

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Staff

DATE: **April 17, 2001**

RE: **Analysis Report**

Balances As Of: 4/11/01 4/13/00

GSD 4% RESERVE FUND \$9,387,713 \$7,109,656

CONTINGENCY ACCOUNTS

GSD	\$50,000	\$154,000
USD	\$50,000	\$50,000

GENERAL FUND

GSD	\$46,859,389	\$37,648,618
USD	\$11,156,918	\$8,226,373

GENERAL PURPOSE

<u>SCHOOL FUND</u>	\$22,665,532	\$17,165,379
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SOLID WASTE  
DISPOSAL FUND

Solid Waste Activities	\$865,517	\$477,098
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## - RESOLUTIONS -

**RESOLUTION NO. RS2001-574** (KNOCH) – This resolution approves a contract between the Metropolitan Government and Jackson White, doing business as Environmental Wood Recycling. The purpose of this contract is to dispose of wood waste located at the Metro compost facility located off County Hospital Road. Metro will pay the contractor \$25,000 per month for the first three months, and beginning in July 2001 an amount of \$37,500 per month. Metro will furnish up to 30,000 tons of wood waste annually to the contractor. In the event the wood waste exceeds the annual amount, the contractor will be paid an amount of \$10 per ton in excess of the 30,000 tons in any calendar year. Under the terms of the contract, the contractor agrees to provide Metro with one-half of all profits it derives from the sale of this wood waste, which amount will be credited against payment made by Metro. The contract is for a term of five years, effective upon adoption.

This matter is before the council although it is subject to competitive bids, as the Metro Code requires that any services provided by private contractor above the cost of \$100,000 or more annually, which services were previously performed by Metropolitan Government employees must be approved by resolution of the Metropolitan Council with 21 affirmative votes. The Metro public works department has operated this compost facility for several years under the 1991 solid waste act that requires a 25% reduction in waste being disposed of in a Class 1 disposal facility. The employees who work in this area will be reassigned and no employee will lose employment as a result of Metro contracting out for these services.

**RESOLUTION NO. RS2001-581** (GENTRY) – This resolution approves an annual grant between the state department of health and the Metro board of health to fund a child healthy start initiative program in Metro Government. The amount of the grant is for \$442,800 and is for a term of one year beginning July 1, 2001, and extending through June 30, 2002. The purpose of this program is to provide home visitation and counseling services by public health nurses to provide assistance, counseling, and education in numerous areas of health-related programs. The program focuses on children in the first three years of life and will provide initial services at birth or prenatal to 200 high-risk parents.

**RESOLUTION NO. RS2001-582** (GENTRY) – This resolution approves the annual contract between the state department of health and the Metro health department for testing and counseling of AIDS patients. The grant amount is \$467,200 and provides funding for AIDS testing, education and counseling. The term of the contract is from January 1, 2001, to December 31, 2001.

**RESOLUTION NO. RS2001-583** (MCCLENDON & GENTRY) – This resolution approves a grant from the United States department of health and human services, bureau of primary health care, to

the Metro health department to provide health care for the homeless. The grant is for a term from February 1, 2001, through October 31, 2001, in the amount of \$462,888.

**RESOLUTION NO. RS2001-584** (WATERS, GENTRY & OTHERS) – This resolution authorizes the mayor to make application, on behalf of the public defender’s office, for a Byrne grant in the amount of \$146,711 annually from the United States department of justice, office of criminal justice programs. This grant would benefit The Women’s Center which will provide intensive outpatient day treatment programs for men and women offenders who are addicted to drugs, and to their children. The term of the grant is for four years beginning July 1, 2001. Metro will be required to provide matching funds in the amount of \$48,984 annually, which will be funded by the public defender’s operating budget.

**RESOLUTION NO. RS2001-585** (MCLENDON & GENTRY) – This resolution approves an amendment to a grant between the United States department of health and human service and the Metro office of emergency management to develop plans for responding to health and medical consequences in response to terrorist incidents involving weapons of mass destruction. Nashville is one of 20 cities that the public health service is mandated to assist. The council previously approved that grant in the amount of \$400,000. This amendment increases the amount to \$600,000 and extends the time for completing the financial report. The term of the grant is now for a term beginning August 30, 2000, and expiring January 31, 2002.

