

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: April 15, 2002

RE: Analysis Report

Balances As Of: 4/10/02 4/11/01

GSD 4% RESERVE FUND \$10,048,673 \$9,387,713

CONTINGENCY ACCOUNTS

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

GENERAL FUND

GSD	\$63,997,770	\$46,859,389
USD	\$16,682,399	\$11,156,918

GENERAL PURPOSE

<u>SCHOOL FUND</u>	\$10,404,340	\$22,665,532
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SOLID WASTE

DISPOSAL FUND

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

RESOLUTION NO. RS2002-1006 (MAJORS) - This resolution submits a proposed plan of services to the planning commission for the extension of the urban services district to include three parcels of property located on Oak View Drive abutting the south side of Briley Parkway, east of Dickerson Road. A request has been made that these parcels be included in the urban services district, which would make them in conformity with most of the other properties abutting Briley Parkway. State law requires that a plan of services be approved by the planning commission and then adopted by the council after public hearing, before

an ordinance to extend the boundaries of the urban services district can be acted upon. This resolution submits the proposed plan of services to the planning commission and gives them 90 days to render a report.

These three parcels of property already receive additional police protection, fire protection, water and sewer service, street lighting and street cleaning services. Therefore, the only additional service that will be rendered under the plan of services is trash collection at a cost to the Metropolitan Government of \$204 annually.

RESOLUTION NO. RS2002-1007 (TUCKER, HADDOX & SHULMAN) - This resolution appropriates \$119,000 in capitol mall urban development action grant (UDAG) repayment funds to be used to provide employment-related services for low-moderate income persons at several public housing developments. Urban development action grants were funded by the federal government to stimulate development in principally urban downtown areas. These grants were made to private developers in the form of loans. As the loans are repaid, the funds are retained by the Metro development and housing agency (MDHA) and may be expended only in the pocket of poverty.

RESOLUTION NO. RS2002-1008 (HADDOX & GENTRY) - This resolution appropriates \$500,000 in community development block grant funds for property acquisition, infrastructure development, and related costs in the Hope Gardens Neighborhood Area. Plans showing the proposed improvements are on file at the Metropolitan development and housing agency office.

RESOLUTION NO. RS2002-1009 (SHULMAN) - This resolution supplements and amends Resolution No. RS2002-995, adopted on April 2, 2002, which authorized the execution, terms, issuance, sale, and payment of general obligation energy production facility refunding bonds in the amount of \$72 million. This resolution awards the sale of \$31,600,000 Series 2002A and \$27,240,000 Series 2002B general obligation energy production facility refunding bonds to the lowest bidder. This resolution also makes certain technical changes to the terms of the bonds.

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

RESOLUTION NO. RS2002-1010 (WALLACE & WHITMORE) - This resolution approves the assignment of certain rights and interests of the Cumberland science museum's lease with Metro for their facility. The lease agreement, entered into in July of 1967, provides that the museum must obtain consent of the board of parks and recreation and the Metro Council before the assignment of any rights. In order to obtain financing for the museum's new entrance and lobby, new exhibition space, and new auditorium, it is necessary that the museum assign its rights and interests arising under the lease to a trustee for AmSouth Leasing Corporation. Metropolitan Government owns the museum, which is on park property and was constructed as an urban renewal project.

The board of parks and recreation has consented to this assignment.

RESOLUTION NO. RS2002-1011 (SHULMAN) - This resolution approves a second amendment to a lease between the Metropolitan Government, W.S. Investment Holdings, L.P., and Square Investment Holdings, L.P. for lease of additional office space in the Washington Square building located at 222 Second Avenue North. Metro currently leases 34,141 square feet on the fourth and fifth floors of the Washington Square building for the district attorney's office. This amendment includes leasing an additional 4,508 square feet on the fourth floor for the mayor's office of economic and community development and the sports authority. The additional rent to be paid will be \$5,541.08 per month from the occupancy date through January 1, 2003, and \$5,635 per month from February 1, 2003 through November 30, 2003. Pursuant to the basic lease agreement, Metro has the option to renew the lease for an additional five-year period after the expiration of the agreement in 2003.

