transportation impact fee using a demand-driven methodology, it is necessary to determine the average length of a trip on the major roadway system. The average trip length can be determined by dividing the total vehicle-miles of travel (VMT) on the major roadway system by the total number of trips generated by existing development. Total VMT on the major roadway system is estimated by multiplying the length of each road segment by the current traffic volume on that segment and summing for the entire system. Total trips can be estimated by multiplying existing land uses by the appropriate trip generation rates (adjusted for new trip factors and divided by two) and summing for all existing development within the City limits.

Existing land use information was compiled from the 2010 Census, City residential building permits since 2010, property assessor data for nonresidential non-tax-exempt uses, and scaled estimates of square footage from aerial photography for exempt uses such as government facilities, schools, and churches. Existing land uses for major categories are multiplied by average daily trip generation rates and summed to determine a reasonable estimate of total daily trips within the service area. As shown in Table 6, existing land uses within the City are estimated to generate 132,921 average daily trips.

Table 6. Existing Average Daily Trips

Land Use	ITE Code	Unit	Existing Units	Trips/Unit	Daily Trips
Single-Family Detached	210	Dwelling	13,508	4.72	63,758
Single-Family Attached	220/221	Dwelling	931	3.66	3,407
Subtotal, Residential			14,439		67,165
Retail/Commercial	820	1,000 sq. ft.	3,531	8.30	29,307
Office	710	1,000 sq. ft.	5,139	4.87	25,027
Church	560	1,000 sq. ft.	946	3.47	3,283
School	520/22/30	1,000 sq. ft.	1,724	2.15	3,707
Nursing Home	620	1,000 sq. ft.	833	3.27	2,724
Government	710	1,000 sq. ft.	258	4.87	1,256
Industrial/Warehouse	130/150	1,000 sq. ft.	353	1.28	452
Subtotal, Nonresidential			12,784		65,756
Total					132,921

Source: Existing residential units from 2010 Census and 2010-2018 City building permits; nonresidential square feet from William County property assessor data for non-tax-exempt uses and City Planning and Codes Department for tax-exempt uses; trips per unit from Table 9.

A reasonable estimate of the average trip length in Brentwood can be derived by dividing total daily VMT on the major road system by the total number of daily trips generated by existing development within the City. This calculation, presented in Table 7, indicates that the average trip length on the major roadway system is 5.15 miles.

Table 7. Average Trip Length

Daily VMT on Major Roads	685,197
÷ Daily Trips	132,921
Average Trip Length (Miles)	5.15

Source: VMT from Table 4; trips from Table 6.

Average trip lengths by trip purpose for the southern region are available from the U.S. Department of Transportation's 2017 *National Household Travel Survey*. The regional average trip length is considerably longer than the local average. This is to be expected, because the regional average trip length includes travel on local streets, minor collectors, and roads outside local jurisdictional boundaries. Using the 0.535 local-to-regional trip length ratio, local trip lengths are derived for specific trip purposes, including home-to-work trips, shopping, school/church and other personal trips (see Table 8 on the following page).

Table 8. Average Trip Lengths by Trip Purpose

Trip Purpose	Regional Trip Length (miles)	Local/ Regional Ratio	Local Trip Length (miles)
To or from work	11.99	0.535	6.41
Residential	9.62	0.535	5.15
Doctor/Dentist	11.01	0.535	5.89
School/Church	7.74	0.535	4.14
Family/Personal	6.98	0.535	3.73
Shopping	8.55	0.535	4.57
All Trips	9.62	0.535	5.15

Source: Regional average trip lengths for the South Census Region from US Department of Transportation, *National Household Travel Survey*, 2017; (residential trip length assumed same as overall average); “all trips” local trip length from Table 7; local/regional ratio is “all trips” local-to-regional ratio; local trip length is product of regional trip length and local/regional ratio.

