



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

COUNCIL MEETING DATE: **August 18, 2015**

RE: **Analysis Report**

Unaudited Fund Balances as of 8/12/15:

4% Reserve Fund	\$40,906,156*
Metro Self Insured Liability Claims	\$3,097,189
Judgments & Losses	\$2,487,854
Schools Self Insured Liability Claims	\$2,686,105
Self-Insured Property Loss Aggregate	\$4,226,891
Employee Blanket Bond Claims	\$647,060
Police Professional Liability Claims	\$2,685,016
Death Benefit	\$980,568

*Assumes unrealized estimated revenues in fiscal year 2016 of \$27,192,050.

– RESOLUTION ON PUBLIC HEARING –

RESOLUTION NO. RS2015-1602 (S. DAVIS) – This resolution approves a revised exemption for Keisha’s Ballroom and Deli located at 1315 Lischey 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.

The council approved an exemption for Keisha’s Ballroom and Deli in September 2013, but the owner desires to expand the scope of the beer permit to allow beer sales and service in a new patio area.

– RESOLUTIONS –

RESOLUTION NO. RS2015-1603 (PRIDEMORE) – This resolution approves the issuance of taxable public improvement revenue bonds in a principal amount not to exceed \$15 million to finance improvements to Nissan Stadium. The stadium is operated by the Tennessee Titans pursuant to a lease agreement with the Metro sports authority. The Titans have identified some capital improvements they believe are necessary to keep the facility comparable to other similar facilities, specifically repairing water damage to the expansion joints. The Titans planned to replace the seats within the next few years, but since the seats have to be taken up to repair the expansion joints, it would be more cost effective to replace the seats at the same time. The repair work and seat replacement will take place at the conclusion of the upcoming football season.

Pursuant to the lease agreement with the sports authority, the Titans are responsible for the day-to-day operating costs of the stadium, but the long-term capital needs are the responsibility of Metro. The lease agreement requires Metro to pay \$1 million to the Titans annually for capital improvements to Nissan Stadium. Further, the lease requires Metro to make all capital improvements necessary to keep the stadium in a “First Class Condition”, which means maintained in good condition and repair (normal wear and tear excepted). The estimated cost to repair the expansion joints is approximately \$5.85 million and the seating replacement is estimated to cost \$7.64 million. The remainder of the bond proceeds would be used for design, engineering, and inspection costs, as well as a 5% contingency fund.

The bonds will be paid by the \$3 ticket tax levied for events at the stadium. The current ticket tax generates between \$900,000 and \$950,000 per year. In 2011, the council authorized the issuance of up to \$28 million in revenue bonds for a number of improvements to the stadium including new scoreboards and elevators, which bonds were also backed by the ticket tax. The bonds to be issued for the new seats and expansion joint repairs will be taxable since they will (continued on next page)

RESOLUTION NO. RS2015-1603, continued

be paid solely from the ticket tax revenue, which is collected primarily as a result of a private activity. The resolution expressly provides that the bonds are not to constitute a liability of the Metropolitan Government, and no Metro funds are being pledged for these bonds. The current Titans lease will expire in 2028, and the term of these bonds is not to extend beyond the lease expiration.

The sports authority has not yet approved the issuance of these bonds, but the matter is to be considered by the authority at their August 19, 2015 meeting.

RESOLUTION NO. RS2015-1604 (PRIDEMORE) – This resolution approves an amended and restated resolution authorizing the issuance and sale of water and sewer revenue bond anticipation notes in an amount not to exceed a total of \$200 million in the form of commercial paper. The council approved the current \$200 million water and sewer commercial paper program through the adoption of Resolution No. RS2015-1416 in April 2015. Commercial paper is a form of interim financing that allows Metro to issue short-term debt prior to the issuance of revenue bonds to finance water and sewer capital projects. Commercial paper is basically a line of credit that Metro can access to commence capital projects approved by the council. Metro has utilized a commercial paper program since 2003.

The lender for the commercial paper program is the Bank of Tokyo-Mitsubishi UFJ, Ltd., which is Japan's largest bank having total assets of approximately \$2 trillion. The bank is paid a fixed annual fee for providing the \$200 million line of credit. The term of the revolving credit agreement with the bank extends through April 2018. To date, \$50 million of the \$200 million capacity has been drawn down for water sewer projects since the initial resolution was approved in April.

Subsequent to the approval of the April 2015 resolution, it has been determined that the existing form of the line of credit with the Bank of Tokyo limits the types of investors that can purchase the commercial paper, which could result in higher interest costs. To remedy this situation, a new direct pay letter of credit agreement has been negotiated with the bank, which is viewed more favorably by investors. The bank's annual fee will increase by \$100,000 for a total fee of \$875,000, but this fee is expected to be more than offset by the lower interest costs. Further, access to more investors will enhance Metro's ability to roll the commercial paper upon maturity.

The bond anticipation notes do not constitute a debt of the Metropolitan Government that would compel the use of sales or property tax revenues. The revenue pledge will be subordinate to the prior pledges of the water and sewer revenues for other outstanding bonds.

