



METROPOLITAN COUNCIL

Metro Council Office

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **September 17, 2013**

RE: **Analysis Report**

Balance As Of:	<u>9/10/13</u>	<u>9/12/12</u>
<u>GSD 4% RESERVE FUND</u>	*\$30,826,675	\$28,853,651

*** Assumes estimated revenues in fiscal year 2014 in the amount of \$26,373,400**

– RESOLUTION ON PUBLIC HEARING –

RESOLUTION NO. RS2013-844 (LANGSTER) – This resolution approves an exemption for Atmalogy located at 2320 West End Avenue 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 provides a mechanism 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.

– RESOLUTIONS –

RESOLUTION NO. RS2013-845 (STEINE) – This resolution approves an economic and community development incentive grant to the industrial development board (IDB) for the benefit of UBS. In February 2011, the council enacted Substitute Ordinance No. BL2010-806 to allow incentive grants to be provided as a result of the location or relocation of the international, national, or regional headquarters of a large company comparable to companies on the Fortune 500 listing, which is expected to result in the creation of at least 500 additional jobs in Nashville during the first five years of operations. This was an extension of the program enacted in 1999 for the benefit of Dell Corporation.

UBS is a Swiss corporation with 62,000 employees world-wide that provide wealth management, asset management, and investment banking services. UBS, which currently has 240 employees in Nashville providing operations support, will be leasing 98,000 square feet of space at 315 Deaderick Street (formerly Regions Center). Termed a “regional headquarters” for purposes of the economic development incentive grant eligibility, the new space will serve as the UBS business solutions center for the Americas, which is expected to create more than 1,000 jobs serving UBS’s wealth management, investment banking, information technology, finance, risk management, human resources, and compliance divisions.

This resolution approves an economic and community development incentive grant in an amount of \$500 for each new job UBS creates over and above the existing 240 employees (termed “incremental jobs”) and approves the corresponding grant contract with the IDB and UBS. These incremental jobs will include all new full-time UBS employees, regardless of salary, as well as contract employees that make in excess of the average wage for all occupations within the Nashville Metropolitan Statistical Area, which is currently \$41,810 per year. The purpose of the grant is to partly reimburse UBS for its expenses related to the acquisition, preparation, and occupancy of office space, moving costs, and employee training. The term of the agreement is for five years, and UBS has the right to specify the date on which the grant period commences within three years of the issuance of a certificate of occupancy at the new location. UBS will be required to submit annual settlement statements to the department of finance for the grant.

Resolution No. RS2013-846 is a corresponding piece of legislation that would approve an amendment to the agreement between Metro and the Downtown Partnership for operation of the courthouse garage to allow the Downtown Partnership to enter into an agreement with UBS for the use of up to 125 spaces in the garage at a fixed monthly rate of \$100 per space.

RESOLUTION NO. RS2013-846 (STEINE & HARRISON) – This resolution approves an amendment to the agreement between the Metro traffic and parking commission and the Nashville Downtown Partnership for management of Metro’s parking facilities to allow the Downtown Partnership to enter into a separate agreement with UBS for the use of up to 125 spaces in Public Square garage located next to the courthouse. The traffic and parking commission, who by charter is responsible for Metro parking garages, has had a contract with the Downtown Partnership for operation of the parking garages since 2002. The last agreement was approved in June 2012 for a five year term.

Part of the UBS economic development incentive deal negotiated by the administration included the guaranteed use of up to 125 spaces in the courthouse garage at a cost of \$100 per space per month. This resolution simply allows the downtown partnership to enter into a license agreement with UBS for use of the spaces. The term of the license agreement would be the same as the term of Metro’s contract with the Downtown Partnership, which extends through June 30, 2017.

Typically, agreements for use of spaces in the garage would be submitted for council approval by ordinance. In 2005, the council enacted Ordinance No. BL2005-522 approving an agreement between the Metropolitan Government and Stahlman Redevelopment Partners, LLC, for the use of up to 175 parking spaces in the courthouse garage for residents of the Stahlman apartments. However, in order to coincide with the timing of the incentive grant agreement, the administration desires that this be accomplished by resolution. The ordinance approving the 2012 agreement provides that amendments to the agreement with the Downtown Partnership may be approved by resolution, which is why the authority is being granted to the Downtown Partnership to enter into the license agreement with UBS.

