

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **June 4, 2002**

RE: **Analysis Report**

Balances As Of: 5/29/02 5/31/01

GSD 4% RESERVE FUND \$15,306,836 \$13,675,693

CONTINGENCY ACCOUNTS

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

GENERAL FUND

GSD	\$63,995,550	\$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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- **BILLS ON PUBLIC HEARING** -

ORDINANCE NO. BL2002-1062 (SHULMAN & SUMMERS) - This ordinance adopts the capital improvements budget for 2002-2003 through 2007-2008. A separate analysis will be provided for the capital improvements budget. The capital improvements budget is a planning document and does not in itself appropriate any funds. All capital projects must be provided for in this document before a capital expenditure can be approved by the council, except in the case of a public emergency. This budget is amendable on third and final reading. Once adopted, future amendments to the capital improvements budget must be approved by the planning commission, be recommended by the mayor, and be adopted by resolution of the council receiving twenty-seven (27) affirmative votes.

ORDINANCE NO. BL2002-1063 (WALLACE, TUCKER & WATERS) - This ordinance approves Amendment No. 2 to the Arts Center Redevelopment Plan, which was adopted in 1998 to facilitate the conversion of the old downtown post office to the Frist Center for the Visual Arts. The plan included the post office, the Union Station Hotel, and Cummins Station. Amendment No. 1, adopted in 1999, added the Music Row area and the area between I-40 and the railroad gulch to the redevelopment plan area. This amendment replaces the preface of the plan to provide for more clarity regarding the applicable governing state law and adds a mixed use "Music Row" district subsection to the land use plan, which applies to the area west of I-40. The intent of the Music Row land use district is to encourage multi-storied office buildings that could incorporate first floor retail space. Auto sales and auto repair will be allowed as a conditional use provided they are compatible with surrounding land uses. Outside storage or display of vehicles and auto repair will not be allowed on properties with frontage on Demonbreun Street.

This amendment has been approved by the MDHA board of commissioners and the planning commission.

- **RESOLUTIONS** -

RESOLUTION NO. RS2002-1034 (HAND) - This resolution approves property located on Centennial Boulevard to be used as a waste transfer station for the benefit of West Nashville County Properties. West Nashville County Properties has filed a request for a special exception with the Metro board of zoning appeals to use this property as a waste transfer station. The Metro code of laws requires that the Metro Council approve the location by adoption of a resolution before the board of zoning appeals can act on the request. If the council does not adopt or defeat this resolution within 60 days, it shall be deemed approved.

RESOLUTION NO. RS2002-1043 (SHULMAN) - This resolution approves a contract between the Metropolitan Government and Cheatham County for the temporary housing of juveniles in the Davidson County juvenile justice center. The Metropolitan Code of Laws provides that the juvenile court judge may execute contracts with other counties for detention of juveniles. Pursuant to the terms of this contract, the juvenile court will provide beds to Cheatham County juveniles awaiting trial or placement on a space available basis. Cheatham County will pay juvenile court \$125 per day for each bed provided. The term of this agreement is for two years beginning July 1, 2001 and ending June 30,

2003, with a possible extension of three additional one-year terms. Cheatham County will be required to maintain \$1 million in general liability insurance.

RESOLUTION NO. RS2002-1054 (SHULMAN) - This resolution approves a contract between the Metropolitan Government and the Vanderbilt child and family policy center for development of the council afterschool initiative. The council afterschool initiative, created by Ordinance No. BL2002-974, will consist of members of council, parents, and representatives from youth programs and community organizations. The purpose of the initiative is to work with the Madeline Initiative and Vanderbilt to develop a plan to increase out-of-school time programming and resources for Nashville's youth. Ordinance No. BL2002-974 authorized the approval of a contract, by resolution, for support services for this initiative. The payment for these services is to be funded out of the reserve for council neighborhood aftercare account provided in the budget for the 2001-2002 fiscal year.

Pursuant to the terms of the contract, Metro will pay the Vanderbilt child and family policy center \$128,000 for services necessary to develop the initiative, including conducting an inventory of current afterschool programs, and the printing of 75,000 copies of a directory of afterschool opportunities. The term of the contract will extend through December 31, 2002.

RESOLUTION NO. RS2002-1057 (SHULMAN) - This resolution appropriates \$919,419 from the unappropriated fund balance of the general fund of the urban services district to the fire department. This appropriation and the appropriations that are the subject matter of Resolution No. RS2002-1058 are usually made at the end of the fiscal year to balance the budgets for departments that for various reasons have overspent their allotted funding.

