

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Office

DATE: **December 17, 2002**

RE: **Analysis Report**

Balances As Of:  
**12/12/01**

**12/11/02**

<u>GSD 4% RESERVE FUND</u>	\$5,669,122	\$14,376,729
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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. RS2002-1230** (WALLACE) – This resolution approves property located at 10 Culvert Street to be used as a waste transfer station for the benefit of Gray's Disposal. The zoning text of the Metro code of laws provides that before property can be approved as a waste transfer station, a request for a special exception must be filed with the board of zoning appeals. The zoning text further provides that the Metro Council must approve the location by adoption of a resolution before the board of zoning appeals can act on the request. If the council does not adopt or defeat a request for approval of a waste transfer facility within sixty (60) days, it shall be deemed approved by the council. Based upon the filing date of this resolution, the council must take action on this resolution not later than the December 17, 2002, meeting or it will be deemed approved.

**RESOLUTION NO. RS2002-1285** (HALL & JENKINS) – This resolution approves an amendment to an agreement between the department of water and sewerage services and Powertel/Memphis, Inc., relating to telecommunication equipment installation rights. Ordinance No. O98-1429 approved an initial agreement for a term of 25 years that allowed Powertel to install cellular telephone equipment on Metro property. In exchange for allowing the installation of the equipment on Metro property, Powertel agreed to provide the department of water and sewerage services with 51 cellular telephones with 100 free minutes per telephone per month. This resolution amends the agreement to provide that Powertel will be required to pay a monthly location charge of \$1,000, which amount is to increase by four percent (4%) annually. The amendment also includes certain circumstances where the agreement can be terminated without penalty.

The Council Office would point out that the council approved a similar amendment to an agreement between Metro and Sprint Spectrum, L.P. at the November 19, 2002, council meeting. This department had a similar arrangement with Sprint Spectrum.

**RESOLUTION NO. RS2002-1286** (HALL) – This resolution authorizes the Metropolitan Government to enter into a licensing agreement with Nashville and Eastern Railroad Corporation to allow the department of water and sewerage services to construct sewer lines in the railroad right-of-way located at Elm Hill Pike to Windmere Drive in connection with the Tennessee department of transportation Briley Parkway widening project. This license would be in perpetuity provided, however, the agreement may be terminated by either party

upon ninety (90) days notice and Metro would be required to remove our line from their right-of-way. Metro will pay an annual fee of \$273, plus an increase every three years pursuant to a consumer price index. Metro is also required to pay an initial fee of \$270 for this license. The costs are to be paid from the water and sewer extension and replacement fund.

The agreement also provides that Metro will be required to indemnify the railroad to the extent legally permissible for any claims resulting from the installation of the sewer line. Further, Metro agrees to furnish a certificate of insurance showing that it carries liability insurance in the amount of \$2 million. This would seemingly require Metro to purchase liability insurance for this purpose instead of certifying that Metro is self-insured in the required amount, as is the standard custom for similar agreements that Metro enters. The agreement also states that the liability assumed by Metro will not be limited to the required

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**RESOLUTION NO. RS2002-1286** (continued)

insurance coverage. The Council Office would point out that there are no provisions in the agreement that reference Metro's self-insured status, or that it is subject to the Governmental Tort Liability Act limits on liability, other than the indemnification provision to the extent that Metro "legally may".

A housekeeping amendment should be prepared to provide that this resolution, rather than this "Ordinance", shall take effect upon adoption.

**RESOLUTION NOS. RS2002-1287 & RS2002-1288** (HALL, JENKINS & WILLIAMS)

- These two resolutions ratify agreements between the Metropolitan Government and the cities of Belle Meade and Forest Hills for the distribution of street and road funds for road repairs by the individual cities. These satellite cities have agreed to maintain the roads within their corporate limits. The cities of Goodlettsville and Berry Hill do not participate in such contracts with Metro because they do not turn over their sales tax receipts to Metro. Ordinance No. O87-1935 established a procedure for the distribution of street and road funds to the eligible satellite cities and provided that these annual contracts are to be ratified by resolution of the Metro Council with 21 affirmative votes. The eligible cities are paid \$0.15 per square yard of streets and roads to be maintained. Pursuant to these agreements, the amounts the individual cities will receive for fiscal year 2002-2003 are as follows:

**Resolution No. RS2002-1287** – City of Belle Meade – \$51,000

**Resolution No. RS2002-1288** – City of Forest Hills – \$83,000

A similar resolution for the city of Oak Hill will be forthcoming once the necessary documents are properly executed.

