

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Staff

DATE: **December 18, 2001**

RE: **Analysis Report**

Balances As Of:	<u>12/12/01</u>	<u>12/14/00</u>
<u>GSD 4% RESERVE FUND</u>	\$14,376,729	\$2,202,481
<u>CONTINGENCY ACCOUNTS</u>		
GSD	\$35,000	\$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	\$2,293,382	\$865,517

## - RESOLUTIONS -

**RESOLUTION NO. RS2001-826, RS2001-827, RS2001-828, AND RS2001-881** – These four resolutions are part of the mayor's capital spending plan. There is a separate and detailed analysis of these resolutions being provided to the members of council by the council office.

**RESOLUTION NOS. RS2001-867, RS2001-873, RS2001-875, RS2001-876 & RS2001-877** – These five resolutions relate to Metro's solid waste disposal program, including replacing the Nashville Thermal Transfer waste-to-energy plant.

There is a separate and detailed analysis of these resolutions being provided to the members of council by the council office.

**RESOLUTION NO. RS2001-874** (WILLIAMS, SHULMAN, & PONDER) - This resolution elects Grace Fairbanks, Aubrey Gregory, and Hal Rosson as members to the Board of Directors of the Industrial Development Board of the Metropolitan Government. These three persons were elected by the Metro Council to these positions on December 4, 2001. The three new members will each serve a six year term ending August 23, 2007.

**RESOLUTION NO. RS2001-878** (SHULMAN) - This resolution supplements and amends Resolutions No. RS2001-510 and RS2001-786 of the Metro Council and awards the sale of general obligation multi-purpose refunding bonds, series 2002A. RS2001-510, adopted on February 6, 2001, authorized the issuance of general obligation facilities bonds in an amount not to exceed \$291 million in order to refund outstanding bonds at a lower interest rate, resulting in savings to the Metro Government. RS2001-786, adopted on October 16, 2001, amended RS2000-510 by increasing the amount refunded to \$336 million so that additional maturities on other series of bonds could be refunded to result in an additional savings to Metro.

Pursuant to Resolution No. RS2001-786, \$92,245,000 in principal of general obligation multi-purpose refunding bonds (the series 2002A bonds) have been advertised for public sale and bids have been received for the series 2002A bonds. This proposed resolution makes changes to the terms of the bonds as set forth in RS2001-786 including substituting the definition of "refunded bonds" and adding a definition of "series 2001A bonds."

**RESOLUTION NO. RS2001-879** (WALLACE) - This resolution provides amendments to the Metropolitan Charter Article 18, Section 18.06 and sets forth a brief description to be placed on the ballot. Section 18.06 currently provides that the council may reject a proposed ordinance for redistricting recommended by the planning commission and submit it to the people for approval at a special referendum along with council's own plan as an alternative. This amendment would allow the

council to reject a proposed ordinance for redistricting and by resolution, adopted by two-thirds vote of the membership of the council, adopt its own plan for redistricting.

(continued on next page)

**RESOLUTION NO. RS2001-879** (continued)

The council, pursuant to the Charter, may adopt only two resolutions during the term of the council that submit amendments to the voters for ratification.

This amendment must be adopted by 27 affirmative votes, and the resolution itself must receive 27 affirmative votes in order to become effective. Charter amendments and resolutions proposing charter amendments are not subject to the approval of the mayor.

This resolution provides for submission to the voters on August 1, 2002, and should, therefore, be deferred, or its adoption would result in the calling of a special election.

**RESOLUTION NO. RS2001-880** (WALLACE & SHULMAN) - This resolution approves the 2001-2002 budget submitted by the District Management Corporation for the Central Business Improvement District (CBID) created by the Metropolitan Government. This business district, which is in the immediate downtown area, assesses fifteen cents per \$100 of assessed value on property, which tax is added to the tax bill and collected by the trustee. The district will use the funds to improve access to and within downtown through cost-effective parking and the LunchLINE free trolley service, to improve cleanliness and safety of downtown via the Operation NeatStreets and Downtown Safety Ambassador programs, to increase the residential base downtown, and to renew the CBID. According to the information filed with the clerk, the budget anticipates \$608,600 in total revenues and would appropriate such revenues as follows:

- ◆ Economic Development Programs - \$21,200
- ◆ Clean/Safe Programs - \$300,520
- ◆ Transportation/Accessibility Programs - \$84,500
- ◆ Administration/Personnel - \$151,380
- ◆ CBID Renewal - \$49,000

Ordinance No. 098-1037 provides that the budget may be approved by resolution of the council with 21 affirmative votes.

