

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **August 7, 2012**

RE: **Analysis Report**

Balances As Of:	<u>8/1/12</u>	<u>7/27/11</u>
<u>GSD 4% RESERVE FUND</u>	*\$37,313,524	\$35,171,398
 <u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
 <u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	Unavailable	Unavailable

*** Assumes estimated revenues in fiscal year 2012 in the amount of \$25,514,400**

– RESOLUTION ON PUBLIC HEARING –

RESOLUTION NO. RS2012-357 (WESTERHOLM) – This resolution approves an exemption for Lockeland Table located at 1520 Woodland Street in East Nashville from the minimum distance requirements for obtaining a beer permit. The Metro code prevents a beer permit from being issued to an establishment located within 100 feet of a church, school, park, daycare, or one or two family residence. However, the code was amended in September 2010 to exempt restaurants that already have a state on-premises liquor consumption license from Metro’s minimum distance requirements to obtain a beer permit upon the adoption of a resolution by the council. A public hearing must be held by the council prior to voting on this resolution.

– BILLS ON PUBLIC HEARING –

ORDINANCE NO. BL2012-203 (BARRY, GILMORE & OTHERS) – This zoning text change would allow tent camping as an accessory use on religious institution property within the industrial zoning districts. Religious institutions are allowed by right in industrial areas, but are not permitted to allow tent camping on their property, as this is essentially a residential use. This ordinance was filed as a result of a church in an industrial area being cited to environmental court by the codes department for allowing people to live in tents on the property.

This ordinance would allow tent camping as an accessory use on any church property located within the IWD, IR, and IG zoning districts. The conditions that would be applicable are as follows:

1. Portable toilets must be maintained on the premises at all times tent camping activity is taking place.
2. Electricity must be provided to the campsite.
3. No more than 15 tents can be erected at any one time.
4. The area where tents are erected must be protected by shade.
5. Tent camping would not be allowed within 300 feet of a residential or mixed-use zoning district.

This ordinance has been referred to the planning commission. The sponsors intend to defer the ordinance to allow time to work through some health and safety issues associated with tent camping, as well as the locations where such activity can take place.

ORDINANCE NO. BL2012-204 (CLAIBORNE & TYGARD) – This zoning text change amends the zoning code to allow “tasting room” as an accessory use in the IWD, IR, and IG industrial zoning districts. In September 2008, the zoning code was amended to create a new use called “microbrewery” to be permitted by right in the CF (core frame), IR (industrial restrictive) and IG (industrial general) zoning districts. This code provision was expanded this year to include the IWD (industrial warehousing/distribution) district as a permitted location for microbreweries.

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ORDINANCE NO. BL2012-204 (continued)

The council also amended the zoning code in 2009 to create “artisan distillery” as a new use to be permitted in the downtown and industrial zoning districts. The purpose of the artisan distillery ordinance is to allow smaller-scale distilleries in the downtown area to serve as tourist attractions.

This ordinance would allow tasting rooms as an accessory use to distilleries and breweries in the industrial zoning districts. The tasting room must be located within the same building as the distillery or brewery, and is limited to a maximum 1,500 square feet in area. Signage advertising the tasting room is limited to 16 square feet in size. Only beverages produced on site could be served or sold at the tasting room. Food may also be served in a tasting room associated with a brewery but not a distillery. The facility would also be required to provide at least five parking spaces for the tasting room.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2012-205 (TYGARD) – This ordinance amends the zoning code to create farm markets as a new use to be permitted by special exception in the agricultural zoning districts. On July 18, 2012, the council approved Ordinance No. BL2012-182 to allow small roadside farm stands in the agricultural zoning districts to sell crops and goods grown or produced on site. The farm stand structure cannot exceed 100 square feet in area, with a total sales area of 300 square feet.

This ordinance would allow larger farm markets to be permitted in the agricultural districts if the board of zoning appeals grants a special exception permit. The ordinance defines “farm market” as a permanent structure located on a working farm of at least 50 acres in size that enables agricultural producers to sell their products and agriculture-related items directly to consumers. Such products would have to be grown or produced on the farm where the farm market is located or on another local farm that is part of a cooperative with the farm market. All parking and buildings must be at least 100 feet from the right-of-way, and the facility must provide adequate all-weather surface parking on the property.

This ordinance has been referred to the planning commission.

