

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director
Metropolitan Council Office

DATE: **April 16, 2013**

RE: **Analysis Report**

Balances As Of:	<u>4/10/13</u>	<u>4/11/12</u>
<u>GSD 4% RESERVE FUND</u>	*\$24,914,746	\$12,359,151
<u>GENERAL FUND UNDESIGNATED FUND BALANCE</u>		
GSD	\$54,109,178	\$44,378,057
USD	\$8,478,089	\$8,556,677
<u>GENERAL PURPOSE SCHOOL FUND UNRESERVED FUND BALANCE</u>		
	\$52,117,890	\$34,449,193

* Assumes estimated revenues in fiscal year 2013 in the amount of \$25,514,400

– RESOLUTION ON PUBLIC HEARING –

RESOLUTION NO. RS2013-650 (BENNETT) – This resolution approves an exemption for Las Fiestas Cafe located at 3623 Gallatin Road from the minimum distance requirements for obtaining a beer permit. The Metro code prevents a beer permit from being issued to an establishment located within 100 feet of a church, school, park, daycare, or one or two family residence. However, the code provides a mechanism to exempt restaurants that already have a state on-premises liquor consumption license from Metro’s minimum distance requirements to obtain a beer permit upon the adoption of a resolution by the council. A public hearing must be held by the council prior to voting on this resolution.

– RESOLUTIONS –

RESOLUTION NO. RS2013-640 (JERNIGAN & MATTHEWS) – This resolution accepts certain incomplete infrastructure located within phase 1 of the River Landing subdivision. The infrastructure within this subdivision was left incomplete as a result of the downturn in the housing market. Metro currently restricts the issuance of building permits for 21 lots in this subdivision because of the incomplete infrastructure.

In order to address the health and safety concerns associated with such unfinished subdivisions, the council enacted Ordinance No. BL2011-82 in February 2012 to create a mechanism for the acceptance of incomplete infrastructure. The ordinance allows Metro, upon the adoption of a resolution by the council, to accept incomplete roads, streets, sidewalks, water/sewer lines, storm water lines, and other similar infrastructure, along with the related property interests, for subdivisions platted between November 23, 1999 and January 17, 2008 if certain conditions are met.

This resolution accepts all infrastructure associated with the roads, water, sewer, and storm water systems in phase 1 of the River Landing subdivision, excluding Rymer Court and River Landing Lane. The total cost to complete this infrastructure is estimated to be \$489,560.50. Metro has already recovered \$54,000 through a lawsuit against the previous developers, which lowers Metro’s costs under this resolution to \$435,560.50. In addition, prior to issuing any building permits, Metro has the option of charging the lot owner \$6,000 per lot in assessments to be used toward the infrastructure completion costs, which could potentially lower Metro’s total contribution to \$309,560.50.

These infrastructure completion projects will be paid out of capital funds previously appropriated by the council for such purpose. The planning, public works, water, and finance departments have all reviewed the application for the acceptance of this incomplete infrastructure and recommended its approval.

RESOLUTION NO. RS2013-651 (MATTHEWS) – This resolution approves the new four year plan for reappraisal and equalization of assessment for Davidson County. Pursuant to state law, a reappraisal of all property must be conducted in every county at least every six years, but local governments are allowed by state law to conduct an appraisal more frequently.

The reappraisal program will begin July 1, 2013, and will provide for the reevaluation of approximately 247,700 parcels of property in Davidson County. The property reevaluation will be completed in the year 2017, which will be the next reevaluation year. The plan provides that 48,450 parcels will be inspected in year one, 106,801 in year two, and 92,449 in year three. The fourth year is the reevaluation year in which the properties are to be reviewed. The reappraisal program is funded in the annual operating budget of the assessor of property. The total cost of the program is estimated to be as follows:

FY 2014	FY 2015	FY2016	FY2017
\$1,159,900	\$2,006,200	\$2,154,800	\$2,828,600

State law requires that the reappraisal plan be approved by the council by resolution.

RESOLUTION NO. RS2013-652 (MATTHEWS) – This resolution approves an annual grant in the amount of \$29,866 from the Tennessee arts commission to the Metropolitan arts commission for the Arts Build Communities program. These funds will be used to make grants to non-profit organizations for community arts projects. There is a required local match in the amount of \$29,866 to be provided from the Metro arts commission budget.