This resolution has been referred to the planning commission.

RESOLUTION NO. RS2002-1012 (MCCLENDON & SHULMAN) - This resolution authorizes the department of water and sewer services to submit a grant application to the U.S. environmental protection agency to apply for a \$115,000 grant for security planning for large drinking water utilities. If awarded, the grant funds will be used to hire a consultant to perform an assessment determining the vulnerability of the department's water facilities to an act of terrorism.

RESOLUTION NOS. RS2002-1013 & RS2002-1014 (SHULMAN) - These resolutions approve grants from the Tennessee department of labor and workforce development to the Nashville career advancement center (NCAC) to establish programs to prepare adults, youth and dislocated workers for re-entry into the labor force and to offer training to those facing barriers to productive employment.

Resolution No. RS2002-1013 approves a grant in the amount of \$75,000. This grant is for a term of March 1, 2002 through June 30, 2003, and may be extended for two additional terms of one year each.

Resolution No. RS2002-1014 approves a grant in the amount of \$85,000. This grant is for a term of March 1, 2002 through February 28, 2003, and has the same extension provision.

RESOLUTION NOS. RS2002-1015 & RS2002-1016 - These resolutions approve contracts between the Tennessee department of transportation and Metro public works for the resurfacing of Fesslers Lane and Myatt Drive. The projects are to be completed by July 31, 2004.

Resolution No. RS2002-1015 (MCCLENDON, SHULMAN & WALLACE) – This resolution approves the contract for the resurfacing of Fesslers Lane from Lebanon Road to Murfreesboro Pike. The total

estimated cost for this project is \$344,300, with the state paying 75% of the cost (\$258,225) and Metro paying the remaining 25% (\$86,075).

Resolution No. RS2002-1016 (SHULMAN) – This resolution approves the contract for the resurfacing of Myatt Drive from Old Hickory Boulevard to Anderson Road. The total estimated cost for this project is \$114,900, with the state paying 75% of the cost (\$86,175) and Metro paying the remaining 25% (\$28,725).

RESOLUTION NO. RS2002-1017 (SHULMAN) - This resolution approves an agreement between the Metro fire department and the Fairview fire department for fire training at the Metro fire academy. The Fairview fire department will be able to send employees to the Metro fire academy on a space-available basis for a term beginning March 1, 2002 and ending February 28, 2007. The Fairview fire department will not have to pay for the training, but will be required to maintain \$1 million in liability and worker's compensation insurance. Metro reserves the right to terminate this agreement upon 30 days written notice.

RESOLUTION NO. RS2002-1018 (SHULMAN) - This resolution accepts \$22,463.66 in settlement of the Metropolitan Government's claim against Western Express Trucking. On September 19, 2001, a Metro ambulance driven by Michael Vantassel was involved in an accident on I-65 North at Metro Center Boulevard while in route to a 911 call. The ambulance was struck in the rear by a Western Express Trucking tractor trailer driven by Ms. Donnie Smith, who failed to realize that the ambulance was slowing down. There are personal injury claims still pending, so this settlement only represents the amount of property damage done to the Metro ambulance.

The legal department believes that \$22,463.66 is a fair and reasonable settlement amount.

RESOLUTION NO. RS2002-1019 (SHULMAN) - This resolution accepts \$6,804.54 in settlement of the Metropolitan Government's claim against Rita Callis. On December 18, 2001 Rita Callis failed to stop at a red light and struck a 1998 pickup driven by Norma J. Morton, a Metro public library employee, while acting in the scope of employment. The accident caused extensive damages to the front and driver's side of the pickup. The estimate to repair the pickup was \$6,804.54. No personal injuries were sustained to Ms. Morton, though Ms. Callis and her passenger did suffer some injuries.

The legal department believes \$6,804.54 is a fair and reasonable settlement.

