

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Staff

DATE: **November 20, 2001**

RE: **Analysis Report**

Balances As Of:	<u>11/14/01</u>	<u>11/21/00</u>
<u>GSD 4% RESERVE FUND</u>	\$18,865,006	\$1,043,262
<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

- BILL ON PUBLIC HEARING -

ORDINANCE NO. BL2001-861 (HADDOX, WATERS & FERRELL) – This ordinance adopts the second amendment to the Phillips-Jackson Street Redevelopment Plan. This redevelopment plan was first adopted in 1993 and is generally the redeveloped area surrounding the Bicentennial Mall, between Interstate 40 and Interstate 65 and the Cumberland River, to Hume Street. This amendment changes the land use for two parcels of property bordering on 8th Avenue, at its intersection with Jackson Street and 9th Avenue North, from mixed use to general residential. Specifically, these parcels will be utilized for multi-family or condominium facilities with ingress and egress, and will share landscaping and other amenities. The Phillips-Jackson Street Redevelopment district provides for general residential, mixed use, public use (which is the Bicentennial Mall and the Farmers Market), commercial services, and general business uses.

- RESOLUTIONS -

RESOLUTION NO. RS2001-812 (SHULMAN, LINEWEAVER & OTHERS) – This resolution amends the general pay plan for employees of the Metropolitan Government, the pay plan for employees of the police and fire departments, and the pay plan for the board of health, to provide partial pay for employees who are called to active military service for the United States in response to the terrorist events which occurred on September 11, 2001. Under this amendment employees who are members of the Reserves or the National Guard who are called to military duty will be entitled to receive special military leave with partial pay while on military duty. The amount to be paid to such employees is designed, to the extent possible, to pay the difference between the employees regular salary and their military salary. Such employees, while on active duty, will continue to accrue sick leave, annual leave, and longevity/seniority benefits and can continue to participate in the health insurance program, if they desire to. In any event, under this resolution the maximum amount of partial pay cannot exceed \$1,000 per month.

A similar amendment to the pay plan was enacted during Desert Storm to cover those employees called to military duty during that national crisis.

This amendment to the pay plan has been approved by the civil service commission, the director of finance, and it has been recommended by the mayor.

RESOLUTION NOS. RS2001-813 THRU RS2001-829 (SHULMAN & BRILEY) – These 17 resolutions provide for the mayor's spending plan for various capital projects, construction, and renovation. The budget & finance committee is holding joint hearings with other committees on this spending plan, which hearings began on November 13, 2001, and will conclude on Thursday, November 29, 2001. Therefore, staff would recommend that these 17 resolutions be deferred for one meeting until these joint committee meetings have been concluded.

A separate and more detailed analysis of these 17 resolutions will be provided to the members of council after conclusion of these hearings.

RESOLUTION NO. RS2001-813 – This resolution amends the capital improvements budget by adding several projects and changing the source of funding for several projects to enable the adoption of the other 16 resolutions that are part of the mayor’s capital spending plan. Amendments to the capital improvements budget may not be adopted unless they receive 27 affirmative votes from the council, have been approved by the mayor, and have a recommendation from the planning commission. This resolution provides for 30 amendments to existing projects in the general services district (GSD), principally by either increasing amounts of funding for the projects or by changing the source of funding. In addition, in the GSD 55 new projects are added to the capital improvements budget for funding this year. In the urban services district (USD) six existing projects are amended and six new projects are added for funding this year. For the board of education, five projects are amended and three new projects are added.

The council office would note that the adoption of this resolution does not authorize expenditure of funds. The capital improvements budget is a planning document, however, funds for capital items may not be appropriated by the council unless they are contained within the capital improvements budget. The council office would also point out to the council that the capital improvements budget is adopted by the council in June of each year, and these amendments to the capital improvements budget are extra-ordinary, in that their need has been identified or they originated since June 15, 2001. Occasionally, amendments to the capital improvements budget are adopted as a result of an increase in cost for planned projects or a shift in gears, but none have been to the magnitude of this resolution.

RESOLUTION NO. RS2001-814– This resolution appropriates \$314,000 from the general fund reserve fund to purchase office and technical equipment for the assessor of property, including additional/remodeling of office space, computer laptops, and training equipment and materials.

RESOLUTION NO. RS2001-815 – This resolution appropriates \$166,235 from the general fund reserve fund to purchase five copy machines for the district attorney general, to be used in the main office, 5th floor, juvenile division, 4th floor, and probation division.

RESOLUTION NO. RS2001-816 – This resolution appropriates \$9,642 from the general fund reserve fund to purchase equipment and to make improvements and repairs to real property for the mayor’s office of neighborhoods, including computers, software, printer, fax machine, and telephone system.

RESOLUTION NO. RS2001-817 – This resolution appropriates \$7,500 from the general fund reserve fund to purchase a computer server and supporting software for the council staff office.

RESOLUTION NO. RS2001-818 – This resolution appropriates \$10,000 from the general fund reserve fund to purchase a forklift for the finance department’s surplus property warehouse.

