

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Staff

DATE: **September 18, 2001**

RE: **Analysis Report**

Balances As Of:	<u>9/13/01</u>	<u>9/14/00</u>
<u>GSD 4% RESERVE FUND</u>	\$15,938,761	\$8,445,798
<u>CONTINGENCY ACCOUNTS</u>		
GSD	\$50,000	\$50,000
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE</u>		
<u>SCHOOL FUND</u>	Unavailable	Unavailable
<u>SOLID WASTE</u>		
<u>DISPOSAL FUND</u>		
Solid Waste Activities	Unavailable	Unavailable

## - RESOLUTIONS -

**SUBSTITUTE RESOLUTION NO. RS2001-718** (WALLACE) – This substitute resolution authorizes Marianne W. Bingham to install and maintain a sign above the public sidewalk area at 412 Broadway. This installation is being requested by Marianne W. Bingham, the abutting property owner.

This ordinance has been disapproved by the Metro planning commission.

**RESOLUTION NOS. RS2001-747 & RS2001-748** (BLACK) – These two resolutions appropriate community development block grant funds.

**Resolution No. RS2001-747** appropriates \$50,000 for property acquisition in the Fern Avenue neighborhood strategy area to develop affordable housing.

**Resolution No. RS2001-748** appropriates \$500,000 for construction of streetscape and infrastructure improvements in the Woodbine commercial district.

**RESOLUTION NO. RS2001-749** (PONDER & GENTRY) – This resolution approves the rules and regulations of the Metro Nashville arts commission adopted by the arts commission on April 19, 2001. The Metro Code provides that the arts commission is required to establish rules and regulations to promote art, which must be approved by the council. These rules and regulations address the providing of grant funds to non-profit civic and charitable organizations each year. Essentially, the grant recipients meet criteria provided in state law. These criteria include being a not-for-profit organization, headquartered in Nashville, and have substantial programming in Nashville. These same criteria have been used by the council in making grants to not-for-profit organizations. These rules and regulations also require the arts commission to adopt public art guidelines.

**RESOLUTION NO. RS2001-750** (SHULMAN) – This resolution authorizes the mayor to accept an annual grant from the Tennessee arts commission in the amount of \$43,702 for the current fiscal year. The funds will be used to make grants to not-for-profit organizations with each grantee receiving not more than \$25,000. These funds are provided in addition to the grant funds provided by the operating budget for arts grants.

**RESOLUTION NO. RS2001-751** (SHULMAN) – This resolution approves acceptance of an annual grant of \$47,500, which has been awarded to the Metro arts commission by the Tennessee arts commission. This grant provides operating support for the Metro arts commission for a term beginning July 1, 2001, and expiring June 30, 2002.

**RESOLUTION NOS. RS2001-752 & RS2001-753** – These two resolutions relate to Ordinance No. BL2001-834, which is currently on second reading. That ordinance accepts a law enforcement block grant from the U.S. department of justice. These two resolutions must be adopted and a public hearing held prior to the adoption of that ordinance on third and final reading.

**Resolution No. RS2001-752** (SHULMAN) provides there will be a public hearing to be held on the application for this grant, which is the subject matter of **Resolution No. RS2001-753** (DILLARD & SHULMAN). That public hearing will be held at our next Metro council meeting at 7:00 p.m., Tuesday, October 2, 2001. The details of the grant are contained in Ordinance No. BL2001-834, which is on second reading. The public hearing and resolution approving the application for the grant should have been handled prior to the filing of the ordinance providing for acceptance of the grant.

**RESOLUTION NO. RS2001-754** (NOLLNER) – This resolution allows the Metropolitan Government to opt out from the increased hours for sale of alcoholic beverages in the area of the Metropolitan Government on Sundays. State law presently provides that alcoholic beverages may not be sold on Sundays prior to 12 Noon. However, the Alcoholic Beverage Commission (ABC) by rule has extended such hours. The ABC has adopted a rule allowing alcoholic beverages to be sold on Sundays beginning at 10:00 a.m. The state law that permits the ABC to extend hours also provides local governments may opt out of the extended hours by resolution. That is the purpose of this resolution, which is to restore the 12 Noon hour for the beginning of sale of alcoholic beverages.

