

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Staff

DATE: **February 5, 2002**

RE: **Analysis Report**

| Balances As Of: | <u>1/30/02</u> | <u>1/31/01</u> |
|-----------------------------|----------------|----------------|
| <u>GSD 4% RESERVE FUND</u> | \$5,859,215 | \$4,181,567 |
| <u>CONTINGENCY ACCOUNTS</u> | | |
| GSD | \$35,000 | \$50,000 |
| USD | \$50,000 | \$50,000 |
| <u>GENERAL FUND</u> | | |
| GSD | \$61,597,770 | \$46,859,389 |
| USD | \$16,682,399 | \$11,156,918 |
| <u>GENERAL PURPOSE</u> | | |
| <u>SCHOOL FUND</u> | \$10,404,340 | \$22,665,382 |
| <u>SOLID WASTE</u> | | |
| <u>DISPOSAL FUND</u> | | |
| Solid Waste Activities | \$2,293,382 | \$865,517 |

- RESOLUTIONS -

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."

This resolution may need to be deferred again, as bids for the sale of the bonds may not be issued at this time.

RESOLUTION NO. RS2002-926 (WHITMORE) - This resolution approves property located at the northwest intersection of 43rd Avenue North and Alley #1203 to be used as a waste transfer station for the benefit of Tennessee Waste. Tennessee Waste has filed a request for a special exception with the Metro board of zoning appeals to construct a waste transfer station on this location. The zoning text of the Metro Code of laws requires that before the board of zoning appeals can act on such as request, the council must approve the location by adoption of a resolution. Tennessee Waste is requesting variances in the specific conditions outlined in the zoning ordinance applicable to waste transfer stations. The Code requires that there be a minimum ten acre lot, that buildings must be located at least 150 feet from any residential zoning boundary, that the entire facility be fenced in, and that all loading and unloading take place in an enclosed building.

If the council does not adopt or defeat this resolution within sixty (60) days, it shall be deemed approved by the council.

There is a substitute resolution to correct the description of the location of the property.

RESOLUTION NO. RS2002-940 (BRILEY) - This resolution approves and appoints Regions Bank as successor trustee, registrar, paying agent, and/or escrow agent for certain outstanding Metro bonds. AmSouth Bank has been acting in this capacity on various bond issues from 1963 through 1996, but is unable to continue to serve. The director of finance is authorized to appoint a successor pursuant to certain bond resolutions, and the Metropolitan Council must approve the appointment. Under certain other bond documents, the Metropolitan Council must appoint a successor. A contract has been

entered into with Regions Bank to perform the duties of trustee, registrar, paying agent, and/or escrow agent for the various outstanding bonds. This resolution also accepts the resignation of AmSouth Bank from acting in this capacity.

RESOLUTION NO. RS2002-941 (BRILEY) - This resolution supplements and amends Resolution No. RS2001-785 and awards the sale of special limited obligation correctional facilities revenue refunding bonds. On October 16, 2001, the Metropolitan Council adopted Resolution No. RS2001-785, which authorized the issuance of the refunding bonds not to exceed \$17 million, provided for their sale, established the terms of the bonds, and the disposition of bond proceedings. The debt of the refunding bonds is not an obligation of the Metropolitan Government, but is an obligation of the state.

This resolution makes certain technical changes to the terms of the bonds and awards the sale of the refunding bonds to the lowest bidder.

There will be a substitute resolution offered at the meeting which will formally name and approve the lowest bidder.

RESOLUTION NO. RS2002-942 (TUCKER & BRILEY) - This resolution approves the waiver of certain benefit overpayments made to members and beneficiaries of the Metro employee benefit system, which were caused by employee benefit board staff errors. The Metropolitan code of laws permits the benefit board to waive such overpayments provided that the beneficiary was without fault or knowledge of the error and would be deprived of income for living expenses if forced to repay the amount of overpayment. The overpayments range in amount from \$1.32 to \$37,006.43. The employee benefit board has approved the waiver and it must be approved by the Metropolitan Council before it becomes final. The employee benefit board has a continuing program that reviews all pension payments to assure our pensioners are being paid the correct amount. If the pensioners are underpaid, the back payments are automatically paid without council approval. The council provided for this program in 1996.

