

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **December 3, 2002**

RE: **Analysis Report**

Balances As Of:
11/28/01

11/27/02

<u>GSD 4% RESERVE FUND</u>	\$4,665,927	\$18,871,932
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CONTINGENCY ACCOUNTS

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

GENERAL FUND

GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable

GENERAL PURPOSE
SCHOOL FUND

Unavailable	Unavailable
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SOLID WASTE
DISPOSAL FUND

Solid Waste Activities	Unavailable	\$2,293,382
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- RESOLUTIONS -

RESOLUTION NO. RS2002-1259 (HOLLOWAY) – This resolution will elect either Ms. Rebecca F. Brooks or Dr. Elisha R. Richardson to the health and educational facilities board for a term ending September 30, 2008. State law requires that members of the health and educational facilities board be elected by the local legislative body. The council will vote to elect one of these two nominees for this position at the December 3, 2002 council meeting. A substitute resolution identifying the newly elected member will be filed once the election takes place.

RESOLUTION NO. RS2002-1260 (WALLACE & TUCKER) – This resolution appropriates \$150,000 in community development block grant (CDBG) funds for health and safety rehabilitation grants for elderly homeowners in the Cameron neighborhood strategy area. CDBG funds are received from the federal government and are designated for affordable housing activities. Expenditure of CDBG funds is only permitted by resolution adopted by the Metro Council.

RESOLUTION NO. RS2002-1261 (JENKINS) – This resolution authorizes the mayor to employ Quenton I. White as special counsel to represent the interests of the Metropolitan Government in pursuit of its legal remedies for the overpayment of disability pension benefits to employees who may have underreported their outside earnings. The recent audit of the Metro disability pension program identified certain members of the program who may have underreported their outside earnings resulting in the overpayment of benefits. It is the responsibility of the department of law to pursue such remedies for any overpayment of benefits, but the department of law may have conflicts of interest in representing the Metropolitan Government against some of the individuals. The Metropolitan Charter provides for the employment of special counsel when necessary upon approval of the Metro Council.

The Council Office is of the opinion that before special counsel is employed to represent the Metropolitan Government in those matters in which the department of law has a conflict of interest, such potential conflicts of interest should be disclosed to the Metropolitan Council.

RESOLUTION NOS. RS2002-1262 & RS2002-1263 (WALLACE) – These resolutions amend the pay plan for the general employees of the Metropolitan Government by adding certain positions to be in the classified service. The positions added by this resolution are being created by Ordinance Nos. BL2002-

1236 and BL2002-1237, both of which are currently on third reading. These two ordinances must be adopted prior to the adoption of these resolutions amending the pay plan.

Resolution No. RS2002-1262 adds the following police and fire department positions:

<u>Title</u>	<u>Salary</u>
Paramedic 3	\$46,397 - \$60,176
Emergency Medical Technician 3	\$42,132 - \$54,642
Executive Administrator - Police/Fire	\$76,165 - \$119,164

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RESOLUTION NOS. RS2002-1262 & RS2002-1263 (continued)

Resolution No. RS2002-1263 adds the following department of public works positions:

<u>Title</u>	<u>Salary</u>
Garage Manager	\$54,201 - \$76,105
Garage Supervisor 1	\$20.54/hr. - \$23.93/hr.
Garage Supervisor 2	\$21.22/hr. - \$24.79/hr.
Manager of Fleet Operations	\$76,165 - \$119,164
Public Works Associate Director	\$76,165 - \$119,164

RESOLUTION NO. RS2002-1264 (HALL & JENKINS) – This resolution authorizes the department of public works to accept \$157,067 in recycling rebate grant funds from the state department of environment and conservation. The funds will be used for Metro’s recycling program to purchase recycling equipment. Metro has already met any required match through the purchase of waste collection equipment.