Travel Demand Summary

The result of combining trip generation rates, new trip factors, and average trip lengths is the travel demand schedule. The travel demand schedule establishes the average daily vehicle-miles of travel (VMT) generated by various land use types per unit of development on the major roadway system. The updated demand schedule reflects updated trip generation rates from the Institute of Transportation Engineers (ITE), *Trip Generation*, 10th edition, 2017. Average trip lengths are from the 2017 *National Household Travel Survey*, calibrated to reflect the average trip length on the City’s major roadway system. The updated travel demand schedule is presented in Table 9 on the following page. For each land use, daily VMT is the product of trip generation rate, new trip factor, and average trip length.

Table 9. Travel Demand Schedule

ITE Code	Land Use	Unit	Trip Ends/ Unit	Trips/ Unit	% New Trips	New Trips/ Unit	Trip Length (mi.)	VTM/ Unit
210	Single-Family Detached	Dwelling	9.44	4.72	100%	4.72	5.15	24.30
220	Single-Family Attached	Dwelling	7.32	3.66	100%	3.66	5.15	18.84
251	Senior Adult Housing, Detached	Dwelling	4.27	2.13	100%	2.13	5.15	10.96
252	Senior Adult Housing, Attached	Dwelling	3.70	1.85	100%	1.85	5.15	9.52
430	Golf Course	Acre	3.74	1.87	100%	1.87	3.73	6.97
310/320	Hotel/Motel	Room	5.86	2.93	100%	2.93	5.15	15.08
820	Retail/Commercial/Shopping Center	1,000 sf	37.75	18.87	44%	8.30	4.57	37.93
931	Restaurant, Standard	1,000 sf	83.84	41.92	38%	15.92	4.57	72.75
934	Restaurant, Drive-Through	1,000 sf	470.95	235.47	30%	70.64	2.29	161.76
853	Gas Station w/Convenience Mkt.	Pump	322.50	161.25	17%	27.41	2.29	62.76
710	Office/Institutional	1,000 sf	9.74	4.87	100%	4.87	5.89	28.68
520/22/30	Elementary/Secondary School	1,000 sf	17.92	8.96	24%	2.15	4.14	8.90
540	Junior/Community College	1,000 sf	20.25	10.12	48%	4.85	4.14	20.07
565	Day Care Center	1,000 sf	47.62	23.81	24%	5.71	4.14	23.63
610	Hospital	1,000 sf	10.72	5.36	100%	5.36	4.14	22.19
620	Nursing Home	1,000 sf	6.54	3.27	100%	3.27	4.14	13.53
560	Place of Worship	1,000 sf	6.95	3.47	100%	3.47	4.14	14.36
130	Industrial	1,000 sf	3.37	1.68	100%	1.68	6.41	10.76
150	Warehouse	1,000 sf	1.74	0.87	100%	0.87	6.41	5.57
151	Mini-Warehouse	1,000 sf	1.51	0.75	100%	0.75	6.41	4.80

Source: Daily trip ends from Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10th Edition, 2017; trips per unit is 1/2 of trip ends to avoid double-counting; new trip percentages from ITE, *Trip Generation Handbook*, 3rd Edition, 2017; new trip percentage for day care and schools based on Preston Hitchens, "Trip Generation of Day Care Centers," 1990 ITE Compendium (new trips for community college estimated to be double); average trip lengths from Table 8 (drive-through restaurant and convenience store are one half retail); VMT is product of new trips and trip length.

COST PER SERVICE UNIT

There are two components to determining the average cost to add a unit of capacity to the major roadway system: the cost of constructing the roadway improvement, and the capacity added by the improvement. This section describes both components used to calculate the average cost per service unit.

Cost per Mile

Roadway systems consist of more than just the vehicle travel lanes. Intersection configurations, signals, and signalization timing infrastructure are other critical components of vehicular capacity. Roadways also require rights-of-way and ancillary components, including sidewalks, bike lanes, etc. These component costs are typically part of improvements that add vehicular capacity.

The cost to construct a mile of new two-lane road provides a reasonable estimate of the cost to add roadway capacity. Planning-level cost estimates prepared as part of the City's *Major Thoroughfare Plan* indicate an average cost of \$7.43 million per mile, as shown in Table 10.