**RESOLUTION NOS. RS2001-882 AND RS2001-883** (SHULMAN) - These two resolutions approve amendments to two grants from the state department of labor and workforce development. The term of the grants were for two years beginning July 1, 2001 and expiring June 30, 2003. The first grant, which provided \$132,494.69 in funding for administrative services of the Nashville career advancement center (NCAC), was approved by Resolution No. RS2001-696. The second grant, which provided \$1,192,452.19 for programs that provide youth preparation to reenter the labor force, was approved by Resolution No. 2001-697.

These amendments clarify that NCAC will be reimbursed for allowable costs, the state can extend the grant, travel compensation shall be in accordance with state regulations, and that NCAC must use the "America Workforce Network" logo on any brochures.

**RESOLUTION NOS. RS2001-884, RS2001-885, & RS2001-886** (MCCLENDON, SHULMAN & WILLIAMS) - These three resolutions ratify agreements between the Metropolitan Government and the cities of Belle Meade, Forest Hills, and Oak Hill, and provide for distribution of street and road funds for road repairs by the individual cities. These satellite cities have agreed to maintain the roads within their corporate limits. The cities of Goodlettsville and Berry Hill do not participate in such contracts with Metro because they do not turn over their sales tax receipts to Metro Government. Ordinance No. O87-1935 established a procedure for the distribution of street and road funds to the

eligible satellite cities and provided that these annual contracts could be ratified by resolution of the Metro Council with 21 affirmative votes. The eligible cities are paid an equal amount per square yard of streets and roads to be maintained. Pursuant to this agreement, the individual cities and amounts they will receive for fiscal year 2001-2002 are as follows:

**Resolution No. RS2001-884** - City of Belle Meade - \$51,000

**Resolution No. RS2001-885** - City of Forest Hills - \$83,000

**Resolution No. RS2001-886** - City of Oak Hill - \$88,000

**RESOLUTION NO. RS2001-887** (SHULMAN & MCCLENDON) - This resolution ratifies an agreement with the state treasury department in order to deposit local funds for an Old Hickory Boulevard/Granny White Pike intersection construction project into the Local Government Investment Pool. Resolution No. RS2001-516 authorized Metro to enter into a utility relocation contract with the state relative to improvements at the above intersection, in which Metro agreed to pay \$534,272. Pursuant to state law, local funds to be used for Tennessee department of transportation projects can be deposited into the local government investment pool in order to earn interest on the funds until they are used.

Ordinance No. 85-740 requires that the local investment pool agreement be ratified by resolution of the Metro Council.

**RESOLUTION NO. RS2001-888** (LORING, SHULMAN & MCCLENDON) - This resolution ratifies an agreement with the state treasury department in order to deposit local funds for a Briley Parkway construction project, between McGavock Pike and Gallatin Road, into the Local Government Investment Pool. Resolution No. RS2001-654 authorized Metro to enter into a utility relocation contract with the state relative to the above construction project, in which Metro agreed to reimburse the state in the amount of \$171,948. Pursuant to state law, local funds to be used for Tennessee department of transportation projects can be deposited into the local government investment pool in order to earn interest on the funds until they are used.

Ordinance No. 85-740 requires that the local investment pool agreement be ratified by resolution of the Metro Council.

