

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Staff

DATE: **January 16, 2001**

RE: **Analysis Report**

Balances As Of:	<u>1/11/01</u>	<u>1/13/00</u>
<u>GSD 4% RESERVE FUND</u>	\$3,096,358	\$13,532,406
<u>CONTINGENCY ACCOUNTS</u>		
GSD	\$50,000	\$154,000
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$46,859,389	\$24,132,642
USD	\$11,156,918	\$8,131,417
<u>GENERAL PURPOSE</u>		
<u>SCHOOL FUND</u>	\$22,665,382	\$17,090,379
<u>SOLID WASTE</u>		
<u>DISPOSAL FUND</u>		
Solid Waste Activities	\$865,517	\$477,098

- RESOLUTIONS -

RESOLUTION NO. RS2001-483 (LORING) – This resolution names a complex of buildings of the water and sewerage services department located on Omohundro Drive “The Buddy Williams Water Treatment Complex”. Mr. Williams, who recently retired, served as director of the Metro Water Services Department from July 1987 through the end of year 2000.

RESOLUTION NO. RS2001-484 (GENTRY) – This resolution is a routine housekeeping matter required by state law that relates to all public roads in Davidson County. By adoption of this resolution those roads and alleys listed on the street and alley acceptance and maintenance map under Ordinance No. BL2000-526, including any changes since the adoption of that map, are classified as public roads. This is an annual housekeeping matter to comply with state law.

RESOLUTION NO. RS2001-485 (BALTHROP) – This resolution authorizes the Metropolitan Government to enter into a contract with the state department of transportation for utility relocation as a result of improvements being made on Interstate 65 from Interstate 24 to Vietnam Veterans Parkway. Typically, the Metropolitan Government is required to bear the cost of relocating utilities that are in the state right-of-way. This project, however, will be funded by the state department of transportation as it requires some relocation of water and sewer lines that are outside the right-of-way. The department of water and sewerage services will be reimbursed \$272,964.30 by the state.

RESOLUTION NO. RS2001-486 (GENTRY) – This resolution approves an amendment to a grant between the state department of children’s services and the Metropolitan Government for the Metro juvenile court to participate in the juvenile accountability incentive block grant program. This grant was previously approved by the council by the adoption of Ordinance No. BL2000-321. The grant had a term expiring on December 30, 2000. Ordinance No. BL2000-321 provided that the grant could be amended by resolution of the council. The purpose of this resolution is to extend the term through February 28, 2001.

RESOLUTION NO. RS2001-487 (GENTRY) – This resolution approves the third amendment to the grant of the state emergency management agency to the Metropolitan Government for disaster assistance relating to the tornadoes that struck Davidson County. The original grant, approved by Substitute Ordinance No. SO98-1329, has subsequently been amended. The last amendment increased the amount of the grant to \$13,883,317 and this amendment will reduce the grant to \$13,325,712. The amendment can be approved by resolution of the council. The amount of this grant changes based upon reimbursements of the actual costs incurred.

RESOLUTION NO. RS2001-488 (HOLLOWAY, WILLIAMS & GENTRY) – This resolution approves an agreement between Utah State University and the Metro board of health relating to a dietetic intern program. Under this agreement students of the Utah State internship dietetic internship program will work at the health department to gain experience in food service management. The term of this agreement is from November 1, 2000, through October 31, 2001. Similar to other educational institution agreements the health department has with other universities, there is no liability to the health department. These students will not be employees of the health department and Utah State University is required to provide necessary liability insurance for those students.

RESOLUTION NO. RS2001-489 (GENTRY) – This resolution authorizes the department of law to compromise and settle the lawsuit of James Head and Tonya Ervin-Head against the Metropolitan Government in the amount of \$12,000, and directs that this amount be paid from the self-insured liability account. This lawsuit is the result of a traffic accident that occurred in April 2000 at which time our police officer, while attempting to pursue an aggravated assault suspect, backed into the vehicle of the plaintiffs. The Metropolitan Government has previously paid \$3,875 for damages to their vehicle. Both plaintiffs incurred medical expenses and lost wages in a total amount of \$7,194.70. The plaintiffs are being paid \$4,805.30 for pain and suffering.

Our police employee was suspended one day as a result of this accident.