Table 10. Planning-Level Cost per Mile, New Two-Lane Road

Segment Description	Miles	Total Cost	Cost/Mile
Jones Pkwy, Extension to Old Smyrna Rd	0.50	\$2,554,000	\$5,108,000
Green Hill Blvd Extension	0.33	\$2,059,000	\$6,239,394
McEwen Dr Extension	3.37	\$28,698,000	\$8,515,727
Charity Dr Extension	0.94	\$5,622,000	\$5,980,851
Ivy Crest Dr Extension	0.57	\$3,478,000	\$6,101,754
Total, New Two-Lane Road	5.71	\$42,411,000	\$7,427,496

Source: KCI Technologies, August 9, 2018.

The City of Spring Hill recently developed a generalized cost estimate for the construction of a mile of two-lane undivided roadway, using Tennessee Department of Transportation cost estimation data and procedures. The \$7.61 million-per-mile estimate includes the cost of preliminary engineering, right-of-way, pavement, curb and gutter, sidewalk, and construction engineering and inspection (CEI). as shown in Table 11.

Table 11. TDOT Generalized Cost per Mile, New Two-Lane Road

Right-of-Way Cost per Mile	\$1,091,000
Preliminary Engineering Cost per Mile	\$529,000
Roadway Construction Cost per Mile	\$5,290,000
Sidewalk/Multi-Use Path Cost per Mile	\$168,960
Construction Engineering and Inspection Cost per Mile	\$529,000
Total Cost per Mile, New Two-Lane Road	\$7,607,960

Source: City of Spring Hill and Volkert, based on Tennessee Department of Transportation costing tool, December 29, 2018.

Cost per Service Unit

The two estimates of the cost to construct a mile of new two-lane road are very close to each other. The average cost estimate from the *Major Thoroughfare Plan* is slightly lower (\$7.43 million per mile) than the generalized estimate using the State's transportation costing tool (\$7.61 million per mile). To be conservative, this study will use an estimate of \$6.35 million per mile, derived from the State's generalized cost estimate by excluding right-of-way and sidewalk costs. Right-of-way is the most variable cost component, and many of the City's current major roadways do not have sidewalks. Dividing this estimated cost by the capacity of a two-lane road yields an estimated cost of \$389 per vehicle-mile of capacity (VMC). Multiplying by the 1.00 VMC/VMT ratio simply converts this into the cost per vehicle-mile of travel (VMT), as summarized in Table 12.

Table 12. Road Cost per Service Unit

Total Generalized Cost per Mile, New Two-Lane Road	\$7,607,960
– Right-of-Way Cost per Mile	-\$1,091,000
– Sidewalk/Multi-Use Path Cost per Mile	-\$168,960
Cost per Mile without ROW or Sidewalk/Path	\$6,348,000
÷ Maximum Capacity of Two-Lane Road	16,300
Cost per Vehicle-Mile of Capacity (VMC)	\$389
x VMC/VMT Ratio	1.00
Cost per Vehicle-Mile of Travel (VMT)	\$389

Source: Generalized costs from Table 11; maximum daily capacity (maximum service volume at "LOS E") from KCI Technologies, August 9, 2018; 1.00 VMC/VMT ratio converts cost per VMC to cost per VMT.

NET COST PER SERVICE UNIT

As discussed in the Legal Framework chapter, revenue credits may be warranted for existing deficiencies, outstanding debt, and the availability of State/Federal funding. There are no existing deficiencies from the perspective of the updated traffic impact fees, because the fees are based on a level of service that is lower than what is currently provided to existing development. However, the City does have some outstanding debt related to past arterial road capacity improvements, and State/Federal funds have historically been available to help fund capacity improvements to State/Federal highways within the City limits.

Debt Credit

The City has \$17.9 million in outstanding debt related to past major road improvements to Split Log Road, Franklin Road, Sunset Road, Concord Road, and Edmondson Pike. While this debt arguably represents the cost of some excess capacity built to accommodate growth, in which case a credit is not required, a credit is provided in this update. Nevertheless, the City would be able to retire some or all this debt with fee revenue, because the cost of the capacity it represents is not being included in the fee calculations.