**RESOLUTION NOS. RS2002-1289 & RS2002-1290** (JENKINS & BROWN) –

These two resolutions approve amendments to a grant and contract relative to the replacement of trees and landscaping at The Hermitage. A number of trees on The Hermitage grounds were destroyed by a tornado and Metro has received funding under the surface transportation program to assist in funding of the tree replacement. State law requires that a governmental entity accept and distribute the grant funds for this program. Ordinance No. BL2001-756 approved funding in the amount of \$250,000 from the state department of transportation for this project, with a required Metro match of \$62,500. In addition, Ordinance No. BL2001-757 approved a contract between Metro and The Hermitage whereby The Hermitage agreed to be responsible for Metro's match. These resolutions amend the agreements by increasing the total amount of the grant funds and Metro's required match, and by requiring The Hermitage to provide the additional matching funds Metro is responsible for.

**Resolution No. RS2002-1289** approves an amendment to the contract between the Metropolitan Government and The Hermitage to require The Hermitage to provide additional matching funds in the amount of \$60,000 for the tree replanting project, resulting in a total match of \$122,500.

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**RESOLUTION NOS. RS2002-1289 & RS2002-1290** (continued)

**Resolution No. RS2002-1290** approves an amendment to the grant between the state department of transportation and the Metropolitan Government to increase the amount of the tree replanting grant for a total grant award of \$490,000.

**RESOLUTION NO. RS2002-1291** (GILMORE, JENKINS & CAMPBELL) – This resolution accepts a grant from the state department of transportation in an amount not to exceed \$2,262,480 to construct a pedestrian bridge across the Cumberland River to connect the Stones River greenway trail with the Shelby Bottoms greenway. Pursuant to the terms of the grant, Metro will be required to provide a twenty percent (20%) match in the amount of \$565,620, which match can be satisfied in the form of preliminary engineering services at Metro's option. Metro agrees to assume all liability for third party claims arising from the project to the extent legally permissible. Any additional costs for the construction of the bridge exceeding the amount of the grant and applicable match, should there be any, will be the sole responsibility of the Metropolitan Government. This grant may be amended by resolution of the Metro Council receiving at least 21 affirmative votes.

**RESOLUTION NO. RS2002-1292** (HALL, JENKINS & ARRIOLA) – This resolution authorizes the director of public property administration to acquire ten homes as

part of the Seven Mile Creek home buyout project. These homes are located within the floodway and Metro has obtained federal grant funds to fund a large portion of the home purchases. This ordinance authorizes the acquisition by negotiation of the following homes:

- 209 Blackman Road
- 213 Blackman Road
- 215 Blackman Road
- 217 Blackman Road
- 219 Blackman Road
- 4800 Milner Drive
- 4754 Milner Drive
- 307 Milner Court
- 301 Milner Court
- 300 Milner Court

The Metro Code of Laws requires that when land is to be purchased for purposes other than for rights-of-way, the director of public property administration shall negotiate for the purchase of the property and seek to obtain an option to sell at a fixed price from the owner subject to the approval of the Metropolitan Council by resolution. The Council Office is of the opinion that this resolution cannot authorize the director of public property administration to actually acquire these properties. Another resolution should be approved by the council after options to sell have been obtained. At this point, no options have been negotiated nor has the council been informed of any fixed negotiated prices. The correct manner in which this situation should be handled is the method followed in Resolution No. RS2002-1293 below, whereby the director of public property administration negotiated an option to purchase the building subject to approval of the council by resolution.

Further, the third recital in this resolution should be amended, as it incorrectly quotes the Metropolitan Code of Laws regarding the authority of the director of "Real Property Services" instead of the director of public property administration. Neither the code nor the charter provide for a real property services division, administration or department.

**RESOLUTION NO. RS2002-1293** (WALLACE & JENKINS) – This resolution authorizes the director of public property administration to exercise the negotiated option to purchase a building located at 432 Third Avenue North, located next to the criminal justice center. Metro has negotiated an option with Trial Lawyers Institute, Inc., the owner of the property, to purchase the building for the sum of \$1,175,000. Pursuant to the terms of the option, Metro may allow the seller to remain in part of the building for a rental cost of \$13 per square foot. In the event Metro does not allow the seller to remain, Metro will provide relocation assistance in accordance with applicable law governing condemnation of property for public uses.

