

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director  
Metropolitan Council Office

DATE: **March 5, 2013**

RE: **Analysis Report**

Balances As Of:	<u>2/27/13</u>	<u>2/15/12</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

**– RESOLUTION ON PUBLIC HEARING –**

**RESOLUTION NO. RS2013-595** (LANGSTER) – This resolution approves an exemption for Sardina Enoteca Ristorante located at 210 25<sup>th</sup> Avenue North, Suite 110, 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.

**– ORDINANCES ON PUBLIC HEARING –**

**ORDINANCE NOS. BL2013-376 & BL2013-377** (GILMORE) – These two ordinances amend the downtown zoning code to add sign regulations and approve corresponding amendments to the various downtown redevelopment district plans. The ordinance creating the DTC district, which was approved with amendments by the council in February 2010, provided that downtown properties would not have to comply with new signage standards until July 1, 2011. The deadline was subsequently extended for two additional one year periods. The planning commission hired a consultant to develop this comprehensive sign code, which was vetted and refined by various stakeholders including the Chamber of Commerce, the Downtown Partnership, and representatives of the commercial real estate industry, as well as staff members from the planning department, codes department, historic commission, and the metropolitan development and housing agency (MDHA).

**Ordinance No. BL2013-376** adds the new sign regulations to the downtown code. The sign regulations will apply for all properties in the downtown area that are not within a historic overlay district. Those properties within the historic overlay districts will be governed by the overlay design guidelines as it relates to signage. The purpose of the regulations is to ensure that businesses are easily identifiable, while at the same time discouraging visual clutter and complementing the downtown architecture. The downtown sign ordinance includes standards for sign materials, size, and the amount of building coverage. Different sign types will be allowed based upon the building's location on the following types of streets: pedestrian, gateway, transitional, and interstate. The ordinance does not include a maximum number of signs a property can have. Rather, the ordinance sets forth a maximum total sign square footage.

The ordinance provides that electronic changeable copy signs are not permitted along interstates or within 100 feet of a residential zoning district or historic overlay. Electronic changeable copy signs must be separated from each other by at least 50 feet. Such signs must remain static for a minimum of eight seconds, which is the same requirement as that set forth in the countywide zoning code outside of the Opryland area.

The ordinance includes a procedure for variations from the base sign provisions for tourist-oriented businesses and signs of "exceptional design". Tourist-oriented businesses may be allowed greater sign area and an expanded use of digital technology.

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**ORDINANCE NOS. BL2013-376 & BL2013-377**, continued

**Ordinance No. BL2013-377** approves an amendment to the Capitol Mall, Rutledge Hill, Phillips-Jackson Street, and the Arts Center redevelopment project plans to make the signage standards consistent with the new downtown code regulations set forth in Ordinance No. BL2013-376. The redevelopment district plans will now provide that the sign regulations found in the downtown code will govern the use of signs for all parcels within these redevelopment districts that are subject to the downtown code.

There is a proposed amendment for this ordinance clarifying that billboards are not permitted within the boundaries of the redevelopment districts.

These ordinances have been approved by the planning commission.

– RESOLUTIONS –

**RESOLUTION NO. RS2013-596** (MATTHEWS) – This annual resolution calls the Metropolitan board of equalization (MBE) into regular session convening June 3, 2013, and adjourning June 21, 2013, and calls the MBE into special session convening June 24, 2013, to complete any unfinished business regarding appeals on pro-rated assessments. The special session is not to extend beyond May 31, 2014. The MBE always meets during the month of June to hear appeals of assessments on real property. Historically, the MBE has been required to have special sessions to conclude its work due to the large number of appeals.

State law authorizes county legislative bodies to fix the number of days the board of equalization is to sit in regular session and to call the board into special session to complete unfinished business.

**RESOLUTION NO. RS2013-597** (MATTHEWS) – This resolution approves a grant in the amount of \$1,750 from the After-School Corporation to the mayor's office of children and youth for the After Zone Alliance after school initiative.

