

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **January 15, 2013**

RE: **Analysis Report**

Balances As Of:	<u>1/9/13</u>	<u>1/11/12</u>
<u>GSD 4% RESERVE FUND</u>	*\$24,914,746	\$25,836,951
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	\$61,358,778	\$44,378,057
USD	\$8,478,089	\$8,556,677
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	\$54,933,590	\$34,449,193

*** Assumes estimated revenues in fiscal year 2013 in the amount of \$25,514,400**

– RESOLUTIONS –

RESOLUTION NO. RS2013-546 (MATTHEWS) – This resolution approves a grant in the amount of \$220,000 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide resources for 55 dislocated workers. NCAC provides workforce training and development services in the counties of Davidson, Rutherford, Trousdale and Wilson. The term of the grant is from November 15, 2012 through June 30, 2013. No Metro funds are obligated as part of this grant.

RESOLUTION NO. RS2013-558 (MATTHEWS) – This resolution amends the capital improvements budget for fiscal year 2013 to add three projects included as part of the mid-year capital spending plan submitted by the mayor, which is the subject matter of Resolution No. RS2013-559. The projects to be added are as follows:

- \$4,000,000 for the relocation/buildout of the central police precinct
- \$7,000,000 for exterior improvements to Bridgestone Arena
- \$50,000,000 for C-level stormwater projects countywide

Rule 11 of the council rules of procedure provides a different filing deadline for amendments to the capital improvements budget. In order to technically meet the filing deadline for the January 15 agenda, this resolution should have been filed in the council office not later than noon on Wednesday, January 2, and with the clerk not later than 11:00 a.m. on Friday, January 4. Therefore, this resolution must either be deferred or the rules suspended in order for this resolution to be considered on January 15.

The Metro Charter requires that this resolution receive 27 affirmative votes in order to be adopted.

RESOLUTION NO. RS2013-559 (MATTHEWS) – This resolution determines to issue \$110,000,000 in GSD general obligation bonds to provide funding for various projects contained in the mayor’s proposed mid-year 2013 capital spending plan. This is the first step in the process toward the ultimate sale of the bonds by public bid to provide the necessary financing for the projects. Approval of this initial resolution will allow the Metropolitan Government to use its commercial paper program to provide short term financing to commence construction prior to the sale of the long term bonds. The resolution will provide funding for the following projects:

- \$4,000,000 for the relocation/buildout of the central police precinct. This precinct is currently housed in the Bridgestone arena. The precinct will be constructed on Metro-owned property in front of the new NES substation along Korean Veterans Boulevard acquired as a result of the construction of the Music City Center.
- \$7,000,000 for exterior improvements to Bridgestone arena consisting of a new entrance and plaza area on the south side of the building. The improvements would also provide space for retail and restaurant establishments along Demonbreun and Fifth Avenue.

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RESOLUTION NO. RS2013-559, continued

- \$28,000,000 for the new Lentz Health Center being constructed at the corner of 26th Avenue North and Charlotte Avenue on property currently owned by HCA. The council approved a public-private partnership with HCA in 2011 whereby HCA and Metro agreed to swap the HCA tract for the current Lentz property, and for HCA to construct a new health center on the HCA tract for the benefit of Metro at a cost not to exceed \$28.5 million. HCA is building the public health facility to Metro's specifications and preliminary construction has now started on the site.
- \$50,000,000 for the stormwater program to fund C-level projects over the next 5 years. In 2009, the council created a stormwater user fee to fund such projects. This fee is pledged in this resolution as a revenue source for these projects but the debt will be backed by the general government.
- \$5,000,000 to replenish the open space acquisition fund and for further riverfront improvements.
- \$5,000,000 for paving and road projects
- \$2,500,000 for sidewalks
- \$2,000,000 for road and greenway paving at various Metro parks.

It is anticipated that a resolution to issue long-term bonds and retire outstanding commercial paper will be submitted to the council within a couple of months since interest rates continue to remain at historically low levels.

