

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **August 5, 2003**

RE: **Analysis Report**

Balances As Of:	<u>7/30/03</u>	<u>7/31/02</u>
<u>GSD 4% RESERVE FUND</u>	\$15,584,828	\$16,273,920
<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

- RESOLUTIONS -

RESOLUTION NO. RS2003-1515 (SONTANY & WATERS) – This resolution approves property located on the north side of Franklin Limestone Road, east of Ezell Pike to be used as a waste transfer station for the benefit of Tennessee Waste. Tennessee Waste has filed a request for a special exception with the Metro board of zoning appeals to use this property for a waste transfer station. The Metropolitan Zoning Code requires

that the Metro council approve the location by adoption of a resolution before the board of zoning appeals can act on the request. Tennessee Waste has expressed the intent to use this property as a commercial and demolition waste transfer station only. In addition, Tennessee Waste has agreed to donate an easement on the property to Metro parks for the purpose of a greenway connection. The public works solid waste subcommittee of the council considered and approved this site as a waste transfer station on July 8, 2003.

If the council does not adopt or defeat this request within sixty (60) days from the date the request is submitted to the council it is deemed approved. This request was submitted on June 24, 2003.

RESOLUTION NO. RS2003-1553 (WALLACE) – This resolution authorizes Dixieland Delights Candy & Nut Company to install and maintain a sign above the existing sidewalk at 325 Broadway. The sign to be installed will measure 10 feet tall by 8 feet wide, and will extend 9 feet over and 10 feet above the sidewalk. Daniel Albright, owner of Dixieland Delights Candy & Nut Company, has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments, and is required to post a \$300,000 certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party. Ordinance O87-1890 authorizes aerial encroachments to be approved by resolution rather than ordinance.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2003-1554 (WALLACE) - This resolution authorizes Molyneux Entertainment Company to install and maintain two awnings above the sidewalk along 9th Avenue South. One awning will be installed over the front door of the business measuring 3 feet by 7 feet wide, and will extend 3 feet over and 8 feet above the sidewalk. The other awning will be installed over the rear entrance of the property measuring 3 feet by 5 feet four inches wide. Molyneux Entertainment Company has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the encroachments, and is required to post a \$300,000 certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2003-1561 (HALL) – This resolution appropriates \$100,000 in community development block grant (CDBG) funds to be used for sidewalks and streetscape enhancements in the Maxwell neighborhood strategy area. CDBG funds are designated for affordable housing activities and for neighborhood community improvement projects. These funds have been recommended by the citizen advisory committee to be used for these sidewalk and streetscape enhancements.

RESOLUTION NO. RS2003-1562 (JENKINS) – This resolution accepts the information presented by the Emergency Communications District (ECD) board justifying the increase in the 9-1-1 surcharge for telephone users in Nashville and Davidson County. The ECD board has voted to increase the 9-1-1 surcharge for residential users from \$0.60 per month to \$0.65, and to increase the surcharge for commercial customers from \$1.80 per month to \$2.00. This would increase the 9-1-1 surcharge to the maximum amount that state law will allow. State law gives the ECD board the authority to increase the surcharge upon giving 30 days notice to the

council and requesting a hearing before the council to present justification for the increase and a plan for the use of the funds. This resolution accepting the information is simply a tool to get this request for hearing on the council agenda in compliance with state law and to allow the information to be presented. This resolution has no binding effect on the council. The council does not have the authority under state law to approve or reject the increase. The council's role is merely advisory under the applicable state law, in that the council may only make recommendations to the ECD board regarding the increase. However, once the increase goes into effect, the council could reduce the levy by resolution receiving 27 votes provided that the levy is not reduced below the level reasonably required to fund the authorized activities of the ECD.

RESOLUTION NO. RS2003-1563 (WATERS & DERRYBERRY) – This resolution accepts the 2003 Plan Update for the Antioch/Priest Lake Community adopted by the planning commission on July 10, 2003. This Plan Update for Subarea 13 is a result of thirteen community meetings held between October 2002 and April 2003 where citizen input was sought in developing the plan update. This resolution has no effect. Adoption of a plan or subarea plan is the function of the planning commission and is not a law or rule that can be enforced. In fact, in times past the planning commission has ignored such plans in making recommendations to the council.

RESOLUTION NO. RS2003-1564 (WALLACE) – This resolution increases the annual salary for the general officers of the Metropolitan Government. According to state law, “general officers” include the assessor of property, the county clerk, the circuit and criminal court clerks, the chancery court clerk and master, the general sessions court clerk, the juvenile court clerk, the trustee, and the register of deeds. State law sets the salaries for these general officers and, up until 2002, local governments did not have the authority to provide supplements in excess of the amount set by state law. However, the general officers (also termed constitutional officers) from around the state persuaded the state legislature to give county legislative bodies the authority to exceed the minimum level of compensation by providing a salary supplement to county officials. State law also requires that the salary of the sheriff be at least 10% higher than the general officers. Thus, any supplement in the office of sheriff must be 10% greater than the supplement provided to the other general officers. The salary set by state law beginning July 1, 2003, is \$92,969 for general officers and \$102,266 for the sheriff. The general officers and sheriff, unlike the mayor, vice mayor, and council, are permitted to receive a raise during their current term of office and do receive a raise every year by state law. Currently, it appears that Shelby County is the only Tennessee county that provides a supplement above the amount set by state law.

This increase stems from a recommendation by Mercer Human Resource Consulting around the same time that a recommendation was made for increasing the salaries of the mayor, vice mayor, and members of council. A citizens' advisory committee appointed to study the salaries of elected officials included the sheriff and general officers as part of (continued on next page)

RESOLUTION NO. RS2003-1564 (continued)

their study and reviewed the information submitted by Mercer. Mercer recommended that the annual salary of the general officers be increased by \$8,800 and recommended that the salary of the sheriff be increased by \$9,680. The citizens' advisory committee, while taking the Mercer recommendation into consideration, only recommended increasing the general officers annual salary by \$5,000 and the sheriff's

annual salary by \$5,500. Mercer and the citizens' advisory committee also recommended increasing the salary of the district attorney, although this resolution does not provide for a supplement to the district attorney's salary.

This resolution enacts the annual salary increase recommended by Mercer effective September 1, 2003, and thereafter. This would raise the salary of the general officers to \$101,769 and would raise the salary of sheriff to \$111,946. The supplement would continue on an annual basis. The resolution also provides that the general officers and sheriff are to be included in any future pay plan review conducted by Metro. This provision would not be binding on the civil service commission.