RESOLUTION NO. RS2002-1265 (JENKINS) – This resolution approves an annual grant in the amount of \$37,529.04 from the Alcohol and Drug Council of Middle Tennessee, Inc. (ADC) to the juvenile court for a community/juvenile court liaison project. The term of the grant is from July 1, 2002, through June 30, 2003, with a possible one-year extension at the discretion of ADC. The purpose of the grant is to provide one full-time and two part-time employees to act as liaisons between neighborhood families, the juvenile court, the SISTER program at Meharry, and Metro schools. The employees will work to provide “non-traditional, personalized relationship building.” Office space at 83 University Court will be furnished by the juvenile court.

RESOLUTION NO. RS2002-1266 (JENKINS) – This resolution approves an agreement between Tennessee State University and the Metropolitan social services commission to provide support services for the infant/toddler model sites training sessions. Pursuant to the agreement, Tennessee State University will compensate Metro in the amount of \$4,240.00 for the support services rendered on November 8, 2002.

RESOLUTION NOS. RS2002-1267 & RS2002-1268 (JENKINS) – These two resolutions approve annual grants from the Greater Nashville Regional Council to the Metropolitan social services commission for nutrition, transportation, and personal care services to low-income elderly and/or homebound individuals.

Resolution No. RS2002-1267 approves a grant in the amount of \$1,004,354 for nutrition and transportation services. These grant funds are essentially federal pass through funds to provide nutritious meals to low-income elderly individuals in Nashville. The funds will be used to provide the food and transportation for congregate meals as well as at-home delivery of hot meals to various areas that have a high concentration of low-income elderly residents. The term of this grant is from July 1, 2002 through June 30, 2003.

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RESOLUTION NOS. RS2002-1267 & 1268 (continued)

Resolution No. RS2002-1268 approves a grant for personal care services to eligible homebound and disabled individuals. Pursuant to this grant, the social services commission will be compensated at a rate of \$20.50 per hour for homemaker and personal care services and \$6.00 per home delivered meal. The term of this grant is from July 1, 2002 through June 30, 2003, with a possible one-year extension at the election of the Greater Nashville Regional Council.

RESOLUTION NO. RS2002-1269 (JENKINS) – This resolution approves an annual grant in the amount of \$381,840 from the state department of human services to the Metropolitan social services commission for the refugee assistance program. This grant is for a term of one year beginning July 1, 2002 and extending through June 30, 2003. The purpose of the grant is to help enable the social services commission to provide employability services, English language training, and social adjustment services to refugees who have relocated to the Metropolitan Nashville area.

RESOLUTION NO. RS2002-1270 (JENKINS) – This resolution approves a cooperative agreement by and between the U.S. department of veteran affairs and the Metropolitan board of health to provide funding of \$125,000 for continuation of research involving directly-observed therapy during the continuation phase of

treatment for pulmonary tuberculosis. The treatment involves an investigational drug called Rifapentine, which has not yet been approved for commercial distribution by the federal drug administration. The health department will administer this drug to patients who volunteer for this study and will maintain approximate protocol records to determine its effectiveness. The \$125,000 will be available during fiscal year 2003 to fund the salary of the study nurse and related study expenses. A similar cooperative agreement was entered into last year in the amount of \$75,000. It is estimated that next year's agreement will return to the \$75,000 funding.

RESOLUTION NO. RS2002-1271 (JENKINS) – This resolution approves a grant in the amount of \$389,000 from the state department of health to the Metropolitan board of health to provide immunization services for children and adults, and for the control of vaccine-preventable diseases. The term of this grant is from January 1, 2003 through December 31, 2003, with a possible one-year extension. The funds will be used to pay the salaries of health department employees who provide the immunization services.

RESOLUTION NO. RS2002-1272 (GILMORE & JENKINS) – This resolution approves an annual grant in the amount of \$365,000 from the state department of state to the Nashville public library system for library services to the hearing impaired, physically handicapped or disadvantaged, and to promote general educational support services. The term of this grant is for one year beginning July 1, 2002, and extending through June 30, 2003. The grants funds will be divided as follows: \$100,000 for general library services to provide access to and circulation of library materials, \$200,000 for the deaf and hard of hearing, \$60,000 for radio reading service to the blind, and \$5,000 for materials for the disadvantaged.