The council office would note that this resolution cannot be approved unless and until Resolution No. RS2013-558 is approved.

RESOLUTION NO. RS2013-560 (MATTHEWS) – This resolution approves a Financial Empowerment Centers grant from Living Cities in the amount of \$435,000 to the mayor's office to implement a program designed to improve the financial stability of households. These funds are made available through Bloomberg Philanthropies and will be administered by the mayor's office of economic and community development. The program will involve partnering with the United Way to provide financial counseling services at various locations including the Levy Place Center, the Casa Azafran Community Center, and the United Way family resources centers, as well as Metro action commission and social services facilities. The term of the grant will be from November 26, 2012 through November 26, 2015. Metro will receive \$145,000 per year for this program to cover the costs of a program coordinator and other program expenses. There is a required in-kind local match of \$315,933.

A total of \$2 million was awarded by Living Cities for this program in Nashville. The remainder of the funding is going directly to the United Way.

RESOLUTION NO. RS2013-561 (MATTHEWS) – This resolution approves an application for a grant in the amount of \$100,000 from the state arts commission to the Metropolitan arts commission for general operational support during fiscal year 2013-2014. The arts commission typically receives an annual state grant to help cover its operating costs. If awarded, there will be a required local match of \$100,000.

RESOLUTION NO. RS2013-562 (MATTHEWS) – This resolution approves a grant in the amount of \$101,023 from the state commission on children and youth to the juvenile court for juvenile accountability incentive block grant program services to enhance court staffing. These funds are federal pass through dollars that are used to fund three community-based probation officers in the juvenile court's diversion program. The term of the grant is from October 1, 2012, through June 30, 2013.

The juvenile court will be required to provide a cash match of \$11,225 from its operating budget.

RESOLUTION NO. RS2013-563 (MATTHEWS) – This resolution approves a grant in the amount of \$10,000 from the state administrative office of the courts to the state trial courts to enhance courtroom technology. These funds will be used to purchase monitors for use in the 5th and 6th floor courtrooms.

RESOLUTION NO. RS2013-564 (MATTHEWS) – This resolution approves a grant in the amount of \$3,401 from the Community Foundation of Middle Tennessee to the Davidson County sheriff's department to build outdoor shelters for animals in collaboration with the Metro animal control center. This grant is to support the sheriff's office PAWS program.

RESOLUTION NO. RS2013-565 (BANKS, WEINER & MATTHEWS) – This resolution approves a fourth amendment to the intergovernmental agreement between the Metropolitan Government and the Metropolitan Nashville hospital authority to update the hospital authority's employee benefits system. The Metropolitan Government entered into a contract with the hospital authority when the authority was created in 1999 to facilitate the transfer of duties from the board of hospitals. The intergovernmental agreement stated that Metro was to provide the same services it provided to the board of hospitals, including benefits and civil service administration. The agreement was amended in 2010 to provide that all new hospital authority employees would receive only group dental and optional medical insurance benefits, as well as pension and retiree medical benefits, administered by Metro. All disability, injury-on-duty (IOD), and optional insurance benefits for new employees were to be administered by the hospital authority under a new plan.

This resolution approves an amendment to the agreement to allow the hospital authority to administer an IOD system for all hospital authority employees, regardless of the date they were hired. According to information provided by the hospital authority, the hospital authority has been operating its IOD program since November 2012, and the change has resulted in a 42% reduction in the number of injury claims requiring absence from work, a 63% reduction in the total paid amounts, and a 47% reduction in the total incurred amounts.

RESOLUTION NO. RS2013-566 (MATTHEWS & WEINER) – This resolution approves a grant in the amount of \$1,138,500 from the state department of health to the Metropolitan board of health for sexually transmitted disease services and HIV/AIDS prevention and surveillance. This is an annual federal pass-through grant that pays the salaries of the health department employees that provide these services. These funds are to be used for HIV prevention, active surveillance of HIV/AIDS cases, diagnostic and treatment services, and disease intervention services.

