



## METRO COUNCIL OFFICE

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MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Mike Jameson, Director and Special Counsel  
Mike Curl, Finance Manager  
Metropolitan Council Office

COUNCIL MEETING DATE: **February 2, 2016**

RE: **Analysis Report**

Unaudited Fund Balances as of 1/27/16:

4% Reserve Fund	\$36,477,396*
Metro Self Insured Liability Claims	\$3,973,296
Judgments & Losses	\$2,857,926
Schools Self Insured Liability Claims	\$2,973,227
Self-Insured Property Loss Aggregate	\$6,454,103
Employee Blanket Bond Claims	\$661,261
Police Professional Liability Claims	\$2,613,389
Death Benefit	\$1,181,699

\*Assumes unrealized estimated revenues in Fiscal Year 2016 of \$15,756,162.

**– RESOLUTIONS –**

**RESOLUTION NO. RS2016-86** (HASTINGS & PRIDEMORE) – On August 4, 2015, Ordinance No. BL2015-1281 was enacted authorizing the Metropolitan Development and Housing Agency (MDHA) to negotiate and accept payments in lieu of taxes (PILOT) from operators of low income housing tax credit (LIHTC) properties. PILOT agreements essentially provide tax abatements for real and/or personal property taxes that would otherwise be owed to the Metropolitan Government. PILOTs have been utilized by Metro to provide incentives through the Industrial Development Board (IDB) to large employers to create more job opportunities. MDHA now has the authority to enter into PILOTs to create affordable rental housing.

MDHA developed this PILOT program to provide an additional financial incentive to developers considering construction or rehabilitation of affordable housing units through a federally funded LIHTC program. Subsidized low income housing tax credit developments serve those at or below 60% of the average median income (AMI) for the Nashville area, which results in an income cap of \$28,140 for an individual and \$40,140 for a family of four. Once negotiated by MDHA, each PILOT agreement must be approved by the Council by resolution.

The maximum term for a PILOT lease under this program is 10 years, and there would be cap for PILOTs in this program of \$2 million per year. The PILOT would only be available for additional tax liability over and above the pre-development assessed value of the property. The PILOT program would be available for both existing and new developments based on financial need. The PILOT lease will be terminated if the property sits vacant for two years.

MDHA is required to file an annual report with the Council, Assessor of Property, and State Board of Equalization identifying the values of the properties subject to PILOTs, the date and term for each PILOT, the amount of PILOT payments made, and a calculation of the taxes that would otherwise be owed.

The Paddock at Grandview is a proposed 240 unit apartment project at Trinity Lane near Interstate 65. The Paddock at Grandview LP (controlled by LDG Development) applied to MDHA and received HOME Investment Partnerships Program funds of \$1,700,000 through a previous competitive process. Additionally, they have applied for and received approval for FHA financing and have approval for a 4% low income housing tax credit from THDA. They submitted an application to MDHA for a PILOT agreement to make the project affordable to households below 60% AMI for 30 years. That application and the PILOT agreement were approved by the MDHA Board of Commissioners in its meeting in December, 2015.

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**RESOLUTION NO. RS2016-86**, continued

This PILOT request is the first to come to MDHA since the state, Metropolitan Council, and MDHA Board approved the PILOT program. It would require LDG Development to make a first year payment of \$53,472 in lieu of property taxes, which will increase annually by 3% for the 10 year period. This PILOT was determined to be the maximum payment that could be sustained based on projected cash flows to the rent restricted property as projected in the developer's underwritten pro forma, and is approximately equal to the 2015 taxes of the undeveloped project site plus \$115 per unit in the project.

The construction cost of this project is estimated to be \$24,307,130. Assuming the final assessed value agrees with this amount, the standard ad valorem property tax would be \$439,084. The abatement of \$385,612 in the first year equates to 87.8% of the tax that would otherwise be owed.

Over the 10-year life of this PILOT agreement, a total of \$3,777,846 would be abated. Metro would still receive \$612,994 in new property taxes from this project. According to the MDHA analysis, this is the maximum the developer can pay and still have the project be viable to provide the 240 apartments for low-income households.

An amendment is anticipated which confirms that the PILOT payments will be made payable to the Metropolitan Government, not MDHA.