**RESOLUTION NO. RS2013-598** (MATTHEWS) – This is a housekeeping resolution appropriating \$25,000 from the Fund for Cities of Services, Inc. to the mayor's office for home energy retrofits. The council approved the memorandum of understanding between the two parties in January 2013 pursuant to Resolution No. RS2013-536, but the resolution did not actually appropriate the funds. The grant helps fund a partnership with several private organizations to retrofit 26 homes in the Chestnut Hill community and 25 homes in North and East Nashville.

**RESOLUTION NO. RS2013-599** (MATTHEWS & BENNETT) – This resolution approves a grant in the amount of \$40,000 from the Tennessee administrative office of the courts to the state trial courts to install video conferencing traversal equipment to replace the existing outdated equipment. This grant will reimburse the state trial courts for their expenses in acquiring and installing the equipment. The equipment will allow the courts to connect with state prisons and to other Metro facilities.

**RESOLUTION NO. RS2013-600** (MATTHEWS, BENNETT & LANGSTER) – This resolution approves several amendments to a grant from the U.S. department of homeland security to the Metropolitan Nashville fire department to purchase computer equipment and software for fire inspectors to conduct inspections and generate violation reports in the field. The original grant award in the amount of \$240,900 (with a required match of \$60,225), as well as a first housekeeping amendment, were approved by the council in October 2011. Since then, the grant has technically been amended three additional times, although these amendments were not submitted to the council for approval as they should have been.

This resolution ratifies the prior amendments and approves a new fifth amendment. The previous amendments extended the term of the grant and modified certain line item allocations without increasing the overall amount of the grant. Amendment No. 5 extends the grant term through March 8, 2013.

**RESOLUTION NO. RS2013-601** (POTTS & MATTHEWS) – This resolution approves an agreement with the U.S. Department of the Army for a Harpeth River watershed feasibility study. This study is a joint effort with the City of Franklin, City of Brentwood, and Williamson County. The study will include flood risk management and ecosystem restoration within the watershed. The agreement basically sets forth the mechanism for sharing the costs and accounting for expenses. The total cost of the project is estimated to be \$1,400,000, with Metro's share being \$253,167.16.

**RESOLUTION NO. RS2013-602** (POTTS & MATTHEWS) – This resolution approves an amendment to an agreement between the Metropolitan Government and the U.S. Department of the Army for a watershed monitoring study. The original contract was for interim flood inundation mapping of the Cumberland River and the development of flood preparedness information for the Mill Creek, Richland Creek, Whites Creek, Browns Creek, and the Harpeth River watersheds. The study is to result in the development of products that will assist in defining flooded areas and to relate flood forecasts to other points within a particular watershed.

This amendment to the agreement approves an expansion of the work to update the frequency and flow analyses for the Stones River and the tributaries below J. Percy Priest Dam at an additional cost of \$200,000, which will be divided equally between Metro and the Department of the Army. This increases the total cost of the project to \$1,286,000.

**RESOLUTION NO. RS2013-603** (MATTHEWS & GILMORE) – This resolution approves a grant in the amount of \$7,679 from the Tennessee state library and archives to the Nashville public library to purchase ereaders and iPads, along with associated material, for two pilot programs. The first pilot program will target children 12 and under to make ereader devices available for parents to check out that would be preloaded with children's material. The second pilot program will provide iPads for teenagers to check out for use in the young adult areas and to encourage teens to download material for ereaders. There is a required local match of \$7,679.

**RESOLUTION NO. RS2013-604** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the Metropolitan Government's property damage claim against Evan Brown. On November 16, 2012, a Metro ambulance was travelling on Gallatin Road with its lights and siren activated en route to an emergency. The ambulance moved into the turn lane to go around traffic and was struck by a vehicle driven by Mr. Brown when he attempted to get out of the way of the ambulance. The accident resulted in \$5,461.90 in damage to the ambulance. A Metro employee was injured in the accident, and Metro is pursuing its subrogation claim against Mr. Brown's insurance company for the injury-on-duty payments and medical expenses. This resolution accepts the full amount of Metro's property damage claim.