The term of this grant is from January 1, 2013 through December 31, 2013.

RESOLUTION NO. RS2013-567 (WEINER & MATTHEWS) – This resolution approves an agreement between the Metro health department and the department of homeland security, U.S. citizenship and immigration services, for the purpose of verifying citizenship and immigration status of applicants for adult dental services. The Tennessee general assembly enacted a law last year requiring public agencies to verify immigration status of persons seeking certain government benefits. It has been determined that this law applies to adult dental care services provided by the Metro health department. This agreement will allow the health department to submit verification requests through the federal government's verification information system. The department of homeland security will provide training materials regarding the use of the system and the information obtained. The health department will screen all persons seeking adult dental services through the verification system and will be required to pay a fifty cent access fee for each inquiry. It is estimated that access to the system will cost Metro around \$300 per year.

RESOLUTION NO. RS2013-568 (GILMORE & MATTHEWS) – This resolution approves an application for a grant in the amount of \$7,000 from the state arts commission to the Metropolitan board of parks and recreation to supplement the Big Band dance program in Centennial Park. This application is for continued funding of a program that provides twelve free big band dances to the public on Saturday nights. There will be a required in-kind match of \$7,000.

RESOLUTION NO. RS2013-569 (JOHNSON) – This resolution authorizes property located at 2801 and 2803 Smith Springs Road, 0 Starboard Court, and 0 Starboard Drive to be used as public park land. The council authorized the acquisition of this property for park purposes in September 2012. However, the property has a specific plan (SP) zoning district designation that limits the use of the property to townhome residences.

As part of the doctrine of sovereign immunity, governments typically are not legally bound by land use regulations. However, the Metro code includes a provision that the various Metro Government departments, agencies, boards, and commissions are to follow the code unless they are exempted from compliance for just cause upon adoption of a resolution of the council approved by 21 affirmative votes. This mechanism was last used by the council in September 2012 to allow the parking of vehicles on the Stokes Middle School property for two years.

RESOLUTION NO. RS2013-570 (MATTHEWS) – This resolution approves an amendment to an agreement between the U.S. Army and Metro water and sewerage services (MWS) for the Mill Creek Watershed Feasibility Study in Davidson County. This agreement, originally approved by the council in 2003 through the enactment of Ordinance No. BL2003-1365, provides that the U.S. Army and MWS are to contribute cash and in-kind services equal to fifty percent of the study costs.

This amendment expands the scope of the study to focus on flood risk management, with the restoration of aquatic ecosystem restoration as a secondary consideration. The revised scope of work obligates Metro to provide an additional \$103,000 for the study, with another \$134,000 to be provided if the federal matching funds are made available.

Ordinance No. BL2003-1365 provides that amendments to the agreement may be approved by resolution.

– BILLS ON SECOND READING –

SUBSTITUTE ORDINANCE NO. BL2012-283 (CLAIBORNE, JERNIGAN & MCGUIRE) – This ordinance amends the Metro code provisions pertaining to commercial solicitations. The code currently requires commercial solicitors to obtain a permit from the police department, but the requirements are minimal and do not include a mechanism for oversight and appeal. The current provisions were last amended in 1996. This ordinance is being filed in response to constituent complaints regarding recent aggressive sales techniques engaged in by certain commercial solicitors.

This ordinance is modeled after the commercial solicitation ordinance in Fort Collins, CO implemented in 2011. The ordinance was prepared with the input of the Metropolitan clerk, the police department, and the department of law. Under this ordinance, commercial solicitation permits would be issued by the Metropolitan clerk as opposed to the police department. Along with the permit application, the company would be required to provide a list of all persons who will be authorized to engage in commercial solicitation under the permit. The clerk would be responsible for issuing photo ID cards to the commercial solicitors, which must be worn at all times while soliciting. A background check would be conducted for all commercial solicitors, the cost of which would be borne by the applicant. Persons convicted of certain criminal offenses would be prohibited from obtaining a permit or ID badge.