RESOLUTION NO. RS2002-1273 (MCCLENDON & BEEHAN) – This resolution approves a grant in the amount of \$881,980 from the state department of transportation through the transportation enhancement program to the Metropolitan Government for streetscape enhancements along Nolensville Road, between I-440 and Thompson Lane. This grant will be administered by the Metropolitan development and housing agency and Metro is required to provide at least \$220,495 as a twenty percent local match from community development block grant funds. The proposed streetscape changes to be made are in connection with the Woodbine neighborhood strategy area's Woodbine master plan and streetscape design to improve this area for merchants and property owners on Nolensville Road.

RESOLUTION NO. RS2002-1274 (HALL & JENKINS) – This resolution authorizes the Metropolitan Government to enter into a utility relocation contract with the state department of transportation in relation to the I-40 improvements at

Robertson Road/Briley Parkway. This interstate construction project requires the adjustment of Metro water and sewer utilities in the area. This contract authorizes the state department of transportation to perform the utility relocation and also provides that the state will reimburse Metro water services in an estimated amount of \$10,000 for its inspection of the construction and relocation of the utilities.

RESOLUTION NO. RS2002-1275 (JENKINS) – This resolution accepts \$6,522.27 in compromise and settlement of Metro’s claim against Daniel T. Tekle. On the night of September 26, 2002, Daniel Tekle pulled into the path of Metro police officer Michael Butler at the intersection of Charlotte and Morrow Road, striking the front of the patrol unit causing extensive damage. Officer Butler was lawfully proceeding west on Charlotte Avenue through a flashing yellow light at the intersection when the accident occurred. This settlement represents the \$6,522.27 in damage done to the 2002 Chevrolet Impala patrol unit. The department of law believes this is a fair and reasonable settlement.

RESOLUTION NO. RS2002-1276 (JENKINS) – This resolution accepts \$6,966.96 to compromise and settle Metro’s claim against Sandra L.S. Smith for damage resulting from a motor vehicle accident. On May 8, 2002, Sandra L.S. Smith was driving down West End Avenue and failed to notice the traffic stopped in front of her. Ms. Smith struck the rear of a Toyota pick-up in front of her, causing the truck to strike a 2002 Nissan Maxima owned by the Metropolitan Government and driven by Kristen Dyer, an employee of the Metro police department. The accident resulted in \$6,966.96 in damage to the Metro vehicle, which required a replacement of the entire rear of the vehicle. There were no medical bills or lost wages involved in this claim.

There was no disciplinary action taken against the Metro employee involved. The department of law believes that this is a fair and reasonable settlement.

RESOLUTION NO. RS2002-1277 (JENKINS) – This resolution authorizes the department of law to compromise and settle the claim of Children’s World Learning Center and Coit Services, Inc., against the Metropolitan Government in the amount of \$85,000. On July 8, 2002, a blockage occurred in a Metro sewer line causing sewage to back up into Children’s World Learning Center at 592 Bell Road. The sewage backup caused \$98,560.15 in damage, as many walls, cabinets, plumbing fixtures, and electrical fixtures had to be replaced or reinstalled. Metro authorized Coit Services, Inc. to repair the damage since the blockage occurred in Metro’s line. Metro’s liability is limited to \$85,000 per occurrence for property damage under the current Governmental Tort Liability Act. The department of law recommends that this claim be settled for the liability limits and that the settlement be paid from the self-insured liability fund.

RESOLUTION NOS. RS2002-1278 & RS2002-1279 (JENKINS) – These two resolutions compromise and settle the lawsuits of John Doe, John Doe I, and John Doe II against the Government for a total amount of \$120,000. The lawsuits result from incidents of sexual abuse of minor children that occurred during the 1990's by a Metro police department civilian employee. As the lawsuits do involve minors, the records are under seal and discussion of the facts and details of the lawsuits and/or settlements is prohibited. The Metro employee involved was terminated, and subsequently convicted and incarcerated. These settlements are within Metro's Governmental Tort Liability limits and the department of law believes that the settlements are fair and reasonable. These settlements are to be paid from the self-insured liability fund.