RESOLUTION NO. RS2002-1058 (SHULMAN) - This resolution appropriates \$11,043,126 from the unappropriated fund balance of the general fund of the general services district and from the hotel occupancy reserve funds to various departments. The distribution of the funds will be made as follows:

- \$2.5 million are for development costs pertaining to the new district energy system;
- \$564,600 to the finance department;
- \$1.45 million to the sheriff's office;
- \$856,616 to the police department;
- \$300,910 to the health department for rent of the medical examiner's facility
- \$4.3 million for public works-solid waste-thermal;
- \$971,000 to the Gaylord arena.

An additional \$200,000 will be transferred to the convention center, half of which will come from the convention center portion of the hotel occupancy reserve, and the other half from the tourist related funds of the hotel occupancy reserve.

RESOLUTION NO. RS2002-1059 (HALL & WHITMORE) - This resolution appropriates \$40,000 in community development block grant funds for construction of a community walking track at Caldwell elementary school.

RESOLUTION NO. RS2002-1060 (SHULMAN) - This resolution establishes a \$50.00 blood alcohol concentration test fee to be assessed upon a person convicted of driving while intoxicated where a law enforcement breath test unit was used to administer a breath test or where the person convicted was given a breath, blood or urine test analyzed by a public funded laboratory. State law enables metropolitan forms of government to establish such a fee not to exceed fifty dollars. The purpose of the fee is to help offset costs of analyzing the tests. \$17.50 of the fee must go to the publicly funded laboratory or for use by the law enforcement testing unit. The remaining portion is deposited into the general fund.

RESOLUTION NO. RS2002-1061 (SHULMAN) - This resolution approves a grant agreement in the amount of \$384,700 between the state department of health, bureau of alcohol and drug abuse services, and the Metropolitan health department for diagnosis, treatment, and prevention of alcohol and drug abuse. The term of the grant is from July 1, 2002 through June 30, 2003.

RESOLUTION NO. RS2002-1062 (HADDOX & SHULMAN) - This resolution approves a grant agreement in the amount of \$750,433 between the U.S. Environmental Protection Agency (EPA) and the Metro health department for planning, developing, establishing, improving and implementing national primary and secondary air quality standards. The term of the grant is from October 1, 2001 through September 30, 2002. The Metropolitan Government is required to match this grant in the amount of \$290,566, which has been appropriated in the operating budget. This federal funding is essentially used for prevention and control of air pollution by the air pollution control division of the health department. The Metro portion is used to pay the salaries of the Metro employees in the air pollution control division. Local governments in urban areas receive federal funding such as this grant to enforce the Clean Air Act for the EPA.

RESOLUTION NO. RS2002-1063 (SHULMAN) - This resolution approves Amendment No. 2 to the contract between the state department of agriculture and the board of health to provide inspection, reporting and enforcement of retail food stores in Davidson County. This amendment increases the amount of the grant to a total of \$379,000 for a term of January 1, 2000 to December 31, 2004. Metro will receive \$25,500 quarterly to provide these services. These retail food store inspection services are done by local health departments in the urban cities, as opposed to the state providing these services.

RESOLUTION NO. RS2002-1064 (SHULMAN) - This resolution renews the annual contract between the state department of health and the Metro board of health for inspection of hotels, food service establishments, swimming pools, bed and breakfast establishments, tattoo studios, body piercing establishments, and organized camps. The amount of the grant is \$800,000 and this contract extends the term of the program from July 1, 2002 through June 30, 2002. These inspection services are performed by local health departments in urban cities in lieu of the state conducting the inspections.

RESOLUTION NO. RS2002-1065 (SHULMAN) - This resolution authorizes the department of law to settle twenty (20) claims against the Metropolitan Government arising from the Blue Hole Road water main break on May 25, 2001. The claims are a result of the negligence of the Metro water services department failing to shut down the water valves as they had been requested to by the Metro public works department. When public works began drilling and blasting in the area the water main still had pressure in it, causing damage to thirty-one 31 homes. To date, only 20 of the 31 claims have supplied proof of damages. Damage to the homes included damage to pressure reducing valves, busted water heaters, and severe flooding. No disciplinary action was taken against our employee.

The total amount of damages submitted was \$62,433.20, but Metro's liability for property damage is limited to \$50,000 pursuant to the Tennessee Governmental Tort Liability Act. Thus, the department of law believes that paying the \$50,000 limit should be tendered and paid out of the self-insured liability fund.

