

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **June 18, 2002**

RE: **Analysis Report**

Balances As Of:	<u>6/12/02</u>	<u>6/14/01</u>
<u>GSD 4% RESERVE FUND</u>	\$16,191,452	\$13,675,693
<u>CONTINGENCY ACCOUNTS</u>		
GSD	- 0 -	\$50,000
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$63,995,550	\$46,859,389
USD	\$16,682,399	\$11,156,918
<u>GENERAL PURPOSE</u> <u>SCHOOL FUND</u>	\$10,404,340	\$22,665,532
<u>SOLID WASTE</u> <u>DISPOSAL FUND</u>		
Solid Waste Activities	\$2,293,382	\$865,517

- BILLS ON PUBLIC HEARING -

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. This ordinance also appears on the agenda under bills on third reading.

ORDINANCE NO. BL2002-1073 (SHULMAN) - This ordinance is the operating budget of the Metropolitan Government for the fiscal year 2002-2003. The proposed budget filed by the mayor provides for the following proposed funding:

• General Fund of the General Services District	\$ 577,286,123
• Schools Fund of the General Services District	477,600,000
• Schools Debt Service Fund - General Services District	56,415,991
• Debt Service - General Services District	<u>85,767,929</u>
TOTAL GENERAL SERVICES DISTRICT BUDGET	\$ 1,197,459,092
• General Fund of the Urban Services District	\$ 101,778,637
• Debt Service - Urban Services District	<u>20,134,250</u>
TOTAL URBAN SERVICES DISTRICT BUDGET	\$ 121,912,887
TOTAL OPERATING BUDGET	\$1,312,208,694

The substitute budget adopted by the council for the current fiscal year is \$1,230,354,737. The mayor's proposed budget is an increase of \$81,853,957, or 6.65%. The budget increase is funded in part by an estimated \$15.3 million, or 3.2% increase in property tax revenues over the current fiscal year. Local option sales tax revenues are projected to decrease by \$1,933,401, or 0.79%.

In the general fund of the GSD, \$35,917,954 is appropriated from the unappropriated fund balance as compared to \$7,666,085 in the current year's budget.

The budget funds the second year of the pay plan based on the Mercer reclassification study, which provides an average of a 3% raise in each of the next two fiscal years. According to the finance department, the cost of the pay plan funding for the second year, including benefits, is \$26,250,700.

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ORDINANCE NO. BL2002-1073 (continued)

Improvements are made to a number of departments, highlighted by the following:

- Police \$6,627,762, an increase of 6%
- Fire & Emergency Ambulance \$2,395,711, an increase of 9.4%
- Public Works Audit Recommendations \$1,914,354, an increase of 4.4%
- Health Department \$8,995,143, an increase of 29%
- Stormwater \$6,300,000, an increase of 86%
- Parks & Recreation \$1,138,828, an increase of 4.3%

The department of Social Services budget is reduced by \$398,332

The budget provides \$2,359,600 to Nashville Public Television for the benefit of the school board.

The operating budget for schools is increased by \$29,989,580, for a total of \$477,600,000, an increase of 6.7%. Some of the highlights of the operating budget for schools include:

- English Language Learners - Teachers \$5,464,300
- Reading Specialists in Elementary Schools \$4,584,100
- Library Books \$ 560,000
- Technology Improvements \$1,435,400
- More School Supplies \$1,141,181
- Salary Increases \$15,288,900

In addition to the funds appropriated by this proposed budget, the director of finance will carry over any unexpended funds in FY 2002 for affordable housing, interpreter services, international population needs assessment, contingency for new courts, election commission, minority economic development center, Kelly Miller Smith center contribution, council infrastructure reserve, council utility assistance, council neighborhood aftercare, council community police program, disabled officer gun & badge, and council affordable housing.

The budget ordinance is amendable on third reading.

- RESOLUTIONS -

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.

This resolution should be deferred until the budget ordinance (Ordinance No. BL2002-1073) is on third reading.

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.

This resolution should be deferred until the budget ordinance (Ordinance No. BL2002-1073) is on third reading.

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. RS2002-1068 (WHITMORE & TUCKER) - This resolution sets a public hearing to be held on July 16, 2002, regarding the development of 19 units of low-rent housing in the vicinity of the Preston Taylor Hope IV development project. Resolution No. R92-288 authorized the Metropolitan Government to execute a cooperation agreement with MDHA in support of up to 200 low-rent housing units. State law requires a public hearing to be held prior to council's approval of the development project.