The Council Office would point out that there may be a fatal legal error in the caption of this resolution in that the sheriff is not included in the caption. The sheriff is not included under the term "general officers" in the state law provision. Although the body of the resolution itself does include an increase for the sheriff, a resolution cannot exceed the scope of its caption and state law requires that the sheriff make 10% more than the other constitutional officers. This resolution should be either substituted or deferred and another resolution filed for the next council meeting including the sheriff in the caption.

RESOLUTION NO. RS2003-1565 (JENKINS) – This resolution approves a grant in the amount of \$641,674 from the state department of children's services to the Metro juvenile court for the child and family intervention grant program. This grant is to fund a program of the juvenile court to provide case management and family support services to children at high risk of custody and their families. The goal of the program is to reduce the number of delinquent and unruly children from being placed in juvenile custody. The term of the grant is from July 1, 2003, through June 30, 2004. There is no required local match for this grant.

RESOLUTION NO. RS2003-1566 (JENKINS) – This resolution approves a grant in the amount of \$9,000 from the state commission on children and youth to the juvenile court for training of probation officers. This is essentially a state supplement to the juvenile court's budget. Youth Services officers are required to receive twenty hours of training each year. The term of the grant is from July 1, 2003, through June 30, 2004.

RESOLUTION NO. RS2003-1567 (JENKINS) – This resolution approves an amendment to a grant from the state department of finance and administration to the state trial courts for the drug court program. The original grant was in the amount of \$295,000 for a term beginning July 1, 2000, and extending through June 30, 2004. The original grant provided that the state would provide \$85,000 during the first year of the term and \$70,000 each of the next three years. This resolution increases the amount of the grant by \$6,526 for a total award of \$301,526. Metro's required percentage match will be increased accordingly by \$2,174.

RESOLUTION NO. RS2003-1568 (JENKINS) – This resolution approves a fourth amendment to a grant agreement 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 in 2001 and subsequently amended on three occasions to provide increased funding of \$19,759, \$39,518, and \$25,464, respectively. This resolution decreases the amount of the grant by \$51,658, for a total grant award of \$2,535,962.

RESOLUTION NO. RS2003-1569 (JENKINS) – This resolution approves an annual grant in the amount of \$965,200 from the Greater Nashville Regional Council to the Metropolitan social services commission 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, 2003, through June 30, 2004.

RESOLUTION NO. RS2003-1570 (JENKINS) – This resolution approves a grant in the amount of \$59,000 from the Greater Nashville Regional Council to the Metropolitan social services commission for home and community based long-term care services. These grant funds will be used to provide home delivered meals, personal care, homemaker, and relative caregiver support services. The term of the grant is from July 1, 2003, through June 30, 2004, with a possible one year extension. The resolution states that there is a required Metro match of \$350.00, although this amount is not provided in the grant contract.

RESOLUTION NO. RS2003-1571 (JENKINS) – This resolution approves a second amendment to an annual grant from the Greater Nashville Regional Council to the Metropolitan social services commission to provide personal care services. The grant funds totaling \$1,004,354 are to provide nutrition, transportation, and personal care services to low-income elderly and/or homebound individuals. This resolution simply amends the grant by reducing the state department of human services' portion to \$51,622, with a corresponding increase in federal funds, which results in no change in funding to Metro.

RESOLUTION NO. RS2003-1572 (WATERS) – This resolution approves a grant in the amount of \$111,008 from the U.S. department of justice to the Metro police department for recruiting qualified local applicants. This grant is provided through the U.S. department of justice's office of community oriented policing services (COPS). The funds will be used for travel expenses, supplies, and other recruiting expenses.

RESOLUTION NOS. RS2003-1573, RS2003-1574, and RS2003-1575 – These three resolutions accept grants from the Tennessee emergency management agency to the Metropolitan Government to provide emergency preparation services and enhancements.

Resolution No. RS2003-1573 (Beehan & Jenkins) accepts a grant in the amount of \$19,969 to provide training to help citizens prepare for, survive, and assist others during an emergency or disaster. The grant funds will be used to develop a community emergency (continued on next page)

RESOLUTION NOS. RS2003-1573, RS2003-1574, & RS2003-1575 (continued)

response instruction team. The term of the grant is from January 1, 2003, through December 31, 2003.

Resolution No. RS2003-1574 (Jenkins) accepts a grant in the amount of \$40,000 to support the evaluation and enhancement of existing local emergency operations plans and terrorism incident annexes. These funds will be used to revise the basic emergency operations plans and to develop emergency management standard

operating procedures. The term of the grant is from January 1, 2003, through December 31, 2003.

Resolution No. RS2003-1575 (Jenkins) accepts a grant in the amount of \$107,656 in federal pass-through funding to subsidize the Metro emergency management program. The term of the grant is from October 1, 2002, through September 30, 2003. There is a required Metro dollar-for-dollar match of \$107,656.

RESOLUTION NO. RS2003-1576 (JENKINS) - This resolution approves a contract for employment between the board of health and Stephanie B. Coursey Bailey, M.D., M.S.H.S.A., as chief medical director of health. Under the Charter, the board of health can employ the chief medical director of health under an employment contract with the term not to exceed five years. Dr. Bailey has been the health director since 1995. Dr. Bailey's initial compensation was \$115,000 annually in 1995 and was \$155,000 in 1999, with annual increments. Pursuant to this contract, Dr. Bailey will be compensated at the rate of \$171,017 per year, with increments to be provided by the board. The contract is for a term commencing July 1, 2003, and extending through June 30, 2008. This is a standard employment contract and is similar to previous contracts entered into with Metro health directors.

RESOLUTION NO. RS2003-1577 (JENKINS) - This resolution approves an amendment to a contract between the state department of health and the Metropolitan board of health regarding health research studies using data supplied by the state. The original contract permitted the Metro board of health to use health-related databases containing confidential information maintained by the state for the purpose of producing investigative reports, assessing the effectiveness of policy changes, and to identify groups at-risk of adverse health outcomes. This resolution amends the agreement to clarify some provisions regarding the confidentiality of the information and to ensure that the agreement conforms to the requirements of the Health Insurance Portability and Accountability Act of 1996.

RESOLUTION NO. RS2003-1578 (JENKINS) - This resolution approves an annual grant in the amount of \$130,200 from the state department of health, bureau of alcohol and drug abuse services, to the Metropolitan health department for alcohol and drug abuse diagnosis, treatment, prevention, rehabilitation, and treatment services. The term of the grant is from July 1, 2003, through June 30, 2004. The majority of this grant consists of federal pass-through funds. There is no required Metro match stated in the grant.

