



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

COUNCIL MEETING DATE: **December 16, 2014**

RE: **Analysis Report**

Unaudited Fund Balances as of 11/12/14:

4% Reserve Fund	\$37,564,576*
Metro Self Insured Liability Claims	\$4,899,346
Judgments & Losses	\$3,345,966
Schools Self Insured Liability Claims	\$2,321,495
Self-Insured Property Loss Aggregate	\$6,247,173
Employee Blanket Bond Claims	\$667,549
Police Professional Liability Claims	\$2,747,479
Death Benefit	\$976,309

*Assumes unrealized estimated revenues in fiscal year 2015 of \$24,255,816, and does not include the \$9,336,300 pending appropriation in Resolution No. RS2014-1315.

– RESOLUTIONS –

RESOLUTION NO. RS2014-1289 (PRIDEMORE & GILMORE) – This resolution approves an economic and community development incentive grant to the industrial development board (IDB) for the benefit of Bridgestone Americas, Inc., and its subsidiaries. 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.

Bridgestone is the world’s largest manufacturer of tires and rubber products. Bridgestone currently maintains the headquarters for its North American, South American, and Central American tire operations in Nashville at a site near the airport. Approximately 1,100 employees work at the existing Nashville headquarters. Bridgestone intends to move its Nashville operations from its existing facility, as well as several other divisions located in other cities, to a new office tower to be constructed in the SoBro area of downtown Nashville on Fourth Avenue South. Bridgestone recently conducted a multi-state site selection process for a new headquarters, and, based in part on the economic development incentives proposed by Metro and the state, chose downtown Nashville as the new headquarters site. Highwoods Realty Limited Partnership will develop the 30-story, 514,000 square foot building, and will lease approximately 506,000 square feet to Bridgestone. The new building is expected to open in the second half of 2017. In addition to Bridgestone Americas operations currently in Nashville, Bridgestone will be relocating its retail operations from Bloomington, IL and its industrial and building products divisions from Carmel, IN. This is expected to increase the number of Bridgestone employees in Nashville from 1,100 to 1,700. The new development is expected to exceed \$200 million.

This resolution provides a grant in the amount of \$500 per employee for a period of seven years for all employees over and above the existing 1,100 already working in Nashville. The resolution also approves the corresponding grant contract among Metro, the IDB, and Bridgestone. The agreement provides that full-time Bridgestone incremental employees, as well as outsourced employees that are paid in excess of the average wage for all occupations in Nashville, will be included in the grant amount calculation. The agreement defines “full-time” as working 32 or more hours per week for at least 26 weeks out of the year. Bridgestone will have the right to specify the date on which the grant period commences. The company will be required to submit annual settlement statements to the IDB and the department of finance showing the calculation of the number of incremental positions from the previous year in order to receive the grant. Assuming the job creation estimates are met, Metro would be providing \$300,000 per year to Bridgestone under the grant agreement for seven years for a total grant of \$2,100,000.

Both the resolution and the grant agreement provide that the grant is contingent upon the annual appropriation of funds for this purpose by the council. However, the grant agreement also provides that the payment of the grant is a “legal requirement of the Metropolitan Government” and that the promised grant operated as an inducement to the Bridgestone company entities to relocate their corporate headquarters to downtown Nashville.

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RESOLUTION NO. RS2014-1289, continued

This resolution is a companion to Ordinance No. BL2014-953 on third reading, which would approve a 20 year property tax abatement for the benefit of Bridgestone.

RESOLUTION NO. RS2014-1314 (PRIDEMORE) – This resolution authorizes the issuance of general obligation (G.O.) refunding bonds in an amount not to exceed \$151,500,000. This resolution will potentially refund the Series 2010A G.O. improvement and refunding bonds, the Series 2010D, 2011, and 2012 G.O. refunding bonds, and the Series 2013A G.O. improvement and refunding bonds. The purpose of the refunding is to achieve debt service savings. The authorization of the refunding bonds will not result in the Metropolitan Government incurring new debt, but provides for the refinancing of debt that is currently outstanding. As with all general obligation bonds, these refunding bonds are supported by the full faith and credit of the Metropolitan Government and are to be paid from property tax revenue.

The interest rates on the various series of bonds to be refunded are four and five percent. This resolution approves the refunding of all or a portion of the outstanding bonds that will generate net present value savings of at least 3.5% of the refunded bond principal. If the market conditions are favorable to issuing the refunding bonds, it could save Metro more than \$5.8 million through 2027, with a net present value of approximately \$4.5 million.

These bonds will be sold at a negotiated sale with Piper Jaffray & Co. (representing Wells Fargo Bank) and Loop Capital Markets, LLC serving as the underwriters. The Metropolitan Government debt management policy approved by Resolution No. RS2011-94 states that it is Metro's preference to use a competitive bid process for the issuance of debt, but may use a negotiated sale process when it is clear that such a process is in the best interest of the Metropolitan Government. Most of the recent bond sales for Metro have been by negotiated sale. Using a negotiated sale does provide more flexibility for timing the market, and Metro will only sell bonds in a principal amount that will generate a justifiable savings for the government, which may be less than the \$151 million authorized.

RESOLUTION NO. RS2014-1315 (PRIDEMORE) – This resolution appropriates \$9,336,300 from the general fund reserve fund (4% fund) to ten departments. Four percent funds may only be used for the purchase of equipment and repairs to buildings. The balance in the general fund reserve fund as of December 10, 2014, was \$37,564,576. This consists of unrealized revenue for fiscal year 2015 in the amount of \$22,799,098. The resolution provides that "The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund." Copies of the supporting information sheets required by Ordinance No. O86-1534 are attached to this analysis. The following departments and agencies are to receive funding:

General Services - \$3,000,000 for fleet replacements and \$132,500 for a new radio system reports and management software program

Information Technology Services – \$2,129,200 for replacement computer hardware and software, and for end of life telephone systems replacement

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RESOLUTION NO. RS2014-1315, continued

Justice Integration Services - \$726,200 for software licenses for JIS web service

Metro Arts Commission - \$50,000 for repair and maintenance of public arts projects

Public Works - \$845,000 for downtown recycling service expansion equipment

General Hospital - \$350,000 for miscellaneous renovations, repairs, and equipment

Municipal Auditorium - \$25,000 for a replacement industrial floor scrubber

Health - \$279,400 for new B-Cycle stations and a replacement commercial washer/dryer and dishwasher at the animal control facility