The clerk would be responsible for maintaining a list of all persons allowed to solicit under a company's permit. The permit fees would be determined by the clerk in an amount necessary to offset the costs of preparing and issuing the permits and associated ID badges. These fees must be ratified by council resolution. Once issued, commercial solicitation permits would be valid for two years. Denials, suspensions, and revocations of a license or ID badge could be appealed to the board of alarm appeals.

In addition to the revised permitting procedures and requirements, this ordinance would create a "No Solicitation List" to be maintained on the clerk's website similar to the "Do Not Call List" that would allow residents to electronically add their address to the list. Commercial solicitors would be responsible for periodically obtaining an updated copy of the no solicitation list, and would be prohibited from soliciting at any residence included on the list. Once added, a residence would remain on the list unless the resident requests to have his/her address removed. This ordinance would have no impact on charitable and political solicitations, which have greater First Amendment protection.

The ordinance also prohibits commercial solicitation if a "no soliciting" or "no trespassing" sign is posted at the entrance to residential property. Commercial solicitors would further be prohibited from using any deceptive practices to obtain a visit at a private residence for the purpose of selling goods or services.

The clerk would be authorized to promulgate rules and regulations to implement the ordinance. The provisions of the ordinance are to be implemented not later than April 1, 2013.

There is a proposed amendment to exempt the sale of books and other expressive works from the no-solicitation list in order to address a constitutional issue that has been raised.

ORDINANCE NO. BL2012-291 (STANLEY) – This ordinance amends the Metro zoning code to provide that the conversion of material into a fuel product or asphalt is not a permitted function as part of a recycling facility, and to prohibit such activity on construction/demolition (C&D) landfill property. The zoning code permits recycling facilities with conditions in the industrial (IWD, IR, and IG) zoning districts. C&D landfills are permitted with conditions in the intensive commercial and industrial districts, and are permitted as a special exception use in the agricultural and the intensive mixed use districts. The zoning code does not specifically address the conversion of material into a fuel product, but this type of activity would likely be considered as a heavy manufacturing use, which is only permitted in the IG zoning district. So, the zoning administrator would sign off on this type manufacturing activity in conjunction with the operation of a C&D landfill or recycling facility only if it was located in the more intensive IG zoning district.

This ordinance would expressly prohibit the conversion of construction debris, biomass, or other material (such as roofing shingles) into a fuel product or asphalt through an incineration process at a recycling facility or in conjunction with a C&D landfill, regardless of the zoning district the facility was located in.

The department of public works submitted a letter to the planning commission in opposition to this ordinance since a C&D landfill would not be permitted to have an incinerator under the state regulations, anyway. The public works letter further asserts that the bill would not be consistent with the Davidson County region solid waste plan recommendations pertaining to recycling activity.

This ordinance has been disapproved by the planning commission.

ORDINANCE NO. BL2012-292 (BARRY & STEINE) – This ordinance amends the Metro zoning code provisions applicable to home recording studios. The zoning code currently allows a home occupation (including a recording studio) as an accessory use in the residential zoning districts not to exceed 25% of the floor area of the home, with a maximum of 500 square feet. No signage is permitted in association with a home occupation use. Since the adoption of Metro's current zoning code in 1998, home occupations have been prohibited from serving clients/customers on the property. Only one employee that is not a resident in the home may work in the home. Thus, while home recording studios are technically allowed, such studios cannot have more than one outside musician or technician not residing in the home come to the property to record.

This ordinance adds a new land use specific to home recording studios and would permit such studios to have up to ten clients, customers, musicians, or other visitors come to the property per day. Sufficient off-street parking must be provided for the visitors on a paved or graveled lot not exceeding 25% of the lot area. Home recording studios would be subject to the residential noise restrictions in the Metro code. The ordinance would retain the existing prohibition on signage.