RESOLUTION NO. RS2002-1020 (SHULMAN) - This resolution accepts \$5,851.19 in settlement of the Metropolitan Government's claim against Gary A. Lubi. On February 23, 2002, Quinesha Thomas, driving a car owned by Gary A. Lubi, failed to yield the right of way while making a left turn onto Thompson Lane from Murfreesboro Road and struck a Metro police vehicle driven by Michael Orsbon. Officer Orsbon had minor injuries, but did not have any medical bills nor did he take any time off from work. This settlement represents

the property damage to the 1994 Ford Crown Victoria police car, which consisted of \$5,601.19 in damages and \$250 for estimated down time of the vehicle.

The legal department believes \$5,851.19 is a fair and reasonable settlement.

RESOLUTION NO. RS2002-1021 (SHULMAN) - This resolution accepts \$15,710.59 in settlement of the Metropolitan Government's claim against Andy Matthews. On January 3, 2002, Andy Matthews turned left into the path of a Metro vehicle driven by a finance department employee, Shawn Hinton. Mr. Hinton was examined by Metro General Hospital and he missed one day of work. This settlement consists of \$15,550 representing the market value of the totaled Metro vehicle, plus \$33.55 in towing charges, plus \$127.04 in lost wages. Mr. Hinton also received \$218.00 for medical bills from State Farm, Mr. Matthews' insurance carrier, for which Metro is entitled to reimbursement from Mr. Hinton.

The legal department believes \$15,710.59 is a fair and reasonable settlement.

- **BILLS ON SECOND READING** -

ORDINANCE NO. BL2002-975 (WALLACE) - This ordinance amends the Metropolitan code of laws to exempt establishments that already have a state on-premises liquor consumption license from Metro's minimum distance requirements to obtain a beer permit. The code currently prevents a beer permit from being issued to an establishment located within 100 feet from a church, school, park, daycare, or a one or two family residence. Pursuant to state law, the Tennessee alcoholic beverage commission can take the applicant's location into consideration when determining whether to grant a license for on-premises liquor consumption.

This ordinance addresses the same subject matter as Ordinance No. BL2002-985, also on second reading.

ORDINANCE NO. BL2002-983 (WALLACE) - This ordinance amends the Metropolitan code of laws to require that a permit be issued by the Metropolitan Government before any encroachment can be constructed or installed on any Metro street, sidewalk, alley, or other public way. Persons or entities seeking to install an encroachment would be required to pay a \$100.00 permit fee and provide liability insurance holding Metro harmless from all claims or damages arising out of the construction, operation, or maintenance of the encroachment. The manner of construction, installation, operation, and maintenance of a proposed encroachment would be subject to the direction and approval of the director of public works.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2002-984 (WALLACE & BRILEY) - This ordinance amends the Metropolitan code of laws to allow on-sale beer permits to be issued to performing arts facilities. Currently, retailer on-sale beer permits are limited to eating establishments where meals or lunches are regularly served.

This ordinance also defines a "performing arts facility" as being a facility owned by the government and administered by a non-profit corporation, which is located within the core commercial district (CC) or core commercial frame district (CF), where "meetings, festivals, live theatrical, musical, and other performances and events are regularly presented." This would allow for facilities such as The Tennessee Performing Arts Center (TPAC) and the War Memorial Building to obtain on-sale beer permits.

ORDINANCE NO. BL2002-985 (WALLACE) - This ordinance exempts establishments that have already obtained an on-premises consumption liquor license from the state alcoholic beverage commission, or that are within the same building or adjoin a building that already has an on-premises consumption license, from the minimum distance requirements for the issuance of beer permits. The code currently prevents a beer permit from being issued to an establishment located within 100 feet of a church, school, park, daycare, or a one or two family residence. Pursuant to state law, location can be taken into consideration by the alcoholic beverage commission in deciding whether to grant an on-premises consumption license.

ORDINANCE NO. BL2002-1022 (WHITMORE) - This ordinance closes an unbuilt portion of Michigan Avenue between 42nd Avenue North and 43rd Avenue North. Metro will retain utility easements. There is no signed petition of affected property owners on file with the Metro Clerk.

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

ORDINANCE NO. BL2002-1023 (ARRIOLA, SONTANY, & HAND) - This ordinance amends the Metro code of laws by creating a rebuttable presumption that the growth of grass or underbrush 12" or higher is a danger to the health, safety, or welfare to the citizens of Metro. The rebuttable presumption means that the burden of proof would shift to the property owner that has been cited to prove that the grass more than a foot tall is not a health or safety hazard. This is to allow better enforcement of Metro's excessive vegetation control ordinance.