RESOLUTION NO. RS2002-943 (PONDER & STANLEY) - This resolution authorizes the director of public property administration to exercise an option to purchase approximately 32 acres of property on John Hager Road in Hermitage on which to construct the new Ruby Major Elementary School and a future middle school. Pursuant to the Metropolitan code of laws, the director of public property administration is authorized to negotiate for the purchase of property for such purposes and to seek to obtain an option to sell from the owner. On January 8, 2002, the director of public property obtained an option to purchase the property for \$640,000 from landowner Mary Gladys Hagar George. Metro has the option to purchase the property at any time within 180 days of January 8, 2002. The Metropolitan board of public education has approved the referenced site. No purchase can be consummated until it has been approved by the Metropolitan Council.

This resolution has been referred to the planning commission. Since this is a mandatory referral to the planning commission, this resolution should be deferred to allow appropriate time for the planning commission to act.

The Metro Code requires that a public hearing be held on the acquisition of property for a school, and this resolution may not be enacted prior to this public hearing, which generally is conducted by the planning and zoning committee.

RESOLUTION NO. RS2002-944 (WALLACE) - This resolution appropriates \$50,000 in community development block grant funds to acquire property and for related costs in the Cameron neighborhood strategy area (NSA). Ordinance No. O99-69 approved the application for the twenty-sixth year of the community development block grant program, which included funds allocated to the Cameron NSA. The expenditure of these funds for this purpose has been recommended by the Cameron citizen advisory committee.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2002-942 (WHITMORE, MAJORS & HAUSSER) - This ordinance, as amended, amends the Official Street and Alley Acceptance Map for the Metropolitan Government, as enacted by Ordinance No. BL2001-916, by abandoning Jo Johnston Avenue, between 19th Avenue North and 20th Avenue North, to accommodate the expansion of Head Middle School. Traffic will be rerouted up 19th Avenue to Warner Avenue, then down 20th Avenue North connecting to the renamed 21st Avenue North (formerly Jo Johnston Avenue). The traffic study indicated that these streets are capable of handling the increased traffic capacity caused by the diversion, though some residents may experience increased difficulty exiting their driveways. This ordinance is requested by Volunteer Surveying, Inc., on behalf the Metro board of education. The Metropolitan Government is the adjoining land owner.

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

There is a proposed substitute ordinance which retains easements within the street.

ORDINANCE NO. BL2002-944 (MCCLENDON) - This ordinance authorizes Centex Homes to participate with the Metropolitan Government, on behalf of the department of water and sewage services, for the construction of sewerage system extensions at the Willowmet Phase 2 subdivision and the Owl Creek Trunk sewer project in northeast Williamson County. Centex agrees to pay Metro \$56,000 for 28 sewer connections at a cost of \$2,000 each to go toward the cost of the Owl Creek Trunk sewer project. Metro is authorized to provide sewerage services in this area of Williamson County, and Metro built the Owl Creek Trunk Sewer project in anticipation of developers participating in the service at a cost of \$2,000 per connection. Future amendments to this agreement may be made by resolution adopted by the Metro council.

ORDINANCE NO. BL2002-945 (GREER, MCCLENDON & SHULMAN) - This ordinance authorizes the acceptance of a contract between the state department of transportation and the Metropolitan Government for improvements to the bridge on Chestnut Street over the CSX railroad. The total cost of the project is \$1,590,000, of which Metro will pay 20% of the cost (\$318,000) and the state will pay the remaining 80%. Metro agrees to maintain and provide electric power to all devices, wiring, and signs regulating traffic.

This ordinance also authorizes the mayor to execute any additional documents required for this project, such as for installation and maintenance of traffic signals, street lighting, and the appropriation of funding for the relocation of water mains and sewer lines. This differs from past practice, which required the adoption of a resolution by the council before the mayor could execute such further documents appropriating funding.

- BILLS ON THIRD READING -

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. BL2001-890 (SHULMAN) - This ordinance, as amended, amends the official street and alley acceptance and maintenance map for the Metropolitan Government, as enacted by Ordinance No. BL2001-916, 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. BL2001-892 (WALLACE) - This ordinance, as amended, amends the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government, as enacted by Ordinance No. BL2001-916, by closing Alley No. #86 and a portion of Alley No. #87. The alleys run perpendicular to each other off 7th 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. BL2001-925 (MCCLENDON) - This ordinance, as amended, amends Section 10.20.120(a) of the Metropolitan Code to permit the use of receptacles furnished by the Metropolitan Government in the collection of solid waste. This section of the code currently limits the size of the containers to thirty gallons and weight of no more than fifty pounds. The amendment allows the department of public works to furnish containers with a capacity of greater than thirty gallons with weight capacity as set by the director of public works. This amendment is necessary for the

implementation of the mayor's solid waste disposal plan and the contract between Metro and Toter, Inc. for the purchase of the 300,000 waste receptacles.