**RESOLUTION NO. RS2016-100** (PRIDEMORE & GILMORE) – This resolution appropriates \$10,000,000 from the undesignated fund balance of the General Fund of the General Services District (GSD) to the Hospital Authority. The detailed account information shown in the resolution identifies this as an “Operating Subsidy”. This will be in addition to the \$35,000,000 operating subsidy approved in Metro's FY16 operating budget.

During the FY16 budget hearings, the Hospital Authority confirmed their ability to operate within the appropriation offered under the Mayor's budget. The Authority announced plans to grow revenues, improve the payer mix, and modify the cost structure to reduce costs. A portion of the subsidy received by the Hospital Authority has previously applied to operation of the Bordeaux and Knowles facilities. With the removal of these facilities from Metro finance obligations, speculation emerged during the hearing that a reduction of the appropriation may be feasible by FY17. Nevertheless, in the absence of line-item information or other financial data, and with comment from the Authority that they aspired to be transparent, Council members requested – and were assured – additional information from the Authority.

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**RESOLUTION NO. RS2016-100**, continued

In the fall of 2015, however, a report was issued by the Joint Commission on Hospital Accreditation which noted serious deficiencies in the provision of patient safety, infection control, bed capacity and staffing. Compliance is required by the Hospital Authority which otherwise faces loss of accreditation. Additionally, the Metro Finance Department is informed that anticipated revenues for the Hospital Authority, including state revenues, have not materialized to date. The Finance Department has been further informed by the Authority that failure to extend the appropriation urgently may result in closure of at least some hospital services. [Note: The Metro Council Office has requested that the Hospital Authority confirm whether the lack of a supplemental appropriation would necessarily result in the closure of any services and, if so, the extent thereof. The Council Office has further requested information regarding the timing of any appropriation required to avoid closure. As of this drafting, the Authority has not yet responded with this information.]

The Hospital Authority has informed the Metro Finance Department that the supplemental appropriation, if granted, will be applied to the following:

- Joint Commission / Regulatory Costs (unplanned)           \$2.4 million
- Unanticipated Revenue Shortfall                                 \$1.4 million
- Strategic Initiatives Start-Up Costs                             \$3.2 million
- Accelerated accounts payable                                    \$3.0 million

No new revenue source has been identified for this appropriation. The \$10,000,000 from the undesignated fund balance will reduce the amount available for other projects or needs.

Resolution No. R89-959 established a policy on November 21, 1989, requiring a minimum of 5% to be maintained in reserve in Metro's three main operating funds. The Office of Management and Budget (OMB) adopted Policy #8 on July 1, 2005. This extended the 5% requirement to the three main debt service funds in addition to the three main operating funds. Based on the most recent revenue estimate from the Finance Department, the fund balance after this appropriation will be approximately 9%.

**RESOLUTION NO. RS2016-101** (PRIDEMORE) – This resolution authorizes the issuance of general obligation (G.O.) refunding bonds in an amount not to exceed \$425,000,000. This resolution will potentially refund up to \$4,425,000 in Series 2010A G.O. improvement and refunding bonds, \$13,995,000 in Series 2012 G.O. Refunding Bonds, and \$317,820,000 in Series 2013A G.O. improvement bonds. The intent of the refunding is to achieve uniform cash flow savings.

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**RESOLUTION NO. RS2016-101**, continued

Generally, bonds cannot be pre-paid for a period of at least ten (10) years after issuance. However, this does not preclude re-financing at a more favorable rate, provided the proceeds are held in escrow until the tenth year or thereafter. 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 to be supported by the full faith and credit of the Metropolitan Government and are to be paid from property tax revenues.

The interest rates on the various series of bonds to be refunded range between 3.75% and 5%. According to Metro's investment policy, refunding bonds must generate savings of at least 3.5% of the refunded bond principal. Despite this policy, the Resolution would approve a refunding of "not less than 3.0%" because of the historically low interest rate environment. This resolution approves the refunding of all or a portion of the outstanding bonds that will generate net present value savings of at least this amount.

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. The actual marketing of the bonds requires at least thirty (30) days after resolution passage – a period during which market conditions may change. Metro will only sell bonds in a principal amount that will generate a justifiable savings for the government, which may be less than the \$425 million authorized.