**RESOLUTION NO. RS2001-755** (GILMORE & KNOCH) – This resolution authorizes the department of water and sewerage services to enter into a utility relocation contract with the state department of transportation in relation to West Trinity Lane improvements. This agreement will authorize the state department of transportation to include in their construction contract the relocation of our utilities, which will be funded by the water and sewerage services department. The cost of our relocation of utilities is \$1,865,880, which will be paid from the extension and replacement fund. Metropolitan Government is allowed to construct utilities within the right-of-way of state highways, however, when they are required to be removed and relocated this cost must be paid solely by the Metropolitan Government. This is a typical utility relocation agreement.

**RESOLUTION NO. RS2001-756** (SHULMAN) – This resolution approves the fourth 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 decreased the amount of the grant to \$13,325,712 and this amendment will increase the grant to \$13,426,293.50. The amendment can be approved by resolution of the council. The amount of this grant changes based upon reimbursement of the actual costs incurred.

**RESOLUTION NO. RS2001-757** (SHULMAN) – This resolution approves a grant agreement between the Metro board of health and Centerstone Mental Health Centers, Inc., relating to the

implementation of Governor Don Sundquist's Community Prevention Initiative for Children program. Funding for this grant is provided by the state of Tennessee, and the program is designed to provide community intervention to facilitate the development of protective factors for at-risk youth before high-risk behavior develops, by targeting children under the age of 13 years. The grant cannot exceed \$24,599.

The Metro department of health has similar grant agreements with other sub-contractors for this type of service and this provider had a grant last year also.

**RESOLUTION NO. RS2001-758** (SHULMAN & GENTRY) – This resolution approves an amendment to a previous grant between the state department of labor and the Workforce Investment Act to the Nashville career advancement center (NCAC) to fund the administration of services of the NCAC. The purpose of this amendment is to increase the grant amount from \$132,494.69 to \$196,377.91.

**RESOLUTION NOS. RS2001-759 & RS2001-760** (SHULMAN & GENTRY) – These two resolutions authorize the mayor, on behalf of NCAC, to enter into agreements with the state department of labor and workforce development. These grants are funded through the Workforce Investment Act of 1998. These grant funds are provided to establish programs and administer services for youth, to deliver services to prepare adults, youth and dislocated workers for re-entry into the labor force, and to offer training to those facing serious barriers to productive employment. The term of each grant is for two years beginning July 1, 2001, and expiring June 30, 2003.

The grant under **Resolution No. RS2001-759** is in the amount of \$2247,803.59. **Resolution No. RS2001-760** is a grant in the amount of \$327,145.45.

**RESOLUTION NOS. RS2001-761 & RS2001-762** – These two resolutions authorize the lease of office equipment. The Metro Code requires that lease of equipment that has an annual cost of \$5,000 or more per year must be approved by resolution of the Metropolitan Council.

**RS2001-761** (SHULMAN & GENTRY) approves the lease of nine copiers for the sheriff's department, utilizing a contract between the state of Tennessee and Sharp Electronic Corporation. The annual lease cost is \$33,810.36.

**RS2001-762** (SHULMAN & MCCLENDON) approves a lease agreement for the department of public works with R. J. Young Company for lease of an engineering large format copier/scanner/printer that has an annual lease cost of \$7,956.

Large volume copiers and sophisticated equipment are quite often leased by the Metropolitan Government rather than purchased, as a lease agreement provides for service and maintenance. Also, as technology improves, repair parts are difficult to obtain for sophisticated equipment.

**RESOLUTION NO. RS2001-763** (GENTRY) – This resolution authorizes the department of law to accept \$9,925 in settlement of the Metropolitan Government's claim against Teri L. Burch. Ms. Burch, on February 23, 2000, drove her vehicle into a Metro police car after she had disregarded a traffic

signal red light. Ms. Burch was also charged with DUI (driving under the influence). Our Metro vehicle was a total loss and our police officer incurred medical expenses of \$275 to settle his injuries as a result of this accident. The settlement amount is for medical expenses incurred and property value of our police vehicle.