RESOLUTION NO. RS2015-1605 (TYGARD) – This resolution appropriates \$250,000 from the general fund reserve fund (4% fund) to the Davidson County sheriff's office to purchase a shredder truck. Four percent funds may only be used for the purchase of equipment and repairs to buildings. The balance in the general fund reserve fund prior to the appropriation in this resolution is \$40,906,156. This consists of unrealized revenue for fiscal year 2016 in the amount of \$27,192,050.

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RESOLUTION NO. RS2015-1605 , continued

The director of finance has refused to sign this resolution as to availability of funds. A copy of the finance director's letter to the council is attached to this analysis.

There will be a substitute offered for this resolution that makes the resolution memorializing in nature as opposed to appropriating new money. The sheriff's office has a sufficient amount of unallocated 4% funds for equipment that has already been appropriated that would cover the cost of a shredder truck should the sheriff decide to purchase one.

RESOLUTION NO. RS2015-1606 (PRIDEMORE & LANGSTER) – This resolution approves a grant contract between Metro and the United Way for the continuation of the Nashville Financial Empowerment Center. Metro was the recipient of a grant from Bloomberg Philanthropies for the purpose of operating the financial empowerment program through December 2015. This program has provided financial counseling services at various locations including the Levy Place Center, the Casa Azafran Community Center, and the United Way family resources centers, as well as Metro action commission and social services facilities.

The council appropriated \$250,000 as part of the fiscal year 2016 operating budget for the continuation of this program. This resolution approves a grant of \$200,000 to the United Way to operate at least two financial empowerment centers. The services to be provided include budget counseling, educating clients about credit and banking, and referrals to other social service agencies.

The term of this grant is from January 1, 2016 through June 30, 2016. The United Way is to conduct a minimum of 1,650 counseling sessions during this period.

RESOLUTION NO. RS2015-1607 (PRIDEMORE) – This resolution approves a continuation of a grant agreement between the Metropolitan Government and Fifth Third Bank for the sponsorship of "Artober Nashville". Artober Nashville is a series of events during the month of October coordinated by the Metropolitan arts commission for the purpose of promoting awareness of the arts. Fifth Third Bank has agreed to pay \$10,000 to be the official bank sponsor of Artober Nashville. The arts commission will be required to use the bank's name and logo on all promotional materials and signage for Artober. The arts commission will also create and execute a social media campaign placing particular focus on events at Fifth Third Plaza and branch offices. The bank will be allowed to park its bus to be used as "rolling signage" at Artober events. Any use of the Artober Nashville name by the bank will be subject to the approval of the arts commission, and vice versa. The arts commission will be required to provide the bank with the schedule and listing of all Artober events at least 60 days in advance.

RESOLUTION NO. RS2015-1608 (PRIDEMORE & BAKER) – This resolution approves an annual grant in the amount of \$154,600 from the state department of transportation to the Davidson County sheriff's office for litter and trash pick-up along roads and highways, and litter prevention education. These grant funds will be used to fund a program that has been in place for many years that uses misdemeanor offenders under the custody of the sheriff's office to pick up roadside litter. The grant budget provides that \$46,300 of the funds will be used for litter prevention and recycling education programs. The term of the grant is from July 1, 2015 through June 30, 2016.

RESOLUTION NO. RS2015-1609 (PRIDEMORE & BAKER) – This resolution approves the annual agreement for services performed by the Metropolitan Government for the emergency communications district (ECD) relative to operation of the enhanced-911 service for fiscal year 2016. The contract specifies the services to be provided by the Metro emergency communications center, the department of public works, and the department of general services. The department of public works will maintain an updated Master Street Address Guide, and the department of general services will provide five fleet vehicles and the associated maintenance. Metro also agrees to handle the procurement of goods and services upon request by the ECD, and will be responsible for training the Metro employees who will operate the system. Metro further agrees to provide a facility to serve as a backup center for the primary emergency communications center.

ECD is to reimburse the Metropolitan Government in the amount of \$4,900 for the services provided by the department of public works and to reimburse the department of general services for the use of the five fleet vehicles, plus the reimbursement of certain training costs, rental costs for the backup facility, telephone expenses, and equipment costs.

RESOLUTION NO. RS2015-1610 (BAKER & LANGSTER) – This resolution approves an intergovernmental agreement between the U.S. Marshals Service and the Metro police department for the use of security screening equipment. The Marshals Service has agreed to loan a walk-through metal detector to the police department to use as part of Project Metro Safe Surrender, which is a program that allows persons with outstanding criminal warrants to turn themselves in to law enforcement officials at a church. There is no cost to Metro for use of this metal detector.