Public Library - \$1,478,000 for books, periodicals, library materials, and new computer software

State Trial Courts - \$321,000 for replacement of A/V technology upgrades for two courtrooms

RESOLUTION NO. RS2014-1316 (S. DAVIS) – This resolution appropriates \$100,000 from the undesignated fund balance of the general fund of the general services district to Neighborhoods Resource Center (NRC) to provide funding for its operations. NRC is a tax-exempt nonprofit organization that provides assistance, training, and leadership development for neighborhood organizations throughout Nashville. State law allows Metro to provide financial assistance to nonprofit organizations either as part of the operating budget or upon adoption of a resolution approved by the council. In order to be eligible to receive funding from Metro, a nonprofit organization must submit the following information:

1. A copy of its corporate charter or other articles, constitution, bylaws, or instruments of organization;
2. A copy of a letter from the Internal Revenue Service evidencing the fact that the organization is a nonprofit, tax-exempt organization under the Internal Revenue Code;
3. A statement of the nature and extent of the organization's program that serves the residents of the Metropolitan Government;
4. The proposed use of the funds to be provided by the Metropolitan Government;
5. The proposed budget of the organization, indicating all sources of funds and a line-item identification of the proposed expenditure of Metropolitan Government funds; and
6. A copy of the organization's audit for the most recent fiscal year.

Prior to 2008, the council frequently used to provide grants to specific nonprofit organizations either through the budget ordinance or by individual resolutions. However, the mayor created the community enhancement grant program as part of the fiscal year 2008 budget to award grants to nonprofits on a competitive basis. Nonprofits can submit applications to the finance department and the applications are scored by review panels. The council ultimately must appropriate the funds to the nonprofits selected in order for them to receive funding. NRC did not submit an application for funding through the community enhancement grant program for fiscal year 2014.

If this resolution is approved, NRC will be required to submit the above information to the finance department before receiving the \$100,000 grant.

RESOLUTION NO. RS2014-1317 (PRIDEMORE) – This resolution approves a grant in the amount of \$68,000 from the Davidson County Mental Health and Veteran’s Court Assistance Foundation to the Davidson County general sessions court to fund a veteran’s court to provide evaluations and treatment for eligible veteran defendants. The state department of mental health and substance abuse services received a three year grant from the U.S. justice department to fund a veteran’s court in Davidson County. The Davidson County Mental Health and Veteran’s Court Assistance Foundation was chosen to be the recipient of the grant, who in turn is granting \$68,000 per year to the Davidson County general sessions court to supplement the salaries of existing general sessions court employees that work directly with the veteran’s court. There is no required local match for this grant. The term of the grant is from December 1, 2014 through June 30, 2015.

RESOLUTION NO. RS2014-1318 (PRIDEMORE) – This resolution approves an application for a grant in the amount of \$99,500 from the state commission on children and youth to the Davidson County juvenile court to create an elementary education service coordinator position to provide services for elementary school students at risk of out of school suspension. The purpose of this position is to reduce the number of elementary school students that are suspended for disciplinary reasons. During the 2013-2014 school year, over 1,700 elementary school students received disciplinary action consisting of out of school suspension. This position would facilitate access to existing resources and assist with developing a plan of action to keep the child from being suspended. The grant funds would also be used to pay for behavioral interventions for 18 students selected from the elementary schools with the highest suspension rates. There would be no local match required for this grant.

RESOLUTION NO. RS2014-1319 (TODD, PRIDEMORE & HUNT) – This resolution authorizes the director of public property to exercise an option to purchase 6.72 acres of property at the corner of Hillsboro Road and Old Hickory Boulevard, and accepts a donation in the amount of \$400,000 to be applied toward the purchase, conservation, and preservation of the property. This tract, known as the “Kellytown Property”, is currently owned by Regency Realty Group, Inc. Native American remains and artifacts dating back to the 1400s have been found on the property and the Friends of Kellytown would like to see the property preserved. Friends of Kellytown is donating \$400,000 to be used for the purchase and preservation of the property, which includes \$300,000 in private funds and \$100,000 from the City of Forest Hills.

The contract provides that Metro can exercise the option to purchase this property for \$740,000 prior to December 17, 2014. The current property owner will be responsible for paying the pro-rated amount of this year’s property taxes. The property assessor has appraised the property at \$653,100, and it currently generates \$6,400 per year in property taxes. It is anticipated that the property will ultimately be used as a park, but plans for the property have not been fully developed.

The Metro code allows for the acquisition of property through the exercise of a negotiated option to sell at a fixed price, which is subject to approval of the council by resolution. Metro’s portion of the purchase price will be paid from capital funds designated for open space preservation.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2014-1320 (GILMORE, PRIDEMORE & LANGSTER) – This resolution approves a grant in the amount of \$1,116,000 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, 2015 through December 31, 2015.

RESOLUTION NOS. RS2014-1321 AND RS2014-1322 (PRIDEMORE & LANGSTER) – These two resolutions approve grants from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to prepare adults and dislocated workers for re-entry into the labor force and to offer training to those facing serious barriers to productive employment. These federal pass-through grants provide operating funding for the NCAC. The terms of the grants are from October 1, 2014, through June 30, 2016. There is no local match required for the grants.

Resolution No. RS2014-1321 approves a dislocated worker grant in the amount of \$1,741,847.

Resolution No. RS2014-1322 approves an adult worker grant in the amount of \$1,722,957.

RESOLUTION NO. RS2014-1323 (PRIDEMORE & LANGSTER) – This resolution approves a grant in the amount of \$22,125 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) for activities that increase the employment, retention, and earnings of participants. The grant consists of 19,913 in program funds and \$2,212 for associated administrative costs. The term of the grant is from November 13, 2014 through October 12, 2015.

RESOLUTION NO. RS2014-1324 (PRIDEMORE) – This resolution approves an amendment to a grant in the amount of \$2,054,161 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to establish programs and deliver services to prepare youth workers for entry into the labor force. This federal pass-through grant provides part of the operational funds for the NCAC. The amendment to the grant makes a housekeeping change to the grant budget, but does not change the total amount of the grant.