RESOLUTION NO. RS2013-653 (MATTHEWS) – This resolution approves an agreement between the United States Government and the fire department to allow the fire department to bill Medicare for ambulance services. This agreement, which is really in the form of a binding online application and certification, is required in order for Medicare to reimburse Metro for providing ambulance services to Medicare patients. The resolution also includes an attachment letter in which Metro agrees to pay back any money that is overpaid by Medicare.

RESOLUTION NO. RS2013-654 (MATTHEWS, BENNETT & LANGSTER) – This resolution approves an application for a continuation grant in the amount of \$240,000 from the state department of finance and administration, office of criminal justice programs, to the Metropolitan police department for the Internet Crimes Against Children task force. This grant would fund the continued salary and benefits for a computer forensic investigator as well as for training, equipment, and travel expenses.

RESOLUTION NO. RS2013-655 (MATTHEWS) – This resolution approves a grant in the amount of \$20,800 from the Tennessee Literacy Coalition to the community education commission. These funds will enable a full-time AmeriCorps program participant to work with the community education commission for one year to help grow the volunteer program.

RESOLUTION NO. RS2013-656 (WEINER, MATTHEWS & LANGSTER) – This resolution approves an annual grant in the amount of \$518,500 from the state department of health to the Metropolitan board of health for implementation of the state immunization program. The term of this grant is from January 1, 2013, through December 31, 2013. This grant, consisting of \$157,800 in state funds and \$360,700 in federal pass-through funds, will be used to pay the salaries and benefits of health department employees who provide the immunization services.

RESOLUTION NO. RS2013-657 (WEINER & MATTHEWS) – This resolution approves an amendment to a grant from the Tennessee department of human services to the Metropolitan action commission (MAC) to provide services to help low income and/or homeless individuals achieve self-sufficiency. The funds allow MAC to assist low income individuals in meeting basic needs including employment services, primary health services, housing, nutrition, and emergency services. The state has awarded \$252,185.24 in additional funds, for a new total grant award of \$1,563,548.49.

RESOLUTION NO. RS2013-658 (WEINER, MATTHEWS & LANGSTER) – This resolution approves an annual grant from the U.S. department of health and human services to the Metropolitan board of health for the Healthy Start initiative. The purpose of the Healthy Start program is to provide a variety of services for pregnant and parenting women regarding child health. The original grant was in the amount of \$745,672 for a term of June 1, 2012 through May 31, 2013. This resolution authorizes the health department to carry over \$64,248 in unobligated funds from the previous grant for a new grant total of \$809,920. These funds will be used to provide access to adequate prenatal and child healthcare, and to promote child development.

RESOLUTION NO. RS2013-659 (WEINER, MATTHEWS & LANGSTER) – This resolution approves a grant in the amount of \$1,708,433 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, 2013, through February 28, 2014.

RESOLUTION NO. RS2013-660 (S. DAVIS, POTTS & OTHERS) – This resolution approves an agreement between Metro water services and the Metropolitan development and housing agency (MDHA) for stormwater improvements in the Haynes Park and Maynor Place neighborhoods. These two neighborhoods are under the jurisdiction of MDHA and have been identified for repair and reconstruction of the stormwater infrastructure. MDHA will fund these improvements using federal community development block grant funds. The agreement provides that MDHA will be responsible for selecting the contractor and for contributing \$237,040 for the Haynes Park portion of the stormwater projects and \$233,900 for the Maynor Place portion. Metro water services will be responsible for the design phase of the projects.

RESOLUTION NO. RS2013-661 (POTTS & MATTHEWS) – This resolution approves an agreement between the Metropolitan Government and the U.S. Department of the Army for phase 4 of a flood preparedness study. This study has been underway for several years to gather data and prepare modeling to develop flood insurance updates. Phase 4 will include real time simulation modeling, as well as updating the frequency analysis and hydrologic models for 125 miles of streams in Davidson County.

The cost of phase 4 of the study is estimated to be \$800,000, with Metro and the federal government each providing one half of the costs.

