

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **October 1, 2002**

RE: **Analysis Report**

Balances As Of:	<u>9/25/02</u>	<u>9/27/01</u>
<u>GSD 4% RESERVE FUND</u>	\$18,482,009	\$16,056,213
<u>CONTINGENCY ACCOUNTS</u>		
GSD	\$50,000	\$50,000
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
<u>GENERAL PURPOSE</u>		
<u>SCHOOL FUND</u>	Unavailable	Unavailable
<u>SOLID WASTE</u>		
<u>DISPOSAL FUND</u>		
Solid Waste Activities	Unavailable	Unavailable

- BILLS ON PUBLIC HEARING -

RESOLUTION NO. RS2002-1141 (MAJORS) – This resolution adopts a plan of services for the extension of the boundaries of the urban services district to include four parcels of property located to the south of Briley Parkway and to the west of Dickerson Pike. State law requires that a plan of services be approved by the planning commission and by the council, after public hearing, before the boundaries of the USD may be extended. The planning commission approved the plan of services on May 9, 2002. The four parcels of property to be annexed already receive adequate fire protection, police protection, as well as water, sewer, and street lighting services. The only additional service to be provided to these parcels is refuse collection at an annual cost of \$331.00. The ordinance that extends the boundaries of the USD to include these four parcels is Ordinance No. BL2002-1180 on second reading.

ORDINANCE NO. BL2002-1180 (MAJORS) – This ordinance extends the boundaries of the urban services district (USD) to include four parcels of property located on Oak View Drive abutting the south side of Briley Parkway, east of Dickerson Road. A request has been made to include these parcels in the USD, which would make them in conformity with most of the other properties abutting this section of Briley Parkway. State law provides that the boundaries of the USD can be extended by ordinance, after notice and public hearing, and adoption of a plan of services to be provided for the annexed property. The plan of services must be approved by resolution, which is the subject matter of Resolution No. RS2002-114, prior to adoption of this ordinance on third reading.

- RESOLUTIONS -

RESOLUTION NO. RS2002-1143 (BRILEY & PONDER) – This resolution appropriates \$100,000 in the form of a grant from the reserve for Nashville Stand for Children program account of the general fund of the general services district to Tennessee Voices for Children, Inc., to provide partial funding for its program services. The council appropriated \$100,000 in the 2002-2003 operating budget to be used as a grant for the Nashville Stand for Children program. Tennessee Voices for Children, Inc., is a not-for-profit organization that provides program services related to the emotional and behavioral well being of children. Tennessee Voices for Children has agreed to be the non-profit fiscal sponsor for the Nashville Supports Early Education Staff (SEES), which is an initiative of Nashville Stand for Children that will place qualified substitute teachers in head start programs and child care centers.

In order for Metro to appropriate grant funds to an organization, the organization must provide proof of its tax-exempt status, an audited financial statement, and a statement of the proposed use of funds. Tennessee Voices for Children has provided the necessary documentation to enable them to be eligible to receive these funds.

RESOLUTION NOS. RS2002-1174 & RS2002-1175 – These two resolutions appropriate urban development action grant (UDAG) repayments to the Metropolitan development and housing agency (MDHA) for use by the Nashville Minority Business Development Loan Fund, Inc. and the Nashville Housing Fund. The UDAG program is a federal program that provides loans to developers, which loans are to be repaid to MDHA rather than the federal government for use in the “pocket of poverty” areas of the Metropolitan Government. (continued on next page)

RESOLUTION NOS. RS2002-1174 & RS2002-1175 (continued)

Resolution No. RS2002-1174 (Beehan, Wallace & Others) appropriates \$375,000 in UDAG repayments for use by The Minority Business Development Loan Fund, Inc. for the purpose of making loans and providing technical assistance for the development and expansion of minority businesses located within Nashville's pocket of poverty. This resolution provides that \$125,000 shall be invested in the fund during the current calendar year, and \$125,000 per year for the next two calendar years.

Resolution No. RS2002-1175 (Beehan, Black & Ferrell) appropriates \$200,000 in UDAG repayments to be used by the Nashville Housing Fund. The Nashville Housing Fund is a not-for-profit organization affiliated with MDHA, and will use this appropriation to provide affordable housing opportunities within Nashville's designated pocket of poverty areas.

RESOLUTION NOS. RS2002-1176 THRU RS2002-1189 (JENKINS) – These fourteen resolutions comprise the mayor's 2002-2003 capital spending plan. A separate detailed analysis of the spending plan is included as part of this analysis. The council may wish to defer these resolutions one meeting to study and thoroughly review these capital expenditures.

RESOLUTION NO. RS2002-1190 (JENKINS) – This resolution amends Resolution No. RS2001-510 by authorizing the refunding of additional general obligation multi-purpose refunding bonds. On February 6, 2001, the council adopted a resolution authorizing the issuance of general obligation facilities bonds in an amount not to exceed \$291 million in order to refund bonds at a lower interest rate. The council then increased the amount refunded to \$336 million pursuant to Resolution No. RS2001-786 so that additional maturities on other series of bonds could be refunded, although no bonds have been issued under this additional authority. Due to favorable interest rates currently in place, it is now possible to refund all or part of the outstanding bonds authorized to be refunded by the previous resolutions, as well as additional outstanding bonds, totaling \$103,890,000, that will result in a cost savings to the Metropolitan Government of an estimated \$6.1 million over the life of the obligation. The bonds to be refunded include the series 1994 bonds, the series 1995 bonds, the series 1996 bonds, the series 1996A bonds, the series 1997A bonds, and the series 2001A bonds. This resolution also authorizes the preparation and distribution of a preliminary official statement describing the bonds to be issued and sold.

The Council Office recommends that this resolution be amended to correct a typographical error regarding the numbering of the sections.

