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# “Horse Trading” and Consensus Building: Nashville, Tennessee and the Relocation of the Houston Oilers

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Professional sports teams have long been an integral part of a community's collective identity and remain substantial sources of socio-emotional capital as cities vie for status as hubs of economic and cultural activity. Due to the popularity and high visibility of sports in North America, major league sports teams and state-of-the-art facilities have emerged as status symbols for municipalities.<sup>1</sup> To attain “big league” status, cities and states have been increasingly willing to offer higher monetary incentives, usually in the form of subsidies for stadium or arena construction, in order to entice a team to relocate from another city or to avert a team's departure.<sup>2</sup>

A decision to publicly subsidize a facility requires that a number of different parties, on a variety of administrative levels, work together to achieve consensus. In doing so, local governments have been required to issue bonds, approve tax increases, or redirect spending from other programs. These actions often have been controversial and subject to voter approval through ballot initiatives or referenda. The private sector has been asked to

contribute to stadium financing through the purchase of personal seat licenses (PSLs) and to show its support for the sports team through the leasing of luxury suites. This phenomenon is investigated in detail by examining the process through which the city of Nashville, Tennessee, publicly financed the construction of a stadium to house the Houston Oilers of the National Football League (NFL), who relocated to Nashville.

Between 1993 and 1996, Nashville began construction on two major-league facilities—an arena and a football stadium. While the arena was built on the speculation of a tenant, the football stadium was built only after a tenant had agreed to terms. In May 1996, the city completed an eleven-month process that led to the Oilers' relocation and the construction of Adelphia Coliseum. During this time, an agreement was reached with the Oilers; legislative approvals were granted by the state and local governments; enough PSLs, luxury suites, and club seats were sold and leased; and Nashville voters approved the bond issue for the stadium in a referendum.

A closer examination of this process reveals several critical circumstances and influences that ultimately affected Nashville's granting of public subsidies. Partisan politics, uncertainty regarding the referendum, and a shortfall in PSL sales all could potentially have ended the process. However, groups and individuals took actions that helped to overcome these impediments and allowed the stadium project to move forward. As a result, the Oilers relocated from Houston to Nashville in 1998.<sup>3</sup>

## Publicly Subsidized and Municipal Stadia

Sports facilities have been built by the public sector for more than 80 years. According to historian Steven Riess, the first municipally-built stadia appeared in 1914, with the most notable of pre-World War II public facilities in Los Angeles, Cleveland and Chicago.<sup>4</sup> Relocation of major league teams became more common during the 1950s as cities such as Baltimore and Milwaukee built stadia to symbolize civic vitality.<sup>5</sup> Historian Glen Gendzel claims that competitive boosterism, in which local business and political elites worked together to promote their city, helped Milwaukee entice Major League Baseball's Braves to move from Boston in 1954 but also was a factor when the Braves relocated again to Atlanta to play in a newer facility in 1966. Focusing on local and economic elites, historian George Lipsitz described how public subsidies were approved as an economic development tool in Los Angeles, St. Louis and Houston during the late 1950s and 1960s.<sup>6</sup>

Civic boosters remained active in the process approving public subsidies throughout the 1980s and 1990s. In Denver, the resources and active involvement of the business community, combined with the leadership of Mayor Federico Peña, helped to ensure the city's selection for a Major League Baseball (MLB) expansion franchise in 1990. In Illinois, in an effort to pass a stadium package to retain the Chicago White Sox (MLB), Governor James Thompson literally stopped time by turning off the clocks at the Illinois State Legislature just before midnight on June 30, 1988—the last day of the legislative session-until enough votes were cast in support of the proposal.<sup>7</sup>

However, due to the increased public cost of facility construction, public involvement in the approval process during the 1980s and 1990s has increased through referenda and the sale of PSLs. While public referenda regarding stadium funding have been held since

the 1920s, with Los Angeles and Cleveland as prominent examples, referenda have become more frequent within the past 20 years. In a chart listing referenda outcomes through May of 1998, economists James Quirk and Rodney Fort identified one election regarding sports facility funding during the 1970s, 12 during the 1980s and 17 during the 1990s.<sup>8</sup>

While voter referenda may be mandatory in certain municipalities regarding tax increases or forced by citizen opposition, civic boosters have occasionally been successful in preventing a public vote. To fund construction of the stadium for the Colorado Rockies (MLB), approval from Denver voters was required for a tax increase, but in Phoenix, mandatory public review of a tax increase was avoided through the creation of a special stadium district. In Cincinnati, opponents of a proposed tax increase to fund construction of two stadia collected 90,000 signatures on petitions within 30 days to force a public vote. However in Maryland, the State Court of Appeals denied a referendum requested by opponents in 1987 regarding Oriole Park at Camden Yards because appropriation bills were considered beyond public review.<sup>9</sup>

When the public has voted, civic boosters have impacted final outcomes through their superior resources. In Cincinnati, Citizens for a Major League Future, an organization consisting of local business interests, raised almost \$1 million from members of the Cincinnati Business Committee to spend in advertising and related political activities.<sup>10</sup> However, the case of the San Francisco Giants (MLB) shows that civic booster influence has not always guaranteed high public subsidies for stadium construction. Between 1987 and 1996, five referenda were held in the San Francisco Bay Area on different funding plans proposed by the Giants and supported by civic boosters. The last proposal, which was victorious, granted the Giants the zoning authority to build a stadium primarily with private money.<sup>11</sup>

During the 1990s, public funding for sports facilities has been increasingly supplemented by the sale of PSLs. Some sports leagues, teams, and cities have used the sale of PSLs, which represent the right to purchase season tickets, as a gauge of popular support for a facility project. Early forms of seat licenses were used toward the construction of Texas Stadium for the Dallas Cowboys in 1971, and collegiate sports through athletic department booster clubs have used a form of seat licensing for many years. The current practice of selling PSLs can be traced to Charlotte, North Carolina, where more than \$150 million was raised through PSLs to finance a stadium and support that city's bid for an NFL expansion team. PSLs have since been key elements in stadium plans in Cincinnati and St. Louis.<sup>12</sup>

Presently, the United States is in the midst of a boom in facility construction. Since 1990, the public sector has committed more than \$9 billion toward the construction of sixty-eight stadia and arenas, which has re-energized competition among cities for franchise relocation.<sup>13</sup> As the cost of facility construction has increased, financing has become more creative, complex and divisive. Voter referenda regarding facilities, which were held occasionally before the 1980s have become more common with several ballot questions at issue each year in different municipalities. Potential ticket buyers have also been asked during the 1990s to directly fund a portion of the facility's cost through the purchase of PSLs. To examine this process, this paper investigates the relocation of the Houston Oilers (NFL) to Nashville, Tennessee.