RESOLUTION NO. RS2013-847 (STEINE & PARDUE) – This resolution approves a sole source contract with Siemens Healthcare Diagnostics, Inc. for drug testing equipment and maintenance for the state trial courts. Sole source contracts may be awarded under the Metro procurement code when it is determined that there is only one source for the supply or services rendered. The Metro Code was recently amended to require all sole source contracts having a total value in excess of \$250,000 to be approved by the council by resolution.

This is essentially a continuation contract with the same provider. This contract will provide the testing equipment and maintenance of the drug testing system at a total cost of \$500,000 over a period of five years.

RESOLUTION NO. RS2013-848 (PARDUE) – This resolution approves an interlocal agreement between the Metropolitan Government, Nashville Electric Service (NES), and the United States Coast Guard 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.

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RESOLUTION NO. RS2013-848 (continued)

The Coast Guard desires to interface directly with Metro's system to improve communications in the interest of homeland security. There are no fees associated with this agreement, although the Coast Guard agrees to pay Metro's costs for leased radio equipment and maintenance Metro performs on the Coast Guard's equipment. 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.

The council has recently approved similar agreements with the cities of Mt. Juliet and Goodlettsville.

RESOLUTION NO. RS2013-849 (STEINE & PARDUE) – This resolution approves an application for a grant in the amount of \$325,000 from the U.S. department of justice to the Metropolitan police department for the gang resistance education and training (GREAT) program. The GREAT program is a school-based curriculum taught by police officers to middle school students. The primary goal of GREAT is to prevent youth delinquency, violence, and gang membership. The grant funds requested through this application would be used for the continued hosting of a regional GREAT training center to teach the program to police officers from other jurisdictions. Specifically, the funds would cover personnel costs, travel expenses, equipment, and supplies.

RESOLUTION NO. RS2013-850 (STEINE & MAYNARD) – This resolution approves a grant in the amount of \$4,486,000 from the state department of health to the Metro health department for operation of the Women, Infants and Children (WIC) program. The funds from this annual federal pass-through grant are used to pay the salaries and benefits of the health department employees administering the WIC program. The term of the grant is from October 1, 2013, through September 30, 2014.

RESOLUTION NO. RS2013-851 (STEINE & MAYNARD) – This resolution approves an annual grant in the amount of \$1,414,200 from the state department of health to the Metropolitan health department for tuberculosis (TB) control, prevention, and outreach services. These funds are used for the operation of the health department's TB program consisting of direct patient care, the monitoring of existing and suspected TB cases, and operation of the TB clinic. The term of the grant is from July 1, 2013 through June 30, 2014. This grant is comprised of \$273,675 in federal funding and \$1,140,525 in state funding. The majority of these funds will be used to pay the salaries and benefits of the health department employees providing these services.

RESOLUTION NO. RS2013-852 (STEINE, MAYNARD & LANGSTER) – This resolution approves a grant in the amount of \$237,000 from the state department of health to the Metro health department for the commodity supplemental food program. This is a federal program that provides nutritious food to eligible low-income clients who are vulnerable to inadequate nutrition. The majority of these federal pass-through funds are used to pay the salaries and benefits of the health department employees that provide the services. The term of the grant is from October 1, 2013, through September 30, 2015.

RESOLUTION NO. RS2013-853 (STEINE, MAYNARD & LANGSTER) – This resolution approves a grant in the amount of \$429,100 from the state department of health to the Metro health department for implementation of the Golden Sneakers program at childcare facilities. The Golden Sneakers program is designed to encourage child care providers to implement recommended amounts of physical activity each day, to address portion control, and to limit the amount of high calorie and high fat foods. These funds will be used to provide the program at 20 childcare centers in north and northeast Nashville. The program consists of a nutrition education course for the childcare employees and parents, as well as in-class instruction for children. The term of the grant is from August 1, 2013 through June 30, 2016. There is a required in-kind local match of \$113,400.

RESOLUTION NO. RS2013-854 (STEINE, MAYNARD & LANGSTER) – This resolution approves an eighth amendment to a grant from the U.S. environmental protection agency (EPA) to the Metropolitan board of health for the continued collection of data on the ambient air concentrations for fine particulate matter. The Metro health department is responsible for air quality monitoring within Nashville and Davidson County on behalf of the EPA. This amendment increases the amount of the grant by \$68,799, for a new grant total of \$805,000.

RESOLUTION NO. RS2013-855 (STEINE & TYGARD) – This resolution approves an application for a grant in the amount of \$7,724 from the Tennessee state library and archives to the Nashville public library to purchase tablet computers. These funds would be used to purchase 25 iPads and two Google Nexus 7 devices. There would be a required local match of \$7,724.