RESOLUTION NO. RS2013-662 (POTTS & MATTHEWS) – This resolution approves a joint funding agreement between the U.S. Department of the Interior-U.S. Geological Survey and Metro water services for the continued operation and upgrades of water quality monitors and flood warning gauges on Mill Creek, Dry Creek, Browns Creek, Richland Creek, Whites Creek, the Stones River and the Cumberland River. The term of the agreement is from June 1, 2013 through June 30, 2016. Metro will contribute \$500,000 and the U.S. Geological Survey will contribute \$346,145 to cover the costs of the field and analytical work associated with the gauges.

RESOLUTION NO. RS2013-663 (POTTS & MATTHEWS) – This resolution approves a grant in the amount of \$100,000 from the state department of transportation to the department of public works for litter education. These funds will be used for a wide-ranging media, billboard, radio, television, and social media networking campaign to educate and engage residents, businesses, and visitors about the negative impact littering has on a community as a whole. The term of this grant is from March 15, 2013, through June 30, 2016. There is a required local match of \$20,000 for this grant.

RESOLUTION NO. RS2013-664 (MATTHEWS) – This resolution authorizes the department of law to settle the personal injury claims of Ashlee Parker on behalf of her minor daughter, Amijah Parker, for the amount of \$8,245. On February 24, 2011, a Davidson County sheriff deputy stopped at the intersection of Stockyard Street and Second Avenue North. Incorrectly believing the intersection to be a four-way stop instead of a two-way stop, the deputy entered the intersection and collided with a vehicle driven by Amijah Parker's grandmother. Amijah Parker suffered a concussion and has developed a migraine headache condition. Her medical bills total \$3,698.

This resolution settles the claim for \$8,425. If the case went to trial, Metro would likely be found liable due to the sheriff deputy's failure to yield the right-of-way and the amount of damages awarded would likely be higher than the negotiated settlement amount. The deputy received disciplinary action consisting of a "letter of concern".

– **BILLS ON SECOND READING** –

ORDINANCE NO. BL2013-404 (CLAIBORNE) – This ordinance designates Music Valley Drive between Rudy Circle and Pennington Bend Road as “Frank Rudy Memorial Road”. The purpose of this ordinance is to recognize the contribution Frank Rudy made to the Pennington Bend area through his work as a farmer and co-owner of Rudy’s Farm Sausage. 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 acceptance and maintenance map.

This ordinance does not officially rename Music Valley Drive, and property owners will not be required to change their address. The designation as “Frank Rudy Memorial Road” is only honorary.

ORDINANCE NO. BL2013-405 (MOORE, MATTHEWS & CLAIBORNE) – This resolution approves a sublease agreement between the Metropolitan Government and STEM Preparatory Academy for the use of a portion of the Tennessee Preparatory School campus located at 1250 Foster Avenue. Metro has been leasing space at the facility since 2003 to house the Nashville School of the Arts magnet. In March and April 2013, the council approved two amendments to the lease agreement to add the old high school building on the property for the purpose of subleasing the building to STEM Preparatory Academy. STEM is a public charter school focused on science, technology, engineering, and math. The rent to be paid by Metro for the old high school building is \$7,038 per month.

This sublease agreement provides that the premises may only be used for a charter school serving fifth through eighth grade students in the South Nashville area. The term of the agreement is to be from July 1, 2013 to June 30, 2023, with a possible extension of two additional five year periods. STEM will be required to pay rent to Metro in the amount of \$6,500 per month, which is to increase by two percent each year. STEM will be responsible for all utility and maintenance expenses. The school will be allowed to make improvements to the property and Metro will give a rent credit to the school for the documented costs of such improvements. The plans for all improvements must be approved in advance by the department of general services. STEM will also have the right to place portable buildings on the property.

The sublease includes the typical insurance and indemnification provisions for the protection of Metro. However, the agreement does not specifically include any provisions that would allow Metro to recover its court costs and attorney fees in the event STEM breached the agreement. Metro would have the ability to terminate the agreement if STEM has not cured any default within 30 days.

Future amendments to the sublease agreement could be approved by the council by resolution. Ordinance No. BL2013-423 on first reading approves a swap of the old downtown library property with the state of Tennessee for the Tennessee Preparatory School property.

This sublease agreement has been approved by the planning commission.

