



## METRO COUNCIL OFFICE

---

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director  
Metropolitan Council Office

COUNCIL MEETING DATE: **November 18, 2014**

RE: **Analysis Report**

Unaudited Fund Balances as of 11/12/14:

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

\*Assumes unrealized estimated revenues in fiscal year 2015 of \$24,255,816

**– RESOLUTIONS ON PUBLIC HEARING –**

**RESOLUTION NOS. RS2014-1287 and RS2014-1288** – These resolutions approve exemptions for two restaurants 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.

**Resolution No. RS2014-1287** (Langster & Barry) exempts Bier Fest located at 117 28<sup>th</sup> Avenue North from the minimum distance requirements for obtaining a beer permit.

**Resolution No. RS2014-1288** (Gilmore) exempts Butchertown Hall located at 1416 Fourth Avenue North from the minimum distance requirements for obtaining a beer permit.

**– RESOLUTIONS –**

**RESOLUTION NO. RS2014-1269** (WEINER & GARRETT) – This resolution extends the term of the study and formulating committee to expire on March 31, 2015. The mayor is required by the Metropolitan Charter to appoint a five-member study and formulating committee for a one year period at least once every five years to study and recommend changes to the employee benefits plan. The current study and formulating committee, appointed in November 2013, already made a recommendation to the benefit board regarding domestic partner benefits, which was approved by the benefit board and council in June 2014. However, the scope of work for the study and formulating committee is set by the committee itself. The study and formulating committee will not complete its work within the one year time period, thus it is necessary to extend the term by resolution.

**RESOLUTION NO. RS2014-1289** (PRIDEMORE & GILMORE) – This resolution approves an economic and community development incentive grant to the industrial development board (IDB) for the benefit of Bridgestone Americas, Inc., and its subsidiaries. In February 2011, the council enacted Substitute Ordinance No. BL2010-806 to allow incentive grants to be provided as a result of the location or relocation of the international, national, or regional headquarters of a large company comparable to companies on the Fortune 500 listing, which is expected to result in the creation of at least 500 additional jobs in Nashville during the first five years of operations. This was an extension of the program enacted in 1999 for the benefit of Dell Corporation.

Bridgestone is the world’s largest manufacturer of tires and rubber products. Bridgestone currently maintains the headquarters for its North American, South American, and Central American tire operations in Nashville at a site near the airport. Approximately 1,100 employees work at the existing Nashville headquarters. Bridgestone intends to move its Nashville operations from its existing facility, as well as several other divisions located in other cities, to a  
(continued on next page)

**RESOLUTION NO. RS2014-1289**, continued

new office tower to be constructed in the SoBro area of downtown Nashville on Fourth Avenue South. Bridgestone recently conducted a multi-state site selection process for a new headquarters, and, based in part on the economic development incentives proposed by Metro and the state, chose downtown Nashville as the new headquarters site. Highwoods Realty Limited Partnership will develop the 30-story, 514,000 square foot building, and will lease approximately 506,000 square feet to Bridgestone. The new building is expected to open in the second half of 2017. In addition to Bridgestone Americas operations currently in Nashville, Bridgestone will be relocating its retail operations from Bloomington, IL and its industrial and building products divisions from Carmel, IN. This is expected to increase the number of Bridgestone employees in Nashville from 1,100 to 1,700. The new development is expected to exceed \$200 million.

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

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

This resolution is a companion to Ordinance No. BL2014-953 currently on first reading, which would approve a 20 year property tax abatement for the benefit of Bridgestone. This resolution should be deferred to track with Ordinance No. BL2014-953.

**RESOLUTION NO. RS2014-1290** (PRIDEMORE & BAKER) – This resolution approves an application for a grant in the amount of \$275,341 from the Tennessee emergency management agency to the Metropolitan Government for homeland security preparedness activities. This is an annual federal pass-through grant used to implement the state homeland security strategy and the national preparedness goals through the purchase of equipment and training activities for fiscal year 2015.

**RESOLUTION NO. RS2014-1291** (PRIDEMORE, BAKER & LANGSTER) - This resolution approves a grant in the amount of \$854,808.55 from the state department of transportation to the Metro police department for the continuation of an enhanced DUI enforcement initiative. The purpose of this grant program is to reduce traffic related crash fatalities by focusing on alcohol or drug impaired drivers on weekends and major holidays. This federal pass-through grant will pay the overtime costs for the DUI enhanced enforcement team working Thursday through Sunday nights and on the six holidays associated with heavy alcohol consumption: St. Patrick's Day, Cinco de Mayo, Memorial Day, Independence Day, Labor Day, and New Year's Eve. The term of the grant is from October 1, 2014 through September 30, 2015.

