

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Staff

DATE: **December 4, 2001**

RE: **Analysis Report**

Balances As Of: 11/28/01 11/30/00

GSD 4% RESERVE FUND \$18,871,932 \$2,068,646

CONTINGENCY ACCOUNTS

GSD	\$35,000	\$50,000
USD	\$50,000	\$50,000

GENERAL FUND

GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable

GENERAL PURPOSE

<u>SCHOOL FUND</u>	Unavailable	Unavailable
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SOLID WASTE
DISPOSAL FUND

Solid Waste Activities	\$2,293,382	\$865,517
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- RESOLUTIONS -

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. There is a proposed amendment that would attach to the resolution the application of the arts commission for this grant that sets forth Metro’s obligation. Under the application the \$10,000 received will be used to help fund the annual convention of the Americans for the Arts which will be held in Nashville June 6-11, 2002. The arts commission has received commitments from the Renaissance Hotel and the Nashville Convention & Visitors Bureau of \$5,000 each to help underwrite the cost of this convention, and the arts commission will provide \$20,000 from its operating budget for the convention. This total of \$40,000 should cover the cost of hosting the convention.

RESOLUTION NO. RS2001-854 – This resolution appropriates funds from the council reserve funds for affordable housing programs which are in the current operating budget of the council. This appropriation of \$100,000 is being appropriated to establishment 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. identify and redevelop abandoned, idled or under-utilized commercial or industrial sites where growth or development is complicated by real or perceived environmental contamination.

RESOLUTION NO. RS2001-866 (WALLACE, HADDOX & WATERS) – This resolution authorizes the mayor to submit an application to the U.S. environmental protection agency (EPA) for a grant for a brownfields assessment demonstration pilot program. Metro is seeking \$250,000 over two years to assist in identifying and redeveloping such areas. Council has previously appropriated \$100,000 in urban development action grant (UDAG) repayments to Metro development and housing agency (MDHA) as part of this development of a comprehensive brownfields program. MDHA will also be responsible for administration of this EPA grant, if awarded. Brownfields sites are typically defined as abandoned, idled or under-utilized commercial or industrial sites where growth or development is complicated by real or perceived environmental contamination. As this definition is quite broad, it is difficult to determine the number of sites in Metro that would fall under this definition.

RESOLUTION NO. RS2001-867 (GILMORE & MCCLENDON) – This resolution would authorize the board of parks and recreation to accept 808.74 acres of property located in Bells Bend

which is presently under the control of the department of public works and permitted for use as a landfill site. This property was acquired through eminent domain as a landfill site. By transferring this property to the board of parks and recreation, the property cannot be used as a landfill site unless the board of parks and recreation declares it surplus. This site was acquired at a cost of more than \$10 million dollars.

RESOLUTION NO. RS2001-868 (PONDER) – This resolution approves an intergovernmental agreement between the Metropolitan Government and the Metro hospital authority, and appropriates funds to the housing authority as part of a program whereby the hospital authority, for benefit of Bordeaux Hospital, will enter into agreements with the state department of finance and administration in order to receive additional reimbursements for Bordeaux Hospital under Title XIX Medicaid State Plan Amendment. Under this program local governments who are operating nursing home facilities, such as Bordeaux Hospital, agree to transfer funds to the state of Tennessee, who will then make application through the Health Care Financing Administration of the federal government, enabling these facilities to receive additional reimbursement under the Medicaid program.

Metro will agree to loan the hospital authority \$43,860,000 from the general fund, which funds will in turn be transferred by the hospital authority to the state of Tennessee under this program. The state, in turn together with other funds from other local governments, will qualify these funds with the federal government for additional reimbursements for nursing home facilities such as Bordeaux.

This transfer of funds to the hospital authority will be for the period November 1, 2001, through June 30, 2002, which will be repaid by the state to the hospital authority who will then be returned to the Metropolitan Government.

The purpose of this program is to take advantage of a Medicaid reimbursement program utilized by other states to increase Medicaid reimbursements paid to governments that run nursing home facilities. Essentially, Metro will benefit from the two percent (2%) repayment fee and Bordeaux Hospital will receive increased reimbursements as a result of this state agreement.