There is a proposed housekeeping amendment for this ordinance clarifying that home recording studios would be permitted in accessory structures.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2012-333 (POTTS & MATTHEWS) – This ordinance amends various sections in the Metropolitan Code pertaining to Metro water services (MWS) relative to work performed in the right-of-way, private service line insurance, charges for disconnection and reconnection of service, returned checks, billing procedures, and charitable discounts. This ordinance has been submitted at the request of MWS to bring the code provisions in line with current practices and to resolve some conflicting code provisions. A summary of the various changes is as follows:

Responsibility for work performed in the right-of-way

This ordinance would clarify that Metro is not responsible for the repair of any privately-owned infrastructure within the right-of-way or within a Metro utility easement that is damaged by MWS when working on water or sewer lines as long as the damage was not caused by Metro’s negligence. Private utilities such as Piedmont Gas and AT&T have lines within Metro’s right-of-way. This ordinance makes it clear that Metro will not repair these private lines if they are damaged unless Metro failed to exercise reasonable care when doing the work.

Maintenance of service connection

This ordinance further clarifies the ownership and responsibility of water meters. The code section in question was last amended in 2006 to specify that the department owns and is responsible for maintaining the meter and the portion of the water line extending from the water main to the meter. The customer owns and is responsible for the portion of the water line from the meter box to the structure, as well as all required backflow prevention and pressure reducing devices on the customer side of the meter.

This ordinance provides that Metro owns the portion of the water service line from the water main to the domestic meter box so long as the meter is within the public right-of-way. If outside of the public right-of-way, the customer is responsible for the maintenance of the meter. This ordinance also would require all new domestic meter boxes to be installed within the public right-of-way, and would require existing meters located on private property to be relocated to the public right-of-way unless the director authorizes the meter on private property and the property owner grants an easement to Metro to allow MWS to access the meter.

Private service line insurance

This ordinance will allow Metro water services to offer private service line insurance to customers through one or more insurance providers. The customers electing to purchase the insurance would be responsible for paying the costs of the premiums. Customers would be under no obligation to purchase such insurance. If purchased, the insurance would cover repair costs for service lines on private property.

Discounts for charitable organizations

For many years, the code has purported to offer a discount to charitable organizations on their water and sewer bills. However, this discount has not been offered since 1997 when the Tennessee attorney general opined that it is illegal to offer such a discount. This ordinance repeals the charitable discount provisions from the code to prevent confusion.

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ORDINANCE NO. BL2012-333, continued

Clarification regarding fees and charges

- Extends the payment due date from 15 to 20 days. An additional amount of \$2.50 or 5% (whichever is greater) of the net bill is owed if the bills is not paid within 20 days of billing.
- Clarifies that the service reconnection fee if the water was disconnected for failure to pay the bill is a flat \$50. The \$50 reconnection fee was actually added to another section of the code in 2007, but a section remained in the code stating that the fee is to be \$15. The \$50 charge covers the cost of sending crews out twice: once to disconnect and again to reconnect. The code also currently provides that the customer must pay one-half of the arrears plus the service charge to be reconnected, with the balance to be paid over time. This ordinance brings the code in line with the practice since 2008, which is to require the customer to pay \$50 plus the full amount of arrears.
- Increases the reinstatement charge after a temporary disconnection at the customer's request from \$15 to \$35 for same day service and \$25 for any subsequent day. Once again, this brings the code provision in line with the change that was made by ordinance in 2007.
- Increases the fee in the code for returned checks from \$10 to \$30. The \$30 fee has been in place since 2008, and is consistent with the general code provision regarding returned checks applicable to all Metro agencies.

ORDINANCE NO. BL2013-338 (TYGARD & DOMINY) – This ordinance amends the Metropolitan Code to require certain sole source contracts to be approved by resolution of the council. The procurement code recognizes that there are some contracts for which it is not feasible to put out for public bid when there is only one source capable of providing the particular goods or services. Further, the procurement code provides that contracts for services requiring certain professional expertise are not to be put out for competitive bid, but rather are to be awarded on the basis of recognized competence and integrity. Professional services include legal services, medical services, accounting, financial advisors, architects, and engineers.