**RESOLUTION NO. RS2014-1292** (BAKER & LANGSTER) – This resolution approves a clinical affiliation agreement between the Metropolitan Nashville fire department and Motlow State Community College to provide clinical experience to students enrolled in the emergency medical services program. Students will not receive any compensation for participating in this program. Motlow State is required to maintain professional liability coverage for the participating students.

The term of the agreement is for five years, but may be terminated by either party upon 60 days written notice.

**RESOLUTION NO. RS2014-1293** (PRIDEMORE & BAKER) – This resolution approves an agreement between the Metropolitan police department and the state department of general services to use space inside the West Precinct for a driver's license kiosk. This kiosk will produce driver's licenses on site for the general public between the hours of 8:00 a.m. and 4:00 p.m. The term of this agreement is for one year, but will renew automatically for successive one year periods unless either party provides notice of its intention not to renew at least 90 days before the end of the term.

This agreement has been referred to the planning commission.

**RESOLUTION NO. RS2014-1294** (PRIDEMORE, GILMORE & LANGSTER) – This resolution approves a contract between the Metropolitan board of health and United Neighborhood Health Services (UNHS) to provide medical services to homeless clients of the health department. The health department receives state and federal grant funds to provide healthcare services for the homeless. A contract with UNHS has been in place since 2005 to provide a portion of the medical services, including examinations, diagnosis, and treatment of medical conditions of homeless persons seen at the downtown clinic. This is essentially a renewal of the contract for UNHS to provide these services at two clinics near downtown. UNHS is to provide primary medical services to at least 3,500 individuals, which is to include a 24 hour on-call system for emergencies. This contract also includes the provision of dental care for at least 500 patient visits and mental health services to at least 600 homeless clients. UNHS will be responsible for making transportation available to its homeless patients. UNHS will be compensated in the amount of \$355,200 for fiscal year 2015. The contract may be extended for a total term not to exceed five years.

**RESOLUTION NO. RS2014-1295** (PRIDEMORE & GILMORE) – This resolution approves an agreement between the Metropolitan board of health and the state department of human services to pay the health department for voluntary paternity acknowledgements. The Metro health department acts as the agent for the state for vital records in Davidson County. This is a continuation of an agreement with the state to pay Metro for each voluntary paternity acknowledgement it obtains. If a father is not present when the hospital's birth registrar completes the paperwork, then only the mother's name is listed on the child's birth certificate. In such a case, there is a process whereby both parents can voluntarily acknowledge paternity and have the birth certificate changed to reflect the child's father. Under this agreement, the state pays the health department \$20 for each voluntary acknowledgment it obtains. This agreement may be terminated by the state at any time.

**RESOLUTION NO. RS2014-1296** (WESTERHOLM) – This resolution authorizes Powell Construction Studio, LLC to install and maintain a 2' x 2' blade sign over the sidewalk at 904 Main Street. The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the signs, and is required to post a certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the planning commission.

**RESOLUTION NO. RS2014-1297** (HARMON) – This resolution approves the election of notaries public in accordance with state law.

– **BILLS ON SECOND READING** –

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

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

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

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

The ordinance includes various safety requirements for pedal carriages and pedicabs, such as headlights, taillights, turn signals, reflectors, and front and rear brakes that are unaffected by wet conditions. Electric motor-assist would be permitted for pedicabs but not pedal carriages. All vehicles must undergo an annual mechanical inspection by an approved mechanic, and periodic mechanical inspections must be performed by the certificate holders. All vehicles must be made available to the MTLC for physical inspection upon request.

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

**ORDINANCE NO. BL2014-925**, continued

guidelines for operation during inclement weather. Certificate holders would be required to notify the MTLC of accidents involving injury or property damage in excess of \$400 within 72 hours. Drivers involved in accidents would be required to undergo a drug test within 24 hours.

This ordinance has been recommended by the MTLC.

**ORDINANCE NO. BL2014-926** (PRIDEMORE, A. DAVIS & BENNETT) – This ordinance authorizes Metro water services (MWS) to subsidize the cost of rain barrels for Metro residents. In an effort to help reduce stormwater runoff, MWS has agreed to pay \$20 of the cost of the first 1,000 rain barrels sold through the program. It is estimated that the total cost of the rain barrels will be somewhere in the range of \$65 a piece, so this subsidy would reduce the resident's cost to \$45. MWS will select a company through a competitive bid process to manage the subsidized rain barrel program. This ordinance authorizes the creation and implementation of the program.

