

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **August 21, 2012**

RE: **Analysis Report**

Balances As Of:	<u>8/15/12</u>	<u>8/10/11</u>
<u>GSD 4% RESERVE FUND</u>	*\$37,492,319	\$35,464,195
<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

– RESOLUTIONS –

RESOLUTION NOS. RS2012-377 & RS2012-378 – These two resolutions propose amendments to the Metropolitan Charter. 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 these resolutions 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. Thus, these resolutions should be deferred until the September 18, 2012 council meeting.

Resolution No. RS2012-377 (Garrett) proposes an amendment to the Charter submitted by the administration to clarify certain duties and responsibilities of the Davidson County sheriff's office. The 1962 Charter essentially divested the sheriff of all law enforcement powers. This was affirmed by the Tennessee Supreme Court in 1964. The responsibility assigned to the sheriff by the Charter is basically to be keeper of the jail and workhouse. Over the years, the sheriff's office has performed a number of services for the Metropolitan Government such as security at the courthouse and hospital authority facilities, as well as intake and booking at the Metro jail. According to estimates provided by the sheriff's office, there are well over 100 sheriff's employees performing these functions, which frees up police officers for law enforcement purposes. The vast majority of these positions are in the booking area. In addition to these services, the council approved an agreement in 2009 between the U.S. bureau of immigration and customs enforcement (ICE) and the sheriff's office for the continuation of the federal 287(g) program, which provides for the training and use of sheriff's office employees to identify and process immigration offenders in our correctional facilities. The term of this agreement expires in October 2012.

This Charter amendment is being submitted for the purpose of ensuring that the sheriff can continue to perform these additional functions. The amendment provides that the sheriff may provide security within Metro buildings and, upon agreement with another Metro agency or authority, provide security at such agency or authority's facilities. The amendment also provides that, upon recommendation of the chief of police and sheriff, the council may by ordinance authorize the sheriff to perform duties that are either unassigned by the Charter or currently assigned to the chief of police relating to the "intake, processing, identification, questioning and interrogation of arrestees, detainees, prisoners, and other persons in official custody."

Resolution No. RS2012-378 (Evans & Weiner) proposes an amendment to the Charter to rename the "school mothers' patrol division" within the police department as the "school crossing guard division". The 1962 Metro Charter approved by the voters consolidated the "school mothers' patrols" of the former City of Nashville and the former Davidson County. This terminology is obviously outdated. This Charter amendment is being brought in conjunction with an ordinance to be filed in the near future to clean up a number of anachronistic and/or unenforceable provisions in the Metro code, including the school mothers' patrol. The existing (continued on next page)

RESOLUTION NOS. RS2012-377 & RS2012-378 (continued)

code provisions applicable to the school mothers' patrol, if enforced, would likely violate federal law due to the age and gender restrictions. The qualifications for the position in the code require the person to be a female between the ages of 21 and 50, and require her to present with her application for employment character references "from her pastor or other minister or from a friend or business associate who has known her for at least five years". The code also references resignation in the event of pregnancy.

Renaming the division as the "school crossing guard division" is consistent with the police department's current practices.

RESOLUTION NO. RS2012-379 (MCGUIRE) – This resolution approves an application for a grant in the amount of \$25,000 from Ovation/Americans for the Arts to the Metro arts commission for the Artober Nashville Challenge. 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. The arts commission is seeking these grant funds for the purpose of paying professional artists participating in the Artober events.

RESOLUTION NO. RS2012-380 (MCGUIRE) – This resolution approves an application for a grant in the amount of \$5,000 from the Community Foundation of Middle Tennessee to the community education commission. These funds would be used to offer a variety of free classes to the community. There is a required local in-kind match of \$5,000, which will be covered by existing staff.

RESOLUTION NO. RS2012-381 (MCGUIRE) – This resolution approves an application for a grant in the amount of \$20,800 from the Tennessee Literacy Coalition to the community education commission to continue funding a full-time AmeriCorps program participant to work with the community education commission for one year. The participant would assist the commission in building volunteer capacity. There would be a required local match of \$2,500.

RESOLUTION NO. RS2012-382 (MCGUIRE) – This resolution approves an annual Edward Byrne Memorial Justice Assistance grant in the amount of \$522,006 from the U.S. department of justice to the Metropolitan police department for equipment and supplies. The specific use of these funds for fiscal year 2013 has not yet been identified.