– RESOLUTIONS –

RESOLUTION NO. RS2012-331 (MCGUIRE & EVANS) – This resolution authorizes the director of public property administration to exercise an option to purchase property located at 3400 Hobbs Road near Julia Green elementary school for the benefit of the board of education. This house is located two doors down from Julia Green. The house between Julia Green and the subject property is currently in foreclosure and one of the owners has filed bankruptcy. Metro is actively working with the bank and the bankruptcy court to purchase the middle parcel. The board of education is interested in purchasing these two properties to provide additional space for cars to ease traffic congestion on Hobbs Road.

Pursuant to the Metropolitan Code, the director of public property administration is authorized to negotiate for the purchase of property for such purposes and to seek to obtain an option to sell from the owner, which is subject to approval of the council by resolution. The purchase price for the 0.61 acre property will be \$384,000, which is to be paid out of capital funds approved by the council at the June 19, 2012, meeting. Metro has 90 days in which to exercise the option, but this is contingent upon a previous contract for sale of the property to another buyer being terminated.

This resolution has been approved by the board of education and by the planning commission.

RESOLUTION NO. RS2012-358 (BLALOCK) – This resolution proposes an amendment to the Metropolitan Charter to require annual departmental budget hearings conducted by the council or any of its committees to conclude not later than June 1. The council, pursuant to the Charter, may only adopt two resolutions during the term of the council that submit amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective.

The election date provided in the resolution is the November 6, 2012 presidential election. Pursuant to state law, charter amendments must be approved between 45 and 60 days prior to the election in order to be on the ballot. Therefore, this resolution should be deferred until the September 18, 2012 council meeting.

RESOLUTION NO. RS2012-359 (MATTHEWS & MCGUIRE) – This resolution approves a grant in the amount of \$51,000 from Dollar General Literacy Foundation to the Metropolitan Government to provide partial funding of an adult literacy coordinator position in the Mayor's office of children and youth for fiscal year 2012-2013. There is a required local cash match of \$20,000 to be provided through the mayor's office budget.

RESOLUTION NO. RS2012-360 (MCGUIRE) – This resolution approves an application for the continuation of a grant in the amount of \$54,400 from the U.S. department of homeland security to the Metropolitan Nashville fire department to provide training for arson investigators. This training will allow the arson investigators to complete the certification requirements established by the International Association of Arson Investigators, as well as to enhance criminal investigation skills. The funds would also be used to purchase equipment and software for cell phone forensic examinations. There will be a required local match of \$13,600 if the grant is awarded.

RESOLUTION NO. RS2012-361 (MCGUIRE) – This resolution approves an amendment to a grant agreement between the U.S. department of homeland security and the mayor’s office of emergency management (OEM) for maritime infrastructure enhancement to prevent, respond and to recover from threats of terrorism. This grant in the amount of \$1,560,071 was approved by the council in May 2010 for a two year term. The department of homeland security has extended the term of the grant through May 31, 2013 to allow the remaining funds to be spent.

RESOLUTION NO. RS2012-362 (MCGUIRE) – This resolution approves a second amendment to a grant in the amount of \$840,333 from the U.S. department of homeland security to the Metropolitan fire department for equipment to enhance the safety of firefighting personnel. These funds are used to train certain firefighters as hazardous material technicians, to provide safety training for all firefighters, and to purchase hazardous materials detection equipment and safety gear. This amendment extends the term of the grant through September 30, 2012 so that the funds can be fully expended.

RESOLUTION NO. RS2012-363 (LANGSTER & MCGUIRE) – This resolution approves a grant in the amount of \$200,000 from the U.S. environmental protection agency (EPA) to the Metropolitan board of health for the implementation of a Nitrogen Dioxide (NO₂) monitoring station to support compliance with national ambient air quality standards. The purpose of the station is to capture short-term CO₂ concentrations near heavily trafficked roads and to assess NO₂ concentrations in low-income or minority at-risk communities. The term of the grant is July 1, 2012 through December 31, 2013.