RESOLUTION NO. RS2002-1191 (JENKINS) – This resolution approves a second amendment to a grant between the state department of correction and the state trial courts to implement a supervision and day reporting center. The program is to provide an alternate punishment program for non-violent offenders. The grant was approved by Ordinance No. BL2001-824 and included a provision that amendments to the grant could be approved by resolution. The grant was subsequently amended by Resolution No. RS2002-924 to increase the grant award by \$19,759. This resolution increases the amount of the grant by \$39,518, for a total grant award of \$2,562,156.

RESOLUTION NO. RS2002-1192 (JENKINS) – This resolution approves an annual grant in the amount of \$50,593 from the Tennessee arts commission to the Metro arts commission for the current fiscal year. The funds will be used to make grants to not-for-profit organizations, with each grantee receiving not more than \$25,000. There is a required match of the Metropolitan Government in the amount of \$50,593. These funds are provided in addition to the other grant funds provided by the operating budget for arts grants.

RESOLUTION NO. RS2002-1193 (WALLACE & JENKINS) – This resolution approves a third amendment to the grant from the state department of labor to the Nashville career advancement center (NCAC) to prepare youth for re-entry into the labor force. This amendment transfers \$90,346.28 from the In School budget to the Out of School budget.

RESOLUTION NO. RS2002-1194 (HALL) – This resolution ratifies a cooperative agreement between the Metropolitan Government and the U.S. department of interior – geological survey for a program of water resources investigation. This annual contract provides streamflow monitoring and flood control analysis at fifteen sites within the Metropolitan Government. The U.S. department of interior will provide \$44,210 for this program, with a Metro match of \$44,210.

RESOLUTION NO. RS2002-1195 (JENKINS) – This resolution authorizes the Metropolitan Government to accept \$5,238.58 in settlement of its claim against Kimberly Cook. On April 29, 2002, Kimberly Cook pulled out in front of a Metro police vehicle causing \$5,238.58 in damage to the front end of the vehicle. The Metro employee involved in the accident was not deemed to be at fault.

RESOLUTION NO. RS2002-1196 (JENKINS) – This resolution accepts \$48,307.50 in compromise and settlement of Metro Government's claim against Lojac Construction Co. On August 1, 2001, Lojac Construction Co. was working on I-24 under the Thompson Lane overpass. A crane struck a 42-inch water main causing the main to be shut down. A ten-foot section of the water main was totally destroyed. The area where the digging was taking place had been marked by Tennessee One Call. The department of law recommends that this claim be settled for the above amount.

RESOLUTION NO. RS2002-1197 (JENKINS) – This resolution authorizes the department of law to compromise and settle the claim of Nannie L. Gilbert against the Metropolitan Government in the amount of \$11,129.63. On May 18, 2002, an employee of the police department driving a Metro owned vehicle disregarded a stop sign at the intersection of Elmwood Avenue and 15th Avenue South and struck the rear of Ms. Gilbert's vehicle. Ms. Gilbert sustained \$6,908.22 in damage to her vehicle and \$1,873.50 in medical bills. This settlement additionally provides \$771.41 for rental car expenses, \$250.00 for Ms. Gilbert's insurance deductible, and \$1,326.50 for pain and suffering. The department of law believes that this settlement is fair and reasonable and recommends that it be paid from the self-insured liability fund.

The Metro employee involved in this accident received disciplinary action consisting of a one-day suspension.

RESOLUTION NO. RS2002-1198 (JENKINS) - This resolution approves the compromise and settlement of the lawsuit of Larry Dowell against the Metropolitan Government and Tina Fearn in the amount of \$60,000. On November 7, 2000, Mr. Dowell, while a pre-trial detainee in protective custody at the Davidson County correctional center, was taken out of his cell for his daily recreational period. Tina Fearn, a correctional officer, later escorted him back to his cell and proceeded to open his cell from the outside control panel. A security gate separated Ms. Fearn from Mr. Dowell. She inadvertently opened the cell door of another inmate held in administrative detention because of his history of violent crimes. This inmate and Mr. Dowell had previously had some verbal confrontations through their cell doors. The other inmate proceeded to attack Mr. Dowell, who was handcuffed, causing serious head injuries. Mr. Dowell was taken to Metro General Hospital and was later returned to the jail. His condition deteriorated and he was transferred to Vanderbilt hospital where he was diagnosed as having suffered a stroke. The other inmate was subsequently convicted for the assault and battery against Mr. Dowell.

Mr. Dowell sued the Metropolitan Government and Tina Fearn claiming that Metro was negligent in failing to house inmates on administrative detention separately from inmates in protective custody, and that Tina Fearn was negligent in opening the wrong cell door. Mr. Dowell is 43 years old and was in good health prior to this incident. Metro's maximum liability for this claim would be \$130,000 pursuant to the governmental tort liability act. It is likely that a court would award the maximum amount of damages in the event this lawsuit went to trial. The department of law recommends that this case be settled and paid out of the self-insured liability fund. This settlement would also resolve any potential medical malpractice claims Mr. Dowell might have against Metro General Hospital.

Metro's employee, Ms. Fearn, had a letter of concern placed in her personnel file regarding taking proper precautions when opening cell doors.

RESOLUTION NO. RS2002-1199 (JENKINS) - This resolution approves the compromise and settlement of the lawsuit of Mitzi Smith Farley and Lawrence Farley against the Metropolitan Government in the amount of \$7,806.10. On February 23, 2001, a Metro public works employee was driving a Metro pickup truck towing a trailer on I-24 West near Briley Parkway. The traffic began to slow in front of the Metro vehicle. When the Metro driver slammed on his brakes the trailer hitch broke causing him to lose control of the truck and strike the rear of Ms. Farley's vehicle. The \$9,200 property damage claim was paid in November 2001. This resolution settles the plaintiff's claims for other expenses, as well as pain and suffering. The department of law recommends settling this lawsuit by reimbursing Ms. Farley for out-of-pocket expenses including medical bills in the amount of \$3,092.38 and compensating her for pain and suffering in the amount of \$4,713.72. This settlement is to be paid out of the self-insured liability fund.