RESOLUTION NO. RS2002-1066 (SHULMAN) - This resolution authorizes the department of law to settle the claim of Christopher Waggoner against the Metropolitan Government in the amount of \$13,500 to be paid from the self-insured liability fund. This claim arose out of a motor vehicle accident on June 5, 2001 at the intersection of Gallatin Road and McClurken Avenue. A Metro police officer was responding to a call for assistance with a traffic stop when he ran a red light and struck the driver's side of Mr. Waggoner's 1995 Dodge Neon. Witnesses at the scene said that our officer activated his blue lights just before entering the intersection but failed to activate the siren. Mr. Waggoner's vehicle was a total loss with a salvage value of \$3,748.33 and he suffered personal injuries consisting of whiplash and left rotator cuff tendonitis. The claim is for \$3,811.50 for the property damage, \$552.47 for car rental, and medical bills in the amount of \$4,394.64, for total out of pocket expenses of \$8,759.61. Mr. Waggoner will receive \$4,740.39 for pain and suffering.

Our police officer was suspended one day as a result of this accident.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2002-418 (SUMMERS) – This ordinance authorizes Charlotte Mini L.P., doing business as Cornerstone Self-Storage, to install and maintain a retaining wall that will encroach into the right-of-way of Balmy Avenue. This installation is requested by Fred Sans, and the company will be required to maintain \$300,000 in public liability insurance. This ordinance has been approved by the planning 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 of 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 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. BL2002-1047 (BLACK) - This ordinance changes the name of Lincoln Street, between Old Buena Vista Pike and West Trinity Lane to "Day Street". This requested name change is to improve E-911 system efficiency. This ordinance has been approved by the planning commission and the emergency communication district (ECD) board.

ORDINANCE NO. BL2002-1052 (MAJORS & DILLARD) - This ordinance amends the Metropolitan Code of Laws to provide further regulations for the parking and storage of motor vehicles. The code currently prohibits unregistered, inoperable vehicles, and vehicles that are in a state of major disassembly from being openly stored on any premises within the Metropolitan government. This ordinance provides some further clarification and restrictions as follows:

1. Prohibits inoperable or unregistered vehicles from being parked or stored on property unless they are inside an enclosed structure.
2. Prohibits the open storage of vehicles in a major state of disrepair or "overhauling" of vehicles on private property. This prohibition would not apply to a business whose primary enterprise is auto repair.
3. Declares the open parking and storage of unregistered, inoperable, and vehicles in a major state of disrepair to be a nuisance.
4. Requires that all vehicles located on private property be parked either in a garage or a paved or graveled driveway.
5. Limits the size of driveways for private residential property to not exceed 25% of the total lot area. In the event of a conflicting zoning provision, the zoning provision is to prevail over this amendment to the code.

ORDINANCE NO. BL2002-1061 (STANLEY & DERRYBERRY) - This ordinance limits excessive noise emissions of businesses and commercial facilities located in residential areas to 70 decibels between the hours of 9:00 p.m. and 6:00 p.m. This restriction would not apply to businesses located within the CC and CF zoning districts. The noise emissions would be measured from the outside wall of a residential structure in a zoning district located in the vicinity of the business or commercial structure. The Metropolitan Code of Laws already places such limits on loud music and for noise resulting from construction sites.

ORDINANCE NO. BL2002-1064 (WALLACE & SHULMAN) - This ordinance amends the Metropolitan Code of Laws to authorize the continuation of the central business improvement district (CBID) by extending the term of the district from January 1, 2003 to December 31, 2007. The Metro Council created the CBID pursuant to Ordinance No. O98-1037, which included a sunset provision setting the dissolution of the CBID on January 1, 2003. The ordinance also provided that the district shall not be dissolved if a petition is filed representing at least 51% of the property owners and at least 67% of the assessed value in this area requesting the continuation of the district, and the Metro Council determines the district should continue by adoption of an ordinance. The District Management Corporation has filed a petition requesting the continuation of the CBID in compliance with state law and Ordinance No. O98-1037. Pursuant to state law, a public hearing regarding the continuation of the district is set for June 18, 2002, after this ordinance is adopted on second reading.

ORDINANCE NO. BL2002-1065 (DILLARD, SHULMAN & DERRYBERRY) - This ordinance approves a grant in the amount of \$301,218 between the U.S. department of treasury, bureau of alcohol, tobacco and firearms and the Metropolitan police department for a gang resistance education and training (GREAT) program. The funds will be used to provide for educational programs in the schools to discourage youth and children from joining gangs or

participating in gang activity. The program is directed primarily at middle school and junior high school students. The term of the grant is from January 16, 2002 through January 15, 2003.