RESOLUTION NO. RS2012-364 (LANGSTER & MCGUIRE) – This resolution approves a contract between the Metropolitan board of health and Mars Petcare US, Inc. to provide food for dogs at the Metro animal control facility and to promote adoption efforts for the animals. Mars Petcare agrees to provide the animal control facility with Pedigree brand dog food to provide 100% of the dog food needs of the facility, as well as adoption kits containing nutritional information and a starter food supply. Metro agrees to use only the Pedigree brand dog food at the shelter unless otherwise required for health reasons. Metro will be required to use the Pedigree brand logo on promotional materials, including a 10’ x 10’ window sign at the facility. Metro agrees to allow Mars Petcare to feature Metro animal control’s program in its local and national marketing campaigns.

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RESOLUTION NO. RS2012-364 (continued)

Metro agrees to abide by Mars Petcare specifications regarding the storage and usage of food. At the time the agreement was negotiated, the Metro animal control facility would not have been in compliance with this food storage policy. The policy included as part of the contract notes that Metro animal control was storing food in trailers parked outdoors and did not have an adequate food inventory system. The council office has been informed that Metro animal control has made the necessary changes to ensure compliance with this policy. Mars Petcare will have the right to inspect the animal control facility with prior notice to make sure Metro remains in compliance.

Metro is required under this contract to allocate the funds that it would otherwise spend on dog food toward dog adoption efforts. Metro must provide Mars Petcare with the dollar figure saved and a written report as to how the savings were allocated. Metro must also provide statistical benchmarks showing the number of dogs adopted before and after the implementation of this program. Mars Petcare will provide Metro animal control with an adoption support program and pet nutrition education seminars for staff and volunteers.

The term of this agreement is for one year, with a possible six month extension. Either party may terminate the agreement upon 30 days written notice.

RESOLUTION NO. RS2012-365 (LANGSTER & MCGUIRE) – This resolution approves an amendment to a grant in the amount of \$606,400 from the state department of health to the Metro health department to provide TENNderCare outreach services for enrolled children. These funds are used to pay the salaries and indirect costs of health department employees to conduct community outreach activities designed to reach pre-teen, teen, and young adult populations. This is a housekeeping amendment to clarify that appointments are not made through the state’s patient tracking, billing, and management information system.

RESOLUTION NO. RS2012-366 (MCGUIRE & HUNT) – This resolution modifies the existing master list of architectural and engineering firms to add eleven firms. The Metro code provides that all government contracts for architect and engineering services be with firms included on the master list. This resolution simply adds the firms to the master list so that they will be eligible to bid on Metro projects. It does not mean that contracts will be awarded to the firms.

The architect/engineering firms to be added to the list are as follows:

- Jacobs Engineering Group, Inc., of Nashville, TN
- MWH Americas, Inc., of Nashville, TN
- Cannon & Cannon, Inc., of Nashville, TN
- RJN Group, Inc., of St. Louis, MO
- Fulghum, MacIndoe & Associates, Inc., of Knoxville, TN
- Civil Infrastructure Associates, LLC, of Murfreesboro, TN
- Cardozo Engineering, Inc., of Nashville, TN
- Water Management Services, LLC, of Nashville, TN
- Dempsey, Dilling & Associates, PC, Engineering Consultants of Smyrna, TN
- Thompson Engineering of Chattanooga, TN
- Third Rock Consultants of Lexington, KY

RESOLUTION NO. RS2012-367 (MCGUIRE & HUNT) – This resolution approves an annual cooperative agreement between the department of water and sewerage services and the U.S. department of interior – geological survey for the continuation of a program of water resources investigation. The federal government will provide \$150,000 for this program, with a local match of \$150,000 to be provided by the department of water and sewerage services. This annual contract provides funding for historical/long-term stream monitoring at five sites, continuous water-quality monitors at four sites, and Cumberland River gages at seven different points. The contract will also fund flood gages, web cams, and rain gages at six sites. The term of the contract is from July 1, 2012, through June 30, 2013.

RESOLUTION NO. RS2012-368 (WEINER) – This resolution accepts certain incomplete infrastructure and property interests located within Section 2 of the Woodland Forest subdivision in Bellevue. This subdivision is one of the subdivisions abandoned mid-construction as a result of the downturn in the housing market prior to the completion of the necessary infrastructure intended for dedication to public use. In order to address the health and safety concerns associated with such unfinished subdivisions, the council enacted Ordinance No. BL2011-82 in February 2012 to create a mechanism for the acceptance of incomplete infrastructure. The ordinance allows Metro, upon the adoption of a resolution by the council, to accept incomplete roads, streets, sidewalks, water/sewer lines, storm water lines, and other similar infrastructure, along with the related property interests, in limited circumstances if the following conditions are satisfied:

