

MINUTES OF MEETING
OF
THE METROPOLITAN DEVELOPMENT AND HOUSING AGENCY

The Annual Meeting of the Board of Commissioners of the Metropolitan Development and Housing Agency was held on Tuesday, January 17, 2017, at 11:30 a.m. in the Collaboration Room of the Gerald F. Nicely Building, 701 South Sixth Street, Nashville, TN.

PRESENT: Melvin Black, Vice Chair
Miniimah Basheer
Antoinette Batts
Charles Robert Bone

ABSENT: Ralph Mosley
Jimmy Granbery

ALSO PRESENT: James Harbison, Secretary-Treasurer and Executive Director
James Thiltgen, Deputy Executive Director
Margaret Behm, Legal Counsel
Tremecca Doss, General Counsel
Melinda Hatfield, Director of Finance
Will Biggs, Director of Affordable Housing
Joe Cain, Director of Urban Development
Martha Gregory, Director of Administrative Services
Angie Hubbard, Director of Community Development
Norman Deep, Director for Rental Assistance
Ed Shewmaker, Director of Construction
Aaron Darden, Director of Recapitalization
Jamie Berry, Director of Communications
Cheryl Jett, Chief Operating Officer, Affordable Housing
Jean Merkle, Administrative Assistant to the Executive Director
Dr. Andrew Mathis, President, Levy Place Resident Association
Gail Taylor, Manager, Levy Place
Emily Thaden
Barbara Quinn, Park Center
Tanya Mayes, Park Center
Eric Gipson, Martha O'Bryan Center
Tony Woodham, Woodbine Community Organization
John Shephard, Elmington Capital Group
Joel Pizzuti, Pizzuti Company
Daniel Gore, Pizzuti Company
Jason Freeman, Stand Up Nashville
Councilman John Cooper
Margo Chambers
Steve Reiter

The Chair called the meeting to order and requested approval of the Minutes of the Meeting of December 13, 2016. Commissioner Bone moved adoption of the following resolution:

Resolution No. 1-17

“RESOLVED by the Board of Commissioners of the Metropolitan Development and Housing Agency, That it hereby approves the Minutes of the Meeting of December 13, 2016, as submitted.”

The motion was seconded by Commissioner Basheer, and upon vote all voted “aye”. None voted “no”.

The Chair introduced Dr. Andrew Mathis, President, Levy Apartments Resident Association, and Gail Taylor, Manager, Levy Apartments. Dr. Mathis said that as a retiring teacher he is very interested in programs for the youth at Levy. Ms. Taylor said that residents and staff are very happy with the new renovations at Levy and working to implement the new procedures that are part of the Rental Assistance Demonstration (RAD) Program.

Commissioner Black said that Margo Chambers and Steve Reiter had requested an opportunity to present public comments. Ms. Chambers presented comments regarding the agency’s public notice of Board meetings requesting seven days’ notice and a status report on the city’s redevelopment districts, as well as a request for a monthly TIF status report. Mr. Harbison said the agency prepares an annual report to the Council in April. Mr. Reiter also said he would also like more public notice of meetings and commented on the community benefit of the Pizzuti Development Agreement, and that he was not familiar with the land swap Board item.

Commissioner Black reported on the Housing and Community Resources Committee meeting held prior to the Board meeting. He said Norman Deep, Director of Rental Assistance, presented a proposed landlord incentive program to be administered in partnership with the Metropolitan Government for the Veterans Affairs Supportive Housing (VASH) Program. Mr. Deep explained the details of the program and after discussion, the committee approved the program for presentation to the Board.

Mr. Harbison thanked Ms. Behm for her dedicated service as the General Counsel to the Board, as well as thanking Gif Thornton, who was not in attendance, for his tenure as a commissioner. He said that an invitation has been extended to Dr. Carson who is scheduling a listening tour at various public housing agencies. He reported on the recent Public Housing Authorities Directors Association (PHADA) annual Commissioners Conference in Orlando which was also attended by Commissioners Basheer and Batts. Mr. Harbison said the RAD conversions continue to be underway and with the appointment of Ben Bentley as the Executive Director of the Knoxville Community Development Corporation, RAD will move to the Asset Management Department under the director of Will Biggs.

Ms. Behm said it had been her pleasure to serve as the Board’s General Counsel for 15 years and she said it was her honor to work with the dedicated staff at MDHA.