RESOLUTION NO. RS2015-1611 (PRIDEMORE & WEINER) – This resolution approves an amendment to a contract with Concentra Health Services, Inc. for operation of the Metro injury-on-duty (IOD) medical clinic. The council approved the original agreement with Concentra in November 2013 to operate the clinic for three years, with a possible extension of two additional one year terms. Metro provides office space for the clinic at 337 21st Avenue North. Concentra provides treatment at the clinic of occupational injuries and illnesses, radiological services, care coordination services, wellness programming, and educational/informational support for ongoing Metro health and safety initiatives. Concentra staffs the clinic for 40 hours per week with a doctor, a nurse manager, and a medical assistant. Concentra also provides x-ray equipment and a radiological technician. The company is compensated approximately \$1 million per year for providing these services.

This amendment makes the following changes to the operating terms of the contract:

- Includes an assumption of Metro's voice and data service contract, and provides that Concentra will be reimbursed for early termination fees associated with the voice and data service contract in the event Metro's agreement with Concentra is terminated before 2017;
- Increases the annual compensation of the nurse manager from \$126,000 to \$133,500, and increases the compensation of the medical assistant from \$56,000 to \$58,000;
- Modifies some of the technology costs passed through to Metro;
- Deletes the provisions related to the dispensing of pharmaceuticals, as this service will not be provided at the clinic;
- Deletes a provision that stated the clinic would be closed during lunch.

RESOLUTION NO. RS2015-1612 (PRIDEMORE & LANGSTER) – This resolution approves a grant in the amount of \$44,795 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide reemployment services and eligibility assessment services to unemployment insurance claimants. The purpose of this program is to help persons receiving unemployment insurance to find suitable employment as soon as possible. The grant consists of \$42,555 in program funds and \$2,240 in administrative funds. The term of the grant is from July 15, 2015, through December 14, 2015.

RESOLUTION NO. RS2015-1613 (PRIDEMORE) – This resolution approves a grant in the amount of \$154,714 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) for adult employment services. This federal pass-through grant provides part of the programming funding for the NCAC. The term of the grant is from July 1, 2015 through June 30, 2017.

RESOLUTION NO. RS2015-1614 (PRIDEMORE & LANGSTER) – This resolution approves a grant in the amount of \$305,516 from the state department of labor and workforce development to the Nashville career advancement center (NCAC) to provide career services, training, and support services to dislocated workers. The federal pass-through grant provides operating funding for the NCAC. The grant consists of \$274,964 in program funds and \$30,552 in administrative funds. The term of the grant is from July 1, 2015, through June 30, 2017.

RESOLUTION NO. RS2015-1615 (PRIDEMORE, HUNT & BENNETT) – This resolution authorizes the director of public property to exercise an option to purchase two parcels of property located on Buena Vista Pike and Crouch Drive for use as part of the parks system. These two floodplain parcels totaling approximately 23.6 acres are to be purchased from Faith United Missionary Baptist Church for a purchase price of \$55,000. The appraised value of this property according to the property tax assessor's records is \$114,000.

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

RESOLUTION NO. RS2015-1616 (PRIDEMORE & HUNT) – This resolution authorizes the director of public property to accept the donation of three parcels of property located on Nawakwa Trail from the Madison Civitan Club for use as part of the parks system. This acquisition has been approved by the planning commission and the board of parks and recreation.

RESOLUTION NO. RS2015-1617 (PRIDEMORE, BENNETT & LANGSTER) – This resolution approves an application for a grant in the amount of \$8,000 from the Tennessee arts commission to the Metro board of parks and recreation for the Literacy Takes Center Stage program. This is a program that will engage young people in the writing and creative process by allowing them to write stories and see them performed on stage at the Looby Theater. If awarded, the funds will be used to pay six performing artists and two musicians, as well as the purchase of equipment and supplies. There would be a required local cash match of \$2,000 to be provided by the parks department.

RESOLUTION NO. RS2015-1618 (PRIDEMORE & BENNETT) – This resolution approves an application for a grant in the amount of \$6,657 from the Tennessee state library and archives to the Nashville public library to purchase equipment. These funds would be used to purchase 25 ASUS Chromebook tablets, a printer, a conference camera, and a projector. There would be a required local match of \$6,657.

RESOLUTION NO. RS2015-1619 (WEINER, PRIDEMORE & OTHERS) – This resolution approves an intergovernmental agreement between the state department of transportation and the Metro department of public works for the acceptance of a traffic signal in connection with a state project on Old Hickory Boulevard between Tidwell Road and Tolbert Road, including the Interstate 40 interchange. Metro will assume the responsibility for the operation and maintenance of the signal, and for supplying the electricity.

RESOLUTION NO. RS2015-1620 (A. DAVIS & LANGSTER) – This resolution approves an intergovernmental agreement between Tennessee State University (TSU) and Metro water services (MWS) pertaining to stormwater, floodplain, and construction site management. Both MWS and TSU have a permit from the state department of environment and conservation to operate a stormwater management system. This agreement sets forth the respective roles and responsibilities of TSU and MWS for implementation of the permit requirements. TSU will not be required to obtain a grading permit from Metro before building permits for work on TSU's main campus, but MWS will act in an advisory capacity for TSU projects impacting the 100 year floodplain. Both parties agree to correct any discharge problems that are negatively affecting the other party's stormwater system. This agreement will remain in effect until it is terminated by either party.

