



TACIR

The Tennessee Advisory Commission
on Intergovernmental Relations



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226 Anne Dallas Dudley Blvd., Suite 508
Nashville, Tennessee 37243-0760
Phone: (615) 741-3012
Fax: (615) 532-2443
www.tn.gov/tacir

**MINUTES OF THE
TENNESSEE ADVISORY COMMISSION
ON INTERGOVERNMENTAL RELATIONS**

November 15, 2023

Meeting Called to Order

The Tennessee Advisory Commission on Intergovernmental Relations met in Tennessee Municipal League Board Room at 9:00 a.m., Vice Chairman Kevin Brooks, presiding.

Present 13	Absent 11
Mayor Rogers Anderson	Commissioner Jim Bryson
Mayor Kevin Brooks	Councilman Chase Carlisle
Mayor Paige Brown	Representative Patsy Hazlewood
Senator Heidi Campbell	County Executive Jeff Huffman
Mr. Calvin Clifton	Representative Harold Love Jr.
Representative John Crawford	Senator John Lundberg
Mayor Terry Frank	Representative Antonio Parkinson
County Clerk Mary Gaither	Mayor Larry Waters
Comptroller Jason Mumpower ¹	Senator Bo Watson
Mr. Jeff Peach	Representative Ryan Williams
Mayor Bob Rial	Senator Ken Yager
Commissioner Deniece Thomas ²	
Senator Jeff Yarbro	

¹ Kaitlin Kaufman represented Comptroller Jason Mumpower

² Stamatia Xixis represented Commissioner Deniece Thomas

1. Call to Order and Approval of the Minutes

Vice Chairman Kevin BROOKS called the meeting to order at 9:17 a.m. Vice Chairman BROOKS then requested and received approval of the September 2023 meeting minutes.

2. Commission and Staff Update

Executive Director Cliff LIPPARD asked the members to join him in congratulating Representatives Crawford, Love, Parkinson, and Williams, who had each been reappointed to the Commission by House Speaker Sexton.

Dr. LIPPARD then told the members that TACIR's newest staff member, Hannah Newcomb, would be starting in early December. Hannah holds a Master of Arts in Sociology from Middle Tennessee State University.

3. Senate Bill 2262/House Bill 2419 (Liquor-by-the-Drink Tax and Restaurant Regulations)—Final Report for Approval

Research Associate Madison MOFFITT presented the final report addressing liquor-by-the-drink tax and restaurant regulations for approval. The report was prepared in response to Senate Bill 2262 by Senator Briggs and House Bill 2419 by Representative Mannis, in the 112th General Assembly, which directed the Commission to study the liquor-by-the-drink and similar taxes for on-premise consumption of alcohol; licensing, permitting, and other fees under title 57, chapters 4 and 5 for the restaurant industry; staffing challenges with respect to server permits, wages, and applicable training necessary to operate such restaurants; and other barriers to entry for such restaurants that may be minimized or mitigated, as identified by the Commission in conducting the study.

Ms. MOFFITT said since presenting the draft report at the September meeting, and after an internal review and discussion with members and stakeholders, staff were concerned that evidence does not warrant making changes to Tennessee's post-and-hold laws, and this draft recommendation has been removed from the final report. The corresponding changes are reflected on pages 2 and 21 of the report. The other recommendation remains unchanged.

County Clerk Mary GAITHER moved to approve the report, seconded by Mr. Jeff PEACH. The report was unanimously approved.

4. Senate Bill 2827/House Bill 2729 (Emergency Communications on College & University Campuses)—Final Report for Approval.

Research Manager Bob MOREO presented the final report regarding emergency communications on college and university campuses in Tennessee for approval. The report was prepared in response to Senate Bill 2827 by Senator Hensley and House Bill 2729 by Representative Ogles, which were introduced in the 112th General Assembly. Mr. MOREO said since presenting the draft report at the September meeting the team has added some information and made minor revisions to the report.