Piper Jaffray & Co. will serve as the lead in a group of four underwriters – two of which are minority-owned enterprises. They will also perform the actual negotiated sale of the bonds. U.S. Bank National Association will serve as the registration agent. If the market conditions are favorable for issuing the refunding bonds, it could save Metro an estimated \$19.6 million through FY35, with a net present value of approximately \$15.4 million. This would be 4.594% of the refunded par amount.

The sale of these refunding bonds should result in a reduction in the amount of debt service paid each year from FY17 through FY33. The final debt service payments currently scheduled for FY34 and FY35 would be eliminated entirely.

The costs of issuance of the refunding bonds is estimated at \$631,000, including \$195,000 for bond counsel fees (including expenses), \$195,000 for financial advisory fees (including expenses), and \$216,000 for rating agency fees.

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**RESOLUTION NO. RS2016-101**, continued

The recently adopted Metro Council Rules of Procedure provides in Rule 28 that any resolution approving any bond or other debt obligation must identify the amount to be financed and the purposes thereof. This resolution and incorporated attachments appear to satisfy these requirements.

**RESOLUTION NO. RS2016-102** (O'CONNELL, PRIDEMORE, & COLEMAN) – Metro and the state entered into a land swap agreement that exchanged the Farmers Market property for the Tennessee Mental Health Property (now known as the Dell property). The agreement required the state to build a new Farmers Market on the present site and lease it back to Metro.

The terms of this lease were approved by Resolution no. R95-1660 on May 16, 1995. The initial lease term ended in FY15. We are now in the first of two possible extension terms of 20 years each. The annual lease payment is now a nominal \$10 per year.

According to the provisions of the lease, the state continues to own the fee interest in the land, but the improvements called "The Farmers' Market Facility" are owned by Metro. However, if the state ever decides to terminate the lease for convenience by giving thirty (30) months written notice, the Farmers' Market Facility shall become the property of the state in exchange for payment of the fair market value to Metro.

If Metro had chosen not to renew the lease when the original term expired, the Farmers' Market Facility would then have become the property of the state, enabling the state to become the lessor under any tenant lease agreement and continue operation of the Facility.

The first amendment to this lease agreement was approved by Resolution No. RS2009-606 on January 20, 2009. This simply removed the prohibition against selling alcoholic beverages of any kind on the premises.

The resolution now under consideration would approve the second amendment to the lease agreement. This amendment would remove the northern tract of the Farmers' Market property, including the north shed facility and adjacent parking lot, from the area included in the lease in exchange for \$4,000,000. This tract is approximately 4.77 acres (207,781 square feet).

Metro would retain the right to enter and leave the north tract for purposes of loading and unloading supplies at the north dock area. Metro would be allowed to utilize the north tract until April 30, 2016. Upon completion of the new parking lot on this tract by the state, the parking lot

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**RESOLUTION NO. RS2016-102**, continued

would be available for use by the Farmers' Market as well as the state for the duration of the lease. However, the state would retain the right for the exclusive use of the parking lot for specified events and for a specified period of time as long as it provides Metro with at least 15 days prior written notice.

**RESOLUTION NO. RS2016-103** (PRIDEMORE) – This resolution approves a grant in the amount of \$75,000 from the National Endowment for the Arts to the Metropolitan Arts Commission, working in conjunction with the Arts & Business Council of Greater Nashville, to create an artistic learning lab. The grant will fund community based training programs for artists in civic, public, social, and place making artistic practices.

If approved, there would be a required local match of \$75,769 for the grant.

**RESOLUTION NO. RS2016-104** (WITHERS, PRIDEMORE, & HENDERSON) – This resolution accepts a grant of \$1,000 from the Inglewood Neighborhood Association to the Metropolitan Board of Parks and Recreation to supplement funding for carpet replacement at the Shelby Golf Course Clubhouse.

Acceptance of the grant for this purpose was approved by Parks at their meeting on December 1, 2015.

**RESOLUTION NO. RS2016-105** (PRIDEMORE & HENDERSON) – This resolution approves an annual grant in the amount of \$7,000 from the Tennessee Arts Commission to the Metropolitan Board of Parks and Recreation to supplement the Big Band dance program in Centennial Park. This program provides twelve free big band dances to the public. The Parks Department will use this funding for the purpose of continuing the dance program. There is a required local cash match of \$7,000 to be provided by the Parks Department.

