



METRO COUNCIL OFFICE

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

COUNCIL MEETING DATE: **April 7, 2015**

RE: **Analysis Report**

Unaudited Fund Balances as of 4/1/15:

4% Reserve Fund	\$13,283,776*
Metro Self Insured Liability Claims	\$3,955,288
Judgments & Losses	\$3,123,715
Schools Self Insured Liability Claims	\$2,562,648
Self-Insured Property Loss Aggregate	\$7,511,350
Employee Blanket Bond Claims	\$666,326
Police Professional Liability Claims	\$2,681,369
Death Benefit	\$979,248

*Assumes unrealized estimated revenues in fiscal year 2015 of \$5,378,023, and includes the \$14,944,500 appropriation in Resolution No. RS2015-1419.

– RESOLUTION ON PUBLIC HEARING –

RESOLUTION NO. RS2015-1415 (WESTERHOLM) – This resolution approves an exemption for Duke’s Restaurant located at 1000 Main Street, Suite 103, 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.

– BILLS ON PUBLIC HEARING AND SECOND READING –

ORDINANCE NO. BL2015-1053 (GILMORE) – This ordinance approves what is largely a housekeeping amendment to the downtown code to update review processes, update maps, correct some typographical errors, and make changes to the urban design standards. This ordinance was deferred by the planning commission on March 26, so the ordinance must be deferred to the May Council public hearing by rule.

ORDINANCE NO. BL2015-1055 (S. DAVIS) – This ordinance amends the Metro zoning code to allow commercial amusement as a use permitted with conditions in the industrial general (IG) zoning district. Indoor commercial amusement is defined in the zoning code as “the provision of entertainment or games of skill to the general public for a fee and that is wholly enclosed in a building, including but not limited to a bowling alley or billiard parlor.” This use is allowed by right in all mixed use, commercial, downtown, shopping center, office residential, and the less-intense industrial districts (IWD and IR). Outdoor commercial amusement is defined as “the provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside of a building, including but not limited to a golf driving range, archery range or miniature golf course.” This use is permitted by right in the downtown, shopping center, mixed-use, and commercial zoning districts. It is permitted as a special exception in the IWD and IR districts.

This ordinance would allow both indoor and outdoor commercial amusement in the IG zoning district with conditions. The purpose of this bill is to allow the proposed Topgolf facility to operate on an industrially-zoned parcel of property in District 5 without having to rezone the property. The conditions that would be applicable are as follows:

1. The location of the facility would be limited to the industrial area bounded by the Cumberland River, I-65, and I-24.
2. All light and glare must be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.
3. Adequate fencing must be provided to ensure golf balls or other airborne sports equipment do not fly into abutting or adjacent properties and streets.

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ORDINANCE NO. BL2015-1055 (continued)

4. The facility may have retail, restaurant, and similar commercial uses as accessory uses so long as such uses are operated by the same business establishment operating the principal use.
5. The traffic engineer may require a traffic management study to determine what, if any, improvements may be necessary to accommodate projected traffic to and from the facility.

The planning commission recommended disapproval of this ordinance. The planning staff recommendation of disapproval noted that the requested text amendment is basically tailored to address a specific use at a specific location. The staff recommendation also noted that allowing commercial amusement uses in the IG zoning district could impact the safety of customers since the IG zoning district is intended for heavy industrial uses.

– RESOLUTIONS –

RESOLUTION NOS. RS2015-1416 and RS2015-1417 (PRIDEMORE) – These two resolutions authorize the issuance and sale of water and sewer revenue bond anticipation notes in an amount not to exceed a total of \$300,000,000 in the form of commercial paper, which will allow Metro to issue short-term debt prior to the issuance of revenue bonds. The purpose of these two resolutions is to adopt a new commercial paper program for the short term financing of water and sewer capital projects.

In June 2003, the council authorized a commercial paper program for the Metropolitan Government as a form of short-term financing for capital projects to cover interim construction costs while awaiting the appropriate time to issue the long-term bonds. Commercial paper is basically a line of credit that Metro can access to commence capital projects approved by the council. Metro’s commercial paper program has been successful in helping the government time the market to obtain the most favorable interest rate possible for the issuance of long term bonds. The interest rates on commercial paper are often considerably lower than the interest rate for long term bonds, so the program has enabled Metro to start capital projects at a low interest rate. This in turn has enabled Metro to postpone the issuance of long-term debt until market conditions are favorable, which has saved Metro interest and debt issuance costs.

