



## METROPOLITAN COUNCIL

Metro Council Office

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Jon Cooper, Director  
Metropolitan Council Office

COUNCIL MEETING DATE: **October 7, 2014**

RE: **Analysis Report**

Unaudited Fund Balances as of 9/10/14:

4% Reserve Fund	\$37,564,576*
Metro Self Insured Liability Claims	\$3,699,719
Judgments & Losses	\$2,221,396
Schools Self Insured Liability Claims	\$2,400,173
Self-Insured Property Loss Aggregate	\$4,452,181
Employee Blanket Bond Claims	\$647,757
Police Professional Liability Claims	\$2,748,211
Death Benefit	\$776,510

\*Assumes unrealized estimated revenues in fiscal year 2015 of \$25,935,339.

**– RESOLUTION ON PUBLIC HEARING –**

**RESOLUTION NO. RS2014-1231** (LANGSTER) – This resolution exempts Texas de Brazil located at 210 25<sup>th</sup> Avenue North, Suite 110, 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.

**– BILL ON PUBLIC HEARING AND SECOND READING –**

**ORDINANCE NO. BL2014-878** (HUNT & BEDNE) – This ordinance amends the zoning code provisions pertaining to the minimum campus size requirements for schools. Elementary, middle, and high schools are considered “community education facilities” in the zoning code. The code currently allows schools to be located in most of the zoning districts excluding the shopping center, office neighborhood, commercial neighborhood, and industrial zoning districts. The minimum campus size is currently based upon the type of school and number of students as follows:

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

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

This ordinance would reduce the required minimum campus size for all schools to three acres, regardless of the grades served and number of students. The ordinance would continue to permit adjacent park land to be counted toward the minimum campus size. The ordinance would also allow the board of zoning appeals to permit smaller campuses with no minimum size as long as extracurricular activities are not offered.

This ordinance has been deferred indefinitely by the planning commission at the request of one of the sponsors, which means the bill will need to be deferred by the council prior to holding the public hearing.

**– RESOLUTIONS –**

**RESOLUTION NO. RS2014-1232** (PRIDEMORE) - This resolution approves a grant in the amount of \$7,500 from the Tennessee arts commission to the Metro arts commission for an educational program based on Civil Rights public art. These funds will be used to partner with the Ayers Institute for Teacher Learning and Innovation at Lipscomb University to recruit and manage a team of instructors to produce two common core units for the new Civil Rights Memorial in Nashville. There is a required local match of \$4,500.

**RESOLUTION NO. RS2014-1233** (PRIDEMORE) – This resolution approves an annual grant in the amount of \$71,500 from the state arts commission to the Metro arts commission for operating support. There is a required local match in the amount of \$71,500 to be provided from the Metro arts commission budget. The funds will be used for general operating support of the arts commission, not as pass-through funding for other arts organizations. The term of the grant is through June 30, 2015.

**RESOLUTION NO. RS2014-1234** (PRIDEMORE) – This resolution approves an amendment to a contract between the Metropolitan Government and Election Systems and Software, LLC, for the lease of voting equipment to be used by the Davidson County election commission. The election commission has leased or purchased voting machines and poll books from this company for recent elections, and has an outstanding contract with the company to provide for the purchase of electronic poll book equipment and software. This resolution approves an amendment to the contract to allow the election commission to rent the ExpressPoll 5000 machines and printers as needed at an estimated rental cost of \$52,600, which will increase the total contract amount to \$1,003,369.05.

The Metropolitan Code provides that the lease of equipment in excess of \$5,000 per year must be approved by resolution of the council.

**RESOLUTION NOS. RS2014-1235 & RS2014-1236** (PRIDEMORE & WEINER) – These two resolutions amend the Metro pay plan to add the position of Veterans Service Officer, and to appoint a veteran to fill this position. State law provides that the local legislative body is to choose a veterans service officer. The veterans service officer statute has been in effect in Tennessee since 1945. For some unknown reason, this position became vacant in the early 1970s and removed from the pay plan in 1987. In order to comply with state law, it is necessary for the council to amend the pay plan to add the position back in and appoint someone to fill the position.

The state law provides that the veterans service officer must be an honorably discharged veteran of the United States armed forces. The person holding this position must undergo training and be issued accreditation by the Department of Veterans Affairs within one year from the date of appointment. The veterans service officer will assist Davidson County veterans of the U.S. Armed Forces in obtaining the benefits and assistance to which they are entitled. The veterans service officer will also help veterans in identifying and applying for jobs with the Metropolitan Government.