**RESOLUTION NO. RS2013-605** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the Metropolitan Government’s personal injury claim against Donna Pippens. On December 31, 2011, a Metro police officer was traveling north on Rosa L. Parks Boulevard when Ms. Pippens turned in front of the officer causing a collision. The officer sustained soft tissue injuries to his neck and back, resulting in \$8,742.09 in medical expenses and \$583.59 in lost wages. This resolution accepts \$9,325.68 as full payment of the medical expenses and injury-on-duty wages paid by Metro. The council approved the settlement for the damage to the patrol car in November 2012.

**RESOLUTION NO. RS2013-606** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the Metropolitan Government’s property damage claim against Kortney Warren. On July 17, 2012, a Metro fire truck was travelling north on Dickerson Pike with its lights and siren activated when a car driven by Ms. Warren veered into the fire truck’s lane and collided with the fire truck resulting in \$11,277.85 in damage to the fire truck. This resolution accepts the full amount of Metro’s property damage claim minus \$97.49 for depreciation of the truck’s tires.

**RESOLUTION NO. RS2013-607** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the claims of Jenny, Geyder, and Alexa Alvarado against the Metropolitan Government for the amount of \$12,500. On July 28, 2009, a Metro public works employee driving a dump truck pulled into the lane of travel of a vehicle driven by Jenny Alvarado at the intersection of Coggin Pass and Neely’s Bend Road causing a collision. Ms. Alvarado sustained soft tissue injuries to her neck and back, incurring medical bills in the amount of \$4,832. Alexa Alvarado was a passenger in the car and was seen at a medical clinic following the accident at a cost of \$145. Mr. Alvarado is claiming a loss of consortium as a result of his wife’s injuries.

The department of law recommends settling all claims for a total amount of \$12,500 to be paid out of the self-insured liability fund. The Metro employee that caused the accident received disciplinary action consisting of a three day suspension.

**RESOLUTION NO. RS2013-608** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the claims of Trudy Crowe against the Metropolitan Government for the amount of \$25,000. On July 10, 2012, a Metro police officer was making a left turn from Ensley Avenue onto Rayon Drive. The officer turned too sharply and struck the front of Ms. Crowe’s car. Ms. Crowe sustained soft tissue injuries to her neck and back incurring medical bills totaling \$19,164.73. This resolution approves a settlement of the claim for the amount of the medical bills plus \$5,835.27 for pain and suffering.

The officer involved in the accident received disciplinary action consisting of a written reprimand. The settlement amount is to be paid out of the self-insured liability fund.

**RESOLUTION NO. RS2013-609** (MATTHEWS) – This resolution authorizes the department of law to compromise and settle the personal injury claim of Ana Young and the property damage claim of Nationwide Insurance Company against the Metropolitan Government for a total amount of \$31,235.13. On August 16, 2009, a limb from a dead tree in the Mount View Road right-of-way fell and struck Ms. Young's vehicle causing injuries to her head and shoulder and significant damage to her vehicle. Ms. Young incurred medical bills totaling \$26,235.13 and property damage totaling \$8,510.43.

Metro can only be held liable for dangerous conditions in the right-of-way if it had adequate notice of the condition. A neighbor living across from the dead tree testified that he telephoned and informed Metro of the tree's condition prior to the accident, but Metro public works has no record of this call. The neighbor also said he notified tree trimmers working in the area. Metro filed a motion for summary judgment asserting that Metro could not be held liable because it did not have adequate notice. The court denied Metro's summary judgment motion based upon the testimony of the neighbor.

The department of law recommends settling this case for the amount of medical bills and property damage, with no compensation for pain and suffering. If the plaintiff prevailed at trial, the damages paid by Metro would be significantly higher.

The settlement amount is to be paid out of the self-insured liability fund.

**RESOLUTION NO. RS2013-610** (A. DAVIS) – This resolution approves the election of notaries public for Davidson County pursuant to state law.