These resolutions approve a new water/sewer commercial paper program, which increases the total amount of water/sewer commercial paper that can be outstanding at any one time from \$200 million to \$300 million. These resolutions are very similar to the resolutions adopted by the council in 2014 regarding commercial paper for general obligation capital projects.

The commercial paper issued pursuant to these resolutions will be available to provide interim financing for any water/sewer capital project for which bonds have been authorized. Only revenues generated by water and sewer customers will be used to retire the commercial paper. The bond anticipation notes will 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.

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RESOLUTION NOS. RS2015-1416 and RS2015-1417 (continued)

Resolution No. RS2015-1416 authorizes the issuance and sale of water/sewer bond anticipation notes not to exceed \$200 million outstanding at any one time in the form of commercial paper. The resolution also approves the necessary dealer agreement, issuing and paying agency agreement, and revolving credit agreement. Metro's financial advisor, First Southwest, sent requests for proposals to banks to serve as the lender for this new program. Nine banks responded, and the bidder with the lowest fees was the Bank of Tokyo-Mitsubishi UFJ, Ltd. This is Japan's largest bank with total assets of approximately \$2 trillion. The revolving line of credit ensures there will be adequate funds to pay the principal on the commercial paper notes when they mature. The commercial paper notes are to mature in no more than 270 days, but may be extended for two additional two year periods. The bank will be paid a fixed annual fee in the amount of \$775,000 payable quarterly for providing the \$200 million line of credit. The term of the revolving credit agreement with the bank extends through April 2018.

The resolution approves an initial offering memorandum, which furnishes information about the water/sewer commercial paper program to prospective purchasers. The resolution also approves an issuing and paying agent agreement with U.S. Bank and a dealer agreement with Morgan Stanley & Co., LLC. The issuing and paying agent is responsible for collecting the funds and paying the principal and interest on the notes. Morgan Stanley will receive "reasonable compensation for all services rendered", but the exact amount of what should be a rather nominal fee is not identified in the agreement. The dealer's responsibility is to find buyers for the commercial paper issued by Metro. U.S. Bank will be paid a fee of five basis points (0.05%) based upon the amount of commercial paper issued for serving as dealer.

Resolution No. RS2015-1417 authorizes the issuance and sale of revenue bond anticipation notes not to exceed \$100 million in the form of extendable commercial paper. There is no bank line of credit for this \$100 million, which means Metro does not have to pay an annual capacity fee. The commercial paper issued under this resolution would have a maximum maturity date of 90 days. Metro would have the option of extending this maturity to a maximum of 270 days, but would pay a higher interest rate if extended. If payment of the principal and interest on the 90-day commercial paper is not made on the date of maturity, the maturity date would automatically extend to 270 days. The extension rate of interest would be based on a formula set out in the resolution, which would result in a much higher interest rate than our other commercial paper. Thus, it is unlikely Metro would ever allow the commercial paper issued under this resolution to be extended.

Morgan Stanley will be the dealer for this portion of the commercial paper program, and will be paid an annual fee of 0.1% multiplied by the principal amount of commercial paper outstanding. If no extendable commercial paper is issued under this program, then Metro would pay no dealer fee. U.S. Bank will also be the issuing agent for this part of the commercial paper program.

RESOLUTION NO. RS2015-1418 (PRIDEMORE) – This resolution supplements certain prior resolutions by authorizing the issuance of series 2015 electric system revenue refunding bonds in an amount not to exceed \$135 million, as approved and recommended by the NES power board. This is the 27th supplement to the electric system revenue bond resolution originally (continued on next page)

RESOLUTION NO. RS2015-1418 (continued)

adopted in 1985. The refunding bonds will refund outstanding bonds issued in 2008 for the purpose of lowering the effective interest rate to achieve debt service savings. These bonds are to be paid solely from the revenue of NES and will not be an obligation of the Metropolitan Government or be guaranteed by the taxing authority of the Metropolitan Government.

Although the Metropolitan Charter grants NES complete control and authority over the operation of the electric system, NES cannot issue bonds without permission of the Metro council.