ORDINANCE NO. BL2002-1066 (SHULMAN & DERRYBERRY) - This ordinance approves the transfer of a cable television franchise held by Comcast Cable Communications, Inc. (Comcast) to AT&T Comcast Corporation (AT&T Comcast). The franchise is technically held by Broadband Nashville I, LLC, which is a wholly-owned subsidiary of Comcast. Comcast has agreed to merge with AT&T Broadband Corp. and create a new company known as AT&T Comcast Corporation. The present franchise was granted in 2001 and the Metro cable ordinance requires consent of the Metropolitan Government prior to a change of control affecting the franchise. The new corporation will be bound by all of the existing terms and conditions of the current franchise agreement. Only the ownership of the franchise will change. AT&T Comcast is to file a franchise acceptance agreement whereby it agrees to be bound by all of the terms and conditions set forth in the franchise agreement and this ordinance. Comcast has paid the \$5,000 processing fee to the Metropolitan Government required by the cable ordinance, and agrees to pay any excess out-of-pocket expenses Metro incurs in reviewing the transfer application and preparing the ordinance. Pursuant to our cable franchise ordinance, Metro reserves the right to approve the transfer of such franchises so that we can be assured that the operators are competent to maintain a cable television franchise in a city the size of Nashville.
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ORDINANCE NO. BL2002-1066 (continued)

This ordinance should be considered by the special CATV committee prior to its adoption on third reading. This matter is scheduled to be taken up by the special CATV committee at their meeting on Monday, June 3, 2002.

ORDINANCE NO. BL2002-1067 (SHULMAN) - This ordinance approves a lease agreement between the Metropolitan Government and the American Trust Building, LLC for lease of office space for the office of the public defender. The public defender's office is currently located in the Stahlman Building, which is to be renovated for residential purposes. Pursuant to the lease agreement, Metro will lease 39,974 square feet in the American Trust Building located at 3rd Avenue North and Union Street at a cost of \$43,305.16 per month (\$519,662 annually). The term of the lease is from July 1, 2002 through June 30, 2012, with a possible renewal of two additional five-year terms. Metro may cancel the lease at any time after the fifth year of the lease term. American Trust will provide the build-out, utilities, janitorial services, and a new roof on the building. The lease costs are to be paid out of the general fund. Any amendments to this lease must be approved by a resolution of the Metropolitan Council receiving 21 affirmative votes.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1068 (MCCLENDON & HAND) - This ordinance authorizes the director of public property administration to acquire utility easements by negotiation or condemnation to permit the construction of water mains in connection with the I-40 and Robertson Avenue/Briley Parkway water and sewer interchange improvements. The estimated cost for the easements is \$5,500 and will be paid from the water and sewer extension and replacement fund. Future amendments to this ordinance may be adopted by resolution of the Metropolitan Council. The easements to be acquired are located on the following properties:

- 5516, 5518 and 5520 Urbandale Avenue
- 412 Robertson Avenue
- 5500, 5510 and 5514B Charlotte Pike
- 5817, 5819 and 5821 Mackie Place
- 5804 Ethel Street

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1069 (MCCLENDON & BEEHAN) - This ordinance authorizes the director of public property administration to acquire utility easements by negotiation or condemnation to permit the construction of water mains in connection with the Fatherland Street 6" water main project. The estimated cost for the easements is \$3,500 and will be paid from the water and sewer extension and replacement fund. The easements to be acquired are

located on properties at 1407, 1409, 1411, 1413, 1415, 1417 and 1419 Fatherland Street. Future amendments to this ordinance may be adopted by resolution of the Metropolitan Council.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1070 (MCCLENDON) - This ordinance abandons the water line and easement at the Burton Hills IV subdivision. A new water line has been installed and the old line and easement are no longer needed by Metro.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1071 (MAJORS & MCCLENDON) - This ordinance amends the Metropolitan Code of Laws by changing the time limits in the definition of "abandoned motor vehicle". The Tennessee legislature has recently enacted enabling legislation that sets specific time limits for abandoned vehicles to remain on roads. The Metro Code currently defines an abandoned motor vehicle as being a vehicle over four years old left unattended for at least thirty days on public property or in a state of disrepair on public property for at least ten days. This code amendment incorporates the new state limits and changes the preceding time limits from thirty to ten and ten to three days, respectively.

ORDINANCE NO. BL2002-1072 (WILLIAMS) - This ordinance readopts the Metropolitan Code to include all ordinances adopted by the Metropolitan Council on or before February 5, 2002.

- BILLS ON THIRD READING -

ORDINANCE NO. BL2002-1010 (SUMMERS) - This text change amends the table for single and two-family dwellings to establish bulk requirements for certain zoning districts. This amendment adds zoning districts that are not included in the current table. First, this amendment reduces the side setback for the RM9, RM15, RM20, and OR20 districts within the urban zoning overlay from five feet to three feet. The three feet side setback is already used for the RS7.5, R6, and RS5 districts.