**RESOLUTION NO. RS2001-586** (HAND & LORING) – This resolution approves an interlocal agreement between the Metropolitan Government and Nashville Electric Service (NES) and the City of Berry Hill relative to access to the 800-MHZ emergency radio dispatch and response system. The Metropolitan Government and NES jointly own and operate the emergency radio dispatch and radio response system utilizing 800-MHZ radio frequencies licensed by the Federal Communications Commission (FCC). This system was jointly funded by Metro and NES, with Metro now maintaining the system and NES contributing funds to maintain the system. Berry Hill, which is an incorporated city within the Metropolitan Government, also has radio frequencies licensed by the FCC and wishes now to transfer their radio frequencies to our system. Under this agreement, by transferring the frequencies Berry Hill will be able to utilize our emergency radio dispatch and response system. The term of this agreement begins upon approval by the council and extends through June 30, 2005.

**RESOLUTION NO. RS2001-587** (GENTRY) – This resolution authorizes the Metropolitan Government to enter into a licensing agreement with CSX Transportation for the purposes of constructing a water and sewer line in the railroad right-of-way located near Logistics Way. Ordinance No. O98-1393 further authorized the approval of such licensing agreement to locate Metro utility lines in the Metro right-of-way owned by CSX Transportation by resolution.

This licensing agreement would be in perpetuity, provided however, should the railroad need the property Metro would be required to remove the lines from the right-of-way. The licensing agreement approved by this resolution provides for a one-time change of \$1,900, which will be paid from the water and sewer extension and replacement fund.

**RESOLUTION NOS. RS2001-588 AND RS2001-589** – These two resolutions approve lease agreements between the Metropolitan Government and the Sharp Electronics Corporation for lease of copiers. The state of Tennessee has entered into lease agreements with Sharp Electronics Corporation for copiers for various state departments, and the Metro Code allows Metro to take advantage of such contracts when it is to the advantage of Metro Government. The Metro Code further provides that anytime lease payments of equipment exceed \$5,000 per year, such leases must be approved by resolution of the Metro Council.

**RS2001-588** (FERRELL) approves a lease of ten copiers for the sheriff's department with an annual lease cost of \$33,478.80.

**RS2001-589** (GENTRY) – approves a lease of one copier for Nashville career advancement center with an annual lease cost of \$5,091.12.

The Metropolitan Government often leases high volume and high-speed copies rather than purchase them. An advantage to leasing of the copiers is that we are not responsible for maintenance, and many high volume copiers have more mechanical difficulties.

**RESOLUTION NO. RS2001-590** (GENTRY) – This resolution approves the acceptance of \$102,000.01 from the state of Tennessee department of environment and conservation. This is a recycling rebate, which is made available under the state program to local governments. The local governments must make a local match in an equal amount. This resolution approves acceptance of these funds, with the local match being made available from the Metro recycling reserve fund. The funds will be utilized for the purchase of equipment.

**RESOLUTION NO. RS2001-591** (GENTRY) – This resolution authorizes the department of law to accept \$5,413.53 in settlement of the Metropolitan Government's claim against the state of Tennessee department of transportation. This claim is the result of an accident that occurred on June 15, 1999, when an employee of the state department of transportation, while operating a state vehicle, struck a vehicle owned by the Metropolitan Government and assigned to juvenile court. This settlement amount is for damages to our automobile.

- **BILLS ON SECOND READING** -

**ORDINANCE NO. BL2000-443** (SHULMAN, HAUSSER & DERRYBERRY) – This ordinance amends the Metropolitan Code to insure that adequate notice is given to abutting property owners when construction work, which by definition involves excavation, occurs on streets adjacent to their property. Presently, the property owner is required to be given fourteen (14) days notice prior to beginning such work in easements on their property. Under this proposed ordinance, the notification requirement will be expanded to require that notice be given to abutting property owners to streets, roads, alleys or rights-of-way when construction is to take place prior to the beginning of such work. It also requires that members of council be notified.