## Football in Music City, USA?

In the case of Nashville and the Houston Oilers, legislative approvals, a voter referendum and the sale of PSLs all were part of the process that resulted in the publicly subsidized construction of Adelphia Coliseum. Between June 1995 and May 1996, more than \$292 million was committed by different parties in Nashville and Tennessee toward stadium construction. Legislative approvals of more than \$221 million in bond financing were granted by the State Legislature of Tennessee and the Metropolitan Government of Nashville and Davidson County (Metro Council). The Metro Council's bond issue was affirmed in a referendum by a 59-41 percentage margin after opponents circulated petitions to force a public vote. With the sale of more than 40,000 PSLs in a six-week period and guarantees from the corporate community, more than \$71 million (net of sales tax) was raised from the private sector through the sale of PSLs. Although these tasks were arduous and their success difficult to predict, the efforts of proponents helped secure an outcome for Nashville that just a few years earlier was considered an unrealistic dream.<sup>14</sup>

During the early 1990s, the city of Nashville was one of the largest media markets in the United States not served by any of the four major professional sports leagues. With a population of almost two million people in its Designated Market Area,<sup>15</sup> Nashville was a regional hub within the southeastern United States for health care, automobile manufacturing and insurance.<sup>16</sup> Although Nashville was the corporate headquarters of several major Fortune 500 corporations, the country music industry defined the city's image as it was known throughout the country as "Music City, USA."<sup>17</sup>

To move beyond this image, Mayor Phil Bredesen led an effort, centered around several large projects, designed to update the city's image and revitalize Nashville's downtown area.<sup>18</sup> The capstone was a \$120 million arena approved in 1993 designed to meet the needs of the music industry, which had no suitable local venues for hosting large indoor concerts.<sup>19</sup> While designed with the capability to host sporting events, attracting a major league sports team was not a priority for the arena or the city. This changed after a meeting between Bredesen and Gaylord Entertainment Chief Operating Officer Dick Evans, in which Evans showed Bredesen that Nashville could be an attractive market for the National Basketball Association (NBA) or National Hockey League (NHL).<sup>20</sup>

To find a major league tenant for the arena, Bredesen and Evans sent a term sheet to all NBA and NHL teams offering a favorable lease and relocation bonus.<sup>21</sup> In 1994, the term sheet attracted the interest of the Minnesota Timberwolves (NBA), but negotiations did not progress beyond preliminary discussions.<sup>22</sup> In the spring of 1995, the New Jersey Devils (NHL) engaged in lengthy negotiations with city leaders in Nashville and seemed likely to move. However, after the Devils won the Stanley Cup Championship in June, the State of New Jersey increased its efforts to retain the Devils. By the middle of July, the Devils had a new agreement in New Jersey, and Nashville was still without a team.<sup>23</sup>

### *Striking Oil(ers)*

While Nashville was negotiating with the Devils, the Houston Oilers were beginning to explore relocation. In 1987, the Oilers had considered moving to Jacksonville, Florida, but signed a 10-year lease to remain in Houston after the city agreed to renovate its exist-



Phil Bredeesen was mayor of Nashville from 1991 to 1999. *Courtesy Bredex Corporation.*

ing venue, the Astrodome.<sup>24</sup> With the end of that lease approaching, Oilers' owner Bud Adams wanted a new facility to keep the team profitable and competitive, but city leaders in Houston were not offering to publicly fund construction.<sup>25</sup>

In May 1995, Adams started exploring possible relocation sites, with Los Angeles and Baltimore as the top two prospects. NFL Commissioner Paul Tagliabue, who wished to keep these cities available for other relocation and expansion possibilities, asked Adams to investigate other cities, and the Oilers' Executive Vice President of Administration Mike McClure recommended Nashville. After reviewing information anonymously requested from the Nashville Chamber of Commerce, Adams authorized McClure to begin exploratory talks.<sup>26</sup>

Mayor Bredeesen was skeptical when the Oilers initially contacted Nashville at the end of June because the Devils were using Nashville's offer as leverage for a better lease in New Jersey and nobody in Nashville was pursuing the NFL. In response to the proposed introductory meeting in Chicago between representatives from the Oilers and Nashville, Bredeesen sarcastically noted, "When you finish getting these guys, try to get the Cowboys, too."<sup>27</sup>

Following the Chicago meeting and subsequent negotiations in which he took part, Bredeesen was convinced of the sincerity of the Oilers' interest in Nashville but remained wary. Bredeesen did not want an offer from Nashville to be used as leverage (as the Devils had done) to help the Oilers secure a better deal in Houston or elsewhere (as the Oilers had done with Jacksonville in 1987). To reduce this possibility, Bredeesen requested a unique exclusive negotiating agreement to prevent the Oilers from discussing a stadium lease with any other city, including Houston.<sup>28</sup> Adams agreed to this condition on August 11, and discussions between the Oilers and Nashville were announced to the public.