ORDINANCE NO. BL2013-406 (GILMORE & MATTHEWS) – This resolution approves a lease agreement between the Metropolitan board of parks and recreation and the Metropolitan development and housing agency (MDHA) for a portion of the Bridge Building located at 2 Victory Avenue. The Bridge Building, formerly known as the NABRICO building, is located next to Cumberland Park and is owned by MDHA. The parks department desires to lease 1,520 square feet of space in the building to use as an office, restrooms, and concessions stand to serve Cumberland Park patrons.

The term of the lease will be for 40 years. There is no rent required as part of the lease, but in lieu of rent, the parks department will be responsible for providing janitorial, trash collection, maintenance and repair of the landscaping, hardscape, and lighting fixtures. The parks department will be responsible for maintaining the premises in a good, clean, and safe condition.

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

ORDINANCE NO. BL2013-407 (TODD, GILMORE & MATTHEWS) – This ordinance authorizes the director of public property administration to accept the donation of 25.5 acres of property from CRLP Bellevue, LLC and Colonial Properties, Inc., to be used as part of the parks system. This property is located within The Grove at Devon Hills subdivision on Old Hickory Boulevard adjacent to the Warner parks. The estimated fair market value of this property is \$159,500.

This ordinance has been approved by the parks board and the planning commission.

ORDINANCE NO. BL2013-408 (MOORE) – This ordinance amends the official street and alley acceptance and maintenance map by abandoning Alley No. 1800 right-of-way from Merritt Avenue northward to Alley No. 187. This closure has been requested by Jon Kemp, an adjacent property owner. This section of right-of-way is no longer needed by the Metropolitan Government. All affected property owners have consented to the proposed right-of-way abandonment. The ordinance also abandons all utility easements.

This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2013-409 (ALLEN, POTTS & CLAIBORNE) – This ordinance abandons 1,320 feet of an 8-inch sewer main and the associated utility easement on property located at 2014 Bernard Circle. This sewer main is no longer needed and the abandonment is necessary for the construction of the Bruin Hills phase 1 development on the Belmont University campus. This ordinance has been approved by the planning commission.

– BILL ON THIRD READING –

SUBSTITUTE ORDINANCE NO. BL2012-292 (BARRY, STEINE & OTHERS) – This substitute ordinance amends the Metro zoning code provisions applicable to home recording studios. The zoning code currently allows a home occupation (including a recording studio) as an accessory use in the residential zoning districts not to exceed 25% of the floor area of the home, with a maximum of 500 square feet. No signage is permitted in association with a home occupation use. Since the adoption of Metro’s current zoning code in 1998, home occupations have been prohibited from serving clients/customers on the property. Only one employee that is not a resident in the home may work in the home. Thus, while home recording studios are technically allowed, such studios cannot have more than one outside musician or technician not residing in the home come to the property to record.

This ordinance adds a new land use specific to home recording studios and would permit such studios to have up to ten clients, customers, musicians, or other visitors come to the property per day. The studio could be located within the home itself or within a permitted accessory structure on the property. Sufficient off-street parking must be provided for the visitors on a paved or graveled lot not exceeding 25% of the lot area. Home recording studios would be subject to the residential noise restrictions in the Metro code. The ordinance would retain the existing prohibition on signage.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2013-389 (BENNETT & GILMORE) – This ordinance, as amended, amends the Metropolitan Code provisions pertaining to animals running at large within the Metro parks. The code currently provides that no animals are allowed within Metro parks unless they are on a leash. This is contrary to the leash law applicable to areas outside of parks, which specifies that a dog is not considered running at large if it is under the full command of the owner, whether on a leash or not.

This ordinance would make the running at large provisions applicable to parks consistent with the provisions applicable to other public property and rights-of-way. The ordinance would clarify that dogs may be off-leash within designated areas in Metro parks as long as they are under the control of the owner. Based upon a strict reading of the current code provision, dogs technically are not allowed off-leash even in the existing dog parks. However, the charter grants the parks board the exclusive authority to supervise, control, and operate the park and recreation system, which arguably includes the creation of dog parks on park property.

The amended ordinance includes a provision requiring the parks department to consult with the district council member as to the proposed location of a dog park or off-leash area prior to such designation, and allows the district council member time to submit written comments regarding possible community issues or concerns associated with the proposed location.