Metro's employee received a written reprimand.

- **BILLS ON SECOND READING** -

ORDINANCE NO. BL2001-723 (WALLACE) – This ordinance, as amended, amends the Metropolitan Code to permit parking within the central business improvement district (CBID) between the hours of 6:00 p.m. and 6:00 a.m. Thursday through Sunday evenings, regardless of signs that prohibit such parking. Such parking would still be prohibited if it interferes with fire hydrants, in no parking zones, in crosswalks, and intersections. It basically would allow parking in no standing zones and loading zones. This ordinance has been disapproved by the traffic and parking commission.

SUBSTITUTE ORDINANCE NO. BL2001-822 (WALLACE) – This substitute ordinance amends the Metro Code to limit the types of traffic violations for which a vehicle may be towed by the Metro police department. Presently, the Code provides that any vehicle which is parked, stopped, or standing in violation of any ordinances, except overtime parking, may be towed by the Metro police department. This substitute ordinance would provide that vehicles can be towed only when in violation of an ordinance or regulation and also are (1) causing a safety hazard, (2) blocking pedestrian or vehicle access to property or a street, alley, or driveway, or (3) disrupting the flow of traffic.

This substitute ordinance does not affect the authority to tow vehicles in violation of obstructing the orderly flow of traffic, parked on thoroughfares more than 48 hours without current registration, or are disabled so as to obstruct traffic, and other similar instances.

ORDINANCE NO. BL2002-1167 (MCCLENDON) – This ordinance amends the Metropolitan Code of Laws to remove the provisions in the Code that permit lead and galvanized iron water pipes for installation in the public distribution system. State and federal law no longer permit the installation of lead water pipes and galvanized iron is an undesirable material to use for pipes between the public water main and the water meter. This ordinance requires copper to be used for pipes three inches or less in diameter and requires ductile iron material to be used for service pipes larger than three inches in diameter.

ORDINANCE NO. BL2002-1184 (ALEXANDER) – This ordinance amends the Code of Laws to allow advertising in certain areas of public parks where an admission or user fee is charged, except for the Parthenon. Any advertising authorized pursuant to this ordinance would be subject to the board of parks' regulations governing advertising within Metro parks. This ordinance would simply grant the board of parks and recreation authorization to allow advertising if they deem it to be appropriate.

ORDINANCE NO. BL2002-1185 (WALLACE) – This ordinance amends the Metro Code of Laws to prohibit the sale of goods or the resale of tickets within the areas surrounding the Nashville convention center, Municipal Auditorium, the Nashville arena, and the Nashville football stadium. The Code of Laws already prohibits the sale of goods within the area of the convention center, Municipal Auditorium, and the arena. This ordinance adds the sale of tickets to the list of prohibited activities and includes the area surrounding the Nashville football stadium as one of the areas where this prohibitions apply.

ORDINANCE NO. BL2002-1186 (SHULMAN & CAMPBELL) – This ordinance provides that all grant awards requiring council approval may be approved by resolution of the Metropolitan Council, rather than by ordinance. This would implement a recommendation by an independent consultant in order to expedite the approval process for grants and consume less council time.

ORDINANCE NO. BL2002-1187 (WALLACE & MCCLENDON) – This ordinance approves a contract between the Metro traffic and parking commission and the Nashville Downtown Partnership for management of Metro's parking facilities. These facilities are currently under the management of Central Parking Corp. The term of this contract is from the effective date through June 30, 2005, with a possible two-year extension. Under the terms of this agreement, a renewal of the contract would not require council approval. Pursuant to this contract, the Downtown Partnership will guarantee that net operating revenue generated by the parking facilities under their management will not be less than the net operating revenue for the 2002 fiscal year. Any surplus revenue generated would be equally divided between the Metropolitan Government and the Downtown Partnership for downtown area improvement projects. All projects using these surplus funds must be agreed upon by the partnership and Metro. Metro has the right to add or withdraw facilities from this contract and the revenue guarantee shall be adjusted accordingly. Payments and financial reports shall be submitted to Metro on a monthly basis. In addition, an annual financial audit must be delivered to the traffic and parking commission within 60 days of the end of the reporting year.

Parking rates will be set by the traffic and parking commission, as they are currently. The Partnership will be responsible for all hiring of personnel to adequately staff the facilities. The Partnership must also hire a parking facility operator subject to traffic and parking commission approval. All general maintenance of the facilities is the responsibility of the Partnership. Metro will be responsible for structural repairs and capital expenditures for the facilities. In addition, the Partnership must maintain workers' compensation insurance, \$3 million in liability insurance, and garage keepers legal liability insurance, all naming the Metropolitan Government as additional insured.

The Council Office would point out that no information has been supplied as to the economic viability of the Downtown Partnership to fulfill the guarantee requirement that operating revenues will not decline from net operating revenue generated by the parking facilities for fiscal year 2002. Since this is a new venture for the Downtown Partnership, a bond or other form of surety insuring that the Partnership can meet the guarantee may be in the best interest of the Metropolitan Government. In addition, the Council Office recommends that this ordinance be amended to include (continued on next page)

the financial information regarding the 2002 fiscal year net operating revenues for the Metro parking facilities. The contract provides that this information is attached as an exhibit, but no such financial information is included. It is important that this information be included as part of this ordinance, since the 2002 fiscal year net revenues are the basis for the performance measure of the contract. The Council Office did obtain a financial summary for Metro parking operations, which indicates that the net income for the parking facilities for fiscal year 2002 was \$877,691.