In subsequent lease negotiations, Nashville's primary goals were to maximize protection for the city's interests and minimize ongoing operating costs for the stadium. According to memos between Bredesen and Nashville negotiators Byron Trauger and Denny Bottorff, part of the overriding premise was that "if the Oilers depart before [the] investment paid off, [the] Oilers should be liable for [any] unpaid balance [of stadium bonds]." <sup>29</sup> In order to achieve this security and to minimize operating costs, the city's negotiators were willing to sacrifice the "upside potential" of concessions, parking, merchandise sales and other facility bookings. <sup>30</sup>

Based on these principles, a preliminary agreement was signed between the Oilers and Bredesen on November 17, 1995. Nashville received an unprecedented level of security as the Oilers agreed to pay damages for terminating the lease prematurely (the first NFL team to do so), assumed operational control of the facility, and agreed to pay an estimated \$6 million annually for general maintenance. In return, the Oilers estimated that team net revenues would increase by \$20 million annually through control of nearly all stadium revenues, which included suites, parking, concessions and naming rights. <sup>31</sup>

The agreement, however, was contingent on Nashville fulfilling four obligations—described as "milestones" in the contract and by the mayor—before March 15, 1996, when the Oilers would present the relocation proposal to the NFL for approval. Two of the milestones were legislative approvals by the Metro Council and Tennessee State Legislature authorizing the sale of more than \$221 million in tax-exempt, public-obligation bonds for the \$292 million stadium project. The remaining \$71 million was to be raised before February 15, 1996, through the sale of PSLs. The final milestone was fulfilling the Oilers' requirements that more than eighty-two luxury suites be leased on five-year minimum contracts and more than 9,600 club seats be sold. <sup>32</sup>

## Legislative Approvals

The process of seeking legislative approvals began soon after negotiations with the Oilers were made public in August of 1995. According to Mayor Bredesen's proposal, more than \$221 million in bonds had to be issued by the State of Tennessee (\$78 million) and Metro Council (\$143 million) to fund the project. <sup>33</sup> However, both legislative bodies initially expressed a reluctance to provide such funding. In Nashville, the Metro Council attempted to defer its decision. In five separate meetings, the council moved the process forward to allow other groups to determine whether the city would commit to building the stadium. <sup>34</sup> For the State of Tennessee, political and civic rivalries threatened its participation. A political rivalry existed between Governor Don Sundquist and Bredesen, who had run against one another for governor in 1994 and seemed likely to do so again in 1998. <sup>35</sup> Geographical rivalries existed among the three regions of Tennessee for governmental resources and between the cities of Memphis and Nashville for state primacy. <sup>36</sup>

### *Water Fights and Other Skirmishes in the Metro Council*

The legislative process in Nashville began during a special session of the Metro Council on October 5 when Bredesen presented his funding plan for the stadium. <sup>37</sup> With most council members expecting some type of tax increase, Bredesen proposed a plan that required no new taxes to repay the city's \$8 million per year bond commitment for the

stadium.<sup>38</sup> Repayment was to be secured primarily through redirection of one percent of the city’s hotel/motel tax and a \$4 million per year in-lieu-of-tax payment from the Metro Water and Sewer Department (Water Department).<sup>39</sup>

Although many council members and citizens were satisfied by the absence of a sales or property tax increase, the Water Department levy was controversial and became a focal point for opponents of the project.<sup>40</sup> Nashville was under an Environmental Protection Agency order to build more than \$600 million in sewer improvements and, as a result, possessed the second highest water and sewer rates of the one hundred largest cities in the United States.<sup>41</sup> According to Bredesen, the levy was justified because the Water Department had not been paying for city services (such as fire and police protection and garbage collection) for which the city’s other utilities paid.<sup>42</sup>

Despite the controversy surrounding the Water Department levy, the Metro Council moved the project forward in five different meetings over five months. The initial two legislative approvals on October 10 and November 21 were based on the notion that, by committing funds and agreeing to the contract, the people of Nashville would have the opportunity to show their support for the team through the purchase of PSLs.<sup>43</sup> At the October 10 meeting, Council Member Tim Garrett, proclaimed that the PSL sales would allow the community to show its true level of support for the project and that if the PSLs did not sell, the Oilers’ project was “a dead duck.”<sup>44</sup> With many supporting Garrett’s position, the Metro Council committed \$2.25 million to commission architectural work for the stadium and to create a campaign to market PSLs, club seats and luxury suites.<sup>45</sup>

On November 21, the Metro Council kept “the ball rolling on the stadium,” according to Council Member James Dillard by approving the preliminary agreement by a margin of 28-9.<sup>46</sup> The council also signaled its desire to remove the Water Department levy from the financing by voting 26-9 to request permission from the state legislature to increase the hotel/motel tax by 1 percent, which would raise \$3.2 million per year and replace 80 percent of the Water Department commitment.<sup>47</sup> However, the Nashville Chamber of Commerce, which opposed an increase of the tax because of its potential to negatively impact tourism, lobbied the state legislature against the bill.<sup>48</sup> After the legislature opened its session in January of 1936, the council’s request did not advance out of committee.<sup>49</sup>

The Metro Council’s final opportunities to act came during February when the authorization for the bond issue had to be voted upon three times. According to the original timetable in the preliminary agreement, these meetings would take place during late February and early March. However, when opposition to the relocation package began to coalesce in mid-January into a formal organization with the goal of forcing a referendum, Bredesen accelerated the timetable.<sup>50</sup>

The first reading of the bond ordinances was held on February 6, which was ten days before the closing of the PSL sales. As the council met, PSL sales were \$11 million short of the necessary goal, and the banks were preparing to guarantee a portion of the difference.<sup>51</sup>

Some members of the council complained that a vote was premature, while others argued that the vote was necessary to allow the petition drive to begin for a possible referendum. Although the November authorization received twenty-eight votes, the ordi-

nance authorizing the Water Department levy passed on February 6 with a bare minimum of twenty-one votes.<sup>52</sup> In accordance with Nashville's referendum procedures, opponents had twenty days following February 6 to collect more than 28,000 valid signatures on petitions.<sup>53</sup>

When the second and third readings of the ordinances took place on February 27 and 29, petition organizers were claiming success after collecting more than 42,000 signatures.<sup>54</sup> In the Metro Council meeting of February 29, some council members claimed that the petition's success was a symbol of popular dissatisfaction and a reason to oppose the funding package. In contrast, supporters of the stadium interpreted the petition's success as an expression of the public's desire to have the opportunity to "decide the issue" as Bredesen had stated at the start of the meeting.<sup>55</sup> Deferring the question of the stadium to the public, the council approved the Water Department levy by a 23-17 margin.