Second, this amendment establishes bulk requirements for the RM60, ON, I, and all mixed-use districts. The added bulk requirements would require single and two-family dwellings in these zoning districts to have a 3,750 square foot lot area, 60% maximum building coverage area, 20-foot minimum rear setback, 3-foot minimum side setback, and a maximum height of three stories. These bulk requirements are the same as those for the RS3.75, OR40, and ORI districts, which are also of moderate to high intensity.

Third, the amendment changes the bulk requirements for RM20 and OR20 to be the same as the districts listed above.

This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1011 (SUMMERS) - This amendment to the zoning text amends the district land use tables by changing single and two-family dwellings in the MUN district and single-family dwellings in the ON district from permitted with conditions to permitted uses, thus allowing them as a matter of right. This amendment also deletes the conditions for single-family dwellings in the ON district and two-family dwellings in the MUN district in the residential uses: single-family and two-family

dwelling section of the zoning ordinance. The amendments are needed in connection with the added bulk requirements in Ordinance No. BL2002-1010, also on second reading, in order to establish more reasonable bulk requirements for single and two-family dwellings in the ON and MUN districts.

This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1012 (SUMMERS) - This text amendment provides that the front façade of a structure on a corner lot shall be located to the shorter lot line. This text amendment is in keeping with the predominant development practice, which is to have buildings oriented toward the streets with the shorter lot lines. This amendment also gives the zoning administrator the authority to determine whether the longer lot line may be the more appropriate location for the front façade in some situations.

This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1013 (SUMMERS) - This amendment to the zoning text adds the I, MUN, MUL, MUG, MUI, ON, and ORI districts to the street setbacks for single and two-family structures table. These districts will have a minimum street setback of 20 feet from minor streets and 40 feet from all other streets. This amendment goes along with the text change in Ordinance No. BL2002-1010, which establishes bulk requirements for several single and two-family dwelling zoning districts.

This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1014 (SUMMERS) - This zoning text amendment makes various changes related to the streetscape within the urban zoning overlay district. The changes are as follows:

1. Adds the office, industrial, RM20, RM40, and RM60 districts to the list of zoning districts to which the neighboring lots, new investment, corner lots, and petitions for mandatory reductions of street setbacks zoning provisions apply. Since these districts are deemed to be located in urban settings, they should be included.
2. Allows buildings in the above-mentioned zoning districts to be built as close as the edge of the right-of-way. The current provision allows a building to be constructed as close to the street as the façade of any principal building on an immediately abutting lot. The intent of this change is to give a better three-dimensional form to the urban streetscape.
3. Deletes the current figure illustrating the corner lot provision.
4. States that the leading edge of the front façade of a principal building should be used for comparison in determining the context for the maximum street setback.
5. Provides that the front façade must extend across 25% of the lot width or 25 feet, whichever is greater, for lots at least 60 feet wide. For lots less than 60 feet wide, the building shall extend the full width of the lot, except for a driveway to access required parking. The current

provision makes no distinction in lot width and provides that the front façade must extend across 75% of the lot.

6. Adds covered patios to the list of permitted projections and recesses of the front façade, which already includes columns, entrances, and similar features.
7. Clarifies which property owners can petition the planning commission and council to adopt an ordinance for mandatory reductions of street setbacks.
8. Clarifies that the planning department may petition the council to adopt an ordinance and any future amendments requiring a specific setback where it is recommended by an adopted redevelopment plan.

ORDINANCE NO. BL2002-1015 (SUMMERS) - This amendment to the zoning text amends the district bulk provisions to establish bulk standards for accessory buildings. The zoning ordinance currently only regulates the height of accessory buildings. This amendment establishes rear setbacks for all accessory buildings located behind a principal structure. Further, the amendment imposes a size limitation of 600 square feet or 50 percent of the building coverage of the principal single or two-family dwelling, whichever is greater, for accessory buildings on lots less than 40,000 square feet in size. In no case can an accessory building exceed 2,500 square feet on lots with single and two-family dwellings.

The planning commission has approved this text change.

ORDINANCE NO. BL2002-1016 (SUMMERS) - This zoning text change amends the parking requirements of the zoning ordinance related to the urban zoning overlay district. The amendment provides that the first 2,000 square feet of general retail and convenient retail floor area is exempt from providing parking. The planning commission has approved this text change.

ORDINANCE NO. BL2002-1017 (SUMMERS) - This amendment to the zoning text allows for parking on one side of the street on streets less than 26 feet wide within the urban zoning overlay district, unless otherwise posted. This on-street parking may be used to meet minimum parking requirements. This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1019 (SUMMERS) - This amendment to the zoning text amends the off-site parking: common ownership section to provide for a renewal option for leased off-site parking. The amendment adds language referring to a guaranteed lease renewal option and provides that the lease agreement must be recorded with the register of deeds and copies of the lease and lease renewal agreements must be provided to the zoning administrator. This is to ensure that leased off-site parking coincides with the tenant's lease terms. This text change has been approved by the planning commission.