**– BILLS ON SECOND READING –**

**ORDINANCE NO. BL2013-379** (S. DAVIS, WESTERHOLM & A. DAVIS) – This substitute ordinance amends the Metropolitan Code to allow the keeping of chickens on community garden property within the Gallatin Pike specific plan (SP) zoning district. Ordinance No. BL2011-47 approved in January of last year allows domesticated hens on residential property in certain council districts upon obtaining a permit from the department of health. The permit holder is required to occupy the residence where the hens are kept as his/her personal, primary residence. Unless the property is located on residentially-zoned (R or RS) property within the general services district (GSD) on a lot of five acres or greater, the number of hens that can be kept on the property is as follows:

<b>Max. Number Hens</b>	<b>Parcel Area (sq. ft.)</b>	<b>Acreage</b>
2	0 to 5,009	0.00 to .11
4	5,010 to 10,236	.12 to .23
6	10,237 to 87,119	.24 or more

Other conditions included in BL2011-47 pertaining to the keeping of chickens include:

- o No roosters
- o No hens in the front yard
- o The hens must be kept in a predator-proof enclosure that is at least 25 feet away from any residence and 10 feet from the property line

This ordinance would allow up to 6 hens to be kept on community garden property that is located both within the Gallatin Pike SP district and the East Bank redevelopment district. The purpose of this ordinance is to allow East Nashville Cooperative Ministries to raise hens on its property to provide fresh eggs for persons who are being fed at the facility. The Gallatin Pike SP plan does not expressly prohibit chickens, which is why this ordinance is only amending Title 13 of the code. The additional conditions that would be applicable for a community garden within this area include:

- Adequate nearby access to hand washing facilities
- Access to electricity
- Provide a residential address and phone number of three individuals willing to be on call to address any issues with the hens

There is a proposed amendment for this ordinance requested by the health department that would require that an egg handling policy be submitted at the time the permit application is filed.

**ORDINANCE NO. BL2013-380** (GLOVER) – This ordinance amends the Metro Code regarding the amount of notice that must be provided to residents whenever excavation work is being done that impacts their property. The code currently provides that property owners/occupants are to be notified in writing at least 10 days prior to the excavation work if the work is to last more than 72 hours. Notice is also to be given to each resident on the block (continued on next page)



**ORDINANCE NO. BL2013-380**, continued

and to the district councilmember. For work lasting less than 72 hours, there is no notice requirement as long as the department performing the work determines that the excavation will not cause significant inconvenience to any owner/occupant of property abutting the right-of-way or to the owner of the property where the easement is located.

This ordinance would add a separate provision in the code applicable only to residential property that would require 48 hours written notice prior to commencement of excavation work, regardless of the duration of the work. The notice would be required to be given to the resident occupying the private property where the work is to take place and/or to all residents whose ingress/egress is impacted. The notice requirement would be waived in the event the excavation work is needed to perform an emergency repair.

There is a proposed substitute for this ordinance that will combine the notice requirements.

**ORDINANCE NO. BL2013-381** (TYGARD) – This ordinance amends the Metro code to require periodic reports regarding the energy and water savings associated with government buildings that were constructed using sustainable building design standards as required by chapter 16.60 of the building code. In June 2007, the council enacted Substitute Ordinance No. BL2007-1374 to require all new construction and renovations of Metro facilities in excess of 5,000 square feet or exceeding \$2 million to pursue LEED certification through the U.S. Green Building Council (USGBC) and to develop a strategy for LEED Silver certification. LEED is an acronym for Leadership in Energy and Environmental Design, which uses a green building rating system developed by the USGBC. The rating system contains prerequisites and credits in six categories: sustainable site planning, improving energy efficiency, conserving materials and resources, embracing indoor environmental quality, safeguarding water, and innovation in design.

The 2007 ordinance did not include any performance monitoring requirements once a LEED certified building is completed and occupied. This ordinance would require the Metro department, agency, board, or commission responsible for the construction or renovation of the LEED certified building/facility to provide an annual report to the council that details the building/facility's energy and water usage for the previous fiscal year compared to a non-LEED certified building of similar size and use in Nashville, and the estimated energy and water cost savings compared to a similar non-LEED certified building.

**ORDINANCE NO. BL2013-382** (MATTHEWS & GILMORE) – This ordinance relinquishes the Metropolitan Government's interest in the old Green Hills branch library property. This property is currently being used to house the Metro archives. This property was donated to Metro in 1966 for the purpose of constructing, maintaining, and operating a public library. The deed contains a reversionary clause providing that if the property ceases to be used as a branch library, then ownership of the property is to revert to the grantors.