(continued on next page)

**RESOLUTION NOS. RS2014-1235 & RS2014-1236**, continued

**Resolution No. RS2014-1235** amends the pay plan to include the veterans service officer position.

**Resolution No. RS2014-1236** approves the appointment of Lisa Kiss as the veterans service officer. The acting director of the Metro department of human resources interviewed several candidates for the position referred by the Tennessee department of veterans affairs and has recommended Ms. Kiss for the position. Ms. Kiss will complete the required training and certification sometime in October 2014.

**RESOLUTION NO. RS2014-1237** (PRIDEMORE, BAKER & LANGSTER) – This resolution approves a second amendment to a grant from the U.S. department of homeland security to the Metropolitan Nashville fire department to pay the salaries and benefits for 35 firefighters. The original grant was approved by the council in August 2012, and amended in September 2012 to increase the amount of the award by \$309,120 for a total grant award of \$4,201,120. The initial grant was to pay the salaries and benefits of the firefighters for two years. The federal government has agreed to extend the end date of the grant from October 17, 2014 until December 31, 2014.

The fire department has adequate funding in their operating budget to absorb the costs of these 35 firefighters once the grant has ended.

**RESOLUTION NO. RS2014-1238** (PRIDEMORE & BAKER) – This resolution approves a grant in the amount of \$46,743 from the state commission on children and youth to the juvenile court for juvenile accountability incentive block grant program services to enhance court staffing. These funds are federal pass through dollars that are used to partially fund community-based probation officers that supervise delinquent youth who are on probation. The term of the grant is from July 1, 2014, through June 30, 2015.

The juvenile court is required to provide a cash match of \$5,194 from its operating budget.

**RESOLUTION NO. RS2014-1239** (PRIDEMORE, BAKER & LANGSTER) – This resolution approves a renewal of an intergovernmental agreement between Tennessee State University (TSU) and the Metropolitan police department for the use of off-duty police officers during various campus events. All officers will be assigned exclusively through the Metro police secondary employment unit and will be compensated at the standard extra-duty hourly rates. TSU is responsible for paying for the officers' time in advance unless prior arrangements are made. The term of the agreement is through June 30, 2015.

State law allows the Metropolitan Government to enter into intergovernmental agreements with other government entities with approval of the council by resolution.

**RESOLUTION NO. RS2014-1240** (PRIDEMORE & BENNETT) – This resolution approves a grant in the amount of \$94,500 from the Nashville Public Library Foundation to the public library for the T.O.T.A.L. (Totally Outstanding Teen Advocates for the Library) program. The T.O.T.A.L. program consists of a leadership team of five youth who will develop and implement a program to promote the benefits of the public library system to other teens. This program has been operating through the public library since 2007. The term of this grant is through June 30, 2015.

**RESOLUTION NO. RS2014-1241** (PRIDEMORE, BENNETT & LANGSTER) – This resolution approves a grant in the amount of \$37,300 from the Nashville Public Library Foundation to the public library to fund a part-time position to initiate partnerships with local colleges and universities to recruit volunteers for use throughout the library system. The purpose of this position is to help offset budget and staff reductions in the library system through the use of college students as volunteers. In fiscal year 2014, 767 individuals provided 35,211 volunteer hours in the libraries. The term of the grant is through June 30, 2015.

**RESOLUTION NO. RS2014-1242** (PRIDEMORE & BENNETT) – This resolution approves a grant in the amount of \$96,100 from the Nashville Public Library Foundation to the public library to provide staffing for the special collections division. These grant funds are used to pay the salaries of two full-time positions responsible for coordinating digital projects in the special collections division, assisting researchers and the general public in the use of special collections, and to process non-book collections. The term of the grant is through June 30, 2015.

**RESOLUTION NO. RS2014-1243** (PRIDEMORE & BENNETT) – This resolution approves a grant in the amount of \$900 from the state arts commission to the Metro board of parks and recreation to provide art lessons at six regional community centers. This grant will fund after-school art lessons in cartooning with Mr. Ollie Grant.

**RESOLUTION NO. RS2014-1244** (PRIDEMORE & A. DAVIS) – This resolution approves an agreement between the White House Utility District and Metro water services (MWS) for reading and maintaining water consumption meters, and for disconnecting and reconnecting service. MWS provides sewer transportation and treatment services to the utility district's water customers. This agreement will allow MWS to calculate and individually bill the sewer customers based upon the water meter readings provided by the district.