RESOLUTION NO. RS2013-856 (GILMORE) – This resolution authorizes NCB Garage Partners Pub 5, to install and maintain aerial sign encroachments at 217 3rd Avenue North. The encroachment includes eight 30" x 120" blade signs hanging from the building over the sidewalk. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2013-857 (STEINE) – This resolution authorizes the department of law to settle the personal injury claim of Melody Brown against the Metropolitan Government for the amount of \$13,000. On April 21, 2012, Ms. Brown was a handcuffed passenger in a patrol car that was involved in an accident. The police officer driving the patrol car ran a stop sign and hit another vehicle. Ms. Brown injured her shoulder and knee in the accident, incurring medical bills totaling \$6,146.40. Due to her height, Ms. Brown was riding without a seatbelt because she could not comfortably sit facing forward while handcuffed and wearing a seatbelt.

The department of law recommends settling this lawsuit for the amount of the medical bills plus \$6,853.60 for pain and suffering. Metro would be found liable if the case went to trial since the officer's running of the stop sign caused the accident. The police officer involved received disciplinary action consisting of a written reprimand.

RESOLUTION NO. RS2013-858 (STEINE) – This resolution authorizes the department of law to settle the personal injury claim of Dedrick Hardison against the Metropolitan Government for the amount of \$11,562. On May 25, 2010, Dedrick Hardison was walking on a driveway in Centennial Park when he was struck by the side mirror of a parks police vehicle. The parks police officer admitted that he saw Mr. Hardison walking but thought he had room to maneuver around him. Mr. Hardison sustained a tear to his left shoulder resulting in \$4,185.40 in medical bills and physical therapy costs. He continues to have chronic shoulder pain and will need future testing and physical therapy as a result of the injury, which is estimated to cost more than \$3,000.

The department of law recommends settling this claim for \$11,562 since a court would likely determine the parks police officer's driving to be negligent. Since the accident occurred within the course and scope of the officer's employment, Metro would be liable for damages. The Metro employee involved received disciplinary action consisting of a written reprimand.

RESOLUTION NO. RS2013-859 (STEINE) – This resolution authorizes the department of law to settle the Metropolitan Government's subrogation claim against Vanderbilt Medical Center and Medical Necessities and Services, LLC. This settlement relates to a medical malpractice lawsuit brought by the husband of a Metro General Hospital employee who is on the Metro self-insured health plan. The patient developed some respiratory complications after having shoulder surgery at Vanderbilt in February 2008 and spent almost one month in the critical care unit. After being removed from a ventilator, a tracheostomy was inserted. The night following his discharge, the patient's tracheostomy became blocked and he went into respiratory arrest. Although he recovered, the patient's tracheostomy is expected to be permanent because of the damage to the lungs. The patient incurred substantial medical bills, which were paid by Metro through the self-insured medical plan.

The patient filed suit against Vanderbilt and the medical equipment supplier alleging that they were negligent in not providing suction catheters at the time of his discharge. The patient has reached a settlement with the defendants that will partially compensate him for his injuries.

Part of the settlement agreement between the plaintiff and defendants includes \$10,000 to settle the Metropolitan Government's subrogation claim. While the \$10,000 figure does not recoup the Metropolitan Government's expenses, Metro likely would not receive any funds if the case went to trial. Under Tennessee law, an insurer (Metro) is not entitled to reimbursement unless the plaintiff is "made whole". Given the injuries and expenses, as well as certain facts that have come to light during the discovery phase of the lawsuit, it is unlikely that the plaintiff would be made whole even if he prevailed at trial.

– BILLS ON SECOND READING –

ORDINANCE NOS. BL2013-526 and BL2013-527 (STEINE & WESTERHOLM) – These two ordinances approve an amendment to the Metropolitan Code to establish a Metro injury-on-duty (IOD) clinic and to approve an agreement with Concentra Health Services, Inc. for operation of the clinic. Per the Metro Charter, Metro is responsible for covering all of the medical expenses related to employees being injured while on duty. Metro's IOD program is a self-insured program administered by Alternative Service Concepts (ASC). Under the current law, the employee benefit board is authorized to appoint a panel of pre-approved doctors called the "in-line-of-duty-treatment network" to treat injured employees. Employees receiving treatment through the IOD network have 100% of the expenses covered. However, employees can seek treatment using his/her group health provider and pay all applicable co-pays and deductibles, which are reimbursed by ASC.