ORDINANCE NO. BL2013-394 (CLAIBORNE) – This ordinance amends the Metro zoning code to add community education as a permitted use in the commercial attraction, shopping center community, and shopping center regional districts. “Community education” under the zoning code encompasses elementary, middle, and high schools. Community education uses are currently allowed in most of the office, mixed-use, and commercial zoning districts, but are not permitted in the commercial attraction (CA), shopping center community (SCR), and shopping center regional (SCR) districts. Allowing schools in the districts will encourage infill development and the adaptive reuse of existing vacant buildings.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2013-395 (MATTHEWS & BANKS) – This ordinance approves a settlement agreement with Comcast I, LLC, and approves a new cable franchise agreement with Comcast. A cable franchise was granted to Viacom in 1995, which was subsequently transferred to Intermedia and then Comcast. The term of the 1995 franchise agreement, which was originally set to expire on May 5, 2010, was extended for three additional one year periods in order to allow the CATV special committee to negotiate a new franchise agreement with Comcast. The parties have successfully negotiated a new franchise agreement and have also reached an agreement to settle a dispute concerning previous franchise fee payments.

An audit for Metro discovered information that led to a dispute with Comcast about the types of revenues used to calculate the franchise fee. The parties have agreed to settle this dispute for a one-time payment of \$800,000 to Metro. Comcast denies that it breached the agreement or violated any terms of the franchise, but is paying the \$800,000 to avoid further prolonged litigation. This payment is to be made within 45 days of the execution of the new franchise agreement. The settlement is contingent upon the approval by the council of this ordinance and Ordinance No. BL2013-396, which modifies the cable television franchise provisions in the Metro Code.

This ordinance grants Comcast a new franchise to operate a cable system in Metropolitan Nashville and Davidson County through May 5, 2023. The franchise agreement can be renewed in accordance with the renewal provisions of the federal Cable Act. The purpose of the franchise is to give Comcast the right to locate its equipment within the Metro right-of-way to provide cable service and operate its system. Both federal and state laws concerning video service providers have changed significantly since the 1995 franchise agreement. Cable providers now have the ability to obtain a statewide franchise and bypass the local franchise requirements if they so choose. The CATV special committee, working with Metro ITS, the department of law, and Metro’s outside consultant, has negotiated and approved a new franchise agreement with Comcast that they deem to be in the best interest of the Metropolitan Government.

Comcast will continue to pay an annual franchise fee to Metro in the amount of five percent of the gross revenue from the operation of the cable system. This amounted to approximately \$8.5 million for fiscal year 2013. The franchise fee payment is subject to being audited by Metro, but Metro will not be allowed to copy or retain proprietary information. If an underpayment of the franchise fee is alleged, the parties agree to pursue mediation before taking any court action. Comcast will still be required to obtain the required excavation permits, but will not be required to pay permit fees. Comcast will be required to locate new lines (continued on next page)

ORDINANCE NO. BL2013-395 (continued)

underground in areas where other utility lines are underground. The customer service requirements will be in accordance with federal standards instead of having separate customer service provisions. Likewise, all federal technical standards will be followed.

The franchise agreement requires Comcast to meet annually with the CATV special committee and the ITS director to discuss the performance of the franchise agreement, the cable services provided, customer issues, and franchise fee information. Comcast will be required to maintain liability insurance in the amount of \$3 million for property damage per accident, \$1 million per person for bodily injury up to \$5 million per accident, and \$2 million for other liabilities. Metro will be named as additional insured.

The agreement includes provisions to promote "competitive equity". In the event a new video service provider enters into a franchise agreement with Metro, or there is a material change in state or federal law, the Comcast agreement is to be modified to make the provisions comparable. The franchise agreement could not be transferred to another company without council approval unless it is a Comcast affiliate or subsidiary.

The funding for the four public, education, and government access (PEG) channels has been increased as part of this new franchise agreement. The current franchise agreement requires Comcast to make an annual payment of \$100,000 for PEG support. The new agreement provides a one-time capital support grant of \$100,000 and increases the annual amount to \$200,000 per year, which can only be used for capital support, not the operation of the PEG channels. If a PEG channel is moved to another channel number, Comcast will be required to run 90 30-second ads within the 45 day period prior to the change, and another 90 ads after the change. These ads are to run on a variety of channels.

If Metro decides to offer PEG programming in high definition (HD) in the future, Comcast will be required to deliver one HD channel once 60% of their basic tier channels are in HD, and a second HD channel when 80% of the basic channels are in HD.