RESOLUTION NO. RS2012-383 (MCGUIRE) – This resolution approves the annual contract for services performed by the Metropolitan Government for the emergency communications district (ECD) relative to operation of the enhanced-911 service for fiscal year 2012-2013. The contract specifies certain services to be provided by the Metro emergency communications center, the department of public works, and the department of general services. The department of public works will maintain an updated Master Street Address Guide, and the department of general services will provide five fleet vehicles and the associated maintenance. Metro also agrees to handle the procurement of goods and services upon request by the ECD (continued on next page)

RESOLUTION NO. RS2012-383 (continued)

through our purchasing division. Metro will also be responsible for training the Metro employees who will operate the system. Metro further agrees to arrange for a facility to serve as a backup center for the primary emergency communications center. ECD is to reimburse the Metropolitan Government in the amount of \$4,900 for the services provided by the department of public works and \$8,900 for the use of the five fleet vehicles, plus the reimbursement of certain training costs, rental costs for the backup facility, telephone expenses, and equipment costs.

RESOLUTION NO. RS2012-384 (MCGUIRE) – This resolution approves a grant in the amount of \$3,892,000 from the U.S. department of homeland security to the Metropolitan Nashville fire department to hire 35 new firefighters. This is part of the federal Staffing for Adequate Fire and Emergency Response (SAFER) grant program. The federal government will pay the salaries and benefits of the firefighters for two years. Unlike previous SAFER grant programs, Metro will not be obligated to retain the additional firefighters after the two year term. But according to the grant application, the department intends that the firefighters be retained. There is no required local match associated with this grant. The term of the grant is from October 18, 2012 through October 17, 2014.

RESOLUTION NO. RS2012-385 (MCGUIRE) – This resolution approves a second amendment to a grant in the amount of \$1,546,019 from the U.S. department of homeland security to the Mayor's office of emergency management to support port-wide risk management for the Port of Nashville. The Port of Nashville has traditionally been defined by the U.S. Coast Guard as ten miles of the Cumberland River extending in each direction from downtown Nashville. These funds are used for protection of critical port infrastructure from terrorist attacks through the development of a port-wide risk management/mitigation plan. This resolution approves an extension of the term of the grant from July 31, 2012 through June 30, 2013.

RESOLUTION NO. RS2012-386 (LANGSTER & MCGUIRE) – This resolution approves an annual grant in the amount of \$745,672 from the U.S. department of health and human services to the Metropolitan board of health for the Healthy Start initiative. The purpose of the Healthy Start program is to provide a variety of services for pregnant and parenting women regarding child health. These funds will be used to provide access to adequate prenatal and well child healthcare, and to promote child development. The term of the grant is from June 1, 2012 through May 31, 2013. There is a required local in-kind match in the amount of \$76,548.

RESOLUTION NO. RS2012-387 (LANGSTER & MCGUIRE) – This resolution approves an amendment to a grant from the state department of health to the Metropolitan board of health to provide family planning services. Local health departments are required by state law to provide family planning services consisting of contraceptive supplies and information to all persons eligible for free medical services. This grant was originally comprised of both state and federal funds. This amendment eliminates the \$200,500 state portion of the funding, for a new grant total of \$4,273,000. The term of the grant is through June 30, 2017.

RESOLUTION NO. RS2012-388 (MCGUIRE) – This resolution approves a grant in the amount of \$80,000 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to make resources available for on-the-job training to 85 new employees at the Amazon facilities in Lebanon and Murfreesboro. NCAC provides workforce training and development services in the counties of Davidson, Rutherford, Trousdale and Wilson. The term of the grant is from July 18, 2012 through June 30, 2013. No Metro funds are obligated in this grant.

RESOLUTION NOS. RS2012-389 and RS2012-390 (MCGUIRE) – These two resolutions approve grants from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to prepare adults and dislocated workers for re-entry into the labor force, and to provide training for those facing serious barriers to productive employment. These grants provide part of the operating funding for the NCAC. The terms of the grants are from July 1, 2012, through June 30, 2014. These grants provide operating funding for NCAC.

Resolution No. RS2012-389 approves a grant in the amount of \$157,191 to establish programs and deliver services to adult workers.

Resolution No. RS2012-390 approves a grant in the amount of \$351,238 to establish programs and deliver services to dislocated workers.

RESOLUTION NO. RS2012-391 (STEINE) – This resolution approves the election of notaries public in accordance with state law. The notary terms are for four years.

– 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.

The department of law and the fire marshal have raised concerns as to whether this ordinance could result in Metro losing its state exempt status to adopt and enforce its own fire code. The council office has not seen any confirmation from the state fire marshal's office that Metro's exempt status would be in jeopardy if this ordinance was enacted. The fire marshal has also raised concerns that this ordinance would increase the risk of injury to firefighters due to a lack of adequate fire flow.