Resolution No. RS2002-1278 compromises and settles the lawsuit of John Doe against the Metropolitan Government for the amount of \$60,000.

Resolution No. RS2002-1279 compromises and settles the lawsuit of John Doe I and John Doe II against the Metropolitan Government for the amount of \$30,000 each, resulting in a \$60,000 total settlement.

RESOLUTION NO. RS2002-1280 (WALLACE & HALL) – This resolution authorizes R.C. Matthews Contractor, LLC, on behalf of Historic Hotels of Nashville, LLC, to construct a rigid canopy over the public sidewalk at the Heritage Hotel located at 231 6^h Avenue North. The canopy to be constructed and installed will be 16 feet in length by 12 feet in height and will project 14 feet over and 9 feet above the sidewalk. In addition, there has been a request to construct canopy downspouts to extend along the face of the building and under the public sidewalk. R.C. Matthews will pay all costs incident to construction of the canopy and will indemnify the Metropolitan Government for any claims resulting from the construction. The Metropolitan Council reserves the right to repeal this resolution if necessary for the public welfare. The authority granted by this resolution does not become effective until R.C. Matthews furnishes the Metro clerk a certificate of public liability insurance in the amount of \$300,000 naming the Metropolitan Government as additional insured.

- BILLS ON SECOND READING -

ORDINANCE NO. BL2002-1244 (GILMORE, STANLEY & OTHERS) – This ordinance approves a lease agreement between the U.S. Department of the Army and the Metropolitan board of parks and recreation for certain parcels of property adjacent to J. Percy Priest Lake and Dam for use as a trailhead for the Stones River greenway. This lease is for a term of 20 years beginning November 1, 2002, and ending October 31, 2022. There is no rental cost to Metro for this lease but the property must at all times be used for a public park and recreational purposes. Metro is required to provide a certificate of self-insured liability coverage in the amount of \$1,000,000. Metro agrees to indemnify the federal government for any claims as a result of the actions of the Metropolitan Government or Metro employees.

The property to be leased under this agreement consists of 8.36 acres between Bell Road and I-40 below the J. Percy Priest Dam on both sides of the tailwaters of the Stones River. Metro plans to construct a parking lot, trail, plaza area, pedestrian bridge over the river, pavilion structure, restrooms, and a concessions/bicycle rental building on the leased property as a trailhead to the Stones River greenway. This lease agreement may be amended by resolution of the Metropolitan council receiving 21 affirmative votes.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1245 (JENKINS) – This ordinance authorizes the director of public property administration to dispose of property held by the Metropolitan police department located at 1002 Saunders Avenue. This property disposition is a result of a court decree ordering the forfeiture of the property, as it was property involved in money laundering activities. State law requires that funds received from such forfeiture sales be used first to reimburse the administrative costs of the seizing agency, with the remaining funds being placed in a separate fund to be used for law enforcement related activities.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1246 (WALLACE) – This ordinance amends the Metropolitan Code of Laws to prohibit the enforcement of parking meters on Saturdays. The code currently provides that parking in designated meter zones

shall not be regulated on Sundays and certain holidays. This ordinance simply adds Saturdays to the list of unregulated parking times.

The traffic and parking division of the department of public works has provided information regarding the financial impact of this ordinance. According to this information, the revenue loss as a result of this ordinance would be approximately \$25,000 annually.

ORDINANCE NO. BL2002-1248 (HALL) – This ordinance approves the adoption of the additions, deletions, and/or other amendments to the Official Street and Alley Acceptance and Maintenance Map for the Metropolitan Government. These amendments are submitted annually by the department of public works. The map shows the dedicated streets and alleys that were either accepted or abandoned for public maintenance by Metro. The map was last amended on January 15, 2002, by Ordinance No. BL2001-916.