**RESOLUTION NO. RS2001-764** (SHULMAN) – This resolution authorizes the department of law to compromise and settle the lawsuit of Mary Evelyn Curtis and Johnny F. Curtis, Jr., against the Metropolitan Government in the amount of \$12,000, and directs that this amount be paid from the self-insured liability fund. This settlement is a result of an accident that occurred at the intersection of Trousdale Drive and Harding Pike in November 1999 when a water/sewer vehicle, merging with traffic, struck the rear-end of an automobile in which Ms. Curtis was a passenger. Ms. Curtis suffered injuries to her neck and back and through January 2001 had incurred medical expenses of \$6,243.39. Metro has previously settled with the owner of the vehicle struck for both property damage and for the owner’s personal injury claims. This settlement amount will dispose of the remainder of claims in this accident.

No disciplinary action was taken against our employee.

### **- BILLS ON SECOND READING -**

**ORDINANCE NO. BL2001-746** (SUMMERS & GENTRY) – This ordinance amends the zoning text by adding provisions for “accessory dwelling” as a use permitted with conditions in residential, mixed use, office and commercial districts within the urban zoning overlay (UZO) district. “Accessory dwelling” is defined as a dwelling unit either attached or detached from the principal dwelling unit on a lot. This accessory dwelling must be smaller in size and height, and must be located on the same lot as the principal dwelling. Among the conditions to be met, including being located within the UZO, is requirement that the principal dwelling on the lot must be owner-occupied, the accessory dwelling must be located in the rear yard, not more than one accessory dwelling will be permitted, and such accessory dwelling must be owned by the same person that owns the principal dwelling. This would permit a rental unit on the same zone lot.

This text change has been approved by the planning commission.

**ORDINANCE NO. BL2001-768** (STANLEY) – This ordinance grants the homeowners association of the Villages of Larchwood the authority to construct, install and maintain a sign within the median of Blackwood Drive, which is at the entrance of Villages of Larchwood. This sign is approximately four feet tall and is contained within the 15 foot landscaped median. In addition, the homeowners association will be required to maintain insurance in the amount of \$300,000 for the protection of the Metropolitan Government, which insurance cannot be cancelled without notification to the Metro. The permit to erect this sign can be revoked at anytime by the Metro Government, and if revoked, the sign must be removed at the sole expense of the homeowners association.

This ordinance has been disapproved by the planning commission and has not yet been considered by the traffic and parking commission.

**ORDINANCE NO. BL2001-775** (SONTANY, GENTRY & WATERS) – This ordinance amends the Metropolitan Code by making some changes in employee pension and benefit matters. It provides for essentially four changes in the system. The first of these is to provide for vesting in the pension system after five years of service. This will be applicable to all persons who will be employed on or after October 1, 2001. Employees who have left the system prior to that date will still be subject to the ten year vesting system, as it is not appropriate to make pension changes retroactive.

The second matter is a change in the method of calculation for average earnings on the five-year average for determining pension benefits. Under the current pension program we use the 60 consecutive months prior to applying for pension, however, they must all be contained in successive calendar years. Under this ordinance 60 consecutive months will be simply that and will discard the requirement of being in consecutive years. This will provide for persons to apply for a pension in mid-year and not require waiting until the end of the calendar year to apply.

(continued on next page)

**ORDINANCE NO. BL2001-775** (continued)

There is also a new requirement that will allow employees who have previously been employed, upon rehiring, to reconnect their service credit after being re-employed for one year. This will be applicable to persons employed by the Metropolitan Government on or after October 1, 2001. Employees who leave Metro Government service prior to that date will receive prior service credit under rules in effect at the time they leave Metro.

There is also a new benefit provision that allows an employee who is vested who dies, leaving no surviving spouse, who is survived by a dependent child or children, to have a benefit paid to this surviving child or children the same as a spouse would have been paid.

All of these changes are beneficial to the employees and contributions to the pension fund budget in this year's operating budget contemplate the allocation of these changes.

These changes have been approved by the Metro employee benefit board and are recommended to the council.

**ORDINANCE NO. BL2001-812** (GENTRY, PONDER & SUMMERS) – This ordinance establishes the annual program for the purpose of providing assistance to low-income elderly residents of the Metropolitan Government. The council appropriated \$1,206,800 in the 2001-2002 operating budget for the purpose of funding this program for one year. Elderly persons whose annual income does not exceed \$11,800 are eligible for this program.

**ORDINANCE NO. BL2001-813** (KNOCH, TURNER & JENKINS) – This ordinance authorizes the acquisition of approximately 28 acres of property located on Nolensville Road to be used for construction of the new W. H. Oliver Middle School and a future elementary school in the Nolensville Road area. This acquisition, by either negotiation or condemnation, has been approved by the Metro board of public education.