The agreement between the Metropolitan Government and the hospital authority, and the agreement between the hospital authority and the state, provide that in the event this Medicaid reimbursement program is unsuccessful or disallowed, Metro will have returned its funds and the two percent (2%) administrative fee. Any additional Medicaid reimbursements may have to be returned, however, there will be no loss of funds to the Metropolitan Government.

This is essentially an accounting technique to leverage funds to receive additional monies for the state of Tennessee and Bordeaux Hospital. A similar agreement was adopted by the council last fiscal year.

RESOLUTION NOS. RS2001-869, RS2001-870, & RE2001-871 (HADDOX, WATERS & SHULMAN) – These three resolutions approve grants from the state department of labor, under the provisions of the Workforce Investment Act of 1998, to provide funding to the Nashville career advancement center (NCAC) as part of their programming to prepare adults, youth and dislocated

workers for re-entry into the labor force, and to effectively train to handle facing serious barriers to productive employment. These are essentially funding grants that provide the operating funds to NCAC. Each of the grants is for a period of two years beginning October 1, 2001, and expiring June 30, 2003. The grants also may be extended for two additional terms of two years each at the option of the state. These grants are funded by pass-through federal funds.

Resolution No. RS2001-869 approves a grant of \$654,241.55. **Resolution No. RS2001-870** approves a grant of \$741,328.47. **Resolution No. RS2001-871** approves a grant of \$155,063.34.

RESOLUTION NO. RS2001-872 (HADDOX, WATERS & SHULMAN) – This resolution approves the acceptance of a grant from the state department of health and human services to the Metro health department for substance abuse and mental health services in the amount of \$486,141. The term of this grant is one year beginning September 30, 2001, and expiring September 29, 2002. These program funds are federal funds that are passed-through to assist the Metropolitan Government in expanding its capacity to efficiently diagnose substance abuse and mental health problems.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2001-723 (WALLACE) – This ordinance, as amended, 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 dis approved by the traffic and parking commission.

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 has filed a new plan which is the subject matter of Ordinance No. BL2001-922, which is on first reading. This new plan is based upon consideration of additional census

information that the planning commission stated it did not have available when the first plan was adopted. The law department is of the opinion that the new plan proposed is necessary to comply with the case law related to the voting rights act and is not contrary to the Charter.

Staff would recommend that Ordinance No. BL2001-835 be deferred until such time as the council considers the revised new plan of the planning commission.

ORDINANCE NO. BL2001-843 (SONTANY, LINEWEAVER & OTHERS) – This ordinance, as amended, 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.

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ORDINANCE NO. BL2001-843 (continued)

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

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.

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. BL2001-875 (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.

Staff is of the understanding that there will be a proposed amendment which changes the rental fee at some of the locations.

This lease agreement has been approved by the planning commission.

ORDINANCE NO. BL2001-878 (PONDER & MCCLENDON) – This ordinance authorizes the acceptance of a donation of a traffic island located at Chandler Road at its intersection of Old Lebanon Dirt Road. This is a very small piece of property and will increase the right-of-way width for a portion of Chandler Road. Acquisition of this property has been approved by the planning commission.

ORDINANCE NO. BL2001-879 (DILLARD & SHULMAN) – This ordinance accepts a donation of a 1996 Chrysler Jeep Cherokee from the Chrysler Corporation for use by the Metro police department. This jeep, on July 22, 1999, was recovered by the police department as stolen. The Chrysler Corporation, which is the owner of the vehicle, wishes to donate it to the police department for undercover use in our police activities.

ORDINANCE NO. BL2001-880 (SHULMAN) – This ordinance authorizes the police department to enter into an agreement on behalf of the Metropolitan Government to purchase two Tennessee walking horses and equipment for \$1.00. The City of Huntsville, Alabama desires to sell two of their Tennessee walking horses which they no longer need. These horses and their equipment have a value in excess of \$20,000, and will be utilized in the Metro mounted police patrol unit.

ORDINANCE NO. BL2001-881 (SHULMAN & WATERS) – This ordinance approves a grant between the state commission on children and youth to the Metro juvenile court in the amount of \$10,000. This funding is to be used for training new service officers in the department of the juvenile court. This is essentially a state supplement in the juvenile court's budget. Service officers are required to receive twenty (20) hours training each year during employment.