ORDINANCE NO. BL2001-926 (LORING, WHITMORE & SHULMAN) - This ordinance authorizes the acceptance of approximately 38 acres of property located at 3005 Fernbrook Lane, from Donelson Church of Christ for use as a public park or recreational facility. Metro's only cost for the property is \$1,605, which represents a reimbursement for the church's engineering and survey costs. In the event Metro ceases to use the property for a park or recreational facility, Donelson Church of Christ reserves the right to have the property reconveyed to them. The director of parks and recreation and the director of public property have approved the acceptance of this property.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-927 (SHULMAN) - This ordinance approves a grant in the amount of \$549,174 from the state to the Metropolitan Government, acting through the Nashville public library, to provide library services to the blind and physically handicapped, materials for the disadvantaged, general library services, and library services for the hearing impaired. The term of the grant is from October 1, 2001, to June 3, 2002, and there is no renewal provision. Any amendments to this grant must be approved by resolution of the Metro council receiving 21 affirmative votes. The grant is subject to state fund eligibility and will be paid out pursuant to the grant budget. Metro is responsible for preparing and submitting an annual report to the state including audited financial statements.

ORDINANCE NO. BL2001-928 (SHULMAN) - This ordinance authorizes the acquisition of property by negotiation or condemnation for the purpose of acquiring three utility easements for the Hillsboro Road at Bancroft Place 8" water main and improvements project. The cost is estimated at \$1,500 and will be paid from the water and sewer extension and replacement fund. The new water main will eliminate the need for the Crater Hill pumping station and reservoir and improves the fire protection for the area. The temporary construction easements described in this ordinance are the minimum necessary to complete the project. The director of public property administration is authorized by this ordinance to acquire any additional easements that may be needed for this project in the future. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-929 (LORING & MCCLENDON) - This ordinance abandons approximately 55 feet of sewer line and an accompanying 20' easement at the end of the sewer line at Margaret Allen Middle School on Spence Lane. Metro is the owner of the property encumbered by the sewer line and easement and it is no longer needed by the department of water and sewage services. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2001-930 (MCCLENDON) - This ordinance abandons the sewer line easement at Mt. Bethel Baptist Church on Cheatham Place. Mt. Bethel is the owner of the property encumbered by the sewer line and easement and the sewer line serves no other property. The sewer line and easement are no longer being used by the department of water and sewage services. This ordinance has been approved by the planning commission.

SUBSTITUTE ORDINANCE NO. BL2002-931 (HAUSSER, MCCLENDON & OTHERS) -

This substitute ordinance amends Chapter 10.02 of the Metropolitan Code by adding a requirement that the department of public works, together with the department of finance and health department provide the council with annual reports on progress of implementation of the Metro solid waste plan. These reports would include descriptions and comparisons of the percent of households recycling, tons of waste landfilled, tons dropped off at the recycling centers, tons composted, Metro's composting efforts, revenue from recyclables, description of landfill diversion efforts, private customer heating and cooling costs, Nashville's air quality, Metro's total solid waste costs, number and type of environmental violations, and state and local environmental reports.

ORDINANCE NO. BL2002-932 (STANLEY & SHULMAN) - This ordinance approves participation by the members of the Metro board of education in the Insurance Trust insurance plan. State law now provides that members of boards of education in participating districts are eligible for the state insurance plan. However the board of education does not participate in the state insurance plan, but instead administers its own plan, the Insurance Trust. The board of education voted in December of 2001 to amend the eligibility requirements for participation in the Insurance Trust to allow board members to participate in the plan during their terms of office. State law requires council approval before compensation can be made to board of education members.

ORDINANCE NO. BL2002-933 (SUMMERS & WHITMORE) - This ordinance accepts a pedestrian easement from CSX Transportation, Inc. of a parcel of property abutting Richland Creek for use in the greenway system. The easement will be used to construct, operate, and maintain portions of the greenway system for walking and biking trails. The easement will terminate if and when it is no longer used for greenway system purposes.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-934 & BL2002-935 (MCCLENDON, SHULMAN & DERRYBERRY) – These two ordinances authorize the acceptance of contracts between the state, acting through the department of transportation, and the Metropolitan Government for lighting on I-40 from I-24 to Donelson Pike and for installation of a traffic signal at the Spence Lane off ramp. The state has allocated funds to improve the lighting on this section of I-40 and for the traffic signal installation. Metro agrees to maintain the lighting and traffic signal, and to provide electric power. Any additional contracts for this lighting project must be ratified by resolution of the council with 21 affirmative votes prior to execution by the mayor.