Mr. MOREO said that, after consulting with the Tennessee Bureau of Investigation (TBI), staff revised the report's third recommendation, which now says that the Tennessee Bureau of Investigation should develop a process to include statistics for crimes reported within one half mile of each college or university campus—a generally accepted walking distance—in its annual *Crime on Campus* reports and that colleges and universities should publish to their websites the statistics for their institutions from this report, which they are already required to make available upon request. Mr. MOREO also said staff has provided more information regarding costs and features of call-recording software and records management systems, and new sections were added about campus climate surveys and the potential for crime reports to increase when schools implement programs designed to educate students and support victims. He said the report's other two recommendations remain unchanged.

Mayor Paige BROWN asked for clarification about how colleges and universities report crimes and when they are required to notify local law enforcement. Mr. MOREO said jurisdiction to arrest and enforce laws depends on whether the school has a commissioned police force or not, but regardless, all schools are required to enter incidents into the TBI reporting system. He said all schools have the same requirement to enter crimes reported into a daily crime log.

In response to Mayor Rogers ANDERSON question as to whether the report had any information about emergency communications procedures or mass notifications during large-scale events, Mr. MOREO said those types of communications were not what the bills asked the Commission to study, so that information is not in this report.

In response to County Clerk Mary GAITHER's question about what information schools are required to publish on their websites, Mr. MOREO said that the federal Clery Act requires schools that accept federal financial aid to post their annual security reports, which include three years of crime statistics. He said that Tennessee's state law only requires crime reports to be available upon request, and that the Commission's report recommends making it a requirement for schools to post their TBI *Crime on Campus* reports online.

Mr. Calvin CLIFTON asked whether the recent fatal shooting of a Belmont student—which happened outside the campus grounds—would be an example of the off-campus crimes the Commission's report recommends reporting. Mr. MOREO said it would and that incidents like this that occur outside defined campus boundaries are not included in campus crime statistics under existing state or federal law, and the report recommends that TBI develop a process to gather statistics for crimes within one-half mile of campus.

Vice Chairman Kevin BROOKS asked whether the report makes any recommendations about requiring "blue box" emergency phones on campuses. Mr. MOREO said it does not and said that staff's research found that, with the nearly universal presence of cell phones, there isn't evidence to support a requirement for call boxes on all campuses. He said each school can make that determination based on their campus needs. However, Mr. MOREO added that the report's recommendation to record calls made to campus security and police would include calls placed from emergency call boxes.

Representative John CRAWFORD moved to approve the report, seconded by Mayor BROWN. The report was unanimously approved.

5. House Joint Resolution 139 (Housing Affordability, Impact Fees, and Developments Taxes)—Update

Senior Research Associate Michael STRICKLAND presented an update on the study into housing affordability requested by Joint House Resolution 139 by Representative Sparks. He said that, based on quantitative analysis of county-level data from Tennessee, the accounts of stakeholders, and a review of the literature that staff had identified a variety of contributing factors to housing costs, but that the central issue was one of an undersupply of housing to meet existing and growing demand. This undersupply, he said, was attributable in large part to population growth and land use regulations. He also described some of the actions that both those in Tennessee and in other states were taking to address housing affordability.

Ms. Stamatia XIXIS asked whether the strong population growth seen by some rural counties may have been driven by neighboring urban counties and whether the staff had identified any specific factors regarding housing affordability or availability in West Tennessee counties. Dr. STRICKLAND said that some stakeholders had reported a spillover effect of population relocating from some urban centers to nearby suburban or rural areas, but staff had not yet been able to determine whether there were any factors that were distinct to West Tennessee.

Senator Heidi CAMPBELL asked whether there was any information available on state policies for conducting inventories of public land that could be used for public housing, possibly predicated on population levels. Dr. STRICKLAND said that a number of stakeholders had raised public land inventories as an option, and that TACIR had previously published a report that made related recommendations on land inventories and land banking—*Improving Management of Government-Owned Real Property in Tennessee* (2019). Executive Director Cliff LIPPARD said that the thinking at the time was that public land might be made more widely available for economic development, but a similar argument could be made to make it available for housing. He said staff would review the recommendations in that past report and how they might have been implemented. [Note: In addition to recommending that the authority to create land banks be extended to all local governments, the past report made recommendations for how the Department of General Services might incorporate listings of local government-owned property as well as communicate with local governments about vacant state-owned land in their jurisdictions] Dr. STRICKLAND said, however, that there was currently no one source that combined all state and local government land. He said there was a new trend in some jurisdictions outside of Tennessee, however, to inventory land that was already in use but that could be developed further to include housing. He added that, while those measures had not been tied to population thresholds, some states had targeted other of their reforms to support housing to cities based on their size. Dr. LIPPARD said that the Urban Land Institute recently recommended that local governments in Tennessee partner with nonprofits and faith institutions to make more land available for housing.