ORDINANCE NO. BL2002-1024 (SUMMERS) - This ordinance amends the Metropolitan code of laws to provide for council approval before any Metro home or facility for the care of children can be transferred to the director of public property administration. Section 2.24.250 of the code of laws sets out the procedure for the transfer and disposition of surplus property. Once a department director, board or commission determines that property in its possession is no longer needed, it is deemed to be surplus property and is transferred to the possession of the director of public property who has the authority to make the property available to other departments or agencies for their use. If no other department or agency needs the property, the director of public property, upon approval of the Metro Council, can sell the property.

The Metro charter grants the power to the Metropolitan Government to operate facilities for the care of children and provides that the Metropolitan social services commission shall supervise the operation of the McKay Home and the Municipal Children's Home (now known as Richland Village). This proposed change in the code of laws would require council approval before any property used as a home or facility for the care of children, such as Richland Village, could be declared surplus property and transferred to the director of public property.

ORDINANCE NO. BL2002-1025 (WILLIAMS) - This ordinance readopts the code of the Metropolitan Government to include ordinances enacted on or before November 28, 2001.

ORDINANCE NO. BL2002-1026 (SHULMAN) - This ordinance approves a grant in the amount of \$1,221,274 from the state department of transportation to the Metro police department for the Governor's Highway Safety Program. The term of the grant is from May 1, 2002 to May 1, 2003, and may be renewed in period increments of no more than a year at a time. The purpose of the grant is to reduce traffic related crash fatalities, especially focusing on alcohol or drug impaired drivers. The money from the grant will be used to pay overtime officers' salaries and purchase 10 laser speed timing guns. Specifically, the grant will fund a 52-week program providing overtime officer enforcement teams Thursday through Sunday nights and on holidays. Additionally, the grant will fund a 24-week program to provide enforcement around the recreation areas on Percy Priest and Old Hickory lakes. The state reserves the right to terminate this grant upon 90 days written notice.

ORDINANCE NO. BL2002-1027 (SHULMAN) - This ordinance accepts a grant from the state emergency management agency (TEMA) to the Metro office of emergency management in the amount of \$62,000, which is essentially pass-through federal funds to subsidize the emergency management office. The term of the grant is from October 1, 2001 through September 30, 2002. The ordinance further provides \$62,000 as Metro's match to the grant. The grant may be terminated by either party upon 90-days written notice and may be amended upon approval of the Metro Council by resolution receiving 21 affirmative votes.

ORDINANCE NO. BL2002-1028 (KNOCH & SHULMAN) - This ordinance approves a grant in the amount of \$196,021 from the state department of transportation to the Davidson County sheriff's office for the 2001-2002 litter grant program. The purpose of the grant is to fund the administration of a continuing program, now in its nineteenth year, for the use of inmates at the county workhouse to clean up trash along the roadsides. The program uses works crews composed of misdemeanor offenders, supervised by a correctional officer, to pick up trash 6 days per week. The grant specifies that \$58,800 of the grant money must be used for litter prevention education, which will be undertaken by the Metro beautification bureau. The remaining funds will be used to pay correctional officers' salaries. The term of the grant is from July 1, 2001 through June 30, 2002.

ORDINANCE NO. BL2002-1029 (WHITMORE, GILMORE & SHULMAN) - This ordinance accepts a grant in the amount of \$35,000 from the American Planning Association (APA), in connection with the City Parks Forum, for a master plan for Bell's Bend Park. This ordinance also provides for \$15,000 in Metro matching money for the master plan. The board of parks and recreation will contract with a consultant to help develop the master plan, which is to be completed in November of 2002. The master plan is to address issues related to development of the 808-acre Bell's Bend property, which has been designated as a future park site.