**RESOLUTION NO. RS2001-889** (BEEHAN, WALLACE, & SHULMAN) - This resolution ratifies an agreement with the state treasury department in order to deposit local funds relative to the Shelby Street bridge relocation project into the Local Government Investment Pool. Resolution No. RS2001-653 authorized Metro to enter into a utility relocation contract with the state relative to the above construction project, in which Metro agreed to reimburse the state in the amount of \$120,971 for the cost of relocating the sewer line. Pursuant to state law, local funds to be used for Tennessee department of transportation projects can be deposited into the local government investment pool in order to earn interest on the funds until they are used.

Ordinance No. 85-740 requires that the local investment pool agreement be ratified by resolution of the Metro Council.

**RESOLUTION NO. RS2001-890** (GILMORE, SHULMAN & MCCLENDON) - This resolution ratifies an agreement with the state treasury department in order to deposit local funds relative to a West Trinity Lane construction project into the Local Government Investment Pool. Resolution No. RS2001-755 authorized Metro to enter into a utility relocation contract with the state relative to the above construction project, in which Metro agreed to pay \$1,865,880. Pursuant to state law, local funds to be used for Tennessee department of transportation projects can be deposited into the local government investment pool in order to earn interest on the funds until they are used.

Ordinance No. 85-740 requires that the local investment pool agreement be ratified by resolution of the Metro Council.

**RESOLUTION NO. RS2001-891** (BALTHROP) - This resolution approves an interlocal mutual aid agreement between the Metro fire department and the City of Goodlettsville fire department. Basically, each city fire department agrees to respond in case of emergency under the Emergency Assistance Act of 1987. The agreement provides that the senior officer of the department requesting the assistance shall be in charge of any responding units. Metro has similar agreements with other neighboring fire departments.

**RESOLUTION NO. RS2001-892** (SHULMAN) - This resolution approves a grant from the United States department of health and human services to the Metro health department to provide health care for the homeless. The grant is for a term from November 1, 2001, through October 31, 2002, in the amount of \$617,173.

**RESOLUTION NO. RS2001-893** (MCCLENDON & SHULMAN) - This resolution amends Ordinance No. BL2001-785, adopted September 18, 2001, which authorized the acquisition, by negotiation or condemnation, of 64 utility easements in relation to the Mill Creek trunk sewer to Town of Nolensville project. This amendment adds a new easement to be acquired for sewer and related real property interests in Williamson County for the above project.

**- 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 that 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.

**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 that changes the rental fee at some of the locations. This lease agreement has been approved by the planning commission.

**ORDINANCE NO. BL2001-890** (SHULMAN) - This ordinance amends the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by closing an unbuilt portion of Oaklawn Avenue between Estes Road and Wilson Boulevard South. Metro will retain an easement for the purpose of constructing and maintaining utilities. This closure is requested by abutting property owners, Jack and Charlene Goostree.

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

**ORDINANCE NO. BL2001-891** (WALLACE) - This ordinance amends the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by abandoning a portion of alleys # 2076 and # 2080 between Nance Lane and Parris Avenue. This ordinance is requested by CCS Housing Systems, Inc.

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

**ORDINANCE NO. BL2001-892** (WALLACE) - This ordinance amends the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by closing alley # 86 and a portion of alley # 87. The alleys run perpendicular to

each other off 7<sup>th</sup> Avenue South. This closure is requested by Richard Ropelewski for abutting property owners.

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

**ORDINANCE NO. BL2001-893** (LINEWEAVER) - This ordinance amends the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government, as enacted by Ordinance No. BL2000-526, by abandoning an unbuilt portion of Morton Mill Road from River Bend Lane to its terminus. This ordinance is requested by Walter Davidson on behalf of abutting property owners Robert A. Bolden and Harpeth Crest, LLC. This ordinance has been approved by the planning commission and the traffic and parking commission.

**ORDINANCE NO. BL2001-916** (MCCLENDON) - This ordinance approves the adoption of the additions, deletions, and/or other amendments to the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government. These amendments are submitted annually by the department of public works. The map shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by Metro. The map was last amended on December 19, 2000 by Bill No. BL2000-526.