**RESOLUTION NO. RS2016-106** (HENDERSON & PRIDEMORE) – This resolution approves a grant in the amount of \$124,404 from the Friends of Warner Park to the Metropolitan Parks Department to provide continued funding for staff positions at the Warner parks. These funds will be used to pay the salaries of the following positions at the Warner Park center and the nature center:

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**RESOLUTION NO. RS2016-106**, continued

- Office Support Specialist                      \$49,308
- Seasonal maintenance staff                      \$42,068
- 3 part-time Naturalists                      \$33,028

There will be a required match of \$29,464.57 to be provided through the Parks Department's budget to cover the fringe benefit costs of the full-time employee.

Acceptance of this grant was approved by the Parks Board at their meeting on January 5, 2016.

**RESOLUTION NO. RS2016-107** (PRIDEMORE & MURPHY) – The original grant in the amount of \$44,795 from the State Department of Labor and Workforce Development to the Nashville Career Advancement Center (NCAC) was given to provide re-employment 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 consisted of \$42,555 in program funds and \$2,240 in administrative funds. The term of the grant was from July 15, 2015, through December 14, 2015.

The amendment being approved by this resolution decreases the amount of the grant award by (\$26,695), giving a new grant total of \$18,100. The new grant total consists of \$17,195 in program funds and \$905 in administrative funds. The ending date of the grant is also being extended to March 31, 2016.

**RESOLUTION NO. RS2016-108** (GILMORE) – This resolution formalizes an agreement between the Metropolitan Board of Health and the Centers for Medicare & Medicaid Services (CMS). The Board of Health will now be recognized as a “Certified Application Counselor Organization”. As such, they will be expected to perform three main services:

1. Provide information about the full range of Qualified Health Plan (QHP) options and Insurance Affordability Programs.
2. Assist with applications for coverage in a QHP through the Federally-Facilitated Exchange (FFE) and for Insurance Affordability Programs.
3. Help to facilitate enrollment in QHPs and Insurance Affordability Programs.

This agreement will expire one year after it becomes effective. It will automatically renew for subsequent and consecutive one-year periods unless terminated by CMS.



**RESOLUTION NO. RS2016-109** (PRIDEMORE) – This resolution authorizes the Metropolitan Department of Law to compromise and settle the claim of Mr. Genato Navarro Pascual against the Metropolitan Government for the amount of \$200,000.

On October 27, 2013, four MNPDP officers responded to a “shots fired” call at the Woodbridge Apartments. A detective was in the area and also responded to the call. The detective had a personally-owned AR-15 rifle with him at the time. According to MNPDP policy, it was permissible for the detective to have his personal weapon with him on duty as long as he had qualified with it.

During a struggle to bring Mr. Pascual into custody, the detective’s AR-15 accidentally discharged. The bullet struck Mr. Pascual in the lower right leg near his ankle, fracturing his tibia and fibula. Mr. Pascual was transported to Vanderbilt University Medical Center for treatment of his injuries.

In addition to surgery to repair his fractures, Mr. Pascual received a skin graft on his leg. The medical bills he incurred as a result of his injuries totaled \$298,726.95.

The detective violated two MNPDP policies during this incident. An officer with a long gun is normally expected to take a cover position in an encounter such as this rather than taking a hands-on role during the arrest. With four other officers on the call, there should have been no need to violate this policy. In addition, the detective would have been required to engage the safety on the AR-15 before taking part in the arrest. The detective cannot say definitively that the safety was engaged at the time. The safety was found to be fully operational after the incident. Since the weapon actually fired, a judge is likely to determine the safety was not engaged.

In 1973, the Tennessee General Assembly enacted the Tennessee Governmental Tort Liability Act, T.C.A. § 29-20-101 et seq., which provides that counties are immune under state law from all suits arising out of their activities, regardless of whether the activities are governmental or proprietary. However, that immunity is removed for injuries arising from the negligent acts or omissions by an employee acting within the scope of their employment. In this case, the negligent actions of the detective would cause Metro’s immunity to be removed.