ORDINANCE NO. BL2002-1020 (SUMMERS) - This amendment to the zoning text adds boundary lines along utility lines of 50 feet wide or greater to the list of countywide exemptions from the landscape buffer yard. Further, the amendment adds boundary lines along public streets to the list of landscape buffer yard exemptions for the urban zoning overlay district. The planning commission has approved this text change.

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.

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ORDINANCE NO. BL2002-1024 (continued on next page)

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 and, subsequently, transferred to another Metro department, board or agency.

ORDINANCE NO. BL2002-1030 (GREER & 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 five 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. BL2002-1032 (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.

ORDINANCE NO. BL2002-1033 (WALLACE & TUCKER) - This ordinance approves Amendment No. 6 to the capitol mall redevelopment project plan. The capitol mall redevelopment plan basically governs the redevelopment of the downtown area. The last amendment to this plan allowed for construction for the new downtown library. This amendment makes several changes to the plan as indicated below:

1. Extends the boundary of the capitol mall redevelopment district to include all additional properties bordered by Church Street and Union Street between 1st Avenue North and 8th Avenue North. The extension also includes the courthouse property. There are several buildings included in this area to be expanded that are predominantly vacant. It is hoped that this extension will provide an incentive to developers to undertake renewal and building projects.

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ORDINANCE NO. BL2002-1033 (continued)

2. Amends the sign regulations to clarify that the use of billboards or general advertising signs is prohibited. Signs are limited to on-premises signs not exceeding 25 square feet in size.
3. Adds a process for appealing a denial of a permit for development or a notice of violation by creating an administrative appeals board. This board shall consist of three members of MDHA management appointed by the director of MDHA.
4. Extends the duration period of the plan from 2025 to December 31, 2030.
5. Increases the tax increment cap from \$80 million to \$95 million. Tax increment financing is used to provide an incentive to developers to undertake urban renewal, restoration and development projects. Developers are allowed to deduct the amount of taxes that would be paid due to the increased property value of the developed property and apply that amount to debt service on the project. For example, if the amount of property taxes were \$10,000 before development and then increased to \$100,000 after development, the developer would be able to apply the \$90,000 difference to service the debt on the project. It is estimated by MDHA that this \$15 million cap increase could bring nearly \$275 million in additional private investment. The property tax revenues to Metro, however, will have little or no increase during the life of the plan if tax increment financing is used.

The planning commission has approved this ordinance.

SUBSTITUTE ORDINANCE NO. BL2002-1039 (SHULMAN) – This substitute ordinance authorizes the transfer of the caring for children's program from the Metropolitan social services commission to the finance department, and approves an agreement between the Davidson County community service agency and the Metropolitan Government for financing of the program. Ordinance No. O97-854 transferred the caring for children's program to the Metro social services commission from the Metro department of health effective July 1, 1999. This ordinance transfers the program again to the finance department with funding to be provided by the Davidson County community service

agency (DCCSA). The DCCSA is a governmental entity created by state law that is funded through the state department of children's services, and Metro has provided administrative services to the DCCSA through Metro social services for other programs related to children's services. The DCCSA has entered into a grant agreement with the state department of children's services for funding of this program, which funding is to be transferred to the department of finance to administer the program pursuant to an agreement included as part of this ordinance.

The agreement provides funding for the department of finance to provide administrative services for the program. The board for the caring for children program will continue to make policy decisions for the program in accordance with state law. Pursuant to the agreement, DCCSA shall provide up to \$5,308,35 in state pass through funds during an initial term from July 1, 2001 through June 30, 2002, which term may be extended for an additional year. Either party may terminate this agreement upon 90 days notice. Actual services provided under this program are provided by outside contractors. This ordinance may be amended by resolution of the Metropolitan Council receiving 21 affirmative votes.

ORDINANCE NO. BL2002-1040 (SHULMAN) - This ordinance approves a lease agreement between Neal and Oleta Shipper and the Nashville career advancement center (NCAC) for lease of property located at 813A North Cumberland Drive for use as office and classroom space. The term of the lease is from April 1, 2002 through March 31, 2007 and NCAC will pay \$2,062.50 a month. The lease payments will be paid from federal pass through funds and will result in no real cost to Metro. This lease agreement has been approved by the planning commission.

ORDINANCE NO. BL2002-1041 (MCCLENDON & SHULMAN) - This ordinance authorizes the Metropolitan Government to participate with C.K. Development to provide public sewer service to the Copperstone Subdivision located in Williamson County. This subdivision is tied into the Owl Creek trunk sewer project, which was built in anticipation of developer participation. C.K. Development has deposited \$74,000 for 37 home connections as a contribution toward construction of the sewer in lieu of having to provide the sewer service.