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

ORDINANCE NO. BL2002-1188 (SHULMAN) – This ordinance approves a grant in the amount of \$355,500 in federal pass-through funds from the state department of finance to the district attorney general's office to fund personnel costs for the major drug enforcement program. The major drug enforcement program, also known as the drug task force, operates as a small group of specialized police officers that target major narcotics organizations in Davidson County. These grant funds will be used to pay the officers' salaries for the drug task force. The term of this grant is from July 1, 2002 through June 30, 2006. The \$355,500 total grant award will be paid in increments of \$85,000 for the first year and \$90,000 each remaining year. Metro's required match for this grant will be \$28,500 for the first year, and \$30,000 each remaining year. Amendments to this grant may be approved by resolution of the Metropolitan Council.

ORDINANCE NO. BL2002-1189 (SHULMAN) – This ordinance approves an annual grant in the amount of \$732,370 from the state department of human services to the Metro juvenile court to provide funds for the child support enforcement program. The term of this grant is from July 1, 2002, through June 30, 2003. Metro will provide a local match of \$377,280 from the juvenile court operating budget.

ORDINANCE NO. BL2002-1190 (SHULMAN) – This ordinance approves a grant between the state commission of children and youth to the Metro juvenile court in the amount of \$10,000. This funding is to be used for training of service officers in the department of the juvenile court. This is essentially a state supplement to the juvenile court's budget. Service officers are required to receive twenty hours of training each year during employment.

ORDINANCE NO. BL2002-1191 (SHULMAN) – This ordinance accepts the donation of \$50.00 from St. Henry's Catholic Church to the Metro police department for use in the victim's intervention program.

ORDINANCE BL2002-1192 (SHULMAN) – This ordinance authorizes the Metro police department to donate police canines and horses to other law enforcement agencies, non-profit organizations, and other qualified individuals. When Metro police department horses and canines are retired or are untrainable, and are not suitable for sale to the general public, Metro has a policy of donating the animals to qualified individuals or other law enforcement agencies. All persons or organizations accepting one of these animals must sign a release indemnifying the Metropolitan Government from any claims resulting out of the possession of the animal.

ORDINANCE NO. BL2002-1193 (BOGEN) – This ordinance approves an access and drainage agreement between the Metropolitan Government, JDN Realty Corp. and Wal-Mart Real Estate Business Trust. This access and drainage agreement is for tracts located at the Wal-Mart and Lowe's properties on Charlotte Pike. Pursuant to Ordinance No. BL2001-691, JDN Realty donated property to the Metropolitan Government for use as a park and greenway. Pursuant to the terms of this agreement, JDN Realty and Wal-Mart will grant Metro a permanent access easement to the park property, and Metro will grant JDN Realty and Wal-Mart an access and

drainage easement for the benefit of their adjacent tracts. This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2002-1194, 1195 & 1196 – These three ordinances authorize the director of public property administration to acquire property interests, by negotiation or condemnation, in connection with sidewalk improvement projects. Funds for these projects are available from the 2002 USD improvement bonds. All three of these ordinances have been approved by the planning commission.

Ordinance No. BL2002-1194 (Majors & McClendon) authorizes the acquisition of property for the Dickerson Road sidewalk project from Trinity Lane to Alhambra Circle.

Ordinance No. BL2002-1195 (McClendon, Shulman & Hall) authorizes the acquisition of property for the Dickerson Road sidewalk project from Douglas Avenue to Trinity Lane.

Ordinance No. BL2002-1196 (McClendon, Shulman & Hall) authorizes the acquisition of property for the Jones Avenue sidewalk project.

ORDINANCE NO. BL2002-1197 (BROWN & MCCLENDON) – This ordinance authorizes the Metropolitan Government to accept an easement from the U.S. Army Corps of Engineers for construction and maintenance of a 20-foot drainage easement and replacement of an 18-inch outfall pipeline on property located at J. Percy Priest dam and reservoir. Pursuant to this agreement, Metro is responsible for any damage done to the property and agrees to indemnify and hold the U.S. Government harmless for claims resulting from Metro's actions. The easement is granted for a term beginning January 17, 2000 and extending through January 16, 2020.

The Council Office would recommend that this ordinance be amended to be in conformity with the provisions in the easement agreement, as the ordinance currently authorizes a 20-inch easement instead of a 20-foot easement. This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2002-1198 (HALL, BEEHAN & SHULMAN) – This ordinance declares three parcels of property owned by the Metropolitan Government to be surplus and authorizes the director of public property administration to sell the property at auction. These properties have been determined not to be needed for governmental purposes. Proceeds from the sale of these three parcels will be deposited into the general fund. The three parcels to be sold and their appraised value are as follows:

800 Fatherland Street - \$44,000
4304 Old Hickory Boulevard - \$16,500
711 Stockell Street - \$10,000

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2002-1199 (MCCLENDON & SHULMAN) – This ordinance authorizes a participation agreement between the Metropolitan Government and the Jones Company to provide public sewer services in the Bridgeton Park subdivision in Williamson County. This area will be connected to the Owl Creek Trunk sewer project

at a cost to the Jones Company of \$102,000 in lieu of construction. The \$102,000 will be deposited into the water and sewer extension and replacement fund. Future amendments to the agreement may be approved by resolution of the Metropolitan council.

ORDINANCE NO. BL2002-1200 (MCCLENDON & SONTANY) - This ordinance authorizes the Metropolitan Government to accept an easement from the U.S. Army Corps of Engineers for construction and maintenance of a culvert, ditch, and 18" pipeline on property located at the J. Percy Priest dam and reservoir. Metro agrees to indemnify the U.S. Government for claims arising from Metro's actions and agrees to be responsible for damage caused to U.S. Government property. The easement is granted for a term beginning January 21, 2001 and extending through January 20, 2020.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2002-1201 (MCCLENDON & WALLACE) - This ordinance abandons and relocates a sewer line and easement located adjacent to a closed portion of Leslie Avenue. The sewer line and easement are encumbering property owned by HCA Realty, Inc.