RESOLUTION NO. RS2015-1621 (PRIDEMORE & HUNT) – This resolution approves a joint funding agreement between Metro water services and the U.S. department of interior – geological survey to acquire LiDAR derived high-resolution elevation data for Davidson County. LiDAR (Light Detection and Ranging) uses laser technology to collect topographic data. This project will involve the planning department's acquisition and processing of LiDAR elevation data for a total of 525 square miles in Davidson County. Metro will pay \$177,458 as its share of the project cost, which will be divided equally between the planning department and Metro water services. The term of the agreement is through March 31, 2016.

RESOLUTION NO. RS2015-1622 (PRIDEMORE, GILMORE & LANGSTER) – This resolution approves an amendment to an annual grant in the amount of \$512,400 from the state department of health to the Metropolitan board of health for implementation of the state immunization program. This grant, consisting of \$157,800 in state funds and \$354,600 in federal pass-through funds, is used for the salaries and benefits of health department employees who provide the immunization services. The amendment to the grant to be approved by this resolution will allow the health department to shift up to 20% from one line item to another line item as long as there is no increase in the total grant amount.

RESOLUTION NO. RS2015-1623 (PRIDEMORE & GILMORE) – This resolution approves an agreement between the Metropolitan board of health and the state department of human services to pay the health department for voluntary paternity acknowledgements. The Metro health department acts as the agent for the state for vital records in Davidson County. This is a continuation of an agreement with the state to pay Metro for each voluntary paternity acknowledgement it obtains. If a father is not present when the hospital's birth registrar completes the paperwork, then only the mother's name is listed on the child's birth certificate. In such a case, there is a process whereby both parents can voluntarily acknowledge paternity and have the birth certificate changed to reflect the child's father. Under this agreement, the state pays the health department \$20 for each voluntary acknowledgment it obtains. This agreement may be terminated by the state at any time.

An almost identical agreement was approved by Resolution No. RS2014-1295 in November 2014. The only change to the agreement appears to be the addition of language pertaining to the maintenance of documentation regarding the amounts billed to the state.

RESOLUTION NO. RS2015-1624 (PRIDEMORE & GILMORE) – This resolution approves an annual grant in the amount of \$915,194 from the Greater Nashville Regional Council to the Metropolitan social services commission for congregate meal sites, meal delivery services, and transportation for eligible seniors and disabled residents. The funding will be used as follows:

- \$287,698 with a required match of \$31,966.44 to provide meals to eligible senior citizens
- \$137,626 to provide congregate meal sites
- \$419,870 with a required local match of \$46,652.22 to provide home delivered meals
- \$70,000 with a cash match of \$7,777.78 to provide transportation services to seniors and disabled residents

The term of the grant is from July 1, 2015 through June 30, 2016.

RESOLUTION NO. RS2015-1625 (PRIDEMORE, GILMORE & LANGSTER) – This resolution approves a grant in the amount of \$37,000 from the Greater Nashville Regional Council to the Metropolitan social services commission for home meal delivery services to eligible senior citizens. The term of this grant is from July 1, 2015 through June 30, 2016.

RESOLUTION NO. RS2015-1626 (GILMORE) – This resolution authorizes Jimmy John's Gourmet Sandwiches to install an aerial sign encroachment over the public right-of-way at 207 3rd Avenue South. The applicant has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of this wall-mounted building sign, and is required to post a \$2 million certificate of public liability insurance with the Metropolitan clerk naming Metro as an insured party. This resolution has been approved by the planning commission.

RESOLUTION NO. RS2015-1627 (HARMON & BEDNE) – This resolution confirms the appointment of Renata Soto to serve on the board of directors for the convention center authority. State law provides that the convention center authority is to be governed by a board of directors of not less than seven registered voters of the municipality to serve staggered terms. The directors are to serve without compensation, and cannot be an elected official or employee of the municipality. Such directors are appointed by the mayor and confirmed by a resolution adopted by the council. The board is to be composed of members who are diverse in professional and educational background, ethnicity, race, gender, and area of residency within the municipality. At least one of the directors must be female and at least one must be a minority.

Ms. Soto will serve for the remainder of the unexpired term of Francis Guess, which will extend through September 30, 2016.

RESOLUTION NO. RS2015-1628 (HARMON) – This resolution approves the election of notaries public in accordance with state law.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2015-1098 (EVANS & BEDNE) – This ordinance amends the zoning code provisions pertaining to the minimum campus size requirements for elementary, middle, and high schools, and would allow schools to be located by right in the IWD zoning district. The code currently allows schools to be located in most of the zoning districts excluding the shopping center, office neighborhood, commercial neighborhood, and industrial zoning districts. The minimum campus size is currently based upon the type of school and number of students as follows:

<u>School Type</u>	<u>Minimum Campus Size</u>
Elementary (K–8)	5 acres + 1 acre/100 students
Middle (5–9)	10 acres + 1 acre/100 students
High (7–12)	15 acres + 1 acre/100 students

Public park space abutting the school site may be calculated to meet the minimum campus size, provided the metropolitan board of parks and recreation approves the site for shared use. The board of zoning appeals (BZA) can approve smaller lot sizes, provided the school does not offer extracurricular activities. In no event can the BZA permit a school on a lot less than two acres in size for a school with 75 or fewer students, or three acres for schools with more than 75 students plus an additional acre for every 100 students.