RESOLUTION NO. RS2015-1419 (PRIDEMORE) – This resolution appropriates \$14,944,500 from the general fund reserve fund (4% fund) to 18 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 prior to the appropriation in this resolution was \$28,226,276. This consists of unrealized revenue for fiscal year 2015 in the amount of \$5,378,023. 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. This 4% fund appropriation request is significantly higher than previous 4% resolutions. However, this will likely be the last such resolution for this term and it is unclear when another one will be filed given the change in mayoral administrations. The following departments and agencies are to receive funding:

Agricultural Extension - \$1,500 for a replacement projector

Sheriff’s Office - \$200,000 to replace two water heaters and miscellaneous maintenance and repairs

Codes and Building Safety - \$12,000 for computers for new codes inspectors

General Services - \$3,000,000 to pay the debt on previously purchased heavy equipment for which the 4% fund was identified as the source of repayment

Information Technology Services – \$3,975,000 for the Microsoft Enterprise Agreement, replacement telephone systems, new servers, replenishment of the technology revolving fund, and for a replacement web-based budgeting system

Justice Integration Services - \$45,000 for replacement storage area network servers

Metro Clerk’s Office - \$650,000 for a new legislative management system for Metro and a new voting system in the Council chamber

Historical Commission - \$15,000 for new tablet computers and fiber optic cabling

Police - \$300,000 for replacement protective equipment and accessories, new rifles, and a new utility tractor

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RESOLUTION NO. RS2015-1419 (continued)

Public Works - \$350,000 for road salt replenishment

Farmers Market - \$50,000 for miscellaneous maintenance and equipment

General Hospital - \$500,000 for renovations, repairs, and equipment

Municipal Auditorium - \$250,000 for phase 4 of the seat refurbishing project, and \$1,000,000 for the build out of the new Grammy Museum space

Fire - \$2,200,000 for replacement protective clothing, new cardiac monitors, replacement of defibrillators, replacement of computer servers at the fire halls, and miscellaneous repairs and maintenance of facilities

Public Library - \$1,500,000 for books, periodicals, and library materials. This will result in a \$3,000,000 total appropriation for library books and materials for the current fiscal year.

Parks and Recreation - \$500,000 for various equipment and supplies for the parks and community centers

State Trial Courts - \$321,000 for the next phase of audio/visual technology upgrades in courtrooms

Tennessee State Fair - \$75,000 for miscellaneous maintenance and repairs

RESOLUTION NO. RS2015-1420 (PRIDEMORE) – This resolution appropriates \$1,849,600 to the fairgrounds, farmers’ market, and municipal auditorium to balance their fiscal year 2014-2015 operating budgets. Although these entities are “enterprise” funds (meaning they are to operate on their own revenues), the facilities have operated at a loss for a number years, thus requiring a supplemental appropriation from the Council. The fiscal year 2014-2015 operating budget did not include any subsidy for these facilities with the understanding that they would likely request a supplemental appropriation. The supplemental appropriation for the municipal auditorium and farmers’ market is from the undesignated fund balance of the Metro general fund. However, the fairgrounds appropriation is from increased revenue generated at the facility.

This resolution appropriates \$700,700 to the fairgrounds, \$599,900 to the farmers’ market, and \$549,000 to the municipal auditorium.

RESOLUTION NO. RS2015-1421 (PRIDEMORE & BAKER) – This resolution approves an application for a grant in the amount of \$240,000 from the state department of finance and administration to the Metropolitan police department for the Internet Crimes Against Children (ICAC) task force. The application is for a continuation of a grant originally approved in 2011. If awarded, the funds will be allocated as follows:

1. \$147,500 for salaries and benefits for an investigator working as part of the Middle Tennessee ICAC task force to investigate and prosecute persons who exploit youth through electronic media
2. \$17,100 for technology equipment in the internet crime lab
3. \$15,400 for travel and training expenses
4. \$60,000 to be sub-granted to other law enforcement agencies

RESOLUTION NO. RS2015-1422 (BAKER) – This resolution approves an intergovernmental agreement between the Metropolitan police department and the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for participation in the national Integrated Ballistic Information Network (NIBIN). The NIBIN is a coordinated investigative tool that uses ballistic imaging technology to compare images of ballistic evidence obtained from crime scenes and firearms. The purpose of the program is to reduce gun-related violence through aggressive investigation and prosecution of criminals using firearms in crimes. The ATF will maintain the system furnished to MNPd, who will use the system to enter eligible ballistic evidence recovered from crime scenes. ATF will provide the necessary communication lines to connect the system to the NIBIN network.