*One Stadium, Three Regions—Building Support from the State Government*

While the approvals at the local level were delegated and deferred, the state legislature had little choice but to act definitively. Many factors worked in favor of approval, but obstacles included geographic and political rivalries. There were two primary geographic rivalries. First, legislators in East, Middle and West Tennessee<sup>56</sup> generally expected a certain amount of parity of projects and spending in their regions. The support for a project in one region was often at the price of support for similar projects in the other two.<sup>57</sup> Second, civic boosterism made Memphis and Nashville natural rivals. Moreover, Memphis politicians were not favorably disposed toward supporting Nashville's NFL effort because civic leaders in Memphis had been unsuccessfully pursuing an NFL team since the 1960s.<sup>58</sup> The final obstacle was the political rivalry between Sundquist and Bredesen which, in addition to direct electoral competition, was rooted in the Memphis-Nashville rivalry. Sundquist's base of support was Memphis which he had once represented in the United States Congress.<sup>59</sup>

Although these factors complicated state approval, Nashville had several considerations in its favor. First, by building a stadium for the Oilers, the state could fulfill its long-standing commitment to Tennessee State University to replace its forty-year-old stadium.<sup>60</sup> A second factor helping Nashville was a 1993 sales tax rebate law (Rebate) that the legislature passed to assist Memphis' bid to secure an NFL expansion team. Through that law, the state legislature had directed that the state's portion of sales tax collection on tickets, stadium activities and in-county sales of team-related merchandise be paid to a city's sports authority to pay debt service on a stadium for a major league team.<sup>61</sup>

The political rivalry between Bredesen and Sundquist complicated negotiations regarding the state's commitment to the stadium project.<sup>62</sup> According to mayoral documents, Bredesen hoped for as much as \$50 million in addition to the rebate.<sup>63</sup> However, Sundquist announced in late September that the state would offer no more than \$10 million in infrastructure improvements to a "Nashville project."<sup>64</sup> After a week of intense negotiations, publicly and privately, Bredesen and Sundquist agreed to a \$90 million package which included the state issuing \$55 million in bonds based upon the rebate. Because the state could sell bonds at a lower interest rate than Nashville or its sports authority, Sundquist

agreed that the state would issue the bonds in order to decrease Nashville’s interest expense.<sup>65</sup>

Although Bredeesen and Sundquist agreed on the state’s portion of the stadium funding in September, the package was not voted upon until after the state legislature’s session opened on January 8, 1996. During the intervening months, there was much speculation that, because of regional rivalries and questions regarding the state’s liability for the bond issue, the state legislature would not support the project.<sup>66</sup> Additionally, Sundquist made it clear that he would not engage in “horse trading” to build support for the project among legislators from East and West Tennessee.<sup>67</sup>

Legislative support, which seemed uncertain throughout December and early January, started to solidify early in the session. To assuage concerns regarding the state’s liability, Bredeesen promised the state priority indemnification from the penalties in the Oilers’ contract.<sup>68</sup> Further building the confidence of state legislators were meetings with Bud Adams on January 10 in which the Oilers’ owner offered his personal assets as security for the contractual penalties.<sup>69</sup> Additionally, many legislators agreed to support the bond issue after State Finance Director Bob Corker showed that, with the risks borne by Nashville, the state could generate net revenues of as much as \$50 million in sales tax collections that would have otherwise belonged to Nashville under the 1993 rebate law.<sup>70</sup>

Although Sundquist stated that there would be no “horse trading” of other projects to build support for the Oilers deal, hosting the team’s training camp was an attractive incentive for legislators trading their votes for local projects.<sup>71</sup> Support from delegates in Northeast Tennessee was assured in late January when, with Sundquist’s recommendation, the Oilers selected East Tennessee State University in Johnson City as the site of their training camp over similar facilities in the state.<sup>72</sup> The combination of minimal risk for the state on the bond issue and the training camp location helped to secure overwhelming support from the state legislature. In late February, the General Assembly passed the funding measure by a vote of 69-26, while the Senate voted 23-9.<sup>73</sup>

### “Live the Dream”—The Sales Campaign

While approvals from the legislative bodies were necessary steps in the process, the people and business community of Nashville and the surrounding areas were expected to show their support through the leasing of luxury suites and the purchase of PSLs and club seats. The allocation of \$1.5 million by the Metro Council on October 10, 1995, funded an organization to market seats and suites to the general public and business community. Tennessee Pro Football (TENNFL) was a private-public partnership, whose board of directors included leaders from the Chamber of Commerce, Nashville Sports Council, Convention and Visitors Bureau, Bredeesen administration and state government.<sup>74</sup> Muhleman Marketing, which conducted the Charlotte, North Carolina, sales campaign that popularized PSLs as a method to fund stadium construction, was hired by TENNFL to help organize and consult on Nashville’s sales campaign, which created “Live the Dream” as its slogan.<sup>75</sup> TENNFL had two deadlines: the leasing of 82 suites before January 20, 1996; and the sale of \$71 million in PSLs and 9,600 club seats before February 15, 1996. As a result of these deadlines, TENNFL focused on leasing the suites during December 1995 and began selling PSLs in early January 1996.<sup>76</sup>

*Suite Dreams and Dream Seats*

TENNFL's first goal was the leasing of 82 out of 120 luxury suites on five-, seven- and ten-year contracts. To lease the suites—which were priced between \$50,000 and \$125,000 annually—interested and qualified individuals and businesses were invited by TENNFL to attend one of a series of discrete, exclusive presentations held throughout Tennessee.<sup>77</sup> As the Oilers were the first major league team in Tennessee, it was unknown to what degree the business community would commit to purchasing suites. The suites' milestone, which some had considered the most difficult to reach, was attained in just nine days.<sup>78</sup> Suites were leased by businesses and individuals from all parts of Tennessee. Participation from seven companies in Memphis included Federal Express, whose CEO Fred Smith had led that city's NFL effort.<sup>79</sup> By January, more than one hundred suites had been leased and the Oilers requested the construction of an additional twenty-six suites for a total of 146.<sup>80</sup>