The utility district will electronically submit the meter readings to MWS. If a customer fails to pay MWS for the sewer service when due, the agreement provides that the utility district will disconnect the water service at Metro's request. MWS will pay the utility district \$0.45 for each meter reading.

The term of this agreement is for 10 years, but may be terminated by either party with 180 days written notice.

State law provides that agreements between public agencies may be approved by resolution.

**RESOLUTION NO. RS2014-1245** (GLOVER, PRIDEMORE & A. DAVIS) – This resolution approves an intergovernmental agreement between the state department of transportation and the Metro department of public works for miscellaneous safety improvements at the Old Hickory Boulevard intersection with Central Pike. The safety improvements will include new signals, signs, pavement markings, ramps, and pedestrian upgrades. The total cost of the project is estimated to be \$382,100, with \$191,050 paid through federal pass through funds and \$191,050 from Metro capital funds. Metro will be responsible for maintaining the safety improvements once they are installed and for furnishing electricity to the signals.

**RESOLUTION NO. RS2014-1246** (PRIDEMORE & A. DAVIS) – This resolution approves an agreement between the City of Goodlettsville and Metro water services (MWS) for reading and maintaining water consumption meters, and for disconnecting and reconnecting service. Goodlettsville provides sewer transportation and treatment services to customers receiving water service from MWS within the city limits of Goodlettsville. This agreement will allow Goodlettsville to calculate and individually bill the sewer customers based upon the water meter readings provided by MWS.

If a customer fails to pay Goodlettsville for the sewer service when due, the agreement provides that MWS will disconnect the water service at Goodlettsville's request. Goodlettsville will pay MWS \$0.45 for each meter reading.

The term of this agreement is for 10 years, but may be terminated by either party with 180 days written notice.

The agreement to be approved by this resolution is essentially the inverse of the agreement with the White House Utility district to be approved by Resolution No. RS2014-1244.

**RESOLUTION NO. RS2014-1247** (PRIDEMORE & A. DAVIS) – This resolution authorizes the Metropolitan Government to enter into an agreement with the Nolensville College Grove Utility District to provide water service to Lot 12 in the Burkitt South subdivision in Williamson County. It has been determined that Metro water services can better serve this lot than the utility district could because providing water service by the utility district would involve crossing a creek. The cost of connecting the lot will be paid for by the developer of the subdivision. The future customer(s) will be billed at Metro's standard water rates.

**RESOLUTION NO. RS2014-1248** (PRIDEMORE & A. DAVIS) – This resolution approves an intergovernmental agreement between the state department of transportation (TDOT) and the Metropolitan Government for improvements to Murfreesboro Pike from Vultee Boulevard to Jupiter Drive. The improvements will include drainage correction, removal of the Vultee Boulevard Bridge, and intersection improvements at the Kermit Drive intersection. The total cost of the project is estimated to be \$5,700,000 with the state providing \$1,200,000, the federal government providing \$2,500,000, and Metro contributing \$2,000,000. Metro's share will be evenly divided between public works capital funds and Metro water services funds. Metro will also be responsible for providing all engineering and design plans. TDOT will award the construction contract for the project and provide the construction inspection services. Metro will be responsible for maintaining the new traffic signals once they are installed and for furnishing electricity.

**RESOLUTION NO. RS2014-1249** (PRIDEMORE & A. DAVIS) – This resolution approves a grant in the amount of \$10,000 from Keep America Beautiful/Waste Management to the department of public works to update the technology in the recycling education room at the material processing facility. There is no required local match for this grant.

**RESOLUTION NO. RS2014-1250** (PRIDEMORE) – This resolution authorizes the department of law to settle the lawsuit brought by David and Connie Powell against the Metropolitan Government for \$250,000. David Powell was a Metro firefighter who was injured at a house fire in East Nashville on December 6, 2012. Three fire engines had been dispatched to this fire, as well as a rescue unit, ladder truck, and district chief. Captain Trollinger and firefighter Powell were with the first company to arrive on the scene. Captain Trollinger determined the fire was contained in one corner room of the small house, and he and Powell entered the front door to fight the fire before the other units arrived. Only one other fire employee was outside of the house at the time Powell and Captain Trollinger entered it. Powell was supporting the hose behind Captain Trollinger as they went down a small hallway to the source of the fire. Powell's low air alarm began sounding within two minutes of entering the house. The low air alarm signals that there is approximately five minutes of air remaining in the tank. When full, the tanks should hold at least fifteen to twenty minutes of air.