1. An application to have the public infrastructure and/or property rights accepted is filed with the planning department by a member of council or by the department of public works, department of Metro water services, health department, fire department, police department, planning department, or codes administration.
2. The department of public works, Metro water services, and the department of finance review the application and make recommendations to the planning department for inclusion as part of the recommendation to the council.
3. The planning commission makes a recommendation to the council stating the reasons why the incomplete infrastructure presents a public health or safety concern in its present condition, identifying the infrastructure that must be completed in order to abate the health or safety concern, and describing characteristics that make it unlikely the infrastructure will be completed within a reasonable time by any private entity.
4. The incomplete infrastructure to be accepted must be shown on a subdivision plat approved by the planning commission between November 23, 1999 and January 17, 2008.

This resolution accepts certain incomplete roads, storm water, and water/sewer infrastructure, including curbs and gutters, in Section 2 of the Woodland Forest subdivision. The plat for this subdivision was approved by the planning commission in 2005. The cost for Metro to complete the infrastructure is estimated to be \$23,000. A \$2,000 per lot assessment is to be paid by the owner of each lot to assist with abating the public health and safety concerns within this subdivision. The council office would point out that the Metropolitan Government does not have the legal authority to compel such assessment if it is not voluntarily paid.

The planning, public works, water, and finance departments have all reviewed the application for the acceptance of this incomplete infrastructure and recommended its approval.

RESOLUTION NO. RS2012-369 (MCGUIRE) – This resolution appropriates \$77,000 from the general fund reserve fund (4% fund) to the beer board to purchase document scanning equipment and for the build-out of their new offices. Four percent funds may only be used for the purchase of equipment and repairs to buildings. A copy of the supporting information sheet required by Ordinance No. O86-1534 is attached to this analysis.

RESOLUTION NO. RS2012-370 (MCGUIRE) – This resolution authorizes the department of law to compromise and settle the lawsuit brought by the administrator of the estate of Roy Glenn Hall, Jr., against the Metropolitan Government and four Davidson County sheriff's office (DCSO) correctional officers. Mr. Hall was arrested on May 19, 2009, and placed in DCSO custody. On May 24, 2009, Mr. Hall told DCSO staff that he was feeling sick. He was transported to the inmate medical clinic operated by Correct Care Solutions (CCS) where he was examined and returned to the general population. Later that day, Mr. Hall continued to complain about feeling ill and was again taken to the medical clinic, where he once again was examined by CCS staff. The CCS staff determined that he should again be returned to the general population. Mr. Hall was subsequently found unresponsive on the floor of his cell. The autopsy showed that Mr. Hall died of a perforated duodenal ulcer with acute peritonitis.

The estate brought suit against the Metropolitan Government and the four correctional officers alleging deliberate indifference to Mr. Hall's serious medical need and that the officers were negligent in failing to obtain adequate medical treatment. The majority of the fault would obviously be attributed to Metro's outside contractor (CCS), and CCS has paid \$60,000 to settle the case. However, jail officials have a non-delegable duty under federal law to provide adequate medical treatment, regardless of whether the government has contracted out inmate medical care. If the case went to trial, the plaintiff may be able to prove that at least one DCSO officer knew or at least suspected Mr. Hall was going to die without additional treatment.

Mr. Hall was an unemployed 52-year-old man with a history of alcoholism who had been in and out of jail, which greatly diminishes the damages that would likely be awarded if the case went to trial. However, the department of law has determined that a jury could reasonably award more than the \$10,000 amount of the settlement. This amount is to be paid out of the judgment and losses fund.

One of the four DCSO employees named in the suit received disciplinary action consisting of a three day suspension for failure to make the required number of cell checks during his shift. No disciplinary action was taken against the other three employees.

RESOLUTION NO. RS2012-371 (MCGUIRE) – This resolution authorizes the department of law to compromise and settle the claims of Donna Haskins and Daniel Haskins against the Metropolitan Government for the amount of \$22,000. On May 18, 2011, a Metro police officer was driving westbound on Church Street when she rear-ended the vehicle driven by Mrs. Haskins, causing personal injuries that resulted in medical expenses totaling \$11,275.91. Given the clear liability, the department of law recommends these claims be settled for the amount of the medical expenses plus \$10,724.09 for pain and suffering, loss of sick leave, and loss of consortium. The \$22,000 settlement is to be paid out of the self-insured liability fund.