Mayor Kevin BROOKS said that, as to land banks, his city of Cleveland, Tennessee, had been trying for years to activate their land bank, which existing statute grants them the authority to do, but that there had been a ruling that they could not use the term “bank” in its name.

Senator Jeff YARBRO asked whether the staff had examined the effects of impact fees on housing prices and been able to analyze what those might be. Dr. STRICKLAND said that, because there was only a relatively small sample of cities and counties in Tennessee with impact fees, it was difficult to generalize from them, but that research in some other states had suggested each dollar of impact fees levied might result in slightly more than a dollar increase in home prices. He said, however, that it was not possible to say what might account for that marginal increase just from the statistical data alone. Related to the question of impact fees, Mayor Paige BROWN said she had heard from a builder at a recent meeting that each linear foot of road frontage for a house added \$1,000 to \$1,500 to the cost of the development because of the additional infrastructure required. She said that developers are often still making investments in local infrastructure, even if it's not in the form of an impact fee. Dr. LIPPARD said that, as TACIR had found in some earlier work, local governments do have to make sure that the required infrastructure improvements are sufficiently related to the new development that they do not amount to an illegal taking from the property owners.

Mr. Jeff PEACH said he understood that the study had originated from a question over how impact fees relate to housing affordability, but he said that there were often differences between counties, and what might work for one might not work for another. He said that he was generally not supportive of state preemption of local zoning authority, but the state might consider incentivizing affordable housing development, such as through grants to builders.

Mayor Rogers ANDERSON said that he had been in office in Williamson County since the first impact fees there were levied, and that over the years there had been continuing discussions around impact fees, how they are earmarked, how they are shared with cities, and so forth, and that homebuilders had previously tried to question the county's impact fees for funding school improvements that were not closely enough connected to growth. He said that it may be helpful for TACIR to investigate growth—or loss—in schools and student populations from 2000 to 2020, as some parts of the state might be seeing fewer students enrolled in public schools, although others, including certain counties in Middle Tennessee like Rutherford and Maury Counties, were still seeing strong growth. Williamson County, he said, had only this year seen student population growth plateau after years of high growth. He said the issue was still larger, though, and related to overall growth, job availability, and where people might be moving in the state. Mayor BROWN said she had seen some similar trends with more students going to either private school or homeschooling, which might explain part of the reduction in public school enrollment numbers.

Mayor ANDERSON said that, on the question of funding needed infrastructure and improvements, his county had run into difficulties buying new school buses, and he would be open to the state procuring school buses to supply to local governments.

Senator CAMPBELL said that Nashville had been recently ranked as the worst city in the country for commuting, in part because of its lack of public transit. Mayor BROWN said that that too is connected to housing.

Mayor Terry FRANK asked whether staff had spoken with any housing developers to understand their perspective on affordability issues. Dr. STRICKLAND said that staff had

spoken with a number of developers, and they had cited a variety of things they felt to be affecting affordability, including labor shortages, construction material supply shortages, impact fees, and permitting delays. Mayor BROWN said that she had heard concerns from some in the development industry that it takes too long to receive permit approvals, and that some communities were facing anti-growth sentiment from some of their constituents. As a result, she said, they were seeing housing become unaffordable for many workers.

Other Business

Mayor Bob RIAL said that he would like the Commission to consider studying difficulties faced by local governments in acquiring large rolling stock vehicles, such as fire trucks and buses. Executive Director Cliff LIPPARD described the process for adopting member-requested studies onto the work program and suggested that Mayor Rial formally request a study at the next meeting.

Vice Chairman Brooks adjourned the meeting at 10:42 a.m.