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**ORDINANCE NO. BL2013-382**, continued

The library board has approved the transfer of the archives to the downtown main library. Since the Green Hills property will no longer be used as a library, this ordinance authorizes the conveyance of the property back to the trustee for the owners of the reversionary interest. As a result of this transaction, the public library foundation will receive a donation of \$654,000. The letter from the trustee attached to the ordinance states that Metro will have 18 months in which to relinquish possession of the property.

This ordinance has been approved by the planning commission and the library board.

**ORDINANCE NOS. BL2013-383 & BL2013-384** (S. DAVIS, WESTERHOLM & OTHERS) –

These ordinances authorize the mayor to submit the 2013-2018 consolidated plan for housing and community development programs for the Metropolitan Government and the 2013 analysis of impediments to fair housing choice to the U.S. department of housing and urban development (HUD). HUD requires local governments seeking federal funding under the community development block grant program (CDBG), the HOME investment partnerships program, the emergency shelter grant program (ESG), and the housing opportunities for persons with AIDS (HOPWA) program to submit a consolidated plan for housing and community development. This five year consolidated plan was prepared by the Metropolitan development and housing agency (MDHA) and is to be administered by MDHA. The council most recently approved a consolidated plan in 2009 for the years 2010-2015. Although there are two years remaining under the existing plan, MDHA decided to submit a new plan as a result of the 2010 flood, reduced federal funding, and new federal requirements.

The goals of the plan are to increase the supply of affordable housing, increase access to healthy food choices, reduce homelessness, and promote community and economic development. The plan provides for the following allocation by program for 2013-2014:

**CDBG**

Property acquisition	\$75,000
Administration and planning	\$852,474
Economic development	\$352,057
Homeowner rehabilitation	\$1,000,000
Public facilities	\$1,000,000
Section 108 loan repayment	\$484,842
<b>Total</b>	<b>\$4,262,373</b>
Program income	\$250,000

The actual expenditure of CDBG funds will be submitted to the council for approval by resolution at the time the projects are identified.

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**ORDINANCE NOS. BL2013-383 & BL2013-384**, continued

**HOME**

Acquisition	\$52,000
Administration	\$179,694
Homeowner rehabilitation	\$175,000
Home construction	\$250,000
Rental construction	\$635,000
Rental rehabilitation	\$500,000
<b>Total</b>	<b>\$1,791,694</b>
Program income	\$225,000

**ESG**

Administration	\$29,278
Emergency shelters	\$204,230
Street outreach	\$30,000
HMIS	\$10,000
Housing relocation	\$116,875

Local matching funds of \$368,425 are required under the ESG program to be provided by the local non-profits that participate in the program.

**HOPWA**

Administration	\$72,798
Support services	\$436,501
Short-term housing	\$247,978
Rent subsidies	\$143,280
<b>Total</b>	<b>\$900,557</b>

This ordinance expressly provides that none of these funds will be used for any property acquisition involving the use of eminent domain.

**Ordinance No. BL2013-384** adopts the 2013 analysis of impediments to fair housing choice (AI). HUD requires that local jurisdictions receiving funding through the consolidated plan process update their AI when developing a new consolidated plan. The purpose of the AI is to inform HUD regarding the current fair housing situation in Nashville. Under federal regulations, an impediment to fair housing choice is any action or decision that restricts a person's housing choices or availability because of race, color, religion, sex, national origin, familial status, or disability. The impediments identified in the report approved by this ordinance include a scarcity of affordable rental units, too few housing units available to people with disabilities, a lack of fair housing education, uneven distribution of community resources, and the state's restriction on the expansion of protected classes.