ORDINANCE NO. BL2002-1042 (MCCLENDON & SHULMAN) - This ordinance authorizes the department of water and sewerage services to apply for and receive a \$115,000 grant from the U.S. environmental protection agency for security planning for large drinking water utilities. Metro qualifies as a large drinking water utility because of the number of customers it serves. If awarded, 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.

ORDINANCE NO. BL2002-1043 (LORING, MCCLENDON & SHULMAN) - This ordinance authorizes the director of public property to acquire utility easements by negotiation or condemnation for use regarding the Briley Parkway widening north of McGavock Pike to Gallatin Road interchange 10" water main project. The estimated cost for the easement required is \$1,000.00, and will be paid from the water and sewer extension and replacement fund. Further amendments to this ordinance may be adopted by resolution of the Metropolitan council.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1044 (WALLACE & SHULMAN) - This ordinance authorizes the director of public property to acquire utility easements by negotiation or condemnation for the purpose of construction and operation of sanitary sewers in connection with the Fairfield Avenue sewer service project. The six easements to be acquired are on properties located at 79, 81, 83, 85, 87, and 89 Fairfield Avenue. The estimated cost for the easements is \$3,000.00, and will be paid from the water and sewer extension and replacement fund. Further amendments to this ordinance may be adopted by resolution of the Metropolitan Council.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1045 (SUMMERS, WHITMORE & OTHERS) - This ordinance approves an agreement between the Metro board of parks and recreation and the Tennessee department of transportation for work related to a segment of the Richland Creek greenway project adjacent to McCabe Park. This ordinance further accepts a donation in the amount of \$110,000 from Greenways for Nashville to be applied to Metro's share of the project costs and appropriates \$335,139 toward the project. The total cost of the project is expected to be \$1,675,683, of which Metro is responsible for twenty percent of the cost (\$335,139). The state department of transportation will assume the remaining eighty percent of the cost. Of Metro's \$335,139 portion, \$160,000 has been given in the form of private contributions. These contributions consist of the \$110,000 from Greenways for Nashville and \$50,000 from St. Thomas Hospital. Thus, Metro's real cost is \$175,139 to be paid out of capital bond funds. The Richland Creek greenway will be approximately a three-mile trail from the Nashville Tech campus to Harding Road. The trail will also encircle McCabe Golf Course.

ORDINANCE NO. BL2002-1046 (GILMORE, BLACK & OTHERS) - This ordinance approves an agreement between the Metro board of parks and recreation and the Tennessee department of transportation for work related to a segment of the Whites Creek greenway project from Richard T. Hartman Park to Clarksville Highway. This ordinance further accepts a donation in the amount of \$95,000 from Greenways for Nashville to be applied to Metro's share of the project costs, and appropriates \$164,800 toward the project. The total cost of the project is expected to be \$824,000, of which Metro is responsible for twenty percent of the cost (\$164,800). The state department of transportation will assume the remaining eighty percent of the cost. Thus, after accepting the \$95,000 private contribution, Metro's real cost is \$69,800 to be paid out of capital bond funds.

ORDINANCE NO. BL2002-1049 (GENTRY, SHULMAN & OTHERS) - This ordinance amends the Metropolitan code of laws to remove a sunset provision relative to the hotel occupancy privilege tax. The hotel occupancy privilege tax is levied on occupants of hotel rooms in the Metropolitan area and is paid at the time of their stay. Substitute Ordinance SO99-1678, pursuant to state law, enabled Metro

to increase the hotel occupancy privilege tax from 4% to 5%, provided that the additional one percent increase be used to only for the direct promotion of tourism. The state law enabling this increase contained a sunset provision that would lower the tax back to 4% on June 30, 2002. Recently, the state legislature has amended this provision by removing the sunset date, thus allowing the 5% rate to continue indefinitely as long as one percent is used for promoting tourism. This ordinance amends the Metro code to allow the 5% levy to remain, in keeping with state law.

ORDINANCE NO. BL2002-1050 (WALLACE & SHULMAN) - This ordinance authorizes the transfer of property located on the corner of 4th Avenue South and Demonbreun (the fire hall site) to MDHA for use as a future symphony hall site. This property was declared as surplus in 1998 and negotiations were entered into with Lincoln Properties for development of this site for residential purposes. However, Lincoln Properties was unable to obtain the required financing, so this property remains in the possession and ownership of the Metropolitan Government. This ordinance conveys the property to MDHA, who will ultimately convey the property to the entity responsible for developing a music hall for the benefit of the Nashville Symphony. Metro is essentially donating the property so that it can be developed for a music hall. Once MDHA conveys the property, the developer will have four years to commence construction of the music hall, or ownership of the property will revert back to Metro. Furthermore, once the music hall is complete, it must be used as a music hall for forty years or Metro will be compensated for the fair market value of the land, excluding the value of the music hall itself. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1051 (WHITMORE) - This ordinance abandons alley # 1204 between 40th Avenue North and alley # 1189, and also abandons alley # 1189. These two alleys run perpendicular to each other at lots located on the corner of Indiana Avenue and 40th Avenue North. The Metropolitan Government has no present or future need for these alleys and the abutting property owners desire that the alleys be abandoned.