RESOLUTION NO. RS2015-1423 (PRIDEMORE & GILMORE) – This resolution approves an annual grant in the amount of \$1,531,300 from the state department of health to the Metropolitan health department for tuberculosis control, prevention, and outreach services. These funds are used for the operation of the health department's TB program consisting of direct patient care, the monitoring of existing and suspected TB cases, and operation of the TB clinic. The term of the grant is from July 1, 2015 through June 30, 2016. This grant is comprised of \$260,000 in federal funding and \$1,271,300 in state funding. The majority of these funds will be used to pay the salaries and benefits of the health department employees providing these services.

RESOLUTION NO. RS2015-1424 (PRIDEMORE & GILMORE) – This resolution approves an annual grant in the amount of \$96,700 from the state department of health to the Metro health department for food safety services. These federal pass-through funds are to be used to pay the salary of an environmental specialist in the food safety division of the health department, plus travel expenses and indirect costs. The grant also provides funding for participation in the Environmental Health Specialist Network. The term of the grant is from October 1, 2015, through September 30, 2016.

RESOLUTION NO. RS2015-1425 (PRIDEMORE & GILMORE) – This resolution approves a continuation of a grant in the amount of \$318,600 from the state department of health to the Metropolitan health department to enhance the health and well-being of women, infants, and families. These funds are for the fetal-infant mortality review program, which is a program to improve community resources and plan public health services that have a positive impact on the fetal-infant mortality rates. The funds will be used to pay the salaries and benefits of the health department employees implementing the program. The term of the grant is from July 1, 2015 through June 30, 2016.

RESOLUTION NO. RS2015-1426 (PRIDEMORE & GILMORE) – This resolution approves a continuation of a grant in the amount of \$116,000 from the state department of health to the Metropolitan health department for health promotion programs. These federal pass-through funds will be used to pay the salaries of the two health department employees that implement various health promotion programs with the goals of reducing health disparities and increasing the quality of life for the citizens of Nashville. These programs include partnering with community organizations to implement a social marketing campaign and promoting Public Health Week. The term of the grant is from July 1, 2015, through June 30, 2016.

RESOLUTION NO. RS2015-1427 (PRIDEMORE & GILMORE) – This resolution approves a grant in the amount of \$3,729,815 from the U.S. department of health and human services to the Metro board of health to enhance access to community-based care for low income individuals and families with HIV. These grant funds are used to provide a number of medical and support services for HIV patients under the Ryan White HIV/AIDS Treatment Extension Act of 2009. The grant is for a term of March 1, 2015, through February 28, 2016.

RESOLUTION NO. RS2015-1428 (PRIDEMORE & BENNETT) – This resolution approves an annual grant in the amount of \$88,000 from the Tennessee state library and archives to the Nashville public library system for library services to the hearing impaired. These funds are used to provide access to a circulation of special materials formatted for individuals that are hearing impaired. The term of this grant is for one year beginning July 1, 2015, and extending through June 30, 2016.

RESOLUTION NO. RS2015-1429 (PRIDEMORE & BENNETT) – This resolution accepts a donation in the amount of \$10,918 from Friends of Kellytown, Inc. to the Metropolitan parks department for the preservation of the 6.72-acre Kellytown property located at the corner of Hillsboro Road and Old Hickory Boulevard. The council approved the acquisition of this property for use as a park in December 2014, and accepted a \$400,000 donation from Friends of Kellytown to be applied toward the purchase, conservation, and preservation of the property. Native American remains and artifacts dating back to the 1400s have been found on the property.

This resolution accepts an additional donation of \$10,918 to the parks department. This donation has been approved by the parks board.