Martha Gregory, Director of Administrative Services, requested Board approval to continue the agency's relationship with the Tennessee Department of Labor and Workforce Development by registering the MDHA Occupational Safety and Health Program. MDHA's original registration was in April 2006 for ten years and it is time to register again. Commissioner Basheer moved adoption of the following resolution:

Resolution No. 2-17

“RESOLUTION TO ESTABLISH AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A SAFETY DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM PLAN

WHEREAS, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the Metropolitan Development and Housing Agency (MDHA) hereby updates the Occupational Safety and Health Program Plan for our employees.

WHEREAS, due to various changes in subsequent years, it has become necessary to amend the program plan to comply with more recent state requirements.

NOW, THEREFORE,

SECTION 1. BE IT RESOLVED BY THE Metropolitan Development and Housing Agency, that there be and is hereby amended as follows:

This section shall be known as “The Occupational Safety and Health Program Plan” for the employees of MDHA.

MDHA in electing to update the established Program Plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

- 1) Provide a safe and healthful place and condition of employment that includes:
 - a) Top Management Commitment and Employee Involvement;
 - b) Continually analyze the worksite to identify all hazards and potential hazards;
 - c) Develop and maintain methods for preventing or controlling the existing or potential hazards;
and
 - d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
- 2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- 3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- 4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- 5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding

safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.

6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this Program Plan.

COVERAGE:

The provisions of the Occupational Safety and Health Program Plan for the employees of MDHA shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent.

STANDARDS AUTHORIZED:

The Occupational Safety and Health standards adopted by MDHA are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3).

VARIANCES FROM STANDARDS AUTHORIZED:

Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees.

ADMINISTRATION:

For the purposes of this resolution, (Name of Official or Title) Assistant Director for Human Resources is designated as the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this Program Plan. The Safety Director shall develop a plan of operation for the Program Plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by T.C.A., Title 50.

FUNDING THE PROGRAM PLAN

Sufficient funds for administering and staffing the Program Plan pursuant to this resolution shall be made available as authorized by the MDHA.

SEVERABILITY

SECTION 2. BE IT FURTHER RESOLVED that if any section, sub-section, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

AMENDMENTS, ETC

SECTION 3. BE IT FURTHER RESOLVED that this resolution shall take effect from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the Metropolitan Development and Housing Agency requiring it.

James Harbison
Executive Director

(Date)

Ralph Mosley
Chairman of Board of Commissioners”

The motion was seconded by Commissioner Batts, and upon vote all voted “aye”. None voted “no”.

Joe Cain, Director of Development, requested the Board consider a land swap between E3 Construction and MDHA. Mr. Cain presented details of the request whereby MDHA property located at 730 27th Avenue North will be swapped for property located at 2709 Clifton Avenue owned by E3 Construction. Commissioner Bone moved adoption of the following resolution:

Resolution No. 3-17

“BE IT RESOLVED by the Board of Commissioners of the Metropolitan Development and Housing Agency, That it hereby approves a land swap of agency-owned property located at 730 27th Avenue North for vacant land located at 2709 Clifton Avenue owned by E3 Construction; and

BE IT FURTHER RESOLVED, That the Executive Director is hereby authorized to execute any, and all, documents necessary to complete the land swap transactions.

The motion was seconded by Commissioner Batts, and upon vote all voted “aye”. None voted “no”.

Mr. Cain next requested Board approval to enter into a Development Agreement with Pizzuti Nashville Hotel, LLC. The developer’s proposed project is a 300 room, full service hotel with meeting rooms and restaurants. The property is currently owned by the Nashville Symphony and in an agreement for the sale of the property, Pizzuti will construct and deed 180 parking spaces to the Symphony, as well as execute a room block agreement with the Convention Center Authority. Additionally, Pizzuti and the Symphony have requested tax increment financing in the amount of \$4.5 million. After questions and discussion, Commissioner Batts moved adoption of the following resolution:

Resolution No. 4-17

“RESOLVED by the Board of Commissioners of the Metropolitan Development and Housing Agency, That it hereby approves entering into a Development Agreement with Pizzuti Nashville Hotel, LLC, substantially in the form presented, to provide assistance in the form of a tax increment loan of \$4.5 million for the construction of a 300 room hotel that will provide a dedicated room block agreement with the Convention Center Authority; and 180 deeded parking spaces for the Nashville Symphony; and

BE IT FURTHER RESOLVED, That upon execution of agreements between all parties involved, the Executive Director is authorized to execute the Development Agreement and any, and all, other such documents as may be required to implement the Development Agreement and the tax increment loan .”