RESOLUTION NO. RS2001-819 – This resolution appropriates \$1,127,609 from the general fund reserve fund to purchase equipment and to make improvements and repairs to real property for the fire department, including cardiac monitors, AEDs, suction units, immobilization and med packages, EKG life pac trainers, oxygen bottles and regulators, ventilators, facepieces, fire hoses, fire foam, riding and push mowers, power tools, step ladders, water heaters, kitchen hardware, computer connectivity,

mobile and portable radios, AVLs, status message encoders, furniture and fixtures, emergency roof repairs, paint and caulk, fire station roof replacement, and enhanced security devices for fire stations.

RESOLUTION NO. RS2001-820 – This resolution appropriates \$6,211,309 from the general fund reserve fund to purchase equipment and make improvements and repairs to various Metro-wide buildings and the vehicle fleet for the general services department.

RESOLUTION NO. RS2001-821 – This resolution appropriates \$151,500 from the general fund reserve fund for the purchase of equipment and to make improvements and repairs to real property for the municipal auditorium, including elevator code compliance and upgrade for the ice rink seal liner.

RESOLUTION NO. RS2001-822 – This resolution appropriates \$1,725,000 from the general fund reserve fund to purchase equipment and to make improvements and repairs to real property for the parks and recreation department, including playground equipment upgrade for various parks, building and roof repairs, Centennial SportsPlex roof and siding repair, Sunnyside Mansion restoration/modifications, and various emergency building repairs.

RESOLUTION NO. RS2001-823 – This resolution appropriates \$1,342,205 from the general fund reserve fund to purchase equipment and to make improvements and repairs to real property for the police department, including law enforcement equipment, machinery, computer/server equipment, computer upgrades and enhancements, software, and projectors.

RESOLUTION NO. RS2001-824 – This resolution appropriates \$2,100,000 from the general fund reserve fund to purchase books and informational materials/services for the main public library and branches.

RESOLUTION NO. RS2001-825 – This resolution appropriates \$3,835,000 from the general fund reserve fund to purchase equipment and to make improvements and repairs to real property for the public works department, including vehicles, paver equipment, sewer cleaner equipment, parking meter equipment, various roof and building repairs, computer/server equipment, printers, cameras, scanners and office equipment.

RESOLUTION NO. RS2001-826 – This resolution appropriates \$5,330,999 from the unappropriated fund balance of the general fund of the GSD to fund some 23 projects in the mayor's spending plan, and further appropriates \$7.5 million dollars from the unappropriated fund balance of the school fund to fund computers and technology purchases for the board of education.

The council office does not yet have information on the balances in those funds. It is anticipated that prior to the first meeting in December the fund balances will be made available, although they will not be the final audited numbers. Council should be reminded that the unappropriated fund balances are reserves to cover revenue shortfalls and operational matters of an emergency nature. Council should always maintain a minimum five percent of the total operating budget in the unappropriated fund balance in order to protect our bond rating.

RESOLUTION NOS. RS2001-827 & RS2001-828 – These two resolutions authorize the issuance of general obligation bonds and bond anticipation notes in the amount of \$185,200,000 in GSD general obligation bonds, and \$26.5 million dollars in USD general obligation bonds to provide funding for various projects contained in the mayor’s spending plan. The general obligation bonds issued provide funding for some 37 GSD projects, and the USD bonds will provide funding for some eleven projects. In addition to authorizing the issuance of general obligation bonds, the resolution authorizes the issuance of bond anticipation notes, which allow Metro to issue short-term bonds prior to issuing the bonds. These are used quite often to make available the necessary funding while awaiting the appropriate time to issue long-term bonds, which generally have a term of 20 years. These two resolutions set terms of these debt instruments. General obligation bonds are sold by public bid. This debt will be paid from the debt service of the GSD and the USD.

RESOLUTION NO. RS2001-829 – This resolution authorizes the issuance of \$1,057,000 of capital outlay notes of the Metropolitan Government to provide funds for the Nashville convention center renovations and roofing projects. Capital outlay notes are another debt instrument, which are authorized by state law and are short-term instruments. Capital outlay notes are generally issued for initial terms of three years and can be renewed for two additional terms of three years each. There is a requirement that one-ninth of the original principal must be retired each month. The resolution provides that this obligation will be paid from the debt funds of the GSD. Generally, the first source of funding for improvements to the convention center are paid from the proceeds of the hotel-motel tax that provides for payment of debt of the convention center.

RESOLUTION NO. RS2001-830 (WHITMORE & SHULMAN) – This resolution approves an amendment to a grant between the Nashville Prevention Partnership and the board of parks and recreation. The grant provided \$12,000 to the parks department to help fund their continuing program of substance abuse prevention operated by the parks department in 21 community centers. The amount of the grant is increased by \$5,000. The ordinance that approved the grant provides that the grant could be amended by resolution of the council.

RESOLUTION NO. RS2001-831 (SHULMAN & PONDER) – This resolution approves the acceptance of a grant between the Tennessee arts commission and the Metro arts commission in the amount of \$10,000 for the Americans for the Arts annual conference. The term of this grant is one year beginning July 1, 2001, and extending to June 30, 2002. The grant provides that the arts commission “will spend funds solely for the purpose set forth in application number 471”. This application is not part of the grant and the council office would recommend that this resolution be amended to attach such application to the grant before approval by the council, as the application sets forth Metro’s obligations under the grant.