RESOLUTION NO. RS2014-1325 (PRIDEMORE) – This resolution approves an amendment to an agreement between the Metro board of parks and recreation and the Tennessee Golf Foundation (TGF) regarding the nine hole “Vinny Links” golf course at Shelby Park. The council approved the initial agreement with TGF in 1999 for the construction of the golf course, club house, and driving range for the purpose of supporting and promoting youth golf. The TGF paid the construction costs for the golf course, which is operated by Metro parks. The term of the initial agreement was for twenty years with a possible ten year extension.

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RESOLUTION NO. RS2014-1325, continued

This resolution approves an amendment to provide another possible ten year extension and to modify some of the provisions regarding operating and revenue matters. Under the existing agreement, the parks department is responsible for the operation of the course, although the TGF has contributed some funding in the past for certain course expenses. This amendment provides that effective January 1, 2015, the TGF will be responsible for all staffing costs inside the clubhouse, and in turn will be entitled to keep all revenues collected at the course. While Metro will still be responsible for the maintenance of the course, the amended agreement includes a provision protecting the parks department in the event of a future budget reduction for golf course maintenance. In such event, the revised agreement provides that Metro will provide maintenance comparable to the maintenance performed on other Metro golf courses.

This amendment has been approved by the board of parks and recreation.

RESOLUTION NOS. RS2014-1326 & RS2014-1327 (PRIDEMORE, A. DAVIS & LANGSTER)

These two resolutions approve contracts between Metro water services (MWS) and the state department of transportation (TDOT) regarding a TDOT highway project on I-40 East to I-440. The project will require MWS to relocate water/sewer facilities in the construction area, thus incurring expenses for MWS. These two contracts are for the purpose of reimbursing MWS for its costs associated with the relocation.

Resolution No. RS2014-1326 approves a utility easement contract for the purpose of reimbursing MWS for the costs of acquiring replacement easements, which is estimated to be \$12,100.

Resolution No. RS2014-1327 approves a utility relocation contract for the purpose of reimbursing MWS for the costs of moving the lines, which is estimated to be \$347,465.

RESOLUTION NO. RS2014-1328 (PRIDEMORE) – This resolution approves an amendment to an agreement between the U.S. Army Corps of Engineers and Metro water services (MWS) for the Mill Creek Watershed Feasibility Study in Davidson County. This agreement, originally approved by the council in 2003 by Ordinance No. BL2003-1365, provides that the Corps and MWS are to contribute cash and in-kind services equal to fifty percent of the study costs.

This amendment increases the amount of Metro's in-kind contribution by \$125,000 as a result of unforeseen analysis required to address questions raised in the review of the draft report related to the economic justification of alternatives such as home buyouts, demolishing structures, and detention basins. The required increase in the in-kind contribution from Metro will match the federal funds available for the study. This increases the total project cost to \$3,625,000, or \$1,812,500 for each party.

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

RESOLUTION NO. RS2014-1329 (A. DAVIS) – This resolution modifies the composition of the solid waste region board by reducing the number of members to reflect the dissolution of Lakewood’s city charter. The solid waste region board is a 13 member board created in 1992 pursuant to state law that is tasked with creating comprehensive ten year plans for the management of solid waste generated in Davidson County. The board consists of eight members appointed by the mayor and confirmed by council, as well as a representative from each of the satellite cities. The voters of Lakewood voted in March 2011 to surrender the city’s charter to Metro, which means there is no way to fill Lakewood’s seat on the board.

This resolution simply eliminates the Lakewood position and reduces the mayoral appointments from eight to seven in order to maintain an odd number of board members, as required by state law.

RESOLUTION NO. RS2014-1330 (A. DAVIS) – This resolution establishes the requirements by which landowners may exercise the rights established by the Vested Property Rights Act of 2014 (the “Act”) enacted by the Tennessee General Assembly earlier this year. This resolution is essentially a companion to Ordinance No. BL2014-947 on third reading, which clarifies that vested property rights do not apply to the applicable permit fee schedules. Starting on January 1, 2015, property owners will have vested rights under state law upon the issuance of a building permit or approval of a preliminary development plan (or a final development plan where no preliminary development plan is required). Once vested, any subsequent zoning or other land use regulatory changes enacted by the council will not apply to the property.

The Act authorizes the local legislative body by resolution to identify the type or types of development plans within the local government’s jurisdiction that will cause property rights to vest, which is the subject matter of this resolution. The following types of applications will be considered a preliminary development plan under the Act:

1. A subdivision concept plan
2. A preliminary plat
3. A rezoning or overlay district with an accompanying plan that meets the preliminary development plan application requirements

A preliminary development plan application must include a plan that depicts proposed land uses, density and intensity of development, public utilities, road networks, general location of off-street parking, building location, number of buildable lots, emergency access, open space, and other environmentally sensitive areas such as lakes, streams, hillsides, and view sheds.

The resolution provides that the following types of applications will be considered a final development plan under the Act:

1. A subdivision development plan
2. A final site plan
3. A final plat

A final development plan application must include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location of the proposed buildings, structures and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and the location of all existing and proposed infrastructure on the site, including water, sewer, stormwater, roads, and pedestrian walkways.

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RESOLUTION NO. RS2014-1330, continued

The resolution provides that an “exploratory application”, including a rezoning or overlay district application without an accompanying preliminary development plan. No vesting will occur for an exploratory application.

RESOLUTION NO. RS2014-1331 (GILMORE) – This resolution authorizes 12 Nashville, LLC, dba Music City Pizza, to install and maintain an aerial sign encroachment at 114 – 12th Avenue North. The encroachment will consist of a 6’8” tall by 5’2” wide sign to be constructed 11 feet above 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. RS2014-1332 (GILMORE) – This resolution authorizes NGI Acquisitions, LLC, to install and maintain an aerial encroachment at 1701 Broadway for the Skyhouse Nashville development. The encroachment will consist of an awning and sign extending five feet over the sidewalk at a height of eight feet. 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. RS2014-1333 (GILMORE) – This resolution authorizes TR Church Street to install and maintain an aerial sign encroachment at 424 Church Street for the benefit of Starbucks. The encroachment will consist of a 40” x 52” blade sign encroaching eight feet above 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. RS2014-1334 (PRIDEMORE) – This resolution authorizes the department of law to settle the lawsuits brought by Jason Tucker, Melissa Tucker, Larry Riley, and Diane Riley against the Metropolitan Government for a total amount of \$600,000. On September 14, 2013, Mr. Tucker and Mr. and Mrs. Riley participated in a charity motorcycle ride that ended at a sports bar in the McGavock area. After the ride ended, they decided to head to Bikini Beach Bar on Antioch Pike by way of McGavock Pike. Jason Tucker was riding the lead motorcycle and Mr. and Mrs. Riley were following directly behind him. The riders were not familiar with the area (continued on next page)

RESOLUTION NO. RS2014-1334, continued

and did not know exactly where McGavock Pike met Harding Place. Upon approaching the Harding Place intersection, the riders did not notice the stop sign because some tree limbs were blocking the view. The tree limbs resulted in a sight line of 100 feet instead of the 300 foot sight line that would have existed if the tree limbs had not been obscuring the view. Upon realizing there was a stop sign, neither driver was able to stop their bike and both entered the intersection. Mr. Tucker entered the intersection first and was struck by a car. Mr. Riley laid his bike over and struck a guard rail.