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.

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.

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ORDINANCE NO. BL2012-209 (continued)

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. BL2012-213 (GARRETT) – This ordinance amends the Metropolitan Code to require board and commission members to provide an email address and telephone number for posting on the nashville.gov website. The Metropolitan clerk's office currently provides a roster of all board and commission members on its website containing names and addresses, but does not post email addresses or phone numbers. Additional contact information for board and commission members can be obtained by calling the clerk's office.

This ordinance will require all persons appointed to a board or commission to provide the Metropolitan clerk with a valid email address and telephone number for publication on the nashville.gov website. This can be a personal or business email address; and a home, business, or mobile phone number. Members of boards and commissions would be required to notify the clerk of any change in the email address and phone number to be posted.

The ordinance provides that the Metropolitan clerk is to notify the council rules-confirmations-public elections committee of the failure of any member of a board or commission to comply with the provisions of this ordinance. Upon receiving such notification from the metropolitan clerk, the chair of the rules-confirmations-public elections committee is to place the matter on a publicly-noticed committee agenda, at which the board or commission member in question would have the opportunity to address the committee.

ORDINANCE NO. BL2012-214 (TYGARD) – This ordinance amends the Metropolitan Code to restrict the Metropolitan Government's maximum contribution to the Partnership 2020 economic development program. The Partnership 2020 program (formerly Partnership 2000 and Partnership 2010) is a public-private partnership developed by the Nashville Area Chamber of Commerce ("chamber") whose purpose is to recruit new businesses to the greater Nashville area. Metro's appropriation for the Partnership 2020 program in recent years has been \$300,000 annually. The chamber membership consists of businesses in ten counties, several of which provide some level of financial support for the Partnership 2020 program. According to data provided by the chamber, the program receives approximately \$3.4 million annually in private funding. The chamber data further indicates that all other regional chamber/economic development entities plus regional governments combined provide \$130,500 annually for the program.

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ORDINANCE NO. BL2012-214 (continued)

Once the funds are appropriated by the council through the operating budget ordinance, Metro enters into a grant contract with the chamber outlining the business recruitment services to be performed. According to the grant contracts for the past several years, these services have included:

- Project management of 50 relocation and expansion projects in Davidson County, with 75% in targeted sectors and a minimum job creation goal of 1,000 new jobs
- Targeting 500 professional site location consultants with direct mail campaigns, marketing materials, and personal outreach
- Three outbound target market business recruitment missions and five inbound showcase Nashville events with face-to-face meetings with site consultants and corporate executives.

This ordinance would specify that Metro’s annual contribution to the Partnership 2020 economic development cannot exceed twice what all other governmental entities contribute collectively.

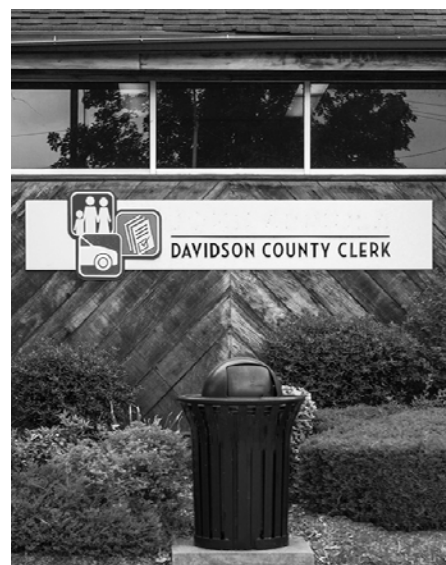
The council office would point out that this ordinance would have no impact if next fiscal year’s operating budget ordinance included an appropriation greater than the limits of this ordinance. The general principal is that what can be bound by ordinance can be untied by ordinance. So, the council could essentially override this ordinance if it chose to do so through the operating budget ordinance.

ORDINANCE NO. BL2012-215 (STITES) – This ordinance amends the Metropolitan Code to prohibit the use of Metro government funds to purchase, construct, or erect signs that identify the name of an elected or appointed official. The language in the ordinance refers to two types of signs: building signs and ground signs. This terminology is consistent with that used in the zoning code. Building signs are signs that are permanently affixed to the exterior of a building. Ground signs are on-premises signs used to identify or advertise a building or business. Examples of the two are as follows:

Ground Sign



Building Sign



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ORDINANCE NO. BL2012-215 (continued)

This ordinance provides that no funds of the metropolitan government may be used to purchase, acquire, construct, or erect any ground or building sign measuring greater than one square foot in size that identifies the name of an elected or appointed official. Rather, all such signs could only identify or advertise the name of the office or facility.