This building will be used as transition space during the construction and renovations to the criminal justice center. In the future, this site could possibly be used for further expansion of the CJC or other court related construction.

The Council Office would point out that this resolution has not been approved by the planning commission, as the agenda indicates, but has been referred to the planning commission, and may not be adopted until a recommendation has been received.

**RESOLUTION NO. RS2002-1294** (BALTHROP & HALL) – This resolution amends Ordinance No. BL2002-1141 to add property located at 2089 and 2093 Graceland Drive to the list of parcels of which utility easements are required for the Grizzard Manor grinder pump installation project. Ordinance No. BL2002-1141 authorized the acquisition of utility easements on 126 tracts of property. The current septic system in this subdivision has been identified as a health threat by the Metro board of health. To remedy this situation, Metro water and sewerage services (MWS) has installed a pressure-type sewer system that requires individual grinder pumps for each residence. The easements need to be acquired to install the grinder pumps. These easements are to be acquired at no cost to Metro, pursuant to an agreement between MWS and the Grizzard Manor homeowners, which provides that the homeowners will pay a one-time maintenance and tap fee of \$3,000 to connect to the sewer system.

**RESOLUTION NO. RS2002-1295** (BEEHAN) – This resolution authorizes the department of law to compromise and settle the lawsuit of Jami Lynn Hood against the Metropolitan Government for the amount of \$55,000. On December 20, 2000, John E. Sawyers, a Metro public works employee, was driving a Metro dump truck on Briley Parkway near the Centennial Boulevard exit when he collided with the rear of Ms. Hood's vehicle while she was signaling to exit onto Centennial Boulevard. Ms. Hood was diagnosed with cervical strain and incurred medical bills in the amount of \$17,734.75. Additionally, Ms. Hood incurred lost wages in the amount of \$619.07 and damage to her vehicle totaling \$3,735.89. The department of law believes this is a fair and reasonable settlement to compensate Ms. Hood for her medical bills, lost wages, property damage, and pain and suffering. The \$55,000 settlement is to be paid out of the self-insured liability fund.

There was no disciplinary action taken against the Metro employee, as the employee's supervisor felt the accident did not warrant discipline. The employee's supervisor is no longer employed with the Metropolitan Government.

**RESOLUTION NO. RS2002-1296** (JENKINS) – This resolution authorizes the department of law to compromise and settle the lawsuit of Willie G. Hill (brought by next friend Nina Hill) against the Metropolitan Government for the amount of \$15,449.49. On June 21, 2000, Betty White, a Metro parks employee working as a community center manager at the Looby Center, instructed Willie G. Hill, a minor child, to cross Metro Center Boulevard without supervision to purchase some sodas. While crossing the street, Willie Hill was struck by an automobile causing bruising to his leg and was transported to Vanderbilt Children’s Hospital. The driver of the vehicle that struck Willie Hill was not speeding and witnesses say the driver could not have seen the child prior to the collision. Willie Hill incurred medical bills totaling \$2,930.12 and continues to suffer from occasional headaches.

Ms. White, the Metro employee, was suspended for one week without pay. The department of law believes that \$15,449.49 is a fair and reasonable settlement, as a judge would likely find Metro liable. This amount is consistent with damages paid for similar low speed collision accidents. This amount is to be paid from the judgment and losses fund.

**RESOLUTION NO. RS2002-1297** (WALLACE) – This resolution authorizes Historic Hotels of Nashville, LLC to install and maintain a granite inlay into the public sidewalk for the Hermitage Hotel located at 231 6<sup>th</sup> Avenue North. Historic Hotels will pay all costs incident to construction and agrees to indemnify Metro from any claims resulting from the installation or maintenance of the inlay. Historic Hotels will also be required to submit a certificate of public liability insurance in the amount of \$300,000 naming the Metropolitan Government as additional insured.

This resolution has been referred to the planning commission.

The Council Office does not believe this encroachment may be granted by resolution, as it does not fall within the type permitted by Section 13.16.030 of the Metro Code, as this is an encroachment on the land itself and not into the air above the land. This type of encroachment may be approved only by ordinance.