RESOLUTION NO. RS2015-1430 (HAGAR, PRIDEMORE & A. DAVIS) – This resolution approves a licensing agreement with the Nashville and Eastern Railroad Corporation for the purpose of constructing a 16-inch water main under the railroad’s right-of-way at Old Hickory Boulevard and Pitts Avenue. This encroachment agreement will last until the year 2053. This agreement provides for a one-time license fee of \$500 to be paid to the railroad. In addition, Metro agrees to require its contractors to maintain liability insurance in the amount of \$2 million and railroad protective insurance in the amount of \$2 million per occurrence (\$6 million aggregate) if work is to occur within 50 feet of the track. Metro will be responsible for reimbursing the railroad for any additional expenses related to protecting its tracks and managing traffic while the water line is being installed.

This resolution has been referred to the planning commission.

RESOLUTION NO. RS2015-1431 (GILMORE) – This resolution authorizes HTDG, LLC, doing business as Honky Tonk Central, to install and maintain an aerial sign encroachment at 329 Broadway. This sign is to be 8’4” tall and 7’ wide, and extend approximately 20 feet above the sidewalk. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of this sign, 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. RS2015-1432 (GILMORE) – This resolution authorizes Hilton Nashville Downtown to install and maintain an aerial sign encroachment for the IL Mulino Trattoria entrance at 124 5th Avenue North. This sign is to be 16’ tall and 5’ wide. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of this sign, 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. RS2015-1433 (STEINE) – This resolution proposes an amendment to the Metropolitan Charter for possible consideration on the August 7, 2015 ballot that would increase the term limits for the Vice Mayor and Members of Council to three terms effective in August 2023. Term limits were adopted in November 1994 after being submitted to the voters by petition. The council submitted an amendment to increase the term limits to three terms in 1996 and again in 2002, both of which were defeated by the voters. The council submitted a charter amendment in 1998 to repeal term limits entirely, which was also rejected by the voters. The voters did approve a charter amendment in 2008 to clarify that serving less than one-half of a term to fill a vacancy does not count toward the limit of two consecutive terms.

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RESOLUTION NO. RS2015-1433 (continued)

The charter only allows the council to adopt two resolutions per council term that submit charter amendments to the voters for ratification. The council already adopted one resolution proposing amendments to the charter this term in 2012. Each proposed amendment to the charter must be adopted by 27 affirmative votes of the council, and the resolution itself submitting the amendment(s) must be adopted by 27 affirmative votes in order for the amendment(s) to be placed on the ballot.

This resolution should be deferred to allow time for the charter revision commission to make a recommendation.

RESOLUTION NO. RS2015-1434 (PRIDEMORE) – This resolution authorizes the department of law to settle the personal injury claim of Christine D. Turner against the Metropolitan Government for the amount of \$25,000. On April 17, 2014, Ms. Turner was walking on the sidewalk along Church Street between Third Avenue North and Fourth Avenue North when she tripped over one of four bolts sticking up from the sidewalk. The bolts were supposed to secure a Metro trash can to the sidewalk, but the trash can had been moved. Although there is no record of this condition being reported to Metro public works, a crew picks up the trash daily, so Metro had constructive notice of the defective condition.

Ms. Turner sustained injuries consisting of a concussion, broken nose, facial lacerations, and abrasions, resulting in medical bills totaling approximately \$12,000. This settlement will cover the medical bills and provide roughly \$13,000 for pain and suffering.

RESOLUTION NO. RS2015-1435 (HARMON) – This resolution sets the date and time for the 2015 State of Metro Address. The Charter requires the mayor to personally address the council regarding the state of the Metropolitan Government not later than May 25th of each year. This resolution sets the address for April 30, 2015, at 10:00 a.m. at the downtown library.

RESOLUTION NO. RS2015-1436 (HARMON) – This resolution approves the election of notaries public in accordance with state law.

– BILLS ON SECOND READING –

ORDINANCE NO. BL2015-1056 (ALLEN, BARRY & OTHERS) – This ordinance amends Metro code to dedicate the local portion of the hotel/motel taxes generated by short term rental properties (STRPs) to the Barnes Fund. The Council approved an ordinance creating the Barnes Fund in July 2013 for the purpose of “assisting in the development and provision of good quality affordable housing for Davidson County residents of limited means.” The ordinance also appropriated \$2,279,040 in urban development action grant loan repayments to provide the initial funding for the Barnes Fund. The Council approved an additional \$500,000 appropriation for the fund as part of the fiscal year 2015 operating budget.