There may be an amendment offered to clarify that this ordinance would not prohibit temporary informational signs regarding government infrastructure projects, nor prohibit permanent signs or markers identifying elected officials in office at the time the funding for a public project was approved.

ORDINANCE NO. BL2012-216 (BARRY & MCGUIRE) – This ordinance amends the Metropolitan Code provisions pertaining to property tax billing and payment procedures. The purpose of this primarily housekeeping ordinance is to make our code provisions consistent with state law. The existing Metro code provisions pertaining to property tax billing/payment procedures were some of the first ordinances to be codified when the Metropolitan Government was formed in 1963. Such code provisions were basically an attempt to incorporate the billing and collection policies of both Davidson County and the former city of Nashville. However, these provisions have never been updated to reflect changes in state law. The assessor and trustee have been following the state law requirements.

First, this ordinance authorizes the trustee to rely on the mailing address maintained in the records of the tax assessor for purposes of sending tax bills. Second, the ordinance clarifies that the assessor has until September 15th to deliver the assessment roll to the trustee. The ordinance also authorizes the trustee to send tax bills electronically if requested to do so by the taxpayer in writing. Finally, the ordinance deletes the outdated code provisions pertaining to the payment of taxes in two installments since state law authorizes the trustee to accept partial payments at any time as long as a plan is filed with the state comptroller. Such a plan for the partial payment of taxes is on file with the comptroller.

ORDINANCE NO. BL2012-217 (BAKER, HOLLEMAN & OTHERS) – This ordinance names the newly-constructed West Police Precinct facility located at 5500 Charlotte in honor of former chief of police Joe Casey. Chief Casey joined the Nashville police force in 1951, and served as chief of police from 1973 until his retirement in 1989. There are no restrictions in the Metropolitan Code regarding the naming of Metro facilities in honor of individuals, except that such action must be approved by ordinance of the council.

ORDINANCE NO. BL2012-218 (MCGUIRE & HUNT) – This ordinance amends the Metropolitan code to provide for a temporary reduction of sewer charges for customers within the area of the combined sewer overflow (CSO) having green roofs on their buildings. The code currently provides for a reduction in sewer charges for properties that divert water from the sewer system. This is often referred to as the “sprinkler adjustment” on sewer bills for customers using additional water during the warm months for watering their lawns and (continued on next page)

ORDINANCE NO. BL2012-218 (continued)

gardens. The reason for the adjustment is that it is presumed that the increased water usage during the summer months is largely for the purpose of irrigation, which does not end up in the sewer system.

In addition to the existing sprinkler adjustment, this ordinance would provide a monthly sewer bill credit for properties located within the combined sewer area that have at least 50% of the roof area covered by a green roof having the following components:

1. A waterproof membrane layer;
2. A drainage layer designed such that roof drains can be inspected and cleaned;
3. A growth medium at least four inches in depth; and
4. A vegetation layer, at least 80% of which must consist of live, hardy, drought-resistant plants.

The CSO is a fairly large area that includes the Vanderbilt University area, most of downtown and east Nashville, and parts of north and south Nashville. A map of the CSO area is included as an attachment to this analysis.

According to Metro water services, there are three primary purposes for this ordinance:

1. Reduce flows to the combined sewer system (CSS), thereby recapturing existing capacity within the CSS pipes. This could reduce the possibility of overflows, which would help ensure compliance with the EPA consent decree and avoid costly fines.
2. Reduce the costs of treatment at the central wastewater treatment plant.
3. Assist with meeting the EPA's minimum controls for the operation of the CSS.

The amount of the credit would be \$10 multiplied by the total square footage of the green roof. The credit would be applied toward the sewer bill each month until the full credit has been applied or 60 months have elapsed, whichever occurs first. The total credit for all qualifying properties collectively cannot exceed \$500,000 annually. Properties seeking eligibility for the full credit would be given priority based upon the order in which they apply. A partial credit could be provided if giving full credit to the property would cause the overall \$500,000 cap to be exceeded. This credit would be independent of the adjustment such customers could receive for their storm water user fee as a result of the green roof.

The ordinance includes provisions authorizing Metro water services to revoke the eligibility of a property to receive the credit if the customer's green roof fails to meet the specifications noted above. Customers receiving the credit will be required to submit documentation on an annual basis evidencing their continued eligibility for the credit. No credit will be given unless plans for the green roof have been prepared by a licensed professional.

It is important to note that the new Music City Center, which has a 14.5-acre (178,000 square-foot) green roof, is not within the CSO area, so it would not be eligible for the credit. There is a proposed amendment for this ordinance submitted by Metro water services that would make the credit available only for privately-owned properties.