ORDINANCE NO. BL2001-882 (DILLARD, SHULMAN & WATERS) – This ordinance approves the acceptance of a grant of \$1,250 for the sheriff's office to be used to purchase bullet resistant vests for sheriff's officers. These funds are being donated by Target Corporation. This is part of Target's Law Enforcement Grant Program. These funds will be utilized to purchase five bullet resistant vests.

ORDINANCE NO. BL2001-883 (DILLARD, SHULMAN & WATERS) – This ordinance approves a grant between the U.S. department of justice to the police department under the Community Oriented Policing Services (COPS) program for ten new full-time police officers. These officers will be part of the COPS in schools program. The amount of this grant is \$1,199,140. This grant runs for a period of three years beginning September 2, 2001, and expiring August 31, 2004.

ORDINANCE NO. BL2001-884 (SHULMAN) – This ordinance approves a lease agreement between the Metropolitan Government and the Salvation Army for benefit of locating a childcare center

for Metro department of social services. Social services will lease space at 611 Stockell Street. The premises can be used only for child day care services. The term of the agreement is for one year beginning July 1, 2001, and may be utilized between the hours of 6:00 a.m. and 7:00 p.m. Included in the lease premises is an area for the child care center's playground and designated parking spaces, with the sharing of other areas, such as a conference room, gymnasium, athletic field, and non-designated parking spaces. The rental fee will be based upon a pro-rata portion of the cost of utilities, including telephone service, custodial costs, and actual maintenance costs for the actual portion of the facility being used by social services.

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

ORDINANCE NO. BL2001-885 (KNOCH & SHULMAN) – This ordinance authorizes the Metro department of water and sewerage services to enter into a participation agreement with Lenox Village I, LLC for construction of approximately 1,600 feet of a 16" water main and necessary vaults, and upgrade of an 8" water main to a 10" water main to provide necessary infrastructure for future development in southeastern Davidson County. Metro will pay Lenox fifty percent (50%) of the actual construction cost of these projects, or a total of \$100,000. This is a typical participation agreement with developers to assure that water or sewer facilities that are constructed not only serve the development, but also serve other areas. Metro's portion of funds will be paid from the water/sewer extension and replacement fund.

ORDINANCE NO. BL2001-886 (KNOCH & SHULMAN) – This ordinance approves a participation agreement with Lenox Village I, LLC and the Metro department of water and sewerage services for a project which consists of demolition and removal of existing Hunters Branch pump station and construction of approximately 1,500 feet of 15" sewer, 4,955 feet of 12" sewer, 900 feet of 10" sewer, and 700 feet of 8" sewer to serve the entire drainage basin for future development in southeast Davidson County. Metro's participation will be in the amount of \$200,000, or fifty percent (50%) of the actual cost. Lenox will be responsible for all other costs associated with this project and agrees to maintain the sewers when completed. This is another typical participation agreement with developers to assure that water or sewer facilities that are constructed not only serve the development, but also serve other areas. Metro's portion of funds will be paid from the water/sewer extension and replacement fund.

ORDINANCE NO. BL2001-887 (SHULMAN, WATERS & GREER) – This ordinance authorizes the mayor's office of neighborhoods to accept cash donations to underwrite the cost of the "Celebrating Neighborhoods" conference. This conference was held on November 3, 2001. BellSouth, Nashville Electric Service, and Vanderbilt University will each donate \$5,000 to cover the cost of this conference.

Additionally, the Vanderbilt Institute of Public Policy Studies' Child and Family Policy Center has made a payment of \$1,000 toward this conference.

- BILLS ON THIRD READING -

ORDINANCE NO. BL2001-842 (SONTANY, LINEWEAVER & OTHERS) - This ordinance, as amended, 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, owner, or property.

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. Metro police dogs and properly certified security guard dogs are exempt from these provisions.

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.

ORDINANCE NO. BL2001-856 (SUMMERS & WATERS) – This text amendment deletes language from the zoning code that requires a subarea plan amendment to allow an urban design overlay district before an urban design overlay may be adopted. This does not remove from the council its ability to approve or disapprove urban design overlay districts. Presently, such an urban design overlay district, such as the one recently adopted for the Music Row area, can be adopted only where there is a subarea plan which would permit this type overlay. To amend the subarea plan, the Metro planning commission must have public hearings. This text change has been requested by the planning department staff. The text change does require that any application for an urban design overlay district must include designated goals and objectives that provide for the purpose and intention of adopting such an overlay.