In contrast to successful marketing of luxury suites, the sale of PSLs and club seats almost failed but was saved by the efforts of Mayor Bredesen, the business community and the support of Oilers' owner Bud Adams. To reach its goal of \$71 million in PSL sales, TENNFL calculated that 45,000 seats—at an average of \$1,600 each—had to be sold. With a goal to be widely affordable, almost half of all PSLs were priced at \$1,000 or less while the price range was set between \$250 and \$4,500.<sup>81</sup>

The \$1.5 million statewide advertising campaign, set to the tune of the Everly Brothers' "All I Have to Do Is Dream," helped to generate strong early PSL sales.<sup>82</sup> With application distribution points in banks, grocery stores and fast food restaurants, supported by a caravan by Oilers players and staff, TENNFL received more than 40,000 applications before the "first day" deadline of January 23.<sup>83</sup> Problems began to accumulate when more than 17,000 applications were received for the 3,900 loge seats located in the first rows of the upper deck. Less popular were the more expensive lower deck and club seats.<sup>84</sup> As a result, TENNFL was close to selling its target number of seat licenses but had raised only \$60 million.<sup>85</sup> Adding to TENNFL's problems was its embarrassing admission in early February that sales tax had not been calculated as part of the \$71 million goal, so the deficit was \$17 million instead of \$11 million.<sup>86</sup>

To close the gap in sales, TENNFL began a phone campaign aimed toward those requesting loge seats to convince them to buy more expensive tickets which, according to the *Nashville Banner*, some people considered bait-and-switch tactics.<sup>87</sup> Other efforts by TENNFL were aimed at the business community, but as the February 15 deadline neared, both time and money were running out. Because additional funding from the Metro Council was unlikely, the Chamber of Commerce promised to underwrite the expense of finishing the sales campaign.<sup>88</sup>

The last-minute efforts of TENNFL were not enough as PSL sales reached \$66 million and only 5,600 of the required 9,600 club seats were sold by the February 15 deadline.<sup>89</sup> However, Mayor Bredesen had a contingency plan ready as he had negotiated with local banks in early February to guarantee PSL sales of up to \$10 million.<sup>90</sup> Despite the banks' guarantee, Nashville had fallen well short of achieving the PSL and club seat mile-

stone as the shortfall, which included the value of the club seats, approached \$30 million.<sup>91</sup>

Because TENNFL had fallen short of its goal for PSLs and club seat sales, the Oilers could have terminated the contract with Nashville. However, in an action which may have indicated the deal’s value to the team, the Oilers lowered the club seat requirement to 7,400 to help Nashville meet its goal.<sup>92</sup> This enabled the bank guarantees to cover the value of the club seat sales and a portion of the PSL shortage. Adams helped Nashville further by personally guaranteeing \$7.5 million of PSL sales, while the remaining shortfall of \$2.4 million was personally guaranteed by Columbia/HCA Co-chairman Thomas Frist, Jr.<sup>93</sup> On February 22, with the guarantees solidified, Bredesen announced that Nashville had reached the sales milestone.

### A Vote for Nashville’s Football Future

With the successful completion of the sales campaign and the legislative approvals, the Oilers and Nashville had completed their part of the stadium approval process. However, the law in Nashville provided for a referendum on government spending projects under certain conditions.<sup>94</sup> Both the Oilers and city leaders in Nashville had hoped to avoid a referendum because, as an August memo to Bredesen recognized, “[90% of the population’s] greatest role is veto power.”<sup>95</sup> The Oilers were more direct in their opposition, stating in their discussion points for the meeting of August 8, 1995, that the “stadium would be publicly financed and necessary funding *would not be subject to public referendum* [emphasis in original].”<sup>96</sup> According to project supporters, the public would be able to exercise its voice through the purchase of PSLs.<sup>97</sup> However, stadium opponents believed that the public should have a chance to vote on the issue.<sup>98</sup>

#### *“It’s Important for People to Have a Say”—The Petition Drive*

In early January of 1996, opponents began organizing a petition drive to collect the necessary 28,000 signatures. With the levy on the Water Department as a motivator, twenty people, including three members of the Metro Council, met to discuss strategy on January 15.<sup>99</sup> Eight days later, a second meeting drew almost 90 stadium opponents, who formed Concerned Citizens for Metro Nashville (CCMN) in order to rally opposition to the Oilers project and force a referendum.<sup>100</sup> Among the CCMN leaders were Red McClary, who finished third in the 1995 mayoral race with 5% of votes, former Metro Council candidate Larry Graham, and Council Representatives Eric Crafton, David Kleinfelter and Lawrence Hart.<sup>101</sup>

In an attempt to dissuade the public from signing petitions, Bredesen said that a referendum could cause the city to be liable for monetary penalties for missing construction deadlines and could jeopardize the agreement by allowing the Oilers to look elsewhere.<sup>102</sup> However, despite these scenarios, a poll by the *Tennessean* indicated that 58% of Nashvillians, including many of whom supported the stadium deal, wanted to hold a referendum to allow for a public voice on the project.<sup>103</sup> When the Metro Council voted on February 29 to approve the stadium, CCMN had turned in more than 42,000 signatures to the Metro Election Commission, which certified the petition’s success on March 14 and set a May 7 date for the referendum.<sup>104</sup>

*Yes for Nashville*

Before the petition was certified as successful, a proponent group, Yes for Nashville, formed on March 6 with Dick Darr—a local sports fan—as its leader. The leadership of Yes for Nashville represented a cross-section of Nashville and included retirees, sports fans and an African-American minister on its board of directors. As the organization formed, Darr said that Yes for Nashville hoped to raise between \$50,000 and \$75,000 to fund its efforts.<sup>105</sup>