The Metropolitan Code does provide for an alternative, that rather than be given notice by certified mail, it would allow contractors to get signatures from the property owners stating that they were aware that construction work was to begin. These notification provisions are being changed primarily so that property owners will know when work is being performed in streets, such as fiber optic cable work which does not occur on property, but in the street. These provisions will be applicable to all utility operators, cable providers, and any persons, including the Metropolitan Government, who do construction work in the streets.

There is a proposed substitute bill that will allow alternative notice options and require the posting of signs for larger projects.

**ORDINANCE NO. BL2001-676** (JENKINS, GILMORE & GENTRY) – This ordinance approves a lease agreement between the department of army and the board of parks and recreation for approximately 5.6 acres of land commonly known as the Lock I property, which is located on the right bank of the Cumberland River across from MetroCenter. The term of the lease agreement is 20 years beginning March 15, 2001. Metro is not required to make any rental payments. This property was previously leased to the parks department together with additional property to be used for park or recreational purposes, however, this Lock I property was deleted from the original lease agreement several years ago.

The corps of engineers has made available its surplus property for park property for many years. This Lock I property will, under the terms of the lease, become part of our greenway program with a master plan having been adopted to provide for a greenway at this location. This lease agreement has been approved by the board of parks and recreation. This agreement has not yet been considered by the planning commission.

**ORDINANCE NO. BL2001-677** (STANLEY & JENKINS) – This ordinance approves the execution of a easement grant for a conservation greenway from John J. Kuczma, Jr., to the Metropolitan Government. This perpetual easement will be utilized as part of our greenway area with a pathway for bicycles or pedestrian travel, nature trail, and/or natural area being designated by Metro Government. The property contains approximately two acres bordering Stones River from Lebanon Pike to Donelson Christian Academy. The acceptance of the conservation easement has been approved by the board of parks and recreation. This ordinance has not yet been considered by the planning commission.

**ORDINANCE NO. BL2001-678** (WATERS & BEEHAN) – This ordinance authorizes the mayor to accept a grant award from the state department of children's services for the juvenile court to participate in the juvenile accountability incentive block grant program. The amount of the grant will be \$436,608, with Metro's required match of \$48,511 that will be provided from the budget of the juvenile court. The term of this grant begins March 1, 2001, and expires September 30, 2001.

These funds will be utilized by the juvenile court to hire additional probation officers, funding of pre-trial services for juveniles, funding to improve juvenile courts' and probation officers' effectiveness and efficiency in holding juvenile offenders accountable, and establishing drug court programs for juvenile offenders.

**ORDINANCE NO. BL2001-679** (WHITMORE & GENTRY) – This ordinance approves the sale of surplus property located on Batavia Street (map 92-6, parcel 193) 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 \$300. This ordinance has not yet been considered by the planning commission.

**ORDINANCE NO. BL2001-680** (HAND) – This ordinance authorizes the director of public property administration to sell approximately .68 acres of property adjacent to Briley Parkway from the state of Tennessee for \$5,775. This property will be utilized by the State of Tennessee for part of its Briley Parkway widening. This property has no value to Metro and it is actually part of the surplus right-of-way acquired in the original construction of Briley Parkway. This ordinance has not yet been considered by the planning commission.

**ORDINANCE NO. BL2001-681** (MAJORS & KNOCH) – This ordinance authorizes the acquisition of necessary utility easements and temporary construction easements adjacent to I-65 from Trinity Lane to Vietnam Veterans Boulevard as part of the relocation of our utility lines in the widening project of I-65. The estimated cost of acquisition is \$16,500, which will be appropriated from the water and sewer expansion and replacement fund. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2001-682** (TURNER & KNOCH) – This ordinance authorizes the acquisition, by negotiation or condemnation, of four utility easements in relation to the Old Hickory Boulevard at Granny White Pike water and sewer project. The estimated cost of acquisition is \$2,000, which will be funded from the water and sewer extension and replacement fund. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2001-683** (MAJORS) – This ordinance authorizes the acquisition, by negotiation or condemnation, of five utility easements in relation to the Briley Parkway/Gallatin Road to I-65 water and sewer project. The estimated cost of acquisition is \$3,500, which will be funded from the water and sewer extension and replacement fund. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2001-684** (MAJORS) – This ordinance abandons for public use and converts to private use sewer lines and water lines located within the campus of Belmont University. This project also abandons the easement area where these water lines are located. This is to accomplish construction of the new gymnasium and activity building on the Belmont University property. These

water lines serve only Belmont University. This ordinance has been approved by the planning commission.