**ORDINANCE NO. BL2001-917** (SONTANY, SHULMAN & MCCLENDON) - This ordinance authorizes the Metropolitan Government to accept \$55,000 from Vastland Realty Group, LLC for the purpose of construction of intersection improvements, including a left turn lane, at the intersection of Bell Road and Nashboro Boulevard. Pursuant to the approval of the Nashboro Village planned unit development, Vastland Realty, LLC is to construct a left turn lane at the above intersection. However, planned improvements to the intersection in the near future would require removal and reconstruction of the left turn lane by the department of public works, thus resulting in the improvement being done twice. Vastland is willing to donate \$55,000 to Metro in lieu of being required to construct the left turn lane.

**ORDINANCE NO. BL2001-918** (WHITMORE, STANLEY & PONDER) - This ordinance authorizes the director of the Metro parks and recreation department to accept the dedication of a permanent easement from Trinet Trust of Lot 1 - Jackson Downs, abutting the Stones River, as part of the Stones River greenway system. This is a perpetual easement to provide pathways for pedestrian or bicycle travel, nature trails, or other natural areas.

This ordinance further authorizes the director of the Metro parks and recreation department to accept the dedication of a 20-foot temporary construction easement from Trinet Trust. This easement allows Metro to construct a six-foot wide access trail from the Polo Park Apartments to the greenway for the sole use of the apartment tenants. The temporary easement will be terminated upon completion of construction.

**ORDINANCE NO. BL2001-919** (WATERS & SHULMAN) - This ordinance approves a grant from the U.S. Department of Health and Human Services to the Metropolitan Government, acting through the State Trial Courts for the treatment of the mentally ill and drug abusers processed through the drug court. The term of the grant is from September 30, 2001 through September 29, 2004. The

grant amount is not to exceed \$499,995 for year 2001-2002 and \$494,818 for years 2002-2003 and 2003-2004. Amendments to the grant shall be approved by resolution of the Metro Council.

**ORDINANCE NO. BL2001-920** (SHULMAN & MCCLENDON) - This ordinance approves a contract for reimbursement of the Metropolitan Government in the amount of \$39,489 for enhanced-911 services performed by the Metro for the Emergency Communications District for Nashville (ECD) for the 2001-2002 fiscal year. ECD has purchased and made available the equipment for the enhanced-911 emergency communications system. Metro agrees to operate the system and to provide day-to-day staff and support services to ECD. Metro also agrees, through the department of public works, to update BellSouth's "Master Street Address Guide." Further, Metro agrees to provide training to employees operating the equipment, with ECD reimbursing Metro for training materials used. The \$39,489 total is comprised of \$4,462 for services provided by the department of public works and \$35,027 for services provided by the department of information systems.

**ORDINANCE NO. BL2001-921** (WALLACE, SHULMAN & OTHERS) – This ordinance relates to the construction of a replacement facility for the Nashville Thermal Transfer waste-to-energy plant. A detailed analysis of this ordinance is included in the separate analysis provided to members of council relating to Metro's solid waste disposal program.

**ORDINANCE NO. BL2001-922** (SUMMERS & PONDER) - This ordinance adopts the most recent redistricting plan for the council districts and school board districts as required by the Charter of the Metropolitan Government. Section 18.06 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 of 2000 was published on March 22, 2001, and showed substantial under-representation of the current council districts and school board districts. The planning commission proposed a plan using this information that is the subject matter of Ordinance No. BL2001-835. However, more information relevant to the next councilmanic election to be held in 2003 was published by August 15, 2001, and thus this new plan was proposed by the planning commission. BL2001-835 was deferred indefinitely by the council on December 4, 2001.

Both redistricting plans proposed by the planning commission accomplish 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.

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

**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.

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. BL2001-857** (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.

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. BL2001-866** (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. BL2001-869** (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. BL2001-873** (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 and 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

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**ORDINANCE NO. BL2001-874** (continued)

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 and 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. This ordinance 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.

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director

Metropolitan Council Staff

DATE: **December 18, 2001**

RE: **Supplemental Analysis On The Mayor's  
Solid Waste Disposal Program**

**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 ten million dollars.

This resolution has been approved by the planning commission.