RESOLUTION NO. RS2000-491 (WALLACE) – This resolution authorizes The Metro Sports Authority and Powers Management LLC to install and maintain an awning over the sidewalk right-of-way at 501 Broadway. The restaurant operators constructed the awning prior to making the application, but removed the awning when they discovered that it required governmental permission. This installation is being requested by Scott Johnson of Crown Tent & Awning Company on behalf of the owners of the building. The company will be required to maintain \$300,000 of public liability insurance.

This installation has been approved by the planning commission.

- **BILLS ON SECOND READING** -

ORDINANCE NOS. BL2000-497 AND BL2000-498 (BRILEY) – These two ordinances amend the Metropolitan Code relative to procedures used in determining whether buildings are fit for human occupancy, their repair, and their use. These two ordinances, principally, modernize existing procedures and conform to the present status of state law. The procedures are used when the department of codes receives notice from the Metro development and housing agency (MDHA) or a private person charging that a structure is unfit for human habitation, or when the department of codes makes a determination as to unfitness and for providing notice to owners to make required repairs. In the event such repairs are not made, the structure can be demolished. It also provides that the codes

department can make the necessary repairs and attach a lien on the property to recoup the costs. Additionally, provisions are provided that such structures that are not fit for human habitation can be condemned by MDHA, and MDHA has authority by resolution of the council to acquire such properties so that they can be removed or rehabilitated so as to be used in affordable housing efforts.

ORDINANCE NO. BL2000-525 (KNOCH) – This ordinance authorizes the Metro department of water and sewerage services to enter into an agreement with the state of Tennessee whereby the water services department will approve wastewater plans and water distribution plans of private developers rather than having to be done by the state department of environment and conservation.

Essentially, Metro will review plans by private developers for such installation projects and will apply Metro’s standards or the state’s standards, whichever are higher. Metro’s standards are generally higher than all state standards. This agreement authorizes the water services department to collect \$450 for initial review of each plan as to review for sewerage capacity, and \$200 for initial review of engineering plans for most lines, and up to \$1,500 for reviewing large pumping station plans.

The Metropolitan Government provides a number of review and inspection services for the state of Tennessee and other agencies, such as restaurant inspections by the health department. This is true of most urban cities. This allows the state to use their resources to review matters such as health and safety matters in rural areas that do not have local expertise and local standards.

ORDINANCE NO. BL2000-566 (DERRYBERRY) – This ordinance (1) renames a portion of McCrory Creek Road, between Pulley Road and Couchville Pike, to “Pulley Road; (2) renames portions of Couchville Pike, McCrory Creek Road, from Donelson Pike to Bell Road, to “Derryberry Boulevard”; and (3) renames a portion of McCrory Creek Road, from Old Murfreesboro Pike to its intersection with an unnamed road, to “Faircloth Lane”. The renaming of these streets is being requested by the Metro public works department in order to improve E-911 system efficiency and response time. This ordinance has been approved by the planning commission and the E-911 board.

ORDINANCE NO. BL2000-569 (GENTRY) – This ordinance authorizes the director of public property administration to acquire by negotiation or condemnation seven parcels of property located in the Mt. Pisgah Road area for construction of a new elementary school and a new middle school. The cost of the acquisition will be borne by bond proceeds of the board of education.

This ordinance has been approved by the planning commission and the board of public education.

This ordinance may not be adopted on second reading until a public hearing is held as required by the Metropolitan Code. This public hearing, although required to be held in the council chambers, is not required to be held during a council meeting or by the entire council.

ORDINANCE NO. BL2000-570 (GENTRY) – This ordinance authorizes the Metropolitan Government to sell to the state of Tennessee approximately 10,300 square feet of land for right-of-way

for Interstate 65 as part of the road construction on Interstate 65. Metro owns approximately 1.2 acres that is a remnant parcel of property. The state will pay Metro Government \$1,200 for this property.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2000-571 (STANLEY & GENTRY) – This ordinance authorizes the Metropolitan Government to convey property known as the Hoggatt Family Cemetery to the state of Tennessee. The Hoggatt Family Cemetery is totally surrounded by property owned by the state of Tennessee and that portion of property commonly known as Cloverbottom. The state of Tennessee has requested that it be transferred to them and they will be responsible for future maintenance and preservation. The Metro historical commission has approved this request.

This ordinance has also been approved by the planning commission.