RESOLUTION NO. RS2003-1579 (JENKINS) - This resolution authorizes the mayor to enter into a joint funding agreement with the U.S. department of interior - geological survey for a program of water resources investigation. The federal government will provide (continued on next page)

RESOLUTION NO. RS2003-1579 (continued)

\$106,950 for this program, with a Metro dollar-for-dollar match of \$106,950. This annual contract provides streamflow monitoring and flood control analysis at various sites within the area of the Metropolitan Government.

RESOLUTION NO. RS2003-1580 (JENKINS) – This resolution approves an agreement between the state department of transportation and the Metropolitan Government for reimbursement of funds expended for litter pickup. This grant agreement, in the amount of \$254,500, is to fund the administration of a continuing program for the use of inmates at the county workhouse to clean up trash along the roadsides. The program uses work crews composed of misdemeanor offenders supervised by a correctional officer to pick up trash six days per week. The grant specifies that \$76,300 of the grant funds must be used for litter prevention education, which will be undertaken by the Metro beautification bureau. The term of this grant is from July 1, 2003, through June 30, 2004.

RESOLUTION NO. RS2003-1581 (JENKINS & HALL) – This resolution authorizes the director of public property administration to exercise option agreements to purchase two parcels of property in connection with the Seven Mile Creek home buy-out. Metro has received a federal grant of \$1,062,562, and a state grant of \$133,967 to fund the purchase of these properties, which have either been vacated or are in danger of flooding due to their close proximity to a floodplain/floodway. The two parcels are located at 300 and 301 Milner Court, and the parcels will be acquired at a cost of \$140,000 each. In May of 2003, the council approved the acquisition of eight other parcels as part of the Mill Creek home buy-out. This is a voluntary program.

This acquisition was approved by the planning commission in 2002.

RESOLUTION NO. RS2003-1582 (JENKINS) – This resolution approves an amendment to a lease agreement between Duke Realty Limited Partnership and the Metropolitan Government for space at 523 Mainstream Drive in Metrocenter that is being used to temporarily house the Metro courts. The original lease agreement provided for the lease of approximately 46,246 square feet of space. This space is the temporary location of the community corrections, circuit court clerk, trial court administrator's offices, and the 1st, 2nd, 3rd, 4th, and 6th circuit courts. This resolution approves an amendment to the lease agreement to add an additional 895 square feet of space at a cost of \$932.29 a month for the first year, \$961.38 per month for the second year, and \$988.23 per month for the third year of the lease term. All other provisions of the original lease remain in full force and effect.

RESOLUTION NOS. RS2003-1583 AND RS2003-1584 – These two resolutions approve contracts with the state department of transportation concerning signalization at two intersections. The cost for signalization at each of the intersections is \$75,000 and the installation will be at the state's expense. Metro will be responsible for maintaining the signals after installation and for supplying electricity to the signals.

(continued on next page)

RESOLUTION NOS. RS2003-1583 AND RS2003-1584 (continued)

Resolution No. RS2003-1583 (Brown, Kerstetter & Hall) approves a contract for the installation of traffic signals at the I-24 eastbound exit ramp at Old Hickory Boulevard.

Resolution No. RS2003-1584 (Kerstetter, Hall & Brown) – approves a contract for the installation of traffic signals at the I-24 westbound exit ramp at Haywood Lane.

RESOLUTION NO. RS2003-1585 (JENKINS) - This resolution authorizes the department of law to compromise and settle the lawsuit of Carolyn D. Carlton against the Metropolitan Government in the amount of \$10,000. On April 17, 2002, Ms. Carlton was traveling in the turn lane northbound on Dickerson Pike in order to make a left hand turn. While she was in the turn lane, a police car driven by a Metro police officer made a U-turn and struck the rear of Ms. Carlton's vehicle. The officer said his blue lights were activated, but Ms., Carlton claims she never saw them. The police department investigation concluded that the Metro officer contributed to the accident by making an improper U-turn. The officer involved in the accident received a one-day suspension.

Ms. Carlton's property damage claim of \$3,015.66, as well as an additional \$595.68 for her deductible and a tire replacement has already been paid by Metro. The pending lawsuit is for bodily injury and lost wages. Ms. Carlton incurred \$2,968.50 in medical bills, \$1,024.07 in lost wages, and \$525.00 for a car rental. The department of law recommends settling the lawsuit in the amount of the medical bills, lost wages, car rental, and \$5,482.43 for pain and suffering. This amount is to be paid from the self-insured liability fund.

RESOLUTION NO. RS2003-1586 (JENKINS) - This resolution authorizes the department of law to compromise and settle the claim of Dawayne Christmon against the Metropolitan Government in the amount of \$9,500. On December 2, 2002, Mr. Christmon was a passenger in a Jeep traveling on 1st Avenue when it was struck by a Metro public works employee. The Metro employee was driving too fast for the rainy conditions and was unable to stop. The Metro employee involved resigned two days after this accident.

Mr. Christmon suffered acute cervical strain as a result of the accident. He was treated at Centennial Medical Center on the day of the accident and then later at Nashville Medical Rehabilitation Clinic. Mr. Christmon's medical bills totaled \$5,134.50 and he incurred lost wages of \$765.00. The department of law recommends settling the claim for the amount of the medical bills, lost wages, and \$3,600.50 for pain and suffering. This amount is to be paid from the self-insured liability fund.

RESOLUTION NO. RS2003-1587 (JENKINS) - This resolution authorizes the department of law to compromise and settle the claim of Jossie D. Knight against the Metropolitan Government in the amount of \$18,000. On December 23, 2002 a Metro police officer ran through the red light at the intersection of Old Hickory Boulevard and Juarez traveling at approximately 65 miles per hour. The officer struck the side of Ms. Knight's vehicle causing substantial property damage and personal injury. The property damage claim of \$3,905 has already been settled. Ms. Knight sustained a contusion to her lungs and chest (continued on next page)

RESOLUTION NO. RS2003-1587 (continued)

wall, and also suffered a lumbar and cervical strain. Ms. Knight's claim is for medical bills totaling \$8,354.05, \$2,916 in lost wages, and \$6,729.95 in pain and suffering. The Metro police officer involved received a two-day suspension. The department of

law recommends settling this claim for the amount of the medical bills, lost wages, and pain and suffering to be paid out of the self-insured liability fund.