The contracted consultant will work in connection with the board of parks and recreation, the mayor, the planning commission, the Metro greenways commission, the non-profit Greenways for Nashville, and the Bell's Bend community group. In addition to the \$50,000 involved in this ordinance, Mr. Ray Bell, a founding member of the Bell's Bend community group, will personally contribute \$50,000 towards implementation of the project.

ORDINANCE NO. BL2002-1030 (LORING) - This ordinance approves a lease between the Metro board of fair commissioners and Lamar Advertising Company of space for billboard advertising at six places on the state fairgrounds premises. The term of the lease is for 5 years beginning July 1, 2001 and ending June 30, 2006, with Lamar paying \$104.16 a month per structure. Lamar will furnish, erect and maintain the billboards. Lamar is required to maintain \$1 million in commercial and automobile insurance and \$25,000 in property damages insurance naming Metro as additional insured. This lease may be amended by resolution of the Metro Council receiving 21 affirmative votes.

This lease agreement has been approved by the planning commission.

ORDINANCE NO. BL2002-1031 (WATERS & GILMORE) - This ordinance accepts the donation of a 1983 Mack box van from RTR Transportation Company for use by the Drug Court program. RTR Transportation is a locally owned company located on Craighead Avenue.

ORDINANCE NO. BL2002-1032 (TURNER & MCCLENDON) - This ordinance creates an Otter Creek Road pedestrian safe zone by limiting motor vehicle traffic between 7:00 a.m. and dark on the portion of Otter Creek Road from its western boundary to the Oak Hill city limits. Traffic will be restricted to park personnel, residents of this portion of Otter Creek Road, handicapped persons, and emergency vehicles. This ordinance further authorizes the department of public works to post signs designating these limitations.

This ordinance has been disapproved by the traffic and parking commission

- BILLS ON THIRD READING -

ORDINANCE NO. BL2002-980 (MCCLENDON) - This ordinance closes portions of 5th Avenue North, 4th Avenue North, and Alleys # 201, # 508, # 509, and #510. The sections of streets and alleys to be closed are located within the borders of Metrocenter Boulevard, Dominican Drive, and Clay Street. Metro and the contracted utility companies will retain easements to construct and maintain existing and future utilities.

This closure is requested by Phillip Piercy of Littlejohn Engineering Associates, on behalf of abutting property owners. Properly executed letters showing consent of the affected property owners are on file with the planning commission. This ordinance has been approved by the planning commission and by the traffic and parking commission.

ORDINANCE NO. BL2002-986 (CAMPBELL, DILLARD, & OTHERS) - This ordinance approves a grant in the amount of \$192,161 to the Metro police department from the U.S. department of justice office of community oriented policing services (COPS) office to implement a training program promoting strategies to reduce racial profiling. The term of the grant is from August 1, 2001 through July 31, 2002. The COPS office provides grants and assistance to local police departments to increase police presence and to improve community policing. The purpose of this grant agreement is to promote strategies to reduce racial profiling through the collection and analysis of data, community involvement, and officer training. COPS will designate a program manager to assist with this program. The police department will work with the program manager to develop surveys and evaluate the results, write the training curriculum, and train police personnel and community members.

ORDINANCE NO. BL2002-987 (DILLARD & SHULMAN & DERRYBERRY) - This ordinance approves a grant in the amount of \$6,000 to the Metro police department from the Tennessee department of transportation Governor's highway safety office for the "You Drink, You Drive, You Lose" project. The term of the grant is from February 1, 2002 through June 30, 2002. The grant funds can only be used to purchase radar units, preliminary breath testing units, and mounted in-car video cameras.

ORDINANCE NO. BL2002-988 (MCCLENDON & SHULMAN) - This ordinance authorizes the acquisition of property, by negotiation or condemnation, for the purposes of obtaining one utility easement for the Hillsboro Road at Bancroft Place 8" water main improvements project. The acquisition 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 will improve 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 additional easements that may be needed for this project in the future.