This ordinance would require all sole source contracts for the purchase of goods or services in excess of \$250,000 to be approved by resolution of the council receiving at least 21 affirmative votes. This ordinance is identical to Ordinance No. BL2012-294, as amended, that failed to receive the required 21 affirmative votes on third reading in December 2012.

According to the purchasing agent, Metro had two sole source contracts in fiscal year 2011, two in fiscal year 2012, and only one so far in fiscal year 2013 that were valued at \$250,000 or more, not including the annual contract with the chamber of commerce for the Partnership 2020 economic development services.

ORDINANCE NOS. BL2013-339 & BL2013-340 – These two ordinances authorize the industrial development board of the Metropolitan Government (IDB) to negotiate and accept payments in lieu of ad valorem taxes for the benefit of two companies. State law permits local governments to delegate the authority to industrial development boards to enter into payment-in-lieu-of-tax (PILOT) agreements provided that the payments are in furtherance of the public purpose of the board. PILOT agreements essentially provide tax abatements for real and/or personal property taxes the company would otherwise be required to pay to the Metropolitan Government. PILOT programs have been used by Metro in the past to provide incentives to large employers to create more job opportunities, and are subject to approval by the council.

Ordinance No. BL2013-339 (Matthews) approves a PILOT agreement for the benefit of AmSurg Corporation. AmSurg is the largest operator of ambulatory surgery centers in the United States, with more than 200 outpatient surgery centers in 35 states. AmSurg is currently headquartered in two buildings in the Burton Hills development in Green Hills where it employs 420 people. AmSurg plans to consolidate its headquarters into a new three story, 110,000 square foot building that is to be constructed down the hill from the current headquarters within the same Burton Hills development, with an approximate capital investment of \$40 million. Eakin Partners will be acting as the developer of the project in conjunction with Burton 6, LLC. The council recently approved Ordinance No. BL2012-247 to amend the Burton Hills planned unit development to allow for the construction of this building and underground parking on the property.

As an inducement to keep the AmSurg corporate headquarters in Davidson County, this ordinance would provide a real property tax abatement over a period of eight years. The amount of the abatement would be 100% for years 0-2, and a 60% abatement for years 3-8. According to information provided by the property assessor's office, the new building will have an appraised value of \$22 million once it is completed. The portion of the property where the building is to be constructed currently generates approximately \$18,000 in property taxes. Using this value, the amount of the property tax abatement would be \$410,080 in each of the first two years, and \$246,048 over the next six years for a total tax abatement of approximately \$2.3 over the eight year period. Metro would still collect a total of \$984,192 of property taxes during the eight years.

Unlike other recent economic development incentive deals, no performance milestones have been incorporated into the proposed PILOT agreement, and AmSurg has not committed to increasing the number of jobs at the corporate headquarters. AmSurg would continue to receive the property tax abatement regardless of the number of employees working at the headquarters. The company has committed to a 15 year lease of the property, which means Metro would receive 100% of the property taxes on the occupied building between years 9 and 15 of the lease. The PILOT agreement provides that the abatement is conditioned upon a lease agreement between AmSurg and Burton 6, LLC, which means that the abatement would terminate in the event AmSurg vacated the building within the 8 year term.

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ORDINANCE NOS. BL2013-339 & BL2013-340, continued

Ordinance No. BL2013-340 Matthews & Tenpenny) approves a PILOT agreement for the benefit of Oberto Sausage Company. Oberto is a national manufacturer of beef jerky and other meat products that plans to invest approximately \$29 million to renovate and operate a manufacturing facility located at 2960 Armory Drive. The company plans to move to this facility later this year where it will employ 130 full-time employees upon the commencement of operations, increasing to 310 employees within five years.