Although publicly presented as a grass-roots effort organized by sports fans, the design of the organization originated from Bredesen's 1994 gubernatorial campaign chairperson Dave Cooley of McNeely, Pigott and Fox, a Nashville public relations firm.<sup>106</sup> According to Cooley, in a February 29 memo sent to Bredesen, "[the group] has to look, act, smell and operate like a grassroots group. Heavy hitters and stuff [sic] shirts (and consultants) should be invisible or in the distant background."<sup>107</sup> Part of the strategy was for Bredesen to take a subsidiary role and, according to Cooley allow "real people ... to carry the message."<sup>108</sup> Cooley also recommended that the grassroots organization would be financed through the business community with money raised "very quietly ... in large clips (\$5,000, \$10,000 and \$25,000)" but that "ALL TALK [emphasis in original] about money should focus on raising \$50,000 to \$75,000."<sup>109</sup>

Cooley's financing strategy allowed Yes for Nashville to raise \$570,000 in cash, goods and services in a two-month period, primarily from members of the Chamber of Commerce, suite lessors and PSL buyers.<sup>110</sup> Using this money and receiving behind-the-scenes help from McNeely, Pigott and Fox, Yes for Nashville conducted a professional political campaign by holding public rallies, voter registration drives, public relations events featuring Oilers players and by receiving high-profile endorsements.<sup>111</sup> Extensive polling, for which Yes for Nashville paid more than \$35,000, helped determine areas in which support was weak and where to direct door-to-door efforts.<sup>112</sup> Professional telemarketing and direct mail companies made more than 350,000 calls and sent mail to 250,000 homes at a cost of almost \$90,000.<sup>113</sup> An advertising campaign through the media, the cost of which exceeded \$200,000, supplemented these efforts.<sup>114</sup>



The Yes for Nashville campaign outspent stadium proponents by a ratio of 20:1. *Bumper sticker and pin courtesy of Dick Darr.*

While proponents utilized professional political campaign tools and management in the campaign, there was a strong grass-roots effort regardless of the actual origination of the Yes for Nashville campaign. A full-time paid staff of four was supplemented by the efforts of more than 600 volunteers, who delivered more than 500,000 bumper stickers, 30,000 yard signs and other printed materials to their neighborhoods.<sup>115</sup> Also showing a broad-base of support were electoral records showing that Yes for Nashville raised more than \$27,000 from contributions of less than \$100, and public statements from Yes for Nashville leaders claiming that the group collected 1,500 donations of \$20 or less.<sup>116</sup>

*Concerned Citizens for Metro Nashville (CCMN)*

In contrast, CCMN struggled in terms of money, organization and bad press from the outset of the referendum campaign.<sup>117</sup> Two weeks into the campaign, CCMN leader Larry Graham resigned and Eric Crafton, who was on vacation and did not attend the meeting, was selected as leader.<sup>118</sup> Upon returning, Crafton declined the leadership, saying that “we don’t need a single person to be in charge.”<sup>119</sup> CCMN did not seek endorsements because, according to Red McClary, “[we] just haven’t thought of it.”<sup>120</sup> Fundraising efforts were similarly unsuccessful as just \$20,000 was raised for the entire campaign, including only one contribution of \$1,000 from a private citizen and only one contribution exceeding \$100 from a business.<sup>121</sup> Exacerbating CCMN’s problems, media coverage was generally unfavorable characterizing the opposition as “cranks” and “naysayers” who would oppose anything.<sup>122</sup> According to local columnist Larry Dobie, “One *Nashville Banner* story characterized most of the opposition as a bunch of half-crazed AM talk-show nuts who weren’t paddling with all their oars in the water.”<sup>123</sup>

Despite their lack of professionalism and resources, however, members of CCMN were passionate, which some considered the group’s greatest strength.<sup>124</sup> In reference to the commitment of stadium opponents, CCMN organizer Charlie Allen said, “If we have an ice storm, most of the people I know will crawl to the polls.”<sup>125</sup> While polls taken the week before the election showed a 20-point margin favoring the stadium, opponents remained optimistic as McClary predicted that the stadium project would be defeated.<sup>126</sup>

However, the passion, commitment and optimism of stadium opponents were not enough to overcome the advantages held by Yes for Nashville in terms of money, organization and leadership. The polls doubted by McClary were close to correct as more than 40 percent of registered Davidson County voters turned out on May 7 to give proponents a 59 percent to 41 percent victory.<sup>127</sup> Thus, construction of the facility would commence, and the Oilers relocated to Nashville.

**Not Just Music City, USA**

The case of Nashville and its experience in financing a stadium for the Houston Oilers is representative of the trend showing participation from an increased number of groups and interests in the decision to build and/or subsidize a sports facility. During the early 1900s, direct public involvement was limited as team owners primarily built their own facilities. During the 1950s, municipalities, often urged ahead by civic boosters, began to build facilities and then search for teams as tenants. By the 1990s as the case of Nashville shows, the complex process of public subsidization of sports stadia involved

sports entrepreneurs, elected officials, civic elites, the wider business community (who bought PSLs and leased luxury suites), and the general public (who voted on stadium construction in referenda). However in most cases, outcomes are ultimately affected by a select group of civic boosters.

The role of fans and the public in the case in Nashville is not unusual among cities building facilities for major league sports teams, Similar to the cases of St. Louis and Charlotte, the sale of PSLs in Nashville was used to gauge public support and help pay for the stadium project. Not unlike developments in Baltimore and Phoenix, the Oilers and civic leaders in Nashville wanted to limit the public’s ability to vote on the stadium project. When the public had its chance to vote, Nashvillians showed their support for the project. However, even in the election, similar to Cincinnati and other cities, civic boosters and other proponents in Nashville were able to overwhelm opposition groups with superior resources and strategic management.