Hotels and motels in Davidson County are required to collect and remit certain “tourist accommodation taxes”. These taxes, which were created by state law and incorporated by the Council into the Metro Code, include the 6% hotel/motel tax and an additional \$2.00 per room night hotel occupancy privilege tax. State law specifies that the proceeds from the 6% hotel/motel tax (six cents for every dollar charged for the room) must be allocated as follows:

- 2% for the debt service on the convention center
- 2% for the direct promotion of tourism, which is used to fund the contract with the Nashville Convention & Visitors Corporation
- 1% for tourist-related activities, which may (and currently does) include funding a convention center
- 1% to the Metro general fund

This ordinance would direct the 1% portion allocated to the Metro general fund that is generated by STRPs for appropriation to the Barnes Fund. The other 5% of the hotel/motel tax, as well as the \$2.00 per room night hotel privilege occupancy tax, remitted by STRPs would be allocated in the same manner as the funds remitted by all other hotels and motels. This ordinance only pertains to the 1% local portion that is kept by Metro for appropriation as part of the general fund, which the council has the authority to appropriate as it sees fit. The Council would still need to appropriate these funds to the Barnes Fund annually as part of the operating budget, but the funds could not be spent for any other purpose.

Although STRPs have legally been required to collect and remit hotel/motel taxes all along, few have been doing so. The new STRP permitting process will help Metro to ensure the STRPs are collecting and remitting the required taxes.

Based on searches of popular internet vacation rental sites, there may be more than 1,500 STRPs operating in Davidson County (though some of these may be offered on more than one site). This compares to the 26,186 traditional hotel and motel rooms in the county, which have an average occupancy rate of approximately 73%. The 1% hotel/motel tax remitted to the general fund averages \$680,500 per month based on the past seven months of collections.

Without knowing the exact number of STRPs and the amount each is charging, it is virtually impossible to do an apples-to-apples comparison with traditional hotels/motels to determine the amount of revenue this ordinance would direct to the Barnes Fund. Assuming 1,500 STRPs that have the same average annual occupancy percentage as hotels in Davidson County start (continued on next page)

ORDINANCE NO. BL2015-1056 (continued)

remitting the tax, and assuming a room rate of \$100 per night, this ordinance could theoretically generate approximately \$400,000 per year for the Barnes Fund. However, this is purely speculation at this point. The council office is of the understanding that the finance department projections may be lower than \$400,000, but the office has not seen those projections.

The designation of these tax dollars for the Barnes Fund is to take effect on July 1, 2015.

ORDINANCE NO. BL2015-1057 (A. DAVIS) – This ordinance amends the Metro code to increase the size of water meters that will be furnished by Metro water services (MWS) to residential customers. The code currently provides that MWS will furnish water meters 5/8 of an inch in size. However, an increasing number of residential customers need a one inch meter to provide adequate water flow due to the distance or elevation of the home, or to provide the necessary volume and pressure to supply an automatic sprinkler system. This ordinance provides that MWS will furnish a water meter one inch in size or less to residential customers. The customer will be responsible for furnishing meters larger than one inch.

ORDINANCE NO. BL2015-1058 (MATTHEWS, PRIDEMORE & HUNT) – This ordinance declares property located at 3646 Old Clarksville Pike to be surplus and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. This is the former location of fire station 30, which has been replaced with a new station located at 3715 Clarksville Highway. The proceeds of the sale will be credited to the general fund.

ORDINANCE NO. BL2015-1059 (A. DAVIS & HUNT) – This ordinance abandons water and sewer easement rights for property located at 610 Merritt Avenue. 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. These ordinances have been approved by the planning commission.

ORDINANCE NO. BL2015-1060 (GILMORE, A. DAVIS & HUNT) – This ordinance abandons 125 linear feet of a 48-inch sewer main and easement, and accepts 215 feet of replacement line and easement for properties located at 210 and 310 First Avenue South. Future amendments to this ordinance may be approved by resolution. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1061 (TENPENNY) – This ordinance names the frontage road off Antioch Pike on the east side of I-24 "McIllwain Place". This street naming has been requested by James McIllwain. The McIllwain's home is the only address on this road, and they currently use an Antioch Pike address. They have had difficulty having the road maintained since it is unnamed, and are concerned about first responders being able to locate the property. This ordinance has been approved by the planning commission with a recommendation that Mr. McIllwain relocate his mailbox from Antioch Pike to the front of his property on the newly named road.