IOD costs have risen exponentially in recent years. In 2012, Metro had 15,891 IOD claims at a total cost to the government of \$3.95 million. The finance department, Metro human resources, and the department of law have been reviewing the IOD program and considering possible changes to the program to reduce costs while maintaining quality care and treatment. Out of this review, it has been recommended that Metro establish an IOD clinic to handle non-emergency workplace injuries. Such clinics are successfully used in the private sector for large companies.

Metro sought proposals from Concentra Health Services, Inc. for the operation of a Metro IOD clinic. Concentra is a subsidiary of Humana, Inc. that provides occupational medicine, urgent care, physical therapy, and wellness services at more than 320 medical centers, as well as 270 worksite medical facilities. Concentra's clients include Target, Wal-Mart, FedEx, Coca-Cola, and the City of Dallas. Metro HR consultant, Buck Consulting, assisted in the review of Concentra's proposals and determined that an IOD clinic would reduce costs, provide higher quality and efficiency of care, and reduce productivity loss.

Ordinance No. BL2013-526 approves an amendment to the Metro code to authorize the establishment of an IOD clinic. As required by the Charter, this ordinance provides that emergency treatment for injuries on duty would continue to be given at the nearest available medical facility. From the date of enactment of this ordinance through June 30, 2014, non-emergency and follow-up treatment would be furnished either at an IOD medical clinic or through the existing IOD network. After June 30, 2014, only specialized non-emergency medical treatment not available at the IOD clinic would be furnished through the network. All other treatment would take place at the IOD clinic. The ordinance gives the Metro HR director the authority to develop more detailed rules and protocol regarding use of the IOD clinic.

Ordinance No. BL2013-527 approves a contract with Concentra for operation of the Metro IOD medical clinic for three years, with a possible extension of two additional one year terms. Metro will provide office space for the clinic at 337 21st Avenue. Concentra will provide treatment of occupational injuries and illnesses, care coordination services, wellness programming, and educational/informational support for on-going Metro health and safety initiatives. The scope of services does not specify the types of occupational illnesses and injuries that will be treated at the clinic. Upon mutual consent of the parties, the services provided may be expanded to include physical exams, substance abuse testing, and physical therapy.

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ORDINANCE NOS. BL2013-526 and BL2013-527 (continued)

Concentra will staff the clinic for 40 hours per week with a doctor, a nurse manager, a medical assistant, and a radiological technician. The company will be compensated approximately \$1 million during the first year of the agreement. The staffing and labor costs are to increase three percent in the second year and five percent in the third year of the contract. The costs for the first year will be billed as follows:

- \$353,000 for a doctor
- \$56,000 for a medical assistant
- \$126,000 for a nurse manager
- \$128,040 for a radiological tech
- \$202,500 for start-up equipment and supplies
- \$22,500 for training
- \$33,300 for computer hardware/software
- \$16,500 for an annual information technology fee

The estimated costs to Metro for the second and third year of the contract would be \$779,288 and \$818,252, respectively. These cost estimates do not include certain costs to be billed through to Metro (plus a five percent administrative fee) for medical supplies, laundry, waste disposal, lab fees, and radiological interpretation fees. In addition, the costs for medications will be passed through to Metro with a \$3.00 dispensing fee per medication. Concentra has estimated that Metro will essentially break even during the first year of the agreement, and then save approximately \$400,000 in the second year and \$570,000 in the third year. However, these savings estimates do not factor in the aforementioned pass-through costs that will be billed to Metro.

Concentra will be solely responsible for its employees working at the clinic, including employee placement, removal, and discipline. Metro has the right to request the removal of an employee. If an employee is removed at Metro's request without cause, Metro will be required to pay a minimum two weeks' severance for the employee. Concentra agrees to indemnify Metro for injuries or damage caused by Concentra's employees, and is required to maintain \$1 million in general liability and \$1 million in professional liability insurance per occurrence naming Metro as additional insured. Either party may terminate the agreement after one year with 90 days written notice. If Metro terminates the agreement during the first year, Concentra would receive an early termination penalty amounting to two months of the average staffing costs. Concentra will be required to provide quality management and oversight reports to Metro on a biannual basis.