Mr. Pascual is willing to accept \$200,000 to compromise and settle his claims. Given the likelihood that a judgment at trial would be much higher, it is in the best interests of Metro to settle the case for this amount.

**RESOLUTION NO. RS2016-110** (WITHERS, ELROD, & ALLEN) – This resolution authorizes Three Crow Bar to install and maintain an aerial encroachment at 1024 Woodland Street. This encroachment will consist of four awnings. The main awning at the front of the bar will be 21' 0" wide. Each of the other three awnings will be 8' 6" wide. All four awnings will be 8' 0" above the sidewalk. The distance the awnings will extend from the building is not shown in the drawings attached to the resolution.

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 has been approved by the Planning Commission.

**RESOLUTION NO. RS2016-111** (O'CONNELL, ELROD, & ALLEN) – This resolution authorizes Legends Gifts to install and maintain an aerial sign encroachment at 325 Broadway. The sign per this encroachment will be 1' 8" x 2' 6" x 12' 0" in size and extend 3' 1" from the building. The distance above the ground is not shown in the drawing attached to the resolution.

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 has been approved by the Planning Commission.

**RESOLUTION NO. RS2016-112** (O'CONNELL, ELROD, & ALLEN) – This resolution authorizes 401 Union Hotel, LLC to install and maintain an aerial sign encroachment at 401 Union Street. The sign per this encroachment will be 1' 10" x 12' 5.25" in size, located 14' 0" from the ground, and extending 5' 6" from the building.

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 has been approved by the Planning Commission.

– BILLS ON SECOND READING –

**ORDINANCE NO. BL2016-96** (WITHERS) – The Metropolitan Zoning Code currently refers to an “Historic home event” in two sections. Section 17.040.060 defines this as “hosting of events such as, but not limited to, weddings or parties for pay in a private home which has been judged to be historically significant by the Historical Commission.”

The current Code requires historic home events to be held “in” a private home. The ordinance under consideration would reinforce the requirement that events must be held in the historic home, not adjacent to it.

The definition of an “Historic home event” would be changed by clarifying that these events “must be confined to an enclosed area within the private home, limited to the space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to ceiling.”

Section 17.08.030 specifies which land uses are permitted for one of these events. In Agricultural or Residential areas, they are permitted only by special exception (Chapter 17.1, Article III). In Mixed Use, Office (excluding ON), Commercial, Shopping Center, or Industrial Areas, these events are permitted by right. The same permitted land uses would still apply for events meeting the more specific definition.

**ORDINANCE NO. BL2016-99** (MURPHY) – Members of the Metropolitan Human Relations Commission are restricted by the Metropolitan Code of Laws (MCL) to serving no more than two consecutive three-year terms. (See, MCL § 2.132.030). At the end of a second consecutive term, members are not eligible to be reappointed for at least one year.

Terms for the 17 members of the Commission are staggered so that the entire membership is never being replaced at the same time. The term for eleven of the current members will expire in 2016. The terms of the other six members will not expire until 2018.

This ordinance will delete the limiting language from the MCL so that members of the Commission may be reappointed for an unlimited number of consecutive terms. If this is approved, all current members of the Commission would be eligible for reappointment when their terms expire.

**ORDINANCE NO. BL2016-117** (SYRACUSE) – This ordinance amends the Metropolitan Code of Laws (MCL) to modify the zoning conditions applicable to cash advance, check cashing, pawnshop, and title loan establishments. Prior to 2008, cash advance, check cashing, and title loan businesses were considered “financial institutions”. The Council amended the MCL in 2008 to make each of these a separate use and to add a definition for each use. The current definition of financial institutions includes establishments that provide a variety of financial services, including banks, credit unions, and mortgage companies. The zoning definitions of check cashing, title loan, pawnshop and cash advance reference the state law provisions that regulate these types of establishments.

Various studies purport to show that cash advance, title loan, and check cashing businesses tend to cluster in close proximity to one another. Maps showing the location of these establishments in Nashville evidence a high concentration along major thoroughfares. A study conducted by the Regional Planning Agency (RPA) of Chattanooga-Hamilton County, Tennessee concluded that the proliferation and clustering of cash advance, check cashing, pawnshops, and title loan establishments can have a detrimental effect on local property values and economic redevelopment. In addition, a study by the Board of Governors of the Federal Reserve System provides evidence that these businesses tend to locate in areas where the population is disproportionately minority and poorly educated.