The plaintiffs had consumed two or three alcoholic beverages over the course of the afternoon, and both drivers of the motorcycles only used their rear brake instead of using both the front and rear brakes. Further, the motorcycles were traveling at slightly above the 40 miles per hour posted speed limit when they entered the intersection. However, Metro's accident reconstructionist has determined that using both brakes would not have made a difference in this accident and that traveling exactly at the posted speed limit would not have prevented the accident. There also is no indication that alcohol played any role in the accident since the consumption of the few drinks was spread out over several hours.

All three motorcyclists sustained significant injuries. Mr. Tucker sustained a shattered pelvis and ankle, a broken hip, and internal injuries. He spent one month in Vanderbilt Hospital and another month in a medical rehabilitation facility. His medical bills total more than \$700,000 and he is no longer able to work. On top of the medical bills, Mr. Tucker would have damages for lost wages, pain and suffering, loss of consortium, and permanent disability. His wife had to quit her job as a teacher to care for Mr. Tucker on a full-time basis. Her damages conservatively exceed \$400,000.

Mr. Riley broke his collar bone and tore his ACL, requiring surgery. His medical bills total almost \$57,000 and he has lost wages of more than \$40,000. Using a standard multiplier of three times the medical expenses plus lost wages and loss of consortium, Mr. Riley conservatively has total damages of approximately \$260,000. Mrs. Riley sustained a concussion, lacerated spleen, and a fractured elbow and pelvis. Her medical bills total \$81,400. Using the same multiplier, Mrs. Riley conservatively has total damages of approximately \$297,000.

In order for Metro to be liable for injuries caused by dangerous or defective road conditions, the government must either have actual or constructive notice of the condition prior to the accident. Mowing crews went through the area about a month before this accident, and public work's procedure is to trim any vegetation growing on a sign. However, the tree limbs obscuring the sign in question were about 10-20 feet before the stop sign. In the case of excessive vegetation, the Tennessee courts have held that there is a presumption that the condition existed for such a length of time that the government should have known about it. This means the mere existence of the vegetation growth results in Metro having constructive notice of the dangerous condition. The fact that no one had actually reported the condition to public works does not relieve Metro from liability.

Under the Tennessee Governmental Tort Liability Act, Metro's exposure is limited to \$300,000 for each injured person per occurrence, with a total combined limit of \$700,000 per accident. As has been explained in previous analyses of settlement resolutions, Tennessee has a modified (continued on next page)

RESOLUTION NO. RS2014-1334, continued

comparative fault system for the recovery of damages. A plaintiff can only recover if his/her fault is 49% or less, and the calculation of damages is reduced by the percentage of fault attributed to the plaintiff. In this case, some fault would probably be attributed to the plaintiffs since they were speeding slightly, only used one brake, and had consumed some amount of alcohol. If the court assigned 49% of the fault to the plaintiffs, the potential damages would exceed a \$700,000 statutory damage cap.

Based upon the relatively clear liability for Metro under Tennessee law and the significant injuries resulting from the accident, the department of law recommends settling this case for a total amount of \$600,000 to be paid out of the self-insured liability fund.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2014-963 (GILMORE, BENNETT & HUNT) – This ordinance authorizes the director of public property administration to accept an easement from *The Tennessean* for use in the Metro greenway system. The greenway easement will be for property located east of 11th Avenue South near the Broadway intersection. This easement is being granted at no cost to Metro. This is a perpetual easement that can only be terminated through judicial action. The easement includes the standard conditions for greenway easements limiting the use of the property. This ordinance has been approved by the planning commission and the board of parks and recreation.