This ordinance would allow the BZA to permit new schools on smaller lots as a special exception as long as the total lot size is at least three acres and no athletic activities will take place on the property. Prior to granting a special exception for a reduced lot, the BZA is to obtain a recommendation from the planning department as to whether a school on the proposed site is consistent with the applicable land use policy for the area. The ordinance would also allow new schools to operate in a building that was previously used to house a church or school within the past five years, regardless of the lot size. This is to encourage the adaptive reuse of existing structures.

This ordinance has been approved by the planning commission.

SUBSTITUTE ORDINANCE NO. BL2015-1120 (ALLEN, WESTERHOLM & OTHERS) – This ordinance amends the zoning code to create a detached accessory dwelling unit (DADU) overlay district. In June 2014, the council approved a zoning text change to allow detached accessory dwellings on lots within the R districts with certain conditions. This ordinance would create a new DADU overlay district that could be used on properties that are not in an R zoning district. The design standards listed in the zoning code for other DADUs would apply within this overlay district, which include the following:

- No more than one DADU is permitted on a single lot in conjunction with the principal structure.
- The DADU must be owned by the same person as the principal structure and one of the two dwellings must be owner-occupied.
- A DADU may only be located behind the principal structure.
- Driveway access must be from an alley if available.
- The living space of a DADU cannot exceed seven hundred square feet, and the building footprint cannot exceed 1,000 square feet.

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SUBSTITUTE ORDINANCE NO. BL2015-1120

- The DADU must maintain a proportional mass, size, and height to ensure it is not taller than the principal structure on the lot.
- The DADU must be of similar style, design, and material color as used for the principal structure, and must use similar architectural characteristics.
- A DADU in a historic overlay district must comply with the adopted regulations and guidelines of the applicable historic overlay.

This ordinance has been approved by the planning commission.

SUBSTITUTE ORDINANCE NO. BL2015-1145 (DOWELL) – This ordinance, as amended, amends the Metro code to adopt a more recent edition of several standard building and fire codes. Copies of the new editions of the standard codes are on file with the Metropolitan Clerk. Although these codes have been updated, Metro is still operating under the 2006 versions of the codes. Metro is required by state law to keep our codes current within seven years of the latest published edition of the model codes. This ordinance adopts the 2012 edition of the fire, life safety, building, residential, energy, gas/mechanical, and plumbing codes.

The various building and fire codes are adopted at the same time to avoid conflicts between the codes. The new standard codes have been approved by the board of fire and building code appeals, the board of plumbing examiners and appeals, and the board of gas/mechanical examiners and appeals. The codes department has notified the various construction trade associations of Metro’s intention to adopt the 2012 codes and has posted the ordinance on the department’s website. All of the surrounding cities and counties are already using the 2012 editions of the codes, so it should not pose a challenge to builders and contractors.

Generally, Metro also adopts some amendments to the standard codes that are local in nature, which are included as part of this ordinance. According to the codes department director, this ordinance actually adopts fewer local amendments than in prior years in order for the codes to be more consistent with the model building and fire codes as published by the International Code Council, which means Metro’s codes will be more consistent with other cities. The remaining local amendments are basically in keeping with prior code adoptions to make the code consistent with state law and Metro’s appeal processes.

ORDINANCE NO. BL2015-1253 (GILMORE) – This ordinance amends the Downtown Zoning Code (DTC) to increase the maximum permitted height for certain transitional properties in the Lafayette subdistrict. Specifically, this ordinance is to accommodate a proposed 15-story hotel to be built at 415 4th Avenue South. The DTC currently limits the height in this area to eight stories unless properties in this subdistrict have frontage to Korean Veterans Boulevard. This ordinance increases this limitation to 15 stories for these transitional properties.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1255 (ALLEN) – This zoning code text change would permit the transfer of development rights from historic properties to other non-historic properties. The transfer of development rights is a method of protecting specific properties from development by enabling the property owners to “transfer” (through sale or donation) their unused development rights to another site. Local governments were given the authority under state law in 2001 to enact transfer of development rights provisions. In 2007, the council approved an amendment to the zoning code to allow owners of property within any downtown historic preservation district to transfer their development rights to other properties in the downtown area. However, no one ever took advantage of this tool. This provision was recently removed from the regular zoning code in lieu of incentives provided through the downtown zoning code.