The district chief arrived on scene with three other fire personnel. Another fire captain (Captain Henson) and a firefighter entered the home. Captain Henson told Powell his air alarm was going off. Captain Trollinger heard the alarm, but initially continued fighting the fire. Captain Trollinger then told Powell to exit the house. No one accompanied Powell as he was attempting to get out of the house. Powell was trained to follow the hose out of a burning building, but he did not do this. Instead, he became disoriented in the dark, smoke-filled house, and fell down a stairway into the basement where he lost consciousness.

Once the fire had been put out, Captain Trollinger exited the house and attempted to find Powell. Once the loud vent fan was turned off, other firefighters heard the air alarm coming from the basement. Mr. Powell was found after being in the house for about twenty minutes and was rushed to the hospital. He remained in an inpatient facility for one month with head and neck injuries, and has permanent memory loss and reduced cognitive functioning because of the prolonged smoke exposure without adequate oxygen. Mr. Powell is still unable to drive, and likely never will be able to drive because of the reduced cognitive ability. Mr. Powell's wife quit her job to care for him on a long-term basis. Mr. Powell's medical bills totaling \$302,000 have already been covered by Metro and Mr. Powell is on a service pension from Metro.

Mr. Powell and his wife sued Metro alleging the fire department was negligent by not following the fire department's standard "two-in/two-out" policy, which requires at least two firefighters outside a structure, and requires all firefighters to be in "sensory contact" with at least one other firefighter. If Metro's two-in/two-out policy had been followed, Mr. Powell would not have been left alone while exiting the house and would not have been exposed to the smoke-filled basement without adequate air.

(continued on next page)

**RESOLUTION NO. RS2014-1250**, continued

Tennessee is a "modified comparative fault" state, meaning that a plaintiff alleging injuries caused by a defendant's negligence can recover damages as long as the plaintiff was not 50% or more at fault, but the plaintiff's damages are reduced according to his/her percentage of fault. The Tennessee Governmental Tort Liability Act limits the amount of damages a plaintiff can recover for negligence actions against the government to \$300,000 per plaintiff. In this case, the Powell's total damages exceed \$1,500,000, including pain and suffering, loss of enjoyment of life, loss of consortium, and permanent impairment. Mr. Powell was clearly partially at fault because of his failure to check the air level in the tank before entering the home, failing to immediately exit the house when the air alarm sounded, and failing to follow the hose out of the structure as he was trained to do. However, the department of law believes it is likely the court would find Mr. Powell to be less than 50% at fault since the two-in/two-out policy was not followed. Even if Mr. Powell was determined to be 49% at fault, his damages could still be between \$500,000 and \$600,000. Thus, the department of law recommends settling the case for \$250,000 to be paid out of the self-insured liability fund.

No disciplinary action was taken against any fire department employee as a result of this incident. The fire department has taken action to reinforce its two-in/two-out policy, and has worked to emphasize and enforce safety policies in the department.

**RESOLUTION NO. RS2014-1251** (MCGUIRE) – This resolution authorizes the continued parking of vehicles at the former Stokes Middle School property located at 3701 Belmont Boulevard. This property remains under the control of the board of public education (MNPS), and has been used since 2012 by Lipscomb University for the overflow parking of vehicles. The Metro zoning code technically does not allow parking on this property. However, the code includes a provision whereby the council, by resolution, can authorize an exemption from the zoning code for a Metro entity. The council approved such an exemption for this Stokes School parking arrangement with Lipscomb in 2012 for a two year period.

Lipscomb and MNPS desire to continue this parking arrangement. This resolution would expressly allow the parking of vehicles on the Stokes Middle School property for a period extending through June 30, 2018, subject to Lipscomb entering into an agreement with MNPS detailing the terms and conditions for the use of the property.

**– BILLS ON SECOND READING –**

**ORDINANCE NO. BL2014-670** (GILMORE, STEINE & OTHERS) – This ordinance authorizes the acquisition and acceptance of right-of-way, easements, and other property rights for the proposed Gulch pedestrian bridge project. This includes acquiring property interests from Cummins Station, LLC, Metropolitan transit authority, CSX Transportation, Inc., Gulch Land condominiums, Pine Street Flats, and the Velocity residential condominiums. The estimated acquisition cost for the property interests necessary for the Gulch pedestrian bridge is \$1 million.