ORDINANCE NO. BL2014-964 (A. DAVIS & HUNT) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. BL2003-1518 when a portion of the right-of-way of Harcome Avenue was abandoned for properties located at 1127A and 1127B Belvidere Drive. There is no longer a government need for these easements. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-965 (HARRISON, A. DAVIS & HUNT) – This ordinance authorizes the acceptance of permanent and temporary easements for 13 properties located along Whites Creek Pike, Moormans Arm Road, and Malta Drive for a stormwater improvement project. There is no cost associated with acquisition of the easements identified in the ordinance. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-966 (BAKER, A. DAVIS & HUNT) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. O74-1115 when a portion of the former right-of-way of 50th Avenue North was abandoned for property located at 4910 Indiana Avenue. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-967 (BAKER, A. DAVIS & HUNT) – This ordinance abandons 560 linear feet of a 6-inch water main and accepts 293 of 8-inch public water main, and authorizes the relocation of 20 linear feet of 6-inch water main, one fire hydrant assembly, 311 feet of 10-inch sewer main, and two new manholes for property located at 2400 Charlotte Avenue and 407 23rd Avenue North. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-968 (BAKER, A. DAVIS & HUNT) – This ordinance abandons 50 linear feet of an 8-inch sewer main and easement, and accepts two sewer manholes for property located at 5519 Kentucky Avenue and Kentucky Avenue (unnumbered). Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-969 (BAKER, A. DAVIS & HUNT) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. O77-710 when a portion of the former 50th Avenue North right-of-way was abandoned for property located at 5001 Kentucky Avenue. There is no longer a government need for this easement. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-970 (BAKER, A. DAVIS & HUNT) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. O77-601 when a portion of the former 57th Avenue North right-of-way was abandoned for property located at 5615 Tennessee Avenue. There is no longer a government need for this easement. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-971 (BAKER, A. DAVIS & HUNT) – This ordinance authorizes the acceptance of temporary and permanent easements for properties located at 5424, 5429, 5433, and 5440 Hill Road Circle for a stormwater improvement project. There is no cost associated with acquisition of the easements identified in the ordinance. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-972 (BAKER, A. DAVIS & HUNT) – This ordinance authorizes the acceptance of temporary and permanent easements for properties located at 6504 and 6505 Fleetwood Drive and 816 and 822 Hillwood Boulevard for a stormwater improvement project. There is no cost associated with acquisition of the easements identified in the ordinance. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-973 (ALLEN, A. DAVIS & HUNT) – This ordinance authorizes the acceptance of temporary and permanent easements for two properties located on Woodlawn Drive and six properties located on Westwood Avenue for a stormwater improvement project. There is no cost associated with acquisition of the easements identified in the ordinance. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-974 (DOMINY, A. DAVIS & HUNT) – This ordinance authorizes the acceptance of temporary and permanent easements for properties located at 4820, 4821, and 4825 Terragon Trail for a stormwater improvement project. There is no cost associated with acquisition of the easements identified in the ordinance. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-975 (MOORE, A. DAVIS & HUNT) – This ordinance abandons 10 linear feet of an 8-inch sewer main and easement, and accepts two fire hydrants and one sewer manhole for properties located at 725 and 731 Melpark Drive, 2350 Franklin Pike, and 700 Craighead Street. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-976 (GILMORE, A. DAVIS & HUNT) – This ordinance accepts 34 linear feet of an 8-inch water main and one fire hydrant assembly for property located at 605 8th Avenue South. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-977 (EVANS, A. DAVIS & HUNT) – This ordinance authorizes the acquisition of permanent easements for properties located at 612 and 622 Davidson Drive and 615, 619, 623, and 627 Georgetown Drive for the Davidson and Brook Hollow sewer line project. The estimated acquisition cost for these easements is \$10,000, which is to be paid out of stormwater funds. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-979 (TODD, PRIDEMORE & OTHERS) – This ordinance authorizes the acquisition of permanent and temporary drainage easements for the realignment of 1,000 linear feet of 8-inch water main and a pressure reducing valve for properties located at 20 and 22 Inveraray Drive, 30 and 31 Hillcrest Heights Drive, 4400 and 4405 Carlton Court, and 3 Kenilworth Drive for the Davidson and Brook Hollow sewer line project. The estimated acquisition cost for these easements is \$3,000, which is to be paid out of the Metro water services extension and replacement fund. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-980 (STANLEY, A. DAVIS & HUNT) – This ordinance authorizes the abandonment and relocation of sewer main and the acceptance of various water and sewer infrastructure for properties located along Dodson Chapel Road and Hoggett Ford Road. This includes the following:

1. The abandonment and relocation of 980 feet of 10-inch sewer main
2. The acceptance of 1,153 feet of 8-inch water main
3. The acceptance of 655 feet of 6-inch water main
4. The acceptance of two fire hydrant assemblies
5. The acceptance of 355 feet of 10-inch sewer line and 1,157 feet of 8-inch sewer line

This ordinance is necessary for phase 6B, Section 1, of the Villages of Riverwood development. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-981 (GILMORE) – This ordinance authorizes Carillon Apartments, LLC to install and maintain two underground encroachments for an irrigation line to serve plantings in the public right-of-way along 4th Avenue North and Jefferson Street. The encroachment will consist of two underground electrical transformer vaults. The applicant has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachments, and is required to provide a certificate of public liability insurance of \$2 million per occurrence naming the Metropolitan Government as an insured party. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-982 (GILMORE) – This ordinance abandons a portion of Burns Street from Van Buren Street to its terminus, and abandons a portion of Van Buren Street from Adams Street to its terminus at the Cumberland River. The affected parcels have all been consolidated and are now owned by Baugh & Pardue Properties, LLC, who desires to have the right-of-way abandoned for security purposes. Metro will retain all utility easements. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2014-983 (CLAIBORNE) – This ordinance abandons a portion of unnamed road right-of-way between 2717 and 2719 Lakeland Drive. Consent of the affected property owners is included as an attachment to the ordinance. Metro will retain all utility easements. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2014-984 (EVANS) – This ordinance abandons a portion of Fransworth Drive from Post Road to its terminus. This closure has been requested by H.G. Hill Realty Company, LLC for the purposes of creating a private road. Metro will retain all utility easements. Consent of the affected property owners is included as an attachment to the ordinance. This ordinance has been approved by the planning commission and the traffic and parking commission.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2014-925 (A. DAVIS) – This ordinance, as amended, amends the Metro code to adopt regulations for pedicabs and pedal carriages. State law allows local governments to regulate and control the commercial use of pedal carriages and rickshaws as modes of transportation for hire within entertainment, dining, scenic, and/or historic areas of the center city. Pedicabs and pedal carriages have been operating in the downtown area of Nashville for the past couple of years without any regulation. Pedicabs are three-wheeled, non-motorized, bicycles operated by one person. Rickshaws fall within the definition of pedicab. Pedal carriages are non-motorized bicycles having four or more wheels capable of transporting passengers on a platform. These vehicles are commonly referred to as party bikes and pedal taverns. The Tennessee cities of Knoxville and Chattanooga currently have specific regulations in place for pedal carriages and pedicabs.

This ordinance provides a regulatory mechanism for the commercial operation of these vehicles through the Metro transportation licensing commission (MTLC). This ordinance is the result of stakeholder meetings with pedicab and pedal carriage operators. The ordinance would regulate these vehicles much in the same manner as other passenger vehicles for hire such as livery services. Pedicab and pedal carriage operators would be required to obtain an annual certificate of public convenience and necessity from the MTLC. The MTLC would determine the number of certificates to be issued taking into consideration the number in operation and whether that number is adequate to meet public demand. An applicant for a certificate of public convenience and necessity must be at least 21 years old and have a clean criminal record.

Certificate holders must maintain insurance with a minimum limit of \$1 million per pedicab/pedal carriage. In addition, certificate holders that allow alcohol on the vehicles must also maintain \$1 million in liquor liability insurance. Pedicab and pedal carriage operators would not be permitted to provide alcoholic beverages to passengers. Alcohol could only be consumed from plastic or foam cups. No glass containers would be allowed. No passengers under 21 years of age would be permitted if alcohol is to be consumed.