RESOLUTION NO. RS2002-1069 (SHULMAN) - This resolution calls the Metro board of equalization into special session beginning June 26, 2002, and ending when the board has finished hearing appeals on pro-rated assessments and any business from their regular session. The board of equalization meets during the month of June to hear appeals of assessments on real property. However, they were not able to finish their business during June due to the vast number of appeals. State law provides that the local legislative body may call this board into special session to complete unfinished business.

RESOLUTION NO. RS2002-1070 (HADDOX & SHULMAN) - This resolution approves an annual grant agreement in the amount of \$7,436,531 from the state department of health to the Metro board of health to provide multiple health services to children, adolescents, families, and for other health purposes. The term of the grant is from July 1, 2002 through June 30, 2003. This annual grant with the state provides significant funding for operation of the local health department.

RESOLUTION NO. RS2002-1071 (HADDOX & SHULMAN) - This resolution amends a previous grant agreement between the Metro board of health and the state department of health that provides the basic funding for numerous health services provided by the Metro health department. This amendment increases the amount of the grant by an additional \$68,847 for provision of homeland security and STD services. The total amount of the grant, after this amendment, is not to exceed \$7,907,788 and expires at the end of the current fiscal year.

RESOLUTION NO. RS2002-1072 (HADDOX & SHULMAN) - This resolution authorizes the mayor to submit an application for a federal grant to the juvenile division of the public defender's office. The juvenile justice and delinquency prevention act federal formula grant, if awarded, will be used for a new social worker position in the juvenile division of the public defender's office to provide social work services to the indigent minority juveniles represented by the public defender with the goal of reducing the number of minorities placed in secure detention. The grant amount applied for is \$44,876. In the event the grant is extended for three years, the public defender's office will absorb any required match in their operating budget for the second and third years.

RESOLUTION NO. RS2002-1073 (SHULMAN & DILLARD) - This resolution authorizes the mayor to submit an application for a law enforcement block grant to the U.S. department of justice through the Metro police department for benefit of various Metro departments. The U.S. department of justice now requires that grants be filed electronically, so staff was unable to review the grant application. The electronic filing requirement is presumably a response to the threat of anthrax attacks.

RESOLUTION NO. RS2002-1074 (HAUSSER, MCCLENDON & WHITMORE) - This resolution authorizes the Metropolitan Government to enter into a water and sewer utility relocation contract with the state department of transportation for the West End Avenue from I-440 to Acklen Park Drive project. Metro agrees to reimburse the state for 100% of the relocation costs, which are estimated to be \$232,081. Metro is authorized to enter these type utility relocation contracts by resolution of the Metropolitan Council.

This resolution further authorizes the state treasury department to transfer the funds necessary to pay for the utility relocation from Metro's local government investment pool (LGIP) account. LGIP agreements are used to allow Metro to earn interest on the money to fund Metro's portion of state construction projects until the funds are actually spent.

RESOLUTION NO. RS2002-1075 (HADDOX, DILLARD & SHULMAN) - This resolution authorizes the director of public property to acquire a 15' sewer easement across property owned by E.R. Smith Real Estate, LLC (now a Burger King restaurant) off of Clarksville Highway for use in the construction of the north Nashville police precinct. In consideration for granting Metro the easement, Metro will convey an easement to Metro-owned property located behind the Burger King to E.R. Smith Real Estate for use as a storage area for dumpsters.

RESOLUTION NO. RS2002-1076 (MCCLENDON, SHULMAN & PONDER) - This resolution approves a contract between the state department of transportation and the Metropolitan Government for resurfacing of Couchville Pike/Mt. Juliet Road from the

Rutherford County line to the Wilson County line. The total cost of this project is \$177,900, with Metro providing \$44,475 and the state providing \$133,425. This contract is authorized under the state-aid highway system program.

Section 1 of this resolution needs to be amended to indicate the correct name of the road to be resurfaced. Section 1 currently provides for the resurfacing of New Hope/Stewart's Ferry Pike, which is contrary to the language in the state-aid contract.

RESOLUTION NO. RS2002-1077 (MCCLENDON, SHULMAN & PONDER) - This resolution approves a contract between the state department of transportation and the Metropolitan Government for resurfacing of New Hope/Stewart's Ferry Pike from Bell Road to Alvin Sperry Road. The total cost of this project is \$203,900, with Metro providing \$50,975 and the state providing \$152,925. This contract is authorized under the state-aid highway system program.