This ordinance has been approved by the planning commission.

- **BILLS ON THIRD READING** -

ORDINANCE NO. BL2002-1127 (WALLACE & TUCKER) - This ordinance prohibits cruising in certain areas of downtown Nashville. A "no cruising area", as to be determined by the traffic and parking commission, will include streets within the boundaries of Charlotte Avenue on the north, Franklin Street on the south, 8th Avenue on the west and the Cumberland River on the east. Pursuant to this ordinance, cruising is defined as unnecessary repetitive driving past a designated traffic control point two or more times within a given three-hour period. Cruising will be prohibited in these areas between the hours of 9:00 p.m. and 3:00 a.m. Police officers will have the authority to monitor vehicles going past the traffic control points and to stop a vehicle after it drives past the control point two or more times to give notice that the cruising ordinance is in effect. If the vehicle is seen driving past the control point again after this notice has been given, the officer may issue a traffic citation to the operator of the vehicle. This cruising ordinance is not applicable to emergency vehicles, public transportation vehicles, a vehicle being used for business purposes, during special events, and to residents living within the "no cruising area". This ordinance has been approved by the traffic and parking commission.

ORDINANCE NO. BL2002-1143 (BLACK) - This ordinance closes Hale Street from West Alpine Avenue to its terminus. Hale Street is currently unbuilt and there is no future need for the street by the Metropolitan Government. Metro will retain all easements. Consent of affected property owners is on file with

the planning commission. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1162 (BEEHAN & BRILEY) – This ordinance amends the Metropolitan Code of Laws by extending the opportunity for locations within the MUL zoning district to obtain retailer on-sale beer permits from December 31, 2000 to April 30, 2003, so that they can be exempt from the minimum distance requirements. The Code of Laws provides that a beer permit cannot be issued to an applicant whose location is less than 100 feet from a church, school, park, or 1-2 family dwelling. There are certain exceptions, one of which is if the location is within the MUL zoning district and has obtained a retailer on-sale beer permit prior to December 31, 2000, more than 50 percent of gross sales comes from food sales, and that the permit has been held without lapse for at least a year. This ordinance simply changes the date to April 30, 2003, to have obtained the permit in the MUL. The provisions are structured so as to allow restaurants to obtain beer licenses in mixed use zoning districts.

ORDINANCE NO. BL2002-1163 (SHULMAN & SONTANY & DERRYBERRY) – This ordinance approves a lease between the Metro Nashville airport authority and the Metropolitan Government for property located at the Nashville International Airport known as the Luton Center. The space will be used to provide temporary space for the operation of an emergency 911 center. It has been determined that Metro needs a backup emergency 911 center in case of a terrorist attack or other disaster. The current emergency 911 facility will become the backup center when a new primary emergency 911 facility is built. This lease concerns space at the airport to be a temporary backup center until a new facility is constructed.
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ORDINANCE NO. BL2002-1163 (continued)

The term of the lease is from October 1, 2002 and extending through September 30, 2005, with two possible one-year extensions. Metro will pay an annual rental of \$60,165.48 for the space, payable in monthly installments of \$5,013.79. Metro will be responsible for maintaining the premises in good repair, including electrical and air conditioning systems, roof, structural walls and foundation of the building, and for paying all utility costs. All plans for improvements to the area must be approved by the airport authority before work commences. Metro agrees to provide self-insured liability coverage, fire insurance, and a construction bond before commencing any work. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1164 (SHULMAN, MCCLENDON & OTHERS) – This ordinance, as amended, authorizes the mayor to apply for and execute the necessary documents to accept grant funds from the federal and/or state emergency management agencies to fund the purchase of twenty (20) homes in the Seven Mile Creek home buyout and five homes in the Wimpole Drive home buyout. The grants to be applied for will be from the federal hazard mitigation

grant program and the state flood mitigation assistance program. These funds are used to mitigate costs local governments incurred as a result of floods or natural disasters. The homes to be purchased have either been vacated or are in danger of flooding due to their proximity to a floodplain. This ordinance also authorizes and directs the department of water and sewerage services to take necessary steps to enable Metro to participate in these relief programs. Additional future projects eligible under these programs may be added by resolution of the Metropolitan Council.

ORDINANCE NO. BL2002-1165 (TURNER, BRILEY & OTHERS) - This ordinance approves a grant in the amount of \$9,600 from the state administrative office of the courts to the Metropolitan Government, acting through the state trial courts, for the divorce education and mediation program. The term of the grant is from July 1, 2002 extending through June 30, 2003. These funds are being provided by the state to provide on-call mediation services for indigent parties. The counselors will be compensated at an hourly rate of \$50 for the on-call mediation services. Amendments to this grant may be approved by resolution of the Metropolitan Council.

ORDINANCE NO. BL2002-1166 (BLACK & MCCLENDON) - This ordinance authorizes the director of public property administration to acquire two stormwater easements, by negotiation or condemnation, in relation to the LaGrange Drive stormwater project. The easements to be acquired are located at 3200 and 3202 LaGrange Drive. The estimated acquisition cost for the easements is \$1,000 and is to be paid from the stormwater fund. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1168 (MCCLENDON & SHULMAN) - This ordinance authorizes the director of the department of water and sewerage services to execute a participation agreement with JCH Development Co., LLC, to provide public sewer services in the Hobson Pike/ Mt. View Road area known as Long Hunter Chase. JCH Development desires to provide public sewer service to Long Hunter Chase, which will require an upgrade to the Towne Village pumping station. JCH Development has agreed to pay \$30,000 to Metro as a proportionate share of the cost of the upgrade in lieu of construction. The \$30,000 will be deposited into the water and sewer extension and replacement fund.