Ordinance No. BL2002-934 relates to the I-40 lighting, and **Ordinance No. BL2002-935** relates to the traffic signal.

ORDINANCE NO. BL2002-936 (BEEHAN & SHULMAN) - This ordinance accepts a grant not to exceed \$423,645 from the Tennessee Commission on Children and Youth to the Metropolitan Government to be used by the juvenile court of Davidson County for the provision of Juvenile

Accountability Incentive Block Grant (JAIBG) Program Services. Metro is to provide a cash match of \$47,072. The term of this grant is from October 1, 2001 to September 30, 2002 and there is no renewal provision.

The purpose of the grant is to assist communities in meeting the needs of youth who may otherwise be entering the juvenile justice system. The grant is subject to state fund eligibility and will be paid out pursuant to the grant budget. Metro is responsible for preparing and submitting an annual report to the state including audited financial statements. Amendments to the grant must be approved by the council receiving 21 affirmative votes.

ORDINANCE NO. BL2002-937 (BEEHAN, WATERS & SHULMAN) - This ordinance approves a grant not to exceed \$39,504 from the Alcohol and Drug Council of Middle Tennessee, Inc. (ADC) to the Metropolitan Government, acting through the juvenile court, for a community/juvenile court liaison project. The term of the grant is from July 1, 2001, to June 30, 2002, with a possible extension of an additional year at the discretion of ADC. The purpose of the grant is to provide one full-time and two part-time employees to act as liaisons between neighborhood families and their children, the juvenile court, the SISTER program at Meharry, and Metro schools. The employees will work to provide "non-traditional, personalized relationship building." Office space at 83 University Court will be furnished by the juvenile court. The grant is to be disbursed in monthly installments of \$3,292.

ORDINANCE NO. BL2002-938 (WHITMORE & SHULMAN) - This ordinance, as amended, amends the Official Street and Alley Acceptance Map for the Metropolitan Government, as enacted by Ordinance No. BL2001-916, by abandoning unbuilt Alley # 629 located between 20th Avenue North and 19th Avenue North, from Jo Johnston Avenue to its terminus. Easements held by Metro are to be abandoned. This ordinance is requested by Phillip Holmes on behalf of Volunteer Surveying, Inc., for the public property administration. The Metropolitan Government is the adjoining land owner.

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

ORDINANCE NO. BL2002-939 (HART & SHULMAN) - This ordinance, as amended, amends the Official Street and Alley Acceptance Map for the Metropolitan Government, as enacted by Ordinance No. BL2001-916, by changing the name of Maplewood Lane, between Patapsco Street and Gallatin Pike, to "Maplewood Place." This name change is deemed necessary by the interim director of public works to prevent confusion of emergency service personnel trying to locate property on Maplewood Lane.

This ordinance has been disapproved by the planning commission, but has been approved by the emergency communications district board.

ORDINANCE NO. BL2002-940 (WHITMORE) - This ordinance, as amended, amends the Official Street and Alley Acceptance Map for the Metropolitan Government, as enacted by Ordinance No.

BL2001-916, by changing the name of Maplewood Lane between Dickerson Road and Walton Lane to "Maplewood Trace," and by changing the name of Maplewood Lane between Walton Lane and Broadmore Drive to "Walton Lane." This name change is deemed necessary by the interim director of public works to prevent confusion of emergency personnel trying to locate property on Maplewood Lane.

This ordinance was disapproved by the planning commission, but has been approved by the emergency communications district board.

ORDINANCE NO. BL2002-941 (WHITMORE & HAUSSER) - This ordinance, as amended, amends the Official Street and Alley Acceptance Map for the Metropolitan Government, as enacted by Ordinance No. BL2001-916, by changing the name of Lyle Avenue, between Jo Johnston Avenue and Charlotte Pike, to "Jo Johnston Avenue", and by changing the name of Jo Johnston Avenue, between 20th Avenue North and 21st Avenue North, to "21st Avenue North" for the Head Middle School expansion. This ordinance is requested by the interim director of public works.

The planning commission and the emergency communications district board have approved this ordinance.