This ordinance approves an expanded transfer of development rights program that would be available for historic properties throughout the urban services district. The ordinance largely mirrors the previous code provisions for the transfer of development rights in the downtown area. This ordinance would be available for owners of properties that have been identified by the historical commission as being listed (or eligible for listing) on the National Register of Historic Places or identified as a contributing property within a historic overlay district. The development rights could be transferred to any property within the urban services district having frontage on an arterial or collector street.

Unlike the previous transfer of development rights provisions, which required the planning department to approve the application, this ordinance would more appropriately place this authority with the codes department. Once the sending and receiving sites have been approved by the codes department, a written document must be filed with the register of deeds that lists the square footage being transferred. After this document has been recorded, the sending site will forfeit any future opportunity for increased intensity of development.

Outside of the transferred permissible square footage, all other development standards such as building heights and setbacks will continue to apply to both the sending site and the receiving site. Thus, just because the owner of a receiving site pays for the transfer of development rights to obtain a square footage bonus does not mean the property owner will be able to construct a building that is taller than what the base zoning would allow.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2015-1278 (WESTERHOLM & ALLEN) – This ordinance amends the beer permit requirement provisions in the Metro code to expand the mechanism for the exemption of establishments from the minimum distance requirements for the sale of beer. The code currently 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, in 2010, the council created a mechanism for restaurants that already have a state on-premises liquor consumption license to be exempt from Metro’s minimum distance requirements to obtain a beer permit upon the adoption of a resolution by the council. Pursuant to state law, the Tennessee alcoholic beverage commission can take the applicant’s location into consideration when determining whether to grant a license for on-premises consumption, but no set distance requirements are included in the state law.

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ORDINANCE NO. BL2015-1278, continued

This ordinance would repeal the existing beer distance waiver provisions in the code and substitute them with a mechanism to exempt any establishment, including retailers, from the Metro beer permit distance requirements upon the adoption of a resolution by the council with twenty-one affirmative votes. A public hearing before the council would be required before the resolution could be considered. Notice of the public hearing must be provided at the expense of the applicant, and the applicant would be required to put up signs on the property providing notice of the public hearing.

ORDINANCE NO. BL2015-1280 (DUVALL) – This ordinance, as amended, amends the Metro property standards code to prohibit the excessive accumulation of wood chips/mulch. The Metro code currently prohibits the accumulation of trash and debris on residential property, but does not specifically address the dumping of large amounts of mulch for use as fill material.

This ordinance would prohibit owners and occupants of property of one-half acre in size or greater from covering more than five percent of the total lot area with wood chips/mulch. Such property owners could continue to use mulch for landscaping purposes as long as they do not exceed the five percent maximum lot coverage. Further, piles of mulch on the property could not exceed two feet in height. This ordinance exempts commercial establishments engaged in the sale of mulch, as well as Metro property used for the collection and/or sale of mulch.

ORDINANCE NO. BL2015-1304 (GILMORE, PRIDEMORE & HUNT) – This ordinance relinquishes the Metropolitan Government’s interest in property located at 1312 3rd Avenue in exchange for a payment of \$100,908.88 from Neighborhoods Resource Center (NRC). Metro sold this property to NRC in 2007 for \$86,000, but retained a reversionary interest in the property in case NRC stopped using the property for its charitable purposes. In the event the property reverted to Metro, NRC would be reimbursed for its investment in the property and the appreciation of the property. The deed included a rather complex formula for calculating the amount NRC would receive in the event the property reverted to Metro.

NRC desires to buy out Metro’s reversionary interest so it can sell the property. At the time it was transferred, the value of the property was \$147,000. NRC has spent approximately \$210,000 improving the property since then, and the current appraised value is \$590,000. NRC is offering to buy Metro’s interest for \$100,908.88, which is equivalent to the amount of equity Metro would have in the property if ownership reverted to Metro.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1305 (PRIDEMORE, HUNT & OTHERS) – This ordinance declares properties located at 349 21st Avenue North and 2025 Richard Jones Road to be surplus and authorizes the director of public property administration to sell the properties in accordance with the standard procedures for the disposition of surplus property. These are the former locations of two fire stations (engine companies 19 & 20), which have been replaced with new stations. The sale proceeds will be credited to the general fund.

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ORDINANCE NO. BL2015-1305, continued

The planning commission approved the disposition of the 21st Avenue North fire hall, but recommended disapproval of the surplus and disposition of the Green Hills fire hall until restrictive covenants are developed.

ORDINANCE NO. BL2015-1306 (PRIDEMORE & DUVALL) – This ordinance 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 American Standard Brands. American Standard is a national manufacturer of kitchen and bath fixtures that plans to relocate a manufacturing facility and operate a call center at the facility formerly occupied by Whirlpool located at 1714 Heil Quaker drive in LaVergne. It is estimated that American Standard will employ 600 full-time employees at the facility and make a capital investment of approximately \$22,750,000.

State law permits local governments to delegate the authority to industrial development boards to enter into payment-in-lieu-of-tax (PILOT) agreements provided the payments are in furtherance of the public purpose of the board. PILOT agreements essentially provide tax abatements for real and/or personal property taxes the company would otherwise be required to pay to the Metropolitan Government. 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.