Consent of abutting property owners is on file in the planning commission office.

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

ORDINANCE NO. BL2002-1053 (MCCLENDON, SHULMAN & SONTANY) - This ordinance authorizes the director of public property administration to acquire property by negotiation or condemnation for the Smith Springs Road and Bell Road intersection improvements. The funds to defray the costs of this project are available from 2001 GSD multipurpose improvement bonds.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1054 (MCCLENDON) - This ordinance abandons and relocates the 20" sewer line and easement located on property in the area of 8th Avenue North and 9th Avenue North at Jackson Street. MDHA is the owner of the property encumbered by the sewer line and easement. The department of water and sewerage services is no longer using this sewer line and easement and it serves no other properties.

Staff would suggest that the boilerplate language used in Section 1 of these type ordinances be amended to prevent confusion as to the parties authorized to execute the appropriate documents related to sewer line and easement abandonments. The language currently provides that the "below signed" are authorized to execute such documents, which would include the sponsors of the ordinance. Staff would recommend amending the language to provide that the director of public property and/or the mayor are authorized to execute the appropriate documents. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1055 (PONDER & MCCLENDON) - This ordinance abandons and relocates the sewer line and easement at the Eckerd/Hermitage located at the intersection of Old Hickory Boulevard, Chandler Road and Andrew Jackson Parkway.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1056 (MCCLENDON & SHULMAN) - This ordinance authorizes the director of public property to acquire utility easements by negotiation or condemnation in connection with the Rural Hill Road widening, 8" water main and 8" sanitary sewer replacement projects. The easements to be acquired are on property located at 2651 Murfreesboro Pike. The estimated cost for the easements is \$500.00, and will be paid from the water and sewer extension and replacement fund. Further amendments to this ordinance may be adopted by resolution of the Metropolitan Council.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1057 (MCCLENDON, SHULMAN & BEEHAN) - This ordinance authorizes the director of public property to acquire utility easements by negotiation or condemnation for the purpose of construction and operation of sanitary and storm sewers in connection with the Forrest Avenue 6" sewer extension. The easements to be acquired are on property located at 1715 and 1717 Forrest Avenue. The estimated cost for the easements is \$1,000.00, and will be paid from the water and sewer extension and replacement fund. Further amendments to this ordinance may be adopted by resolution of the Metropolitan Council.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1058 (WALLACE) - This ordinance closes alley # 164 between Lafayette Street and Charles E. Davis Boulevard. The abutting property owners desire this closure and the Metropolitan Government has no future need for the portion of the alley to be closed. Metro will retain utility easements.

There is no record of consent of the affected property owners on file with the Metropolitan clerk.

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

ORDINANCE NO. BL2002-1059 (MCCLENDON & SHULMAN) - This ordinance authorizes the Metropolitan Government to participate with John Ring (Tennessee Contractors, Inc.) to provide public sewer service to Fountainbrooke Subdivision located in northeast Williamson County. This subdivision is tied into the Southern Woods trunk sewer project, which was built in anticipation of developer participation. Mr. Ring has deposited \$56,000 as a contribution toward construction of the sewer in lieu of having to provide the sewer service.

ORDINANCE NO. BL2002-1060 (TUCKER & SHULMAN) - This ordinance amends the Metropolitan Code of Laws to ensure that Metro's pension plan is in compliance with federal tax laws. The changes in federal tax law requiring this code amendment date back to 1986. The IRS requires that the language included in this ordinance be part of the code of laws so that Metro's pension plan can qualify under the federal tax laws to maintain certain tax benefits. The deadline for governments to be in compliance is June 30, 2002. Most of the federally required language is geared toward private sector employees in terms of the contribution and benefit limits imposed. The purpose is to prevent highly paid executives from contributing large amounts of income into tax deferred pension plans in an effort to lower their income tax liability. The limits imposed would affect employees earning \$200,000 or more a year. However, since Metro does not have any employees who earn \$200,000, the limits would not affect any Metro pension benefits.

The benefit board employed actuaries to study this required change, and they have concurred that there will be no significant impact on the required annual funding and cost of benefits.