**ORDINANCE NO. BL2013-385** (MOORE) – This ordinance abandons 92 linear feet of an 8-inch sewer main and associated easements, and accepts one sewer manhole on property located at 2300 Franklin Pike. This section of sewer line is no longer needed by Metro water services. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2013-386** (ALLEN) – This ordinance abandons a portion of Ransom Avenue right-of-way between Byron Avenue and Richardson Avenue. The ordinance also abandons all Metro utility easements. This closure has been requested by Anderson, Delk, Epps, and Associates to facilitate a new development and relocate the roadway. Signatures of the affected property owners are included as an attachment to the ordinance. This ordinance has been approved by the planning commission and the traffic and parking commission.

**ORDINANCE NO. BL2013-387** (LANGSTER) – This ordinance amends the official street and alley acceptance and maintenance map by abandoning a portion of the Alley No. 555 right-of-way from Dr. D.B. Todd Boulevard northeastward approximately 120 feet. This closure has been requested by Lee Chapel AME Church to facilitate the construction of a new church building. This section of right-of-way is no longer needed by the Metropolitan Government. All affected property owners have consented to the proposed right-of-way abandonment. The ordinance also abandons all utility easements. This ordinance has been approved by the planning commission and the traffic and parking commission.

**– BILL ON THIRD READING –**

**SUBSTITUTE ORDINANCE NO. BL2012-283** (CLAIBORNE, JERNIGAN & MCGUIRE) – This substitute ordinance, as amended, 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 badges 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. Further, the sale of books and other expressive works would be exempt from the no solicitation list restrictions, as these materials also have greater First Amendment protection than other commercial speech.

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.

**ORDINANCE NO. BL2013-356** (S. DAVIS & MAYNARD) – This ordinance designates Cowan Street from Spring Street north to its terminus as “Production Row”. The purpose of this ordinance is to recognize the significant sound and video production activity taking place on Cowan Street. Ordinance No. BL2012-262 established a procedure for the use of honorary street signs whereby the council, by ordinance, can 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 Cowan Street, and property owners will not be required to change their address. The designation as “Production Row” is only honorary.

**ORDINANCE NO. BL2013-357** (GILMORE & POTTS) – This ordinance abandons water, sewer, and stormwater mains and easement rights for the Music City Center project on property bordered by 5<sup>th</sup> Avenue South, Korean Veterans Boulevard, 8<sup>th</sup> Avenue South, and Demonbreun Street. This ordinance has been approved by the planning commission. Future amendments to this legislation may be approved by resolution.

**ORDINANCE NO. BL2013-358** (MATTHEWS) – This ordinance approves an agreement between the Metro arts commission and Americans for the Arts for the 2014 Americans for the Arts convention in Nashville. The agreement sets forth the various duties and responsibilities of each party as it relates to the promotion and operation of the convention to be held June 12-15, 2014. Metro will be responsible for all costs associated with providing artists throughout the convention, offsite art-related tours, an opening reception, and a board and VIP dinner. The cost for Metro’s responsibilities is not to exceed \$250,000. The agreement provides that Metro arts commission staff is to work with the Americans for the Arts staff to raise money to cover the costs of the convention. However, in the event the fundraising efforts fall short, such funds would have to be provided as part of the Fiscal Year 2013-2014 operating budget. The Metro arts commission will also be responsible for assembling a local host committee of 10-15 members, as well as 15-20 volunteers per day to work during the convention.

**ORDINANCE NO. BL2013-359** (MATTHEWS, GILMORE & DOWELL) – This ordinance approves various agreements associated with the transfer of the Renaissance Hotel located next to the existing convention center on Commerce Street. The Metropolitan Government is the owner of the land underneath the downtown Renaissance Hotel, which is currently leased to Ashford JV (“hotel”). The current lease agreement was entered into in 1987 and amended in 1989. The term of the lease was for 30 years, with seven 10-year renewal periods, for a total possible lease term of 100 years. The hotel leases the air rights, but is the owner of the hotel structure on top of the land. Under the lease, Metro currently receives \$500,000 per year in rent, which is currently applied as repayment of a MDHA urban development action grant (UDAG) loan to be used for economic development and affordable housing activities. In addition to the hotel lease, Metro leased the air rights above the hotel effective July 1, 1987 to Rodgers/Welch Ventures, Inc. to be used for office space. Approximately 118,000 square feet of office space exists above the hotel. Metro has been receiving \$5,000 per year in rent from the office space lease. Metro was also to receive 20% of the “return on equity” from the hotel operation, but no funds have been paid to Metro other than the base rent except for a onetime payment of \$2.3 million in 2006 resulting from the assignment of the lease.