This ordinance would provide a 50% real property and personal property tax abatement for five years. Specifically, the abatement would be 50% of all of the personal property taxes and 50% of the difference between the current real property taxes of \$114,258 and what would otherwise be owed as a result of the improvements to the property. This would result in a total tax abatement over the five years of approximately \$712,000. The tax abatement would terminate early in the event American Standard failed to maintain at least 480 full time employees at the facility.

As required by the Metro code, American Standard will be required to manage a diversified business enterprise (DBE) program with a goal of 20% of the project's hard construction costs spent with DBE firms. The company would be required to provide quarterly reports to the council regarding the DBE participation. The company will also be required to use Metro's workforce development program to ensure reasonable efforts are made to use Davidson County residents in the construction of the project.

ORDINANCE NO. BL2015-1307 (TODD, PRIDEMORE & OTHERS) – This ordinance approves an agreement between Metro and Sprint Communications regarding the construction of a pedestrian tunnel at Edwin Warner Park. Metro plans to construct a pedestrian tunnel under the CSX railroad tracks near Highway 100 at Warner Park. In order to build the tunnel, certain telecommunications cable owned by Sprint that is located within the CSX railroad right-of-way needs to be relocated. There is some dispute as to the property interests held by CSX, Sprint, and Metro, and the party that is responsible for paying for the relocation work. The relocation (continued on next page)

ORDINANCE NO. BL2015-1307, continued

cost for the Sprint cable is estimated to be around \$430,000. In order to avoid costly litigation, Metro desires to enter into this agreement whereby Metro will pay up to \$150,000 of the relocation costs and will grant a perpetual easement to Sprint for other Sprint cables currently located in railroad rights-of-way adjacent to Metro-owned property.

The agreement also includes language releasing Sprint (and any railroad from which Sprint acquired the right to install and maintain cable) from all claims arising out of the ownership of the telecommunications facilities in the right-of-ways.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1308 (MATTHEWS, PRIDEMORE & HUNT) – This ordinance approves an agreement between Metro and Piedmont Natural Gas Company for the payment of \$159,617 and the conveyance of Metro-owned property to reimburse Piedmont for its costs to relocate a gas line during the construction of the downtown ballpark. After financing for the ballpark was approved, it was determined that a natural gas line needed to be moved in order to construct the ballpark. Piedmont relocated the gas line at a cost of \$529,901.40. This cost was not factored into the construction price of the ballpark at the time the financing was approved.

Metro owns three parcels of property totaling approximately 80 acres near County Hospital Road in the Bordeaux area that is located next to a Piedmont natural gas plant. The appraised value of this property is \$273,383. Metro currently uses a portion of this property for a mulching facility, which is operated by Red River. The contract with Red River for operation of the facility extends through November 20, 2016. The remainder of the property is open space.

Pursuant to this ordinance, Metro will be transferring the property to Piedmont plus a \$159,617 payment to Piedmont to partially make up the difference between the appraised value of the property and Piedmont's costs to relocate the gas line. Metro will retain ownership of the property used for the mulching operation until the expiration of the contract with Red River in November 2016. It is unclear at this time whether a new Metro mulching facility would be operated at another location after this property is transferred. Piedmont has no plans to construct anything on this property. Rather, the property would be used as a buffer to protect its existing gas plant facility.

This gas line relocation cost was not factored into the \$10 million cost overrun on the construction of the ballpark and the \$5 million Metro incurred for infrastructure work such as electrical lines, water lines, and paving. The \$10 million cost overrun was covered through a \$2 million payment from the Sounds, an unexpected additional \$1 million generated by the bond sale, and additional tax increment financing dollars.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1309 (MOORE, PRIDEMORE & OTHERS) – This ordinance approves the renewal of an agreement between the Metro board of parks and recreation and Adventure Science Center for the lease of the Adventure Science Center property located at Fort Negley Park. Adventure Science Center (formerly the Nashville Children’s Museum) has been leasing this property from Metro since 1967. The 1967 lease was for a period of 50 years with rent in the amount of one dollar per year. The lease included an option for renewal of the lease on the same terms for an additional fifty year period.

This ordinance approves a renewal and update of the lease agreement for another fifty year period. The terms of the lease are basically the same as the 1967 agreement. Public school children will still be admitted free of charge when on an organized school field trip. The Science Center will remain responsible for the maintenance of the facility, and is required to maintain insurance on the property. The lease will also continue to require one of the board members of Adventure Science Center to be a member of the parks board.

One change between the new agreement and the previous lease pertains to the sale of alcohol. The 1967 lease prohibited the sale of alcoholic beverages on the property. The new lease will allow Adventure Science Center to offer cash bars as part of after-hours fundraisers. This lease agreement has been approved by the parks board and the planning commission.