### **- BILLS ON THIRD READING -**

**ORDINANCE NO. BL2001-640** (GENTRY) – This ordinance approves an annual grant from the state of Tennessee emergency management agency to the Metro emergency management office in the amount of \$62,000, which funds are essentially pass-through federal funds to subsidize the Metro emergency management office. This grant is for a period beginning October 1, 2000, and ending on September 30, 2001.

**ORDINANCE NO. BL2001-641** (GENTRY & JENKINS) – This ordinance approves an urban and community forestry grant between the state department of agriculture and the Metro board of parks and recreation. This grant is for a term beginning December 15, 2000, and expiring September 30, 2001. The grant is in the amount of \$9,200 and provides funds for an adult education course for tree care workers and interested citizens on various aspects of tree biology and tree care, including instruction in introductory tree climbing techniques. The grant further provides funds to send members of the tree board to the National Urban Forestry Conference in Washington, DC in September 2001. There are no Metro funds involved.

**ORDINANCE NO. BL2001-642** (LORING) – This ordinance amends the Metropolitan Code relative to the regulation of storm water discharge. Essentially, the amendment provides some new definitions such as “community waters”, which includes all rivers, streams, creeks, drainage systems, etc., and “waters of the state”, which are such types of water areas where the state department of environment and conservation exercises control with respect to storm water permits. The necessary modifications are accomplished to delineate which areas are under the control of Metro and which are controlled by the state of Tennessee, and civil penalties for violations are established. This is essentially a clarification ordinance to assist in the enforcement act for violation of discharges into waters in the area of the Metropolitan Government.

**ORDINANCE NO. BL2001-643** (KNOCH & GILMORE) – This ordinance authorizes the Metropolitan Government, through the department of water and sewer services, to enter into an agreement with Old Hickory Hills, LLC, for extension of a sewer system to serve the Old Hickory Hills Subdivision and for the operation and maintenance of a pumping station and force main. This participation agreement is to replace one approved by the council in Ordinance No. BL2000-137, which was relative only to the operation and maintenance of the pumping station.

Under this participation agreement three sewer lines will be constructed by the developer and a pumping station will be constructed. The developer will pay \$121,500 upon the formal execution of this agreement after approval by the council, and will pay the balance of \$178,500 in equal installments of

\$1,500 as each lot is sold until the total amount is paid. In addition to the maintenance fee, capacity for the system will be provided by Metro's sewer system. In the event of the developer's failure to pay the installments, capacity allotments will be revoked.

**ORDINANCE NO. BL2001-644** (JENKINS) – This ordinance, as amended, would authorize the public library board to keep a percentage of fees generated through use of the conference center facilities located at the main library. According to the ordinance, this percentage shall be determined by the library board and approved by the director of finance, and the funds maintained by the library board are to be used for the upkeep of the facilities. It is presently estimated that approximately \$43,000 of fees will be generated and the director of finance has agreed to allow the library to retain one-third of that amount.

Generally, unless specifically provided in state law, all fees received by agencies of the Metropolitan Government go into the general fund and are appropriated back to the department or agency through the budget process. The adoption of this ordinance will change the policy of the government and the council by allowing departments to charge fees and retain the revenue.

Several years ago some departments, such as the parks department where fees are generated by facilities of the park system, and the traffic and parking garages in the Metro system, retained their revenues, however, they were not entitled to any funds of the government and operated as enterprise funds. Staff would caution the council to take serious consideration before changing this policy.

This ordinance, as amended, now provides for a sunset provision effective June 30, 2003. This means the ordinance is automatically repealed unless the council takes affirmative action to extend this ordinance. This will allow the council, during the budget process, to review this policy based on actual experience.