This ordinance approves a tax abatement for both real and personal property for five years. The amount of the abatement will be 50% of the difference between the 2011 property taxes paid and what otherwise would be owed. The amount of real property taxes paid in 2011 on the property was \$64,670.80. Using a \$3,250,000 build-out estimate, the amount of real property taxes that would otherwise be owed in 2013 is \$160,304, which would result in an annual abatement amount of \$47,816.60, or \$239,083 over five years. The personal property taxes paid in 2011 for the facility by the previous owner of the property, Mountain City Meats, was \$64,670.80. It is estimated that the amount of the personal property tax abatement for Oberto after their capital investment will be \$464,344 over five years for a total real and personal property tax abatement of approximately \$700,000.

ORDINANCE NO. BL2013-342 (GILMORE & MATTHEWS) – This ordinance approves an agreement with the state department of transportation for the benefit of the parks department regarding the construction and maintenance of the Richland Creek greenway. This agreement will allow Metro to construct the greenway on property owned by the state. The costs of constructing and maintaining the greenway will be the responsibility of Metro, but Metro will not be required to provide any compensation to the state for use of the property. The term of the agreement is for 15 years but may be terminated by the state with 60 days written notice. This agreement has been approved by the parks board and the planning commission.

ORDINANCE NO. BL2013-343 (GILMORE) – This ordinance authorizes Omni Nashville, LLC to install and maintain aerial and underground encroachments in the right-of-way of 4th Avenue South, 5th Avenue South, and Korean Veterans Boulevard. These encroachments will include a gas meter, screening, metal canopies, light fixtures, trellises, and signage for the new Omni convention center hotel. Omni has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachment.

There is a proposed housekeeping amendment for this ordinance incorporating the specific certificate of public liability insurance requirement naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2012-344 (HARRISON) – This ordinance renames Aline Avenue from Weakley Avenue to its terminus as “John L. Copeland Boulevard”. Aline Avenue is a two block street that runs parallel to Brick Church Pike. This name change request was submitted by Zion Missionary Baptist Church. According to the biographical information attached to the ordinance, John L. Copeland was a longtime pastor of Zion Missionary Baptist Church and community supporter who was one of the Freedom Riders during the civil rights movement.

This name change has been approved by the traffic and parking commission and referred to the emergency communications district board.

ORDINANCE NOS. BL2012-345 through BL2012-347 – These three ordinances amend the official street and alley acceptance and maintenance map by abandoning sections of right-of-way no longer needed by the Metropolitan Government. These ordinances have been approved by the planning commission and the traffic and parking commission. All affected property owners have consented to the proposed right-of-way abandonments.

Ordinance No. BL2012-345 (Holleman) abandons a 1,841 square-foot portion of unpaved Wyoming Avenue right-of-way from the railroad right-of-way to the adjacent property line. All Metro easements are to be retained. This closure has been requested by Dale and Associates on behalf of the abutting property owner.

Substitute Ordinance No. BL2012-346 (Gilmore) abandons a portion of Alley No. 207 and Alley No. 209 from Hume Street to Taylor Street between 5th Avenue North and Rosa L. Parks Boulevard. This abandonment has been requested by Littlejohn Engineering Associates on behalf of the abutting property owner, Werthen Packaging, Inc. The ordinance also abandons certain utility and drainage easements within the Alley No. 207 right-of-way.

Ordinance No. BL2012-347 (Gilmore) abandons a portion of Clark Street, 7th Avenue South, 6th Avenue South, Shirley Street, Alley No. 114, Alley No. 137, and Alley No. 145, which are encumbering the Music City Center property. The ordinance also abandons all utility easements.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2012-264 (STITES) – This ordinance amends the Metro zoning code provisions pertaining to planned unit development (PUD) districts approved under a previous zoning code. PUDs that were adopted prior to 1998 were grandfathered in when the current zoning code was adopted, though amendments to these older PUDs (other than minor changes) must be approved by the council. The code provides that all of the other provisions of the zoning code become applicable when these older PUDs are amended by council. This text change amends this provision to clarify that language specifically included in an amendment to an older PUD would prevail over conflicting zoning code provisions.