This ordinance may not be adopted on second reading until a public hearing has been held. That hearing will be held before the planning and zoning committee of the council on Monday, October 1, 2001. Therefore, this ordinance must be deferred on second reading for one meeting.

The planning commission has not yet made a recommendation on this ordinance.

**ORDINANCE NO. BL2001-814** (NOLLNER & GENTRY) – This ordinance authorizes the director of public property administration to sell approximately 0.723 acres of property belonging to the Metropolitan Government to the state of Tennessee for a price of \$9,550. This property that we are selling, which is less than one acre, is a portion of 4.39 acres that Metro owns on Chadwell Drive, east of Interstate 65. The state will use this property for interstate highway improvements.

The sale of this property has been approved by the planning commission.

**ORDINANCE NO. BL2001-815** (WALLACE) – This ordinance authorizes the Metropolitan Government to accept a donation of property located at the intersection of 7<sup>th</sup> Avenue South and Demonbreun Street from First Baptist Church. This property will be used as a turn radius for future improvements that may occur on Demonbreun Street. There is no cost to the Metropolitan Government.

The planning commission has not yet considered the acceptance of this property.

**ORDINANCE NO. BL2001-816** (JENKINS) – This ordinance authorizes the director of public property administration to accept a number of easements for use and benefit of the greenways commission. These greenway areas are being donated for the Stones River greenway system connected to the Cumberland River area. The following property owners are making donations from their existing use:

<u>Owner</u>	<u>General Description</u>
1. United States – Corps of Engineers – 6.89 acres	Percy Priest Recreation Area
2. Fogelman Properties – 2.421 acres	Stewart’s Ferry Apartments
3. Metropolitan Government – 5.751 acres	Treatment plant
4. Mr. & Mrs. Gayron C. Lytle	40-foot wide easement – farmland
5. Metropolitan Government – 1.804 acres	Treatment plant
6. Cumberland Trace Partnership – 1.680 acres	Condominiums
7. Opryland Attractions – riverbank	Cumberland river bank

Acceptance of these easements has been approved by the director of the Metro parks and recreation department. This ordinance has not yet been considered by the planning commission.

**ORDINANCE NO. BL2001-817** (JENKINS) – This ordinance authorizes the director of the parks and recreation department to accept a donation of 8.7 acres of property from the Mill Run, LLC and Mill Run Homeowners Association, which property will be used in future greenways programs. This greenways area is along Mill Creek.

The planning commission has not yet considered this ordinance.

**ORDINANCE NO. BL2001-818** (JENKINS & STANLEY) – This ordinance authorizes the director of the parks and recreation department to accept an easement for use in the greenways project adjacent to Stones River, which is owned by the Ravenwood Country Club. The easement area is from the edge of the water at its normal pool level on the east bank of the Stones River to the boundary of Stones River Road.

This ordinance has not yet been considered by the planning commission.

**ORDINANCE NO. BL2001-819** (DERRYBERRY) – This ordinance renames 1) McCrory Creek Road to “Pulley Road”, between Pulley Road and Couchville Pike; 2) Couchville Pike, McCrory Creek Road, and an unnamed road to “Derryberry Boulevard”, from Donelson Pike to Bell Road; and 3) McCrory Creek Road, from Old Murfreesboro Pike to its intersection with an unnamed road to “Faircloth Lane”. These name changes have been requested by the interim director of Metro public works to improve E-911 system efficiency and response time.

These name changes have previously been rejected by the council.

**ORDINANCE NO. BL2001-822** (WALLACE) – This ordinance amends the Metro Code to limit the types of traffic violations for which a vehicle may be towed by the Metro police department. Presently, the Code provides that any vehicle which is parked, stopped, or stranding in any violation of any ordinances, except overtime parking, may be towed by the Metro police department. This ordinance would provide that vehicles can be towed when parked adjacent to a fire hydrant and an actual fire is in progress only.

This ordinance does not affect vehicles in violation of obstructing the orderly flow of traffic, parked on thoroughfares more than 48 hours without current registration, or are disabled so as to obstruct traffic, and other similar instances.

There may be a substitute ordinance to replace this ordinance.