RESOLUTION NO. RS2003-1588 (JENKINS) – This resolution authorizes the department of law to compromise and settle the lawsuit of Carl E. Owens and wife Lillian Owens against the Metropolitan Government in the amount of \$14,000. On July 17, 2001, Mr. Owens was traveling on Buena Vista Pike when a Metro police officer failed to yield and pulled out in front of Mr. Owens's vehicle causing him to collide with the police car. The officer involved stated that he had observed a known drug dealer in the area speeding and was pulling out in an attempt to follow him. The property damage to Mr. Owens vehicle was previously settled.

Mr. Owens complaint alleges that he has suffered pain and discomfort and loss of enjoyment of life as result of the accident. His wife is claiming loss of consortium. Mr. Owens physical injuries consisted of neck and low back strain, head hematoma, and contusion to the right knee. The emergency room treating physician discharged Mr. Owens with a statement that he would require three days off from work to recover. His medical bills totaled \$4,047.61 and he incurred lost wages of \$380.19. While Mr. Owens's physical injuries appear to have healed, the basis of the lawsuit is for psychological pain and suffering. In discover, Mr. Owens stated that his nerves have been affected because of the head injury. He claims that he has been diagnosed with posttraumatic stress disorder and has flashbacks of the accident. In January 2002, Mr. Owens was placed on disability by NES upon recommendation by his psychiatrist who stated that he was suffering major depression and medication had been unresponsive. The department of law recommends settling this lawsuit for the amount of the medical bills and lost wages, plus an additional \$9,572.20 to be paid out of the self-insured liability fund. The officer involved in the collision received a one-day suspension.

Staff is of the opinion that as there has been no medical examination and impairment rating presented indicating the long-term nature of the injuries, the \$9,500 payment on top of the medical bills appears to be excessive.

- BILLS ON SECOND READING -

SUBSTITUTE ORDINANCE NOS. BL2003-1387 & BL2003-1388 (WALLACE & HAUSSER) – This substitute ordinance, as amended, amends permit parking program sections of the Metropolitan Code to enable single-family residential lots located within 1,500 feet of a college, university, or other post-secondary school to be eligible for residential permit parking. The Metro Code currently provides for a residential permit parking program. In order for an area to be designated for residential permit parking, a petition requesting the permit parking area must be filed with the councilmember representing the district in which the proposed area is located. The petition must be signed by seventy-five percent (75%) of the residents within the geographic limits requested to be included in the residential permit parking area. The petition must include each petitioner's name and driver's license number, the time of day the permit is to be required, a description of the geographic boundaries of the area, and the maximum time limit that a non-permit holder should be allowed to park. The councilmember then submits the petition, with a written recommendation, to the chief traffic engineer. The chief traffic engineer in turn makes a recommendation to the traffic and parking commission, who then either approves or disapproves. If approved, the area is designated as a residential permit parking area and residents are required to apply for a parking permit and pay a fee set by the

traffic and parking commission and approved by the council to cover the administrative costs.

The Metro Code also provides for a downtown area residential permit parking program whereby residents of the downtown area may apply for a permit that enables them to park on downtown streets without payment of the required parking meter charges. Applicants for the downtown area are required to pay an annual fee set by the traffic and parking commission and approved by the council.

Pursuant to this substitute ordinance, as amended, a university area residential lot shall be eligible for individual residential permit parking. A “university area lot” means any lot that has an erected and occupied single-family residence within 750 feet of a public or private university or college. For purposes of this ordinance, a university or college means an institution that offers a minimum of a bachelors degree in science or art. In addition, the area eligible for residential permit parking must include at least 250 feet of frontage.

The traffic and parking commission has yet to act on this ordinance.

ORDINANCE NO. BL2003-1422 (SONTANY) – This ordinance amends the Metropolitan Code of Laws to increase dog licensing fees and to provide for a licensing fee differential for sterilized dogs. The Metro Code currently requires all dogs kept within Davidson County to be licensed, with the annual license fee set at a fixed \$4.00 per dog, regardless of whether the dog has been spayed or neutered. This ordinance would increase the fee to \$20.00 for each unspayed or unneutered dog and \$5.00 for each sterilized dog. Certification of sterilization would have to be presented at the time the licensing fee is paid to be eligible for the \$5.00 fee. The licensing fee would not be applicable to registered service animals and law enforcement dogs, nor would senior citizens be required to pay any fee for a spayed or neutered dog. The fee for a duplicate or replacement tag would be an additional \$2.00. In addition, this ordinance lowers the age at which dogs must be vaccinated for rabies from six months to four months.

An amendment will likely be offered to clarify that persons 65 years of age and older will not be required to pay any fee for a dog license.

ORDINANCE NO. BL2003-1475 (NOLLNER) – This ordinance amends the Metropolitan Code of Laws to permit tax-exempt charitable organizations to solicit and collect charitable contributions in the roadway. The Metro Code currently prohibits the solicitation and collection of donations within a public roadway. However, state law provides that a charitable organization that has received a 501(c)(3) status, and who is soliciting and collecting donations, has an affirmative defense to prosecution for obstructing a highway. This ordinance would adopt a similar provision for Metro, whereby charitable solicitations and collections within the roadway will be permitted if the following conditions are met: (1) the charitable organization has received a 501(c)(3) determination of tax exemption from the IRS; (2) the organization has received a written approval from the chief of police or designee; (3) the solicitations are made during daylight hours only; and (4) the organization takes reasonable precautions to prevent traffic disruption.

An amendment will likely be offered to require persons seeking solicitations to wear a reflective safety vest and to include an indemnity provision protecting the Metropolitan Government.

ORDINANCE NO. BL2003-1509 (PONDER) –This ordinance amends the Metropolitan Code of Laws to clarify that in-line and roller skating is permitted on an undivided two-lane roadway in a residence district. The purpose of this ordinance is to clear up some ambiguity surrounding the existing in-line skating ordinance. The current ordinance provides that a person may not operate scooters, in-line skates, or roller skates on public roadways except as otherwise provided in the ordinance. The problem with this language is that there is no other provision in the ordinance stating where in-line skating is permitted. Thus, the ordinance can be interpreted as an outright ban on in-line skating.

This ordinance modifies this Code section to provide that scooters, in-line skates and roller skates may be operated on an undivided two-lane roadway in a residence district. In-line skating would also be permitted on a designated bicycle lane adjacent to or as a part of any public roadway. Furthermore, if a designated bicycle lane happens to be adjacent to an undivided two-lane residential street, then skating would be restricted to the bicycle lane.