**RESOLUTION NO. RS2001-873** (MCCLENDON & SHULMAN) - This resolution amends the 2001-2002 to 2006-2007 Capital Improvements Budget (Ordinance No. BL2001-705) to add a project relating to construction of new energy generation and distribution facilities. The new facilities would convert fossil fuels and electricity into steam and chilled water for purposes of heating and cooling certain buildings in the downtown area. The cost of the project is to be funded from the proceeds of the sale of \$66,700,000 in proposed revenue bonds.

This resolution requires twenty-seven (27) affirmative votes to be adopted. It has been approved by the mayor and the planning commission.

**RESOLUTION NO. RS2001-875** (WALLACE & SHULMAN) - This resolution authorizes the redevelopment of a District Energy System, the issuance of revenue bonds of the Metropolitan Government, and provides for the security of these revenue bonds. The existing district energy system (DES), currently operated by the Nashville Thermal Transfer Corporation, transfers solid waste into steam and chilled water for purposes of heating and cooling certain downtown buildings, including those belonging to Metro and the state, as well as private customers. Metro proposes to decommission the thermal facility, construct a new energy generation facility which would convert fossil fuels and electricity into steam and chilled water, and make overall improvements to the existing energy distribution system. Metro proposes to invite all existing thermal customers as well as new customers to purchase energy from the upgraded system.

Metro is proposing to fund the construction of the new facility and improvements through revenue bonds. The revenue bonds are in an amount not to exceed \$66,700,000 with a maximum interest rate of 6.5% and a maturity date of no longer than 33 years. Only net revenues from the operation of the system are to be used to repay the bonds. Metro is under no obligation to repay the bonds using any other Metro funds. Seven special funds and accounts are to be created for the system: operating fund, operating reserve fund, debt service fund, debt service reserve fund, renewal and replacement fund, system improvement fund, and a surplus fund. These funds and accounts are to be held by the trustee.

**RESOLUTION NO. RS2001-876** (SHULMAN & MCCLENDON) - This resolution authorizes the issuance of revenue bonds not to exceed \$66,700,000 of the Metropolitan Government to provide for financing of improvements to and the expansion of a district heating and cooling system. This resolution also adopts a revenue bond resolution, which is the subject matter of RS2001-875. Pursuant to the provisions of the Energy Production Facilities Act, Metro is authorized to construct and operate energy production facilities and issue revenue bonds for the funding of the facilities and improvements. The proceeds of the revenue bonds will be used to fund the expansion and improvement of the system and for payment of the construction price of the new facility pursuant to a contract between Metro and Constellation Energy Source, Inc. The proceeds will also be used for land acquisition, a thermal storage system, improvements to the State's steam distribution system, metering, improvements to customers' energy use systems, and other system developments. The true interest cost of the initial series of revenue bonds is not to exceed 6.5% per annum.

**RESOLUTION NO. RS2001-877** (SHULMAN) - This resolution authorizes the issuance of general obligation refunding bonds in an amount not to exceed \$72,000,000 of the Metropolitan Government to refund outstanding bonds issued in 1994 and 1997 for the current thermal facility and to pay related incidental expenses. The \$42,595,000 1994 revenue refunding bonds currently have a principal balance of \$22,565,000. The \$37,545,000 1997A revenue bonds have a principal balance of \$31,210,000 and the \$15,370,000 1997B revenue refunding bonds have a principal balance of \$12,115,000.

Pursuant to the Metro Charter and state law, Metro is authorized to issue refunding bonds to refund existing obligations. Metro has determined that the refunding of the above-mentioned bonds is advantageous to the Metropolitan Government. These refunding bonds are not to be sold at less than 98% of par value and accrued interest and the interest rate is not to exceed 7.75% for taxable bonds and 6.25% for tax-exempt bonds. The State Director of Local Finance has reviewed the proposed refunding plan and has issued a report.

These bonds are expected to be retired with the expected savings achieved in converting to the proposed new district heating and cooling system.