The motion was seconded by Commissioner Bone, and upon vote all voted “aye”. None voted “no”.

Norman Deep, Director of Rental Assistance, presented a proposed Landlord Incentive Program to be administered in partnership with the Metropolitan Government for a Veterans Affairs Supportive Housing Program (VASH). Mr. Deep presented details of the proposed incentive program which would provide \$1,000 leasing bonus to landlords who enter into a new Housing Assistance Payments contracts under the VASH program. After questions and discussion, Commissioner Basheer moved adoption of the following resolution:

Resolution No. 5-17

“BE IT RESOLVED by the Board of Commissioners of the Metropolitan Development and Housing Agency, That it hereby approves the proposed Landlord Incentive Program to be administered in partnership with the Metropolitan Government of Nashville-Davidson County for a Veterans Affairs Supportive Housing Program; and

BE IT FURTHER RESOLVED, That the program will provide a \$1,000 leasing bonus to any landlord entering into a new Housing Assistance Payments contract under the Veterans Affairs Supportive Housing Program, and payment of up to two month’s rent, less a security deposit to the landlord for eligible, unpaid rent or damages left owing when a unit is vacated; and

BE IT FURTHER RESOLVED, That the Metropolitan Government will provide funding for the program beginning July 1, 2017; and reimburse MDHA for any payments between the start of the program and June 30, 2017; and

BE IT FURTHER RESOLVED, That the Executive Director is hereby authorized to execute any, and all, documents necessary to implement the Landlord Incentive Program.

The motion was seconded by Commissioner Batts, and upon vote all voted "aye". None voted "no".

Mr. Deep next presented two requests for Project-Based Vouchers. He said the Board previously approved the conversion of up 200 tenant-based vouchers to project-based voucher and a Request for Proposals was issued in August 2016. After discussion of the review process of the of the proposals received, Mr. Deep requested Board approval of the proposal submitted by ECG Hermitage LP for project-based voucher assistance for 58 three bedroom units at its proposed, new construction of a 266 garden style apartments at 5646 Old Hickory Boulevard. Commissioner Batts moved adoption of the following resolution:

Resolution No. 6-17

"BE IT RESOLVED by the Board of Commissioners of the Metropolitan Development and Housing Agency, That it hereby approves the award of 58 three bedroom project based vouchers to ECG Hermitage LP at its proposed new construction of 266 garden style apartments to be located at 5646 Old Hickory Boulevard; and

BE IT FURTHER RESOLVED, That this award is contingent upon clearance of an Environmental Review and a Subsidy Layering Review; and

BE IT FURTHER RESOLVED, That the Executive Director is hereby authorized to execute any, and all, documents necessary to implement the award of the project based vouchers.

The motion was seconded by Commissioner Basheer and upon vote all voted "aye". None voted "no".

Mr. Deep's second request was to award 13 project based vouchers to Park Center at two locations: 8 one bedroom units at 1414 4th Avenue North; and 5 one bedroom units at 120 South 10th Street. Mr. Deep said residents will receive supportive services through Park Center at both locations. Commissioner Basheer moved adoption of the following resolution:

Resolution No. 7-17

"BE IT RESOLVED by the Board of Commissioners of the Metropolitan Development and Housing Agency, That it hereby approves the award of 8 one bedroom units at 1414 4th Avenue North and 5 one bedroom units at 120 South 10th Street; and

BE IT FURTHER RESOLVED, That this award is contingent upon clearance of an Environmental Review; and

BE IT FURTHER RESOLVED, That the Executive Director is hereby authorized to execute any, and all, documents necessary to implement the award of the project based vouchers.

The motion was seconded by Commissioner Batts, and upon vote all voted "aye". None voted "no".

Mr. Harbison introduced Ms. Emily Thaden, who the Mayor has appointed to the MDHA Board to fill the expired term of Gif Thornton. He said Ms. Thaden was scheduled to be confirmed at the Metro Council meeting later in the evening. Ms. Thaden said she was excited to become a member of the Board.

There being no further business to come before the Board, the Chair declared the meeting adjourned.

Secretary

APPROVED:

This _____ day of _____, 2017.

Chair