The police officer involved in the accident received disciplinary action consisting of a written reprimand.

RESOLUTION NO. RS2012-372 (GILMORE) – This resolution authorizes Horton Group, Inc., to install and maintain an aerial encroachment at 136 Rosa L. Parks Boulevard. The aerial encroachment will be a 6' x 3' double-faced projecting sign to be attached to the front of the building facing Rosa L. Parks Boulevard. The applicant has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of this wall-mounted building sign, and is required to post a certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party. This resolution has been approved by the planning commission.

RESOLUTION NO. RS2012-373 (GILMORE) – This resolution authorizes White Lodging Services Corporation to install and maintain three aerial encroachments at 1301 3rd Avenue South for the Hyatt Place Hotel. The aerial encroachments will consist of three projecting signs over the public sidewalk facing Almond Street, Molloy Street, and 3rd Avenue South. The applicant has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party. This resolution has been approved by the planning commission.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2012-206 (HUNT) – This ordinance amends the local amendments to the 2006 edition of the International Fire Code (IFC) pertaining to the fire flow requirements for single-family homes constructed on lots of one acre in size or greater within the general services district (GSD). In August 2009, the council enacted Substitute Ordinance No. BL2008-350 to adopt the International Fire Code with certain local amendments in place of the National Fire Prevention Association (NFPA) fire code and life safety code. A month later, the council enacted Ordinance No. BL2009-509 to add an alternative to the more stringent fire flow requirements contained in the IFC-Appendix B for single-family homes within the GSD constructed after May 30, 2009, on a lot of one acre in size or more. Such homes are required to meet either the fire flow requirements of Appendix B of the International Fire Code or the fire-flow requirements of the Insurance Service Office (ISO) Formula for Needed Fire Flow. While this does not necessarily mean such homes have to be equipped with sprinklers, they are required to have adequate fire flow through the use of a reservoir or swimming pool.

Local governments that enforce their own fire codes have the authority under state law to adopt a code that is at least as restrictive as the state standards. However, state law does allow local legislative bodies by a two-thirds vote to completely opt out of having any fire code relative to single and two-family dwellings. Although this state law opt out provision technically applies to the application of the entire fire code to single and two-family dwellings, this ordinance relies on this state law provision to exempt single-family homes in the GSD on lots greater than one acre in size from meeting any fire-flow requirements until the property is subdivided. The other fire code provisions applicable to single and two-family dwelling would still apply.

ORDINANCE NOS. BL2012-207 & BL2012-208 – These two ordinances abandon easements that are no longer needed by the department of water and sewerage services. These ordinances have been approved by the planning commission.

Ordinance No. BL2012-207 (Gilmore & Hunt) abandons easements previously retained when the council abandoned the rights-of-way for alley numbers 104, 106, and 113 located within the block bordered by Rosa Parks Boulevard, Church Street, Commerce Street, and 7th Avenue North.

Ordinance No. BL2012-208 (Todd & Hunt) abandons eight drainage easements for properties located at 609, 625, 628, 636, 641, 648, and 649 Belle Park Circle on the north side of Forest Park Drive in the Jardin de Belle subdivision.

ORDINANCE NO. BL2012-209 (TENPENNY) – This ordinance authorizes MuniNet Fiber Agency to install and maintain approximately 4,237 feet of fiber optic telecommunications cable in Davidson County. The majority of the cable will be installed on existing Nashville electric service (NES) poles from 2990 Sidco Drive to the intersection of Sam Wallace Road and Powell Avenue. The company will install 212 feet of the cable underground from the TVA tower located at Powell Avenue to the NES pole at the entrance to Powell Avenue. MuniNet is to pay all costs related to the construction and maintenance of the cable.

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ORDINANCE NO. BL2012-209 (continued)

The plans and specifications for the cable must be submitted to and approved by the director of public works. The council reserves the right to repeal this ordinance at any time, and MuniNet would be required to remove the cable at its own expense. This authority granted to MuniNet will not interfere with Metro's existing utility rights. Further, the company must obtain a \$5 million certificate of liability insurance naming Metro as an insured party.