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

**ORDINANCE NOS. BL2014-928 through BL2014-933** – These six ordinances authorize the acceptance of permanent and temporary easements for various stormwater projects. There is no cost associated with acquisition of the easements identified in the ordinances. Future amendments to these ordinances may be approved by resolution. These ordinances have all been approved by the planning commission.

**Ordinance No. BL2014-928** (Dowell, A. Davis, & Hunt) authorizes the acquisition of easements for properties located at 550 and 554 Bell Road.

**Ordinance No. BL2014-929** (Bennett, A. Davis, & Hunt) authorizes the acquisition of easements for properties located at 602, 603, and 605 Tuckahoe Drive and 114 Rhine Drive.

**Ordinance No. BL2014-930** (Harrison, A. Davis, & Hunt) authorizes the acquisition of easements for 14 properties located along County Hospital Road, Doak Avenue, and Manchester Avenue.

**Ordinance No. BL2014-931** (Johnson, A. Davis, & Hunt) authorizes the acquisition of easements for 13 properties located along Rural Hill Road, Rural Hill Circle, and Wildwood Drive.

(continued on next page)

**ORDINANCE NO. BL2014-925**, continued

**Ordinance No. BL2014-932** (Evans, A. Davis, & Hunt) authorizes the acquisition of easements for properties located at 6517 and 6525 Brownlee Drive and 6541 Cornwall Drive.

**Ordinance No. BL2014-933** (A. Davis & Hunt) authorizes the acquisition of easements for 9 properties located along Kenner Avenue and Ensworth Place.

– **BILLS ON THIRD READING** –

**ORDINANCE NO. BL2014-908** (DOWELL, JOHNSON & OTHERS) – This ordinance amends the Metro zoning code to modify the conditions applicable to cash advance, check cashing, pawnshop, and title loan establishments. Prior to 2008, cash advance, checking cashing, and title loan businesses were all considered “financial institutions”. The council amended the zoning code in 2008 to make each of these a separate use and to add a definition for each use. The definition of financial institution includes establishments that provide a variety of financial services, including banks, credit unions and mortgage companies. The zoning code definitions of check cashing, title loan, pawnshop and cash advance reference the state law provisions that regulate these different types of establishments.

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.

Studies show that cash advance, title loan, and checking cashing businesses tend to cluster in close proximity with one another. Maps showing the location of these establishments in Nashville evidence a high concentration along the major thoroughfares in the city. A study conducted by the Regional Planning Agency 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.

This ordinance would prohibit 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 would prohibit pawnshops from locating within 1,320 feet of another pawnshop. This ordinance would not have the effect of shutting down any existing businesses, as they would be grandfathered in by state law. The distance requirement would only apply to new businesses seeking to locate in close proximity to existing similar establishments.

This ordinance also extended the 2,500 square foot limitation to include check cashing, cash advance, and title loan establishments in all districts where they were previously permitted without such limitation. There is a substitute that would retain the existing square footage restriction in the code so that it only applies to the mixed-use and neighborhood districts.

The planning commission recommended approval of this ordinance with a housekeeping amendment, which has been incorporated into the substitute bill to be offered on third reading.

**ORDINANCE NO. BL2014-922** (WEINER, BEDNE & OTHERS) – This ordinance amends the Metro code to prohibit non-biodegradable promotional materials from being thrown in the right-of-way or placed on private property without the permission of the owner. The current code definition of litter does not specifically include non-biodegradable promotional materials, which means these items can legally be thrown almost anywhere as advertisements without repercussion. This ordinance amends the code to add these materials to the definition of litter and to specify that these materials cannot be deposited or thrown on any residential property without the permission of the owner or thrown in the public right-of-way.

This ordinance expressly does not prohibit the distribution of written material protected by the First Amendment to the U.S. Constitution or Article I, section 19 of the Tennessee Constitution, which would include protection for the distribution of newspapers. It would only be applicable to commercial promotional items.

**ORDINANCE NO. BL2014-923** (GILMORE, PRIDEMORE & HUNT) – This ordinance authorizes the director of public property to transfer any remaining interest Metro may have in a small section of property located at the corner of Van Buren Street and 1<sup>st</sup> Avenue North to McRedmond Brothers, Inc. This company has been paying taxes on the property since 1978, but there is no record in the Register of Deeds office that the property was ever officially transferred.

This ordinance will clear up any issues of title or ownership of the property. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2014-924** (GILMORE) – This ordinance abandons portions of right-of-way for Alley No. 233 from 12<sup>th</sup> Avenue South westward to its terminus at I-40 between Laurel Street and Pine Street. This closure has been requested by Civil Site Design Group for the purposes of consolidating the properties for development. Metro will retain all other easements. Consent of the affected property owners is attached to the ordinance. This ordinance has been approved by the planning commission and the traffic and parking commission.