ORDINANCE NO. BL2015-1062 (LANGSTER) – This ordinance abandons Alley No. 701.5 between 31st Avenue North and Alley No. 719. All affected property owners have consented to the abandonment. This ordinance was requested by Barge Waggoner Sumner & Cannon to allow for the consolidation of the parcels for the purpose of constructing a new building on the property. The ordinance also abandons all utility easements. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2015-1063 (HARMON) – This ordinance readopts the Metro Code to include ordinances enacted on or before September 22, 2014.

– BILLS ON THIRD READING –

ORDINANCE NO. BL2015-1016 (HARRISON) – This ordinance amends the Metro code to require building and demolition permit holders for major projects to post a sign on the property providing information about the development. This ordinance is in part modeled after an ordinance enacted in Philadelphia, Pennsylvania. This ordinance defines “major project” as a project meeting any one of the following:

1. New construction or demolition of a building more than three stories in height;
2. New construction or demolition of a building with an average roof height more than 40 feet above grade;
3. New construction or demolition of a building covering 10,000 square feet or more of lot area, regardless of height; or
4. Any alteration to a building façade or any demolition activity that impacts the exterior of the building and is performed at a level above the third story or more than 40 feet above grade, whichever is less.

If a project meets the definition of major project, the developer would be required to post a sign on the property at least 24 hours before work commences that includes the following information about the project:

1. Except in the case of demolition projects, a rendering or elevation drawing of the building exterior;
2. A title line stating “Work in Progress” and specifying the intended type(s) of occupancy classification(s);
3. Anticipated project completion date;
4. The name or company name, physical address, and telephone number of the owner of the property;
5. Website and telephone number of the project developer or development company, if applicable; and
6. The company name and telephone number of the general contractor, or for a demolition site, the demolition contractor.

The ordinance includes various size and material requirements for project information signs. The sign must remain clearly visible on the site until all work is completed.

ORDINANCE NO. BL2015-1038 (STITES) – This ordinance amends the Metro zoning code to modify the conditions applicable to boat storage facilities. Prior to 2012, the storage of boats was considered to be a self-storage use, which is permitted by right in the CF, DTC, IWD, IG, and IR districts, and permitted with conditions in the CS district. The council enacted BL2012-158 in 2012 to make boat storage its own separate use, which is permitted only in the CL district. The conditions applicable to boat storage facilities in the CL district include the following:

1. The facility must be located on at least a four acre lot.
2. No more than 100 boat slips would be permitted on the premises.
3. A landscape buffer yard standard B would be required along all residential districts, plus a 25-foot vegetation buffer would be required between any storage building and the closest residential property line.

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ORDINANCE NO. BL2015-1038 (continued)

4. No building on the property could exceed 16 feet in height.
5. The boat storage facility must be within two miles of a public boat launching ramp on a lake maintained by the U.S. Army Corps of Engineers.

This ordinance would delete the minimum 4-acre lot requirement and delete the 100 boat slip limitation.

The planning commission recommended disapproval of this ordinance.

ORDINANCE NO. BL2015-1042 (LANGSTER, PRIDEMORE & A. DAVIS) – This ordinance approves the renewal of a ground lease between Eckerd Corporation and the Metropolitan Government for a portion of excess 25th Avenue North right-of-way between West End Avenue and Elliston Place for the drug store located at 2416 West End Avenue. Eckerd began leasing this property in 1985 for signage, landscaping, and a few parking spaces.

This ordinance approves a 30 year renewal of the lease for a continuation of the existing uses. Eckerd will pay rent in the amount of \$560 per month for the first year, which is to increase by 2.5% annually thereafter for the remainder of the lease term. Eckerd is required to maintain \$1 million in commercial liability insurance naming Metro as additional insured. Eckerd can terminate the lease with 30 days written notice to Metro, but will not be allowed to remove any improvements it makes to the property. Metro can terminate the lease with 180 days written notice to Eckerd.

This lease has been approved by the planning commission. Future amendments to the lease may be approved by resolution receiving 21 affirmative votes.