There is a housekeeping amendment to correct a section numbering error.

ORDINANCE NO. BL2003-1510 (SHULMAN) – This ordinance amends the Metropolitan Code of Laws regarding the collection of garbage during nighttime hours. The current Code provisions prohibit the collection of garbage between the hours of 11:00 p.m. and 7:00 a.m. for containers located within 300 feet of a residential structure outside of the CC and CF zoning districts. This ordinance would apply the collection time restriction to hotels, motels, and bed and breakfast establishments as well. In addition, this ordinance would add certain dumpster-type container requirements. Specifically, dumpsters located within 300 feet of a residence, motel, hotel, or bed and breakfast would be required to have a non-metal lid and have a label affixed to the outside of the container indicating the owner's name, the telephone number of the owner, and the telephone number of the Codes department.

ORDINANCE NO. BL2003-1516 (WALLACE) – This ordinance authorizes Warner Music Group to construct and maintain a communication duct under the public right-of-way between the buildings located at 20 and 21 Music Square East. Warner Music Group has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the communication duct. Furthermore, Warner Music Group is required to post a \$300,000 certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1519 (WALLACE) – This ordinance authorizes Parkway Properties, L.P., to construct and maintain various encroachments on the sidewalk at the Bank of America Building and Plaza located at Union Street and 5th Avenue North. The encroachments consist of the following:

1. Aggregate planters along Union Street and 5th Avenue North;

2. A canopy over the Union Street entrance of the Bank of America Plaza Building, extending 10 feet over the public sidewalk and measuring 15 feet above the sidewalk; and
3. Alternate paving materials at the Bank of America Plaza entrance on Union Street and Bank of America Plaza Building entrance on Union Street.

Parkway Properties, L.P., has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of encroachments and is required to post a \$300,000 certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1522 (WALLACE) – This ordinance closes a portion of Alley #378 extending from the east margin of 18th Avenue North between Church Street and State Street for the benefit of the U.S. Postal Service. Metro has determined that there is no future governmental need for this portion of the alley. The Metropolitan Government will retain all easements.

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

Information regarding consent of the affected property owners is on file with the planning commission.

ORDINANCE NO. BL2003-1526 (JENKINS & BALTHROP) – This ordinance authorizes the Metro police department to accept 42 pieces of art by local artists, 3 sculpture stands, and 6 frames, with a total value of \$48,295, to be displayed in the domestic violence division. This donation was coordinated by a community advocate against family violence. The artwork is being donated to provide comfort to those who are assisted by the domestic violence division.

ORDINANCE NO. BL2003-1527 (JENKINS & BALTHROP) – This ordinance approves a memorandum of understanding between the Metropolitan Nashville airport authority (MNAA) and the Metropolitan Government regarding emergency fire/ambulance and rescue service at the John C. Tune airport. Pursuant to this agreement, Metro will provide necessary emergency response and rescue services to the John C. Tune airport operated by MNAA in exchange for Metro's use of MNAA's 1987 Oshkosh T-3000 crash rescue fire truck. Metro will keep the truck at the closest available fire hall and keep the vehicle available for aviation related calls. The term of the agreement is for five years with Metro having an option to purchase the vehicle at the end of the term for \$1.00. Future amendments to this agreement may be approved by resolution of the Metro Council.

ORDINANCE NO. BL2003-1528 (HALL) – This ordinance authorizes a participation agreement between the Metropolitan Government and Copperstone Development to provide sewer services to phase 1 of the Copperstone subdivision in Williamson County. Copperstone Development has agreed to pay \$84,000 in lieu of construction for a total of 42 single-family connections.

ORDINANCE NO. BL2003-1529 (BRILEY) – This ordinance amends the lease agreement for the lease of space at Parkway Towers for the public defender. The original lease agreement between Metro and Domain Copper Ridge Associates, Ltd., was approved by the council on June 10, 2003. However, on May 9, 2003, Domain Copper Ridge Associates, Ltd., sold the Parkway Towers building to NNN Parkway Towers, LLC. This ordinance amends the lease agreement to reflect this change in ownership. This lease amendment also makes certain other minor modifications to the agreement. The rent schedule in the original lease provided that the annual rental cost was to be \$391,884 for the first two years and increase 2.5% per year thereafter. This amendment modifies the rent schedule to include the precise rent to be paid each year, which remains at an approximate increase of 2.5% annually. This amendment also increases the parking fee by \$30.00 per month effective in 2008, and clarifies other minor parts of the agreement to aid in its administration.

ORDINANCE NO. BL2003-1530 (BRILEY) – This ordinance ratifies a state law provision to enable the Metropolitan Government to accept the distribution of funds from the sale of property that has been used in or is the result of criminal offenses. State law adopted in 1998 provides for the seizure and forfeiture to the state of all property acquired and accumulated as a result of criminal offenses. Upon being seized by the attorney general or law enforcement agency, a judicial proceeding is brought for the forfeiture of the property. The property is then sold at auction once a judgment for forfeiture is entered. The state law governing such seizures and forfeitures further provides that if the investigating and seizing agency is a local public agency, then the funds from the sale shall be distributed to the local government upon ratification of this state law chapter by the local governing body. These funds will be deposited into special accounts to be used only for law enforcement purposes. In accordance with state law, these funds are not to be used to supplement salaries of police officers or other public employees, nor are they to be used to supplant other local or state funds.

ORDINANCE NO. BL2003-1531 (WALLACE, WATERS & OTHERS) – This ordinance authorizes the Metropolitan development and housing agency (MDHA) to install a sculpture within the public right-of-way of the Music Row Roundabout, and accepts the donation of the sculpture to the Metropolitan Government upon installation of the sculpture. The design of this sculpture has been approved by an ad hoc art design review committee and affirmed by the Metropolitan arts commission. The sculpture was part of the original design plan for the roundabout.

This ordinance has been referred to the planning commission.

ORDINANCE NO. BL2003-1532 (BRILEY & HART) – This ordinance accepts an advance distribution of \$50,000 from the estate of David B. Trowbridge to the Metropolitan department of health for use by the animal control division. Pursuant to Mr. Trowbridge's last will and testament, his estate was left in trust for the care of his surviving pets, and upon their death the funds are to be distributed equally among the Humane Society of America, the Nashville Humane Association, and the animal control division of the Metro health department. The court has authorized an advance distribution of \$50,000 to each of these entities and this ordinance simply accepts the funds for the use of the division of animal control.