**- 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. BL2002-1246** (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. BL2002-1274** (BEEHAN, FERRELL & OTHERS) – This ordinance amends the Metropolitan Code of Laws to make certain changes relating to the fair employment and housing practices. The code currently prohibits employers and labor organizations from discriminating or refusing to hire on the basis of race, color, religion, national origin, or sex. This ordinance amends the code



provisions related to fair employment and housing practices by including sexual orientation and disability to the list of classes protected from discrimination and also substitutes the word “gender” for the word “sex”. The current Metro Code section regarding fair employment practices is taken almost verbatim from the federal statute prohibiting employer discrimination. Federal law does prohibit discrimination on the basis of disability, but federal courts have interpreted the law to not prohibit discrimination on the basis of sexual orientation, as this is not a class expressly protected by the statute. This ordinance would clarify that an employer, employment agency, or labor organization may not deny employment or discriminate on the basis of sexual orientation or disability within the area of the Metropolitan Government.

**ORDINANCE NO. BL2002-1275** (JENKINS) – This ordinance authorizes the mayor’s office of neighborhoods to accept and appropriate cash donations for the purpose of underwriting the cost of the 2002 “National Night Out Against Crime” conference and “Celebrating Neighborhoods” conference. Bell South, Nashville Electric Service, Vanderbilt University, and AmSouth Bank have pledged a total of \$11,000 to help underwrite the costs of these two conferences. Once the cash donations are received they will be appropriated to the office of neighborhoods fund. The funds pledged by each donor are as follows:

- Bell South                                 \$2,500
- NES   \$5,000
- Vanderbilt                                 \$2,500
- AmSouth                                     \$1,000

**ORDINANCE NO. BL2002-1276** (WHITMORE & HALL) – This ordinance renames a portion of 21<sup>st</sup> Avenue North between Clifton Avenue and Charlotte Avenue “Shortview Avenue”. This small section of 21<sup>st</sup> Avenue North is not connected to the main thoroughfare of 21<sup>st</sup> Avenue North. It has been determined that this name change would enhance E-911 efficiency. This name change has been approved by the planning commission and the Emergency Communications District (ECD) board.

The Metro Code requires that prior to the adoption of third and final reading of an ordinance changing the name of a street, the planning commission shall provide the council written comments on the proposed change one week prior to such adoption.

**ORDINANCE NO. BL2002-1277** (LORING & HALL) – This ordinance closes an unnamed street located south of Woodberry Drive. This small street only serves two properties and the closure is requested by Lloyd and Myrtle Price for Molly E. Forsbinder, the abutting property owner. Metro will retain all easements. Consent of affected property owners is on file with the planning commission. This

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

**ORDINANCE NO. BL2002-1278** (HALL) – This ordinance renames a portion of Fowler Street, now designated as Percy Street, to officially become “Fowler Street” throughout. The section to be renamed extends the length of approximately six parcels of property to the street’s terminus at Cunningham Street. It has been determined that this name change would enhance E-911 efficiency. This ordinance has been approved by the planning commission and the ECD board.

The Metro Code requires that prior to the adoption of third and final reading of an ordinance changing the name of a street, the planning commission shall provide the council written comments on the proposed change one week prior to such adoption.

**ORDINANCE NO. BL2002-1279** (BLACK & HALL) – This ordinance closes a portion of Winstead Avenue and closes two alleys adjacent to Old Matthews Road. These closures are requested by John and Judy Newell, who desire to combine several parcels of property into one to construct a day care facility. The 280 foot portion of Winstead Avenue to be closed extends from the mid-point of the right-of-way between Monticello Street and Old Matthews (continued on next page)

**ORDINANCE NO. BL2002-1279** (continued)

Road to its terminus. This ordinance also closes all of Alley # 1039 from Old Matthews Road to Monticello Street, and closes an unnumbered L-shaped alley extending from Old Matthews Road. Metro will retain all easements. Consent of affected property owners is on file with the planning commission.

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

**ORDINANCE NO. BL2002-1280** (WHITMOORE & JENKINS) – This ordinance declares real property owned by the Metropolitan Government located on 32<sup>nd</sup> Avenue North to be surplus property, and authorizes the director of public property administration to sell the property to an adjoining property owner for the highest and best price in accordance with the standard rules and regulations for the disposition of surplus real property. The Metropolitan Government has determined that this property is no longer needed for governmental purposes. The Code of Laws requires Council approval before the disposition of Metro surplus property and requires that the proceeds of the sale be deposited into the general fund.

Section 3 of this ordinance should be amended to correctly reflect that the proceeds of the sale will be credited to the general fund pursuant to Section

2.24.250 of the Metropolitan Code of Laws. This section as currently written reflects the old Metropolitan Code section that was abrogated in 1991 upon the adoption of the current codification of Metro Ordinances.