ORDINANCE NOS. BL2012-219 through BL2012-222 and BL2012-224 through BL2012-227 – These eight ordinances authorize the acquisition of interests in property for various Metro water services projects. The ordinances provide that the acquisition of additional easements or property rights for the same projects may be approved by resolution. These ordinances have been approved by the planning commission. The acquisition costs will be paid from the water and sewer extension and replacement fund or the stormwater fund, depending on the specific project.

Ordinance No. BL2012-219 (Pridemore, McGuire & Hunt) authorizes the acquisition of property located at 916 Berwick Trail for a pump station upgrade. The estimated acquisition cost for the property is \$60,000.

Ordinance No. BL2012-220 (Hunt & McGuire) authorizes the acquisition of property located at 3268 Brick Church Pike for the Brick Church Pike equalization facility project. The estimated acquisition cost for the property is \$30,000.

Ordinance No. BL2012-221 (Pridemore, McGuire & Hunt) authorizes the acquisition of easements for an upgrade to the Vandiver pump station. This ordinance approves the acquisition of easements for the following properties:

1. 1057 N. Dupont Avenue
2. 1059 N. Dupont Avenue
3. 211 Rio Vista Drive

The total estimated acquisition cost for these easements is \$6,000.

Ordinance No. BL2012-222 (A. Davis & Hunt) authorizes the acquisition of property located at Brush Hill Road, unnumbered for the Loves Branch pump station upgrade project. The estimated acquisition cost for the property is \$2,400.

Ordinance No. BL2012-224 (Bennett, Hunt & McGuire) authorizes the acquisition of 48 permanent easements for the Dickerson Pike stormwater improvement project located east of Dickerson Pike along Ben Allen Road, Broadmoor Drive, and Hillside Road. The total estimated acquisition cost for these easements is \$1,000.

Ordinance No. BL2012-225 (Claiborne & Hunt) authorizes the acquisition of four easements for the replacement of the Munn Road bridge. Easements are to be acquired for 414, 422, and 607 Munn Road, as well as an unnumbered property on Munn Road. The total estimated acquisition cost for these easements is \$4,000.

Ordinance No. BL2012-226 (Stites, Hunt & McGuire) authorizes the acquisition of easements for 12 properties located along Murfreesboro Pike and Saturn Drive for the Saturn Drive stormwater improvement project. The total estimated acquisition cost for these easements is \$1,000.

Ordinance No. BL2012-227 (Glover, Hunt & McGuire) authorizes the acquisition of 12 easements for properties located along Andrew Jackson Way, Bret Ridge Drive, Carriage Way Court, Jacksons Hill Road, Jacksons Valley Road, and Jacksons View Road for a stormwater improvement project. The total estimated acquisition cost for these easements is \$1,000.

ORDINANCE NO. BL2012-223 (BEDNE, JERNIGAN & MCGUIRE) authorizes the exchange of property for use as part of the Mill Creek greenway. Douglas and Jeanette Bendle are the owners of a vacant tract of property located at 2191 Blake Drive next to the Stanford Village subdivision, and adjacent to the existing Mill Creek greenway. The Bendles have agreed to swap a 0.39-acre portion of this property for a 0.39-acre portion of property located at 6036 Culbertson Road currently owned by Metro.

This property exchange has been approved by the parks board and the planning commission. Future amendments to this ordinance may be approved by resolution.

ORDINANCE NOS. BL2012-235 & BL2012-236 – These two ordinances abandon sections of right-of-way no longer needed by the Metropolitan Government. These ordinances have been approved by the planning commission and traffic and parking commission. Consent of the affected property owners is included as an attachment to the ordinances.

Ordinance No. BL2012-235 (Allen) abandons a 4' strip along the southern edge of Alley No. 802 from 21st Avenue South to Alley No. 815, and abandons Alley No. 815 between Acklen Avenue and Alley No. 802. This closure has been requested by H.G. Hill Realty Company, LLC, to facilitate new development. The ordinance also abandons all existing utility easements. The property owner will be relocating the abandoned alley for public dedication as part of the plat.

Ordinance No. BL2012-236 (Stites) abandons Reedwood Drive from Murfreesboro Pike northward to its terminus. This closure has been requested by the Metropolitan Nashville airport authority. This section of roadway is on property owned by the airport authority and is within the approach area for a runway. The ordinance also abandons all existing utility easements.

– BILLS ON THIRD READING –

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.

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 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. BL2012-210 (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.

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ORDINANCE NO. BL2012-210 (continued)

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.