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**ORDINANCE NO. BL2013-359**, continued

The hotel lease requires Metro to continue to operate a first class convention center at 601 Commerce Street through June 30, 2017. Since the Music City Center will open this spring, Metro would be obligated to operate two convention centers for four years. In order to ensure the long term viability of the Renaissance, the hotel desires to use the existing meeting and ballroom space in the convention center on a long term basis. The hotel is willing to release Metro from its obligation to continue operating a convention center on the property in exchange for ownership of the property and a long term lease for the meeting and ballroom space. The hotel has also agreed to a room block agreement with the Metro convention center authority (CCA) to serve as an overflow hotel for large conventions.

This ordinance approves a master agreement, a meeting space lease, an ancillary facilities lease, assignment of the hotel lease, assignment of the office space lease, and a declaration of covenants and easements. The master agreement essentially outlines the various transactions and agreements associated with the transfer of the convention center property, the lease of space, and the room block agreement. Key provisions of the master agreement include the following:

- The hotel will prepare a subdivision plat for the property to be submitted to the planning commission, and Metro will quitclaim the property to the hotel.
- The hotel will have use of the pedway and other ancillary areas of the convention center for 99 years, plus the use of 180 parking spaces in the Metro-owned garage across the street.
- The hotel will have rent-free use of the convention center meeting space and the ballrooms in the northern part of the convention center for 30 years commencing January 1, 2014. Metro can cancel the lease agreement after January 1, 2029 with three years written notice.
- The hotel is to spend at least \$5 million to renovate the meeting space. Metro in turn will reimburse the hotel for these capital expenditures made during the first five years of the agreement up to the amount of leasehold property taxes paid on the meeting space.
- The hotel will invest at least \$20 million to renovate the hotel by December 31, 2014.
- A room block agreement is to be entered into between the hotel and the CCA giving the CCA the preferred right to reserve and book rooms in connection with events at the MCC.
- The CCA agrees to continue to operate the exhibit hall and to designate 40,000 square feet of exhibit hall space for public use, which the hotel can rent as it is available. The hotel will also be able to use the remainder of the exhibit hall space at market rates as it is available. At the CCA's request, the hotel will provide catering and audio/visual services for events, with 30% of the gross proceeds being paid to the CCA. Metro will be able to discontinue its operation of the exhibit hall space with 12 months written notice to the hotel in the event Metro decides to redevelop the property.
- Metro is released from its obligation to operate a convention center on the property through June 2017.

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**ORDINANCE NO. BL2013-359**, continued

Other notable provisions of the negotiated deal are as follows:

**Room Block Agreement**

The hotel agrees to designate a block of rooms for a 20 year term. The terms of the agreement are similar to the CCA's room block agreement with the Omni convention center hotel currently under construction. The room block agreement provides that 400 rooms would be designated after the third year of the agreement. A total of 315 rooms would be part of the block between the 24<sup>th</sup> and 35<sup>th</sup> months of the agreement. The hotel will have the right to terminate the room block agreement if the meeting space lease is terminated. The authority to set the room rates and meeting space rates will belong solely to the hotel. The hotel can request a release from the room block agreement for future dates, which release cannot be unreasonably withheld by the CCA. The hotel will also have certain booking exceptions from the room block agreement.

**Ancillary Hotel Facilities Lease**

The hotel will be leasing certain ancillary space aside from the meeting room space for a term of 99 years. This includes the parking garage, pedway, kitchen, and ballroom. Metro will retain an easement to use these areas. The hotel will be leasing 180 parking spaces on the first floor of the garage at a usage rate of \$4 per space per day. The hotel will also have access to additional spaces in the garage as they are available at the standard parking rates. The \$4 daily rate is to be adjusted annually so that the parking charge to the hotel is 50% of the amount charged to the general public. If Metro ceases to operate the parking garage, then the hotel will have the right to lease it from Metro at market rates.