All drivers would be required to obtain a driver permit from the MTLC in order to operate a pedicab or pedal carriage. Drivers must undergo a fingerprint background check and have a clean criminal and driving record. All drivers must wear a uniform and a visible identification card. Rate cards must be visibly posted on the pedicab.

The ordinance includes various safety requirements for pedal carriages and pedicabs, such as headlights, taillights, turn signals, reflectors, and front and rear brakes that are unaffected by wet conditions. Electric motor-assist would be permitted for pedicabs and pedal carriages. All vehicles must undergo an annual mechanical inspection by an approved mechanic, and periodic mechanical inspections must be performed by the certificate holders. All vehicles must be made available to the MTLC for physical inspection upon request.

The ordinance also includes various operational requirements for pedal carriages and pedicabs pertaining to the receiving and discharging of passengers, a prohibition on street hails, and parking restrictions. The MTLC would have the authority to designate specific areas of the (continued on next page)

ORDINANCE NO. BL2014-925, continued

roadway for use as a loading/unloading zone for pedal carriages. The MTLC could also adopt guidelines for operation during inclement weather. Certificate holders would be required to notify the MTLC of accidents involving injury or property damage in excess of \$400 within 72 hours. Drivers involved in accidents would be required to undergo a drug test within 24 hours.

This ordinance has been recommended by the MTLC.

ORDINANCE NO. BL2014-927 (EVANS) – This ordinance amends the Metropolitan Government geographical information systems map to name the private road accessing the Harpeth Trace Condominiums south of Harpeth Trace Drive as “Harpeth Trace Summit”. This name change has been requested by the Summit Trace Homeowners Association, Metro public works, and Metro emergency communications in an effort to improve emergency response to the area. Private streets and roads are named and included on our maps for purposes of providing emergency services, although the roadways are not maintained by the Metropolitan Government. This ordinance has been approved by the planning commission and the ECD board.

ORDINANCE NO. BL2014-947 (A. DAVIS & HUNT) – This ordinance amends the Metro code to clarify that fees, assessments, or payments related to single or multi-phase developments are to be determined by the fee or rate at the time of assessment or payment, whichever is later. The purpose of this ordinance is to ensure that a recent change in state law effective January 1, 2015 pertaining to the vesting of development rights in a building permit does not result in developers claiming they are also vested in the fee structure in place at the time the permit was approved. This ordinance clarifies that Metro may update fees and rates over time to reflect current standards and/or changes in market rates.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2014-952 (PRIDEMORE, HARRISON & A. DAVIS) – This ordinance, as amended, provides for the regulation of transportation network companies (TNCs) as non-taxi vehicles for hire. In June 2010, the council approved regulations for non-taxi vehicles for hire, such as livery and shuttle services. All companies operating non-taxi passenger vehicles for hire, as well as their drivers, must obtain licenses through the Metropolitan transportation licensing commission (MTLC), much in the same manner as taxicab companies and drivers have been licensed for many years. However, the existing law does not specifically cover rideshare services that use personal vehicles to transport passengers for compensation or gratuity through an online or mobile app. Thus, companies such as Uber and Lyft have been operating in Nashville for approximately one year with no Metro governmental oversight or regulation.

This ordinance essentially incorporates the TNCs into the existing regulatory system for non-taxi passenger vehicles for hire, and makes some modifications to the regulations applicable to all non-taxi passenger vehicle for hire services. First, the ordinance adds a new classification to the law for TNCs, which are defined in the ordinance as companies that use a digital platform to
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ORDINANCE NO. BL2014-952, continued

connect passengers with prearranged transportation services for hire provided by drivers using their personal vehicles. TNCs would only be permitted to operate by pre-arrangement, which means the vehicles cannot accept street hails like taxis. The ordinance requires these vehicles to be insured by a commercial liability insurance policy issued either through the operator's insurance carrier or as part of a TNC company's master policy. If the operator's insurance policy is used, the limits are to be set by a rule adopted by the MTLC. If the TNC's insurer is responsible for insuring the vehicles, the policy must have minimum coverage of \$1 million combined single limit. Failure to maintain the required insurance coverage would be cause for the revocation of the TNC's certificate of public convenience and necessity.

One of the points of contention regarding the regulations for non-taxi passenger vehicles for hire has been the minimum fare provision. When the law was originally enacted in 2010, the minimum fare was set at \$45. The council amended the code in January of this year to provide that the minimum fare for non-taxi passenger vehicles for hire cannot be less than three times the rate a taxicab can charge for activating a taxi meter, which resulted in a minimum fare of approximately \$9. This ordinance modifies this provision once again for all non-taxi passenger vehicles for hire (including TNCs) to allow the MTLC to set the minimum fare subject to approval of the council by resolution.

This ordinance also removes the requirement that non-taxi passenger vehicle for hire services have a fixed place of business from which vehicles are dispatched. Further, the ordinance would allow livery and shuttle vehicles to be leased. The current law requires the vehicles to be titled and registered to the certificate holder with no allowance for leases. There would also be no ownership/registration requirements or lease restrictions for TNC vehicles.

The vehicle and safety requirements are similar to the existing requirements for livery vehicles with a few notable exceptions. The age restriction on the vehicles has been relaxed. The current law requires livery and shuttle vehicles to be no more than 5 years old when they go into service, and must be taken out of service after they reach the age of 7 years or 350,000 miles. This ordinance would increase the age limitation to ten years and 350,000 miles for all non-taxi passenger vehicles for hire. The waiver mechanism from this requirement through the MTLC will remain in effect. TNC vehicles would not be permitted to transport more than the manufacturer's rated seating limit, which is the same requirement for livery and shuttle vehicles.

Mechanical inspection requirements would be shifted from the MTLC to the companies themselves. All vehicles would be required to be inspected by an approved mechanic at least once a year and are subject to random inspection by the MTLC. The companies would be responsible for performing the required cosmetic inspections.

All drivers would be required to undergo a criminal background check, but the fingerprint background check has been removed. The ordinance adds convictions for domestic violence to the list of convictions that will disqualify a driver from obtaining a permit. The driver's permit fee is to be established by the MTLC and approved by the council by resolution.

This ordinance has been approved by the MTLC.