ORDINANCE NO. BL2003-1533 (JENKINS & WALLACE) - This ordinance delegates the authority to the industrial development board of the Metropolitan Government to accept agreements for payments in lieu of ad valorem taxes for the public purpose of increasing downtown development activity. State law permits local governments to delegate the authority to industrial development boards to enter such agreements provided that the payments are in furtherance of the public purpose of the board. Payment in lieu of taxes (PILOT) programs have been used by the Metropolitan Government in the past to provide incentives to large employers to create more job opportunities and are subject to approval by the council. Some of the more prominent PILOT agreements from previous years include agreements with Columbia/HCA Healthcare Corporation, Inc., and Dell Computer Corporation. PILOT agreements were entered with HCA through the health and education facilities board as part of the package of incentives for HCA's relocation of its headquarters from Louisville to Nashville and for the construction of the new Memorial and Summit Hospitals. PILOT agreements were also authorized by the council through the industrial development board as part of the incentives provided to Dell as part of their locating in Nashville.

Resolution No. RS2002-1067, adopted in June of 2002, supported increased downtown housing options and provided that financial participation on the part of Metro and/or MDHA, including development incentives, may be necessary in encouraging private developers to undertake housing construction projects in the downtown area. The Downtown Living Initiative, which was a collaborative effort between MDHA, the Downtown Partnership, the planning commission, the mayor's office of economic development, the mayor's office of affordable housing, and the Nashville Civic Design Center, recommended the use of PILOT incentives to increase development within the downtown area.

(continued on next page)

ORDINANCE NO. BL2003-1533 (continued)

This ordinance authorizes the industrial development board to accept PILOT agreements for the public purpose of increasing downtown development activity. For purposes of this ordinance, the downtown area includes approximately 80 blocks of Nashville's central business district covering the area bordered by 1st Avenue, 9th Avenue, Union Street and

Peabody Street. Under this PILOT program property owners/developers would be able to transfer property to be developed to the industrial development board, which qualifies as a tax exempt governmental entity. The developers would then make payments to Metro in lieu of property taxes. This provides an incentive to developers for the development of downtown housing.

Section 1 of this ordinance provides that the council hereby finds in accordance with the applicable state law that increasing the availability of all types of housing in the downtown area is in furtherance of the public purpose of the industrial development board. The state law providing for industrial development boards indicates that the legislative intent for the creation of the boards is to "maintain and increase employment opportunities ... and increase the quantity of housing available in affected municipalities by promoting industry, trade, commerce, tourism and recreation, agriculture and housing construction by inducing manufacturing,

industrial, governmental, educational, financial, service, commercial, recreational and agricultural enterprises to locate or remain in this state...” The state law provision governing industrial development boards also incorporates the public policy statement of the Industrial Building Bond Act, which includes the promotion of industry and development of trade to decrease unemployment and increase the average family income.

This ordinance provides that MDHA will be responsible for the negotiation and administrative functions associated with executing the PILOT agreements. The PILOT agreements for the downtown area will have to conform with the PILOT general program description attached as part of this ordinance. The program description provides that the maximum term for a PILOT lease will be seven years, and that a minimum of 20% of the development project must be set aside for affordable housing. Pursuant to the downtown PILOT program, the property taxes will be reduced on the property’s improvements, not for its unimproved value. The program description also provides that an applicant developer would be required to either own the property or have an option to purchase the property so that they will be able to convey the property to the industrial development board to be eligible for the PILOT program.

The general program description further provides that the approval of a PILOT tax abatement is subject to the written approval of the mayor within 14 days of the decision of the industrial development board. The state law provision that authorizes the council to delegate the authority to the industrial development board to enter PILOT agreements expressly provides that the local legislative body may require the industrial development board to submit any such agreement to the legislative body for its approval. In the past, PILOT agreements have typically come before the council for approval. This ordinance does not contain a provision that would require council approval of the PILOT agreements entered into by the industrial development board, and thus limits the council’s role regarding such PILOT agreements.

ORDINANCE NO. BL2003-1534 (MCCLENDON & HALL) – This ordinance authorizes the director of public property administration to acquire easements by negotiation or condemnation for the purpose of constructing and maintaining water mains and sanitary sewers in connection with the Timmons Street sewer extension project. The easements to be acquired are on property located at 301A, 303A, 307, and 311 Timmons Street. The estimated cost for the easements is \$6,000 and is to be paid out of the water and sewer extension and replacement fund.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1535 (HADDOX & HALL) – This ordinance abandons an existing water line and easement located on the St. Cecilia Motherhouse/Convent property. This ordinance provides that the water line and easement will be abandoned upon the relocation of the line.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1536 (WHITMORE & HALL) – This ordinance abandons an existing sanitary sewer line and easement on property at 2008 Charlotte Avenue for the purpose of adding a fire hydrant. This property is owned by the American Cancer Society, Mid-South Division, Inc., and the department of water and sewerage services has determined that this property is no longer being used by Metro. This ordinance

provides that the sewer line and easement will be abandoned upon the relocation of the line.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1537 (GILMORE, PONDER & STANLEY) – This ordinance accepts the donation of a conservation easement from Nashville and Eastern Railroad for use in the greenway system. Metro greenway easement agreements provide that Metro may use the property for a pathway for pedestrian or bicycle travel, nature trail, and/or nature area. This agreement also provides that Metro will install fencing in the area, will install signs and markers at railroad crossings to convey information about Nashville and Eastern Railroad's history, and will pay Nashville and Eastern Railroad \$20,000 as a reimbursement for the railroad's costs in restoring and repairing a bridge. Greenways for Nashville is to provide a \$2,000,000 liability insurance policy naming the railroad as additional insured.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1538 (HALL & DERRYBERRY) – This ordinance abandons an existing sanitary sewer line and easement on Metropolitan Airport Authority property northeast of Murfreesboro Road. The department of water and sewerage services has determined that this property is no longer being used by Metro. This ordinance provides that the sewer line and easement will be abandoned upon the relocation of the line.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1539 (BLACK) – This ordinance closes an unnumbered alley between Pfeiffer Street and Powell Avenue. It has been determined that there is no future need of this alley for governmental purposes. This closure has been requested by Ronald Laster on behalf of Homer Simpkins and H.B. Binkley, the abutting property owners. Metro will retain all easements.

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

Information showing consent of the affected property owners has been requested.