**ORDINANCE NO. BL2001-823** (GENTRY) – This ordinance approves a grant from the state of Tennessee, office of the secretary of state, to the library board in the amount of \$3,409. This grant is for a period beginning June 1, 2001, and expiring September 30, 2002. These funds, which are passed through from the federal government, will be used to reimburse the Nashville public library for costs in lending our books to other libraries.

**ORDINANCE NO. BL2001-824** (GILMORE & GENTRY) – This ordinance approves a grant between the state department of corrections and the state trial courts to implement a supervision and day reporting center. The amount of this grant is for \$2,502,879, which will be paid over three years with a payment each year of \$834,293 per year. The term of this grant is for three years beginning July 1, 2001, and expiring June 30, 2004. This program is to provide an alternative punishment program for non-violent offenders. During the term of the contract Metro agrees to supply at least 350 new offenders from the court, and not less than 50 new offenders from probation.

**ORDINANCE NO. BL2001-825** (SHULMAN & KNOCH) – This ordinance abandons a sewer line and easement on property owned by Green Hills Commons, LLC. Green Hill Commons has installed a new sewer line which adequately serves the lots and the neighboring properties, and this easement is no longer needed by the department of water and sewerage services.

**ORDINANCE NO. BL2001-826** (DERRYBERRY & KNOCH) – This ordinance abandons two sewer lines and easements on property owned by the Metro Nashville airport authority. The airport authority wishes to convert these lines to private sewer lines, and the department of water and sewerage services has agreed. These are not part of our public sewer system. By converting these to private lines the airport authority will be required to maintain them, rather than Metro.

The transfer of these easements to private easements has been approved by the planning commission.

**ORDINANCE NO. BL2001-827** (BEEHAN & WATERS) – This ordinance authorizes the mayor to execute, on behalf of Metropolitan Government, an annual grant between the state of Tennessee department of human services and the Metro juvenile court. This contract provides funds for the child support enforcement program in the juvenile court. Metro will receive \$697,351.38 under this grant. The contract period begins July 1, 2001, and expires June 30, 2002. Metro will provide a local match of \$359,241.62 from the juvenile court operating budget.

**ORDINANCE NO. BL2001-828** (PONDER) – This ordinance changes the name of Chandler Road, between Old Hickory Boulevard and Dodson Chapel Road, to “Dodson Chapel Road”, and changes the name of Dodson Chapel Road, from Chandler Road to its terminus, to “Dodson Chapel Court”. These name changes have been requested by the interim director of the Metro public works department for improved E-911 system efficiency and effectiveness.



These name changes have been approved by the planning commission and the emergency communications district (E-911) board.

**ORDINANCE NO. BL2001-829** (SHULMAN) – This ordinance changes the name of 22<sup>nd</sup> Avenue South, between Sharondale Drive and Golf Club Lane, to “Golf Club Place”. This name change has been requested by the interim director of the Metro public works department for improved E-911 system efficiency and effectiveness.

This name change has been approved by the planning commission and the emergency communications district (E-911) board.

**ORDINANCE NO. BL2001-830** (TURNER & GENTRY) – This ordinance closes a portion of General Bates Drive, from south of Melville Drive to the south property line of parcel 144 on tax map 132-5. This closure has been requested by the interim director of the Metro public works department for improved E-911 system efficiency and effectiveness.

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

There is no signed petition of abutting property owners on file with the Metro clerk.

**ORDINANCE NO. BL2001-831** (BRILEY) – This ordinance abandons Alley No. 1404, between Gallatin Pike and Scoot Avenue. This closure has been requested by Mr. Jack W. Garrison on behalf of abutting property owners.

This abandonment has been approved by the planning commission and the traffic and parking commission. There is no signed petition of abutting property owners on file with the Metro clerk.

**ORDINANCE NO. BL2001-832** (SUMMERS) – This ordinance abandons an unbuilt portion of Long Meadow Drive, from West Hillwood Drive to its terminus at Hillwood Country Club. This abandonment has been requested by Ms. Denise M. Smith, the abutting property owner.

This abandonment has been approved by the planning commission and the traffic and parking commission. There is no signed petition of abutting property owners on file with the Metro clerk.

**ORDINANCE NO. BL2001-833** (BLACK) – This ordinance abandons Alley No. 1088, from Brick Church Pike to its terminus located north of Haynie Avenue. This abandonment is being requested by Mark Carver of Sherrard & Roe PLC for Budig Realty, LLC, the abutting property owner.