Since this is a contract for professional services, it was not required to go through the standard public procurement system. Concentra was selected based upon the company's reputation and prior results. The procurement code provides that contracts for legal services, medical services, accounting services, fiscal agents, financial advisors or advisory services, educational consultants, architectural services, engineering services, and similar services by professional persons or groups of high ethical standards, are not to be based on competitive sealed bids, but shall be awarded on the basis of recognized competence and integrity.

As noted above, Metro has a contract with ASC for IOD claims administration and occupational health related services. Part of the scope of services for this new contract with Concentra includes care coordination for occupational injuries and illnesses. The term "care coordination" is not defined in the agreement. Metro will need to coordinate the services with ASC and Concentra to ensure both companies understand their respective roles.

ORDINANCE NO. BL2013-528 (CLAIBORNE, STEINE & TYGARD) – This ordinance authorizes the director of public property administration to accept the donation of a 1.47 acre parcel of property located on Massman Drive along Mill Creek to be added as green space in the Mill Creek Greenway system. This property contains the historic Buchanan Station cemetery. The property is being donated by Pinnacle Business Products, LLC. This ordinance has been approved by the parks board and the planning commission.

ORDINANCE NOS. BL2013-529 and BL2013-530 – These two 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. BL2013-529 (Westerholm) abandons a portion of Alley No. 277 off of McFerrin Avenue near the Main Street intersection. This abandonment has been requested by Dean Design Group for the East Side Apartments development. The ordinance retains all utility easements.

Ordinance No. BL2013-530 (Allen) abandons a portion of Alley No. 968 from Belmont Boulevard to Alley No. 439. This abandonment has been requested by DreamInc., for the purpose of adding a driveway for 2616 Belmont Boulevard. The ordinance also abandons all utility easements.

ORDINANCE NOS. BL2013-531 THROUGH BL2013-534 – These three ordinances authorize Metro water services to acquire easements for various water/sewer and stormwater projects. There is no anticipated acquisition costs associated with these easements. Future amendments to these ordinances may be approved by resolution. These ordinances have all been approved by the planning commission.

Ordinance No. BL2013-531 (Dominy, Hunt & Harrison) authorizes the acquisition of permanent and temporary easements for property located at 2532 Whites Creek Pike for the Whites Creek stormwater improvement project.

Ordinance No. BL2013-532 (Dominy, Hunt & Harrison) authorizes the acquisition of permanent easements for properties located at 1809, 1811, 1813, 1901, 1903, and 1905 County Hospital Road for a stormwater improvement project.

Ordinance No. BL2013-533 (Dominy, Hunt & A. Davis) authorizes the acquisition of permanent and temporary easements for properties located at 1119 and 1121 McGavock Pike for a stormwater improvement project.

ORDINANCE NOS. BL2013-534 THROUGH BL2013-537 – These four ordinances abandon public water and sewer infrastructure no longer needed by Metro water services. Future amendments to these ordinances may be approved by resolution. These ordinances have all been approved by the planning commission.

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ORDINANCE NOS. BL2013-534 THROUGH BL2013-537 (continued)

Ordinance No. BL2013-534 (Dominy, Hunt & Langster) abandons one sewer manhole and 15 linear feet of an existing public sewer main, and accepts a new sewer manhole for properties located along Cartwright Street and Charlotte Avenue for Ascend Federal Credit Union at 1901 Charlotte Avenue. There is a housekeeping amendment for this ordinance clarifying the parcels impacted by the sewer lines.

Ordinance No. BL2013-535 (Dominy, Hunt & Langster) abandons 160 linear feet of a sewer main and 1,500 linear feet of a water main, and accepts 1,550 linear feet of 8-inch and 12-inch water mains, five fire hydrants, and 207 linear feet of a new 8-inch sewer line for properties located at 1809 Morena Street and 1807 Albion Street. This abandonment and acceptance is needed for Meharry Medical College housing.

Ordinance No. BL2013-536 (Gilmore, Dominy & Hunt) abandons 140 linear feet of a 96-inch sewer main and 110 linear feet of a 15-inch sewer main, and accepts 180 linear feet of a new 96-inch sewer main for properties located at 1800 Chet Atkins Place and 817 18th Avenue South. This abandonment and acceptance is needed for the 18 Hundred development.

Ordinance No. BL2013-537 (Dominy, Hunt & S. Davis) abandons 436 linear feet of a 108-inch sewer main and 762 linear feet of a 30-inch sewer main for properties located at 5 Main Street and 110 North First Street.