ORDINANCE NO. BL2002-1249 (WHITMORE & HALL) – This ordinance abandons and relocates a portion of a 36-inch sewer line and 20-foot sewer easement on property located at The Row at 31st Avenue. The sewer line and easement are no longer being used by the department of water and sewerage services. This abandonment is to take effect upon the relocation of a new 42-inch sewer main.

This ordinance also provides that future amendments to this ordinance may be “processed” by resolution. The Council Office is of the opinion that this ordinance should be amended to delete this provision. If this ordinance were approving an agreement, such a provision to amend the agreement by resolution may be appropriate. However, the Council Office is of the opinion that an ordinance not approving an agreement should only be amendable by the council’s approval of another ordinance. Further, the Council Office recommends that Section 1 of this ordinance be amended to correctly identify that the 36-inch existing sewer line and 20-foot easement are to be abandoned and relocated, as the current language lacks clarity.

ORDINANCE NO. BL2002-1250 (WHITMORE) – This ordinance closes an unnumbered alley east of 31st Avenue North. The Metropolitan Government will retain all easements. This closure is requested by Philip Baty of Baty Development Group on behalf of the abutting property owners. Documentation showing affected property owner consent is on file with the planning commission.

This ordinance has been approved by the planning commission.

- BILLS ON THIRD READING -

ORDINANCE NO. BL2002-1230 (BEEHAN, WHITMORE & OTHERS) – This ordinance authorizes the mayor to submit a 2003 annual update to the consolidated plan for housing and community development programs for the Metropolitan Government to the U.S. department of housing and urban development (HUD). The current five year consolidated plan was prepared by the Metropolitan development and housing agency (MDHA) and adopted by the council in 1999. The plan is administered by MDHA and includes the allocation of funds received from HUD for community development block grants (CDBG), the HOME investment partnerships program (HOME), the emergency shelter grant program (ESG), and the housing opportunities for persons with AIDS (HOPWA). This 2003 plan update has been prepared by MDHA, in connection with other public and private agencies, to allocate funds from the above-mentioned programs.

Any property that may need to be acquired under any of these programs may only be acquired for public use and approved by ordinance, unless the owner consents in writing to sell the property for the program. The exercise of the power of eminent domain under the development plan is expressly reserved for the Metropolitan Council, except in the case of open projects approved by the council in accordance with state law. Additionally, all requested program expenditures must be approved by resolution of the Metropolitan Council. The program allocations under these various programs beginning April 1, 2003 through March 31, 2006 have previously been furnished to members of Council.

CDBG funds are based on entitlement funding in the amount of \$6,150,000, with program income of \$625,000 during the coming year. These CDBG funds are designated for affordable housing activities to provide matching funds and for neighborhood activity funds for youth

initiative programs and community projects associated with storm water drainage, sidewalks, park improvements, and other localized needs. A large portion of the CDBG funds are targeted at specific residential neighborhood strategy areas (NSAs) and commercial district areas. The two commercial district target areas are the Dickerson Road and Buchanan Street commercial districts. Maps that set out the boundaries for all of the NSAs and commercial district target areas have previously been furnished to members of council.

HOME funds are to provide a mixture of owner-occupied and rental rehabilitation, new housing ownership programs, new multi-family housing opportunities, and down payment assistance. A required twenty-five percent local match must be provided from repayments of urban development action grants (UDAG). UDAGs are federal loans made to qualifying programs, essentially in the downtown area, which are repaid to the Metropolitan Government to be expended in approved programs that target persons living in pockets of poverty.

ESG funds are allocated to local homeless shelter providers to help cover operational expenses and essential services. Local matching funds required under this program must be provided by the local non-profits that participate in the program.

The **HOPWA** program provides housing related assistance for low-income persons with AIDS and their families.

ORDINANCE NO. BL2002-1231 (JENKINS & DERRYBERRY) – This ordinance approves an annual grant in the amount of \$49,000 between the Tennessee arts commission and the Metropolitan Nashville arts commission for general operating expenses. This grant is for a term beginning July 1, 2002 and extending through June 30, 2003.