ORDINANCE NO. BL2000-572 (GENTRY & JENKINS) – This ordinance authorizes the mayor to execute a contract between the Metropolitan Government and the Tennessee department of transportation for a grant in the amount of \$192,316 for litter and trash pickup by inmates of the Metro jail facilities. This contract is for one year beginning July 1, 2000, and expiring June 30, 2001. Included in the contract is an amount of \$57,700 for the beautification and environment commission for litter prevention education.

ORDINANCE NO. BL2000-573 (KNOCH & GENTRY) – This ordinance authorizes the department of water and sewerage services to enter into a participation agreement with Robert and Deena Cole to extend sewer service to their property in Williamson County as part of the Owl Creek trunk sewer project. The Cole's will pay \$2,000 which is approximately one-half the cost of extending this sewer service. The water and sewerage services department provides some sewerage service outside the area of Davidson County in agreement with local governments and utility districts when we can provide the service more efficiently than their utility district or government.

ORDINANCE NO. BL2000-574 (KNOCH & GENTRY) – This ordinance approves a cooperation agreement between the Metropolitan Government and the U.S. corps of engineers for stabilization and improvements to the Metro Center Levee and the construction of a greenway on the levee. The corps of engineers, from time to time, makes improvements on the stabilization of this levee. Under this contract, the corps of engineers will provide stabilization of approximately 2.8 miles of the levee and, in addition, a greenway will be constructed on top of the levee for a total approximate cost of \$7,540,060. Metro Government is required to contribute 35% of the funding for the flood control component and 50% for greenway construction. Metro's share will be \$2,195,080, which will be funded from general obligation bond funds as part of the Metro Center Levee Stabilization project.

ORDINANCE NO. BL2001-575 (GENTRY) – This ordinance readopts the Metropolitan Code to include all ordinances adopted by the Metro Council before September 21, 2000.

ORDINANCE NO. BL2001-576 (GILMORE & GENTRY) – This ordinance authorizes the Metropolitan Government to enter into a utility relocation contract with the state department of transportation for a project on Pecan Valley Road to Bull Run Road. The state desires to have five fire hydrants constructed along this road. The state will pay Metro \$15,225, which is the cost for installation of these fire hydrants.

ORDINANCE NO. BL2001-577 (WALLACE, GENTRY & KNOCH) – This ordinance authorizes conveyance of a temporary easement by the Metropolitan Government to Nashville Electric Service (NES) for construction purposes related to replacement of the Shelby Avenue Bridge with the Gateway Boulevard Bridge. During this project it will be necessary for NES to relocate certain transmission lines. Metro is agreeing to provide a temporary easement to allow for the relocation of its existing power lines during construction. Once construction has been completed and the transmission lines are placed in their permanent location, this temporary easement expires.

This ordinance may not be adopted on third and final reading until the planning commission has made a recommendation.

ORDINANCE NO. BL2001-578 (MCCLENDON) – This ordinance closes an unused portion of Willowbrook Drive, between parcel Nos. 123 and 124 on tax map 119-15. This closure is being requested by Virginia Ezell, the abutting property owner, and the properly executed petition is on file with the Metro clerk.

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

ORDINANCE NO. BL2001-579 (WALLACE) – This ordinance renames that portion of 11th Avenue Industrial Boulevard lying between Charlotte Pike and Broadway to “11th Avenue North”; and renames that section of 11th Avenue Industrial Boulevard lying between Broadway and 12th Avenue South to become “11th Avenue South”. This renaming is being requested by the interim director of the public works department to allow for improved E-911 efficiency and response.

This ordinance has been approved by the Metro planning commission and the E-911 board.

ORDINANCE NO. BL2001-580 (BALTHROP) – This ordinance abandons a portion of Brick Church Pike from Old Hickory Boulevard to its terminus at the newly relocated portion of Brick Church Pike, approximately 785 feet north of Old Hickory Boulevard. This abandonment is being requested by the interim director of the public works department and is necessary for construction of the Brick

Church Pike relocation project. The properly executed petition of abutting property owners is on file with the Metro clerk.

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

ORDINANCE NO. BL2001-581 (WALLACE) – This ordinance abandons an unnamed alley running from Winfrey Street to its terminus at Alley No. 190, lying between Lewis Street and Fairfield Avenue.

There is no petition or other information provided to show who has requested this abandonment.