This abandonment has been approved by the planning commission and the traffic and parking commission. There is no signed petition of abutting property owners on file with the Metro clerk.

**ORDINANCE NO. BL2001-834** (DILLARD & SHULMAN) – This ordinance approves the acceptance of a grant from the U.S. department of justice to the Metropolitan Government to be used by various Metro agencies, including the police department, the office of the district attorney, and the criminal courts. The grant is in the amount of \$2,604,335. Matching funds for the grant in the amount of \$289,370 will be funded from the operating budget of those departments participating in the grant. This is an annual grant that will be used to reduce crime and improve public safety. The following agencies will receive funding under this grant:

**Department**

**Grant**

**Required Match Total Award**

District Attorney	\$299,008.84	\$33,223.20	\$332,232.04
Public Defender	\$47,974.88	\$5,330.54	\$53,305.42
Juvenile Court	\$91,860.41	\$10,206.72	\$102,067.12
Drug Court	\$441,471.00	\$49,052.33	\$490,523.34
Justice Information System	\$149,042.39	\$16,560.27	\$165,602.65
Sheriff	\$375,203.03	\$41,689.23	\$416,892.26
Police	\$860,725.37	\$95,636.15	\$956,361.53
Schools	\$339,049.07	\$37,672.12	\$376,721.19

**- BILLS ON THIRD READING -**

**ORDINANCE NO. BL2001-744** (LINEWEAVER) – This ordinance amends the zoning text changing the conditions for veterinary uses and parking requirements. It limits the size of a veterinary clinic to a single building footprint of 2,500 square feet, rather than a gross floor area of 2,500 square feet. It would allow a caretaker residence for care of animals being housed overnight to be located on the same lot.

Kennels for animals that are not undergoing medical treatment would also be permitted as an ancillary use rather than as a permissive use. Minimum parking space requirement is also reduced from one space for each 200 square feet of building, to now require one space for each 300 square feet of building.

This text change has been approved by the planning commission.

**ORDINANCE NO. BL2001-750** (SHULMAN) – This ordinance amends the zoning text relative to provisions of the Code relating to landscaping, buffering, and tree requirements. They are recommended by the Metro tree advisory committee and are essentially changes to the tree ordinance that was initially adopted several years ago. The purpose of these amendments is, principally, to improve the prospects of trees to be retained and that new requirements for trees being planted to have a better chance of survival.

To accommodate this there are changes such as requiring hose attachments for irrigation of plants and trees and by limiting to 100 feet, rather than the current 200 feet, which is used when developers decide not to use sprinklers for irrigation for landscaping plants. It also removes an exemption that allows plants naturally climated to Nashville be planted without irrigation. It would authorize the urban forester to develop regulations, which must be approved by the planning commission, to govern excavation and trenching for utilities at construction sites. This is essentially to assure that during construction trees and plants are not damaged and, therefore, lost.

There is a screening requirement adopted which would require that automobile salvage yards must be screened from properties “zoned or policied” residential and from public streets by use of opaque fencing not larger than 6 (six) feet in height.

Although staff believes it is appropriate to require this necessary screening for automobile salvage yards, staff believes it is inappropriate to require such when they are “policied” for residential properties.

Zoning is purely a legislative function. Under the terms of this provision the planning commission could control landscaping by “policing” lots residential which does not create a residential zone lot. This is a long-standing dispute between the planning commission and the council as to who has control over land use – the planning commission or the council. Staff would recommend that this “policied” language be deleted.

This text change has been approved by the planning commission.

There will be an amendment offered to this text change.

**ORDINANCE NO. BL2001-772** (GENTRY) – This ordinance amends provisions relative to the excessive noise ordinance by expanding the exemption areas. In 2000 the council amended the excessive noise ordinance to prohibit operation outdoors of musical instruments and other entertainment that used amplification that were within fifty (50) feet of residences, parks or greenway areas unless such use was in a totally enclosed structure. Property lying within the CC and CF zone districts as of November 2000 were exempted along with property in the Music Row and Vanderbilt University areas. This ordinance will extend the expanded areas along 21<sup>st</sup> Avenue South to Edgehill Avenue to 15<sup>th</sup> Avenue South, which is similar to the other expanded properties that are outside the CF zone district in the Music Row/Vanderbilt areas.