RESOLUTION NO. RS2002-1078 (MCCLENDON, SHULMAN & PONDER) - This resolution approves a contract between the state department of transportation and the Metropolitan Government for resurfacing of New Hope Road from Central Pike to Bell Road. The total cost of this project is \$109,300, with Metro providing \$27,325 and the state providing \$81,975. This contract is authorized under the state-aid highway system program.

Section 1 of this resolution needs to be amended to indicate the correct name of the road to be resurfaced. Section 1 currently provides for the resurfacing of New Hope/Stewart's Ferry Pike, which is contrary to the language in the state-aid contract.

RESOLUTION NO. RS2002-1079 (SHULMAN) - This resolution authorizes the department of law to settle the lawsuit of Quinten Crawford, Lencoya Crawford, Shawn Mitchell, and Coleshawn Mitchell against the Metropolitan Government in the amount of \$57,000. This lawsuit is the result of personal injuries suffered after the plaintiffs' car was struck by a vehicle being pursued by a Metro police officer. On January 22, 2001, our officer attempted to stop the co-defendant for a traffic violation. The co-defendant led the officer on a high-speed chase down Gallatin Road. As the co-defendant approached the intersection of Gallatin Road and Eastland Avenue he collided with the plaintiffs' car. The issue in the case is whether the officer's pursuit proximately caused the accident.

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RESOLUTION NO. RS2002-1079 (continued)

The plaintiffs are a family of four who were in the vehicle at the time of the accident. The mother and son suffered the most severe injuries. Quinton Crawford, the father, incurred medical bills of \$254. Coleshawn Mitchell, the 7-year-old daughter, suffered bruising to the side of her head and eye and incurred medical bills in the amount of \$2,166. Lencoya Crawford, the mother, incurred medical bills of \$9,477.74. Shawn Mitchell, the 5-year-old son, suffered brain damage, skull fractures, and bleeding around his eye. His medical bills totaled \$80,407.61.

The settlement amount of \$57,000, to be paid out of the self-insured liability fund, is broken down as follows:

- Quinton Crawford (father) \$1,000

- Coleshawn Mitchell (daughter) \$5,000
- Lencoya Crawford (mother) \$11,000
- Shawn Mitchell (son) \$40,000

The settlement amount for the two children will be presented to the court for approval once the settlement is approved by the council.

There was no disciplinary action taken against the Metro police officer.

- 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 encroachment has already been constructed. 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. BL2002-1063 (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.

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
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ORDINANCE NO. BL2002-1066 (continued)

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.

This ordinance should be considered by the special CATV committee prior to its adoption on third reading. This matter was scheduled to be taken up by the special CATV committee at their meeting on Thursday, June 13, 2002.

Comcast has requested this matter be deferred. Our ordinance requires that Metro have 120 days to act on a request for an assignment. This time period may be extended for an additional 120 days, which has been requested. Therefore, this ordinance should be deferred until the second meeting in July.

ORDINANCE NO. BL2002-1074 (SHULMAN) - This ordinance adopts the property tax levy for the fiscal year 2002-2003. The Metropolitan Charter requires that upon the adoption of the annual operating budget, the council's next order of business is to adopt a tax levy that fully funds the operating budget. The property tax proposed by the mayor is \$4.58 per \$100 in assessed value, which represents \$3.84 in the general services district (GSD) and \$0.74 in the urban services district (USD). This bill is amendable on third reading. There is no change from the tax levy last year.

ORDINANCE NO. BL2002-1075 (DERRYBERRY, WATERS & SONTANY) - This ordinance provides for the regulation of the use and operation of horse-drawn carriages within the Metro area by requiring carriage owners and operators to obtain licenses through the Metropolitan transportation licensing commission, much in the same manner as taxicab companies and drivers are currently licensed. Pursuant to this ordinance, all owners of horse-drawn carriages will be required to obtain an annual certificate to operate such a business. The application, along with a \$100 permit fee, is to be submitted for approval by the commission. The application will contain business and personal information about the owner including a list of drivers, number of carriages, the number of horses along with four separate color photographs of each horse (with a shot of the front, both sides, and rear of the horse), documentation from a veterinarian as to the horse's physical condition, \$1 million in liability insurance per carriage, and an applicant's criminal history. If the commission deems an application to meet all of the requirements, a permit is issued for each carriage. After a permit has been issued, it may be suspended or revoked if the commission finds a violation of the regulations or a criminal conviction. There is an appeal process for applicants who are denied. Carriage companies must also file a list of their basic rates of fare with the commission.