ORDINANCE NO. BL2002-1169 (SHULMAN & WALLACE & OTHERS) - This ordinance approves a lease agreement between the Metropolitan Government and Duke Realty Limited Partnership for approximately 22,181 square feet of space on property located at 621 Mainstream Drive, known as Corners II, to be used as office space for the Nashville career advancement center (NCAC). The lease is for a term beginning October 1, 2002, and extending through September 7, 2003, with an optional three year extension. The rent Metro will pay for the premises will be \$271,051.80 for the first year, with 3% annual increases thereafter. The base rent for the premises and annual increases will be paid according to the following schedule:

Date	Per Sq. Ft.	Per Month	Per Year
10/1/02	\$12.22	\$22,587.65	\$271,051.80
10/1/03	\$12.59	\$23,271.57	\$279,258.84
10/1/04	\$12.96	\$23,955.48	\$287,465.76
10/1/05	\$13.35	\$24,676.36	\$296,116.32
10/1/06	\$13.75	\$25,415.73	\$304,988.76

In addition to the base rent, Metro will be responsible for paying, as additional rent, a proportionate share of property taxes (to the extent Metro is not exempt by law), fire insurance premiums, and maintenance of common areas. Metro will also be required to supply its own janitorial services. Duke Realty Limited Partnership will be responsible for maintaining the exterior of the premises and for the electrical and air conditioning systems, and for insuring that the premises comply with the requirements of Metro's ADA compliance office.

This lease agreement may be amended by resolution of the Metropolitan Council.

This lease ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1170 (MCCLENDON) - This ordinance, as amended, abandons a portion of water, sewer, and drainage line easements encumbering property owned by Matthews Partners at the Jackson Downs subdivision located in the vicinity of Jackson Downs Boulevard and Lebanon Road. Jackson Downs Commercial/Matthews Partnership will install a new sewer and drainage system that will serve the subdivision and neighboring properties. These lines and easements will be abandoned upon completion of the new sewer and drainage system. This abandonment has been approved by the planning commission.

ORDINANCE NO. BL2002-1172 (WHITMORE) - This ordinance approves a lease agreement between the U.S. Army and the board of parks and recreation for 8.62 acres of property adjacent to the Cheatham lock and dam for use as a park facility known as Lock II Park. The lease is for a term beginning May 1, 2002 and extending through April 30, 2012. There is no cost to Metro Government under the terms of the lease, but Metro must use and maintain the property as a public park. This property has been under lease to Metro by the U.S. Army since 1982. Metro must provide evidence of self-insurance in an amount of \$1 million. Future amendments to this lease must be approved by resolution of the Metropolitan Council. This lease agreement has been approved by the planning commission and the board of parks and recreation.

ORDINANCE NO. BL2002-1173 (WILLIAMS, SHULMAN & DERRYBERRY) - This ordinance authorizes the Metropolitan police department to accept a donation of \$1,507.05 from the Carl Williams 5K Walk/Run for Victim Rights.

The funds will be used to benefit the police department's victim intervention program to provide services to victims and/or witnesses of violent crime.

ORDINANCE NOS. BL2002-1174 & BL2002-1175 (SHULMAN & DERRYBERRY) - These two ordinances authorize the Metropolitan police department to acceptance computer hardware and software to aid in the recovery of missing children. This computer equipment will assist in establishing the recently publicized AMBER Alert program in Nashville. All of the computer equipment accepted by these ordinances is in the form of donations and requires no expense on the part of the Metropolitan Government.

Ordinance No. BL2002-1174 accepts a donation from the Child Alert Foundation of an Abduction Central Alert software program, valued at \$10,000, that would electronically alert all participating law enforcement agencies and media within a 100-mile radius of a reported abduction within minutes. The Child Alert Foundation is a non-profit organization whose purpose is assisting law enforcement in notification of missing children.

Ordinance No. BL2002-1175 accepts the Lost Child Alert Technology Resource (LOCATER) from the National Center for Missing and Exploited Children (NCMEC). LOCATER is a computer system with software and support services that allows for the quick creation and dissemination of posters to law enforcement agencies and the media upon notification of a missing child. A congressional grant has enabled NCMEC to offer the LOCATER system to the Metro police department at no cost to Metro.

ORDINANCE NO. BL2002-1176 (CAMPBELL, SHULMAN & DERRYBERRY) - This ordinance accepts a \$200,000 grant from the state emergency management agency to the Metropolitan Government to purchase protective, detection, and decontamination equipment for emergency first responders to an incident involving weapons of mass destruction. The grant is for a term beginning July 1, 2002, and ending June 30, 2003. This grant does not require any local matching funds. Amendments to this grant may be approved by resolution of the Metropolitan Council receiving 21 affirmative votes.

ORDINANCE NO. BL2002-1177 (SHULMAN & DERRYBERRY) - This ordinance approves a grant agreement in the amount of \$208,873 between the state department of transportation and the Metropolitan Government for reimbursement of funds expended for litter pickup along roads and highways in Davidson County. Metro workhouse inmates are used to pickup litter along roads and this grant helps reimburse Metro's costs for transporting and supervising the inmates. At least \$62,000 of these funds must be spent for litter prevention education. The term of this grant is from July 1, 2002, through June 30, 2003. Amendments to this grant may be approved by resolution of the Metropolitan Council receiving 21 affirmative votes.

ORDINANCE NO. BL2002-1178 (CAMPBELL) – This ordinance, as amended, abandons a sewer drainage easement on CVS Pharmacy property located on Gallatin Pike. This easement is no longer being used by the department of water and sewerage services and Metro has no future need for the easement. This abandonment has been approved by the planning commission.