**ORDINANCE NO. BL2001-773** (FERRELL) – This ordinance, as amended, would amend provisions relative to the ethical standards by council members by amending the recently enacted standards. This year the council amended the provisions to provide that a member of council who receives gifts or benefits that are provided to all members of council or other elected officials, employees of Metropolitan Government, or members of the general public may not be deemed a gift or benefit that is prohibited by ethical standards. This amendment will qualify this exemption by providing that the receipt of such gifts or benefits, if in excess of value set in the ethics manual for members of Congress, which currently is \$100 or \$250 from the same person or entity during a calendar year, will not have this blanket exemption.

**ORDINANCE NO. BL2001-774** (PONDER) – This ordinance is an annual ordinance that adopts the property identification maps for Metropolitan Government that become the official property map for tax assessment and identification of real estate purposes.

**ORDINANCE NO. BL2001-776** – This ordinance amends the Metropolitan Code by making some changes in employee pension and benefit matters. These changes have been approved by the Metro employee benefit board and are recommended to the council. This ordinance provides that effective July 1, 2001, non-certified employees of the Metro board of public education shall no longer make pension contribution payments. The three percent amount that they were making will now be included in the board of education’s contribution. This payment benefit was afforded to general Metro Government employees many years ago in lieu of a pay raise, and it results in a little more than a three

percent increase. This payment was recommended by the board of public education and they have allocated pay raise money to afford the employees these benefits.

**ORDINANCE NO. BL2001-777** (GENTRY & WATERS) – This ordinance will allow the Metropolitan Government to waive the processing fee set by state law when persons use credit or debit cards in making payments to the Metropolitan Government. State law requires that local governments set and collect a debit and credit processing fee equivalent to the amount the government is charged when these methods are used for payments, provided the processing fee charged these persons cannot exceed five percent of the payment collected. This year the state legislature authorized local governments to waive this processing fee if they wish to do so. It is the opinion of the director of finance that by removing this additional fee, citizens will be more encouraged to pay these fines and fees and will result in quicker payments to Metro and a cost savings to Metro, as the processing fee is less than our cost of processing. Therefore, we would benefit by waiving this fee. Also, any department that accepts credit or debit card payments as a form of payments must have approval by the department of finance.

Typically, when a business accepts credit card payments by credit cards such as VISA or MasterCard, the amount that is actually received from the credit card company is reduced by 2-4 percent.

**ORDINANCE NO. BL2001-778** (KNOCH) – This ordinance amends the Metro Code by allowing the Metro water services department to provide for a surcharge for treating ammonia that is placed into our sewer system. The Metro hearing authority has recommended that a surcharge be adopted for ammonia as is for other types of troublesome discharges, such as oil and grease, as it increases our operating costs at the wastewater treatment plant. This ordinance adopts a formula for collection of this surcharge that is essentially based upon the payments for costs to treat biological oxygen demand (BOD) by imposing a surcharge that is 4.6 times the rate to treat BOD. Fees adopted by departments of the government have to be approved by the council unless specifically allowed by the Metro Charter. These fees must relate to the actual cost of the service and cannot be used to generate revenue. This surcharge is a cost based fee.

**ORDINANCE NOS. BL2001-779 & BL2001-780** – These two ordinances adopt participation agreements with developers and the Metro department of water and sewerage services.

**BL2001-779** (KNOCH) is an agreement with Winchester Development LLC to pay \$36,000 toward the financing of the construction of the Owl Creek Trunk Sewer. The developer will be increasing sewerage service in the subdivision known as South Springs @ Southern Woods West. These funds will be paid into the water and sewer extension and replacement fund.

**BL2001-780 (DERRYBERRY)** is a participation agreement with Duke-Weeks Realty LP relative to construction of a sewer pumping station and force main to serve only the Airport East Business Park. As this construction only benefits one development, Dukes-Weeks will pay \$71,500 as additional capacity fees and will pay \$150,000 to cover future operational and maintenance of the pumping station.

**ORDINANCE NO. BL2001-781** (KNOCH & BALTHROP) – This ordinance approves an agreement between the department of water and sewerage services and the City of Ridgetop to provide for wastewater treatment services, and replaces the previous agreement with the City of Ridgetop which was entered into on May 20, 1997, and approved by the Metro Council.