The cable access provided to Metro buildings and facilities is being phased out as part of this agreement. Under the current agreement, Comcast provides cable to Metro buildings free of charge. Under the new agreement, Comcast will provide 1,000 digital transport adapters to Metro at no cost during the first year. Thereafter, Metro will pay 33% of the commercial rate in the second year, 66% in the third year, and 100% in the fourth and subsequent years.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2013-396 (BANKS, MATTHEWS & CLAIBORNE) – This ordinance adopts new code provisions applicable to cable television franchise agreements. This is a companion bill to Ordinance No. BL2013-395, which approves a new cable franchise agreement with Comcast. The current cable franchise code provisions were enacted in 1995. There have been a number of changes in state and federal law governing cable television providers since 1995, as well as significant technological advancement. As part of the extension of the Comcast franchise last spring, the council authorized the CATV special committee to consider whether changes or (continued on next page)

ORDINANCE NO. BL2013-396 (continued)

modernizations of the code were needed to bring the code into conformance with the new franchise agreement itself or to remove any “unnecessary administrative burdens, reports, and other obsolete requirements and redundancies”. The CATV special committee has recommended a new ordinance to conform to the new franchise agreement.

This ordinance essentially removes the conflicting code provisions applicable to cable franchises so that the wording in the actual franchise agreement itself would be the controlling language, not the Metro code. Since all franchise agreements must be approved by the council by ordinance, this change will not have any impact on the council's legislative role in the process.

Since Ordinance No. BL2013-395 is contingent upon the passage of Ordinance No. BL2013-396, both ordinances should be considered at the same time and voted on together.

ORDINANCE NO. BL2013-397 (MATTHEWS) – This ordinance approves an extension of a contract between the Metropolitan Government and CCBCC Operations, LLC (Coca-Cola) for beverage services at various Metro facilities. The original contract was entered into in 2008 for a five year term expiring March 30, 2013 to provide beverage services at Municipal Auditorium, the convention center, and Metro parks facilities. This competitively-bid contract essentially makes Coca-Cola the exclusive beverage service provider for these facilities, including fountain drink syrup, canned and bottled soft drinks, juices, and bottled water.

The existing contract includes a provision allowing for an extension of an additional five years, subject to approval of the council by ordinance. Contracts with a term that will extend beyond five years must be approved by the council.

ORDINANCE NO. BL2013-398 (BENNETT) – This ordinance approves an internship affiliation agreement between the Davidson County sheriff's office and Argosy University Nashville to provide practicum and internship experience for students enrolled in the Master of Arts in Mental Health Counseling program. Pursuant to this contract, the students will have the opportunity to complete an internship at the DCSO facility located at 1417 Murfreesboro Pike. Either party may terminate this agreement with written notice to the other party. Students will not receive any compensation and there is no cost to the Metropolitan Government for providing this service. Argosy is required to maintain liability insurance in the amount of \$1 million per occurrence, \$3 million in the aggregate, naming Metro as additional insured.

Metro participates with several colleges and universities to provide various clinical and internship experiences to students.

ORDINANCE NO. BL2013-399 (HUNT & CLABORNE) – This ordinance authorizes the director of public property administration to accept an easement across three parcels of property for use in the Whites Creek greenway system. These easements are being granted at no cost to Metro by the property owner, Fontanel Properties, LLC. Fontanel reserves the right to continue activities on the property associated with the restaurant and entertainment venue, including music and alcohol consumption. Fontanel will also have the right to temporarily close off portions of the greenway for special events. This is a perpetual easement that can only be terminated through judicial action. This ordinance has been approved by the planning commission and the board of parks and recreation.

ORDINANCE NO. BL2013-400 (HARMON, CLAIBORNE & OTHERS) – This ordinance grants a permanent easement for property located at 5301 Edmondson Pike to Piedmont Natural Gas Company for the purpose of maintaining a gas line. This property is located at Seven Mile Park. Piedmont will be paying Metro \$15,200 for the easement.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2013-401 (BAKER & POTTS) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. O75-1262 when a 50 foot wide portion of the 53rd Avenue North right-of-way was abandoned on property located at 5301 Illinois Avenue. The ordinance retains the existing 20 foot sanitary sewer easement on the property.