A reasonable way to calculate the credit is to divide the amount of the debt by the current vehicle-miles of travel (VMT). This puts new development on an even footing with existing development. The credit calculations are summarized in Table 13.

Table 13. Debt Credit per Service Unit

Year Issued - Projects Funded	Original Amount	Current Outstanding
2009 - Split Log Road II	\$4,335,000	\$230,000
2009 - Franklin Road	\$500,000	\$759,900
2012 Refunding - Sunset Rd, Concord Rd ROW	\$3,250,000	\$2,930,000
2014 Refunding -Split Log, Franklin Rd	\$3,035,000	\$1,781,000
2017 Refunding - Franklin ROW, Edmondson Pk, Concord Rd	\$3,030,000	\$3,256,000
2018 Note - Sunset/Ragsdale Intersection	\$3,500,000	\$8,956,900
Total Outstanding Road Debt		\$17,913,800
÷ Daily VMT on Major Road System		685,197
Debt Credit per Daily VMT		\$26

Source: Outstanding debt as of June 30, 2019 from City Finance Department on March 14, 2019; daily VMT from Table 4.

State/Federal Funding Credit

Future State and Federal funding of capacity improvements to the major roadway system within the City limits is hard to predict with any certainty. One indication is historical expenditures over the last decade. If these past funding patterns hold, the City would receive \$7.79 annually per daily VMT, as shown in Table 14 on the following page.

Table 14. Annual State/Federal Funding per Service Unit, Brentwood

Year	Project Description	State/Fed. Funding
FY 2008	North Brentwood Signal Interconnect	\$20,000
FY 2011	Concord Rd Signals (PE)	\$15,000
FY 2012	Concord Rd Signals	\$250,000
FY 2011	Concord Rd, Sunset-SR-11, Widening 2-3 Lns (ROW)	\$3,900,000
FY 2012	Concord Rd, Sunset-SR-11, Widen 2-3 Lns	\$16,600,000
FY 2011	Concord Rd, Jones Pwy-Arrowhead, Widen 2-3 Lns (ROW)	\$800,000
FY 2014	Concord Rd, Jones Pwy-Arrowhead, Widen 2-3 Lns	\$2,840,000
FY 2014	Franklin Rd, Concord-Moores Ln, Widen 2-5 Lns (ROW)	\$3,200,000
FY 2015	Franklin Rd, Concord-Moores Ln, Widen 2-5 Lns (ROW)	\$1,000,000
FY 2017	Franklin Rd, Concord-Moores Ln, Widen 2-5 Lns	\$22,500,000
FY 2017	Brentwood Signal Timing Optimization Program	\$177,000
Total		\$51,302,000
÷ Number of Years		10
Annual State/Federal Funding		\$5,130,200
÷ Daily VMT on Major Road System		658,503
Annual State/Federal Funding per Daily VMT		\$7.79

Source: Annual funding from Nashville Area Metropolitan Planning Organization, *Transportation Improvement Programs*; VMT from Table 4.

As summarized in Table 15, the annual funding for capacity road improvements over the next 30 years is the present-value equivalent of \$14.24 per VMT.

Table 15. State/Federal Funding Credit

Annual State Federal Funding per VMT	\$7.79
x Present Value Factor (30 Years)	18.62
State/Federal Funding Credit per Daily VMT	\$145

Source: Annual funding from Table 14; present value factor based on a discount rate of 3.40%, which was the national average yield on AAA 30-year municipal bonds from fmsbonds.com on November 16, 2018.

Net Cost Summary

The net cost per service unit is the cost per VMT less the revenue credits for outstanding debt and State/Federal funding. As shown in Table 16, the net cost per service unit is \$218 per VMT.

Table 16. Net Cost per Service Unit

Cost per Vehicle-Mile of Travel	\$389
– Debt Credit per VMT	-\$26
– State Funding Credit per VMT	-\$145
Net Cost per Daily VMT	\$218

Source: Cost per VMT from Table 12; debt credit from Table 13; State/Federal funding credit from Table 15.