The Metropolitan Nashville 201 facilities plan, sometimes known as the 201 wastewater area plan, provides that the department of water and sewerage services is to provide wastewater treatment services for the area. Several years ago, under federal law, Metro was designated as the operator in the area for wastewater treatment services for those companies that wish to participate, therefore, Metro received funding for construction from the federal government for our wastewater treatment plants.

The new contract is similar to the expired one, as the City of Ridgetop will pay comparable rates for wastewater treatment services, and these rates will be subject to increases related to increases in the consumer price index. As the force main constructed to serve the City of Ridgetop has capacity of 609,631 gallons of capacity per day, Ridgetop will pay Metro \$120,000 for the ability to use 200,000 gallons of capacity per day. They also have the option to purchase additional capacity based upon payment of a pro rata share of Metro's interest for this additional capacity. Additionally, service connections that occur after August 1, 2001, will be subject to a one-time capacity charge of \$500 for each 350 gallons of flow per day per connection which will be paid by the City of Ridgetop and remitted to the Metropolitan Government. This capacity charge will remain in effect until July 1, 2004, and every five years thereafter, being increased by a percentage change in the consumer price index.

Metro has similar agreement with other cities in the 201 wastewater area plan such as Brentwood, Goodlettsville, Millersville, LaVergne, Hendersonville, Mt. Juliet, and the utility districts of Harpeth Valley, Old Hickory and White House.

**ORDINANCE NO. BL2001-782** (KNOCH & BEEHAN) – This ordinance approves a lease agreement between the Metropolitan Government and the Sheriff's Project for Organized Recreational and Team Sports. This project is a not-for-profit service organization within the Metro sheriff's office that is devoted to the development of sports programs for children in Nashville and Davidson County. The Metropolitan Government approves leasing of the parking spaces known as the Davidson County Sheriff's Office Training Academy at 701 South 5<sup>th</sup> Street on days that the Tennessee Titans have football games and days when Fan Fair is at the stadium. This ordinance will allow this not-for-profit service organization to collect parking fees to be used in their program.

The term of the lease is for one year but may be extended for up to four successive periods of one year each by the sheriff's department and the director of public property administration. The organization

does have a charitable solicitations permit and has provided the required liability insurance for the protection of the Metropolitan Government.

This lease agreement has been approved by the Metropolitan planning commission.

**ORDINANCE NOS. BL2001-783 & BL2001-784** (HART, GENTRY & WATERS) – These two ordinances authorize the sale of surplus property to the state of Tennessee for use and construction of improvements to Briley Parkway. These two properties are located in the Brush Hill Road area and are remnants from the original construction of Briley Parkway.

**BL2001-783** authorizes the conveyance of .11 acres of property for the amount of \$2,350, and **BL2001-784** authorizes the conveyance of .16 acres for \$1,550. These properties have no value except to the state for this road, or to the adjacent property owners as they are either not buildable lots or they do not have adequate access to streets.

These ordinances have been approved by the Metro planning commission.

**ORDINANCE NO. BL2001-785** (KNOCH) – This ordinance authorizes the acquisition, by negotiation or condemnation, of 64 utility easements in relation to the Mill Creek trunk sewer to Nolensville project. The estimated cost of easement acquisition is \$94,500, which will be funded from the water and sewer extension and replacement fund.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2001-786** (KNOCH) – This ordinance authorizes the acquisition, by negotiation or condemnation, of one utility easement in relation to the Hillsboro Road at Bancroft Place proposed 8” water main project. The estimated cost of easement acquisition is \$1,500, which will be funded from the water and sewer extension and replacement fund.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2001-787** (BEEHAN, WALLACE & KNOCH) – This ordinance authorizes the Metropolitan Government to accept an easement provided by the U.S. Corps of Engineers under the Shelby Street Bridge for use by the Metropolitan Government for maintenance of the bridge. The Corps of Engineers controls the banks of the Cumberland River to the high water mark and in some places above that. This is a housekeeping matter to allow Metro to enter onto Corps of Engineers property for maintenance of the Shelby Street Bridge.

This ordinance has been approved by the Metropolitan planning commission.

**ORDINANCE NO. BL2001-788** (PONDER) – This ordinance renames an unbuilt portion of Chandler Road to become “Dodson Chapel Lane”. This name change is being requested by the Metro public works department.

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