ORDINANCE NO. BL2014-953 (PRIDEMORE & GILMORE) – This ordinance, as amended, authorizes the industrial development board of the Metropolitan Government (IDB) to negotiate and accept payments in lieu of ad valorem taxes for the benefit of Bridgestone Americas, Inc., and its subsidiaries. As described in the analysis for Resolution No. RS2014-1289, Bridgestone Americas and three of its subsidiaries plan to relocate to a new 30-story office tower to be constructed in the SoBro area of downtown Nashville bringing an estimated 600 new jobs to Nashville for a total company workforce presence in the city of 1,700 employees. Bridgestone estimates that the 600 new jobs will have an average annual salary of \$93,000.

State law permits local governments to delegate the authority to industrial development boards to enter into payment-in-lieu-of-tax (PILOT) agreements with private companies, which essentially act as a tax abatement for real and/or personal property taxes. PILOTs are a tool utilized by Metro to provide incentives to large employers to create more job opportunities and are subject to approval by the council.

Pursuant to this ordinance, the council would be granting the authority to the IDB to enter into an agreement for a 100% abatement of real property taxes on the new building for 20 years. Highwoods Realty Limited Partnership will be the owner of the building that is to be constructed by Brassfield and Gorrie. Highwoods in turn would sublease 506,000 square feet of the 514,000 square-foot building to Bridgestone. The development will also include the construction of a 1,125 space parking garage. The press release regarding the proposed relocation estimates that the development will cost in excess of \$200 million.

There is no way to accurately predict what the total value of the property tax abatement will be, as it will depend on the tax rate and the appraised value of the property. Using an appraised value of \$200 million, which is the estimated development cost, would result in a tax abatement of approximately \$3.6 million per year, or \$72.2 million over 20 years. However, based on comparable property in the area, it is likely that the property would be appraised for property tax purposes at less than \$200 million. Using an appraised value of \$150 million would result in a total tax abatement over 20 years of approximately \$54.2 million. This PILOT agreement does not include an abatement of personal property taxes, which are estimated to be in excess of \$250,000 per year to Metro.

No performance milestones have been incorporated into the proposed PILOT agreement, and Bridgestone has not committed to a specific job creation number. However, if Bridgestone fails to maintain at least 1,375 employees, the tax abatement each year will be reduced by 2% for each ten employees less than 1,375. For example, if in the year 2020 Bridgestone only had 1,200 employees, Bridgestone would be required to pay 34% of the property taxes that would otherwise be owed instead of a 100% abatement.

The terms of this property tax abatement are very similar to those approved by the council for the benefit of HCA and its affiliates in 2012. One difference between the two is that the HCA PILOT agreement provides for a \$3 million annual cap in the amount of the abatement, which is not part of the Bridgestone agreement. However, the actual amount of the abatement would likely be slightly less than \$3 million per year (at least initially) depending on the tax assessor's valuation of the building and the tax rate.

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ORDINANCE NO. BL2014-953, continued

Bridgestone hired a University of Tennessee economist to perform an economic impact study associated with the Bridgestone headquarters relocation. This study estimates that the total increase in regional incomes over the 20 year term of the PILOT as a result of the new jobs brought by the relocation will be \$1.74 billion, plus a total net increase in local tax revenues of \$36 million. On the contrary, if Bridgestone was to leave Nashville, the study notes Metro would lose \$3.1 million per year in tax revenues, or \$62 million over 20 years. Thus, the overall impact of the project over 20 years is estimated to be \$4.8 billion in payroll and \$98 million in local tax collections.

Highwoods will be required to manage a diversified business enterprise (DBE) program to assist small, minority-owned, and women-owned businesses regarding participation in the construction of the project. The DBE program is to set a minimum participation target of 20% of the project's hard construction costs. Highwoods will be required to provide a quarterly report to the council regarding the status of DBE participation in the construction of the project.

This ordinance was amended on second reading substituting the PILOT agreement to clarify that Bridgestone would not get the benefit of the tax abatement for any portion of the office building or parking garage that it subleases to a non-company entity or to a company that is not solely providing outsourced services to Bridgestone.

ORDINANCE NO. BL2011-954 (GILMORE, PRIDEMORE & OTHERS) – This ordinance approves a contract between Metro and Live Nation Worldwide, Inc. for management of the new amphitheater currently under construction at Riverfront Park. It is estimated that the amphitheater, which will have a sellable seat capacity of 6,800, will be ready for operation in June 2015. Live Nation is one of the country's largest performance venue managers and concert promoters. The company currently operates 84 venues, including 44 amphitheaters. Live Nation was selected to manage the new amphitheater pursuant to a competitively-bid RFP process.

The term of this agreement is for 125 months beginning August 1, 2015. Live Nation will be the exclusive operator and promoter for the venue. This will include managing the facility, booking concerts, and securing concessionaires and other vendors. Live Nation will have the right to all revenues derived from the operation of the amphitheater, including ticket sales, sponsorships, naming rights, and the sale of food/beverages and merchandise. Live Nation will be required to make annual payments of \$400,000 to Metro for the duration of the contract, as well as \$2.00 per ticket sold for each of the first 150,000 tickets in any calendar year, and \$5.00 per ticket for tickets sold in excess of 150,000. Live Nation is also required to remit fifty cents from the sale of each ticket to an organization to be created for the support of Riverfront park similar to the various "Friends of the Parks" groups, and fifty cents per ticket to the Community Foundation of Middle Tennessee to support a fund dedicated to the acquisition, maintenance, and operation of parks in Davidson County. Live Nation will also be required to pay Metro 50% of all concessions for non-concert events.

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ORDINANCE NO. BL2011-954, continued

Live Nation will construct improvements to the amphitheater at its own expense that are necessary for operation of the facility such as concession equipment, sales kiosks, furniture, and equipping the VIP rooms, hospitality areas, and dressing rooms. It is estimated that Live Nation will spend \$1.5 million to \$1.75 million for these improvements. Live Nation will be required to hire a general manager for the facility who is experienced in the management of comparable facilities. The company will be required to cover all operating and maintenance expenses, including utilities and security. Metro parks will be responsible for maintaining the landscape and mowing the grassy areas within the amphitheater.

Metro will have the right to use the amphitheater on July 4, December 31, CMA Fest week, and seven other "civic events" to be determined by Metro. Live Nation is not to charge any rent for any of the civic events, but the party responsible for the event (whether Metro or another organization) will be responsible for the operating expenses associated with the event. In addition to up to six performances of the Nashville Symphony, Live Nation is required starting with the second year of the agreement to book and ensure that at least 15 concerts take place at the amphitheater per year. Failure to put on at least 15 concerts will result in a monetary penalty to Metro of \$12,000 for each concert event less than 15.