**SUBSTITUTE ORDINANCE NO. BL2001-645** (GENTRY) – This substitute ordinance approves a grant between the state emergency management agency and the Metropolitan Government, for the benefit of Metro's emergency management agency, in the amount of \$58,822. The term of this grant is two years beginning February 1, 2000, and expiring January 30, 2002. These funds are for emergency debris removal by Metropolitan Government.

**ORDINANCE NO. BL2001-646** (HALL & MCCLENDON) – This ordinance approves a grant between the state emergency management agency and the Metropolitan Government in the amount of \$110,310. The term of this grant is for three years beginning December 1, 2000, and expiring November 30, 2003. These funds are to be used to acquire and demolish or renovate ten residential structures that are subject to frequent flooding due to poor drainage capacity at Ellington Parkway. It has been deemed to be appropriate to acquire and remove these houses rather than attempt to correct the drainage problem for this highway, which was constructed in the early 1970's.



**ORDINANCE NOS. BL2001-647, BL2001-649, BL2001-650 & BL2001-651 (GENTRY) –**

These four ordinances authorize execution of contracts between the state department of transportation and the Metropolitan Government under the Transportation Improvement Program. Two of the grants relate to signalization, with the other two grants being relative to construction of bicycle paths and incident detection and response enhancement.

**Ordinance No. BL2001-647** provides funds in the amount of \$750,000 wherein the Metropolitan Government contributes to update and refine traffic signal timing plans in order to make traffic signals perform at maximum efficiency. This project will be directed at arterial corridors and networks as determined jointly by the state department of transportation and the Metro department of public works. It is anticipated that 150 intersections will benefit from this grant.

**Ordinance No. BL2001-649** provides funds in the amount of \$460,000, with no cost to the Metropolitan Government, to design and construct a signal priority system. This is a pilot project that that would detect approaching emergency and transit vehicles and traffic surrounding medical districts, including Baptist, Centennial and Vanderbilt Hospitals, and alter the normal system as they approach.

**Ordinance No. BL2001-650** provides funds in the amount of \$240,000, with matching funds in the amount of \$60,000 required by Metro, to install approximately 17 miles of on-street bicycle facilities. This will provide for some bicycle lanes on the following streets:

- Belmont/Portland Avenues
- Blair Boulevard
- Cherokee Road/Sloan Road/Westlawn Drive
- Demonbreun Street
- Elmington Avenue
- Fairfax Avenue
- Harding Road/West End
- Magnolia Boulevard
- Murphy Road
- Natchez Trace
- Richardson/Marlborough Avenues
- 16<sup>th</sup> Avenue
- 17<sup>th</sup> Avenue
- 18<sup>th</sup> Avenue
- 20<sup>th</sup> Avenue
- 31<sup>st</sup>/Blakemore/Wedgewood Avenues

The project also includes resurfacing identified sections of West End/Harding Road, Demonbreun Street, and Magnolia Boulevard.

Metro's share of funding has been previously approved by the council.

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**ORDINANCE NOS. BL2001-647, BL2001-649, BL2001-650 & BL2001-651** (continued)

**Ordinance No. BL2001-651** provides funds in the amount of \$900,000, with no cost to the Metropolitan Government, to design and install a traffic detection and monitoring system on a number of major arteries to provide a real-time detection system that monitors traffic conditions on the surface streets and will be utilized in identifying incidents that may occur. These systems will be installed at selected intersections in the following areas:

- Main Street/Gallatin Pike, approximately 12 miles
- Charlotte Pike, approximately 5 miles
- Broadway/West End Boulevard/Harding Road, approximately 7.5 miles
- Broadway/21<sup>st</sup> Avenue/Hillsboro Pike, approximately 6.5 miles
- 4<sup>th</sup> Avenue/Nolensville Pike, approximately 9.5 miles
- Lafayette Street/Murfreesboro Pike, approximately 12 miles

**ORDINANCE NO. BL2001-648** (GENTRY) – This ordinance approves a contract between the state department of transportation and the Metropolitan Government for the construction of a bridge over Earthman Fork Creek on Knight Road. The total project cost is \$485,000, with Metro Government being responsible for 20% of the costs or \$95,000. Funds for this project have been previously approved by the council.