The easement authorized to be acquired by this ordinance is for property located at 6000 Hillsboro Pike. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-989 (HAUSSER, MCCLENDON & SHULMAN) - This ordinance authorizes the acceptance of a contract between the state department of transportation and the Metropolitan Government for the 21st Avenue sidewalk improvement project under the federal surface transportation enhancement program. The missing sidewalk segments to be constructed connect Hillsboro Village, Vanderbilt, and surrounding restaurants and shops on 21st Avenue South. The estimated total construction cost for the project is \$675,000, with Metro paying twenty percent (20%) of that amount, not to exceed \$135,000. The remaining eighty percent (80%) will be paid by the state department of transportation through

federal program funds. The twenty percent to be paid by Metro can either be by a cash match or through the use of the value of preliminary engineering services. If Metro chooses to fulfill its payment obligation by providing the preliminary engineering services, such services must be performed either by Metro personnel or a consultant engineering firm hired pursuant to state consultant selection procedures.

Metro is responsible for all costs associated with operating and maintaining the project and is liable for all third-party claims arising from the construction and maintenance of the project. Metro agrees to act in accordance with a construction schedule that would provide for at least fifty percent (50%) completion within one year from the commencement date. As this project has the potential for construction within a historic district, Metro must consult with the state historical preservation office prior to such construction. This ordinance authorizes the mayor to execute any additional documents required for this project upon approval of the council by resolution receiving 21 affirmative votes.

ORDINANCE NO. BL2002-990 (SHULMAN, DILLARD, & OTHERS) - This ordinance approves an amendment to the lease agreement between Metro Government and the state of Tennessee for lease of property located on Griffith Road for an 800 MHz emergency communications tower. The lease, which was the subject matter of Ordinance No. O98-1435, is for a 25 year term with an option to renew for two additional terms of 25 years, and provides that Metro will make no rental payments. Pursuant to the lease, Metro was to remove the present tower and building located at this site and replace them with a new building and tower. The new tower has been constructed and is now in use.

This amendment clarifies the amount of property being leased, which consists of 0.21 acre and a 30-foot wide easement. The amendment also clarifies that Metro will remove the old TEMA tower by June 30, 2002 and all existing buildings on the leased premises within one year. Further, the amendment provides that Metro will seal the state's existing fallout shelter and to remove the State's communication trailer. Metro is responsible for the maintenance of the new tower.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2002-991 (SHULMAN) - This ordinance approves a lease agreement between the Metropolitan Government and Opry Mills for office space for the Pearl Sims learning and development center. Metro, acting through the Nashville career advancement center, will use this space at Opry Mills for career counseling services and job training.

ORDINANCE NO. BL2002-991 (continued)

The term of the lease is for ten years commencing May 1, 2000 and ending April 30, 2010, with rent to be paid in the amount of \$1.00 per year. Metro has a ten-year renewal option period. The leased space is located at the Opry Mills mall and consists of 3,356 square feet. After the third year of the lease, either party can terminate the agreement upon 30 days written notice. Opry Mills reserves the right to relocate the learning

center if necessary. Metro is not responsible for paying any utilities other than phone service, nor is Metro required to pay a proportionate share of taxes and common ground maintenance. Metro must maintain self-funded insurance against all claims arising from the use and occupancy of the premises. However, Metro is not required to indemnify Opry Mills for claims whose fault is not attributable to Metro.

The remaining provisions of the lease are typical of other commercial leases.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2002-992 (WALLACE) - This ordinance authorizes AmSouth Bank and 2000 PBL Venture, Ltd., to install aerial and ground encroachments for the AmSouth Bank Plaza renovations along Union Street and Deaderick Street. The exterior renovations include seven blade-style signs measuring 14 feet in width by 7 feet in length extending from the building over the sidewalk area. These signs will replace seven existing trees, which will not be replaced. The ordinance also provides for the construction of a sign measuring 11 feet in width and 80 feet in length above the Deaderick building entrance. This sign will be 25 feet above the sidewalk and will possibly contain a skylight. Further, this ordinance provides for the installation of planters and special pavers in front of the Deaderick Street entrance and the Union Street entrance, as well as at the corners of 3rd Avenue North/ Union Street and 4th Avenue North/Union Street. 2000 PBL Venture, Ltd., will be required to maintain \$300,000 in public liability insurance naming Metro as an insured party.

This ordinance has been approved by the planning commission.

p:resol