In summary, Metro will be giving the hotel ownership of the hotel property, assigning Metro's rights in the lease agreements to the hotel, foregoing the annual \$505,000 rent, and giving the hotel a long-term lease for meeting space/ballrooms/parking in exchange for a room block agreement, a release from the obligation to operate a convention center on the property, and a transfer of the hotel property to the tax rolls. This transaction will obviously have some offsetting operational savings to the CCA, though the amount of the savings has not been determined. In addition, Metro should start to receive the real property taxes on the land beneath the hotel. Metro has already been receiving the leasehold taxes for the hotel building, but not on the land itself since government property is not taxed. According to information provided by the assessor's office, the land underneath the hotel has a value of approximately \$11.8 million, which should result in additional property tax revenue to Metro of roughly \$221,300 per year.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2013-361** (GILMORE & POTTS) – This ordinance authorizes the convention center authority to install and maintain aerial and underground encroachments in the right-of-way of 5<sup>th</sup> Avenue South, 6<sup>th</sup> Avenue South, and Demonbreun Street for the new Music City Center. The underground encroachments include two tunnels under 6<sup>th</sup> Avenue, an entry canopy over 5<sup>th</sup> Avenue, and a building over 6<sup>th</sup> Avenue. The Metro code provides that all aerial and underground encroachments must be approved by the council. This ordinance has been approved by the planning commission.



**ORDINANCE NO. BL2013-362** (MOORE, S. DAVIS & OTHERS) – This ordinance declares 11 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:

<b>Address</b>	<b>Council District</b>
1105 Joseph Avenue	5
223 Treutland Avenue	5
4019 Lafayette Street	11
41 <sup>st</sup> Avenue North, unnumbered	21
1221 North 5 <sup>th</sup> Street	5
200 Stanley Street	19
34 North Hill Street	17
1129 North 2 <sup>nd</sup> Street	5
1209 Cline Avenue	5
702 North 2 <sup>nd</sup> Street	5
763 Lynwood Avenue	17

**ORDINANCE NO. BL2013-363** (LANGSTER & POTTS) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. O94-1115 when the Alley Nos. 583 and 585 right-of-way was abandoned at the northwest corner of Albion Street. There are no longer water and sewer lines within the easement area, and there is no reason for them to be retained. The abandonment of the easement rights is required to construct the Meharry Medical College Turner Family Center located at the intersection of Albion Street and 21<sup>st</sup> Avenue North.

**ORDINANCE NOS. BL2013-364 through BL2013-368** – These four ordinances authorize the acquisition of permanent and temporary easements for various stormwater projects. The ordinances provide that future amendments to the ordinances may be approved by resolution. These ordinances have been approved by the planning commission.

**Ordinance No. BL2013-364** (Todd & Potts) authorizes the acquisition of easements on property located at 212 and 214 Page Road.

**Ordinance No. BL2013-365** (Mitchell & Potts) authorizes the acquisition of easements on nine properties located along Myhr Drive and Beech Bend Drive.

**Ordinance No. BL2013-366** (Potts) authorizes the acquisition of easements on 33 properties located along Elizabeth Street, Harlin Drive, Louise Drive, Morton Avenue, Tanksley Street, Thompson Lane, and Timmons Street.

**Ordinance No. BL2013-367** (Dominy & Potts) authorizes the acquisition of easements on 19 properties located along Bakertown Road, Ezell Road, Lallemond Drive, and Wharton Drive.

**ORDINANCE NO. BL2013-368** (GILMORE, POTTS & CLAIBORNE) – This ordinance abandons a portion of the Division Street right-of-way and easements and authorizes the execution of a quitclaim deed to convey any remaining interest Metro may possess in the right-of-way at the intersection of Division and Broadway. This abandonment has been requested by Littlejohn Engineering Associates on behalf of Lagasse Family Partners, LLC to facilitate development of the property. This ordinance also abandons all utility easements.

**ORDINANCE NO. BL2013-369** (A. DAVIS) – This is a routine ordinance that readopts the Metropolitan Code prepared by Municipal Code Corporation to include all ordinances enacted on or before October 2, 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.