- BILLS ON THIRD READING -

SUBSTITUTE ORDINANCE NO. BL2000-424 (SUMMERS) – This substitute ordinance closes a portion of Redmon Street, where a corner of the existing building lies over the right-of-way, located east of 37th Avenue North. This closure has been requested by Phillip Holmes of Volunteer Surveying on behalf of Robert E. Clement, the abutting property owner. The closure has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2000-517 (ARRIOLA) – This ordinance, as amended, amends the Metropolitan Code by requiring that any property that has been acquired by the board of public education from another Metro department for school purposes must be automatically returned to the agency when the property is no longer needed by the board of public education for school purposes and has been vacant for a year. This is to assure that if a school is removed from a site used by another department, that the property be returned to the department so it can be utilized for other Metro Government purposes when it is no longer needed for a school.

ORDINANCE NO. BL2000-519 (JENKINS & BOGEN) – This ordinance, as amended, authorizes the mayor to enter into a shared parking agreement, on behalf of Metropolitan Government, with the Edmondson Pike Medical Center. Apparently, the Edmondson Pike Medical Center does not have the required parking to obtain a use and occupancy permit. Under this agreement Metro agrees to allow the Edmondson Pike Medical Center to claim parking spaces constructed by Metro for use by the Edmondson Pike branch public library. Shared parking agreements are often used to assist business developments that do not have the necessary off-street parking, however, it is unusual for Metro Government to agree to have their parking be utilized for such businesses. This agreement can be terminated by Metro Government by giving thirty days advance notice. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2000-562 (WALLACE) – This ordinance approves the sale of surplus property located at 79 Robertson Street (map 93-16, parcel 425) by the director of public property administration due to the previous owner's failure to pay delinquent property taxes. The property value of the parcel has been estimated at \$1,000. The planning commission has approved this legislation.

ORDINANCE NO. BL2000-563 (HAND) – This ordinance authorizes the Metropolitan police department to accept the donation of five Tennessee Walking horses from members of the Tennessee Walking Horse Association. These horses will be used by the police department’s mounted patrol unit. The following persons are donating one of the Walking Horses:

1. Harlan and Eva Knight
2. Rhonda Martocci
3. Emily and Joe Siciensky
4. Judy and Bill Allison
5. Burl Dale

ORDINANCE NO. BL2000-564 (PONDER) – This ordinance authorizes the mayor to enter into a memorandum of understanding with the Nashville Electric Service (NES) that would permit the Metro water services department to purchase the existing NES electric equipment located at the K. R. Harrington water treatment plant. The proposed price for these facilities is \$281,643, which will be paid from the water and sewer extension and replacement fund. Council has recently approved an ordinance which authorized the water services department to begin purchasing electric power directly from the Tennessee Valley Authority (TVA). This required, however, that we lease the NES electric facilities at the treatment plant in order to provide the electric power to our facilities. By purchasing this equipment ourselves it will result in savings to the Metropolitan Government. The acquisition costs will be recouped in approximately 3.8 years based upon its current rental costs from NES.

ORDINANCE NO. BL2000-565 (BALTHROP) – This ordinance changes the name of “Two Mile Parkway”, between Gallatin Pike North and the north margin of parcel 65 on map 34-2, to “Rivergate Parkway”. This closure is being requested by Debbie G. Robinson, Executive Director of the Goodlettsville Area Chamber of Commerce. Although it appears that the renaming of this street to Rivergate Parkway may conflict with provisions of the Metropolitan Code that prohibit naming streets after businesses, namely Rivergate Mall located on Two Mile Parkway, the renaming of the parkway reflects the area of Nashville known as “Rivergate”, which name was taken from an old residence located on Two Mile Parkway. This ordinance has been approved by the planning commission and the E-911 board.

ORDINANCE NO. BL2000-567 (DERRYBERRY) – This ordinance closes a portion of McCrory Creek Road, from Pulley Road to its terminus, and closes a portion of Couchville Pike, from McCrory Creek Road to Donelson Pike. These street closures are being requested by the Metro public works department in order to improve E-911 system efficiency and response time. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2000-568 (WALLACE) – This ordinance authorizes Twenty One Management LLC to (1) install and maintain an awning, with poles located within the sidewalk, over the sidewalk area at 300 Second Avenue South; and (2) to install four architectural pole mounted lights within the Second Avenue South right-of-way. These installations have been requested by Joe Savage on behalf of Twenty One Management LLC, lessee for Colonial Realty Company, the owners of the

property. The company will be required to maintain \$300,000 of public liability insurance. This ordinance has been approved by the planning commission.