**ORDINANCE NO. BL2001-921** (WALLACE, MCCLENDON, KNOCH, & SHULMAN) - This ordinance approves certain agreements relating to the construction and operation of a new district heating and cooling plant and energy distribution system; the collection, processing and disposal of solid waste; and the termination of an existing agreement between the Metropolitan Government and the Thermal Transfer Corporation upon completion of the new district heating and cooling plant.

Pursuant to the terms of the district energy system agreement, Constellation Energy Source, Inc. proposes to design, construct, operate, and maintain a new energy generation facility ("the EGF"), and to improve, operate and maintain the existing energy distribution system. The current energy generating distribution system is operated by the Thermal Transfer Corporation pursuant to the 1984 Thermal Agreement. The current system converts solid waste through an incineration process into steam and chilled water for purposes of heating and cooling certain downtown buildings. The new system would convert fossil fuels and electricity into steam and chilled water to heat and cool the buildings. The Thermal Agreement will terminate upon completion of the new facility. The new EGF will be located on a site currently owned by the Metropolitan Government located at 1<sup>st</sup> Avenue South and Franklin Street, or on a site to be acquired by Constellation located off Hermitage Avenue on Crockett Street. Metro proposes to become a customer of the new EGF and to enter into service agreements with other private and public customers through contracts similar to the current thermal service contracts. The new facility is to be funded through revenue bonds in the amount of \$66,700,000, which is the subject matter of Resolution Nos. RS2001-875 and RS2001-876.

The basic contract for design, construction, operation, and maintenance of the EGF with Constellation is for an initial term of 15 years. The contract, at Metro's option, can be extended for three additional terms of five years each.

Constellation is required to begin construction within one year of final approval of the contract. The cost of construction is \$51,613,321, with possible additional costs in improving the existing distribution system. Constellation will be paid a management fee beginning in 2004 (the first operating year) of approximately \$3,551,770, which can be increased annually based upon the CPI (inflation rate) but not in excess of 3 percent.

Pursuant to the terms of the fuel purchase agreement, Constellation will furnish fuel to operate the EGF. The electricity used will be obtained by Constellation from NES and the natural gas used will be obtained at or below the price charged by Nashville Gas.

Under the disposal agreement, BFI Waste Services, LLC proposes to modify and operate an existing waste transfer station facility and to provide waste transportation and disposal services for a minimum nineteen month interim period and a twenty year long term service period. Allied Waste Industries, Inc. proposes to guarantee the obligations of BFI. The solid waste will be transported from the transfer station facility to a location outside of Davidson County. The charge for these services will be between \$26.00 and \$27.00 per ton for contract waste. BFI will also make available a home owner drop off and recycling center to be operated by Metro.

Metro further proposes to contract with Toter, Inc. for the purchase of approximately 300,000 waste carts for residential use in connection with the local collection of solid waste in the urban services district, 10 automatic cart lifters, and a 10 year service agreement, for a cost of \$7,044,450.

There is a proposed amendment which will provide for the new form of customer control.

Rates for non-public customers are intended to be approximately 11 percent less than current rates. The state has agreed to a contract with a structure of more fixed charges. The Metro contracts provide that Metro has the obligation to meet shortfalls in the new systems revenues necessary to operate and maintain the system.

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Staff

DATE: **December 18, 2001**

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

**RESOLUTION NO. RS2001-826** (SHULMAN & BRILEY) – 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%

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** (SHULMAN & BRILEY) – 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.

Resolution No. RS2001-881 authorizes the approval of an amendment of the lease with the Nashville Zoo at Grassmere.

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 is on second 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.

Ordinance No. BL2001-925, which is on first reading, amends the Metro Code to allow use of these new receptacles.

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. RS2001-881** (WHITMORE) – This resolution approves an amendment to the lease agreement between the Metropolitan Government and the Nashville Zoo for property commonly known as Grassmere.

In 1964 Margaret Croft and Elise Croft donated approximately 300 acres of property to the Cumberland Museum, 195 acres of which was to be developed and used as a wildlife park. When the park was being developed Metropolitan Government provided \$3.2 million in bond funds to assist in development of the wildlife park, which was to be matched by private contributions. Approximately 100 acres of property was sold by the Cumberland Museum for \$2 million and was developed into a business park. Cumberland Museum was not able to successfully operate the wildlife park, as it lost money. Additionally, private donations which were hoped for were not realized.