NET COST SCHEDULE

The updated public works project fees for the various land use categories are shown in Table 17. The fee calculation for each land use category is the product of daily VMT per development unit on the major roadway system and the net cost per VMT. This takes into account the average cost to add roadway capacity, outstanding debt on existing facilities that will be repaid in part by new development, and future State/Federal road improvement funding that will be generated by new development to help offset growth-related costs. The comparison of the updated fees with current fees is presented in the Executive Summary.

Table 17. Updated Public Works Project Fees

Land Use Type	Unit	VMT/ Unit	Net Cost/ VMT	Net Cost per Unit
Single-Family Detached	Dwelling	24.30	\$218	\$5,297
Single-Family Attached	Dwelling	18.84	\$218	\$4,107
Senior Adult Housing, Detached	Dwelling	10.96	\$218	\$2,389
Senior Adult Housing, Attached	Dwelling	9.52	\$218	\$2,075
Golf Course	Acre	6.97	\$218	\$1,519
Hotel/Motel	Room	15.08	\$218	\$3,287
Retail/Commercial/Shopping Center	1,000 sf	37.93	\$218	\$8,269
Restaurant, Standard	1,000 sf	72.75	\$218	\$15,860
Restaurant, Drive-Through	1,000 sf	161.76	\$218	\$35,264
Gas Station w/Convenience Mkt.	1,000 sf	62.76	\$218	\$13,682
Office/Institutional	1,000 sf	28.68	\$218	\$6,252
Elementary/Secondary School	1,000 sf	8.90	\$218	\$1,940
Community College	1,000 sf	20.07	\$218	\$4,375
Day Care Center	1,000 sf	23.63	\$218	\$5,151
Hospital	1,000 sf	22.19	\$218	\$4,837
Nursing Home	1,000 sf	13.53	\$218	\$2,950
Place of Worship	1,000 sf	14.36	\$218	\$3,130
Industrial	1,000 sf	10.76	\$218	\$2,346
Warehouse	1,000 sf	5.57	\$218	\$1,214
Mini-Warehouse	1,000 sf	4.80	\$218	\$1,046

Source: VMT per unit from Table 17; net cost per VMT from Table 16.

APPENDIX: LAND USE DEFINITIONS

Recommended definitions for the land use categories in the updated public works project fee schedule are provided below. These definitions are intended to assist City staff in classifying proposed developments and assessing appropriate impact fees. If these definitions are adopted by ordinance or resolution, those that differ from or overlap with zoning or general definitions should have a disclaimer that they only apply to interpretation of the schedule for traffic impact fees.

Single-Family Detached means a building containing only one dwelling unit.

Single-Family Attached means a building containing two or more dwelling units, with each unit separated from adjoining units by a common wall extending through the roof.

Hotel/Motel means a building or group of buildings on the same premises and under single control, consisting of sleeping rooms kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants. This land use category includes rooming houses, boardinghouses, and bed and breakfast establishments.

Retail/Commercial/Shopping Center means an integrated group of commercial establishments planned, developed, owned or managed as a unit, or a free-standing retail or commercial use not otherwise listed in the impact fee schedule. Uses located on a shopping center outparcel are considered free-standing for the purposes of this definition. A retail or commercial use shall mean the use of a building or structure primarily for the sale to the public of nonprofessional services, or goods or foods that have not been made, assembled or otherwise changed in ways generally associated with manufacturing or basic food processing in the same building or structure. This category includes but is not limited to all uses located in shopping centers and the following free-standing uses:

- Amusement park
- Auto parts store
- Auto wrecking yard
- Automobile repair
- Bank without drive-through facilities
- Bar and cocktail lounge
- Camera shop
- Car wash
- Convenience food and beverage store without gas pumps
- Department store
- Florist shop
- Food store
- Grocery
- Hardware store
- Health or fitness club

Hobby, toy and game shop
Junkyard
Laundromat
Laundry or dry cleaning
Lawn and garden supply store
Massage establishment
Music store
Newsstand
Nightclub
Racetrack
Recreation facility, commercial
Rental establishment
Repair shop, including auto repair
School, commercial
Specialty retail shop
Supermarket
Theater, indoor (including movie theater)
Used merchandise store
Variety store
Vehicle and equipment dealer

Gas Station with Convenience Market means an establishment offering the sale of motor fuels and convenience items to motorists.