RESOLUTION NO. RS2001-832 (SHULMAN) – This resolution renews the annual contract between the board of health and the Tennessee department of health and environment for inspection of hotels, food service establishments, swimming pools, bed and breakfast establishments, tattoo studios, body piercing, and organized camps. The Metropolitan Government is to receive 90 percent of inspection fees collected. This contract extends the program through June 30, 2002. The amount of

fees received by the health department cannot exceed \$584,000. The board of health does numerous health inspections for the state.

RESOLUTION NO. RS2001-833 (SHULMAN & WATERS) – This resolution approves an annual agreement between the Metro board of health and the CAMPUS for Human Development to provide services for the homeless in the amount of \$250,000. The term of this contract is for one year beginning November 1, 2001, and extending through October 31, 2002. Funding for this program is made available under the McKinney Homeless Assistance Act. These funds will be used at the Walk-In Center. The CAMPUS for Human Development is a not-for-profit corporation that has operated this center for several years.

RESOLUTION NO. RS2001-834 (SHULMAN) – This resolution approves an amendment to a grant between the state department of health and the Metro board of health by increasing the funding for tuberculosis programs and services in an amount not to exceed \$1,291,518 for a term beginning July 1, 2001, and continuing through June 30, 2002. The total grant for use in this current fiscal year for various services provided by the board of health will now be \$7,712,641. This resolution also appropriates these grant funds to the health department.

RESOLUTION NO. RS2001-835 (MCCLENDON & SHULMAN) – This resolution approves a grant agreement between the Metropolitan Government and the state department of transportation to provide \$176,400 for use in the implementation of a computerized collision analysis system by the department of public works. This program has been on-going since 1998 whereby the police department and the department of public works can access data to assist in correlating collision statistics to traffic controls and to fund needed traffic safety improvements. Ordinance No. O98-1432 provides that continuing agreements under this program could be approved by the council by resolution. Metro will supply \$19,600 from the operating budget as part of this grant. These grant funds will be used to continue the project and to enhance and improve the existing data collection, analysis, and reporting software, and will provide \$118,000 in consultant services to improve analysis and information from police department accident reports.

RESOLUTION NO. RS2001-851 (WALLACE) – This resolution amends a previously approved resolution which recognized the 100th year anniversary of the Metropolitan department of parks and recreation by amending the resolution to provide for a hand-lettered scroll to be presented to the board of parks and recreation. In order for this resolution to be adopted the council must suspend council Rule No. 25, which provides that hand-lettered scrolls can only be considered by the council if it relates to “death, retirement or outstanding accomplishment of elected Metro Government officeholder or an employee of said government for outstanding service”.

RESOLUTION NO. RS2001-853 (CAMPBELL & FERRELL) – This resolution appropriates \$100,000 in urban development action grant (UDAG) repayments to the Metro development and housing agency to assist in the development of a comprehensive brownfields program. UDAG repayments are funds received from persons who obtain loans from the federal government, which require such loans to not be repaid to the federal government, but paid to the Metropolitan Government. Metro Government can utilize these funds provided they are expended in an area designated as a “pocket of poverty”. These funds will be utilized in Nashville’s pocket of poverty in an attempt to identify and redevelop abandoned, idled or under-utilized commercial or industrial sites where growth or development is complicated by real or perceived environmental contamination. A brownfield is a designation given to property that may have an adverse environmental condition that affects its use.

RESOLUTION NOS. RS2001-854 & RS2001-855 – These two resolutions appropriate funds from the council reserve funds for affordable housing programs in the current operating budget of the council.

RS2001-854 (FERRELL & GENTRY) appropriates an amount of \$100,000 from the funds to be appropriated to support the establishment of a local office in Nashville by the Local Initiatives Support Corporation (LISC), which is a national non-profit corporation that works with local community development corporations in development of financing affordable housing and economic development.

RS2001-855 (HADDOX, FERRELL & GENTRY) appropriates \$300,000 of the council’s affordable housing funds to the Metro development and housing agency for continued support of the Heart of Hope Gardens housing program for additional housing, relocation and demolition, construction financing, and additional infrastructure improvements. The revitalization of the Hope Gardens neighborhood began in 1995. Approximately \$3.7 million dollars has been expended in this program and these additional funds will enable this program to continue.

RESOLUTION NO. RS2001-856 (CAMPBELL & FERRELL) – This resolution adopts an amendment to a memorandum of understanding between the Metropolitan Government, the Metro development and housing agency (MDHA), and the Nashville Housing Fund related to the mayor’s affordable housing program. The Nashville Housing Fund is a not-for-profit affiliation of MDHA which assists MDHA in obtaining grants, gifts, loans, and in making grant loans to assist in providing safe and sanitary housing to low income elderly citizens. Included in this year’s operating budget was \$59,214 to be utilized by the Nashville Housing Fund to support the Urban Homestead Program, and \$138,163 to be used for administrative support in the Front Door Downpayment Assistant and the Development Loan programs of the Nashville Housing Fund. The term of the memorandum of understanding is extended through June 30, 2002.

The Urban Homestead Program funds will be used to cover staff salaries, office expenses, and land transfer costs. The Front Door program is a one-stop information, screening and evaluation service for approximately 1,000 low and moderate-income persons who want to become homeowners. The Downpayment Assistance program helps provide funds to low and moderate-income persons by providing low interest financing for affordable housing developers.