ORDINANCE NO. BL2002-1179 (BROWN) – This ordinance, as amended, abandons and relocates a portion of a water line, drainage and sewer line easements at the Hermitage Wal-Mart. MRW Retail Joint Venture is the owner of the property encumbered by the lines and easements and wants to use the lines as private service lines. The department of water and sewerage services has no need for the easement, is in agreement with the abandonment and relocation, and has approved the conversion of the lines to private service lines. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1181 (SHULMAN & ARRIOLA) – This ordinance accepts the dedication of Recovery Road and its associated right-of-way as a public street. Recovery Road, located at Southern Hills Medical Center, has been built to Metropolitan Government standards by HCA Southern Hills Medical Center and HCA Realty, Inc., and is to be dedicated with the Wallace Road subdivision final plat. The final plat has been filed with the Metro planning commission. By accepting the dedication of the road, Metro becomes responsible and liable for its maintenance and repair.

This ordinance has been approved by the planning commission.

Ordinance No. BL2002-1183, also on third reading, is a companion to this ordinance and is discussed below.

ORDINANCE NO. BL2002-1182 (BRILEY) – This ordinance closes a portion of Old U.S. Highway 70 South between Brookmont Terrace and Windsor Trace Drive. Metro will retain all easements for utility construction and maintenance purposes.

Consent of the affected property owner is on file with the planning commission.

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

ORDINANCE NO. BL2002-1183 (ARRIOLA) – This ordinance authorizes HCA Realty, Inc., to construct a pole sign in the right-of-way adjacent to Recovery Road. This ordinance is a companion to Ordinance No. BL2002-1181, also on third reading, which accepts the dedication of Recovery Road. This sign, which is to be constructed 18 feet into the right-of-way, will be a 20 foot tall hospital directional sign for Southern Hills Medical Center measuring 18 feet in width and 10 feet in length. HCA will be responsible for all costs associated with the

construction of the sign and must receive public work's approval before beginning construction. HCA must also submit a certificate of public liability insurance in the amount of \$300,000 before constructing the sign. HCA has further agreed to indemnify and hold harmless the Metropolitan Government for any claims resulting out of the installation of the sign.

This ordinance has been approved by the planning commission.

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **October 1, 2002**

RE: **Supplemental Analysis On The Mayor's
2002-2003 Capital Spending Plan**

RESOLUTION NOS. RS2002-1176 THRU RS2002-1189 (JENKINS) – These 14 resolutions provide for the mayor's 2002-03 spending plan for various capital projects, construction of new facilities, renovation of existing facilities, acquisition of equipment, and planning funds.

RESOLUTION NO. RS2002-1176 – This resolution amends the capital improvements budget by adding several projects and changing the source of funding for several projects to enable the adoption of the other resolutions that are part of the mayor's proposed capital spending plan. Pursuant to the Metropolitan Charter, amendments to the capital improvements budget may not be adopted unless they receive 27 affirmative votes from the council, have been approved by the mayor, and have a recommendation from the planning commission. This resolution provides for 14 amendments to existing projects in the general services district (GSD), principally by either increasing the amounts of funding for the projects, by changing the source of funding, or both. In addition, this resolution adds five new projects in the GSD to the capital improvements budget for funding this year. In the urban services district (USD), three existing projects are amended and three new projects are added for funding this year.

The Council Office would point that the council does not authorize the expenditure of funds by adopting this resolution, as the capital improvements budget is only a planning document. However, funds for capital items may not be appropriated by the council unless the projects are included in the capital improvements budget. The Council Office would also note that the capital improvements budget is adopted by the council in June of each year. Therefore, theoretically, the need for these amendments have been identified or the projects originated since June 11, 2002. While the number of amendments to the capital improvements budget required in this year's capital spending plan are substantially fewer than last year, this administration has chosen to bring a number of amendments to the council in October, as opposed to including the projects in the capital improvements budget adopted in June.

RESOLUTION NOS. RS2002-1177 - This resolution determines to issue \$236,115,000 in GSD general obligation bonds and \$27,165,000 in USD general obligation bonds to provide funding for various projects contained in the mayor's capital spending plan. This is the first step in the process toward the ultimate sale of the bonds by public bid to provide the necessary financing for the projects. The general obligation bonds to be issued provide funding for some 33 GSD projects, and the USD bonds will provide funding for six projects. This debt will be paid from the debt service of the GSD and the USD.

Some of the projects to be funded by this bond issue include the following:

- \$50 million to be placed in reserve for implementation of the board of education master plan
- \$33.5 million for implementation of the park's master plan and deferred maintenance
- \$20.6 million for sidewalks and bikeways
- \$30 million in additional funds for the new general sessions/criminal court courthouse complex (\$12.3 million has already been appropriated)
- \$13 million for the criminal justice center jail
- \$25 million for a new courthouse parking lot (\$22.6 million to be self-funding GSD bonds)
- \$2.3 million for fire department technology and equipment
- \$9.2 million for paving
- \$3.4 million for stormwater projects
- \$2.6 million to close the ash monofill in connection with the decommissioning of the thermal facility
- \$5 million for ADA compliance
- \$4.3 million for remodeling and additions to the Howard Campus
- \$3.7 million for information systems
- \$18.8 million for fleet additions and replacements
- \$7.1 million for MTA fleet upgrades

This resolution must be adopted prior to adoption of the resolution authorizing bond anticipation notes, which is the subject matter of Resolution No. RS2002-1178 discussed below.

RESOLUTION NO. RS2002-1178 (JENKINS) - This resolution authorizes the issuance of bond anticipation notes in the amount of \$236,115,000 for the GSD bonds and \$27,165,000 for the USD bonds, which will allow Metro to issue short-term bonds prior to the issuance of the general obligation bonds. This is a frequently used temporary financing mechanism by the Metropolitan Government to make the necessary funding for the projects available while awaiting the appropriate time to issue the long-term bonds, which generally have a term of 20 years. The notes will be issued in increments of \$5,000 and will bear interest at a maximum rate not to exceed 7% per annum.