Golf Course means a golf course that is not restricted primarily for use by residents of a residential development of which it is a part, including commercial uses such as pro shop or bar that are designed primarily to serve golfers on the site.

Office/Institutional means a general office, medical office or public/institutional use, as hereby defined.

General Office means a building exclusively containing establishments providing executive, management, administrative, financial, or non-medical professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. It may be the upper floors of a multi-story office building with ground floor retail uses. Typical uses include banks without drive-in facilities, real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations. This category does not include an administrative office that is ancillary to a principal commercial or industrial use.

Medical Office means a building primarily used for the examination and/or treatment of patients on an outpatient basis (with no overnight stays by patients) by health professionals, and which may include ancillary services for medical office workers or a medical laboratory to the extent necessary to carry out diagnostic services for the medical office's patients. It includes the use of a site primarily for the provision of medical care and treatment of animals, which may include ancillary boarding facilities.

Public/Institutional means a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center or separately listed in the impact fee schedule. Typical uses include higher education institutions, city halls, courthouses, post offices, jails, libraries, museums, military bases, airports, bus stations, fraternal lodges, parks and playgrounds. It also includes bus terminals, fraternal clubs, adult day care centers, college dormitories, and prisons.

Restaurant, Standard means a stand-alone establishment, not located in a shopping center but may be located on an out-parcel, that sells meals prepared on site, and does not provide drive-through or drive-in service.

Restaurant, Drive-Through means a stand-alone establishment, not located in a shopping center but may be located on an out-parcel, that sells meals prepared on site, and provides drive-through or drive-in service.

Hospital means an establishment primarily engaged in providing medical, surgical, or skilled nursing care to persons, including overnight or longer stays by patients.

Nursing Home means an establishment primarily engaged in providing limited health care, nursing and health-related personal care but not continuous nursing services.

Place of Worship means a structure designed primarily for accommodating an assembly of people for the purpose of religious worship, including related religious instruction for 100 or fewer children during the week and other related functions.

Day Care Center means a facility or establishment that provides care, protection and supervision for six or more children unrelated to the operator and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. The term does not include public or nonpublic schools.

Elementary/Secondary School means a school offering an elementary through high school curriculum.

Industrial means an establishment primarily engaged in the fabrication, assembly or processing of goods. Typical uses include manufacturing plants, industrial parks, research and development laboratories, welding shops, wholesale bakeries, dry cleaning plants, and bottling works.

Warehouse means an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Typical uses include wholesale distributors, storage warehouses, trucking terminals, moving and storage firms, recycling facilities, trucking and shipping operations and major mail processing centers.

Mini-Warehouse means an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.