SUBSTITUTE ORDINANCE NO. BL2013-543 (TYGARD & S. DAVIS) – This ordinance amends the Metro code pertaining to sponsorships on park property and the acceptance of sponsorship funds. The code currently prohibits all types of advertising within Metro parks, which has been interpreted to prohibit sponsorships, as well. Various businesses and organizations from time to time have offered to make a monetary donation or the donation of equipment to the parks department provided the name of the business or organization is included on a sign or other means of public recognition. The parks department continues to take on more and more property to maintain as a result of the acquisition of open space and the construction of new facilities, which has resulted in increased operating costs. The Metro parks master plan contemplates the use of corporate sponsorships to support the financial needs of park facilities without relying solely upon public funds. In order to implement this portion of the master plan, the parks board needs council authority to pursue sponsorships and enter into sponsorship agreements.

This ordinance gives the parks board the authority to adopt rules and regulations to provide for sponsorships of park programs, events, projects, facilities, and sites. The regulations are to include provisions regarding the types of events and facilities that can be sponsored, the size and number of signs, the use of logos, and the types of businesses and products that are not eligible for sponsorship. All sponsorship agreements in excess of \$25,000 would require council approval by resolution.

– **BILLS ON THIRD READING** –

ORDINANCE NO. BL2013-516 (CLAIBORNE) – This zoning text change modifies the provisions applicable to the creation of specific plan (SP) zoning districts in response to a recent Tennessee Court of Appeals decision that struck down the Gallatin Road SP. The court based its decision upon the failure of the 2007 Gallatin Road SP ordinance to comply with the zoning code provisions applicable to SP zoning in general. The intent of SP zoning at the time it was created was to provide a more flexible tool for rezoning specific parcels of property to allow for design-based guidelines and use restrictions in order to be consistent with the surrounding neighborhood. Since then, SPs have often taken on more of a regulatory role.

The provisions in the zoning code pertaining to the enactment of SP districts require that the application be initiated by a property owner who has a firm intention to develop according to the development schedule submitted, that a site specific plan be filed for the development, and that a development phasing and construction schedule be submitted. The Gallatin Road SP was initiated by the district council members and planning department, not property owners. Further, there was no development plan that met requirements of the code. The court held that the Gallatin SP on its face did not meet these code requirements for SPs, and thus was invalid. The court did not address the underlying issue regarding whether SPs can distinguish among different financial uses since it determined the bill itself was not properly enacted.

This zoning text change has been prepared by the planning department in response to the Court of Appeal's ruling. First, the ordinance would clarify that SP applications can be submitted by the property owner, the planning department, or a member of council. Second, the ordinance provides that either a conceptual site plan or a regulatory plan must be submitted with the application, as opposed to a site plan for the development with a construction schedule. The SP may be submitted for an individual property or a larger area, such as the Gallatin Road corridor. Finally, the ordinance replaces the mandatory four year review process for SPs with a process similar to the one used for inactive planned unit development districts. A review to determine inactivity of a SP could be initiated by a property owner, the planning department, or a member of council after the SP has been in place for six or more years.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2013-524 (CLAIBORNE & MATTHEWS) - This ordinance adopts the property identification maps for the Metropolitan Government identifying property as of January 1, 2013, as the official maps for the identification of real estate for tax assessment purposes. These maps are adopted on an annual basis.

ORDINANCE NO. BL2013-525 (POTTS) – This ordinance authorizes the Metropolitan Government to enter into an agreement with Avondale Residential, Inc., and CSX Transportation, Inc. for the construction and acceptance of a new bridge over the CSX railroad tracks in the Bellevue area. Pursuant to the agreement, Avondale agrees to construct the bridge at its own expense and to reimburse CSX for any costs it incurs as a result of the bridge project, such as
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ORDINANCE NO. BL2013-525 (continued)

preliminary engineering, inspection, and flagging services. These costs are estimated to be \$326,367. Avondale will be required to furnish CSX with a letter of credit in the amount of \$485,376 guaranteeing the bridge work. Avondale and its contractor will be required to maintain adequate liability insurance to comply with CSX's requirements. Upon completion of the new bridge, CSX agrees to remove the existing at-grade railroad crossing.

Work on the bridge is to commence within one year after the execution of this agreement, and be completed no later than 1 ½ years from the execution date. Once the bridge is completed and is deemed to be in compliance with the plans and specifications, the agreement provides that Metro will accept title to the bridge from Avondale and will assume all maintenance obligations for the bridge.

This ordinance has been approved by the planning commission.