The provisions of this ordinance will be effective as long as MuniNet does not offer local telecommunications service to retail customers in Davidson County. Communications companies are prohibited from offering local telecommunications service without first obtaining a telecommunications franchise from Metro.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2012-210 (MCGUIRE, DUVALL & HUNT) – This ordinance approves a lease agreement between the Metropolitan Government and the Tennessee Highway Patrol to permit the construction of a state communications tower in the Cane Ridge community. The Metro department of water services currently operates and maintains a water tower and a communications tower on this Metro-owned property. The state desires to lease a 100' x 100' portion of the property to construct a 140-foot tall communications tower, a 12' x 26' prefabricated building, a generator, and a 500 gallon propane tank. In lieu of paying rent, the state agrees to make space available and relocate radio equipment belonging to the FBI that is currently housed in Metro's old tower shelter. The state will also relocate all of the Metro-owned equipment from the old tower.

The term of the lease agreement is for 25 years, with a possible extension of two additional 25 year terms. Either party may terminate the lease agreement with 90 days written notice. If the state terminates the agreement, the tower and building will become Metro's property. The state would be required to remove the tower within one year at Metro's option. If Metro terminates the agreement, it will be required to lease space to the state necessary to continue the state's emergency and regional communications program without disruption, and will be required to pay the state for one-half the value of the state's capital improvements, which would result in a payment to the state of approximately \$590,000.

This lease agreement has been approved by the planning commission.

ORDINANCE NO. BL2012-211 (STEINE) – This is a routine ordinance that readopts the Metropolitan Code prepared by Municipal Code Corporation to include all ordinances enacted on or before April 17, 2012. Municipal Code Corporation has the contract with Metro to codify all ordinances enacted by the council, as well as to update and maintain the on-line version of the code. The council periodically readopts the code to make sure the printed and online versions are kept up to date.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2012-187 (HARRISON, PRIDEMORE & OTHERS) – This ordinance declares sixteen parcels of Metropolitan Government-owned property to be surplus, and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. The proceeds of the sales will be credited to the general fund. The properties to be sold are as follows:

<u>Address – Location</u>	<u>Council District</u>
2501 Brick Church Pike	02
1225 Stainback	05
728 Douglas Avenue	05
1025 Elvira Avenue	05
906 Manila Avenue	05
1011 Granada Avenue	05
0 Alta Loma Road	10
416 Wingrove Street	17
52 Green Street	19
1531 14th Avenue North	21
1533 14th Avenue North	21
1515 12th Avenue North	21
0 19th Avenue North	21
817 18th Avenue North	21
500 Edwin Street	05
2043 Neelys Bend Rd	09

The ordinance also authorizes Metro to donate property located at 1331 Lewis Street and 1001 11th Avenue North to the Metropolitan development and housing agency.

ORDINANCE NO. BL2012-188 (BANKS) – This ordinance amends the Metropolitan Government geographical information systems map to name the private road accessing the Townhomes of Shadow Glen “Shadow Glen Drive”. This townhome subdivision is currently using 5845 Nolensville Pike as a base address with the unit numbers for each townhome. Private streets and roads are named and included on our maps for purposes of providing emergency services, although the roadways are not maintained by the Metropolitan Government. This ordinance has been approved by the planning commission and referred to the ECD board. The ECD board will not meet to consider this ordinance until August 17, so the council would need to defer the ordinance on third reading at the August 7 meeting if it wants to get the ECD recommendation before voting.

ORDINANCE NO. BL2012-189 (MCGUIRE) – This ordinance approves an agreement between the Metropolitan Government and Fifth Third Bank for the sponsorship of “Artober Nashville”. Artober Nashville is a series of events during the month of October coordinated by the Metropolitan arts commission for the purpose of promoting awareness of the arts. Fifth Third Bank has agreed to pay \$25,000 to become the official sponsor of Artober Nashville. The term of the agreement is for one year, but can be extended for up to two additional years with the approval of the arts commission.

The arts commission will be required to use the bank’s name and logo on all promotional materials and signage for Artober. The arts commission will also create and execute a social media campaign placing particular focus on events at Fifth Third Plaza and branch offices. The bank will be allowed to park its bus to be used as “rolling signage” at signature events during October 3-5, 2012. Any use of the Artober Nashville name by the bank will be subject to the approval of the arts commission, and vice versa. The arts commission will be required to provide the bank with the schedule and listing of all Artober events at least 60 days in advance.

Future amendments to this agreement may be approved by resolution.