2019 Public Works Project Fee Update - City of Brentwood
Comparison of Current and Proposed Fees

Land Use Type	Current Unit	Current Fees	Proposed Unit	Proposed Fees
Single-Family Detached	Dwelling	\$1,230	Dwelling	\$5,297
Single-Family Attached	N/A	N/A	Dwelling	\$4,107
Continuing Care Community	Unit	\$360	N/A	N/A
Senior Adult Housing, Detached	N/A	N/A	Dwelling	\$2,389
Senior Adult Housing, Attached	N/A	N/A	Dwelling	\$2,075
Golf Course	Acre	\$650	Hole	\$1,519
Hotel/Motel	Room	\$930	Room	\$3,287
Racquet/Tennis Club	Court	\$4,975	Assess as Retail/Commercial	
Health/Fitness Club	1,000 sf	\$520	Assess as Retail/Commercial	
Recreational/Community Center	1,000 sf	\$210	Assess as Retail/Commercial	
Retail/Commercial/Shopping Center	1,000 sf	\$4,415	1,000 sf	\$8,269
Formal Restaurant	1,000 sf	\$9,250	N/A	N/A
High Turnover Restaurant	1,000 sf	\$13,070	N/A	N/A
Restaurant, w/o Drive-Through	N/A	N/A	1,000 sf	\$15,860
Restaurant, Drive-Through	N/A	N/A	1,000 sf	\$35,264
Gas Station w/Convenience Mkt.	1,000 sf	\$9,910	1,000 sf	\$13,682
Gas/Service Station	Pumps	\$1,610	Assess as Retail/Commercial	
Office/Institutional	1,000 sf	\$3,030	1,000 sf	\$6,252
Elementary School	Student	\$170	1,000 sf	\$1,940
Middle School	Student	\$210	1,000 sf	\$1,940
High School	Student	\$220	1,000 sf	\$1,940
Junior/Community College	Student	\$155	1,000 sf	\$4,375
Day Care Center	Student	\$575	1,000 sf	\$5,151
Hospital	Bed	\$1,520	1,000 sf	\$4,837
Assisted Living	Bed	\$350	Assess as Nursing Home	
Nursing Home	Bed	\$305	1,000 sf	\$2,950
Place of Worship	N/A	N/A	1,000 sf	\$3,130
Industrial	N/A	N/A	1,000 sf	\$2,346
Warehouse	1,000 sf	\$640	1,000 sf	\$1,214
Mini-Warehouse	N/A	N/A	1,000 sf	\$1,046

Brentwood City Commission Agenda

Meeting Date: 11/11/2019

Resolution 2019-101 A Resolution Renaming the Tower Park Dog Park Miss Peggy's Bark Park

Submitted by: Kirk Bednar, Administration

Department: Administration

Information

Subject

Resolution 2019-101 - A Resolution Renaming the Tower Park Dog Park Miss Peggy's Bark Park

Background

The City's dog park is located in the southwest corner of Tower Park near I-65 and consists of two separate areas, one for large dogs and one for small dogs. The dog park is currently named Barkwood and there is an existing sponsorship agreement with Mars Petcare Company that expires in February of 2020.

Recently, the Citizens for Brentwood Green Space (CBGS) made a contribution to the City that included approximately \$66,000 of funds from a bequest from the estate of Peggy Howell to CBGS. Peggy was a well known community volunteer who was also well known for her love of dogs. As part of its inclusion of the funds from the Howell bequest in the recent donation, CBGS requested that the City permanently rename the dog park Miss Peggy's Bark Park in Peggy's honor. While the Mars Petcare sponsorship is not directly tied to the name of the dog park, staff recommends that the proposed renaming become effective after the existing sponsorship agreement expires in February of 2020.

The Park Board considered the renaming request at its November 4, 2019 meeting and unanimously voted in support of the new name.

If the dog park is renamed as requested by CBGS, staff recommends that the funds from the Howell bequest be held in a separate account and be dedicated to future major maintenance and enhancement of the dog park, including any new signage required.

Staff Recommendation

The proposal to rename the dog park is being presented as a result of the request from CBGS and with the support of the Park Board. If the renaming is approved, staff recommends that the funds from the Howell bequest be held in a separate account and dedicated to future major maintenance and enhancement of the dog park.

Fiscal Impact

Amount : \$2,500

Source of Funds: Bequest Funds

Account Number:

Fiscal Impact:

If the renaming is approved, the City may incur minor costs associated with signage changes. Any such costs would be paid from the funds donated by CBGS.

Attachments

Resolution 2019-101

RESOLUTION 2019-101

**A RESOLUTION OF THE CITY OF BRENTWOOD, TENNESSEE TO RENAME THE
TOWER PARK DOG PARK TO MISS PEGGY'S BARK PARK**

BE IT RESOLVED BY THE CITY OF BRENTWOOD, TENNESSEE, AS FOLLOWS:

SECTION 1. That the Tower Park Dog Park shall be renamed to Miss Peggy's Bark Park.

SECTION 2. That this resolution shall take effect on February 10, 2020, the general welfare of the City of Brentwood, Williamson County, Tennessee requiring it.

MAYOR

Rhea E. Little, III

ADOPTED: _____

Approved as to form:

RECORDER

Holly Earls

CITY ATTORNEY

Kristen L. Corn