The planning commission recommended approval of this ordinance with an amendment clarifying that current building and fire code requirements would still apply when the PUD is amended.

ORDINANCE NO. BL2012-332 (MATTHEWS) – This ordinance increases the rates wrecker companies may charge for providing emergency/nonconsent towing services. These increases have been requested by the Davidson County Towing Association and recommended by the transportation licensing commission. Under the Metropolitan code, “emergency towing” occurs in one of three situations: (1) When a vehicle is parked or stopped in violation of any Metro ordinance; (2) When a vehicle is obstructing traffic flow; or (3) When a vehicle is disabled by an accident and is obstructing traffic such that its removal or storage for safekeeping is necessary in the interest of public safety and protection of property. Wrecker companies are specifically licensed by the transportation licensing commission to provide emergency towing services. The commission has divided Davidson County into various emergency towing zones, which are serviced by certain companies.

According to information presented to the transportation licensing commission by the Davidson County Towing Association, the fee adjustments in this ordinance will bring these fees closer in line with the rates charged in other municipalities. Since these fees were last adjusted in 2008, the cost of diesel fuel has more than doubled and insurance costs have increased by 20 percent. A document showing the specific changes in the various fees is attached to this analysis.

ORDINANCE NO. BL2012-334 (POTTS) – This ordinance, as amended, amends the Metro code to prohibit street vendors from selling their wares on streets and sidewalks that have been temporarily closed for a special event without the permission of the special event permit holder. The code currently requires street vendors to obtain a permit from the county clerk. The code also includes a permitting process for special events, which often includes the closure of streets and sidewalks. Licensed street vendors are permitted to sell their products in specific locations within the public right-of-way in the downtown area, including those times when streets and sidewalks are closed for a special event. There have been incidents in the past where licensed street vendors have been competing with the special event vendors who have a contract or agreement with the holder of the special event permit within the designated special event area.

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ORDINANCE NO. BL2012-334, continued

This ordinance would expressly prohibit street vendors from vending within the area covered by a special event for which Metro has given permission to close a street and/or sidewalk unless he/she has the permission of the special event permit holder. This ordinance has been brought at the recommendation of the department of public works.

ORDINANCE NO. BL2012-335 (MATTHEWS & BENNETT) – This ordinance approves an agreement among the Metropolitan Government, Nashville Electric Service (NES), and Vanderbilt University for access to the 800-MHZ emergency radio dispatch and response system. The Metropolitan Government and NES jointly own and operate the emergency radio dispatch and radio response system utilizing 800-MHZ radio frequencies licensed by the Federal Communications Commission (FCC). This system was jointly funded by Metro and NES, with Metro general services now maintaining the system and NES contributing funds to help pay for its maintenance.

This agreement will allow Vanderbilt University's LifeFlight and police department to interface directly with Metro's system. Vanderbilt agrees to pay a monthly usage and access fee as determined annually by the department of general services and the finance department. The term of this agreement begins upon approval by the council and extends through June 30, 2022, but may be terminated by either party with 90 days written notice.

ORDINANCE NO. BL2012-336 (A. DAVIS & WESTERHOLM) – This ordinance designates Riverside Drive in East Nashville as "Riverside Memorial Boulevard". The purpose of this ordinance is to recognize Riverside Drive's previous designation as a memorial to the fallen soldiers of World War I, World War II, the Korean War, and the Vietnam War. On November 13, 2012, the council enacted Ordinance No. BL2012-262 to establish a procedure for the use of honorary street signs. That ordinance allows the council, by ordinance, to authorize and direct the department of public works to install honorary street signs beneath the official street name sign for any street identified on the official street and alley acceptance and maintenance map.

This ordinance does not officially rename Riverside Drive, and residents will not be required to change their address. The designation as "Riverside Memorial Boulevard" is only honorary.