Live Nation is required to maintain commercial general liability insurance coverage in an amount not less than \$1 million single limit, plus additional insurance with a limit of not less than \$5 million per occurrence. The contract includes the standard indemnification language for the protection of Metro.

ORDINANCE NO. BL2014-955 (GILMORE & PRIDEMORE) – This ordinance approves an agreement between the Metropolitan Government and MFP Real Estate, LLC (the Nashville Sounds) necessary for the construction of the new ballpark at Sulphur Dell. This transaction was contemplated at the time the council approved the financing for the ballpark last December. Metro will be deeding portions of two parcels totaling 0.57 acre to the Sounds, and the Sounds will be deeding portions of two lots totaling 0.79 acre to Metro. No funds will be exchanging hands as part of the transaction.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-956 (GILMORE, PRIDEMORE & OTHERS) – This ordinance authorizes the acceptance of permanent right-of-way and greenway easements from the State of Tennessee in connection with the development of the new Sounds ballpark at Sulphur Dell. This transaction includes a 0.06-acre right-of-way easement and a 0.26-acre greenway easement. The greenway easement is needed for the installation and maintenance of landscaping materials to support the adjacent public greenway. Metro will be responsible for maintaining the property within the greenway easement and keeping the area in a clean and attractive condition. There is no cost to Metro for acquiring these easements.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-957 (GILMORE & HUNT) – This ordinance authorizes the director of public property administration to accept the donation of a tenth (0.10) of an acre of property located at the southeast corner of the intersection of Korean Veterans Boulevard and 1st Avenue South. This property is being acquired from the Metropolitan development and housing agency at no cost. This property is needed as right-of-way for the construction of a new through lane at 1st Avenue-Hermitage Avenue and Korean Veterans Boulevard.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2014-958 (HARRISON, PRIDEMORE & OTHERS) – This ordinance authorizes the director of public property administration to accept the donation of 28 acres of property from Harding Corporation to be used as part of the parks system. This property is located next to the Trinity Hills Village apartments. The appraised value of the property according to the assessor of property records is \$217,900. This ordinance has been approved by the parks board and the planning commission.

ORDINANCE NO. BL2014-959 (TODD, PRIDEMORE & OTHERS) – This ordinance authorizes the director of public property administration to accept the donation of 319 acres of property from the Friends of The Warner Parks, Inc. (FOWP) to be used as an extension of Edwin Warner Park. In 2009, the council authorized the purchase of the 124-acre “Burch Reserve” property to extend Warner Park at an acquisition cost of \$1.5 million. This 319 acre property is known as the Hill Old Growth Forest, which is a separate tract next to the Burch Reserve. The donation does not include a five acre farmhouse tract, which will remain under the ownership and control of FOWP. However, Metro will have a perpetual easement across the farmhouse property for ingress and egress to the Hill Old Growth Forest, as well as for parking to serve the property. Metro will be responsible for maintaining and repairing this driveway. FOWP will have the right to name the property, though the deed recognizes that it is the intent of the parties that either “The Hill Forest” or “The Hill Old Growth Forest” is to be the primary name ascribed to the property. Metro parks will be required to consult with FOWP when preparing a plan for the use of the property.

The property must always be used and maintained by Metro as open space, and no school buildings/facilities, libraries, athletic fields, golf courses, pools, public safety buildings, residential buildings, or commercial facilities may be constructed on the premises. If Metro ever ceases to use the property for park open space, and FOWP notifies Metro of such cessation, Metro will have six months to cure the deficiency. Failure to cure within six months will result in an automatic reversion of the property to FOWP.

The deed also provides that Metro will be responsible for absorbing the property taxes on the property owed for 2014. The estimated value of the property according to the assessor of property records is approximately \$516,000, which includes the value of the farmhouse tract that is being retained.

This transaction has been approved by the board of parks and recreation and by the planning commission.

ORDINANCE NO. BL2014-960 (PRIDEMORE, GILMORE & A. DAVIS) – This resolution approves the continuation of an agreement between Metro water services (MWS) and the Cumberland River Compact (CRC) to fund initiatives established by the consent decree with the department of justice regarding water quality. In 2007, the council approved a consent decree to settle legal action brought by the U.S. department of justice and the state of Tennessee against the Metropolitan Government regarding sewage overflows in violation of the Clean Water Act and the Tennessee Water Quality Control Act. Part of this consent decree required MWS to make a grant to the CRC in the amount of \$282,019 to address water quality issues. The CRC is a nonprofit organization whose mission is to enhance the water quality of the Cumberland River through education and by promoting cooperation with citizens, businesses, and agencies. As a nonprofit, the CRC is better able to apply for grants and provide services to private homeowners than the government. The grant funds required by the consent decree have been used for small stream restoration projects, the building of 60 rain gardens per year, and the planting of 10,000 trees. The CRC has also been involved in projects with Metro for the removal of two dams and improving area stream buffers. The CRC is on track to meet or exceed all of the goals set by the initial agreement.

This ordinance extends the agreement for another five years with a total payment to the CRC of \$250,000. The CRC will continue to provide consultations, classes, and plants to residents interested in building rain gardens. They will also help facilitate the stream adoption program, host the rain gardens website, and promote recreational activities on the Cumberland River. This will result annually in the construction of at least 50 rain gardens, the planting of 2,500 trees, the adoption of five streams, and recreation opportunities for 2,500 people on the river per year. The state department of environment and conservation has endorsed the continuation of this arrangement with the CRC.

ORDINANCE NO. BL2014-961 (PRIDEMORE & BAKER) – This ordinance grants CSX Transportation, Inc., 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 the CSX police department to interface directly with Metro’s system. CSX 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, 2024, but may be terminated by either party with 90 days written notice.

ORDINANCE NO. BL2014-962 (LANGSTER) – This ordinance authorizes the installation and maintenance of an underground irrigation line to serve plantings along 19th Avenue North and located within the right-of-way at 1820 West End Avenue for the Renasant Bank Tennessee Headquarters property. Renasant Bank has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachments, and is required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party. This ordinance has been approved by the planning commission.