ORDINANCE NO. BL2003-1540 (WALLACE, WHITMORE & OTHERS) – This ordinance declares 11 parcels of property owned by the Metropolitan Government to be surplus and authorizes the director of public property administration to sell the property at the current fair market value. The Metropolitan Government has determined that these parcels are no longer needed for governmental purposes. The proceeds from the sale of these parcels will be credited to the general fund. The property to be sold consists of the following:

- 2 parcels on University Avenue
- 1 parcel on Herman Street
- 3215 Curtis Avenue
- 2203 15th Avenue North
- 1500 Cecilia Avenue

- 1617 6th Avenue North
- 1540 12th Avenue North
- 721 28th Avenue North
- 19 Lafayette Street
- 3166 Parthenon Avenue

With the exception of the Parthenon Avenue property, all of these parcels were acquired by Metro Government as a result of the property owner's failure to pay back property taxes.

This ordinance has been approved by the planning commission.

- BILLS ON THIRD READING -

ORDINANCE NO. BL2003-1497 (JENKINS) – This ordinance is a housekeeping amendment to the beer code to correct a referenced code section number. One of the beer code sections refers to a section number that does not exist. This ordinance simply corrects a typographical error in the section number.

ORDINANCE NO. BL2003-1498 (JENKINS, BALTHROP & DERRYBERRY) – This ordinance approves a contract between the Metropolitan Government and Baker, Storey, McDonald Properties, Inc., for contribution of \$13,750 for a feasibility study of the relocation of Fire Hall No. 10 located at 15530 Old Hickory Boulevard and Edmonson Pike. Tri-Data Corporation is currently under contract with Metro for the development of a master plan for the fire department and has quoted a price of \$13,750 to conduct a study of the feasibility of relocating this fire hall. Baker, Storey McDonald has agreed to advance the cost of this feasibility study. Amendments to this contract may be approved by resolution of the Metro Council receiving 21 affirmative votes.

ORDINANCE NO. BL2003-1499 (TYGARD & GILMORE) – This ordinance approves the grant of a permanent sewer easement on Metro property under the jurisdiction of the department of parks and recreation to the Ensworth School. The board of parks and recreation has determined that the granting of this easement will not negatively impact the usage of the property. The easement to be granted is approximately 271 feet long and 20 feet wide. This ordinance has been approved to the planning commission.

ORDINANCE NO. BL2003-1500 (TYGARD & GILMORE) – This ordinance authorizes the director of parks and recreation to accept, execute and record an agreement for the grant of an easement from Ensworth School to be used for the Metro greenway system. This 150-foot trail and access easement and the conservation easement are located on Ensworth School property along the Harpeth River extending from Highway 100 in the Bellevue area. Metro will construct a twelve-foot wide trail for bicycle or pedestrian use along the bank of the Harpeth River. This ordinance has been approved to the planning commission.

ORDINANCE NO. BL2003-1501 (STANLEY, TYGARD & OTHERS) – This ordinance authorizes the acquisition of property by negotiation or condemnation for the construction of sidewalks in accordance with the strategic plan for sidewalk capital improvement projects. The sidewalk projects involved with this ordinance are Old Matthews Road, Lischey Avenue, Scholarship Drive, Annex Avenue South, Annex Avenue North, Achievement Drive, Edmonson Pike, Colice Jeanne Drive, Baugh Road, Jacksonian Drive, and Plantation Drive. The cost of these property acquisitions will be funded by USD and GSD multipurpose improvement bonds of 2001.

ORDINANCE NO. BL2003-1502 (JENKINS, HALL & HAUSSER) – This ordinance authorizes the acquisition of easements by negotiation or condemnation in connection with the 54" storm water and 18" water line relocation at Vanderbilt Place and 29th Avenue. The estimated cost for

the easement acquisitions total \$40,000 and are to be paid from the water and sewer extension and replacement fund. The easements to be acquired are on the (continued on next page)

ORDINANCE NO. BL2003-1502 (continued)

following properties: 110, 114, 116, 118, 120, 122, and 124 30th Avenue South; 2810, 2817, 2900, 2904, 2906, 3000, 3002, and 3004 Vanderbilt Place, 109, 111, 113, 115, 119, and 121 29th Avenue South; 115 and 126 28th Avenue South; and 2817 West End Avenue. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1503 (GREER) – This ordinance declares property owned by the Metropolitan Government located at the corner of 12th Avenue South and Wedgewood Avenue to be surplus, and authorizes the director of public property administration to sell the property. The Metropolitan Government has determined that there is no longer a governmental need for this property. The proceeds from the sale will be credited to the general fund. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1504 (JENKINS, HALL & WALLACE) – This ordinance authorizes the mayor to enter into a licensing agreement with the Nashville and Eastern Railroad Corporation for the purpose of installing and maintaining fiber optic cable in the railroad right-of-way overhead at M.P. 0.97 in the vicinity of the Driftwood Street intersection. The total distance of cable to be installed is approximately 1,660 feet. The license would be in perpetuity, provided, however, that the agreement may be terminated by either party upon six months written notice, and Metro would be required to remove the cable from the railroad's right-of-way. Metro will pay \$750.00 annually subject to increases every three years based upon a consumer price index. In addition, Metro will be required to pay a one-time \$270.00 fee for the license. These costs are to be provided by federal grant funds administered through the Tennessee Department of Transportation.

Metro also agrees to indemnify the railroad to the extent it legally may for claims or injuries arising from the installation and maintenance of the cable. Metro or its contractor will also be required to maintain a \$2,000,000 certificate of public liability insurance. This ordinance further provides that any future agreements with Nashville & Eastern Railroad concerning the use of railroad right-of-way for the installation of fiber optic cable may be approved by resolution of the Council. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1505 (HALL & TURNER) – This ordinance abandons a portion of Otter Creek Road from the western boundary of Radnor Lake State Park to the Oak Hill city limits. It has been determined that this portion of Otter Creek Road is unsafe for vehicular traffic and that the ecology of the area adjacent to the road prohibits the type of repairs necessary to make the road safe. The State of Tennessee as the abutting property owner has consented to this abandonment. Metro will retain all utility easements on the property but is abandoning the easement for highway purposes. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2003-1511 (HALL & JENKINS) – This ordinance approves an agreement between the U.S. Department of Army and the department of water and sewerage services for the North First Street streambank protection project. The construction project will consist of minimal clearing, bioengineering, and the placing of stone along the bank of the Cumberland River. The estimated cost of the project is \$460,000, with Metro water services being responsible for 35% of the cost (\$161,000). Any amendments to this agreement must be approved by resolution of the Council.