ORDINANCE NO. BL2015-1310 (MOORE & A. DAVIS) – This ordinance abandons 425 linear feet of a 10-inch sewer main and easement, and accepts 215 feet of replacement line and easement for six properties located on Parris Avenue. This abandonment is needed for the Flats at Walden Grove project. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1311 (GILMORE, A. DAVIS & HUNT) – This ordinance abandons water and sewer easement rights for properties located at 1703 Rosa L. Parks Boulevard and 1702 Nassau Street. These easements were retained when a portion of Garfield Street was abandoned in 2005. The easement rights are no longer needed by the department of water and sewerage services. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1312 (HOLLEMAN) – This ordinance, as amended, abandons 625 linear feet of an 8-inch sewer main and easement, and accepts 196 feet of replacement sewer main and easement for properties located at 3602, 3622, and 3626 West End Avenue, and 151 Craighead Avenue. This abandonment is necessary for the sale and development of the former Welch College property near the intersection of West End and Bowling Avenue. This abandonment is contingent upon the completion of the Metro water services project on the property and construction of the new line. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1313 (GILMORE) – This ordinance abandons a portion of 18th Avenue North and Alley No. 621 at the intersection of 18th Avenue North and Dr. D.B. Todd, Jr. Boulevard. This closure has been requested by Barge Cauthen & Associates on behalf of Metro public schools as part of the Martin Luther King, Jr. magnet school expansion. Metro is the only affected property owner. The ordinance retains all utility easements. This ordinance has been approved by the planning commission and referred to the traffic and parking commission.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY




KARL F. DEAN
MAYOR

DIRECTOR OF FINANCE
METROPOLITAN COURTHOUSE
ONE PUBLIC SQUARE, SUITE 106
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MEMORANDUM

To: Vice Mayor Diane Neighbors

From: Richard M. Riebeling 
Director of Finance

Date: August 10, 2015

Subject: Resolution Appropriating \$250,000 from the General Fund Reserve Fund for the Purchase of Equipment for the Davidson County Sheriff's Office

I am in receipt of a proposed Resolution by Councilman Tygard requesting \$250,000 from the General Fund Reserve Fund for the purchase of equipment for the Davidson County Sheriff's Office. The legislation was sent to me for signature certifying the availability of funds. Although there are sufficient monies in the General Fund Reserve Fund, pursuant to rules of the Metropolitan Council, I am providing you with a brief statement as to why I have determined I cannot sign the proposed legislation at this time.

As the Council knows, we have a detailed process by which Finance works with every department to prioritize needs. In fact, knowing of the coming election and change of administration and Council, we asked departments to inform us of any needs. In the spring, we asked approval of, and the Council authorized, a 4% resolution of nearly \$15 million. Therefore, I believe it is inappropriate to single out one department at this time and is unfair to other departments and needs of the government. I should also add that should the Sheriff's Office have immediate needs, their office currently has a General Fund Reserve Fund balance of \$998,000. Further use of the 4% fund should be a decision of the next administration and Metro Council.

Please let me know if you have any questions or need additional information on this matter.

Copy: Members of the Metro Council
Jon Cooper

RESOLUTION NO. _____

A resolution appropriating Two Hundred Fifty Thousand Dollars (\$250,000) from the General Fund Reserve Fund for the purchase of equipment for the Davidson County Sheriff's Office.

BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. There is hereby appropriated the sum of \$250,000 from the General Fund Reserve Fund for the Davidson County Sheriff's Office for the purchase of a shredder truck.

Section 2. As required by Ordinance No. 086-1534, information justifying the appropriation is set forth in the "General Fund Reserve Fund (4% Fund) Information Sheet" attached hereto and incorporated herein by reference.

Section 3. This resolution shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO AVAILABILITY
OF FUNDS:

INTRODUCED BY:

Richard M. Riebeling
Director of Finance

Charlie Tygard
Member of Council

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
 GENERAL FUND 4% RESERVE FUND
 INFORMATION SHEET
 (As Required By Ordinance 086-1534)**

**Sheriff's Office
 1st Quarter FY2016
 30201000**

R15-xxxx


Object Code	Item	Qty.	Estimated Cost	New or Replacement Equipment	Age of Equipment Replacing (In Years)	Estimated Life of Equipment (In Years)
507480	Shredding Truck	1	\$ 250,000	New		10
	Total		\$ 250,000			

- Is this expenditure federal or state reimbursable? No
- Can this equipment be used year around? Yes
- Has the price been verified by Division of Purchases? Yes
- Have you checked Public Property Division for usable surplus equipment? No
- Is equipment absolutely necessary at this time? Yes
- Will equipment reduce present cost? Yes
- Is equipment to extend services? No
- Is equipment to reduce manpower? No
- Will equipment require new manpower? No
- Will equipment increase productivity? Yes
- Will equipment promote public health? No
- Will equipment promote public safety? No

Have all previously adopted resolutions appropriating funds from the General Fund Reserve Fund (4% Fund) been complied with by expending said funds as required? Yes

If not, do you expect to expend funds and the date expected for the expenditure? Yes

COMMENTS: _____



Department Head _____

Date 8-7-15