RESOLUTION NO. RS2001-857 (SHULMAN) – This resolution authorizes the department of law to compromise and settle the claim of Billy Trogdon against the Metropolitan Government in the amount of \$6,500, and directs that this amount be paid from the self-insured liability account. This claim is the result of an automobile accident that occurred on the off-ramp at I-40 and Church Street when a public library employee operating a Metro vehicle sideswiped the claimant’s vehicle. Metro has previously paid \$2,211 to repair damages to the claimant’s vehicle. The claimant has made a claim for personal injuries including medical expenses of \$4,358.66 and lost wages of \$24,435. The physician treating the claimant gave the claimant an overall disability rating of 13% and placed certain restrictions on his ability to lift objects. An independent physician, contracted by Metro Government after the lawsuit was filed, gave the claimant no impairment rating and could not support the finding of any restriction on the claimant’s activities. It further appears that the claim of lost wages was highly speculative. In the settlement of this lawsuit the claimant is paid only \$6,500.

Our employee received a letter of reprimand as a result of this accident.

RESOLUTION NO. RS2001-858 (SHULMAN) – This resolution authorizes the department of law to accept \$7,056.02 in compromise and settlement of Metropolitan Government’s claim against Milton L. Milburn. This claim of the Metropolitan Government is the result of Mr. Milburn damaging a fire hydrant located on Second Avenue and Broadway. This settlement includes not only replacement of the fire hydrant, but also labor of the Metropolitan Government. This accident occurred on during Thanksgiving 2000 with Metro, therefore, being required to pay overtime to our employees.

RESOLUTION NO. RS2001-859 (SHULMAN) – This resolution authorizes the department of law to compromise and settle the claim of BellSouth Telecommunications against the Metropolitan Government in the amount of \$45,821, and directs that this amount be paid from the self-insured liability fund. This claim is the result of damages to telephone cable owned by BellSouth when an employee of the water/sewer department, when attempting to repair a broken six inch cast iron main at the intersection of Hillsboro Road and Woodmont Boulevard. Apparently, the water/sewer department had not properly marked the location of our water main and had in fact marked the location of a gas main. The cost to repair is the actual cost to BellSouth for making repairs to this cable.

No disciplinary action was taken against our employee.

RESOLUTION NO. RS2001-860 (SHULMAN) – This resolution authorizes the department of law to settle the lawsuit of Charles Norman against the Metropolitan Government in the amount of \$6,000, and directs that this amount be paid from the self-insured liability fund. This claim is the result of an automobile accident which occurred on June 1, 2001, when a police department employee, failing to keep a lookout, swerved to avoid a stopped bus and a bus stop and struck a bus bench and pedestrians. This claim included medical expenses of \$2,109.65 and lost wages of \$405.15.

Our officer was suspended five days as a result of this accident.

RESOLUTION NO. RS2001-861 (SHULMAN) – This resolution authorizes the department of law to compromise and settle the lawsuit of James R. Hillin and Nancy Hillin against the Metropolitan Government and police employees Twana Chick and William McKay in the amount of \$15,000, and

directs that this amount be paid from the judgments and losses fund. This lawsuit is the result of actions taken by Sergeant Chick and Officer McKay of the police department in arresting the Hillin's on April 20, 1998, for failing to take corrective action to restore damages that resulted from the tornados on April 16, 1998. The Hillin's rental property, located on JoJohnston Avenue, was deemed unsafe by the department of codes. Although it is alleged that Sergeant Chick and Officer McKay had some communication with former Environmental Judge Penny Harrington, the judge denied any recollection of any such conversation. Violations of the Metro Code for housing conditions is a civil matter. In fact, the Hillin's had contacted their insurance company and were arranging for tree removal from the property. All of the charges against the Hillins wee dismissed and their records expunged. The lawsuit alleged numerous charges against Sergeant Chick and Officer McKay and others, as well as the Metropolitan Government, for failing to properly train. All the other officers of the Metropolitan Government were dismissed, leaving Sergeant Chick and Officer McKay as defendants. As this was primarily a false arrest with false imprisonment and emotional distress, these damages are limited. These officers were attempting to help tenants and relied on the advice of Judge Harrington. The claimant's legal counsel has agreed to this settlement.

No disciplinary action was taken against our employees and no official complaint was filed by the plaintiffs for disciplinary action.

RESOLUTION NO. RS2001-862 (DILLARD) – This resolution authorizes the reapplication for a zoning change for property located at 905, 909 and 911 Old Hickory Boulevard from OR20 district to CS district. The Metropolitan Code provides that a reapplication to amend the official zoning map, which has previously been disapproved by the council, cannot be reconsidered for a period of one-year following the last action of the council, unless the council reinitiates the rezoning. An ordinance rezoning this property as proposed in the new application was previously defeated by the council. This resolution will allow the council to reconsider this zone change in the ordinary rezoning process prior to the one-year expiration period.

RESOLUTION NO. RS2001-863 (WATERS) – This resolution authorizes Vanderbilt University to install and maintain an eight-foot wide pedestrian bridge over the right-of-way of 21st Avenue South. This installation has been requested by Mary Pat Teague on behalf of Vanderbilt University, the abutting property owner.

This installation has been approved by the planning commission.