This ordinance is to be considered by the planning commission at their December 12, 2002 meeting.

**ORDINANCE NO. BL2002-1281** (GILMORE & JENKINS) – This ordinance declares property located at 7100 Whites Creek Pike, owned by the Metropolitan Government and under the control of the board of education to be surplus property and authorizes the director of public property administration to transfer the property to another Metro department upon crediting \$200,000 to the unappropriated school fund. The board of education has determined that this property is no longer needed for school purposes. The director of public property administration has placed a fair market value of \$200,000 on this parcel. The Metropolitan Code of Laws provides that surplus board of education property can be disposed of subject to approval by the council and the mayor, and that proceeds from the sale are to be credited to the unappropriated school fund. Although this is a transfer within the government and there will technically be no sale of the property, the board of education is entitled to receive the fair market value of the property as if they were selling it outright to a third party. This property is to be transferred to the department of water and sewerage services for construction of a water storage reservoir.

This ordinance is to be considered by the planning commission at their December 12, 2002 meeting.

**ORDINANCE NO. BL2002-1282** (GILMORE & JENKINS) – This ordinance authorizes the director of public property administration to accept a 4.47 acre parcel of property located at 4640 Cummings Park Drive for use as part of the greenway along Mill Creek. This property is being donated to Metro with Metro's only expense being the closing costs and fees for a survey of the property.

This ordinance has been referred to the planning commission.

**ORDINANCE NO. BL2002-1283** (WALLACE & HALL) – This ordinance authorizes Meharry Medical College to install voice and data communication cables under the Metro right-of-way at 21<sup>st</sup> Avenue North near the intersection of Albion Street. Meharry will pay all installation costs and agrees to indemnify the Metropolitan Government for any claim arising from the installation of the cables. Meharry further agrees to be responsible for restoring the public right-of-way to its prior

condition after the installation is complete. The privilege granted by this ordinance will not take effect until Meharry has posted a \$300,000 certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as additional insured.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2002-1284** (WALLACE & HALL) – This ordinance authorizes an existing building located at 1320 Little Hamilton Avenue to encroach 0.73 feet into the abutting Merritt Avenue right-of-way. Ruth Darby, the owner of the encroaching building, agrees to indemnify the Metropolitan Government for any claims arising from the maintenance of the existing encroachment. Additionally, Ms. Darby will be required to maintain a \$300,000 certificate of public liability insurance naming the Metropolitan Government as additional insured.

This ordinance has been approved by the planning commission.

**- BILLS ON THIRD READING -**

**ORDINANCE NO. BL2002-1171** (BROWN, PONDER & OTHERS) – This zoning text change, as amended, establishes buffering distances between waste facilities and parks and schools, and defines the term “park” within the zoning code. Ordinance No. BL99-86, adopted on January 18, 2000, amended the zoning text to provide setback requirements of two miles for construction and demolition landfill facilities from parks and schools. The two-mile setback,

along with another ordinance that provided for construction and demolition landfills to be permitted with conditions in certain zoning areas rather than permitted by right, was subsequently ruled unconstitutional in the case of *Consolidated Waste Systems, LLC v. Metropolitan Government of Nashville and Davidson County*. The Court held that the two-mile setback violated substantive due process rights and equal protection principles. The Court was of the opinion that the setback was too restrictive and that any setback restrictions on construction and demolition landfills should apply to all other landfills as well.

This zoning text change reduces the setback for construction and demolition landfills to two thousand feet, as well as provides for a two thousand foot setback for medical waste facilities, sanitary landfills, and waste transfer stations. In addition, this ordinance adds a definition for “parks” to the zoning text, which would include any facility that is open to the public for recreational uses, predominantly kept in a natural state, and designated by the government as a park, but does not include greenways.

This ordinance also includes a counter-buffer requirement for schools and parks that would prohibit their construction within two thousand feet of a landfill or other waste facility. This could have an adverse affect of proposed greenways near existing construction and demolition landfills.

The planning commission has approved this zoning text change.

**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. BL2002-1244** (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. BL2002-1248** (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, as amended, abandons and relocates a portion of a 36-inch sewer line and 20-foot sewer easement on property located at The Row at 31<sup>st</sup> 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 agreement may be approved by resolution.

**ORDINANCE NO. BL2002-1250** (WHITMORE) - This ordinance closes an unnumbered alley east of 31<sup>st</sup> 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.