RESOLUTION NOS. RS2002-1179 & RS2002-1180 (JENKINS) - These two resolutions authorize the issuance of capital outlay notes for convention center renovation and state fairgrounds improvements. Capital outlay notes are a short-term debt instrument authorized by state law. Capital outlay notes are generally issued for initial terms of three years and can be renewed for two additional terms of three years each. There is a requirement that one-ninth of the original principal be retired each year. There is also a provision that enables Metro to reimburse itself from the proceeds of the capital outlay notes for expenditures for the projects made prior to the issuance of the notes. The principal and interest on the notes will be paid from the debt service of the GSD.

Resolution No. RS2002-1179 authorizes the issuance of capital outlay notes in the amount of \$697,100 to provide funding for the Nashville convention center restrooms upgrade, fire alarms upgrade, and carpet replacement. Generally, the first source of funding for improvements to the convention center are from the proceeds of the hotel/motel tax that provides for payment of debt of the convention center.

Resolution No. RS2002-1180 authorizes the issuance of capital outlay notes in the amount of \$1,050,000 to provide funding for the Tennessee state fairgrounds paving, elevator installation, miscellaneous small improvements, and the purchasing of equipment.

RESOLUTION NO. RS2002-1181 (JENKINS) - This resolution appropriates \$14,121,300 from the unappropriated fund balance of the general fund of the GSD to fund some 11 projects in the mayor's capital spending plan. The \$14.1 million in new appropriations will be predominantly used to fund the \$9.7 million courthouse relocation costs and \$1.9 million in demolition projects. This resolution further carries forward \$4,076,794 in unexpended funds remaining as of June 30, 2002, that were appropriated last year from the unappropriated fund balance of the general fund of the GSD to fund projects in the Mayor's 2001-2002 spending plan. Additionally, this resolution carries forward \$3,068,343 in unexpended funds that were appropriated last year from the unappropriated fund balance of the school fund of the GSD to fund projects in the mayor's 2001-2002 spending plan. Of the \$12.8 that was appropriated last year from the combined unappropriated fund balances, over \$7.1 million is being carried over that was not spent during fiscal year 2001-2002.

The Council should be reminded that the unappropriated fund balances are reserves to cover revenue shortfalls and operational matters of an emergency nature. Council should always maintain a minimum five percent of the total operating budget in the unappropriated fund balance in order to protect our bond rating. As the annual audit is not yet complete, the estimates for the unappropriated fund balance as they are presented in the 2002-2003 operating budget are as follows:

General Fund - \$46.4 million = 8%
Schools Fund - \$49.7 million = 10.4%

According to a footnote in the preliminary official statement of the refunding bonds, which are the subject matter of Resolution No. RS2002-1190, the unappropriated fund balance for fiscal year 2002 is estimated at \$58,560,349.

Council should look closely at these appropriations, as economic uncertainty in the next year may have an impact on sales tax collections. At the time of the mayor's spending plan last year, \$7.5 million was appropriated from the unappropriated fund

balance of the general fund of the GSD. At that time, this fund balance was \$68.5 million, or 12.5 percent of the total operational budgeted amount for the general fund. Based on the estimates as provided in the 2002-2003 operating budget, after the appropriations authorized by this resolution, just over 5.5 percent of the budgeted amount for the general fund will remain. In the event of a significant decline in sales tax collections and unappropriated fund balance funds were needed to cover operational shortfalls, the amount remaining could fall below five percent. For example, in June of 2002, the council appropriated \$11 million from the unappropriated fund balance of the general fund of the GSD to cover operational shortfalls as a result of a decrease in tax collections. If the council elects to take the same course of action next June in the event tax collections are below the estimated projections, the unappropriated fund balance of the general fund of the GSD would fall below five percent.

RESOLUTION NOS. RS2002-1182 THRU RS2002-1189 (JENKINS) – These resolutions appropriate funds from the general fund reserve fund (4% fund) to various departments. Four percent funds may only be used for the purchase of equipment and repairs to buildings. The required information sheets detailing these expenditures are attached to this analysis.

The Council Office would note that additional appropriations from the general fund reserve fund to various departments as part of the mayor's spending plan will be forthcoming, probably in December 2002 or January 2003. This is necessary to remain in keeping with the council's policy of not appropriating four percent funds until Metro actually receives the tax revenue to support the appropriations. While this may be viewed as a conservative policy, the Council Office is of the opinion that it is in the best interest of the Metropolitan Government to refrain from appropriating tax revenue before it is actually collected.

Resolution No. RS2002-1182 – **This resolution appropriates \$120,730 from the general fund reserve fund to purchase a mobile spay/neuter van for the department of public health.**

Resolution No. RS2002-1183 - This resolution appropriates \$1,540,643 from the general fund reserve fund to purchase various equipment including computers, parking meter equipment, vehicles, a job work order system, and a contract/project management system for the department of public works.

Resolution No. RS2002-1184 - This resolution appropriates \$2,420,564 from the general fund reserve fund to purchase various technology and law enforcement equipment for the police department.

Resolution No. RS2002-1185 - This resolution appropriates \$116,000 from the general fund reserve fund to purchase 41 laptop computers and a new telephone system for the council office.

Resolution No. RS2002-1186 - This resolution appropriates \$4.5 million from the general fund reserve fund to fund the computer hardware/software revolving fund for the information technology services.

Resolution No. RS2002-1187 - This resolution appropriates \$325,000 from the general fund reserve fund to purchase electronic voting machines and a new voter registration system for the Davidson County election commission.

Resolution No. RS2002-1188 - This resolution appropriates \$391,000 from the general fund reserve fund to purchase computer software and equipment for the planning department.

Resolution No. RS2002-1189 - This resolution appropriates \$6,687,400 from the general fund reserve fund for courthouse building improvements and building improvements to the traffic and parking building.