RESOLUTION NO. RS2001-864 (WALLACE) – This resolution authorizes Scott Lewis, doing business as Railroad Crossings Antique Mall, to install and maintain a banner over the sidewalk right-of-way area at 1209 Fourth Avenue South. There is no executed petition on file in the Metro clerk's office.

This installation has been approved by the planning commission.

ORDINANCE NO. BL2001-723 (WALLACE) – This ordinance amends the Metropolitan Code to permit parking within the central business improvement district (CBID) between the hours of 6:00 p.m. and 6:00 a.m. Thursday through Sunday evenings, regardless of signs which prohibit such parking. Such parking would still be prohibited if it interferes with fire hydrants, in no parking zones, in crosswalks, and intersections. It basically would allow parking in no standing zones and loading zones. This ordinance has been disapproved by the traffic and parking commission.

There will be an amendment proposed which has been agreed to by the department of public works.

ORDINANCE NO. BL2001-835 (SUMMERS & PONDER) – This ordinance adopts the redistricting plan for the council districts and school board districts as required by the Charter of the Metropolitan Government. Section 18.06 of the Charter requires that within six months after the decennial census is published by the U. S. Census Bureau showing the population in the area of the Metropolitan Government, it is the duty of the planning commission to recommend to the council whether there has been substantial under-representation of particular areas as the result of population changes. The decennial census was published on March 22, 2001, and showed substantial under-representation of the current council districts and school board districts.

The redistricting plan proposed by the planning commission accomplishes the necessary redistricting to assure population representation so as to provide for the required “one man, one vote”.

The council may adopt or reject this plan, but the plan may not be amended. In the event the council rejects the plan it may adopt its own plan and submit the council plan, together with the plan forwarded by the planning commission, to a referendum vote. In order to call for a referendum and adopt a new plan, twenty-seven (27) votes will be required.

The planning commission is considering a review of their plan and may propose an alternative. It is unclear at this time as to whether they have the authority to submit a new plan under the provisions of the Charter. Should the planning commission submit a new plan, however, the council could adopt that plan as their new plan, if the council rejects the first plan.

ORDINANCE NO. BL2001-842 (SONTANY, LINEWEAVER & OTHERS) – This ordinance amends the Metropolitan Code by repealing the current Chapter relating to vicious dogs, and adopting new provisions for vicious dogs. Several definitions are changed, including providing a definition for “bite” which would include a puncture or tear of the skin sufficient to cause blood to be present. There is also a definition for “provocation” which means any act that causes an animal to bite, scratch, or attack to protect itself, offspring, or owner. Curiously, this definition does not deem it provocation when the animal is protecting his property or persons other than its owner.

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ORDINANCE NO. BL2001-842 (continued)

There are some provisions that relate solely to “guard dog” which are being changed. Presently, any guard dog must be confined or must be under the absolute control of a handler at all times when not confined by lead or leash. Where a guard dog is located must be adequately posted by warning signs

stating that such a dog is on the premises. There are some changes in what constitutes “confined”, including requirement that the sides of the pen or structure must be set in concrete no less than eighteen (18) inches in the ground, and any pen or structure that confines a guard dog must be no smaller than ten (10) feet by ten feet. A guard dog that bites a person entering a commercial premise would be deemed vicious as it is protecting property and not the owner. This will be a serious impediment on the use of guard dogs.

There are some additional changes relating to court proceedings and investigation of complaints. One change would now require that any dog that is subject to the investigation of a complaint that the dog is vicious may not be relocated by its owner during the investigation. It would also allow the director of Metro animal control services that if they believe any dog is vicious of this charge that they can be impounded at animal control services or with a licensed veterinary facility pending court proceedings.

Presently, dogs that are found to be vicious may be ordered destroyed. Under this ordinance some additional orders may be issued by the court providing that rather than being destroyed, that they must be properly housed in an enclosure approved by the department of Metro animal services, or such dog could be required to be tattooed or implanted with an electronic microchip for identification if found to be vicious.

This ordinance has been recommended by the director of Metro animal control services.

There is a proposed amendment to this ordinance that resolves some of the issues discussed above.

ORDINANCE NO. BL2001-843 (SONTANY, LINEWEAVER & OTHERS) – This ordinance amends the Metropolitan Code by amending provisions relative to cruelty to animals. Presently, the Code provides that no person shall willfully or knowingly kill, maim or grossly overwork or overload an animal, and no person can unreasonably fail to provide food, water or shelter to any animal in his or her custody. This ordinance will provide for a definition of shelter, which will require a structure or enclosure which provides an animal with protection from the elements, including requiring they must have a roof, floor, and three sides, and be sufficient size as to allow each animal to stand up, lie down, and turn around in a natural position. This ordinance, therefore, sets requirements for dog houses that may be used by animal owners which, if violated, would be cause to be cited as being cruel to animals.

Another new provision provides that a person may not allow an animal’s ability to move within confinement by way of carrier or by way of rope, chain or cord that is less than fifteen (15) feet in length.

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ORDINANCE NO. BL2001-843 (continued)

The ordinance also authorizes the animal control officer to chemically capture an animal, which means use of a tranquilizer drug in a humane manner.

These changes in the Code relative to cruelty to animals have also been recommended by the director of Metro animal control.

There is a proposed amendment to this ordinance.