The proposed Gulch pedestrian/bicycle bridge, which would be approximately 700 feet in length and span 300-400 feet over the CSX railroad tracks, is currently in the design and planning phase. The preliminary cost estimates for building the bridge were between \$15 and \$16 million. The Gulch pedestrian bridge is included in the fiscal year 2014-2015 capital improvements budget (CIB), making the project eligible for funding. The mayor's capital spending plan approved in the spring of 2013 provided \$18 million in funding for bridge projects countywide, which could be used for construction of this pedestrian bridge.

The administration has outlined a financing plan for this bridge that involves paying for the bridge using tax increment financing (TIF) payments through the metropolitan development and housing agency (MDHA). TIF is a form of development incentive whereby the increased property taxes generated by a development are used to pay part of the development costs or pay down a TIF loan. Examples of projects that have been built using TIF as a financing tool include restoration of the Ryman Auditorium, the Viridian, the Bell South Building, the Country Music Hall of Fame, and the Omni convention center hotel. Once the TIF loans are repaid, Metro is entitled to collect 100% of the tax revenues from the development going forward. However, these funds are typically appropriated back to MDHA through the operating budget ordinance to use for infrastructure projects within the redevelopment district that generated the TIF revenue. Examples of such infrastructure projects funded with this TIF revenue include the Church Street redesign, Rolling Mill Hill, and the new baseball park infrastructure.

There are seven outstanding TIF loans for projects within the Arts Center redevelopment district that will be paid off over the next eight or so years. Under the financing arrangement contemplated for this pedestrian bridge, the TIF payments after the loans have been paid in full would be available to cover the debt service on the bridge instead of such funds being transferred to MDHA. It is anticipated that the construction of the bridge, which will have a maximum price of \$18 million including the land acquisition, will be funded out of the commercial paper program. Metro's commercial paper program is essentially a short term financing mechanism used to finance capital projects until long term bonds are sold. Metro's bond counsel would need to determine whether any general obligation bonds would have to be issued to retire a portion of the outstanding commercial paper used to construct the bridge until the costs are recouped through the TIF payments.

If this land acquisition ordinance is approved by the council without further deferrals, it is anticipated that construction on the bridge would commence in the summer of 2015 and be completed in the fall of 2016. A future agreement with CSX must also be approved by the council before construction on the bridge can commence.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2014-860** (MAYNARD & MATTHEWS) – This ordinance amends the Metro code pertaining to the naming of streets after living persons, and renames portions of 28<sup>th</sup> Avenue North and 31<sup>st</sup> Avenue North as “Ed Temple Boulevard”. Ed Temple served as the coach of the Tennessee State University “Tigerbelle” track team for many years, and was the U.S. Women’s Track coach at the 1960 and 1964 Olympic Games. While Coach Temple was coach, the Tigerbelle athletes won 34 team titles and 23 Olympic medals, making him the most successful USA Track & Field coach at the Olympic level.

The Metro code currently prohibits streets from being named after living persons. This provision was added to the code by the council in 1992 in response to numerous ordinances renaming streets in honor of living persons, especially country music stars. The existing Ed Temple Boulevard runs from Clarksville Pike southward to Jefferson Street. This road was named Ed Temple Boulevard by ordinance in 1989, prior to the prohibition on naming streets for living people.

This ordinance would extend the name of Ed Temple Boulevard from Jefferson Street to West End Avenue, which is currently named 28<sup>th</sup> Avenue North and 31<sup>st</sup> Avenue North. The ordinance also amends the Metro code prohibition against naming streets after living persons to add an exception when the name of an existing street named after a living person is being extended.

Properties having mailing addresses on the section of roadway to be renamed will continue to receive mail using the old street name for one year, so residents and businesses will have one year in which to change their address information with creditors, utilities, and others they receive mail from.

This name change has been disapproved by the planning commission and approved by the emergency communications district board. Unlike zoning bills, the planning commission’s recommendation on a mandatory referral is advisory. Thus, only twenty-one votes would be needed on third reading to enact this ordinance.

**ORDINANCE NO. BL2014-873** (PRIDEMORE, A. DAVIS & HUNT) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Laurel Properties, LLC, regarding the construction of 312 feet of eight inch water main in Laurel Street from 12<sup>th</sup> Avenue South to the end of Laurel Street for the benefit of the Laurel Apartments and the other existing properties in the area. Metro agrees to pay the lesser amount of 50% of the construction costs or \$30,000. This agreement will terminate if the improvements are not operational by December 31, 2014.

Future modifications of this agreement may be approved by resolution.