Financial institutions, check cashing, title loan, and cash advance establishments are currently permitted by right in most of the mixed-use, office, commercial, and shopping center districts, and permitted with conditions in the MUN, ON and CN districts. Such businesses in the MUN, ON, and CN districts cannot exceed 2,500 square feet of floor area. Pawnshops are permitted in most of the same districts, but pawnshops in certain districts are limited to 5,000 square feet.

This 2008 change to the MCL prohibited new cash advance, check cashing, and title loan businesses from being located within 1,320 feet (1/4 mile) of another cash advance, check cashing, or title loan business, and prohibited new pawnshops from locating within 1,320 feet of another pawnshop. Existing businesses were grandfathered in by state law. The distance requirement only applied to new businesses seeking to locate in close proximity to existing similar establishments.

Title 45, Chapter 12 of the Tennessee Code Annotated (TCA) was changed to establish new rules and regulations governing financial institutions, effective January 1, 2015. As a result of this legislation, there are now additional types of alternative finance lenders (flexible credit loans) that are not currently identified in the zoning code, though they may have a similar impact as the alternative financial services noted above.

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**ORDINANCE NO. BL2016-117**, continued

In order to close this loophole and include these new types of lenders within the definitions and protections defined for other financial institutions, changes are proposed in three sections of the MCL.

MCL Section 17.04.060 adds two new definitions, as follows:

*“Flex loan” means any building, room, space or portion thereof where a written agreement providing open-end credit, either unsecured or secured by personal property, in which repeated non-commercial loans for personal, family or household purposes is contemplated, as regulated by Title 45, Chapter 23, of the Tennessee Code Annotated.*

*“Installment loan” means any building, room, space or portion thereof where a loan is repaid over time with a set number of scheduled payments to a financial institution.*

MCL Section 17.08.030 adds “flex loan” and “installment loan” as uses permitted with conditions (PC), similarly to other financial institutions.

MCL 17.16.050 adds “flex loan” and “installment loan” to the list of office use restrictions. This requires new establishments of this type to be at least 1,320 feet (1/4-mile) from the property line of another property upon which another cash advance, check cashing, title loan, flex loan, or installment loan office is located. It also adds the requirement that a flex loan or installment loan office in the MUN, MUN-A, ON, or CN zoning district shall be limited to 2,500 square feet of gross floor area per establishment.

An alternate ordinance (BL2016-132, scheduled for first reading on February 2, 2016) has been offered by the sponsor.

**ORDINANCE NO. BL2016-118** (WITHERS) – BL2015-94 originally proposed a definition of “owner-occupied” pertaining to Short-Term Rental Properties (STRPs) as meaning the owner of the property must permanently reside in the STRP. Detached Accessory Dwelling Units would not have been eligible for owner-occupied status. This definition was removed from the final version of the ordinance due to a concern about possible unintended consequences.

The ordinance now under consideration would add a new definition as meaning the owner of the property must either permanently reside in the STRP or in the principal residential unit with which the STRP is associated on the same lot. However, with passage of an amended version of BL2015-94, the sponsor intends to withdraw this proposed ordinance.

**ORDINANCE NO. BL2016-119** (PRIDEMORE & PARDUE) – This ordinance grants CCA of Tennessee, LLC, 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 CCA to interface directly with Metro's system. CCA will not be required to pay any user fee or charge of any kind. They will be responsible for the purchase of any new subscriber units for its own use. They will also pay for any maintenance that Metro performs of CCA's radio equipment and vehicles at CCA's request.

The term of this agreement begins upon approval by the Council and extends through January 30, 2020, but may be terminated by either party with 90 days written notice. The council has approved similar agreements with several other entities.

**ORDINANCE NO. BL2016-120** (O'CONNELL, ELROD, & ALLEN) – This ordinance authorizes the installation and maintenance of underground and aerial encroachments within the Metropolitan Government right-of-way of 1201 Church Street by PSREG Church Street Owner, LLC.