The planning commission has approved this text change.

SUBSTITUTE ORDINANCE NO. BL2001-860 (SHULMAN) – This substitute 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.

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.

ORDINANCE NO. BL2001-862 (WHITMORE & 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 to enable the Enhanced 911 System to operate more efficiently.

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 has been requested by the assistant director of the Metro public works department to enable the Enhanced 911 System to operate more efficiently.

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 has been requested by the assistant director of the Metro public works department to enable the Enhanced 911 System to operate more efficiently, and the properly executed petition is on file with the Metro clerk.

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. This abandonment is being requested by Preston Quirk, and the properly executed petition is on file with the Metro clerk.

This ordinance has been approved by the planning commission.

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, and the properly executed petition is 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.

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.

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ORDINANCE NO. BL2001-868 (continued)

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 approved 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 been approved 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.

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ORDINANCE NO. BL2001-873 (continued)

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. BL2001-876 (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.

FROM: Donald W. Jones, Director
Metropolitan Council Staff

DATE: **December 4, 2001**

RE: **Supplemental Analysis On The Mayor's
2002 Capital Spending Plan**

RESOLUTION NOS. RS2001-813 THRU RS2001-829 (SHULMAN & BRILEY) – These 17 resolutions provide for the mayor's spending plan for various capital projects, construction of new facilities, renovation of existing facilities, acquisition of equipment, and planning funds. 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.

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.
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RESOLUTION NO. RS2001-826 (continued)

Resolution Nos. RS2001-814 thru RS2001-824 appropriate funds from the general fund reserve fund (4% fund) to various departments. Four percent funds may be used solely for purchase of equipment and repairs to buildings. The required information sheets detailing these expenditures are attached to this analysis.

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.

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.

The director of finance has provided the amounts that are in the various unappropriated fund balances, which will be disclosed in the annual audit. These unappropriated fund balances are as follows:

General Fund - \$68.5 million – 12.5%

School fund - \$37.1 million – 8.4%

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RESOLUTION NO. RS2001-826 (continued)

Council should look closely at these expenditures. These fund balances may be needed to fund future operating budgets. Sales tax collections are projected to be \$18.1 million less than budgeted for this year. For the same period, July 1 thru October 31, our sales tax collections during the past four years is as follows:

1998 - \$55,037,823
1999 - \$59,531,673
2000 - \$60,676,665
2001 - \$57,198,816

Although the director of finance projects that property tax collections and other revenues will exceed budget projections by \$40.7 million, the unappropriated fund balance is the source of funds to meet current operating deficits.

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.

Staff would point out there are some other issues that council should be aware of in the adoption of this funding plan. There is a proposed \$5 million dollars project for capital improvements at the Nashville Zoo. Council adopted a lease agreement between the Metropolitan Government and the Nashville Zoo which provides that the Metropolitan Government will make no capital expenditures at the Nashville Zoo other than those previously funded. It has been represented that this capital expense project for the Nashville Zoo will be on a matching basis. Staff is of the opinion that the lease should be amended to reflect this appropriation, if it is to be adopted, and how these matching provisions will work.

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RESOLUTION NOS. RS2001-827 & RS2001-828 (continued)

There is also a substantial portion of this spending plan to provide new garbage trucks and bins to be used in the recycling program in the urban services district, which has been represented to be related to the discussion on whether or not the thermal plant is to be closed. The Nashville Thermal Transfer Corporation operation is the subject matter of an ordinance which has been filed on first reading. This ordinance, BL2001-921, provides for construction and operation of a district heating and cooling plant to replace our energy production facility. Additionally, the Metro Code presently provides that containers in the urban services garbage collection program cannot exceed thirty (30) gallons or weigh more than fifty (50) pounds. Staff is of the understanding that some of the bins to be used in the new recycling program and garbage collection program in the urban services district are greater than thirty (30) gallons. It would be appropriate that the Code be amended prior to the adoption of funding for bins that cannot be legally used under the Code.

There has also been some discussion relating to whether the board of public education is bound to comply with the projects being funded in this legislation, or if once the funds are approved and bonds issued, if the board can substitute the projects. This issue should be resolved prior to council action on the bond issue.

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.