**ORDINANCE NO. BL2014-894** (BAKER & ALLEN) – This ordinance approves a continuation of a clinical affiliation agreement between Davidson County community corrections and Vanderbilt University to provide student clinical instruction and training to nursing students. Students will not receive any compensation and there is no cost to the Metropolitan Government for providing this service. The term of the agreement is for five years, but may be terminated by either party upon 30 days written notice. Vanderbilt University will be required to (continued on next page)

**ORDINANCE NO. BL2014-894**, continued

provide assurance that the students are covered by health and professional liability insurance and that they have received the necessary vaccinations. Vanderbilt agrees to assume responsibility for all of its students participating in the program. Metro is a participant in similar clinical experience programs through the Metro health department and the Davidson County drug court.

**ORDINANCE NO. BL2014-895** (PRIDEMORE, MOORE & OTHERS) – This ordinance declares 16 parcels of Metropolitan Government-owned property 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. The proceeds of the sales will be credited to the general fund. The properties to be sold are as follows:

<b><u>Property Address</u></b>	<b><u>Council District</u></b>
515 Weakley Avenue	2
2206 24 <sup>th</sup> Avenue North	2
2017 12 <sup>th</sup> Avenue North	2
3345 Knight Drive	3
2141 W. Richmond Hill	3
1016 N. 6 <sup>th</sup> Street	5
41 N. Hill Street	17
4 Decatur Street	19
1716B Delta Avenue	19
1622B 7 <sup>th</sup> Avenue North	19
5804 Ethel Street	20
1034A 40 <sup>th</sup> Avenue North	21
1720 Arthur Avenue	21
1704 10 <sup>th</sup> Avenue North	21
1617B Underwood Street	21
Normandy Circle, unnumbered	24

**– BILLS ON THIRD READING –**

**ORDINANCE NO. BL2014-871** (HUNT) - This ordinance adopts the property identification maps for the Metropolitan Government identifying property as of January 1, 2014, as the official maps for the identification of real estate for tax assessment purposes. These maps are adopted on an annual basis.

**ORDINANCE NO. BL2014-872** (LANGSTER, PRIDEMORE & OTHERS) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with LPC Contractors of Southeast, Inc., regarding the construction of 400 feet of eight inch water main in 23<sup>rd</sup> Avenue North from Charlotte Avenue to Felicia Court. Metro agrees to pay the lesser amount of 50% of the construction costs or \$60,000. This project will not only benefit LPC's development, but will provide improved water service for the existing properties in the area. This agreement will terminate if the improvements are not operational by December 31, 2015.

Future modifications of this agreement may be approved by resolution.

**ORDINANCE NO. BL2014-874** (A. DAVIS & HUNT) – This ordinance abandons a ten foot utility drainage easement for properties located at 3622, 3622B, 3624, 3630, 3630B, and 3632 Redmon Street and at Normandy Circle, unnumbered. Metro has no future need for this easement.

This ordinance has been approved by the planning commission. Future amendments to this ordinance may be approved by resolution.

**ORDINANCE NO. BL2014-875** (WESTERHOLM, A. DAVIS & HUNT) – This ordinance abandons the water and sewer easement rights in a portion of Alley No. 1999 for property located at 1001 Riverside Drive. The ordinance indicates that a proposal to abandon this portion of the alley in its entirety will be filed with the council in the future. There is no longer a government need for these easement rights.

This ordinance has been approved by the planning commission. Future amendments to this ordinance may be approved by resolution.

**ORDINANCE NO. BL2014-876** (GILMORE, A. DAVIS & OTHERS) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. BL2014-672 when a portion of Alley No. 63 was abandoned for properties located at 700 Broadway and 126 Rosa L. Parks Boulevard. This ordinance is necessary to allow for the construction of the new gymnasium at Hume-Fogg Academic High School. The NES utility easements are being retained. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2014-877** (GILMORE, A. DAVIS & HUNT) – This ordinance abandons the water and sewer easement rights that were retained by Ordinance No. O76-196 when a portion of Alley No. 123 was abandoned for properties located at 300 and 312 9<sup>th</sup> Avenue South. There is no longer a government need for these easements. This ordinance also partially abandons approximately 170 feet of a 20-foot sewer easement. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2014-893** (GILMORE) – This ordinance abandons portions of the right-of-way and easements for Alley Nos. 115 and 123, and authorizes the execution of a quitclaim deed to convey any property interests Metro may have in the right-of-way that is not already extinguished by the abandonment. This right-of-way abandonment is necessary for the Westin hotel project. It is unclear whether Metro even has any property interest to convey for this 0.1-acre portion, but the lenders for the project want any ambiguity to be addressed prior to closing. This ordinance has been approved by the planning commission.