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ORDINANCE NO. BL2002-1075 (continued)

Also mandated by this ordinance is a requirement for a driver's permit to operate a horse-drawn carriage. The requirements for a driver's permit are very similar to those of taxicab drivers. The application must include proof that a driver is at least 21 years old, experience in the industry, educational and criminal background, a federal department of transportation drug and alcohol test, and a valid Tennessee special chauffeur's driver's license. Once a driver's permit is issued, the driver must display the permit prominently on his/her clothing or in the carriage. A permit may be revoked for a criminal conviction. A driver may not pay another business to solicit passengers. Drivers must also take adequate measures to keep a horse from dropping excrement from its "diaper", must obey all traffic laws, and must keep the speed of the horses to a trot, among various other restrictions.

This ordinance also requires that horses be examined every six months and provides restrictions on horse and carriage equipment, as well as limits on the number of passengers a horse can pull. The ordinance further provides numerous restrictions regarding the care and condition of horses used in the carriage business. The operation hours for horse-drawn carriages will be 6:00 p.m. to 6:00 a.m. Monday through Friday, and during any hours on weekends and holidays. The carriages will be limited to specific routes developed in consultation with the traffic and parking commission.

There is one important aspect of this ordinance that staff recommends be amended. The ordinance provides that a person in violation of any part of the ordinance shall be guilty of a misdemeanor and be subject to a fine of at least \$100 for a first offense, and a \$500 fine for subsequent offenses and/or up to 60 days imprisonment. This provision is contrary to state law in two respects. First, the State of Tennessee, not the Metropolitan Government, has the authority to designate criminal offenses. Second, pursuant to a recent Supreme Court decision, the Metropolitan Government is limited in its ability to fine for violations of ordinances to \$50.00 without providing a jury trial.

ORDINANCE NO. BL2002-1076 (STANLEY, SHULMAN & WHITMORE) - This ordinance authorizes the director of public property administration to acquire 36 parcels of property along 40th Avenue North and Clifton Avenue for the purposes of constructing the new I. T. Creswell elementary school. The Metropolitan board of education approved this acquisition on August 14, 2001. This new school will be located in the Pearl-Cohn cluster.

This ordinance requires a public hearing before the planning and zoning committee, which is scheduled for July 15th. Therefore, this ordinance should be deferred until the July 16th meeting.

ORDINANCE NO. BL2002-1077 (SHULMAN & SUMMERS) - This ordinance approves a \$1,500 grant from the state historical commission to the Metro historical commission to send two or more historical zoning commission staff members to the National Alliance of Preservation Commissions Forum, held in San Antonio, TX, August 1-4, 2002. Metro will match this grant in the amount of \$1,000.

ORDINANCE NO. BL2002-1078 (MCCLENDON) - This ordinance abandons unbuilt alley # 1837 between Longview Avenue and Interstate 440, west of Winford Avenue. All easements are

to be abandoned as well. This abandonment is requested by Catherine A. Randolph for abutting property owner, C.A. Randolph Hayth.

Documentation showing abutting property owner consent is on file with the planning commission.

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

ORDINANCE NO. BL2002-1079 (MCCLENDON) - This ordinance abandons unbuilt alley # 1838 between Longview Avenue and Interstate 440, west of Winford Avenue. All easements are to be abandoned as well. This abandonment is requested by David Davis for abutting property owner, Roger A. Sindle.

Documentation showing abutting property owner consent is on file with the planning commission.

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

ORDINANCE NO. BL2002-1080 (ALEXANDER) - This ordinance authorizes Overhill Partners, G.P., to construct a 6' x 16' sign for Brighton Valley Apartments in the public right-of-way where Brooksboro Terrace connects with Murfreesboro Pike. The new sign will replace an existing Hermitage "A" Apartments sign. Overhill Partners will maintain \$300,000 in liability insurance and will indemnify and hold Metro harmless for any claims. All work and material will be furnished by Overhill and is subject to approval by the director of public works. Overhill Partners will remove the sign at their own expense if this ordinance is ever repealed.

This ordinance has been approved by the planning commission.

- **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 foot 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 dwellings 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. BL2002-1017 (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. BL2002-1020 (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. BL2002-1052 (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. BL2002-1058 (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. BL2002-1061 (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 a.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. BL2002-1071 (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.