The experience of Nashville shows that despite greater public participation, the process approving sports facilities remains dominated by politicians and business elites. Throughout the entire process, Mayor Bredeesen established the parameters of the subsidization, helped to define the direction and timing of the legislative debates, and secured guarantees to finance the PSL and club seat shortage. As often has been the case with stadium financing, strong leadership and initiative by mayors and governors have been critical in overcoming political opposition and building popular support.

Also essential during the approval process was the active support and promotion of facilities by civic boosters. Throughout the process, the business community in Nashville played a role similar to those in Denver and Cincinnati during the 1990s by working closely with politicians promoting the project. Leaders from the Nashville Chamber of Commerce attended the initial meetings with the Oilers, helped negotiate the contract, purchased and guaranteed the sales of PSLs, leased luxury suites, and contributed significant financial resources to the proponent campaign in the referendum.

What makes the case of Nashville unique is the time frame in which events transpired. In many cities, the search for an NFL team had extended for many years, often with unsuccessful results. For example, St. Louis and Baltimore lost their NFL teams to relocation, failed to receive expansion teams during the late 1980s, and aggressively pursued existing teams with lucrative offers for relocation. Memphis had been actively seeking the NFL since the 1960s and supported teams in three upstart leagues. However, in early 1995, no one from Nashville was seeking a team, nor was a stadium plan in place or even being conceived. The Oilers interest in Nashville came at the team’s initiative, not due to the city’s effort to attract the NFL. Within one year, civic leaders were able to build a consensus among politicians, the business community and the public to build a stadium for the Houston Oilers. Thus, Nashville’s success in securing the Oilers can be seen as an example of a local community’s civic leaders seizing the opportunity to reposition itself as a “big league” city.

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  2. *Ibid.*; Raymond J. Keating, “Sports Park: The Costly Relationship between Major League Sports and Government,” *Policy Analysis* 339 (5 April 1999): 1.

3. The Oilers arrived to play in Nashville in 1998 after playing the 1997 season in Memphis.
4. Steven A. Riess, “Historical Perspectives on Sport and Public Policy,” *Policy Studies Review* 15 (Spring 1998): 4.
5. James Edward Miller, *The Business of Baseball: Pursuing Pennants and Profits in Baltimore* (Chapel Hill: University of North Carolina Press, 1990), 32; Glen Gendzel, “Competitive Boosterism: How Milwaukee Lost the Braves,” *Business History Review* 69 (Winter 1995): 535; Riess, “Historical Perspectives,” 6.
6. George Lipsitz, “Sport Stadia and Urban Development: A Tale of Three Cities,” *Journal of Sport and Social Issues* 8 (1984): 1. For other descriptions of the legislative processes involved in these decisions see Mark S. Rosentraub, *Major League Losers: The Real Cost of Sports and Who’s Paying For It*, 2<sup>nd</sup> ed. (New York: Basic Books, 1979); Charles C. Euchner, *Playing the Field: Why Sports Teams Move and Cities Fight to Keep Them* (Baltimore, Md.: Johns Hopkins University Press, 1975); Kenneth L. Shropshire, *The Sports Franchise Game: Cities in Pursuit of Sports Franchises, Events, Stadiums, and Arenas* (Philadelphia: University of Pennsylvania Press, 1995).
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8. Rodney Fort, “Direct Democracy and the Stadium Mess,” in *Sports, Jobs and Taxes: The Economic Impact of Sports Teams and Stadiums*, eds. Roger G. Noll and Andrew Zimbalist (Washington, DC: Brookings, 1997), 161; Lipsitz, “Sport Studies,” 9; James Quirk and Rodney Fort, *Hard Ball: The Abuse of Power in Pro Team Sports* (Princeton, N.J.: Princeton University Press, 1999), 226; Riess, “Historical Perspectives,” 4; Phillip Suchma, “The Selling of Cleveland Municipal Stadium: The Linking of Progressive Era Ideals With the Emerging Consumer Culture,” *Sport History Review* 31 (2000): 101.
9. Clyde Brown and David M. Paul, “Local Organized Interests and the 1996 Cincinnati Sports Stadia Tax Referendum,” *Journal of Sport and Social Issues* 23 (1999): 225; Richard T. Middleton IV, “The Politics of Stadium Development in Phoenix, Arizona” in *The Economics and Politics of Sports Facilities*, ed. Wilbur C. Rich (Westport, Conn.: Quorum, 2000), 104-108; Peter Richmond, *Ballpark: Camden Yards and the Building of the American Dream* (New York: Simon & Schuster, 1993), 101, 127; Sage, “Stealing Home,” 114.
10. Brown and Paul, “Local Organized Interests,” 228.
11. Stephen J. Agostini, John M. Quigley and Eugene Smolensky, “Stickball in San Francisco,” in *Sports, Jobs and Taxes*, 385-426.
12. Brown and Paul, “Local Organized Interests,” 235; Rosentraub, *Major League Losers*, 225, 271, 308; Paul C. Weiler, *Leveling the Playing Field: How the Law Can Make Sports Better for Fans* (Cambridge, Mass.: Harvard, 2000), 242-243.
13. National Sports Law Institute of Marquette University Law School, *Appendix 1 to Sports Facilities Reports*, on-line, available from <http://www.marquette.edu/dept/law/sports/sfr/sfr.html>.
14. Larry Woody, “Houston, We Have A Problem,” *Tennessean*, 12 August 1995, p. 1C; Joe Biddle, “Oilers Are The Longest Long Shot,” *Nashville Banner*, 25 August 1995, p. C1; David Climer, “This Time, We Didn’t Blow It,” *Tennessean*, 8 May 1996, p. 1C.
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16. *Ibid.*, p. 1.11.
17. Tom Weir, “Nashville’s Siren Song,” *U. S. A. Today*, 8 November 1995, p. 1C.