In 1995 the Cumberland Museum sought to have the property donated to Metro, with Metro providing \$500,000 to assist the Cumberland Museum in the operating of the wildlife park. This program to continue the operation was finally abandoned when Metro declined to provide operating funds to continue operation of the Grassmere Wildlife Park. After Metro accepted title to the property, it sought proposals to operate the wildlife park. The Friends of Grassmere were awarded the right to operate the Grassmere Wildlife Park. Their attempt also failed.

The Metropolitan Government, thereafter, leased the Grassmere site to the Nashville Zoo. Under the terms of this lease, Grassmere was leased to the Nashville Zoo for 40 years at a rental cost of \$40 for the entire term. Metro Government will not make any operating expenditures for the facility. The lease provided that the Nashville Zoo was to move its zoo facility from Cheatham County to the Grassmere site within two years after the zoo received \$6 million in donations, provided however, regardless of donations, the zoo was to be relocated to the Grassmere site not later than six years after commencement of the lease at sole cost to the Nashville Zoo. In the interim, the existing wildlife park was to be operated and open to the public between April 15<sup>th</sup> and September 30<sup>th</sup> of each year.



Within 18 months after it commenced operation, the Nashville Zoo was required to obtain accreditation from the American Zoo and Aquarium Association. The Nashville Zoo was also required to maintain a \$200,000 letter of credit which would be utilized by Metro to relocate the animals at the present site in the event the Nashville Zoo defaulted under the lease.

All costs associated with moving the zoo from the Cheatham County site, and operation, repair and maintenance of the Nashville Zoo, were the sole responsibility of the Nashville Zoo.

Metropolitan Government agreed to restore the historic Croft House located on the site at a cost of \$250,000, and to provide up to \$200,000 for restoration of the Croft House into a 19<sup>th</sup> Century style working farm. Metro was also required to make certain improvements to intersections and traffic signal improvements on Nolensville Road. Metro was responsible for widening the Grassmere access road and for developing additional parking areas. The Metropolitan Government is allowed to use the Croft House for its purposes at no cost. As this site had fallen into somewhat disrepair, Metro, according to terms of the lease, was also required to make certain improvements in the bottom filtration intake to the primary filter of the otter exhibit filtration system; to repair the sewer line to the Croft Center; to repair the roof leak in the Croft Center; to make its best efforts to remedy the erosion problem at the bear exhibit; to repair the dam between the horse and deer exhibits; to make its best efforts to remove the erosion problem at the foundation of the main bridge leading to the animal exhibit; and to install restroom fixtures on the lower level of the Croft Center. Metro was also required to assist in the construction of a security fence system at the site and to do an environmental analysis to assure the property does not have environmental hazards existing which would interfere with the zoo's operations. The infrastructure improvements were estimated to be \$1.3 million and Metro had planned for this funding in the capital improvements budget.

This lease agreement accomplished one goal of saving the Grassmere Wildlife Park with a minimum investment by Metro Government. It also brought a new major attraction to Nashville which is, according to the parks department, the largest city in the United States that does not have a zoo. The Metro expenditures provided in this lease are for capital items. Metro already had a \$3.2 million investment in this facility.

This amendment to the lease clarifies the obligations of the parties with respect to the procurement and maintenance of insurance covering loss and damage to various buildings on the Grassmere property and capital contributions by Metro. This amendment provides that Metro will self-insure, on a replacement cost basis, the Croft Center, Croft House, the Animal Care Building, and two storage buildings. This amendment also provides that Metro will contribute \$5 million to Nashville Zoo on the condition that the zoo obtains another \$5 million from other donors. Metro's contribution will be paid in increments of at least \$250,000 and will only be used for expenses incurred in developing the property and/or for AZA accreditation purposes. Private donations received will be placed in an endowment to provide income for operations and expenses of the zoo.

Ordinance No. O96-473 provided that amendments to the lease with the zoo could be approved by resolution adopted by the council.