ORDINANCE NO. BL2001-860 (SHULMAN) – This ordinance authorizes the adoption of a supplemental trust indenture relating to the issuance of public improvement revenue refunding bonds Series 2001 of the sports authority of the Metropolitan Government. It is necessary to adopt a new trust indenture to support these new bonds, the proceeds of which will be used to refund previous bonds issued by the sports authority for construction of Adelpia Coliseum. In February 1996 the authority issued \$78,970,000 in revenue bonds to provide a portion of the funding for construction of the stadium. Refunding bonds in an amount not to exceed \$75 million dollars will be issued to allow such a reduction in cost to the sports authority. This refunding is similar to previous refunding the council has authorized for general obligation bonds of the Metropolitan Government. These bonds are paid for from the payments in-lieu-of-taxes from funds of the water and sewerage services department and from parking revenues from the stadium. There is a back-up, in the event these funds will be insufficient from other revenue of the Metropolitan Government, however, tax revenues are not subject to the payment of these bonds. The in-lieu-of-taxes payments from the water and sewerage services department have been sufficient to date and it is not anticipated that they will ever be less than the amount necessary to pay the principal and interest of these bonds.

There is a proposed substitute ordinance that corrects some typographical errors.

ORDINANCE NO. BL2001-862 (HAND) – This ordinance changes the name of Georgia Avenue, between Georgia Court and 37th Avenue North, located adjacent to the north side of Interstate 40, to “Georgia Court”. This closure has been requested by the assistant director of the Metro public works department without any explanation as to why the change is needed.

This name change has been approved by the planning commission and the emergency communications district board.

ORDINANCE NO. BL2001-863 (HAND) – This ordinance changes the name of Alley No. 1511, between Sterling Street and Snyder Avenue. This closure is being requested by

This name change has been approved by the planning commission and the emergency communications district board.

ORDINANCE NO. BL2001-864 (HAND) – This ordinance changes the name of Hull Place to “O’Brien Avenue”, midblock between Lellyett Street to Westboro Drive. This closure is being requested by the interim director of Metro public works department without any explanation as to why the change is needed.

This name change has been approved by the planning commission and the emergency communications district board.

ORDINANCE NO. BL2001-865 (WATERS) – This ordinance abandons four triangular-shaped pieces of public right-of-way, each measuring 48 square feet, and abandons two five-foot public utility easements on parcels 293 and 485 on tax map 82-9. These areas are located between Monroe Street, Madison Street, Fifth Avenue North, and Alley #202. These abandonments are being requested by

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

ORDINANCE NO. BL2001-866 (HART) – This ordinance changes the name of Liberty Circle to “East Palestine Avenue”, between Argyle Avenue and East Palestine Avenue. The ordinance also changes the area between East Webster Street and East Palestine Avenue to “East Webster Street”. These name changes are being requested by the interim director of the Metro public works department without any explanation as to why the change is needed.

This ordinance has been approved by the planning commission and the emergency communications district board.

ORDINANCE NO. BL2001-867 (HAND & WATERS) – This ordinance closes a portion of 63rd Avenue North, from Briley Parkway to its terminus. This closure is being requested by Alcoa Fujikura Ltd./Dixiewire, however, there is no executed petition on file with the Metro clerk.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-868 (CAMPBELL, FERRELL & HALL) – This ordinance authorizes the mayor to submit the annual update to the five year consolidated plan for housing and community development programs for the Metropolitan Government to the U.S. department of housing and urban development (HUD). This consolidated plan is administered by the Metropolitan development and housing agency (MDHA). The plan includes the allocation of funds received from HUD for community development block grants (CDBG), the HOME investment partnerships program (HOME), the emergency shelter grant program (ESG), and the housing opportunities for persons with AIDS (HOPWA).

Any property that may need to be acquired under any of these programs may not be acquired except for public use and by ordinance authorizing the acquisition, except when the owner consents in writing to sell the property for the program. The exercise of power of eminent domain under the program is expressly reserved for the Metropolitan Government.

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ORDINANCE NO. BL2001-868 (continued)

CDBG funds are based upon new entitlement funds in the amount of \$6 million, with program income of \$897,000 annually. These CDBG funds are designated for affordable housing activities to provide matching funds and for neighborhood activity funds for youth initiative programs and community projects associated with storm water drainage, sidewalks, park improvements, and other localized needs.

Expenditure of CDBG funds is not permitted except by resolution adopted by the Metro Council. Any capital improvement projects to be funded must have detailed plans on file in the community development office of MDHA at the time of the filing of such resolution.

HOME funds are to provide a mixture of owner/occupied rental rehabilitated housing. A required 25% local match for the HOME program must be provided from repayments from urban development action grants (UDAG). UDAG grants are federal loans made to qualifying programs essentially in the downtown area, which are repaid to the Metropolitan Government. The funds received in repayment are not returned to the federal government, but may be expended by Metro Government in certain federally approved programs that target programs for persons living in pockets of poverty.

ESG funds are allocated to local homeless shelter fund providers. Local matching funds required under these programs must be provided by the local non-profits that participate in the program.

The **HOPWA** program provides housing related assistance for low-income persons with AIDS and their families.

The allocations under these various programs, beginning April 2002 through March 2005, have previously been provided to members of council. These federal programs funded by HUD have been in existence for over 25 years.