18. John Williams, "Music City Eyes Big Leagues: Wooing Oilers Part of Bid for U. S. Prominence," *Houston Chronicle*, 13 August 1995, p. A1.
19. John Helyar, "A Long Bomb: How Nashville Seeks, at High Cost, to Win Oilers from Houston," *Wall Street Journal*, 21 November 1995, p. A5.
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22. Climer, "Joke's Not on Us Now: Nashville's Work Makes It a Player," *Tennessean*, 21 August 1995, p. 1C.
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32. Phil Bredesen, "Presentation to Metro Council," 5 October 1995, pp. 38, 42, 43, Mayoral Collection of Bredesen, Metropolitan Archives; Legwold and Gail Kerr, "Oilers Consider Early Arrival," *Tennessean*, 17 November 1995, p. 1A.
33. Bredesen, "Presentation to Metro Council," p. 19.
34. Metro Council, Meeting of 10 October 1995, Meeting of 21 November 1995, Meeting of 6 February 1996, Meeting of 29 February 1996, audiocassette, Metropolitan Archives..
35. Ed Cromer, "Political Football," *Nashville Banner*, 26 September 1995, p. A1; Dobie, "In the Huddle."
36. Larry Daughtrey, "Memphians Oppose Help for Nashville," *Tennessean*, 27 September 1995, p. 2A; Al Dunning, "With NFL, the Buyer Best Beware," *Tennessean*, 20 August 1995, p. 8C; Larry Woody, "Memphis Wallowing in the Mud," *Tennessean*, 1 October 1995, p. 1C; Bill Lewis, "Political 'Pork' May Grease Oilers," *Nashville Business Journal*, 11 December 1995, pp. 1-2.
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38. Kerr and Legwold, "The Deal: No New Taxes: Mayor Says Only Fans Will Foot Bill," *Tennessean*, 6 October 1995, p. 1A.
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44. Metro Council, Meeting of 10 October 1995.
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58. Phil Bredeesen, “Phone Notes: Fred Smith,” 14 August 1995, Mayoral Collection of Bredeesen, Metropolitan Archives; Daughtrey, “Memphians Oppose Help for Nashville,” p. 2A; Dunning, “With NFL,” p. 8C; Woody, “Memphis Wallowing,” p. 1C.
59. Cromer, “Political Football,” p. A1; Dobie, “In the Huddle”; Bill Lewis, “Legislators Cancel Rubber Stamp for Sundquist,” *Nashville Business Journal*, 15 January 1996, p. 4.
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61. Cromer and Wilkinson, “Oilers Gush: ‘Endzone Is in Sight’: State Commits \$67M for NFL/TSU Stadium,” *Nashville Banner*, 27 September 1995, p. A1.
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64. Daughtrey, “Funding a Stadium Up to a City: Governor Offering Site, Roads Access,” *Tennessean*, 22 September 1995, p. 1A; Legwold, and Kerr, “State Offering Waters Down Oilers Talks: Contribution only \$10 million,” *Tennessean*, 21 September 1995, p. 1A.

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74. "Mayor Announces Chief, Members of Stadium Group," *Nashville Banner*, 21 November 1995, p. B3.
75. Wilkinson, "Metro Hires NFL Money Whiz," *Nashville Banner*, 30 August 1995, p. A1.
76. Banstener, "Ad Blitz for PSLs to Tackle Area Fans," *Nashville Banner*, 28 November 1995, p. A1
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79. "Who's Shelling Out the Bucks," *Nashville Banner*, 19 February 1996, p. A3.
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85. Ippolito, "Stadium's Pricy Seats Must Sell for Deal to Fly," *Tennessean*, 27 January 1996, p. 1B; Ippolito, "Group Scrambles," p. 1A.
86. The February 9 *Nashville Banner* reported that "Bredesen said that the difference was over semantics" and that there was no "oversight" in calculating the sales tax as part of the gross sales total. However, the next day, Bredesen admitted that the \$71 million "was the number I put on the table back in October. There was uncertainty back then whether these were sales-taxable or not." The \$71 million sales goal represented a net total after the state's tax levy of 8.25%, which meant that another \$6 million of PSLs had to be sold. See Wilkinson and Moritz, "City Might Need More PSL Aid From Banks, Mayor Says," *Nashville Banner*, 9 February 1996, p. A2; Ippolito, "Banks May, Again, Be Asked To Be Seated," *Tennessean*, 10 February 1996, p. 1A.

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90. Ippolito, “Bredesen Turns to Banks: Mayor Hopes They’ll Buy Leftover PSLs,” *Tennessean*, 6 February 1996, p. 1A.
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  - \$1.9 million bank guarantee on PSL sales
  - \$7.5 million Adams guarantee on PSL sales
  - \$2.4 million Frist guarantee on PSL sales
  - \$9.9 million value of 2,200 club seats (goal reduced from 9,600 to 7,400)
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96. “Discussion Points: Meeting on August 8, 1995,” 7 August 1995, p. 1, Mayoral Collection of Bredesen, Metropolitan Archives.
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99. Ippolito, “Foes of Oilers Stadium Deal Organize,” p. 1A.
100. Moritz, “Bredesen Calls,” p. B1.
101. Ippolito, “No Petitions Yet, but Grumbles Grow,” *Tennessean*, 8 February 1996, p. 2A.
102. Kerr and Ippolito, “A Referendum on Oilers Could Cost City the Team,” *Tennessean*, 19 January 1996, p. 2A; Moritz, “With Bonds OK’d Clock Starts for Petition Push,” *Nashville Banner*, 7 February 1996, p. A9; Ippolito, “Attorney Sees No Penalties If Vote Delays Deal,” *Tennessean*, 9 February 1996, p. 5A; Legwold, “Mayor: Vote Would Cause Delays,” *Tennessean*, 14 February 1996, p. 1A.
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105. Dobie, “The Names Game”; Deborah Highland, “Pro-Stadium Group Kicks Off ‘Vote Yes’ Drive,” *Tennessean*, 7 March 1996, p. 2B; Moritz, “NFL Backers Plan Door-to-Door Push,” *Nashville Banner*, 6 March 1996, p. B1.

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107. Cooley, "The Campaign," p. 1.
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109. Ibid., p. 2.
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