ORDINANCE NO. BL2002-1232 (JENKINS) – This ordinance readopts the purchasing provisions of the Metropolitan Code of Laws with certain technical changes. The procurement code, when it was adopted in 1992, was scheduled to sunset on June 30, 2002. In March of 2002, the council, by ordinance, extended this sunset date until December 31, 2002 to allow more time to study the purchasing code for possible revisions. This ordinance readopts the procurement code with no future sunset date. Thus, the readopted code will remain in effect for an indefinite period of time. This ordinance also makes certain technical changes to conform to the standard procurement code revisions and to provide for electronic bidding as part of the procurement code, and beginning in 2003 provides for an inflation increase on the amounts requiring a minimum number of bids or quotes.

ORDINANCE NO. BL2002-1233 (WALLACE & JENKINS) – This ordinance amends the Metropolitan Code of Laws to specify that the Metropolitan Government has a subrogation interest for disability pensions paid to employees who were injured in the line of duty where a third party is legally liable for the injury. The code of laws currently does not expressly permit Metro to recover costs of disability pensions from third parties who are responsible for the employee's injury. This ordinance would allow Metro to have a subrogation right against a

third party only for the cost of the disability pension paid and Metro would only collect its subrogation interest when the employee has been made whole for his/her damages.

The benefit board has approved this code change upon recommendation from an actuarial study. This provision is similar to other subrogation provisions common in insurance contracts. An example of how this subrogation interest would be implemented is as follows: Suppose a Metro employee is driving a Metro vehicle during the scope of her employment and is struck by a third party vehicle, whose driver ran a stop sign. If the Metro employee becomes disabled as a result of this accident, Metro would be obligated to provide a disability pension to the employee. The employee, or the Metropolitan Government, may then choose to pursue a claim against the third party. Upon a settlement or a court judgment against the third party, Metro would be entitled to recover from that settlement the amount actually paid to the employee in pension benefits.

ORDINANCE NO. BL2002-1234 (WALLACE, JENKINS & DERRYBERRY) - This ordinance amends the Metropolitan Code of Laws by adding a deferred retirement option program ("DROP") to Metro's employee retirement plan. A DROP is typically an arrangement in which employees who would otherwise be eligible to retire may continue working and have a lump sum equal to the retirement benefits they would be eligible to receive during the elected DROP period credited to a separate account until the employee eventually retires, allowing the employee to earn interest on the amount deposited into the separate account. Although the plan established by this ordinance is called a DROP, it is not consistent with the standard DROP format. This ordinance provides for a somewhat modified DROP that (continued on next page)

ORDINANCE NO. BL2002-1234 (continued)

would allow employees who are eligible for normal retirement to receive payment of their retirement benefits for a one, two, or three year period in a lump sum immediately upon retiring. The remaining pension benefits to be paid in the form of an annuity would be actuarially reduced according to the amount of the lump sum initially paid. This differs from a standard DROP in that the lump sum is not credited to a special interest bearing account to allow the employee to continue working, but instead is an incentive for an employee to go ahead and retire if they wish to receive a lump sum payment of pension benefits.

Any Metro employee member that is eligible for normal retirement and has accumulated at least twenty-five years of service shall be eligible to participate in the DROP, excluding members whose service terminates as a result of disability or death. The plan will also only be available to new retirees who have not already received pension benefits. Metro received an actuarial determination that adopting such as plan will not increase the cost of the system of employee benefits. The employee benefit board has approved the DROP, but the plan will not become effective until the benefit board adopts a resolution certifying that the necessary resources are in place for its administration.