PSREG has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the encroachments, and are required to provide a \$2 million certificate of public liability insurance naming the Metropolitan Government as an insured party.

This has been approved by the Planning Commission.

**ORDINANCE NO. BL2016-121** (KINDALL, ELROD, & ALLEN) – This ordinance abandons easement rights previously retained by Council Ordinance No. O84-343 for property located at 921 31<sup>st</sup> Avenue North between Alley 1180 and Clare Avenue. This has been requested by the property owner to allow for future development.

This abandonment was approved by the Planning Commission on December 17, 2015. Metro has no future need for these easement rights.

**ORDINANCE NO. BL2016-122** (ALLEN & ELROD) – This ordinance abandons a portion of Alley No. 815, right-of-way and easement. This closure has been requested by Barge Cauthen & Associates. All utility easements are also being abandoned.

This ordinance has been approved by the Planning Commission and the Traffic and Parking Commission. Metro has no future need for this right-of-way and easement.

**– BILLS ON THIRD READING –**

**ORDINANCE NO. BL2015-93** (SWOPE, ELROD, & OTHERS) – This ordinance renames American General Way as “Health Park Drive” from Old Hickory Boulevard northward to its terminus. This change has been requested by Ragan-Smith Associates.

This ordinance was approved by the Planning Commission on November 11, 2015. The Emergency Communication District (E-911) Board approved the name change on January 21, 2016.

**ORDINANCE NO. BL2016-101** (HURT) – This ordinance designates the 28th/31st Avenue connector bridge as “The Francis S. Guess connector”. Mr. Guess served on the U. S. Civil Rights Commission, the Tennessee Commission on Human Rights, and as the Commissioner for the Tennessee Department of labor and General Services. He provided volunteer support to more than 100 organizations in his lifetime, serving as an ardent and effective proponent of equal opportunity in the public and private sectors. Most recently, he served on the Board of Directors of the Convention Center Authority.

Mr. Guess received numerous awards and recognitions for his public service, including the prestigious Tree of Life Award from the National Jewish Fund and the Joe Kraft Humanitarian Award from the Community Foundation of Middle Tennessee.

Ordinance No. BL2012-262 established a procedure for the use of honorary street signs whereby the Council, by ordinance, can authorize and direct the Department of Public Works to install honorary street signs beneath the official street name sign for any street identified on the official Street and Alley Centerline Layer map.

The honorary designation for Mr. Guess will be the first such approval during 2016. Up to five honorary designations may be approved during each calendar year. Any additional honorary designations beyond these five approved by the Council in the same year would require the identification of a new funding source to pay for the signs.

This ordinance does not officially rename the connector. There will be no change of official street address for any residents or businesses on 28th Avenue North or 31st Avenue North.



**ORDINANCE NO. BL2016-102** (SYRACUSE, PRIDEMORE, & OTHERS) – This ordinance authorizes the Director of Public Property Administration to sell a portion of the right-of-way of Briley Parkway, north of Two Rivers Parkway. This property includes a frontage road known as Gaylord Drive.

The total tract, including this right-of way, was acquired in 1966. This was used to build a Briley Parkway extension, Two Rivers Golf Course and Park, McGavock High School, Wave Country, and McGavock Mansion renovations. In 1970, Metro and the Tennessee Department of Transportation (TDOT) signed an agreement under the Local Interstate Connector Program to construct Briley Parkway, including interchanges at McGavock Pike and Two Rivers Parkway. The costs of this program were shared on a 50/50 basis by Metro and TDOT.

Ryman Hospitality Properties, Inc. has now requested to purchase a portion of this property. The request has been evaluated by the Department of Transportation's Excess Land Committee. They concluded the property is no longer needed by the state or Metro for any purpose.

All parties agree the fair market value is \$137,000. Since Metro and the state jointly obtained this property, each will receive one-half of the proceeds from this quitclaim deed, amounting to \$68,500.

This sale was approved by the Planning Commission at their meeting on December 9, 2015.

**ORDINANCE NO. BL2016-103** (SLEDGE, ELROD, & ALLEN) – This ordinance abandons an existing sewer main and accepts new sewer main and easements for four properties located along Franklin Pike.

This was approved by the Planning Commission on November 18, 2015. Future amendments to this ordinance may be approved by resolution.