Attached at the end of this analysis report are tables which set forth the community block grant allocations for the community development block grants (CDBG), the HOME investment partnerships program (HOME), the emergency shelter grant program (ESG), and the housing opportunities for persons with AIDS (HOPWA).

ORDINANCE NO. BL2001-869 (SHULMAN & MCCLENDON) – This ordinance approves a contract between the state of Tennessee and the Metropolitan Government relative to improvements on Hillsboro Pike, south of Hobbs Road to north of Crestmoor Road. These improvements are part of the Transportation Improvement Program and provide for a total in funding of \$510,000. Eighty percent of the cost of this program will be provided in federal funds, and 20% will be provided by the state of Tennessee department of transportation. The Metropolitan Government will be responsible for signalization. This is a typical agreement between Metro and the state on such street improvements. Any further agreements relating to this project can be approved by resolution.

ORDINANCE NO. BL2001-870 (MCCLENDON & SHULMAN) – This ordinance approves an annual joint funding agreement between the U.S. department of interior, geological survey, and the department of water and sewerage services for the installation and operation of six flow gauging stations, a UVM gage on the Cumberland River, and two water quality sampling and monitoring sites on the Cumberland River. Testing is done on a regular basis to evaluate the water quality impact due to the operation of its water and wastewater facilities for Metro Government, and to get accurate and detailed information to evaluate the time and amount of pollutants discharged into streams. This contract, which is an annual contract, is for one year beginning October 1, 2001, at a total cost of \$112,900, one-half of which is paid by Metro Government and one-half funded by the federal government.

ORDINANCE NO. BL2001-871 (HALL) – This ordinance approves a lease agreement and a lease purchase agreement between the Metropolitan Government and The Reuse Center, Inc., for property located at 3010 Ambrose Avenue. This site on Ambrose Avenue was previously used by Parents Anonymous of Tennessee and was acquired by Metro as part of the public works east center. Metro has no use for this property and will lease to The Reuse Center for a lease term of two years, with a right to extend for an additional two years. The Reuse Center will pay \$100 per month for use of these premises and will have the option to purchase the site for \$70,000.

The planning commission has not yet considered this lease agreement.

ORDINANCE NO. BL2001-872 (SONTANY) – This ordinance approves a lease agreement between the Metropolitan Government and the Policeman’s Benefit Association for lease of a structure known as the DeBerry Correctional Building located at 3250 Ezell Pike. The initial term of the lease begins October 1, 2001, and extends to September 30, 2002, with permitted renewals of one year each for four successive periods. There will be no rental cost to the Policeman’s Benefit Association, however, they will be responsible for repair and maintenance of the perimeter fence that surrounds the facility, and will be responsible for repair and maintenance of the sprinkler system, and will be responsible to provide security and to winterize the facility after their use of this facility each year. The Policeman’s Benefit Association can utilize this facility only for their haunted house fundraising event, and they are required to maintain public liability insurance in the amount of \$1 million dollars.

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

ORDINANCE NO. BL2001-873 (WHITMORE & STANLEY) – This ordinance authorizes the director of the Metro parks and recreation department to accept the dedication of an easement from the state of Tennessee of approximately 32.6 acres, more or less, as part of the Stones River greenway system. This is a perpetual easement to provide pathways for pedestrians or bicycle trails, nature trails, or other nature areas, however, the state has reserved the right to terminate this agreement after ten years by giving one year notice.

The acceptance of this easement has been approved by the board of parks and recreation, but has not yet been considered by the planning commission.

ORDINANCE NO. BL2001-874 (WHITMORE, SONTANY & PONDER) – This ordinance authorizes the director of public property administration, or his designee, to accept thirteen easements from thirteen separate property owners as part of the Mill Creek greenway system. These easements will be donated by the following individuals:

1. Countryside Village Association / Nashville Ltd. Partnership
2. Cummings Court, L.L.C.
3. Danley Corporation
4. Peter Curry, Trustee for D. G. Patterson, Jr.
5. Angie W. Sullivan
6. Milburn L. Martin, Trustee
7. SUSA Nashville, L.P.
8. James H. Rifkin

9. Harwell Limited Family Partnership
10. William H. Cammack, et al
11. Lee Masonry Products, Inc.
12. First Industrial, L.P.
13. Antioch Center Commercial Condominiums

The acceptance of these easements has been approved by the board of parks and recreation, but the planning commission has not yet considered this ordinance.

ORDINANCE NO. BL2001-875 (WATERS & PONDER) – This ordinance authorizes the placement of automatic teller machines (ATMs) in the criminal justice center and in the Hermitage and the South police precinct stations by the MPD Employees Credit Union. The credit union will be allowed to lease space for two years at each of the locations at a cost of \$500 for each. The payment will include the cost of the electricity to be utilized.

This lease agreement has not yet been considered by the planning commission.

ORDINANCE NO. BL2001-876 (DILLARD & WATERS) – This ordinance authorizes the Metro police department to make donations of money, goods, services and other valuable gifts to the Tennessee Police Athletic League, which works closely with the police department to promote citizenship, to develop sports programs for children, and to discourage use of drugs by youth. The Tennessee Police Athletic League is a not-for-profit organization. To be eligible to receive such donations they must provide a qualified audit to the department of finance. This ordinance would provide that the acceptance of any such donations could be approved by resolution of the council. This will enable such donations, generally in small amounts, to be approved by resolution in one reading of the council, rather than in three readings which is required by the adoption of an ordinance.