ORDINANCE NO. BL2002-1235 (WALLACE, JENKINS & DERRYBERRY) – This ordinance amends the Metropolitan Code of Laws to permit employees of the Metropolitan Government to decline medical and dental coverage offered through the Metropolitan employee benefit system. The benefit board, based upon an actuarial study, has determined that allowing employees who have other health and dental coverage to opt out of Metro's plan would reduce overall plan costs. The code currently requires all full-time employees of the Metropolitan Government to participate in Metro's medical and dental insurance plans. Pursuant to this ordinance, employees will be eligible to opt out of participating in Metro's plan upon demonstrating to the benefit board that he/she has other medical and/or dental coverage. This ordinance also requires that the benefit board adopt policies that would govern the circumstances, if any, in which an employee who has declined to participate in Metro's plan of coverage may later elect to opt back into the plan.

ORDINANCE NOS. BL2002-1236 & BL2002-1237 – These two ordinances create positions within the Metropolitan Government enabling them to be part of the employee pay plan. The Metropolitan Charter requires that newly created positions be approved by ordinance upon recommendation from the mayor and the civil service commission.

Ordinance No. BL2002-1236 (Wallace, Hall & Others) creates the positions of garage manager, garage supervisor 1, garage supervisor 2, manager of fleet operations, and public works associate director. These new public works positions will be in the classified service of the Metropolitan Government.

Ordinance No. BL2002-1237 (Wallace, Jenkins & Derryberry) **creates the positions of paramedic 3, emergency medical technician 3, and executive administrator – police/fire for the Metro police and fire departments. These new positions will be in the classified service of the Metropolitan Government.**

ORDINANCE NO. BL2002-1238 (JENKINS & DERRYBERRY) – This ordinance accepts a donation of \$3,000 from the Dodge division of Daimler-Chrysler Corporation to the Metropolitan Government. On September 26, 2002, approximately 400 Dodge Vipers paraded from Opry Mills to Riverfront Park. This ordinance authorizes the police department and fire department to accept \$1,500 each in appreciation for the men and women who serve in those departments.

ORDINANCE NO. BL2002-1239 (JENKINS & DERRYBERRY) – This ordinance authorizes the Metropolitan Government to donate surplus cellular telephones to non-profit domestic violence agencies for distribution to persons seeking assistance and refuge from domestic violence. The telephones to be donated, which were obtained at no cost to Metro, are now obsolete and cannot be sold at public auction. The phones will be programmed with emergency numbers by the domestic violence agencies and distributed to persons seeking refuge from domestic violence. This ordinance may be amended by resolution of the Metropolitan Council receiving 21 affirmative votes.

ORDINANCE NO. BL2002-1240 (PONDER & HALL) – This ordinance reduces a triangular-shaped drainage and storm pipe easement encumbering property at 4009 Lake Parkway to a ten-foot wide easement. The department of water and sewerage services has determined that the entire easement is no longer needed. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1241 (WALLACE & HALL) – This ordinance authorizes Cook's Pest Control to install coring and underground termite treatment within public sidewalks for the purpose of termite protection of the Washington Square Building located at 214 and 222 Second Avenue North. The termite treatment will be installed within the sidewalks along Second Avenue North, Bank Street, and First Avenue North. W.S. Investment Holdings, L.P., the property owner of the Washington Square Building has agreed to indemnify the Metropolitan Government for all claims resulting from the coring and termite treatment. The authority granted by this ordinance shall not take effect until a \$5 million certificate of insurance naming the Metropolitan Government as additional insured has been posted with the Metropolitan clerk. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2002-1242 (WHITMORE & HALL) – This ordinance abandons Alley # 1177 and portions of Alleys No. 1202 and 1221. The alleys to be abandoned are located in the vicinity of Georgia Avenue and Delaware Avenue. Alley No. 1177 is to be abandoned between Georgia Avenue and Alley No. 1221. Alley No. 1202 is to be abandoned extending 100 feet west from Alley # 1177, and a portion of Alley No. 1221 is to be abandoned from parcel 162 to its terminus.

The Council Office recommends that Section 2 of this ordinance be amended, as it is unclear from the current language whether the easements are to be abandoned or retained. This ordinance has been approved by the planning commission and the traffic and parking commission.