ORDINANCE NO. BL2003-1512 (LORING & HALL) – This ordinance approves an agreement between the Metropolitan Government and Opry Mills Operating Company, LLC, Opryland Attractions, Inc., and OLH, G.P. (Property Owners) regarding the operation and maintenance of flood protection improvements along the Cumberland River. This agreement involves a flood protection system for approximately 400 acres of property in the Opryland area in the vicinity

of Briley Parkway and McGavock Pike. This agreement is necessary to qualify the property for protection under the national flood insurance program administered by the Federal Emergency Management Agency (FEMA). FEMA requires that such flood protection systems be maintained or operated by a governmental entity.

Pursuant to this agreement, Metro will assume jurisdiction and responsibility for the operation and maintenance of the flood control system. The flood control system consists of levees, catch basins, valves, drains, pumping stations, culverts, storm sewers, and storm detention areas. The owners of the property covenant that they will continue to operate and maintain the system in accordance with applicable laws and will indemnify the Metropolitan Government against damages arising out of the property owners' failure to properly operate and maintain the system. Thus, this agreement should not result in any increased cost to Metro. The agreement also "runs with the land", meaning that it will be binding on all subsequent owners of the property. The term of this agreement is for 30 years, with automatic renewal terms of 30 years each unless the agreement is terminated. Any amendments to this agreement must be approved by resolution of the Council.

ORDINANCE NO. BL2003-1513 (WALLACE) – This ordinance declares certain parcels of property owned by the Metropolitan Government along Hermitage Avenue, Franklin Street, and Peabody Street (commonly known as Rolling Mill Hill) to be surplus, and authorizes the director of public property administration to transfer the property to the Metropolitan development and housing agency (MDHA) for redevelopment. The Rolling Mill Hill property is to be redeveloped as a mixed-use development to provide housing opportunities in downtown Nashville. MDHA is preparing a master plan detailing the locations and types of uses pertaining to the redevelopment of the property. This ordinance has been approved to the planning commission.

ORDINANCE NO. BL2003-1514 (GREER & HALL) – This ordinance authorizes the director of public property administration to acquire, by negotiation or condemnation, property interests to 47 parcels of property for the 12th Avenue South streetscape improvement project. The streetscape improvements to be made include roadway improvements, sidewalks, curbs and gutters, on-street parallel parking, drainage, and street lighting from Halcyon Avenue to Ashwood Avenue. The costs of this project are to be funded by the GSD multi-purpose improvement bonds of 2002. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1515 (HALL & GILMORE) – This ordinance authorizes the director of public property administration to convey a 169 sq. ft. slope easement on the Alex Green School property to the State for construction of sidewalks on Whites Creek Pike from Lloyd Road to the Alex Green School entrance. This easement will be conveyed in consideration for the state's construction of the sidewalks. The board of education has approved the conveyance of this easement. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1517 (WHITMORE) – This ordinance closes a portion of 41st Avenue North from the south margin of Alley #1204 to Indiana Avenue. This closure has been requested by Andrew M. Akers, the abutting property owner. It has been determined that there is no future governmental need for this portion of 41st Avenue North. The Metropolitan Government will retain all easements. This ordinance has been approved by the planning commission and the traffic and parking commission.

The planning commission staff has informed the Council Office that this street closure was in fact requested by the finance department, and information indicating affected property owner consent has not been provided.

ORDINANCE NO. BL2003-1518 (SHULMAN) – This ordinance closes Harcome Avenue between Belvidere Drive and Woodvale Drive. This closure has been requested by Hugh M. Goodman, Jr., on behalf of Amy Ryder, Philip Kirby, Sharon Kirby, and Nancy Shipley, the abutting property owners. Harcome Avenue is an unbuilt street and it has been determined that there

is no future governmental need for this right-of-way. The Metropolitan Government will retain all easements. This ordinance has been approved by the planning commission and the traffic and parking commission. Information regarding consent of the affected property owners is on file with the planning commission.

ORDINANCE NO. BL2003-1520 (BEEHAN) – This ordinance authorizes St. Ann's Episcopal Church to construct and maintain a fence partially within the public right-of-way along South 4th Street and Woodland Street. This fence is necessary so that the area may be used for special events parking. St. Ann's has agreed to indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of encroachments and is required to post a \$300,000 certificate of public liability insurance with the Metropolitan clerk naming the Metropolitan Government as an insured party. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2003-1521 (WALLACE) – This ordinance closes alley #233 between 12th Avenue South and 11th Avenue South, just south of Laurel Avenue, in connection with the Gulch redevelopment project. Metro has determined that there is no future governmental need for this portion of the alley. This closure has been requested by Richard and Sheryl Horton for Joseph and Ginger Finch, Trustees, and Laurel House 2001, L.P., the abutting property owners. The Metropolitan Government will retain all easements. This ordinance has been approved by the planning commission and the traffic and parking commission. Information regarding consent of the affected property owners is on file with the planning commission.

ORDINANCE NO. BL2003-1523 (GREER & HAUSSER) – This ordinance closes a 266-foot portion of Alley #428, a small portion of Alley #393, and a 75-foot portion of 13th Avenue South extending south from Wedgewood Avenue. Metro has determined that there is no future governmental need for these areas. This closure has been requested by Robert Gowan for Mark Tarver, a prospective property owner, and Ted Walker, the abutting property owner. The Metropolitan Government will retain all easements. This ordinance has been approved by the planning commission and the traffic and parking commission. Information regarding consent of the affected property owners is on file with the planning commission.

ORDINANCE NO. BL2003-1524 (BLACK) – This ordinance, as amended, abandons Alley #514 located on the property of St. Cecilia Dominican Order. Metro has determined that there is no future governmental need for this alley. This alley closure is necessary for the expansion of the convent. This closure has been requested by Tommy J. Martin of AMEC Earth & Environmental, Inc., on behalf of St. Cecilia Dominican Order. All easements held by Metro are to be abandoned. This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2003-1525 (HALL) – This ordinance closes unbuilt Alley #314 between Cowan Street and Oldham Street. Metro has determined that there is no future governmental need for this portion of the alley. This closure has been requested by Robert Gary Lindsey for Turner H. and Clara Jo Todd, Dacco, Inc., the Thelma R. Frazier Family Partnership, and Virah Corporation, the other abutting property owners. The Metropolitan Government will retain all easements. This ordinance has been approved by the planning commission and the traffic and parking commission.

Information regarding consent of the affected property owners is on file with the planning commission.