ORDINANCE NO. BL2001-877 (TURNER & MCCLENDON) – This ordinance abandons a portion of a sewer line and sewer easement on property in Burton Hills owned by Burton Hills IV Partners. Ten feet of the line and easement will be retained, which will be adequate to serve the property.

The department of water and sewerage services has agreed to the abandonment, and the ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-820 (LORING) – This ordinance amends the zoning text regarding violations of the zoning text. This change is the result of frustrated efforts in enforcing prohibitions against adult entertainment establishments that are opening in districts where such are not permitted.

This text change removes a provision that allows an owner or operator to correct violations before they may be cited into court, and provides reasonable time to make such corrections. The amendment would require that owners or operators in violation be notified that there is a violation, and would allow immediate court action to enjoin such activity. Persons violating the zoning ordinance should be treated as any other person who violates ordinances of the Metropolitan Government.

The planning commission has approved this text change.

ORDINANCE NO. BL2001-821 (LORING) – This amendment to the zoning text is again related to issues relating to persons operating contrary to zoning law with an adult entertainment establishment. The text change will require that rather than a land owner being required to apply for a zoning permit when commencing any construction or alteration of a structure or initiating a change in use of property, that any person or entity commencing construction or alteration of a structure or initiating a change in use of property must apply for a zoning permit. This will assure that changes that are contrary to the zoning text are not accomplished by a tenant or other person, not just the landowner. It will require any person to make such an application before such work is undertaken. It is not unusual for a tenant to change use without the knowledge of the property owner.

The planning commission has approved this text change.

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.

ORDINANCE NO. BL2001-841 (MAJORS) – This ordinance readopts the Metropolitan Code to include all ordinances adopted by the Metro Council before May 15, 2001.

ORDINANCE NO. BL2001-844 (HART, DERRYBERRY & SHULMAN) – This ordinance authorizes the acceptance of a donation of two parcels of property bordering the right-of-way of Matthews Avenue, which are each one-foot wide. This property is being donated for the future widening of Matthews Avenue, and is being donated by Jackson Park Christian Homes, Inc.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-845 (SHULMAN) – This ordinance approves the sale of surplus property located at 910 – 11th Avenue North (map 92-4, parcel 279) 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 \$3,000. The sale of this surplus property has been approved by the planning commission.

ORDINANCE NO. BL2001-846 (DERRYBERRY & MCCLENDON) – This ordinance authorizes the acquisition of property, by negotiation or condemnation, of three utility easements in relation to the Currey Road Bridge and approaches project of the water and sewer department. The estimated cost of easement acquisition is \$4,500, which will be funded from the water and sewer extension and replacement fund.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-847 (ARRIOLA) – This ordinance closes Old Wallace Road from its intersection with Wallace Road to its intersection with Old Welch Road, lying between Harding Place and Wallace Road. This closure has been requested by Larry Alexander of CESP, Inc., on behalf of the abutting property owner, HCA Realty, Inc. The properly executed petition is on file with the Metro clerk.

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

ORDINANCE NO. BL2001-848 (ARRIOLA) – This ordinance closes Old Welch Road, which intersects with Wallace Road and lies east of Hopedale Drive. This closure has been requested by Larry Alexander of CESP, Inc., on behalf of the abutting property owner, HCA Realty, Inc. The properly executed petition is on file with the Metro clerk.

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

ORDINANCE NO. BL2001-857 (SUMMERS & WATERS) – This text change to the zoning text will change requirements and conditions for schools to allow schools to be within or near neighborhoods. The principal changes would remove minimum campus size requirements for all schools, which currently provide fifteen (15) acres for high schools, plus one acre per 100 students, and five (5) acres for elementary schools, plus one acre per 100 students. Other changes of significance essentially relate to streets on which high schools may be located, which are presently required to be located on an arterial street or at an intersection of two collector streets. Under the change only high schools of 800 students or more will be required to be on an arterial street or at the intersection of two collector streets. High schools of less than 800 students can be located on a collector street, which is the same requirement for middle schools. The outdoor lighting, landscaping, buffering and screening requirements are also modified to protect neighborhoods.

(continued on next page)

ORDINANCE NO. BL2001-857 (continued)

There is also a requirement that a site plan be filed prior to construction of any new school structures.

This is a re-draft of a previous attempt to modify these text changes, as they originally proposed to require different standards for public and private schools. These standards will be applied to all schools. Ownership of land use could deny equal protection if that were a consideration of standards.

The planning commission has approved this text change.

ORDINANCE NO. BL2001-858 (SUMMERS & WATERS) – This text change applies countywide prohibition of construction of buildings within the future right-of-way of a public street which currently only applies to properties within the urban zoning overlay district. These requirements to the extent they are greater than front yard requirements or side yard requirements could result in a taking. There are not street setbacks required in the CC, CF and MUI districts, which are the most intense districts.

The planning commission has approved this text change.

The adoption of this text change could result in Metro Government being sued for taking of property without compensation and for damaging the value of the remaining property.